

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
 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
 Emily Hjulstrom, Planner
 John Adkins, Emergency Services Director

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Rutherford called the meeting to order at 2:01 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

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

II. PUBLIC COMMENTS

There were no persons wishing to speak during public comments.

III. CONSENT AGENDA

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

- A. Resolution – **R2023-63** Minutes for Approval

**RESOLUTION R2023-63
 NELSON COUNTY BOARD OF SUPERVISORS
 APPROVAL OF MINUTES
 (April 18, 2023 and April 20, 2023)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 18, 2023 and April 20, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2023-64** Budget Amendment

**RESOLUTION R2023-64
 NELSON COUNTY BOARD OF SUPERVISORS
 AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
 October 10, 2023**

I. Appropriation of Funds (General Fund)

| <u>Amount</u> | <u>Revenue Account (-)</u> | <u>Expenditure Account (+)</u> |
|---------------------|----------------------------|--------------------------------|
| \$ 1,600.00 | 3-100-009999-0001 | 4-100-021020-7001 |
| \$ 24,161.00 | 3-100-009999-0001 | 4-100-022010-5419 |
| \$ 5,705.00 | 3-100-001899-0041 | 4-100-022010-5419 |
| \$ 1,283.63 | 3-100-001899-0040 | 4-100-031020-5419 |
| \$115,172.65 | 3-100-009999-0001 | 4-100-031020-5419 |
| \$ 583.10 | 3-100-002404-0001 | 4-100-031020-5419 |
| \$ 5,641.97 | 3-100-009999-0001 | 4-100-031020-3036 |
| \$ 3,070.98 | 3-100-009999-0001 | 4-100-031020-3037 |
| \$ 35,000.00 | 3-100-002404-0047 | 4-100-032010-1005 |
| \$192,218.33 | | |

II. Transfer of Funds (Departmental Requests)

| <u>Amount</u> | <u>Revenue Account (-)</u> | <u>Expenditure Account (+)</u> |
|--------------------|----------------------------|--------------------------------|
| \$ 100.00 | 4-100-021050-3004 | 4-100-021050-7002 |
| \$ 1,000.00 | 4-100-021050-5504 | 4-100-021050-7002 |
| \$ 350.00 | 4-100-021050-5801 | 4-100-021050-7002 |
| \$ 1,600.00 | 4-100-021060-3006 | 4-100-021060-7007 |
| \$ 3,050.00 | | |

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

| <u>Amount</u> | <u>Revenue Account (-)</u> | <u>Expenditure Account (+)</u> |
|---------------------|----------------------------|--------------------------------|
| \$ 11,000.00 | 4-100-999000-9905 | 4-100-091030-5644 |
| \$ 21,389.00 | 4-100-999000-9905 | 4-100-091030-5686 |
| \$ 32,389.00 | | |

IV. PROCLAMATION – OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH (P2023-03)

Victim Witness Advocate Beth Phelps thanked the Board for the proclamation of Domestic Violence Awareness Month. She reported that last year, the Nelson County Victim Witness Program provided direct services to over 180 victims of crime, 72 of which were victims of domestic violence. She invited the Board to the annual Domestic Violence Awareness event on October 20th at the Courthouse at 5:30 p.m. She indicated they would have two (2) guest speakers, noting that one of the speakers was a victim of stalking and the other was a victim of sexual assault. She explained that the speakers would share their stories of recovery, how they utilized the services from Victim Witness Program, and how they worked with the Commonwealth Attorney’s office in obtaining guilty verdicts in both cases. Ms. Phelps recognized the Commonwealth Attorney’s office for the work they do in preparing and prosecuting these difficult cases. Ms. Phelps noted that the event on October 20th would take place on the Courthouse lawn.

Commonwealth’s Attorney Daniel Rutherford was also present. He thanked their law enforcement partners, as well as the Victim Witness Advocate for all of the work they do. He noted that his office was grateful to have Ms. Phelps as the Victim Witness Advocate.

Mr. Reed read Proclamation **P2023-03** aloud and made a motion to adopt the proclamation as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

**PROCLAMATION P2023-03
NELSON COUNTY BOARD OF SUPERVISORS
OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual’s privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

WHEREAS, the Shelter for Help in Emergency and the Nelson County Victim/Witness Program have led the way in the County of Nelson in addressing domestic violence by providing 24-hour hot line services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

WHEREAS, the Shelter for Help in Emergency commemorates its 44th year of providing unparalleled services to women, children and men who have been victimized by domestic violence; and

WHEREAS, the Nelson County Victim/Witness Program currently provides victim advocates and a

support group for those seeking relief from domestic violence in Nelson County;

NOW THEREFORE, BE IT RESOLVED, in recognition of the important work being done by the Shelter for Help in Emergency and the Nelson County Victim/Witness Program, the Nelson County Board of Supervisors do hereby proclaim the month of October 2023 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the elimination of personal and institutional violence against women, children and men.

V. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT gave the following report:

Mr. Brown reported that over height detection for the Tye River underpass was cost prohibitive. He noted that they were looking at having a height restriction on that route. He noted in the past when trucks would get hung in the underpass or turn around in the neighbor's yard and cause damage, there was nothing enforceable in place. He explained that it would be enforceable restriction, and once in place, any trucks they would be able to ticket trucks for being on that road. He commented that he did not know if the over height restriction would stop trucks from trying to come through, but it would allow for the Nelson County deputies and Virginia State Police to ticket drivers if the truck was over height.

Mr. Brown reported that they would be completing the final mowing on Route 29. He noted the mowing should start October 30th for a total cut of all medians and shoulders.

Mr. Brown reported that pavement repairs had been completed on Rockfish School Road. He noted that Route 641 (Dutch Creek) had clogged pipes that had now been cleaned out. He commented that there had been some sight distance concerns at Route 29 and Route 718. He reported that the bushes were cut back some, but additional work would be done later.

Mr. Brown reported that extensive work had been done on Findlay Gap Road. He noted that it was better but still in need of a lot of maintenance. He commented that the road was still narrow. Mr. Brown reported that he drove through all of the stream fords and they were good and passable as of that day.

Mr. Brown indicated that they were nearing completion of hard surfacing on Jacks Hill Road. He noted that Cow Hollow was the only unpaved road that they would not build in the current year. He noted that it was funded in the current six-year plan and they would begin working on it as soon as Jacks Hill was complete.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

Mr. Barton asked if the brush had been cleared away from the sign at the Tye River underpass. He noted that the height sign located just before driving down the hill on the east side, was partially covered.

Mr. