

Virginia:

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

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

I. CALL TO ORDER

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

Introduction of New Employee

Ms. Linda Staton introduced newly hired Finance and Human Resources Specialist, Sandy Jennings-Neblett. Ms. Staton noted that Ms. Neblett received her Bachelor’s degree from Sweet Briar College and Master’s degree from the University of Virginia. She commented that Ms. Neblett would be a great asset to the Finance and Human Resources team.

II. PUBLIC COMMENTS

William Percy – Lovingston, VA

Mr. Percy requested that the Board to consider a motion to apply for VDOT Smart Scale evaluation for an unrestricted overpass at Route 29 and Callohill. He also requested the Board to make a motion to approve the camera speed control program and enter into a contract with Blue Line Solutions as soon as possible. Mr. Percy also thanked VDOT for the program at the community center for the 151 Corridor and possible solutions. He thanked Mr. Robert Brown and Mr. Rick Youngblood of VDOT for their work.

Edith Napier - Arrington, VA

Ms. Napier spoke on the Wild Rose Solar Project to be presented later in the meeting. She commented that the limited information she had seen left more questions than answers. She noted that she had attended the presentation held at Nelson Heritage Center. She noted that the people being affected were in the Gladstone area, and commented that the presentation should have been given in Gladstone at the community center. She asked the County to look at the full implications of the project, because it was going to be a huge project. Ms. Napier also asked that the Board look and inquire about the income and jobs for citizens of Nelson. She wanted the Board to make sure that the County would receive its share of the money. She noted that low cost electricity was listed as an objective of the project, and asked if it would impact the Nelson citizens at all. Ms. Napier state that she was not for or against the project, she just asked for the Board to get more information.

Janet Rollings - Afton, VA

Ms. Rollings commented that she also wished to speak on the solar project. She noted that she lived in the far north western portion of the County. She explained that her neighbors across the street lived in Augusta County where they had 19 solar projects in the works. She noted that she had apprehension regarding the number of projects seeking approval in Augusta, and soon to be seeking approval Nelson. Ms. Rollings noted that she was concerned about the potential adverse effects it would have on our community. She explained that the projects in Augusta were rushing to get projects approved prior to the completion of their Comprehensive Master Plan. Ms. Rollings noted that farmers had been offered assurances with very lucrative lease packages for allowing solar farms on their farms. She commented that the Augusta Board meetings had become very contentious due to the assurances offered, with neighbor pitted against neighbor. She noted that the growing volume of the proposed projects raised concerns about the cumulative impact on our environment, infrastructure, and overall quality of life. She commented that the companies coming in did not live here, and the citizens would be the ones to bear the brunt of the project. She noted that they needed to take lessons from other counties and what they were dealing with.

III. CONSENT AGENDA

Mr. Parr made motion to approve the Consent Agenda as presented and Mr. Reed seconded the motion.

Mr. Rutherford noted he was abstaining from the vote. There being no further discussion, Supervisors approved the motion by vote of acclamation, with Mr. Rutherford abstaining, and the following resolutions were adopted:

A. Resolution – **R2023-66** Minutes for Approval

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

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

B. Resolution – **R2023-40C** FY24 Budget Adoption Correction

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County, Virginia that the Fiscal Year 2023-2024 Budget be hereby adopted in the total amount (all funds, revenues and expenditures) of **\$95,163,565**. The individual fund totals are denoted as follows:

<u>Fund</u>	<u>Budget</u>
General	\$ 50,222,334.00
VPA(DSS)	\$ 2,111,079.00
Debt Service	\$ 6,341,318.00
Capital	\$ 705,251.00
School	\$ 34,694,395.00
Textbook	\$ 595,000.00
Cafeteria	\$ 299,280.00
Piney River Water/Sewer	\$ 194,908.00

- 1) The General Fund includes \$2,894,977 in COVID-19 Stimulus Funding and \$24,066,135 in local funding transferred to: The Reassessment Fund \$85,000, the Debt Service Fund \$3,325,284 (\$3,165,368 debt service and \$159,916 reserve), the Piney River Water & Sewer Fund \$0, and the School Fund \$18,544,772 (\$18,379,837 for general operations and \$164,935 allocated for school nurses). Also included is \$2,111,079 in local, state, and federal funds transferred to the VPA Fund (DSS) and contingency/reserve funds of: Recurring Contingency \$509,702, Non-Recurring Contingency \$399,920, and School Capital Reserve \$0.
- 2) The School Fund includes a transfer of \$184,803 to the Textbook Fund and \$3,884,299 in Federal COVID-19 Stimulus Funding.

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

C. Resolution – **R2023-41C** FY24 Budget Appropriation Correction

CORRECTED
RESOLUTION R2023-41C
FISCAL YEAR 2023-2024
APPROPRIATION OF FUNDS

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

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

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

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

<u>Fund</u>	<u>Revenue(s)</u> <u>(All Sources)</u>	<u>Expenditure(s)</u> <u>(All Departments)</u>
General	\$50,222,334.00	\$50,222,334.00
VPA (DSS)	\$ 2,111,079.00	\$ 2,111,079.00
Debt Service	\$ 6,341,318.00	\$ 6,341,318.00
Capital	\$ 705,251.00	\$ 705,251.00
School	\$34,694,395.00	\$34,694,395.00
Textbook	\$ 595,000.00	\$ 595,000.00
Cafeteria	\$ 299,280.00	\$ 299,280.00
Piney River Water/Sewer	\$ 194,908.00	\$ 194,908.00
	<u>\$95,163,565.00</u>	<u>\$95,163,565.00</u>

BE IT FURTHER RESOLVED by the Board of Supervisors that:

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

D. Resolution – **R2023-67** FY24 Budget Amendment

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

I. Appropriation of Funds (General Fund)

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

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

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

III. Appropriation of Funds (School Fund)

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

IV. PROCLAMATION – NOVEMBER 26, 2023 ARTISTS SUNDAY (P2023-04)

Mr. Reed read **Proclamation P2023-04** and made a motion for its approval with the change of wording from city to county. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

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

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

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

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

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

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

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

Artists Sunday

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

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

V. EMERGENCY ORDINANCE 2023-01– BURN BAN

Mr. Rutherford commented on the conditions outside, noting that the Board felt it was pertinent to put a burn ban in place. Ms. McGarry explained that there was a proposed resolution R2023-74 to declare a local drought emergency, as well as an emergency ordinance. She provided some statistics from the National Drought Monitor. She reported that 14.27 percent of the County was in extreme drought (near Augusta County border), 49.65 percent in severe drought (west of Route 29), and 36.08 percent in moderate drought (east of Route 29). She indicated that the Rockfish, Tye, and Piney Rivers were much below normal status. She noted that the County has received a USDA disaster designation from the United States Department of Agriculture (USDA), as Nelson County was contiguous to the designated primary County of Augusta She commented that this designation would provide agricultural producers access to USDA disaster assistance programs, including emergency loans.

Ms. McGarry explained that Resolution R2023-74, Declaration of Local Drought Emergency, was authorized by County Code, Chapter 2, Article III, Section 2-74 and 2-75, State Code §44-146.21 and §15.2-922.1, and establish the authority to regulate or prohibit open air outdoor burning on private property, in addition to public property. She noted that the drought emergency would be effective until the County received significant rainfall that decreased the fire risk, and the Board has deemed that all necessary emergency actions have been taken.

Ms. McGarry noted that in addition to the Local Drought Declaration, staff wanted the Board to consider enacting Emergency Ordinance 2023-01 which would be a local burn ban. She noted that the State Code authority sections were §15.2-1427 (F), §15.2-922.1, and §18.2-11. She explained that the emergency ordinance would prohibit the making of fires in streets, alleys, and other public places and on private property. She reported that violations of the ordinance would punishable as a Class 2 misdemeanor, which could mean up to six (6) months in jail, or up to a \$1,000 fine. She noted that the emergency ordinance would expire in 60 days unless readopted with the provisions of the Code of Virginia.

Mr. Barton moved to approve **Resolution R2023-74** and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2023-74
NELSON COUNTY BOARD OF SUPERVISORS
DECLARATION OF LOCAL DROUGHT EMERGENCY
(NOVEMBER 16, 2023)**

WHEREAS, Pursuant to the Code of Nelson County, Virginia Chapter 2, Article III, Section 2-74, §44-146.21 and §15.2-922.1 of the State Code of Virginia 1950 as Amended, a local state of emergency due to drought and ban on open air outdoor burning in Nelson County is declared on this November 16, 2023; and

WHEREAS, the declaration of local drought emergency and ban on open air outdoor burning in Nelson County has been precipitated by dangerously dry conditions throughout the county that are favorable for rapid fire spread due to the lack of measurable rainfall, and

WHEREAS, the rainfall for the spring/summer growing season has been extremely low across most of Nelson County, and

WHEREAS, Virginia Cooperative Extension, investigating the effects of the drought on local agriculture, has determined that the lack of rainfall has caused significant yield losses for hay and livestock producers; and losses will continue to be seen during the winter months as hay and pasture stockpiles dwindle,

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby declare a local emergency due to drought and hereby adopts attached Emergency Ordinance 2023-01 to enact a ban on open air outdoor burning; which will remain in effect until the sooner of sixty (60) days, unless re-adopted in conformity with the provisions of §15.2-1427(F) of the State Code of Virginia; or such time that the County receives significant rainfall that decreases fire risk and the Board, in its judgement, has deemed that all necessary emergency actions have been taken.

Mr. Reed moved to approve **Emergency Ordinance 2023-01** as presented. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following emergency ordinance was adopted:

**EMERGENCY ORDINANCE 2023-01
NELSON COUNTY BOARD OF SUPERVISORS
LOCAL BURN BAN
(November 16, 2023)**

WHEREAS, there exist extremely dry conditions which create an immediate and substantial threat of fire; and,

WHEREAS, it is appropriate and necessary that an emergency ordinance be adopted banning open air burning;

NOW, THEREFORE, pursuant to Sections 15.2-1427 (F) and 15.2-922.1 of the Code of Virginia,
BE IT ENACTED:

1. The making of fires in streets, alleys, and other public places and on private property is hereby prohibited.
2. Violation of this ordinance shall be punishable as a Class 2 misdemeanor.
3. This ordinance shall expire in sixty days unless readopted in conformity with the provisions of the Code of Virginia.

Mr. Rutherford and Ms. McGarry confirmed that the local drought emergency and burn ban were effective immediately.

VI. PRESENTATIONS

A. VDOT Report

Mr. Rutherford noted that VDOT was unable to attend the day’s meeting and he asked that staff be provided with any comments to VDOT.

B. Proposed Solar Development – Savion, LLC (Jeannine Johnson)

Mr. Rutherford commented that the proposed solar development was not something that the Board would be voting on that day, noting that it was just an initial presentation.

Ms. Bishop explained that her office had been in communication with Savion for over a year to prepare for the application that they were preparing. She indicated that this would be the first utility scale proposal received in Nelson. She reported that the Board adopted the County’s solar ordinance in 2021, after a thorough development process with the Planning Commission. She noted that this would go through the special use permit process, which meant it would go to the Planning Commission, and then to the Board of Supervisors with all of the applicable notice requirements. She commented that they were discussing holding another community meeting in partnership with the County. Ms. Bishop then introduced Jeannine Johnson and Lauren Devine with Savion.

Ms. Johnson commented that she was the Development Manager on the Wild Rose Solar Project. She noted that Lauren Devine was the Senior Permitting and Environmental Lead for the project. Ms. Johnson thanked everyone for the comments earlier. She noted that they were there to provide a presentation and had not filed for a special use permit yet. She stated that the goal for the meeting was to inform about solar development, provide a brief overview of the project, and hear any comments or concerns. Ms. Johnson reported that Savion was founded in 2019. She noted that they were a utility-scale solar developer, which meant that they generated solar power and fed it onto the grid to supply the utility with energy. She indicated that Savion was based in Kansas City, Missouri, with over 190 employees. She noted that they had experts in engineering, procurement, permitting and development. Ms. Johnson reported that Savion had 33 projects across 13 states that were currently in operation, or under construction. She then noted that they had about 90 projects in solar development and battery storage development across 27 states.

Ms. Johnson discussed solar energy and how it worked. She explained that the solar panels absorbed the sunlight and the photovoltaic panels converted sunlight into electricity. She noted that the electricity went from the panels to the inverter which converted the DC electricity to AC electricity. She explained that the electricity was then distributed onto the electrical grid and then to the smaller power lines and across the community. She showed photos of the piles and racking system.



Ms. Johnson explained that they had two different types of racking. She noted that the fixed tilt racking was where the racking sat at a fixed angle and absorbed energy from the sun. She explained that the other racking system was single axis tracking, which meant the racking shifted as the sun came across and the panels would track the sun to allow for more efficient energy production throughout the day, and then the panels would reset at the end of the day. Ms. Johnson showed a few photos of their solar development projects in operation.



Ms. Johnson explained that solar power was cost effective compared to other energy producers, and once a solar project was built there was very little maintenance. She noted that maintenance consisted of vegetative maintenance and making sure that panels were still operational and efficient. She reported that the life of a solar project was generally 35 to 40 years. She commented that solar power was a reliable and sustainable way to put energy on the grid, and it created grid diversification. Ms. Johnson noted that solar power produced positive economic impacts. She explained that during construction there would be an uptick in lodging and gas revenues. She also noted that the local tax base would be impacted as there would be increases tax revenues to the County from the project.

Ms. Johnson reviewed the typical development process. She noted that projects can take about 4 to 7 years from inception to construction. She noted that the project had three (3) stages - Early, Mid and Late stage.

She explained that the Early stage was when agreements were being signed with landowners. She noted that they typically held lease agreements with the landowners and when the project was finished, they would decommission the project, restore the land and turn it back over to the landowner. She noted that the Wild Rose was between Early and Mid-stage.

Typical Development Process

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

Ms. Johnson explained that the Field Environmental Study in the Early Stage meant they were looking at project from desktop perspective. She noted that this was where they took a high level look at wetlands as well as threatened and endangered species to see if there were any potential impacts from the project, and how they could be avoided. She noted that once they had a project, they needed to have site control and an interconnection application needed to be filed with the utility. She explained that they would be working with American Electric Power (AEP). She noted that once they filed the application, the utility would study the project and report back on how much it would cost to put the project on the grid. She explained that the utility would also determine what upgrades would be needed to their infrastructure to take the project on.

Ms. Johnson explained that during Mid-State, they had site control finalized with landowners and they were obtaining permitting as required. She explained that they would need a Special Use Permit for the project with Nelson County. She noted that they would also be going through the Permit by Rule process, which was a State permit process with DEQ. She explained that other items during Mid-Stage would include a System Impact study, as well as field studies. She noted that another major part of the project was the Power Purchase agreement. She explained that during the Late Stage, they would have a signed power purchase agreement with a utility, and they would be working on design and engineering. She noted that the procurement of all materials for the project would take place during the Late stage.

Ms. Johnson then discussed the proposed Wild Rose Solar Project in Gladstone. She explained that they were proposing a 90 mega-watt (MW) Solar Project which was equivalent to powering about 14,000 Virginia homes. She noted that they were working with AEP, and they would be tying in to the Gladstone Substation which was located off of Route 60 in Nelson County.

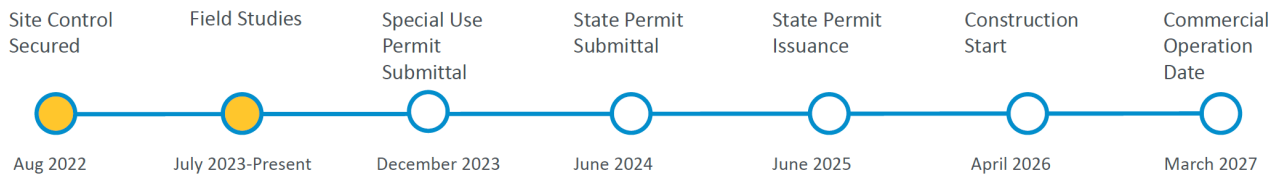
Ms. Johnson explained the PJM was a Regional Transmission Organization (RTO) and they regulate Savion's processes with AEP and act as a liaison between energy producers and the local utility. She noted that they worked through PJM to work with AEP. She reported that they did have 100 percent of the site secured, noting it was a large timber tract that allowed for significant project setbacks from the property lines. Ms. Johnson noted that they had not identified any significant environmental issues. She reported that the property was located on Route 60. She noted that the property was about 2,500 acres, and the proposed project would be about 500 acres under panels. Ms. Johnson reported that construction would start some time in 2026, and the design will probably change several times before construction started. She

emphasized that they were looking at that size property right now so they could be sure to avoid any environmental issues along the way.

