

**Virginia:**

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

Present: Jesse N. Rutherford, East District Supervisor –Chair  
J. David Parr, West District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
Ernie Q. Reed, Central District Supervisor  
Robert G. “Skip” Barton, South District Supervisor  
Candice W. McGarry, County Administrator  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk  
Linda K. Staton, Director of Finance and Human Resources  
Jerry West, Director of Parks and Recreation  
Emily Hjulstrom, Planner

**I. CALL TO ORDER**

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

Mr. Rutherford reported that the internet was currently down in the Courthouse building. He informed those in attendance that the meeting would not be able to be livestreamed. He did note that the meeting was being recorded, and the video would be uploaded as soon as possible. He commented that the internet service provider was having some technical issues.

Presentation of Gift to Mr. Barton

Mr. Rutherford recognized that it was Mr. Barton’s last meeting, unless they had a special called meeting before the end of the year. Mr. Rutherford presented a framed print of the Courthouse, done by Pat Saunders. He thanked Mr. Barton for his service on the Board.

**II. PUBLIC COMMENTS**

*Beth-Anne Driskill - Tyro, VA*

Ms. Driskill commented that increasing the transient occupancy tax (TOT) had been on the Board’s issues to be discussed for over a year. She noted that her arguments remained consistent and she stated that she felt it would hinder Nelson County significantly if the TOT were doubled from its current rate. She commented that they would lose guests staying at their hotels, cabins and campsites. She noted income to revenues would be lost at such as breweries, distilleries, agricultural industries and orchards, because there would be no guests staying at their cabins. Ms. Driskill commented that tourism had already been greatly hit this year, throughout the country. She noted that tourism had been reducing over the past three (3) years. She reported that 2020 and 2021 saw substantial increases in revenues. She noted that 2023 had been one of the hardest years for anyone in the lodging industry. She commented that people were struggling to pay for groceries and they would not have the extra money to pay for the additional tax. She suggested that if the Board wanted more money, the best thing they could do was reduce the TOT. She noted that if they were not going to reduce the TOT, then they should at least keep it the same. She noted that they were not going to get any money through the taxes by raising them. She commented that they would deter people from visiting, and they would lose guests not only at lodging businesses, but every business in Nelson County. Ms. Driskill stated that she loved Nelson County and had been in the business for over 20 years. She commented that her business was one of the businesses that had made more of an impact over the last 20 years, noting that they had changed their business numerous times over the years to keep guests coming to visit.

*Edith Napier - Arrington, VA*

Ms. Napier thanked the Board for their work on Nelson County’s behalf in 2023 and she also thanked Mr. Barton for his service. Ms. Napier reported that she was present on behalf of the Juneteenth Committee to request \$5,000 for their 2024 celebration. She reported that the Juneteenth Committee was made up of citizens from all districts of Nelson County, with a diverse ethnic and racial background. She requested that the County support the County-wide Juneteenth Celebration as it did for other community events. She noted that the Nelson Heritage Center had graciously allowed the Juneteenth Committee to host the celebration at their location. She indicated that the Nelson Heritage Center and the Juneteenth Committee were two (2) separate entities.

Ms. Napier also requested that the Board not approve the contract for speed cameras in front of the schools, unless they had set up a collection agency to collect the funds. She commented that she understood that the contractor would provide the driver information to the County, and if the speeder was out of state or out of

County, it would be up to the County to collect the fine. She commented that the contractor would be paid their portion of the revenue, whether the County was able to collect the fines, or not. Ms. Napier noted that they wanted the children to be safe and they wanted to stop speeding in school zones, but they did not need a system with a contractor, which would end up putting an undue burden on the tax payers while trying to collect fines.

*James Bibb - Arrington, VA*

Mr. Bibb spoke briefly regarding dropping off his high school students during yesterday's weather delay, noting there were no flashing lights in the school zone, and there was also no law enforcement present to help students, buses, teachers and students cross the highway into school, as people were traveling down the highway at 60 to 70 miles per hour. He noted that he had previously stood and spoken in opposition to school zone traffic cameras on more than one occasion. He commented that his position was not unknown to the Board. He noted that ATE (automated traffic enforcement) was not enforcement as it only generated revenue. He commented that the lines of enforcement and revenue generation should never be blurred. He noted that the argument of enforcement already being revenue generating was moot because he was opposed to that, as it only impacted those of low income. Mr. Bibb suggested if a vote was cast in favor, based on the safety of the children, no revenue generated by ATE should be put into the General Revenue Fund. He commented that the revenue generated from ATE should not be handed to the School Board either. He noted that there was no benefit to the children directly. He suggested that a scholarship fund be created for Nelson County High School Seniors towards their post high school education endeavors. Mr. Bibb also spoke in opposition to increases in the TOT without offset considerations to the constituents.

*Thomas Bruguire - Roseland, VA*

Mr. Bruguire expressed his appreciation to VDOT for finishing paving Jack's Hill, Fleetwood Hill Road and Cow Hollow Road. He noted that it was a benefit to all residing on those roads. He also noted that there had been snow on the mountain, and VDOT salt put all along 151 and 56 where there were no flakes on road. He noted that it was our money they were wasting. He commented that if it snowed, put the salt down. He noted that the salt was ruining the roads and vehicles. He suggested that some tree removal and maintenance needed to be done along the roads and right of ways. He commented that a pine tree had fallen on Roseland Road and while it was cut, they left the pieces in the ditch. He noted that they needed to move tree pieces out of the ditches. He stressed the need to clear the right of ways. Mr. Bruguire referenced a comment he had made about a year ago, noting that they still needed to remove the tires from Fleetwood Hill. He noted the need to expand the parking lot at the Piney River Trail as well as the Appalachian Trail entrance and parking lot.

### **III. MEET THE LEGISLATOR**

Mr. Rutherford noted that it was time to meet the County's legislators, Mr. Tim Griffin and Ms. Amy Laufer.

Delegate-Elect Amy Laufer introduced herself noting that she would be representing District 55, which included Rockfish, Faber and Schuyler. Ms. Laufer noted that she grew up on a dairy farm in Wisconsin and was one of eight children. She reported that she obtained a degree in Geology and served in the Peace Corps in Jamaica. She noted that she started a community garden and a reading program in Jamaica, both of which still operate 25 years later. Ms. Laufer then noted that she obtained her Master's degree and taught next to the World Trade Center and then relocated to the Charlottesville area where she has resided for the last 20 years. She reported that she had also served on the Charlottesville School Board for seven (7) years. She noted that she was proud to be a representative for part of Nelson County as Delegate. Ms. Laufer reported that she had requested to serve on several committees, Agriculture, Education and Healthcare. She noted that she would find out which committee she would be serving on in January.

Delegate-Elect Tim Griffin reported that he would be serving the 53rd District. He explained that House District 53 covered about 70 percent of Nelson County, noting that it was a beautiful district. Mr. Griffin noted that he was Republican. He reported that his committee requests were for Courts of Justice, Education, and Privileges and Elections. Mr. Griffin noted that he was a former prosecutor. He reported that he and Ms. Laufer had the opportunity to meet during their training in Richmond. He commented that there was a great opportunity with Nelson being a split county with two representatives from different political parties, noting that there would be opportunities where they would have more ability to fight for priorities. He commented that there was a growing difference in the interests of urban and rural communities. He stated that the 53<sup>rd</sup> District was a rural district, and rural districts were the backbone of Virginia. He commented that his role to fight for people of his district.

Mr. Rutherford thanked Ms. Laufer and Mr. Griffin for being present. He commented that the County had some legislative priorities with the Thomas Jefferson Planning District Commission (TJPDC), noting that David Blount was the County's legislative liaison. He indicated that the Board members wanted to bring awareness to certain subjects and commented that the County would need some advocacy.

Mr. Reed thanked both Delegate-Elects for being present and also reaching out directly in advance of the meeting. He referenced the Composite Index and the amount funding that the County had to put up to fund the schools. He noted that the JLARC study had recommendations in it that were included in the TJPDC Legislative Program and the Virginia Association of Counties. He reported that the Composite Index for this year increased the amount that Nelson was to provide, by 13 percent. He commented that School budget was increasing any way, and the fact that a larger percentage of tax revenues had to go towards schools hit hard. He asked that the legislators help. Mr. Reed pointed out that Wintergreen made Nelson's assessments higher than most rural communities. He noted that the budget would be difficult in the upcoming year. Mr. Reed noted that any help would be appreciated.

Mr. Parr commented on the JLARC study, noting it was eye opening. He commented that when it came to the funding provided to the local communities versus the unfunded mandates that came from the State, the discrepancy was really unfair to the local community. He reiterated that it was a burden on the local community and encouraged Ms. Laufer and Mr. Griffin to review the report.

Mr. Barton noted that he was a teacher for 40 years. He commented that the idea of SOLs and testing came along while he was teaching. He noted that he did not impugn the motives for the testing but it became clear that there were unintended consequences. Mr. Barton noted the pressures put on the teachers, students, parents and School Boards to do better on the tests. Mr. Barton reported that he had attended a meeting on education during the VACo conference, where they discussed that more money needed to be made available to the schools. He noted that one of the former VACo Presidents stated that the SOLs needed to be gotten rid of. Mr. Barton commented that they did not need to get rid of testing, they needed to get rid of the consequences for failing the test. He noted that education had to do with inspiration, nurturing, and love. He implored the legislators to think about the solution, and get rid of what revolved around testing. He noted that it had created an environment that removed joy for school, and COVID made the problem worse. He commented that the solution was not afterschool programming, rather the solution was making children feel a part of something important. He stated that they needed to allow teachers to be creative and they needed to allow students to become learners.

Mr. Rutherford noted that Mr. Barton was the one who had reminded the Board that having legislators at the meeting was important.

Mr. Rutherford discussed Line of Duty benefits (LODA) and the death of Officer Wagner at Wintergreen. He noted that LODA benefits only extended to those certified in government agencies. He reported that in Mr. Wagner's case, his family was left in a bad situation. He noted that they did not want that to happen to another person in Virginia. He also noted that a similar situation happened at Bridgewater College, and legislation went forward and failed. He noted that when it happened at Wintergreen, they worked to get other localities to pass resolutions. He reported that the resolution had been passed by about 13 counties/cities supporting that LODA benefits be made an option for private police departments that are bona fide by the state to opt in. He noted that it was a huge deal and the push was more diverse with this attempt. He listed several supporting localities which included: Albemarle, Nelson, Amherst, Charlotte, Montgomery, Appomattox, Augusta, Fluvanna, Madison, Greene, Franklin and Staunton. He noted that the list continued to grow. Mr. Rutherford reported that they would hold a press conference the next day with the Chief of Police from Wintergreen present, and other staff members. He noted that Officer Wagner's vehicle would be on site as well. He explained that they were trying to get a continued push on the legislation. He reported that Ellen Campbell had the bill on the House side, and Mr. Obenshein had the bill on the Senate side. Mr. Rutherford noted that the bill would go before the Cities and Towns Committee first, and he, asked that both legislators communicate with their allies in the group. He noted that VACo added LODA benefits to their legislative goals. He asked the legislators for their support. He commented that he knew that the Wintergreen officers would show up and support Nelson if there were a crisis going on. Mr. Rutherford thanked both legislators for being present again. He noted that they had a diverse demographic to represent in their districts.

#### IV. CONSENT AGENDA

Mr. Parr moved to approve the Consent agenda as present. 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 – **R2023-76** Minutes for Approval

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

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

B. Resolution – **R2023-77** FY24 Budget Amendment

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

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

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

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

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

V. **PRESENTATIONS**

A. Blue Ridge Tunnel After Dark Event Report & Check Presentation

Mr. West provided the following report:

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

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

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

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

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

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

Mr. West introduced Taylor Smack of Blue Mountain Brewery and Marian Dixon of the Nelson County Food Pantry. Mr. West and Mr. Smack presented Ms. Marian Dixon with a \$1,000 check to the Nelson

County Food Pantry. Mr. Rutherford noted that Ms. Dixon had worked for the Food Pantry for many years. He thanked her for all of her hard work. Ms. Dixon reported that the Food Pantry served about 800 people every month and distributed about 30,000 pounds of food per month. She noted that they had an average of 130 volunteers donating 400 hours of their time every month.