Ms. Johnson discussed the local economic impact to the County. She noted that construction for the project would take about one year to complete. She explained that the economic impact would be the taxes that would be paid to the County. She noted that there was no on local infrastructure and there was very minimal water usage. She commented that the project could be a silent revenue generator for Nelson County. She explained that there would be about 250 construction jobs for about one year. She explained that there were skilled workers needed to install the solar, but she noted that they also looked for landscapers to remove trees, and also to plant trees and vegetative buffers. She indicated that there were opportunities for local companies to get involved. Ms. Johnson explained that throughout the life of the project, they would employ 2 to 5 people in permanent jobs to maintain the site.

Ms. Johnson reviewed the milestone schedule for the project.

Milestone Schedule WILD ROSE SOLAR PROJECT



Ms. Johnson reported that they were hoping to submit the special use permit application in December, with the State permitting process taking place later next year. She noted that construction would take place in April 2026 with the project operable by 2027.

Ms. Lauren Devine reviewed the Project Studies and permits for the project.

Studies & Reports:

- Phase 1 Environmental Assessment
- Threatened & Endangered Species Review
- Traffic Study
- Decommissioning Plan
- Glint/Glare Analysis
- Landscape Screening Plan
- Biological Habitat Assessment
- Wetland Delineation to be done with US Army Corps of Engineers
- Cultural Resource Studies
- Geotechnical Review and Hydrology Study

Permits:

- Special Use Permit (Nelson County)
- 15.2-2232 Substantially in Accord Determination (Nelson County)
- Permit by Rule (VA DEQ) for projects under 150 MW
- Jurisdictional Determination (US Army Corps of Engineers)
- Stormwater Pollution Prevention Plan (VA DEQ)

Mr. Barton thanked the citizens for being present to ask the Board to ask questions regarding the project. He asked if there would be an effort to hire local people to build the structures. Ms. Johnson noted there were some skilled jobs required for the solar panels. She indicated that there may be an opportunity to partner with a local community college to work on a training program so that they could help incentivize people to get trained in the solar power industry. Mr. Barton asked if there would be assurances that would happen. Ms. Johnson noted that it had not been discussed, but she was confident that they could commit to some sort of training program. Mr. Barton asked the land was being purchased. Ms. Johnson explained that it was a lease option. Ms. Johnson explained that the land was a timber property, and the landowner would continue to timber where the panels were not located. She noted that they were very cognizant of visibility from homes, and she commented that at a minimum, they were looking at 100 foot setbacks from the property lines, and 200 foot setbacks for residential. Ms. Devine commented that the ordinance required a 100 foot setback and 200 foot setback at a minimum. She noted that they were proposing to leave more

vegetation. Ms. Devine explained that the site plan was required for the special use permit application, and it would provide details on the panel locations, as well as a landscape screening plan and photo renderings to show what it would look like. Ms. Johnson noted that once they received special use permit approval, there would also be a final site plan approval before construction. Mr. Barton noted the advantage of getting energy directly from the sun and commented that they could probably do the project without impacting anyone.

Mr. Barton asked if there were any financial assurances that could be provided from Savion to ensure that they would not abandon the project midway through. Ms. Johnson explained that they would be posting a decommissioning bond for that purpose, and they were required to do so. She noted that the Decommissioning plan would be included with the Special Use Permit application, which would provide detail on how they would decommission the project, along with what the bond cost would be. Mr. Barton asked about the revenue over the 40 year period. Mr. Parr noted that \$5 million revenue over 40 year period would be about \$125,000 per year. Ms. Johnson also indicated that Virginia Statute required a siting agreement. She noted that separate from the special use permit application, they would work with the County to determine what the revenue amount would be throughout the project. She noted that the current numbers were estimates of what is typically seen in Virginia.

Mr. Barton asked who assessed the value of the project for the purpose of taxation. Mr. Rutherford commented that the State Corporation Commission (SCC) may be involved. Ms. Johnson noted that the siting agreement with the County would help establish those values.

Mr. Reed asked if there were any current or completed projects in Virginia for Savion. Ms. Devine noted that Savion had one project that was operational in Virginia and that was in Wythe County. She noted that the project was utility scale, but she was unsure of the exact megawatts (MW) at the moment. Mr. Reed asked about the three stages of the project. Ms. Johnson noted that the stages were used as a guide to explain where they were in the process. She noted that Wild Rose was in the Early to Mid-Stage. Mr. Reed noted the benefits to the County and asked if that included taking the property out of land use. Ms. Johnson noted that the benefits were in addition to taking it out of land use. Mr. Reed asked if the entire property would be taken out of land use and how that worked. Ms. Johnson noted that she would need to check into that.

Mr. Rutherford noted the 14,000 home equivalent asked how many megawatts would be needed to take care of the entire County. He noted that he had sent an email off to Central Virginia Electric Cooperative to see what their vision for electronic companies would be. He thanked Ms. Johnson and Ms. Devine for being present.

Ms. McGarry asked if the project would benefit local AEP consumers directly. Ms. Devine explained that when electricity went onto the grid, it was like a drop of water going into a bowl. She noted that you could not really differentiate electrons, but it was putting on electricity in the area. Mr. Reed asked if the amount of electricity used by AEP customers in Nelson County could be computed, along with the amount of electricity generated, and extrapolate if there were any benefits coming to the AEP customers from the project. Ms. Devine confirmed that they could and noted that it would increase the amount of electricity in this area of demand.

Mr. Parr asked if the power coming onto the Gladstone grid would just impact the people served by the Gladstone substation, or if it went into a larger pool to go everywhere. Ms. Johnson confirmed that the power going onto the grid went everywhere.

Mr. Parr asked if there would be view shed tests done similarly to what was done for cell tower applications. He referenced the solar panels in Covesville and noted concerns regarding what people would see when they were driving down Route 60. Ms. Devine explained that as part of the application, they would have photo renderings to include view sheds. She noted that they would either keep the existing vegetation to mitigate the visual impact, or they would have to plant a vegetative buffer. Mr. Parr asked if there was a timeline for completion once the special use permit was approved. Ms. Devine explained that the ordinance allowed two (2) years when pulling building permit, but that did not align with solar development. She indicated that they were requesting five (5) years, noting that after receiving the special use permit, the state permit would take about a year, and they would still have to go through SWIP. She explained that SWIP was the Stormwater Pollution Prevention Plan, which would take another nine (9) months.

Mr. Reed asked if the lease could rollover at the end of the project if it was still viable. Ms. Johnson noted that if the project was still viable after 40 years and there was an opportunity to extend it, they would work through the same processes as the first time around. She commented that it may be quicker as it would be an already existing generator. Mr. Reed asked what the terms were on the lease with the landowner. Ms. Johnson noted that it was a 25 year lease with a few extensions, for a maximum of 40 years.

The Board had no other questions. Mr. Rutherford thanked Ms. Johnson and Ms. Devine for being present and asked that they continue to engage with the community, especially in Gladstone.

The Board took a brief recess.

VII. NEW & UNFINISHED BUSINESS

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

Ms. McGarry presented a request for an interest free loan from Rockfish Valley Volunteer Fire and Rescue. She reported that at the October Board meeting, the Board approved local funding for 50 percent of the cost of a new ambulance for Rockfish Valley Volunteer Fire and Rescue, with the knowledge that a request for the other 50 percent from the County’s interest free loan program would be coming forward. She noted that the request was to finance \$155,000 over 8 years and it was endorsed by the Emergency Services Council at their October 17, 2023 meeting. She reported that the requesting agency currently had no outstanding interest free loans with the County. She also reported that the current balance of the interest free loan funding was approximately \$702,914. Ms. McGarry noted that staff recommended the adopted of proposed Resolution R2023-69 to approve the interest free loan of \$155,000 for Rockfish Valley Volunteer Fire and Rescue.

Ms. Parr moved to approve **Resolution R2023-69** and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

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

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

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

Ms. McGarry presented a request from the Commissioner of Revenue to amend the tax relief for the elderly and disabled. She provided the following report.