## B. VDOT Report

Mr. Robert Brown of VDOT provided the following report:

Mr. Brown reported that they were still working on a structure replacement on Route 633 (Blundell Hollow). He noted that the project was nearing completion and it should be open in a few weeks. He noted that brush cutting on Route 29 and multiple other routes, was taking place in Nelson to provide better sight distance. He reported that VDOT's trash contractor was scheduled to pick up trash in Nelson soon (29, 56, 151 and a few other routes). Mr. Brown noted that they had a snow event Sunday/Monday. He reported that they did put out chemicals and mixed abrasives in the higher elevations. He reported about four to six inches of snow at the top of the mountain in Montebello and at Reeds Gap.

Mr. Brown noted that he was still working on the sign on Tye River Road. He indicated that he had not spoken with the traffic engineers before coming into the meeting, but he noted that they knew it was a hot topic in Nelson. He hoped to have something from the engineers soon.

Mr. Parr:

Mr. Parr had no VDOT issues to report.

Mr. Reed:

Mr. Reed had no VDOT issues to report.

Mr. Harvey:

Mr. Harvey had no VDOT issues to report.

Mr. Barton:

Mr. Barton had no VDOT issues to report.

Mr. Rutherford:

Mr. Rutherford noted Whippoorwill. Mr. Brown noted that he had researched the abandonment/discontinuance on Whippoorwill from years ago. He explained that in order for the road to come back in, it would have to be done through a revenue sharing project. Mr. Rutherford asked if Mr. Brown would send more details when available. Mr. Brown noted that Hilltop had the same issue, and it would need to be a revenue sharing project also.

Mr. Rutherford asked if Mr. Brown had received his email about the intersection at Front street. Mr. Brown noted that he had asked his traffic engineers to review the intersection and make recommendations. He explained that they would look at the crash data. He noted there were sight distance restrictions there. Mr. Rutherford asked if there were requirements for a pedestrian crossing with painted lines. He noted there was more traffic with the Heart of Nelson and Lovingson Farmers Market in operation. He asked if they could get a designated pedestrian crossing spot there. Mr. Brown noted it was possible, and if it was in the curb and gutter section, it had to be ADA compliant and would require updates to most places in that area.

## C. Update on Debt Capacity – Davenport

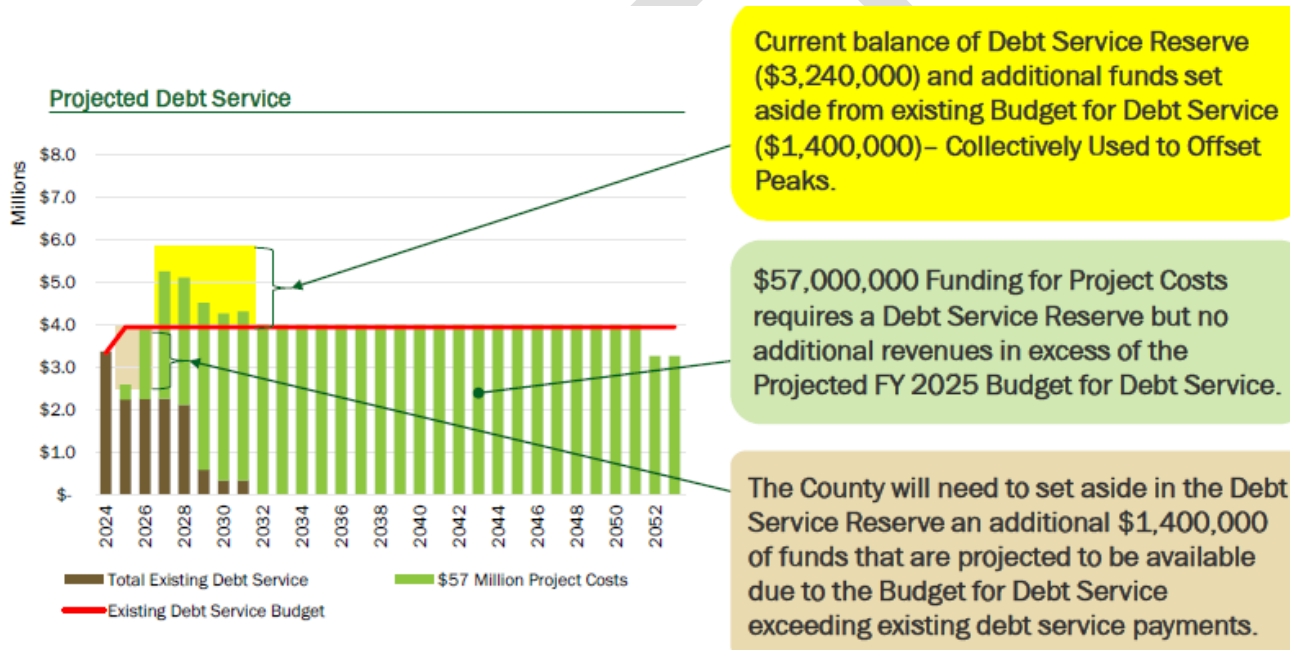
Mr. Ben Wilson of Davenport was present to provide the Board with an update on the County's debt capacity. He noted that the County's projects were still evolving and Davenport was continuing to have conversations with staff. He explained that they were looking at the capacity and affordability of adding additional debt to the County's profile for projects currently being developed. He noted that adjustments had been made since the last presentation in February, based on the market and having more knowledge about the projects.

Mr. Wilson reported that the baseline they were looking at was \$57 million worth of projects (Land purchase - \$2.6 million, DSS building \$10 million, School Renovation - \$25 million, and \$19.5 million for other projects that might be considered in the near future). He noted that there was a second scenario that provided another \$18 million in capacity for the County if there were other projects to be considered.

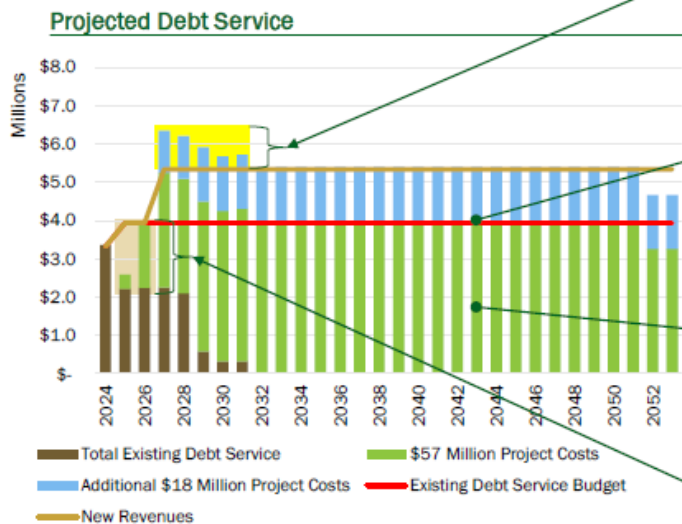
Mr. Wilson explained that they were looking at mostly 25 to 30 year debt, with tax-exempt interest rates at a 5 percent right now. He noted that if they were to go out and borrow right now, the interest rate would most likely be less than 5 percent, but they were looking planning interest rates. He reported that they were looking at a taxable interest rate of about 6 percent, which would depend on what the projects ended up being. He showed the MMD (Municipal Market Data) Yield Curve to show tax-exempt interest rates currently, as well as the Treasury Yield Curve to show the taxable interest rates. He reported that interest rates were much lower when they started looking at the analysis.

Mr. Wilson showed two charts that provided perspective on where interest rates had been historically compared to where they were now. He commented that interest rates were at the midpoint of where they had been in the last 25 years or so. He noted they saw historic lows in 2020 and 2021, and he commented that there was not an expectation to return to those levels. Mr. Wilson showed that there had been an upward trend over the last few years.

Mr. Wilson noted that the baseline analysis was \$57 million, which included the Social Services building, Schools, and a little more capacity for other projects. He explained that the current budget for FY24 had \$3.3 million in it for debt service, he noted that the budget going forward would be \$3.9 million for 2025 and beyond. He pointed out that it would not work without that change in 2025. He noted that over the next two fiscal years, the County was projected to produce a surplus in the Debt Service Fund. He explained that the strategic debt funding approach required that the County set aside those surpluses to be used in the following years when the debt service peaks, to allow the County to have a little more debt capacity. Mr. Wilson reviewed the graph to show the project debt service with the existing debt and the \$57 million in project costs added in.



Mr. Wilson then explained what it would take to add an additional \$18 million in debt capacity for a total of \$75 million. He noted that the County may not want to do that, based on the revenues that would be required to do it. Mr. Wilson informed the Board that in order to add \$18 million to get to the \$75 million total debt capacity, it would require another \$1.4 million in revenues starting in 2027 and beyond. He noted that no assumptions had been made on what revenues would be used, whether it was real estate, occupancy tax, or whatever. Mr. Wilson reviewed the Projected Debt Service to include the additional \$18 million.



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

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

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

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

Mr. Wilson reviewed the Debt to Assessed Value, noting it said the tax base was where the majority of the revenue came from. He explained that this ratio was commonly used by rating agencies to measure an issuer’s capacity to support existing and additional debt. He noted that the County’s ratio was currently 0.5 percent and considered “Very Strong” from the Rating Agencies’ perspective. Mr. Wilson indicated that adding in the \$57 million or \$75 million, the ratio would go up to 2.2 percent, or 2.8 percent. debt to assessed value. He suggested that the County could consider putting Financial Policy guidelines in place to establish a policy target range, noting that lenders and rating agencies looked at it favorably. He suggested putting a policy in place that established a 3.5 percent to 4 percent policy target range. He noted that did not mean they couldn’t exceed that amount, but it signaled to lenders and rating agencies that the County was paying attention and they had a plan in place going forward.

Mr. Wilson then reviewed Debt Service as a Percentage of Expenditures. He explained that it was a key ratio because it measured how much of the annual budget is being spent to pay for debt. He reported that the County’s current ratio was approximately 6.6 percent and considered “Very Strong” from the Rating Agencies’ perspective. Mr. Wilson noted that the addition of \$57 million put the County at 8.2 percent, and if they went to \$75 million, it would be at 11 percent. He indicated that even with the \$57 million, they would be within the Strong range. Mr. Wilson suggested that the County may consider putting a policy in place to establish a 10 percent to 12 percent policy target range which would be considered a Strong policy.

Mr. Wilson reviewed the next steps noting that the projects were still in development, and the analysis could be refined further. He noted that the County could consider implementation of the financial policies as discussed. Mr. Wilson indicated that the County could consider obtaining a credit rating. He noted that it was not uncommon for a county like Nelson to go out and obtain a credit rating and borrow in public markets. He explained that there were funding options like Virginia Resources Authority (VRA) and Virginia Public Schools Authority (VPSA) but they were specific for what kinds of projects they could fund. Mr. Wilson noted that the County could also go to a bank and take out a loan, but banks were only interested in 10 to 15 year loans, rather than 25 to 30 years.

Mr. Wilson offered to assist the County with drafting financial policies and also noted that Davenport would be happy to help with credit ratings if those were things the County wanted to do. He noted that they were not looking for any actions to be made at present.

Mr. Parr asked if the debt capacity report made assumptions on whether the County would have to consider eliminating land use or implementing a gross sales tax. Mr. Wilson noted that it did not. He explained that the additional \$18 million would need additional revenues of some sort to cover it. He noted that the \$57 million scenario assumed that the budget stayed constant at a 2025 level of \$3.9 million.