The Commissioner of Revenue has requested that the Board consider amending the County’s Ordinance to increase parameters for real estate tax relief for the elderly and disabled contained in Chapter 11 Taxation, Article II Real Property Tax, Division 2, Exemptions for Elderly and Disabled; specifically, raising the maximum income threshold from \$50,000 per year to \$75,000 per year and the maximum net worth threshold from \$100,000 per year to \$125,000 per year, effective for the 2024 tax year. These thresholds have not been changed in the past sixteen (16) years (since 2007) while values of real property have increased significantly. Currently, the tax value of the existing tax exemption for the 2023 tax year is **\$123,262**. The financial impact of the proposed changes is uncertain as we have no way of knowing how they would impact citizen eligibility or how many eligible citizens would apply and be approved for relief.

Other Exemption Provisions in State Code That Are Locally Determined:

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

Ms. McGarry noted that staff recommended the adoption of proposed Resolution R2023-70 to authorize a public hearing on the Commissioner of Revenue’s recommended changes to Elderly and Disabled Tax Relief.

Mr. Barton asked if things would basically be kept the same, they were just increasing the number. Ms. McGarry confirmed that was the only change. Mr. Rutherford commented that it was a good thing. Ms. McGarry noted that they were currently just authorizing the public hearing on the ordinance.

Mr. Parr mentioned the tax credit for first responders for personal property tax. He asked about re-evaluating it as it had not been adjusted since 2006. He noted that they currently received a tax credit for one vehicle up to \$5,000 in value. He asked if a public hearing would be needed for that. Ms. McGarry noted that it was a different section of the code, so it would require its own public hearing. Mr. Parr asked if it would be possible to authorize a public hearing to take care of both items at the same time. Ms. McGarry noted it would be cleaner to do the public hearings separately and they could make sure to advertise the public hearing correctly. Mr. Parr asked to bring first responder personal property tax credit back for a future meeting.

Mr. Parr moved to approve **Resolution R2023-70** and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2023-70
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE II, DIVISION 2
EXEMPTIONS FOR ELDERLY AND DISABLED**

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **December 12, 2023 at 7:00 PM** in the General District Courtroom in the Courthouse in Lovingsston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article II, Division 2 Exemptions for Elderly and Disabled. Proposed amendments to Section 11-43 Restrictions and Conditions, would increase the maximum owners’ total combined income from \$50,000 to \$75,000; and the maximum owners’ total net worth would increase from \$100,000 to \$125,000. The proposed amendments to Section 11-48 Determination of exemption, would update the income and net worth numbers to reflect the changes made to Section 11-43.

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

Ms. McGarry provided the following information:

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

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

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

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

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

- a. Architecture and Engineering Fees: \$1,170,780

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

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

Ms. McGarry reported that staff recommendation was adoption of Resolution **R2023-71**, which would approve the execution of PMA Architecture Contract Addendum #4 for DSS Building Design, Bid, and Construction Administration. She also noted that in the near future, at a time recommended by the County’s Financial Advisor and Bond Counsel, staff would present the Board with consideration of a reimbursement resolution that would allow for the County to recoup related expenditures incurred 60 days prior to adoption of the resolution with proceeds of the project financing.

Mr. Reed noted that they had originally had Phase 1 and Phase 2 combined to include offices for Planning and Zoning, and Building Inspections. He asked if the estimated infrastructure site costs estimated would be sufficient to expedite Phase 2, or would they have to be improved upon in order to do that. Ms. McGarry commented that she thought the estimate included the basic level of site prep, with some grading to be able to establish Phase 2. She noted that there would likely be some Phase 2 prep needed. Mr. Rutherford commented that they should make sure that they were not limiting future development with water and sewer, so that they could possibly have future projects on site. Ms. McGarry agreed and noted that PMA was ready to get started in January once the contract was executed.

Mr. Parr moved to approve Resolution R2023-71 and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

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

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

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

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

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

D. State Compensation Board 2% Employee Compensation Adjustment and Funding

Ms. McGarry reported the following:

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

In addition to the 2% across-the-board increase, targeted increases are provided as of December 1, 2023, for employees of the Sheriff’s Department, Commonwealth Attorney’s Office, and Circuit Court Clerk’s Office and restoration of unfunded Deputy positions are provided for in the Commissioner of Revenue and Treasurer’s Office with the Treasurer being allocated a new Deputy I position. (The Treasurer does not wish to fill this new position at this time.) The salaries and benefits of employee positions in the Commissioner’s and Treasurer’s offices are reimbursed at 50% of the budgeted amount. (See provided

spreadsheet) Note that all salary and fringe benefit amounts shown are **annualized** and **localities will be reimbursed based on actual expenses incurred for the 7-month period from December 1, 2023 to June 30, 2024**. Position data shown is based upon personnel listed in the SCB system as of September 19, 2023. Staff proposes to implement the targeted increases as applicable and the 2% across-the-board increase based upon current salaries. **The prorated 7-month reimbursement from the State Compensation Board for these increases, as presented in the SCB provided spreadsheet, is estimated to be \$86,822 and will cover these costs.**

- 1. Consideration of 2% Salary Increase for All Employees Effective December 1, 2023 (R2023-72)

Ms. McGarry presented the following proposal:

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

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

Prorated for 7 months \$56,788

Ms. McGarry noted that the staff recommendation was to adopt **Resolution R2023-72**, to approve applicable targeted increases for Constitutional Offices and a 2% across-the-board salary increase for all Constitutional Offices, Registrar’s Office, and eligible County employees effective December 1, 2023. She noted that a subsequent action to the approval would be an amendment of the FY24 General Fund budget to capture additional costs and State Compensation Board reimbursement for Constitutional Office and General Registrar’s Office salary adjustments.

Ms. McGarry noted that the State was stepping up and paying for their portion of the salary increase. Mr. Reed commented that the compensation study done by the County clearly warranted the increase.

Mr. Reed moved to approve **Resolution R2023-72** and Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2023-72
NELSON COUNTY BOARD OF SUPERVISORS
FY2023-2024 AMENDMENT OF SALARY AND CLASSIFICATION SYSTEM
APPROVAL OF EMPLOYEE COMPENSATION ADJUSTMENTS EFFECTIVE DECEMBER 1,
2023**

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

WHEREAS, in addition to funding the 2% across-the-board increase, funding for targeted increases are provided as of December 1, 2023, for employees of the Sheriff’s Department, Commonwealth Attorney’s Office, and Circuit Court Clerk’s Office and restoration of unfunded Deputy positions are provided for in the Commissioner of Revenue and Treasurer’s Office; and

WHEREAS, the County will be reimbursed by the State Compensation Board based on actual expenses incurred for the 7-month period from December 1, 2023 to June 30, 2024 for these expenses; and

WHEREAS, commensurate with the SCB 2% across-the-board increase, the Board wishes to provide all eligible non-probationary regular County employees with the same pro-rated 2% across-the-board increase, effective December 1, 2023; and

WHEREAS, providing the prorated 2% across-the-board increase for all eligible non-probationary

regular County employees effective December 1, 2023 can be accomplished within the current appropriated General Fund budget, utilizing vacancy savings in unfilled positions,

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

Constitutional Offices and General Registrar:

Effective December 1, 2023, a two percent (2%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees employed by a Constitutional Officer, inclusive of the Officer and Registrar. The two percent (2%) for all Constitutional Officers and their Compensation Board funded permanent staff positions shall be calculated based upon the salary in effect on December 1, 2023 (Compensation/Electoral Board and local supplement). Additionally, the Nelson County Board of Supervisors hereby approves implementation of the State Compensation Board funded targeted increases for Constitutional Offices such that at minimum, the new State Compensation Board salary is in effect.

County Employees:

Effective December 1, 2023, a two percent (2%) salary adjustment shall be hereby authorized for regular non-probationary Nelson County personnel (full-time and regular part-time) employed pursuant to the County's salary classification and pay plan, effective on December 1, 2023. Employee compensation adjustments will be based upon two percent (2%) of current salary in effect on December 1, 2023.

VIII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

A. Comprehensive Plan: The project website is www.Nelson2042.com. Additional feedback from the County and the public was taken through October 26th and final edits will be incorporated into a final draft tentatively by December 7th with public hearings to be held by the Planning Commission in late January and then by the Board of Supervisors in February.

B. Piney River Solar, LLC Special Exception 2023-369 – Amherst County: The Amherst County Board of Supervisors has deferred its public hearing on this permit until December 19, 2023 at 7:00 pm.

C. Nelson County Service Authority (NCSA) Term Engineering Contract: The Service Authority is in contract development with the selected firm CHA and expects to have a recommended agreement to present to their Board for approval at their meeting on November 16th. Once the contractual relationship is established, scoping meetings can be scheduled in order for proposals to be developed for the PERs to evaluate the Lovingson water and wastewater system capacities, which will include evaluation of the Dillard Creek area for a water impoundment and treatment plant and revitalization/modernization of the old Lovingson wastewater treatment plant. Staff will advise the Board of the cost proposals for this work when established.

D. Sturt Park Preservation Trust Fund Grant Application: The County was unsuccessful in its Spring 2023 Virginia Outdoors Foundation Preservation Trust Fund grant application again ranking 13 out of 22. Although the review committee provided favorable comments, the application needs to improve in the criteria of regional and state plan alignment and project readiness. The next grant round will open sometime in January with re-submittal to be determined.

E. 2023 State Homeland Security Program Grant (SHSP): The County has been allocated funds of \$40,820 for an Election Security Vulnerability Reduction grant from the U.S. Department of Homeland Security (DHS) through Federal Emergency Management Agency (FEMA) and the Virginia Department of Emergency Management (VDEM) with no local match requirement. Staff must submit an application package and budget submission through VDEM's electronic grants management system within the next sixty (60) days and then funds will be formally awarded through a Grant Agreement issued by VDEM. This grant is proposed to provide for: secure, accessible entrance/exit points, video surveillance on all four sides of the building, enhancing staff safety and protecting equipment, materials and processes related to election security; inclusive of installation of additional "panic buttons" to allow all staff to alert local law enforcement of any emergency situation requiring response and not leave a portion of the building vulnerable. Should the County not wish to proceed in initiating the grant, an "Opt-Out" notice must be submitted to VDEM before 1/8/2024.

F. Route 151 Corridor Study Update: VDOT and their consultant held the second public meeting on the study update at RVCC on November 1st. **The VDOT presentation is posted on the County's website under News & Announcements.** The meeting was well attended with citizen Q&A time being very constructive. Primary citizen concerns seemed to be through truck traffic utilizing Route 151 and Route 6 to cut over from Route 64 to Route 29, speed limits along the corridor, business entrance conflicts along

Route 151, and the timeframe for funded major improvements to take place. Citizens also voiced concerns that the section of Route 151 that included Blue Mountain Brewery (BMB) was not included in the study update and that there were less expensive options that VDOT could consider in the near-term to address safety concerns along the corridor. VDOT staff noted that the 2013 study that included BMB was done in conjunction with the Culpeper District and the current study area was data driven. VDOT staff noted that there is a local truck size (length) restriction in place of 65 feet that is enforced by local law enforcement; however, localities can follow procedures in the Virginia Administrative Code 24VAC30-580 (**see attached**) to request a restriction to through truck traffic on primary and secondary highways. It was emphasized that only the Commonwealth Transportation Board has the authority to restrict through truck traffic on primary highways. VDOT noted that their standards were applied during business entrance approvals; however, localities can consider enacting a transportation overlay corridor that imposes tighter restrictions than those applied by VDOT. VDOT staff also advised that their Revenue Sharing program could be utilized to accelerate projects approved under their Smart scale or HSIP funding. VDOT staff reiterated that a complicating factor on the corridor was speed and some of the suggested improvements were not only designed to reduce conflict points but inherently reduced speeds. Examples of this were roundabouts and flashing advance warning signs. Other citizen suggestions included reducing passing lanes and reducing vegetation along guardrails. VDOT asked that citizens let them know of areas needing reflective illumination. In the coming weeks, VDOT will be initiating an online public survey on the updated plan, project cost estimates on recommendations will be finalized and a subsequent VDOT presentation to the Board of Supervisors will be scheduled.

G. Nelson Heritage Center Renovation & Gym: NHC staff are working to secure renovation financing and have been allocated \$200,000 in State funding through the Department of Historic Resources. The County will serve as the pass through for these funds meaning they will be disbursed to the County and then to the Heritage Center following a budget amendment appropriating the funds. The NHC gym has now passed inspection and can be used for private and public purposes. County Parks and Recreation staff will be meeting with Ms. Burdette in the near future to discuss the potential for County usage.

H. Former Larkin Property Master Planning: Staff has been working with Architectural Partners on fine tuning their work based upon the Board's last directive and they are now poised to present this to the Board at its convenience. Staff recommends scheduling this presentation for the December 12th Board meeting with a subsequent work session to follow.

I. Albemarle Charlottesville Regional Jail: Prior to the October meeting, I took a tour of the facility with Colonel Kumer and the ACRJ Board Chair, Diantha McKeel, which solidified my support for the proposed renovation project. A presentation on the project and interim financing will be considered by the Board in the evening session. As of August 2023, Nelson has utilized 2,361 bed days and had an average daily population (ADP) of 38, which is an average of 62 bed days per inmate and a local share of 13.60%. The total ADP as of August was 287 which includes 7 classified as Federal and Other. As of September 2023, ACRJ has a total of 30 inmates on Home Electronic Incarceration (HEI) with 4 Nelson participants. Since the beginning of the pandemic in March 2020, there have been 755 inmates placed on HEI with 43 being from Nelson Courts. Of those 755 placed on HEI, 135 were removed for program violations with 7 of those having been charged with a criminal offense while on HEI. The total number of recidivate inmates on HEI is 14. The Department of Corrections conducted its every 3-year audit of the Jail's processes, procedures, and compliance with Minimum Standards for Jails and Lockups and the facility was found to be 100% in compliance. Superintendent Kumer reported at the September meeting that ACRJ exceeds these minimum standards in many areas of evaluation.

J. Virginia Animal Control Association Conference: At the invitation of Director of Animal Control, Kevin Wright, I attended the banquet dinner held during the annual Virginia Animal Control Association Conference in Charlottesville, where our department and many others around the state were recognized for their excellent work. I was honored to meet the Assistant Attorney General and Director of the Animal Law Unit, Michelle Welch and some of the Officers on the Attorney General's Animal Welfare Task Force. They all spoke very highly of our department!

K. TJPDC Regional Transit Governance Study: County staff and Supervisor Reed have been participating in a study of the feasibility of establishing a Regional Transit Authority within the TJPDC Planning District. TJPDC staff and the hired consultant are scheduled to provide a report of the study findings to the Board at the December 12th meeting in the afternoon session.

L. FY25 Pre-Budget Planning: County Staff has issued agency budget request forms and will soon distribute departmental budget request forms to begin building the FY25 budget. I attended a JMRL pre-budget planning meeting and David Plunkett indicated there were no major services to be added and their top priority will be moving staff to competitive pay rates based upon results of a compensation study being done by Charlottesville City. He is anticipating asking for a salary increase of 5%-7%. The School Superintendent has indicated they may ask for an increase in funding primarily related to their need for additional behavioral specialists.

M. Region 2000 Solid Waste Authority: The Region 2000 Solid Waste Authority staff have provided pro-forma financials that indicate an increase in tipping fees will be needed for FY25-FY29. These have not changed since 2018 at \$30.25/T for members and \$40.25/T for commercial haulers. This is primarily to begin funding substantial contributions to the landfill closure/post-closure reserve fund as the landfill capacity nears its estimated closure horizon of 2029. These pro-formas suggest FY25 tipping fees of \$38.64/T for members and \$48.64/T for commercial haulers. Closure/post-closure reports for the Livestock Road landfill indicate an August 2023 liability of \$16,272,253 with Nelson County's responsibility being 3.97% or \$646,008. This total liability is reduced by any funds the Authority contributes to the closure/post-closure reserve fund, which has a current balance of \$3,338,185. This proposed tipping fee increase of \$8.39/T will increase the County's FY25 disposal costs by an estimated \$83,900. Input from the Board on our stance regarding this potential increase is requested.

Ms. McGarry noted that she and Appomattox had both voted last budget year not to increase the tipping fees pending the outcome of the litigation in process. She commented that it did not seem unreasonable to increase the tipping fees, noting they would either pay some now or pay on the back end when the landfill eventually closes. She asked for the Board's guidance on how they would have her proceed when the subject came up again. Mr. Reed and Mr. Rutherford suggested that a closed session in a subsequent meeting to discuss the subject further would be best.

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

Mr. Rutherford asked Mr. Reed what the School Board reported the student population to be increasing by. Mr. Reed noted he would have to check but the numbers had increased, not by much, but some. Ms. McGarry commented that she understood that the students that the School Division was retaining were a little more expensive due to their needs.