Mr. Reed asked about additional revenues and whether they would need to be targeted. Mr. Wilson noted that was for anything beyond the \$57 million. He commented that in order to exceed that amount, they would divert revenues from the General Fund and send them to Debt Service.

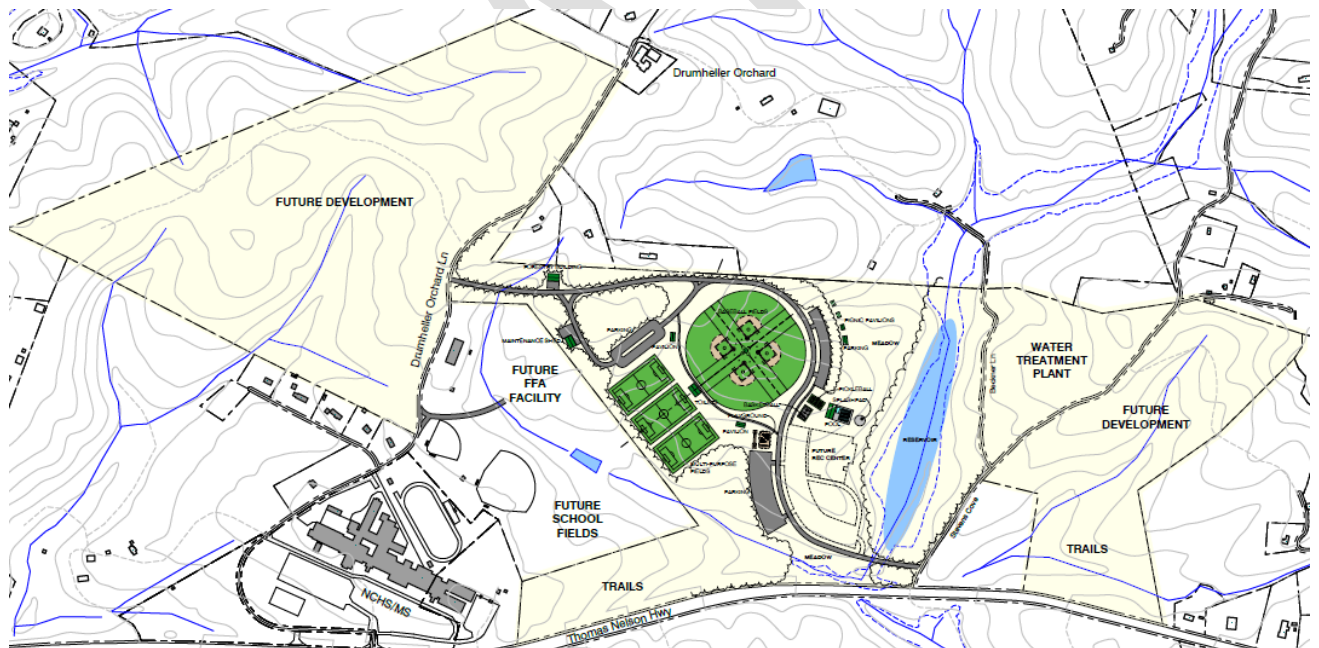
Ms. McGarry reminded the Board that the \$3.9 million included an ongoing contribution of \$610,000 resuming in FY25. She noted that the Board decided to forgo that contribution to the Debt Service Fund in FY24, but in order to make the analysis work as presented, they would need to resume in FY25 and carry it forward throughout the plan.

Mr. Rutherford commented that he was unsure of what went into credit rating process. Mr. Wilson noted that there were some upfront costs associated with obtaining a credit rating. He commented that the credit rating was pretty much good indefinitely. He explained that Campbell County got a credit rating before they issued the debt, so there was an upfront cost for that. He noted that when they went to issue the debt, they had to go back to the credit rating agency to have them rate debt itself.

Mr. Reed asked about the implementation of financial policies and noted that Mr. Wilson said it would show that the County was serious. He asked if implementing those policies would increase the County's chances to get funding when they already had very strong ratios. Mr. Wilson noted it would not make or break but could potentially help produce a better rating. He noted that it showed the agencies that County was serious and paying attention to debt. Mr. Reed noted it would make their long term intentions known to constituents as well. Mr. Wilson noted it would lay the ground work for future Boards. He indicated that the financial policy was a guideline and not a requirement.

#### D. Larkin Property Master Plan – Architectural Partners

Jim Vernon and Gary Harvey of Architectural Partners were present to provide their latest work on the Larkin Property Master Plan. Mr. Gary Harvey provided some background on the property location, noting that it was just behind the High School/Middle School complex. He explained that they had worked with the Board, County Administration and Parks and Recreation, to explore six concepts on how to best use the site, and they had arrived to the Master Plan presented on the screen, which focused on all recreation uses and located them to the center of the site. He noted that this put the recreation areas closer to the schools for access to the site. He noted that the northern and southern portions of the site were left for future development to be determined at a later date.



Mr. Gary Harvey noted that the components on the site had been refined and were shown to scale to see how the site would be fully utilized. He reviewed the components included on the site plan:

- Maintenance shed and site for a Department of Forestry building close to Drumheller Orchard Lane
- 4 Baseball/Softball fields, 3 multi-purpose sports fields and support buildings (restrooms, concessions, press box, storage)
- Parking areas, Picnic Pavilion spaces, Playground
- Outdoor pool and splash park with supporting pool buildings
- Outdoor basketball court and 3 outdoor pickle ball courts
- Location for a future phase for indoor recreation facility with various features
- Potential reservoir for Dillard Creek basin (shown in blue shape)

Mr. Gary Harvey noted that the indoor recreation facility was proposed to include multiple courts; multi-purpose rooms for gymnastics, aerobics, and other types of exercise programs; indoor track; climbing walls; and a potential indoor pool. He showed that the indoor recreation facility location was dashed in on the



Master Plan and it would be indicated as a future phase for the project. Mr. Gary Harvey reported that another consultant was evaluating whether a reservoir would be feasible at Dillard Creek.

Mr. Gary Harvey noted that the Board made a request to determine what could be developed for \$15 million. He reported that they had three (3) scenarios with cost estimates to review.

Mr. Vernon reported that the future indoor recreation center had been taken off the table for the time being as it was estimated to cost over \$30 million. He noted that the Board had asked Architectural Partners to select projects for Nelson residents to enjoy now rather than later. He reported that there were no current cost estimates for a potential reservoir as there was no way to put a dollar amount on that yet. He noted that in order to do everything on the plan that was not dashed, it would cost \$36 million in today's dollars.

Mr. Vernon indicated that they could easily spend \$15 million on infrastructure and site work without having anything else on the property, which was not appealing. He noted that they would have to look at phased development with prioritizing. He indicated that the goal for the day was to get direction on which option the Board wanted.

Mr. Vernon reviewed Option A which prioritized:

- site work, infrastructure, utilities and roads 75 percent complete
- limited parking
- (1) multi-purpose field
- completed splash pad
- partial playground
- picnic sites only, no pavilions
- no hard surface courts
- no maintenance facilities
- rented portable restrooms.

Mr. Vernon then reviewed Option B which prioritized:

- all roads completed to VDOT standards
- no playground
- site work, infrastructure, and utilities 75 percent complete
- (1) multi-purpose field
- completed splash pad
- picnic sites only, no pavilions
- no hard surface courts
- no maintenance facilities
- rented portable restrooms.

Mr. Vernon then reviewed Option C:

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

Mr. Vernon commented that what could be done for \$15 million depended on the Board's priorities.

Mr. Parr asked how difficult it would be to have three (3) different scenarios of the Master Plan, highlighting the different options. Mr. Vernon noted it would not be difficult at all. He explained that it would be hard to see if the roads were completed to VDOT standards or gravel only, but notes could be added. Mr. Parr asked if the absence of other things could be shown. Mr. Vernon confirmed that it could be done. Mr. Parr thought that would be helpful. Mr. Vernon noted they had all the flexibility in the world and could make changes to show another option if the Board wanted to include a different priority than what was provided in the three (3) options.

Mr. Barton asked if they could discuss priorities. He stated that he felt they needed to start with a swimming area, and then they could build from there. He commented that it would enhance the community and bring people closer together. Mr. Barton said they needed to figure out a way to picnic, swim, and learn to swim. Mr. Vernon commented that was heard and that was the reason for Option C, to say that the pool was the priority.

Mr. Parr noted that he ruled out Option C first. He stated that he was 100 percent with Option A as it provided a little bit of everything, good infrastructure, 75 percent completion with site work, roads and utilities. He noted that it had water activities at the splash pad, a playground, and picnic areas. Mr. Parr reiterated that he liked Option A because it gave them a little of everything and good infrastructure. Mr. Vernon noted that was the intention of Option A.

Ms. McGarry suggested that the Board could look at a separate work session to delve into the details further. She asked the Board if they wanted anything else to be provided to help facilitate that work session. Mr. Parr reiterated the visuals requested to show each of the three (3) options. Mr. Reed commented that he

thought the information was very helpful and it was pieced together with the presentation on debt service. He noted there were other capital needs in the County that were not part of the Larkin property. Mr. Reed thought that they were pretty close at moving something forward, but they did not know what it would be yet. He asked about the recurring costs of maintaining and staffing those facilities, which also effected the budget.

Mr. Parr noted it left an additional \$4.4 million in the debt capacity, assuming the \$57 million figure. He noted that there had been \$19.4 million earmarked for the balance of projects, so that left \$4.4 million for other needs.

Mr. Rutherford agreed that further discussion was needed. He suggested waiting until the new Board was in place, and they could determine having a planning retreat. Ms. McGarry noted that the Board had some Non-Recurring funds that could be used for smaller expenses, without having to borrow funds for everything.

Mr. Rutherford asked about the debt capacity for the jail system and if it affected the County's debt capacity. Ms. McGarry explained that the debt would fall under the Jail's debt capacity. She noted that it would be a recurring financial obligation to the County.

The Board thanked Architectural Partners for their time. Mr. Vernon noted they would respond to Mr. Parr's request for a graphic representation of each of the options.

Mr. Reed noted that budget sessions would be coming again soon with the new Board. He asked which would be more important to have first, capital and not know what the budget would be, or, the budget, not knowing what the capital would be. Ms. McGarry explained that in terms of the debt capacity, the plan laid out allowed for capital improvements up to \$57 million. She noted that was with the additional \$610,000 contribution annually going forward in 2025. Mr. Reed asked if they were committed to that during the budget, to make sure that would be there.

Mr. Rutherford noted they would look at revenue enhancements when they found a project that warranted revenue enhancements. Ms. McGarry reiterated that if they wanted to have the \$57 million ability for capital improvements, they would need to commit the \$610,000 going forward. The Board discussed having a work session before March. Ms. McGarry not sure when General Fund budget would be ready for the Board's review. She noted that it was typically during the February/March timeframe.

The Board had no further questions.

#### E. Regional Transit Governance Study - TJPDC

Ms. Sandy Shackelford of the Thomas Jefferson District Planning Commission was present to provide a presentation on the Regional Transit Governance Study. She explained that the purpose of the presentation was to provide a little information on regional efforts related to transit, review the purpose of the governance study, and discuss the findings and next steps.