2. Board Reports

Mr. Barton:

Mr. Barton reported that members of the Jail Board would attend the evening session to provide a presentation. - commented that jail board was attending that evening.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed reported that the Service Authority had approved engineering study for the possible Dillard Creek and Larkin property impoundment. He noted that they were using CHA to perform the study.

Mr. Parr:

Mr. Parr had no report.

Mr. Rutherford:

Mr. Rutherford reported that he had been unable to attend the TJPDC meeting. He noted they had a Regional Housing Partnership meeting recently. He reported that in his own private capacity attended the Governor's Housing Conference and was able to discuss housing issues. He noted that they also discussed what was expected to happen in the latter part of next year when interest rates go down. He referenced Waynesboro's recent announcement that Northrup Grummon would be investing \$200 million and adding 300 jobs with very good incomes. He questioned whether that could trickle into Nelson and create even more housing issues.

Mr. Reed noted the TJPDC Regional Transit Governance study as discussed by Ms. McGarry. He reported that it was interesting because a lot of the TJPDC members, and others on the meeting, were not aware of the unique situation in Nelson for transportation. He noted that a large portion of the transportation funding the County partnered with went towards transit in the north, but a lot of transit needs were in the southern part of Nelson. He commented that they were hoping to create a model to help do a better job providing services to the south, west and east parts of the County. He noted that the needs were less in the northern parts of the County where there were more direct lines to Waynesboro, Staunton and Charlottesville.

B. Appointments

Ms. Spivey reviewed the following table:

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Nelson County Service Authority - North District	6/30/2026	4 Year Term/No Limits	Justin Shimp	N - Resigned	Alvin Cameron Lenahan
			*Mr. Shimp will serve until 12/31/23 to allow time for appointment of new representative		
JABA Council on Aging	12/31/2023	2 Year Term/No limits	Carl Stellwag	Y	Carl Stellwag

Nelson County Service Authority

Ms. Spivey noted that they had previously discussed a vacancy on the Nelson County Service Authority for the North District. She reported that Justin Shimp had said he would continue to serve through the end of the year. She noted that as of the meeting day, Mr. Shimp had stated that he wished to continue serving on the Service Authority and wished to withdraw his resignation. She reported that the upcoming vacancy had been advertised and an application had been received from Cameron Lenahan. Mr. Reed asked if any action was needed to reinstate Mr. Shimp. Ms. Spivey suggested that the Board could accept Mr. Shimp’s withdrawal and allow him to continue serving his term through June 2026.

Mr. Reed made a motion to allow Mr. Shimp to continue serving his term through June 2026. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

JABA Council on Aging

Mr. Reed moved to re-appoint Carl Stellwag to the JABA Council on Aging. Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously to approve the motion by vote of acclamation.

C. Correspondence

Mr. Reed reported that VACo’s, Education Subcommittee and Legislative Platform had some good language about looking at revisions to the current ratio/Composite Index by which it was determine how much the County was required to pay, as well as how much the State was required to pay. He noted that they were trying to get more parody in that.

Mr. Barton noted a study that had been done determined that Virginia was ranked near the bottom in the amount that the State contributed towards public education. He commented that there had been talk of increasing the amount of State funding towards public education. Mr. Rutherford noted that the State did not release the study because Virginia was so far behind. Mr. Reed commented that Virginia was ranked behind Kentucky and West Virginia. Ms. McGarry noted that they needed to make sure all of the County’s legislators had copies of the JLARC study.

Mr. Barton commented that it was suggested that the County should invite its representatives to come and explain their position on what they do. Ms. McGarry noted that they could do that. Mr. Rutherford noted they were going into session in January/February. The Board suggested that an invitation be made to the legislators and they would see what happened.

Mr. Rutherford reported exciting news on the Line of Duty (LODA) benefits for police officers serving on private police departments, he noted that the efforts had been adopted by the Virginia Association of Counties (VACo), and they were up to 13 to 14 counties/cities/municipalities that had passed the County’s resolution on behalf of Chris Wagner in support of the legislative change.

Special Use Permit #1050

Mr. Rutherford noted that the only other correspondence he had received was in regards to the Special Use Permit that evening. Mr. Rutherford stated that Special Use Permit #1050 had been deferred to December. He noted that the applicant was ill and unable to attend that evening.

D. Directives

Mr. Reed thanked for Ms. McGarry for the report on the 151 Corridor Study and for including the information needed to start the process to propose a limit to thru trucks on 151. He noted that he was hoping to start the process and set a public hearing to do that.

Mr. Reed then asked if a public hearing was needed for a reduction in the speed limit from 55 mph to 45 mph on 151. Ms. McGarry noted that she was not sure, but she thought a speed study would need to be requested. Mr. Reed noted that he had requested a speed study two years ago, and they had the results of that speed study. He thought that may be sufficient to hold a public hearing, but asked if that could be confirmed. He suggested that if they had to have a public hearing, it may be good to have the public hearings for the thru truck restriction and speed limit reduction at the same time. Mr. Harvey where they were looking at the restriction. Mr. Reed noted that they were looking at a restriction for 151 in Nelson. Ms. McGarry noted they would have to identify the termini of the restriction. Mr. Reed commented that he would imagine the restriction would stop south of Brents Mountain, at Route 56. Mr. Harvey asked where this came from. Mr. Reed explained that it was a recommendation made by VDOT in response to the public's comments on the 151 Corridor Study. Ms. McGarry asked if they would work together to coordinate and review the requirement for public notice and then return to the Board for authorization for a public hearing. Mr. Reed was in agreement for that suggestion.

Mr. Reed also commented on another matter of safety on 151, the Blue Line solutions proposal for cameras in the school zones. He noted that the public hearing had been held, and he asked to put the matter back on the agenda under Unfinished Business for the next meeting. Mr. Harvey asked where Mr. Reed was coming from and if he was trying to turn 151 into a secondary road. Mr. Reed noted that he was trying to respond to the safety concerns. Mr. Reed referred Mr. Harvey to the data from the 151 Corridor Study.

Mr. Parr commented that if they were having Blue Line on the December agenda, he thought it would be, important to bring the incoming Sheriff into the conversation. Mr. Parr and Mr. Reed suggested extending an invitation to the incoming Sheriff.

Mr. Barton asked about revisiting the transient occupancy tax (TOT) at the December meeting. He asked if there were any objections and whether it could be added to the agenda. Ms. McGarry noted that she could include it if the Board desired to do so. The Board had no objections to including the TOT on the December agenda. Mr. Barton asked if the additional tax were to be passed, whether they could direct the revenues towards a particular fund. Ms. McGarry noted they could do so.

IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 3:56 p.m., Mr. Reed moved 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 7:02 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

II. PUBLIC COMMENTS

Philip Purvis - Shipman, VA

Mr. Purvis congratulated Mr. Parr on his win. He noted that he did not win, but it was good anyway. He commented that they heard a lot about affordable housing and agreed that it was an issue. Mr. Purvis noted if there were jobs in the County, the affordable housing would take care of itself. He noted concerns about affordable housing related to the school budget. He commented with State, Federal and Local funding, they were at \$30,000 with \$14,000 of that being from the County. He noted that they were spending about 100 percent of real estate tax on the schools. Mr. Purvis commented that he was in favor of supporting the schools. He noted that if they made affordable housing available for people to come in from outside of the county, and they then have children, the County would have to come up with \$14,000 per child on the County's part to educate each child, and the family was putting in about \$1,000 or \$2,000 in real estate tax. He commented that the average age in Nelson was 55 years old and noted that in 10 years, majority of people living in Nelson currently would be retirement age, and their ability to make money would be reduced, but their tax responsibilities and living expenses would probably not change. Mr. Purvis noted the upcoming expenses related to infrastructure projects, and commented that none of the projects would bring in any revenue. He was concerned that the County was going in the hole really quick and noted that they could end up raising taxes, doing away with land use, or going to gross receipts. He commented that he was opposed to doing away with land use.

Mr. Rutherford noted that they needed to make a slight adjustment to the agenda to have the Regional Jail Renovation Funding presentation first as Mr. Blount was stuck in traffic.

IV. REGIONAL JAIL RENOVATION PROJECT INTERIM FINANCING (R2023-73)

Ms. McGarry introduced Jail Superintendent Martin Kumer, Jail Authority Chair Diantha McKeel, and Roland Kooch of Davenport. Ms. McGarry noted that Mr. Kooch was the County’s financial advisor, as well as advisor to the Jail Authority.