Ms. Shackelford introduced the study team which consisted of:  
Sandy Shackelford, AICP – TJPDC, Director of Planning & Transportation  
Christine Jacobs – TJPDC, Executive Director  
Lucinda Shannon – TJPDC, Project Manager  
Peter Voorhees, AICP – AECOM, Project Manager  
Stephanie Amoaning-Yankson, PhD – AECOM, Deputy Project Manager, Task Leader  
Scott Baker, JD – AECOM, Governance and Funding Expert

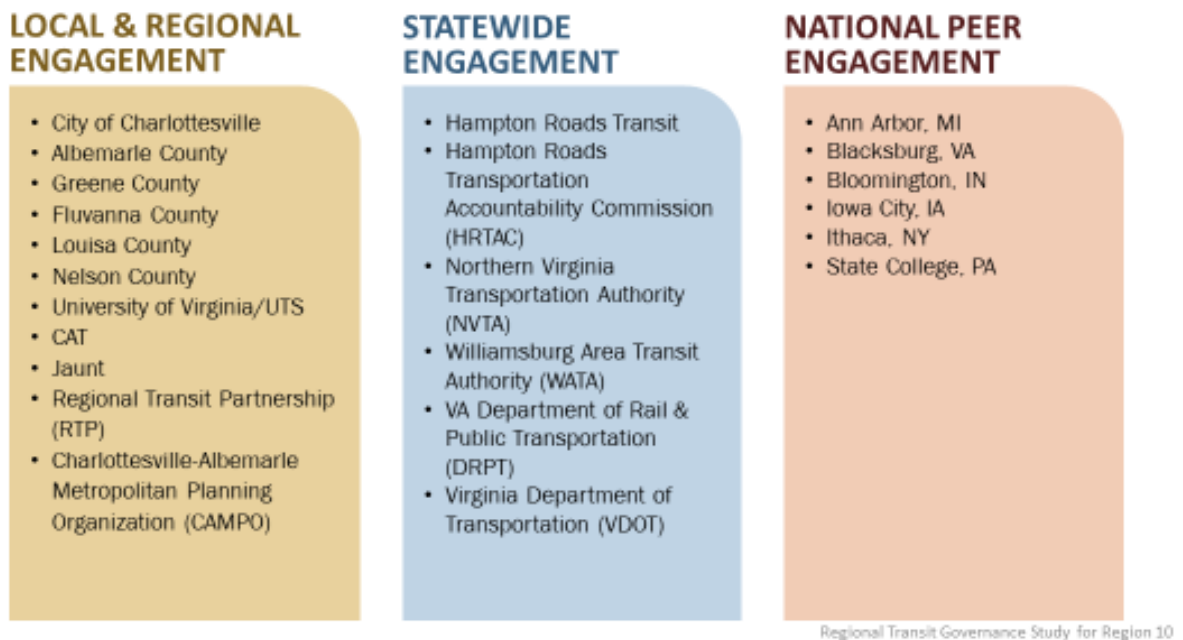
Ms. Shackelford noted that they were originally planning to have Stephanie Amoaning-Yankson present via Zoom, but the internet connectivity issues did not allow for that.

Ms. Shackelford provided background information on Transit Studies in Region 10, and what led to the Regional Transit Governance Study. She noted that they were not asking for any action from the Board currently, but they did want to make sure that the Board was informed that the process was being undertaken. She reported that they would continue to engage with the Board as they explored next steps identified through the governance study. She noted that each locality had its own unique needs and they wanted all jurisdictions in the region to be informed so they could continue the discussions moving forward.

Ms. Shackelford reported that the two main goals identified for the Regional Transit Governance Study were to identify potential governance options for regional transit, and to identify potential funding mechanisms to increase investment into transit throughout the region. She explained the phases of the Discovery Process: Existing Conditions, Peer Study Analysis, Potential Revenue Generation Options, and Potential Governance Options. She reported that an extensive amount of stakeholder engagement went into

the study. She noted that it was imperative that all localities within the region were represented, as well as the service operators and impacted regional stakeholders.

## Extensive Stakeholders Engagement



Ms. Shackelford reported that the stakeholders met throughout the study period to hear updates and provide feedback to the TJPDC and the consultant team. She noted that they also conducted outreach with each of the existing transportation/transit authorities in the state of Virginia, in order to understand the feasibility of the different organizational structures, as well as communicating closely with the Virginia Department of Rail and Public Transportation (VDRPT) and the Virginia Department of Transportation (VDOT). She reported that VDRPT provided a grant to complete the study. She then reported that they completed an analysis of six (6) different peer regions throughout the nation with similar characteristics to ours, which them to understand the range of possibilities for coordination and funding of transit service.

Ms. Shackelford reviewed the key findings that came out of the process. She noted that the first recommendation was that they would likely need to move forward with an interim step prior to pursuing any changes to the existing authority. She reported that the interim step would be the opportunity for all interested localities to participate in determining a preferred format for decision making around transit in the region, and determine what information may need to be developed or provided in order to inform decisions around cost allocations and funding distributions.

Ms. Shackelford indicated that there seems to be consensus that some level of regional transit governance was warranted, but there were still questions as to whether a regional approach would be the right solution for all of the individual jurisdictions. She noted that continued work towards formally establishing the organizational structure would aid better understanding and clear decisions about participation for each local governing body. She noted that they consistently heard during the study that there was additional information needed to help rural areas understand the actual transit needs for residents in their localities.

Ms. Shackelford reported that they also heard that local government officials wanted to be able to clearly demonstrate the value of their participation in a regional approach and establish accountability measures to ensure that each jurisdiction received local benefit for their investment into the regional system. She noted that each jurisdiction would have unique needs that should be considered to determine how a regional approach may support local transit goals. She explained that as they moved into drafting potential legislation, they wanted to encourage continued engagement with their rural jurisdictions to ensure that their interests were captured and accounted for.

Ms. Shackelford noted that they learned it would be important to keep the University of Virginia (UVA) engaged as they determined what regional transit governance should look like. She explained that there was a wide range of options for how local governments and transit systems coordinate service with local universities. She noted that as an operator of its own transit system, ongoing collaborations with UVA could help the region leverage additional public funding, or introduce cost saving measures such as shared transit maintenance facilities and training programs. She noted that they did not know what UVA's exact role should be in the transit authority moving forward, but they did think it was important to continue to engage them as a key stakeholder in the region.

Ms. Shackelford noted that the consultants reviewed the funding sources in place for the existing transportation authorities in the state of Virginia to determine funding options to support the increased transit service throughout the region. She noted the current revenue sources were shown on the list included below to the left. She then noted that the potential funding options were listed to the right.

## Potential Revenue Sources

Revenue Sources NVTA, HRTAC, & CVTA	Exploratory Options for Region 10
<ul style="list-style-type: none"> <li>• Sales and use tax</li> <li>• Grantors tax</li> <li>• Fuel tax</li> <li>• Transient occupancy/lodging tax</li> <li>• Recordation tax</li> <li>• Toll revenues &amp; truck registration fees</li> <li>• Interstate Operations Enhancement Program</li> </ul>	<ul style="list-style-type: none"> <li>• Sales and use tax</li> <li>• Transient occupancy/lodging tax</li> <li>• Property tax</li> <li>• Real estate tax</li> </ul>

*Details of potential estimates from these sources are provided in the final report*

Regional Transit Governance Study for Region 10

Ms. Shackelford reviewed the potential characteristics for a Regional Transit Authority. She noted that there were two main ways they could move forward with the Regional Transit Authority. She explained that the first option was to create new legislation that included a funding component, or second, they could modify the existing transit authority legislation that was enacted in 2009. She noted that the initial membership would include Charlottesville and Albemarle as members, represented by members of their governing bodies. She then noted there would be options for Fluvanna, Greene, Louisa and Nelson to join the Authority. Ms. Shackelford explained that the existing authorization language allowed for participation by private nonprofit tourist-driven agencies, higher education facilities, and public transportation agencies serving the counties to join as well. She noted that the role of the non-governmental agencies would be as non-voting members.

Ms. Shackelford noted that this was just the beginning of establishing a more formal body to coordinate and plan for transit throughout the region. She indicated that they would provide a final report of the study to all of the localities for their review. She noted that they would continue discussions on transit needs for each locality and their interest in participating in the regional efforts. She indicated that the TJPDC was prepared to keep the momentum moving, by identifying a working group to stand up the existing structure while they determine what the preferred next steps might be. She noted that Albemarle and Charlottesville were ready to move forward to begin working out the mechanisms activating the existing Authority. She also noted that the group would continue to engage with all localities in the region that would like to explore what their participation and involvement might look like.

Mr. Barton asked when the changes would potentially occur. Ms. Shackelford noted that the immediate next step would be to form a working group with by-laws and statutes in place to allow the existing Authority to be enacted. She expected that to occur in the next calendar year. She explained that what happened after that would depend on what came out of the working group. She commented that in the short term, they were moving forward with some clear steps, but the rest was dependent on the working group. Mr. Barton noted that the people who needed transit were not wealthy people. He asked who would push for those people. Ms. Shackelford noted that it would be up to the Board, as the decision makers for Nelson County, to determine what Nelson County's participation would look like. He asked if this would happen, noting that the transportation needs were not new. Ms. Shackelford noted that they already had authorizing legislation, and there did seem to be some momentum and support to stand up what was already enabled.

Mr. Reed noted that he had been part of study committee, and he commented that it was not clear how the benefits would be shared with the rural localities, relative to Charlottesville and Albemarle. He commented that JAUNT was also having meetings concurrently about conducting a needs assessment for the JAUNT service area, which included Nelson. Mr. Reed indicated that the first two meetings had been scheduled on same date as the Board meeting. He noted that he would have to keep in touch with JAUNT. Mr. Reed commented that because of Nelson's unique location in between Charlottesville and Lynchburg, many of their transportation needs went south, and JAUNT did not offer services from Nelson to Lynchburg. He noted they would have to consider what would serve Nelson better. He suggested considering what kind of transit would solve the County's unique problems.

Ms. McGarry agreed with Mr. Reed, that it was hard to flesh out how the Authority might benefit the rural localities. Mr. Reed noted that there were needs but the solution may be broader than the initiative.

**VI. NEW & UNFINISHED BUSINESS**

**A. Funding Request from Lovington Beautification Volunteers**

Ms. Gail Bastarache of Lovington was present to request funding from the Board in the amount of \$2,000 for expenses during calendar years 2024 and 2025 for the beautification of Lovington. Ms. Bastarache noted that she moved to Nelson three years ago and had been working with a group on beautification for Lovington. She reported that over the past few years, any beautification efforts through flowers, benches, signage and flower pots through Lovington had been funded through donations, and a recent bake sale. She noted that volunteers had provided monetary donations, labor and maintenance of the flowers and shrubs. She commented that since Lovington was the County seat, they wanted to take pride in their community and work to keep it attractive to visitors and locals. She explained that the funding would help to replace older barrels, replenish potting soil and fertilizer in the barrels, provide seasonal flowers and decorations, labor for any heavy lifting and digging maintenance, as well as other miscellaneous beautification projects in the future.

Ms. Bastarache reported that she, and Patty Turpin would manage the funds in a Beautification Account at Atlantic Union Bank. She noted other committee members who had agreed with the request included Patty Avalon, Carla and Paul Quenneville, Vicki Vestal, Larry Wells and Patty Turpin.

Mr. Rutherford thanked Ms. Bastarache for attending. He noted Patty Turpin had been maintaining the flowers in Lovington for years. He commented on new things happening in Lovington - The Heart of Nelson, Patty Avalon's Studio, the seamstress, and the antique shop, as well as the farmers' market. Mr. Parr thanked Ms. Bastarache for her efforts. He noted he had just visited with Patty Turpin and they had discussed the changes that they could see from her front porch.

Mr. Parr moved to approve the request for \$2,000 to the Lovington Beautification volunteers for years 2024 and 2025. Mr. Barton seconded the motion. Mr. Harvey asked why they were trying to do anything in Nellysford or Afton. Mr. Rutherford indicated that the group was in Lovington. Ms. Bastarache noted that they looked at as the County seat and people from the whole County, were in and out all the time.

There being no further discussion, Supervisors approved the motion (4-1) by roll call vote to approve the motion, with Mr. Harvey voting no.

Mr. Barton noted that they also needed to fund Juneteenth.

Juneteenth Funding

Mr. Barton made a motion to fund the 2024 Juneteenth celebration with \$5,000 as requested by Ms. Edith Napier of the Juneteenth Celebration Committee. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion (4-1) by roll call vote to approve the motion, with Mr. Harvey voting no.

The Board took a brief recess.

**B. Authorization for Public Hearing on Personal Property Tax Exemption for Volunteer Fire and Rescue (R2023-78)**

Ms. McGarry reported that at the last meeting, the Board had requested that staff return with information on increasing the current tax relief for volunteer fire and rescue personnel. Ms. McGarry reported the following:

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

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

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

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

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

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

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

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

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

Ms. McGarry explained that the tax relief was provided for under State Code Authority §58.1-3506 and also, section 11-5.1 of the County Code. She noted that a resolution had been provided to authorize a public hearing on increasing the tax exemption. She indicated that they would need an amount to advertise for the public hearing.

Mr. Parr thanked Ms. McGarry for placing the item on the agenda. He noted that the \$5,000 amount was set in 1993 and had not changed in a long time. He indicated that he definitely wanted to go with the number in the far right column of \$10,000. He noted that he liked how Albemarle used a flat dollar amount. Mr. Parr noted that he was pretty sure that the Commissioner of Revenue had said it was easier for her office to facilitate a flat dollar amount. He proposed a flat \$300 credit and the vehicle license fee of \$38.75 for a total of \$338.75 per volunteer. Mr. Reed agreed with a flat fee of \$300. Mr. Harvey asked who would monitor it. Mr. Parr noted that the Treasurer's Office would, just as they had been. Mr. Harvey noted there were people on the list that did not do anything. Mr. Reed noted that the Captain would have to verify the service of 100 hours and provide the list to the Commissioner of Revenue. Mr. Parr noted that was already being done, they were just proposing to adjust the dollar amounts. Mr. Parr commented that he thought that the volunteers deserved this. Ms. McGarry noted that the resolution could be amended to include a flat amount or voucher amount. Mr. Parr noted what they were proposing could not compensate for what those volunteers did. Mr. Payne provided guidance and suggested that the last sentence of the resolution be amended to read: *“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.”*

Mr. Parr moved to approve **Resolution R2023-78** as amended and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion (4-1) by roll call vote, with Mr. Harvey voting no, and the following resolution was adopted:

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

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

**C. School Zone Speed Enforcement (R2023-79)**

Ms. McGarry reported that the Board had seen several presentations from Blue Line Solutions on the automated speed enforcement concept. She noted that a public hearing was held to get the public’s input on it and it was then tabled for a while. She noted that at the last Board meeting, it was requested that it be reconsidered at the current meeting. She reported that there was no additional information to provide to the Board. Ms. McGarry explained that the resolution provided would allow the County to proceed with the program, and would allow the County Administrator to execute all program documents upon guidance from County Attorney. Ms. McGarry noted that Mr. Payne had no yet reviewed the agreement because she did

not want to have him do that without knowing whether or not the Board wanted to proceed. She noted that if the Board had questions, staff would answer them to the best of their ability. She indicated that staff could get more information if needed and they also could have Mr. Hogston return.

Sheriff-Elect Mark Embrey was present for the discussion on School Zone Speed Enforcement. He reported that he had multiple conversations with Mr. Hogston over the past several weeks, and had also taken a webinar. He indicated that his biggest concern if the program were approved, was what workload would be generated that would tax the agency personnel wise. He noted that he had been assured that the work load would be minimized. Mr. Embrey reported that he had spoken with other agencies working with Blue Line, and they had no complaints. He noted that Buckingham was in the research development stage. He pointed out that the other agencies did not have the traffic volumes in their jurisdictions that Nelson did on Route 29. He noted that they would be looking at significantly higher traffic and potentially violations this his office would have to process and approve. He also reiterated that Mr. Hogston was happy to return if needed. Mr. Embrey assured that his agency would be prepared to handle the program if the Board chose to commit to it. He noted that if they did not go with the program, the agency would remain dedicated to making sure the school zones were safe.

Mr. Parr noted an earlier comment that if an individual did not pay their ticket, the County was still responsible. He asked who was responsible to pay the funds if the ticketed individual did not pay, and whether the County would still be responsible to pay Blue Line. Mr. Embrey noted that Mr. Hogston would have to answer that as he did not have the answer. Mr. Parr commented that he thought that question had come up before and the County was not responsible, rather Blue Line would get a percentage of what was collected, not a percentage of what was assessed. Ms. McGarry noted that in the contract it said that *“the municipality shall be responsible for reporting unpaid citations to the Department of Revenue in accordance with statutory requirements. If applicable, Blue Line Solutions will assume this responsibility with written authority provided by the municipality.”* She explained that Blue Line could do collections for unpaid tickets if the County were to provide that responsibility. She noted that she thought Blue Line assessed \$25 per \$100 ticket, regardless of whether it was paid or not. Ms. McGarry read further that *“the municipality agrees to pay BLS a fee of \$25 per process speeding summons, which would be subtracted from the municipality’s gross receipts of paid summonses.”* Mr. Rutherford commented that implied that the monies were received. Ms. McGarry indicated that she interpreted it to mean that Blue Line would keep \$25 per individual processed ticket from the paid summonses. Mr. Parr and Mr. Rutherford commented that was not how it had been presented. Mr. Parr commented that he thought Blue Line got 25 percent of what was collected, not 25 percent of what they should.

Mr. Barton understood that it would take a certain amount of man hours to regulate speeding in front of the schools. He commented that he was worried about privatizing speeding tickets. Mr. Embrey assured the Board that they were prepared and would provide adequate law enforcement services if it was not implemented. Mr. Reed noted his conversation with Mr. Embrey, to make sure that a School Resource Officer (SRO) would continue to be present in the school building when students are arriving and departing. Mr. Embrey agreed that would continue. Mr. Reed noted that he was still looking at the service favorably. He commented that their tools to make the transportation corridors in the County safer, were limited.

Ms. McGarry reiterated to the Board that even though they had held a public hearing, which was not required, they did not have to make a decision that day. She noted that it was asked to be placed on the agenda for more consideration and they could discuss it as many times as they wished.

Mr. Rutherford commented that it was like putting badges on robots. He stated that it was not a good idea. He asked how they would provide who was driving the vehicle and used construction vehicles as an example. He noted that Blue Line stood to realize lots of money. He stated that combining for-profit methods with government agencies blurred lines.

Mr. Parr stated that it was not a legal issue, it was a safety issue. He noted that it was not be going to be a point on someone’s driver’s license and it would not cause their insurance rate increase. He commented that it was simply a visual and a slap on wrist for speeding in an area that no person should speed through. He noted that he would understand the concern if it were going on their driver’s license and against their driving record. Mr. Parr did not think they should take action that day, noting they needed better clarification on the \$25 fee and when it was due.

Mr. Barton asked why people from out of state would pay. Mr. Parr commented that maybe they would not pay, he noted that he did not pay when he got a ticket in D.C. Mr. Payne noted it said \$25, so it sounded like they were paid regardless. Mr. Parr noted if Blue Line was paid when the County was paid, he was fine, if not, then not so much.

Mr. Parr suggested waiting. Mr. Barton wanted to act because he would not be there later. He suggested they kill it now and not take action. Mr. Reed commented that the Sheriff-Elect had committed to making the school zones safer and if that could be done without contracting with Blue Line Solutions, he was fine with that. Mr. Reed was willing to put it on Mr. Embrey's shoulders. Mr. Embrey noted that school would

return in session after break on January 4th and he would be in office. He noted that staffing would be available to handle it. Mr. Reed noted no public hearing had been required, and they had two presentations already and if there were questions they could get answers another time. He stated that he would be fine to not take action.

Mr. Barton made a motion to deny **Resolution R2023-79** for the speed cameras in the school zones. Mr. Harvey suggested that they take more time to study it. Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted (3-2) to approve the motion, with Mr. Parr and Mr. Reed voting no.

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

Ms. McGarry presented the following information on the proposed Transient Occupancy Tax Rate increase:

**Timeline Update:**

- The public hearing on Ordinance O2023-02 increasing the TOT from 5% to 7% was held on May 9, 2023 and action was deferred. 7% is the maximum rate that can be considered.
- The Ordinance was considered at the July 11, 2023 regular Board of Supervisors meeting, a vote was taken and the motion to adopt the Ordinance O2023-02 failed on a tie vote with Mr. Parr being absent. As later advised by Mr. Payne, with no Motion to Reconsider having been made by a member of the prevailing party (in this case those voting no) at that meeting; then any member regardless of the prior vote may again at a subsequent meeting, move the adoption of the Ordinance on the same subject.
- At the November 16, 2023 rescheduled regular Board meeting, Supervisors directed consideration of Ordinance O2023-02 be included on the December 12, 2023 meeting agenda.

**Annual Rate/Revenue Comparison:**

	<b>Current 5% Rate</b>	<b>6% Rate = 20% Increase</b>	<b>7% Rate = 40% Increase</b>	<b>1% Increase in Rate = 20% Increase</b>
<b>FY24 Estimated TOT</b>	<b>\$ 1,800,000</b>	<b>\$360,000</b>	<b>\$720,000</b>	<b>\$360,000</b>

Per State Code Section 58.1-3818 et seq., 3% of the first 5% (60%) must go towards tourism, with the excess over 5% being unrestricted. (See Included Code Section)

<b>CURRENT TOT RATE</b>	<b>5%</b>
<b>FY24 Estimated TOT Revenue</b>	<b>\$ 1,800,000</b>
<b>60% Restricted For Tourism (3%)</b>	<b>\$ 1,080,000</b>
<b>Unrestricted Revenue</b>	<b>\$ 720,000</b>

	<b>6% Rate</b>	<b>7% Rate</b>
<b>Total Annual Revenue</b>	<b>\$ 2,160,000</b>	<b>\$ 2,520,000</b>
<b>Revenue at 5% Rate</b>	<b>\$ 1,800,000</b>	<b>\$ 1,800,000</b>
<b>New Revenue</b>	<b>\$ 360,000</b>	<b>\$ 720,000</b>
<b>Restricted Revenue</b>	<b>\$ 1,080,000</b>	<b>\$ 1,080,000</b>
<b>Total Unrestricted Annual Revenue</b>	<b>\$ 1,080,000</b>	<b>\$ 1,440,000</b>

Area Transient Occupancy Tax Rates – July 1, 2023 (VA Dept. of Taxation) [transient-occupancy-tax-rate-chart\\_10.xlsx](https://www.tax.virginia.gov/transient-occupancy-tax-rate-chart_10.xlsx) (live.com)

<b>Locality</b>	<b>Rate</b>	<b>Additional Fees</b>
Nelson County - 2002	5%	
Albemarle County - 1985	8%	



Appomattox County - 2021	2%	
Amherst County - 2017	5%	
Lynchburg -2021	6.5%	\$1.00 per night
Campbell County -2012	2%	
Augusta County - 2021	6%	
Rockbridge County -2020	10%	
Buckingham County -2012	2%	
Fluvanna – 2023	5%	

**Commissioner of Revenue Recommendation:**

The Commissioner recommends making any changes to this rate effective in the month of January; each November the Commissioner’s Office gets the Transient Occupancy Tax package together to be mailed out in December.