Col. Kumer reported that they were present to discuss a resolution for interim funding for the jail renovation. He noted that if approved, the money would be used to pay for architectural and engineering services to help develop a plan. He noted that the State had approved a 25 percent reimbursement for construction costs for the project. He reported that the project was estimated to cost about \$49 million. He indicated that they were looking at ways to bring the cost down, but they would not know what that was for another year.

Mr. Kooch Resolution reviewed the updated Plan of Finance for the Jail Renovation Project. He noted that it was a two-part plan of finance. He noted that the resolution would cover Part 1 - the interim financing, which would get the Authority to the point of being able to develop and fine tune the costs of Part 2 – the permanent financing. Mr. Kooch explained that Part 2 combined two components, the local funding of about 75 percent of the project, and 25 percent which was the interim financing that would be reimbursed by the Commonwealth of Virginia.

Mr. Kooch reviewed the jail funding process. He confirmed that the Authority was awarded funding for 25 percent of the eligible costs for the major construction improvement project. He noted that they were looking at a \$48-\$49 million project, with about \$48 million of that expense eligible to be reimbursed. He confirmed that the funding was approved and was included in the Governor’s budget. Mr. Kooch explained that for the Two-Part Plan of finance, Part 1 dealt with the Interim Financing. He noted that the interim financing only provided what was necessary, with a not to exceed amount of \$4.5 million, to complete preliminary design and engineering costs so that the project could be bid. He reported that the interim financing would carry into early 2025 and then the Authority would be ready to bid out the project and finalize the costs.

Mr. Kooch explained that Part 2 of the plan would come into play after the bids were received and the total project costs were known. He noted that the permanent financing would be undertaken to fully fund the project costs not eligible for the 25 percent reimbursement, and would become the permanent financing to be covered by the local jurisdictions. Mr. Kooch indicated that a Grant Anticipation Note (GAN) would be undertaken to fund the project costs eligible for the 25 percent reimbursement by the State. He noted that the 25 percent would be reimbursed by the Commonwealth once the jail improvement project was completed.

Mr. Kooch noted that the cost estimate of \$49 million remained the same from the presentation previously provided to the localities in January/February. He reported that they were assuming almost all of the costs were eligible for the 25 percent reimbursement by the Commonwealth, which was approximately \$12 million of project costs. He explained that the share for each local jurisdiction was based on the use of the facility. He showed the pro rata share for each jurisdiction.

Albemarle	45.39%
Charlottesville	39.87%
Nelson	14.74%

Mr. Kooch noted that Nelson County’s share was about 15 percent of the debt service. He reviewed the key assumptions for the Interim Financing. He noted that they were looking at about \$4.15 million in project costs. He noted that they rounded the amount up to \$4.5 million to be a little more conservative. He reported that they were using a Planning Interest Rate of 4.5 percent for a term of about 18 months. He noted that the interim financing of not to exceed \$4.5 million, would be repaid by the permanent financing in Part 2 of the Plan of Finance. He reported that the permanent financing would occur on or before the Spring of 2025.

Mr. Kooch reviewed the Part 1: Interim Financing – Timetable.

Task	Date	
Authority Board is notified that the General Assembly has been approved for 25% reimbursement.	September 2023	✓
Jail issues RFP for Architecture and Engineering services	September 2023	✓
Jail selects Architecture and Engineering firm and negotiates costs of services. Contract to be awarded at December Authority Board meeting if interim-financing is approved.	Early November 2023	✓
Davenport distributes RFP (“Request for Proposals”) for interim-financing to local, regional and national lending institutions.	Early November 2023	✓
Davenport presents resolution to member jurisdictions approving the Authority Board to seek interim-financing.	Mid-November 2023	
RFP responses due to Davenport.	Early-December 2023	
Davenport presents results of RFP Process for Interim Financing to Authority Board.	December 14, 2023	
Award Architect/Engineer contract if interim-funding is approved.	December 14, 2023	
Close on Interim Financing.	December 2023	

He noted that they had been notified that the General Assembly had approved the 25 percent reimbursement. He reported that the jail had issued the RFP for Architecture and Engineering Services, and a firm had been selected. He noted that they anticipated closing on the interim financing by the end of December.

Mr. Kooch explained Part 2: Permanent Financing/GAN. He noted that in early 2025, they would issue permanent financing for the full \$49 million. He explained that part of the costs would be funded by the interim financing. He then noted that the Grant Anticipation Note that would be reimbursed by the Commonwealth would be sized to fund 25 percent of eligible project costs. He reported that the Commonwealth would give a reimbursement for some interest costs, so the GAN was estimated at \$14.4 million. He noted that they would actually receive a little more money back from the Commonwealth because they did cover a little of the interest costs during the construction of the jail. He noted that the balance of the costs at \$34.6 million would be funded from permanent bonds for 27 years (2 years interest only, 25 years level debt service).

Borrowing	Project Costs Borrowed	Planning Interest Rate	Term
2025 GAN	\$14.4 million ⁽¹⁾	4.50%	3 Years
2025 Bonds	\$34.6 million ⁽²⁾	5.50%	27 Years (2 years interest only; 25 years level debt service)
Total	\$49 million		

Mr. Kooch noted that they were using planning interest rates and planning estimates. He indicated that they would vary until the project is bid and the exact costs are known.

Mr. Kooch reviewed the Part 2: Permanent Financing/GAN – Timetable. He noted that they would close on Interim Financing in December 2023, which would take them through 2024 and the design phase. He indicated that by February 2025, they should have the complete construction documents and be able to secure design approvals. He noted that once the Authority Board approved the design in early March 2025, they would be able to advertise for bids. Mr. Kooch anticipated having the project costs by May 2025, and noted that they would then be able to obtain the Grant Anticipation Note and issue bonds by June 2025. He explained that the permanent financing that the local jurisdictions would be responsible for, would then be locked in. Mr. Kooch estimated the project to be completed around June 2027, and the repayment of the Grant Anticipation Note would occur shortly thereafter.

Mr. Kooch explained that FY24 and FY25 would be interest only. He noted that by FY26, they would have a combination of Grant Anticipation Note debt service and permanent debt service. He noted that Nelson County’s 15 percent portion of the debt service would be about \$382,000 in terms of pro rata share of the permanent financing costs and interim financing costs. He pointed out that Charlottesville and Albemarle had higher allocations due to the greater percentages of use of the regional jail.

Mr. Kooch reported that the Appendix information showed how the structure worked for the 2023 Bond Anticipation Note (BAN) and the 2025 Grant Anticipation Note (GAN)/2025 Bonds. He noted that about \$14.5 million was the amount to be reimbursed from the Commonwealth.

2023 BAN		
2023 BAN		
Sources		
Par Amount	\$	4,500,000
Total Sources	\$	4,500,000
Uses		
Project Fund	\$	4,150,380
Capitalized Interest		-
Cost of Issuance		349,620
Add. Proceeds		-
Total Uses	\$	4,500,000

2025 GAN / 2025 Bonds			
	2025 GAN	2025 Bonds	Total
Sources			
Par Amount	\$ 14,500,000	\$ 35,350,000	\$ 49,850,000
Total Sources	\$ 14,500,000	\$ 35,350,000	\$ 49,850,000
Uses			
Project Fund	\$ 14,400,000	\$ 30,449,620	\$ 44,849,620
2023 BAN Takeout	-	4,500,000	4,500,000
Capitalized Interest	-	-	-
Cost of Issuance	100,000	400,000	500,000
Add. Proceeds	-	380	380
Total Uses	\$ 14,500,000	\$ 35,350,000	\$ 49,850,000

Mr. Reed asked how much debt service required for the amount of allocation Nelson had. Mr. Kooch noted that Nelson County’s share would be about 14.47 percent. Col. Kumer explained that the Jail Authority would take on the Debt Service in their name. Ms. McKeel noted that it would not impact the County’s debt capacity. Ms. McGarry noted that it was still just a financial obligation on an annual basis for the term. Col. Kumer noted that they were already paying into the interest only for FY24 and it would carry into FY25 as well.

Mr. Barton asked if the debt service would change based on utilization. Col. Kumer noted it would change up or down, and it was based on a five-year average. Mr. Kooch noted the amounts were shown using a constant level for 2024. Col. Kumer noted that the average was calculated use based on the number of inmate days.