**Effective Date and State Code Compliance: §58.1-210.1 Publication of local transient occupancy taxes:**

State Code Section §58.1-210.1 Publication of local transient occupancy taxes requires “**tax assessing officers to provide the Department of Taxation with at least 30 days’ notice prior to the effective date of any change in such rate. Any change in the rate of any local transient occupancy tax shall become effective no earlier than the first day of the calendar quarter following the calendar quarter in which the change in such rate is enacted**”. **Therefore, if O2023-02 is enacted on December 12<sup>th</sup>, the soonest it could be effective would be February 1, 2024 given immediate notice by the Commissioner of Revenue to the State Department of Taxation. This date would provide 30 days’ notice and is also after the first day of the calendar quarter following enactment, which is January 1, 2024.** (See Included Code Sections)

Several months lead time in implementing a change would allow for the Commissioner’s Office to re-vamp their forms and tax package for distribution and provide for ample notification to the State Department of Taxation pursuant to §58.1 -210.1, taxpayers, and third party intermediaries such as Airbnb and Vrbo.

**Conflict of Interest Provisions:**

State Code Section 2.2-3112 B (3) Prohibited conduct concerning personal interest in a transaction; exceptions states:

- B. An officer or employee of any state or local government or advisory agency who has a personal interest in a transaction may participate in the transaction:
- 3. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

Mr. Reed noted that Charlottesville’s TOT was 8 percent, the same as Albemarle County.

Ms. McGarry noted that the revenue estimates did not account for anyone that may drop off because of the increase, it was just a straight application of the percentages to the current revenue. She indicated that there may be some impact. Mr. Reed commented that the fee was being paid by visitors and not the citizens. He stated he was in favor of raising the rate, he noted that the biggest concern he had was the timing for it to be implemented. He suggested that it could be implemented into the next budget cycle. He noted that they could defer until budget discussions. He commented that they were going to need additional sources of revenue, noting that the School assessment (Local Composite Index) would give them a 13 percent increase in costs, before they even received additions from the Schools. He noted that cuts might need to be made to keep property tax rates at the same level. Mr. Reed was in favor of an increase to 7 percent. He commented that it was possible that at budget time, they may find that they did not allocate enough. He indicated that he was open to discussing when to implement the increase. He noted that it was difficult for vendors to deal with changes for reservations that have already been made.

Mr. Barton commented that it was a misconception that the TOT was a tax on the people of Nelson County. He noted that it was a tax on the people who visit Nelson County. He questioned whether a 2 percent increase would change people’s minds on whether to come to Nelson. He commented that he saw the 2 percent going towards recreation for the people of Nelson County. He noted that the additional revenues could increase the County’s borrowing ability, or could be put directly towards a recreation facility. He commented that bed and breakfasts were money makers, otherwise people would not be doing them.

Mr. Parr apologized for missing the July meeting when he was getting a new hip. He indicated that his feelings had not changed and it would have been a 3-2 vote if he had been present in July.

Mr. Rutherford noted his vote had not changed.

Mr. Barton moved to approve **Ordinance O2023-02** as amended to be effective July 1, 2024. Mr. Reed seconded the motion. There being no further discussion, Supervisors voted (3-2) with Mr. Parr and Mr. Rutherford voting no and the following ordinance was adopted:

**ORDINANCE 2023-02**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 11, TAXATION, ARTICLE VI TRANSIENT OCCUPANCY TAX**

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

*Amend*

**Sec. 11-131. Levy of tax on transient room rentals; collection generally.**

There is hereby imposed and levied upon every transient obtaining or occupying lodging within the county, in addition to all other taxes and fees of every kind now imposed by law, a tax equivalent to *seven (7) ~~five (5)~~* percent of the amount charged for such lodging. The tax shall be collected from transients in the manner and at the time provided for in this article.

**BE IT FURTHER ORDAINED**, that this ordinance becomes effective July 1, 2024.

**VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

A. Reports

1. County Administrator's Report

- A. Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). A final draft of the plan was tentatively scheduled for delivery by December 7<sup>th</sup> with public hearings to be held by the Planning Commission in late January and then by the Board of Supervisors in February. Staff is checking on the status of receipt of the final draft document and will follow up with the Board with this information.
- B. Piney River Solar, LLC Special Exception 2023-369 – Amherst County:** This matter has been further deferred until February 20<sup>th</sup>.
- C. Nelson County Service Authority (NCSA) Term Engineering Contract:** The Service Authority is under contract with the selected firm CHA and a meeting date for the scoping of the PERs is being coordinated. Staff will advise the Board of the cost proposals for this work when established.
- D. Nelson County Service Authority (NCSA) Blackwater Creek Reservoir Dredging:** The Service Authority is in the process of obtaining the necessary permits from DEQ and the Army Corps of Engineers in order to proceed with their planned reservoir dredging; which includes the need for a disposal site. As a path of least resistance, Service Authority staff have inquired about use of County owned property in the Henderson's Store area at 1288 Jenny's Creek in Piney River, for disposal of the dredged sediment. This property is 22.83 acres in size and contains 3 abandoned sewage drying beds that are a little over an acre in size, that would be a very suitable place for the disposition of the dredged sediment. On December 11<sup>th</sup>, Jeremy Marrs, our Erosion and Sediment Control program manager met with NCSA staff on site to discuss their plans and the County's expectations for project E&S control and compliance, should the County grant its permission. After the site visit Mr. Marrs reported to me that "There did not appear there would be any issues regarding Erosion and Sediment Control if we allowed the Service Authority to use the property for this purpose. There also did not appear this process would create any unwanted damage or liability to any other portions of the property. All applicable applications, documents and fees will need to be attained and approved by our department for the Erosion and Sediment Control portion of the project. The Service Authority and I have already discussed the process and they are aware of what is needed." As you all are aware, the capacity of this reservoir that serves Lovington, Shipman, Colleen, and Piney River is diminished by the build-up of about 1 acre in sediment since

its construction in 2004. According to NCSA calculations, dredging this material would restore this capacity by about 2.4 million gallons. Having resolution to the disposal question enables them to proceed in the permitting process. **With the Board's concurrence, I would like to provide the County's written permission for NCSA to use the approximately 1-acre area consisting of the 3 abandoned sewage drying beds on this property, for disposal of the dredged sediment; please advise.**

Mr. Reed noted he had spoken with Jennifer Fitzgerald at the Service Authority. He reported that Ms. Fitzgerald had stated that the report was very accurate. Mr. Reed spoke in his capacity as Chair of the Service Authority Board and noted that the site was perfect and he was in favor of it. Mr. Parr asked what it would smell like. Ms. McGarry noted that they were just dredging sediment from the treated water. Mr. Rutherford was curious on the transportation of materials. Mr. Reed noted that transportation was to be determined. The Board was in consensus to provide permission for the Service Authority to use the 1-acre acre at the County's property on Jenny's Creek.

**E. Route 151 Corridor Study Update:** VDOT has initiated an online public survey on the updated plan that will be live through January 2, 2024. The survey can be found at <https://publicinput.com/151corridoralts>. The survey flyer with this link and a QR Code to access the survey are available on the County's website.

**F. Presidential Primaries:** The County's Registrar has received notice from the Virginia Department of Elections that the Democratic and Republican parties of Virginia have both called for Presidential primaries on March 5, 2024.

**G. DSS Building:** A kickoff meeting with PMA Architects was held last week to review space needs, the budget, and to discuss the process going forward and draft schedule. The next meeting will be held on January 16<sup>th</sup> to review a preliminary floor plan and to discuss preliminary building interior and exterior design concepts. The preliminary schedule includes presentation of a schematic design and budget to the Board sometime in March, presentation of design development and budget to the Board sometime in June, and then presentation of final design and budget for the Board's approval to bid the project in September; with bids issued sometime in October and received in November. Staff will be working with Davenport and Sands Anderson on financing options and timeframes in the coming months.

**Ms. McGarry** noted that the delay in construction could be in the County's favor as far as interest rates and costs.

**H. Staff Reports:** Department and office reports for December have been provided.

## 2. Board Reports

Mr. Parr:

Mr. Parr had no report.

Mr. Reed:

Mr. Reed reported that the DEQ assessment of Hat and Black Creek was ongoing. He noted that they were going to have a meeting on January 10th that he would miss due to being out of town. He indicated that he had a conversation with a staff person at DEQ regarding Dillard creek being part of an extended watershed which includes Hat and Black Creek. He reported that he learned there had already been some biological monitoring of the Dillard Creek watershed which looked pretty good. He commented that there were elevated phosphorus levels in a few samples, which was normal for the area.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Barton:

Mr. Barton reported that the Jail Board would be meeting on Thursday to consider the interim financing.

Mr. Rutherford:

Mr. Rutherford reported that he attended the TJPDC meeting.

B. Appointments

Thomas Jefferson Water Resources Protection Foundation

Ms. Spivey reported that they were waiting to hear back from Andy Wright. She noted that they were also advertising the position.

Ms. Spivey noted that organizational appointments would take place in January.

C. Correspondence

Ms. McGarry noted the poinsettias had been provided to the Board by the School Board. She reported that they were grown in horticulture department at the high school. She relayed the School Board holiday greetings.

D. Directives

Letter of Thanks to Sheriff Hill

Mr. Barton thanked Sheriff Hill for his 8 years of service. Mr. Barton made a motion to thank Sheriff Hill with a letter of thanks. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Letter of Thanks to Mr. Barton

Mr. Harvey stated that they needed to thank Mr. Barton for his time that he has put in. Mr. Rutherford made a motion to thank Mr. Barton by letter and Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Mr. Harvey noted that Mr. Barton had been very responsive to the County and he always looked at what was best for the County. Mr. Harvey noted he had enjoyed having Mr. Barton on the Board, and he wished him the best in anything he did. Mr. Barton thanked Mr. Harvey, noting that it meant a lot.

Mr. Rutherford asked about the closed session and when it would be pertinent to include the incoming Board member. Mr. Payne suggested that they wait until the new member was sworn in.

**VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(7) & (A)(8)**

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711- (A)(7) - "Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body" – Litigation pertaining to the Region 2000 Services Authority; and, (A)(8) – "Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter." Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Barton seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Reed moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

At 6:03 p.m., Mr. Reed made a motion to adjourn and reconvene at 7:00 p.m. and Mr. Parr 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 five (5) Supervisors present to establish a quorum.

**II. PUBLIC COMMENTS**

*Houston Bryant and Daniel Campbell*

Mr. Bryant stated that he and Mr. Campbell were recent graduates of Nelson County High School and new alumni of the Nelson FFA chapter. He thanked the Board for their immense generosity towards their FFA Chapter. Mr. Bryant noted that over the years he had been in FFA, he thought they were the hardest working students in Nelson County High School out of any extracurricular activity. He commented that the funding from the Board helped them fundraise and go on trips. He reported on the success of their livestock team at the Virginia State Convention and the Big E competition in Massachusetts, where they placed third in both competitions. He noted they worked really hard to earn their achievements. He noted the successes of many Nelson FFA members and their teams. He also spoke on behalf of both the Nelson FFA and the Nelson FFA Alumni chapter to thank the Board for all of their support.

Mr. Rutherford noted they were glad to continue to support the FFA chapter. Mr. Harvey noted that the Board was very proud of them and they would support them.

Ms. Jeri Lloyd had signed up to speak but declined to speak.

There were no others wishing to be recognized.

**III. PUBLIC HEARINGS**

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

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

Ms. Hjulstrom presented the following:

**BACKGROUND:** This is a request for a special use permit for a campground use (6 sites) on property zoned A-1 Agriculture.

*Location / Election District:* 6973 North Fork Road / West District

*Tax Map Number(s) / Total Acreage:* 16-A-17 / 100.2 +/- total

*Engineer Information:* Shimp Engineering, P.C. (Justin Shimp), 912 East High Street, Charlottesville, VA 22902, 434-227-5140, justin@shimp-engineering.com

*Owner/Applicant Information:* Lacy Montebello LLC (Jerry Bowman), 130 W Plume Street, Norfolk, VA 23510, 757-243-1270, jbowman@evalaw.net

*Comments:* This property is primarily a wooded lot with an existing dwelling that is occupied by the property’s general manager. The applicant and owner is proposing to develop a portion of the property to be utilized for up to six (6) campsites. This number is reduced from the twenty (20) that were requested in the original application.

Major Site Plan #742 for nine (9) cabins (by-right vacation houses) was approved by the Planning Commission on February 22, 2023, and was finalized on April 5, 2023. Currently, four (4) cabins have been constructed. This project is in a different location, although on the same property. These “luxury campsites” are proposed to be tents on deck platforms with access to

utilities, accompanied by a bathhouse.

**DISCUSSION:**

*Land Use / Floodplain:* This area is residential and agricultural in nature; the majority of this area is wooded and mountainous. Zoning in the vicinity is A-1 Agriculture. There is some floodplain located on the property, although this site is not located within these bounds.

*Access / Traffic / Parking:* The property is proposed to be accessed by an existing entrance from North Fork Road. VDOT comments indicate that they have no concerns and will focus on the design of the entrance, which would likely fit a low volume or moderate volume commercial entrance. The existing cabins site is accessed by a separate entrance closer to Zinks Mill School Road.

*Utilities:* The campsites are proposed to have access to water and electricity, with a centrally located bathhouse. According to the narrative, each campsite is assigned one private stall in the bathhouse. Comments from the Health Department indicate they will require engineered design plans for well and septic.

*Erosion & Sediment Control:* Total disturbed area for this project is shown to be 1.74 acres. This requires an Erosion & Sediment Control Plan to be approved by the Building Inspections Department, and a Stormwater Management Plan to be approved by the Department of Environmental Quality (DEQ). To accommodate an often lengthy DEQ review process, the applicant is requesting an additional year to diligently pursue construction should the request be approved (total of two years from approval date).

*Comprehensive Plan:* This property is located in an area designated Rural and Farming on the Future Land Use Map, which “would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses.”

*Recommendation:* At their meeting on October 25, 2023, the Planning Commission voted unanimously (6-0) to recommend denial of SUP #1050 for a campground.

Should the Board of Supervisors consider approval of this SUP request, staff recommends discussion of the following conditions:

1. There shall be no more than six (6) sites.
2. The owner shall have an additional year to establish the use (two years from date of approval).

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Ms. Hjulstrom noted there were two (2) additional houses included in the site plan but they were by-right.

The Board had no questions for Ms. Hjulstrom.

Applicant and Project Engineer, Justin Shimp was present for the public hearing. Property owner Jerry Bowman was not present.

Mr. Shimp introduced Chris Bowman who resided on the property, which was owned by his father, Jerry Bowman. Mr. Shimp indicated that Chris Bowman managed the cabins, and he would also manage the campsites. He indicated that the sites were two person sites and they would stay for a maximum of three nights. He noted that there would not be a lot of people on the property. He indicated that they would be developing 2.7 acres out of 100 acres. He showed the cabin location and the tent sites. Mr. Shimp explained that the luxury campsites would be a platform with a tent. He noted that they were not all season tents, they would be used during fair weather months.



Mr. Shimp indicated that he lived in Afton and had two Airbnbs visible from his porch, noting that they were quieter than he was at his home. He noted there were concerns about the idea of short term rentals and people coming in. He commented that he thought the experience was that they were not high impact uses. He reported that the closest house was 715 feet away. He explained that the site was halfway up the mountain on an existing cleared location. Mr. Shimp indicated that the people on the property behind them would not have a view of the sites. He explained that private bathrooms would be located in the center of the 6 campsites. He also noted the two cabin locations shown at the top left of the site drawing (2 orange rectangles to the top right of site layout shown).

Mr. Shimp discussed the various other lodging options in the area, noting that there were 43 Airbnbs in the area, along with Montebello Resort (7 cabin sites, 38 RV sites, and 48 tent sites) and Crabtree Falls Campground as two examples. He commented that Crabtree Falls Campground was right by the road, and he noted that the proposed project he was discussing was about 1,000 feet from the road. He noted that the sites could only be accessed by car or truck, no one was going to be bringing an RV in there. He showed an image of the proposed tent set up.



Mr. Shimp explained that the cabins were built on piers so there was no grading done. He noted that the same would be done with the tent sites and they would essentially be building right on the grade. He estimated that they would be clearing about an acre of trees to build 6 tents where no one could see them. He commented that he did not think that was out of character with the neighborhood. Mr. Shimp noted that he had driven North Fork road a few times, and it not a great road. He indicated that they were about one-quarter mile from Zinks Mill School Road and there were places along that stretch of road where two vehicles could pass. He noted that it was not a significant development and it was using very little property. He noted that the proposed use, if implemented, would dis-incentivize other by right uses that would be more impactful. He commented that they could clear cut the mountainside, or do a subdivision of ten (10) lots, both of which would have significant environmental impact. He noted that it would probably be one of the smallest campgrounds in the area that already exist.

Mr. Chris Bowman reported that he resided on the property in Montebello. He stated that it was not going to be an RV campground. He indicated that the site was about four-tenths of a mile from North Fork Road and the site could not be seen from North Fork Road. He explained that the site was 400 feet up the mountain and hidden behind trees. He noted that by-right they could build cabins, but they were trying to reduce environmental impact by having the campsites and reduce costs.

Mr. Barton asked how many campsites were initially proposed. Mr. Shimp noted it had originally been 20 campsites but was scaled back to 6 campsites. Mr. Barton asked why they reduced the number of sites. Mr. Shimp commented that there had been a thought that the project would be phased, but he noted people's concerns and they scaled it back to show that it was not an issue, before they asked to expand. Mr. Bowman noted that Planning Commission had suggested 6 sites after the fact.

Mr. Rutherford opened the public hearing.

*Jeri Lloyd - Afton, VA*

Ms. Lloyd stated that she, along with 29 other letters in the packet, was also opposed to the project. She referenced the application for the special use permit where it was indicated that the project would do something about long term housing. She noted this was a short term rental and the project would not have an impact on long term housing at all. She indicated that the roads being discussed were one lane roads. She noted concerns of fire at the glamping sites, particularly with the flue and fireplace in the tent. She commented that glamping was supposed to be expensive and glamorous, it was not affordable. Ms. Lloyd noted that there were supposed to be separate restroom facilities but people could pick locks. She indicated that the project would impact the road, and there would be problems with being able to get in and out for fire and rescue. She noted that the application said 1.74 acres and the developer mentioned 2.1 acres and some change. She asked how much more would be put on the mountain. She commented that the developer had projects in the County that he had not even finished.

*Don Forscyth - Montebello, VA*

Mr. Forscyth commented that he would see everything they built on that property. He noted that if he had more time, he could probably dispute everything that had been said about the project. He noted the four (4) criteria set by the Planning Commission. He commented that it was a residential area where they were trying to put a commercial business. He noted that it would impact their neighborhood, property values, way of life, infrastructure and road use. He commented that they loved being on the mountain, and liked the solitude. He indicated that there would be impacts to the environment. He commented that he would have to share an aquifer with the place, noting that he would be drawing his water from the same place



where they would be dumping their sewage into. He suggested that it was a bad idea for that location. He commented that he would rather see the campground somewhere zoned for a commercial establishment.

*Wade Lanning - Montebello, VA*

Mr. Lanning noted that his property had been in his family since 1962, so he had been there many years. Mr. Lanning stated that he and his wife were strongly opposed to approval of the permit. He noted that they had numerous concerns related to traffic safety issues and issues with the draft Comprehensive Plan for the County. He described upper North Fork Road, noting that the dwellings were sparse, there were quiet conditions, and low traffic. He commented that the application listed that there could be up to 32 trips per day to the proposed campground. He noted that with the nine (9) cabins already approved, there could be up to 68 trips per day on North Fork Road. He reported that there were narrow sections of North Fork that were only wide enough for one vehicle. He noted that according to the applicant, a vehicle may have to back up as much as 600 feet to find a place to pass. He indicated that there were blind turns just near the campground. He emphasized that the additional traffic on the narrow road with blind turns could critically impact emergency response times. He stated that the development did not appear to align with the portion of the Comprehensive Plan regarding rural preservation. He reported that there were currently about 40 dwellings along the 7 miles of North Fork Road, with most located within 2 miles of the Route 56 entrance. He estimated that 20 of those homes were recreational homes, of which about six (6) were short term rentals. He noted that project, along with the nine (9) cabins already approved, there were 17 short term rentals planned by the applicant, which was almost three (3) times as many existing. He noted that there needed to be consideration for the impact on the adjoining landowners and residents in the area. Mr. Lanning asked the Board to deny the special use permit application. He suggested that until the Comprehensive Plan and code revisions were completed, a moratorium should be placed on short term rental construction in the Montebello area, including the five (5) remaining cabins that had not yet been built by the applicant. He asked to update the Comprehensive Plan to address specifically address overgrowth in the area.

*Charles Kaye - Montebello, VA*

Mr. Kaye stated that he and his wife, Sarah, owned two lots, both adjacent to the proposed project. He noted that it was very disconcerting for the applicants to change the plan between the two (2) meetings from 20 sites to six (6) sites. He indicated that the project was a bad idea and noted the number of people who had written and who were present that evening. He stated that the only person who wanted the project and would benefit from it was the developer. He commented that glamping was camping, and he noted the usual issues with camping were theft, traffic, light and noise pollution. He noted that the applicant claimed the project would provide employment for the area. He commented that may be true in the short term during construction, but from what he understood, the family would be running it. He noted that the family had never run a campground before. He noted that the claim of alleviating the housing shortage in the area was ridiculous. He stated that there were multiple campgrounds in area and none were ever full, except on major holidays, so he did not see what need they would be meeting. He noted that the claim that the project would add to Nelson County revenue, was most likely not true. Mr. Kaye cited a Perdue University study which showed that most all new development had a negative impact, requiring an increase in property taxes. He explained that from the top of his property, he would have a line of sight to whole project. He noted that the intersection at Route 56 had a blind exit from both directions. He noted possible trespassing issues on his property and potential lawsuits from injured trespassers. Mr. Kaye noted his primary concern was the risk of wildfire. He asked the Board to say no to the project.

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

Mr. Shimp commented that by building these type of units, it did alleviate pressure on housing in the County. He noted that there were many houses that had been converted from family homes to short term rentals. He commented that it sounded like many of folks on North Fork Road had already done that. He noted that VDOT had no issues. Mr. Shimp explained that new 1.7 acres was for the tents plus the one (1) acre previously used for the cabins, which was 2.73 acres roughly, out of 100 acres. He thought it was a good project and hoped that the Board would support it.

Mr. Chris Bowman noted the traffic concerns and reiterated that they were located one-quarter mile down North Fork Road and the people concerned about that lived further down the road. He commented that they all received deliveries from UPS and Amazon daily with no issues.

Mr. Reed asked what the distance was from North Fork Road to the entrance to Route 56. Mr. Bowman estimated it was 1.25 miles to Route 56.

The Board had no other questions.

Mr. Barton understood that camping could be low impact but it was a commercial venture in a residential area. He concurred with the Planning Commission who voted 6-0 against recommending the special use permit. Mr. Barton noted he meant to vote against it.

Mr. Reed noted his vote on Planning Commission was to deny the application. He indicated that he had visited the site and driven on North Fork. He commented that it was hard to understand how VDOT did not see it to be a transportation problem. Mr. Reed indicated the he remained not in favor.

Mr. Harvey commented that he did not really have a lot of problem with it. He noted that it was in the mountains, and there were multiple places like it. He pointed out that it was a great alternative to what they could do, which would be to ask for two (2) acre lots. He did not think he would have a lot of problem with it.