Mr. Rutherford asked Mr. Barton what he wanted to do since he was on the Jail Authority Board. Mr. Barton noted that Albemarle-Charlottesville Regional Jail (ACRJ) was a superior jail in the state. He commented that it was something that they needed to do.

Mr. Barton moved to adopted **Resolution R2023-73** and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-73
NELSON COUNTY BOARD OF SUPERVISORS**

RESOLUTION APPROVING THE ISSUANCE OF OBLIGATIONS FOR IMPROVEMENTS TO THE ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY FACILITIES

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority (**the “Authority”**) is a public instrumentality of the Commonwealth of Virginia created pursuant to Article 3.1, Chapter 3, Title 53.1, Code of Virginia of 1950, as amended (**the “Act”**) by resolutions duly adopted by the governing bodies of the County of Nelson (**the “County”**), the County of Albemarle and the City of Charlottesville, Virginia (**collectively, the “Member Jurisdictions”**) for the purpose of developing regional jail facilities, in particular, the regional jail joint security complex located at 1600 Avon Street Extended, Charlottesville, Virginia (**the “Regional Jail”**) to be operated on behalf of the Member Jurisdictions by the Authority;

WHEREAS, the Authority and the Member Jurisdictions have entered into an Amended and Restated Service Agreement, dated June 9, 2022 (**the “Service Agreement”**), in which the Authority has agreed to, design, construct and equip the Regional Jail and obtain financing therefor.

WHEREAS, the Authority has been authorized by the General Assembly of the Commonwealth of Virginia in 2023 to obtain significant funding (**the “Commonwealth Funds”**) for eligible costs of certain improvements to the Regional Jail (**the “Improvements”**);

WHEREAS, the Authority proposes to issue a series of financing, including but not limited to, interim financing relating to the design and construction of the Improvements to the Regional Jail and subsequently issue its revenue notes and bonds to provide longer term financing of the same (**the “Obligations”**) a portion of which Obligations are to be repaid with the Commonwealth Funds;

WHEREAS, the Authority’s financial advisor, Davenport & Company LLC has advised the Authority that an interim financing of the Obligations would be in the best interests of the Authority given current market conditions and preliminary nature of cost estimates for the Improvements;

WHEREAS, Section 3.1 of the Service Agreement provides that in order for the Authority to issue the Obligations, the governing bodies of each of the Member Jurisdictions are required to approve of the issuance thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON, VIRGINIA:

1. It is determined to be in the best interests of the County and its citizens for the Board of Supervisors as the governing body of the County, to approve the Authority’s issuance of the Obligations for interim financing of the Improvements in amount not to exceed \$4,500,000 by adoption of this resolution.
2. In consideration of the Authority’s undertakings with respect to the issuance of the Obligations, the Chair or Vice-Chair of the Board of Supervisors, is hereby authorized and directed to execute and deliver such instruments and certificates as deemed appropriate and necessary for the issuance of such Obligations by the Authority, including but not limited to a support agreement or agreements relating to its obligations as a Member Jurisdiction under the Service Agreement.
3. The County Administrator is hereby authorized and directed to take all proper steps on behalf of the County as may be required, in accordance with the plan of financing set forth above, including, but not limited to, certificates and documents relating to the issuance of the Obligations and the above-referenced support agreement or agreements.
4. Nothing contained herein is or shall be deemed to be a lending of the credit of the County to the Authority, or to any holder of any of the Obligations or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County.
5. All actions previously taken by representatives or agents of the County in furtherance of the plan of financing of the Improvements and the issuance of the Obligations are hereby ratified and approved.
6. This resolution shall take effect immediately.

III. 2024 LEGISLATIVE PROGRAM – DAVID BLOUNT (R2023-68)

David Blunt of the Thomas Jefferson Planning District Commission (TJPDC) was present to discuss the 2024 Legislative Program. He noted that it was a follow up from when he last spoke to the Board in September regarding legislative issues and the regional legislative program. He noted that the Board had the draft 2024 TJPDC Legislative Program to approve.

Mr. Blount reported that Public Education and Funding was still the number one issue of concern to localities across the region. He commented that the position for more State funding for K-12 got a boost with the JLARC report over the summer. He noted that the report told them what they already knew, that the state needed to put more funding in.

Mr. Barton commented on the VACo Conference Educational Committee Meeting where they discussed funding for schools and the standards of quality. He noted that a person made the statement that until they did away with the standards of quality, education in Virginia was greatly hampered, and they would never move on until they got rid of the concept of testing. He asked if that was a legislative priority. Mr. Blount did not think that people were advocating for getting rid of the standards of quality. Mr. Barton commented that the unintended consequences needed to be reversed. He commented that it should be a legislative priority. Mr. Barton noted that the state needed to better fund education, noting that Virginia was one of the lowest in the nation in terms of funding public education. Mr. Blount explained that the program had historically stayed away from policy decisions of the locally elected school boards. Mr. Barton noted the imposition of the standards and the testing standards. Mr. Blount noted that the program was approved by the six (6) members of the TJPDC, and if there were suggestions for changes or amendments, they could be done right on the spot and added into the program. He noted that he did not have any appropriate language to include at the moment, but he could see if there was anything in the VACo program that they may be able to use.

Mr. Reed reported that the meeting Mr. Barton had referred to was a breakout session on Education, and it was not the Steering Committee meeting. Mr. Reed agreed with the Mr. Barton, that the tone of the meeting when the subject was discussed was that it was not included but should be considered for inclusion. Mr. Blount suggested that they could put it on the radar for inclusion next year. Mr. Reed noted that he was happy to include it for discussion next year.

Mr. Blount reported that Budgets and Funding was the second priority on the legislative program. He noted that the position was unchanged from the last year. He commented that it spoke to requesting the State to provide additional State aid for localities to carry out State programs at the local level.

Mr. Blount noted that the third priority had to do with Land use and growth management. He reported that it had previously been a priority position requesting that the state not restrict local land use authority. He noted that it seemed like every year they saw bills looking to undo or restrict local government authority for regulating land use and regulating growth. He commented that with a lot of new faces in the General Assembly for the upcoming session, he thought it would be good to elevate the position to back to priority to give it a higher profile.

Mr. Blount noted that the Legislative Positions section following the Priorities included a memo outlining a few changes. He noted that under the Economic and Workforce Development section there was support for the Business Ready Sites Program; and under the Environmental section, there was language to encourage state funding for regional water supply planning that was a new requirement going through the state regulatory process. He reported that he had heard from several localities about the lack of capacity at different state agencies that was affecting the ability to process permits and applications in a timely manner. He noted that there was a statement in the General Government section to support funding for agencies to carry out critical administrative functions. Mr. Blount reported that in the Public Safety section, language had been included to support the LODA benefits for police officers working for private police departments.

Mr. Rutherford noted it would be good to find out who was appointed to committees as it related to LODA. He asked Mr. Blount to keep the Board apprised.

Mr. Rutherford noted Mr. Barton's suggested to invite the County's legislators to the Board meeting on December 12th. He asked if Mr. Blount could help reach out to the legislators to see if they could attend. Mr. Blount noted that he would be happy to invite them. Mr. Rutherford confirmed that it would be during the afternoon session.

Mr. Reed moved to approve **Resolution R2023-68** and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

RESOLUTION R2023-68
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF THOMAS JEFFERSON PLANNING DISTRICT
2024 LEGISLATIVE PROGRAM

WHEREAS, the draft Thomas Jefferson Planning District Legislative Program for 2024 lists three top legislative priorities; and

WHEREAS, the program includes a priority addressing public education funding; a constant position on budget/funding issues that supports state aid to localities and opposes mandates and cost shifting to localities; and support for local authorities to plan and regulate land use and growth management; and

WHEREAS, the Legislative Program also contains additional positions that focus on the most critical recommendations and positions in other areas of current interest and concern to localities in the region;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors, that the 2024 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body, with the legislative program to serve as the basis of legislative priorities and positions of the member localities of the Thomas Jefferson Planning District for the 2024 session of the Virginia General Assembly, as presented on November 16, 2023, as well as incorporation of recommendations put forth by the Board, as applicable.

V. PUBLIC HEARINGS

A. Special Use Permit #1050 – Campground – DEFERRED BY APPLICANT

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

The public hearing was not held. Mr. Rutherford noted that the Special Use Permit was deferred to the following month due to the applicant being ill.

VI. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

VII. ADJOURNMENT

At 7:43 p.m., Mr. Reed made a motion to adjourn the meeting. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.