Mr. Parr noted that he appreciated the opportunity they had for by-right use and he understood what they could do with the property. He indicated that he was hesitant and the biggest reason for him not supporting it was because they were in the middle of the Comprehensive Plan process and new zoning ordinances, so he was hesitant to approve special use permits at this point. He stated that he realized that they did have by-right use of the property, and that did not come into play for this special use permit request.

Mr. Rutherford noted that he was always sympathetic of impacts, and he concurred with the preservation of rural character. Mr. Rutherford commented that times changed and areas changed. He thought it was important to have perspective. He pointed out that the by-right use on 100 acres was quite a bit. He noted they could clear cut it or subdivide it. He noted if the consensus of the Board was to disapprove, he would disapprove it. He suggested that everyone should be active in the Comprehensive Plan and the ordinances that would follow it and how they would determine things that were by-right. He reiterated that the applicant had a lot of by-right options. He noted that people had valid perspective and concerns.

Mr. Barton made a motion to deny **Special Use Permit #1050** and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted (4-1) by roll call vote to approve motion, with Mr. Harvey voting no.

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

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

Ms. McGarry provided a presentation on proposed Ordinance O2023-07. She reviewed the Virginia State Code Authority §58.1-3210 and §58.1-3212.

Ms. McGarry reported that Commissioner of Revenue Pam Campbell had requested that the Board review the Real Estate tax exemptions for the Elderly and Disabled, in which Ms. Campbell had noted that the rates had not been changed in 16 years, since 2007 while values had increased significantly. Ms. McGarry reviewed the following changes recommended by Ms. Campbell to be effective for the 2024 tax year:

- Raising the maximum income threshold from \$50,000 per year to \$75,000 per year
- Raising the maximum net worth threshold from \$100,000 per year to \$125,000 per year

Ms. McGarry reported that the Board of Supervisors authorized the public hearing on the proposed County Code amendments on November 16, 2023, via adoption of Resolution R2023-70. Ms. McGarry confirmed that the public hearing notice was published in the November 30, 2023 and December 7, 2023 editions of the Nelson County Times, in compliance with State Code §15.2-1427.

Ms. McGarry reviewed Chapter 11, Taxation, Article II Division 2 Exemptions for Elderly and Disabled and showed the proposed amendments to the County Code on the screen. She reported that the current tax revenue value of the existing tax exemption for the 2023 tax year was \$123,262. She indicated that the financial impact of the proposed changes was uncertain as there was no way of knowing how they would impact citizen eligibility or how many eligible citizens would apply and be approved for relief.

Mr. Rutherford opened the public hearing.

*Jeri Lloyd - Afton, VA*

Ms. Lloyd noted she had some questions. She asked about the value of not more than one (1) acres of property, if the person lived on two (2) acres. Ms. McGarry clarified that it would only be one (1) acre of exemption.

*Philip Purvis - Shipman, VA*

Mr. Purvis stated that they needed to do all they could to support disabled people, noting they were looking at hard times. He commented that they needed to look out for elderly and disabled. He wished it was more than just one (1) acre. Mr. Purvis stated that he would like to see the Board do what they could to support the elderly and disabled.

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

Mr. Reed moved to approve **Ordinance O2023-07** as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion (4-1) by roll call vote, with Mr. Harvey voting no, and the following ordinance was adopted:

**ORDINANCE O2023-07**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 11, TAXATION, ARTICLE II, DIVISION 2**  
**EXEMPTIONS FOR ELDERLY AND DISABLED**

*DIVISION 2. EXEMPTIONS FOR ELDERLY  
AND DISABLED<sup>1</sup>*

DRAFT

---

<sup>1</sup>Editor's note(s)—A resolution adopted July 9, 1991, deleted former Div. 2, §§ 11-41—11-45, relative to exemptions for elderly and disabled, and enacted a new Div. 2 to read as herein set out. The provision of former Div. 2 derived from §§ 1—5 of an ordinance adopted May 10, 1977, and resolutions adopted Feb. 8, 1983; Feb. 9, 1988; and May 9, 1989.

**Sec. 11-41. Authorization.**

Pursuant to the provision of Section 58.1-3210 et seq. of the Code of Virginia the governing body for Nelson County hereby adopts this division for the exemption from taxation of real estate which is owned by and occupied as the sole dwelling of any person sixty-five (65) years of age or any person permanently and totally disabled as defined herein.

(Res. of 7-9-91)

**Sec. 11-42. Administration.**

The real estate tax exemption shall be administered by the Commissioner of Revenue for Nelson County according to the provisions of this division. The commissioner of revenue is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of the Code of Virginia, Title 58.1, Chapter 32, including an affidavit setting forth (i) the names of the related persons occupying such real estate and (ii) that the total combined net worth, including equitable interest and a combined income from all sources of the person specified in section 11-43 do not exceed the limits prescribed herein. The commissioner may make other reasonable necessary inquiry of persons seeking such exemption, requiring answers under oath, to determine qualifications as Specified herein, including qualification as permanently and totally disabled. The commissioner may request the applicant to submit certified tax returns to establish the income or financial worth of any application for tax relief.

(Res. of 7-9-91)

**Amend**

**Sec. 11-43. Restrictions and conditions.**

Any exemption from real estate taxes shall be subject to the following:

- (1) Such real estate shall be owned by, and be occupied as the sole dwelling of anyone (i) at least sixty-five (65) years of age or (ii) found to be permanently and totally disabled as defined below. A dwelling jointly held by a husband and wife, with no other joint owners, may qualify if either spouse is sixty-five (65) or over or is permanently and totally disabled. For purposes of this division, the term "permanently and totally disabled" shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.
- (2) For purposes of this division, the applicant must be (i) at least age sixty-five (65) as of May 15 of the taxable year for which an application is made or (ii) is permanently and totally disabled. Under subsection (1), real property owned and occupied as the sole dwelling of an eligible applicant includes real property (i) held by the applicant alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the applicant or the applicant and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an applicant alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The exemption is not applicable to any interest held under a leasehold or term of years. For purposes of this division, any reference to real estate shall include manufactured homes.
- (3) The total combined income received from all sources during the preceding calendar year by:
  - a. Owners of the dwelling used as their principal residence; and
  - b. Owners' relatives who live in the dwelling shall not exceed ~~fifty thousand dollars (\$50,000.00)~~ **seventy-five thousand dollars (\$75,000)** provided, however, that the amount of six thousand

dollars (\$6,000.00) of income of each relative who is not a spouse of the owner living in the dwelling and who does not qualify for the exemption provided in subsection (4) hereof shall not be included in the total combined income calculation, and further provided that the amount of six thousand dollars (\$6,000.00) income for an owner who is permanently disabled shall not be included in such total.

- (4) The income of owners' relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, shall not be counted towards the income limit set forth in the preceding subsection.
- (5) The net combined financial worth, including the present value of all equitable interest, as of December 31 of the immediately preceding calendar year, of the owners, and the spouse of any owner, excluding the value of the dwelling and not more than one (1) acre of land upon which it is situated, and the furniture, household appliances and other items typically used in a home, shall not exceed ~~one hundred thousand dollars (\$100,000.00)~~ **one hundred twenty-five thousand dollars (\$125,000)**.

(Res. of 7-9-91; Res. of 5-11-93; Ord. of 3-11-97; Ord. of 12-10-02; Ord. No. O2007-010, 11-15-07; Ord. No. O2016-07, 11-8-16)

#### **Sec. 11-44. Application of exemption.**

Application for exemption shall be filed between January 2 to February 15 of each year with the commissioner of revenue on forms supplied by that office which will include an affidavit setting forth, inter alia, (i) names of related persons occupying such real estate and a combined net worth, including equitable interest, and a combined income from all sources of the persons specified in section 11-43.

(Res. of 7-9-91; Ord. of 12-14-99)

#### **Sec. 11-45. Absence from residence.**

The fact that persons who are otherwise qualified for tax exemptions reside in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(Res. of 7-9-91)

#### **Sec. 11-46. Notice.**

The Treasurer of Nelson County is hereby directed to include written notice, in each real estate tax bill, of the terms and conditions of this local real estate tax exemption. In addition, the treasurer shall give notice by advertisement of the real estate tax exemption program for two (2) consecutive weeks in a newspaper having a general circulation in Nelson County.

(Res. of 7-9-91)

#### **Sec. 11-47. Change in circumstances.**

Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and having the effect of exceeding or violating the limitations provided herein shall nullify the exemption for the remainder of current taxable year and the taxable year immediately following.

Any change in the ownership of real property to a spouse that results solely from the death of the qualifying individual, or the sale of such property, shall result in a proration of the exemption from the date of sale for the current taxable year. Such prorated portion shall be determined by multiplying the amount of the exemption by a

fraction wherein the number of complete months of the years such property was properly eligible for exemption is the numerator and the number twelve (12) is the denominator.

(Res. of 7-9-91)

**Amend**

**Sec. 11-48. Determination of exemption.**

The percentage of exemption available to an owner or owners qualified pursuant to section 11-43 shall be determined from the following table. The minimum exemption is ten (10) percent and the maximum, eighty (80) percent.

\$ Income	\$ Net Worth				
	0—20,000	20,001— 40,000	40,001— 80,000	60,001— 80,000	80,001— 100,000
0—12,500	80%	70%	60%	50%	40%
12,501— 25,000	70%	60%	50%	40%	30%
25,001— 37,500	60%	50%	40%	30%	20%
37,501— 50,000	50%	40%	30%	20%	10%

\$ Income	\$ Net Worth				
	0—25,000	25,001— 50,000	50,001— 75,000	75,001— 100,000	100,001— 125,000
0—18,750	80%	70%	60%	50%	40%
18,751— 37,500	70%	60%	50%	40%	30%
37,501— 56,250	60%	50%	40%	30%	20%
56,251— 75,000	50%	40%	30%	20%	10%

(Ord. No. O2007-010, 11-15-07)

**Secs. 11-49—11-60. Reserved.**

**BE IT FURTHER ORDAINED**, that this ordinance becomes effective January 1, 2024.

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

**A. Local Burn Ban**

The Board discussed removing the burn ban. Mr. Rutherford noted it had rain a lot and the Fire Departments and Department of Forestry were good with it. Mr. Parr noted he had reached out to folks and gotten support for rescinding the burn ban. He indicated that there had been a few concerns but overall there was support for removing the ban. Mr. Rutherford noted that there was always an opportunity to call a special meeting if the need for another burn ban existed. Mr. Parr reported that Amherst had just lifted their ban also. Ms. McGarry indicated that the Extension office supported lifting the ban also.

Mr. Parr moved to adopt **Resolution R2023-80** and Mr. Barton seconded the motion. There being no further discussion, Supervisors approve the motion unanimously (5-0) by roll call vote and the following resolution was approved:

**RESOLUTION R2023-80  
NELSON COUNTY BOARD OF SUPERVISORS  
TERMINATION OF LOCAL DROUGHT EMERGENCY AND  
BAN ON OPEN AIR BURNING**

**BE IT RESOLVED**, by the Nelson County Board of Supervisors that in its judgement, the County has received significant rainfall that has decreased the fire risk that prompted enactment of Resolution R2023-74 Declaration of Local Drought Emergency and Emergency Ordinance 2023-01 Local Burn Ban, and

**BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors hereby deems that all necessary emergency actions have been taken and the ban on open air burning enacted in Ordinance O2023-01, is hereby terminated effective immediately.

Ms. McGarry noted that the rescension of the burn ban was effective immediately.

**V. ADJOURNMENT**

Mr. Barton stated that he had enjoyed working with everyone and he noted that they had Nelson County at heart. He noted that they really needed a place to gather as a community, and he asked that everyone think about it.

Mr. Rutherford noted it had been a pleasure and Mr. Barton had contributed a lot in his four years.

At 8:03 p.m., Mr. Harvey moved to adjourn the meeting and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted to approve the motion by vote of acclamation and the meeting adjourned.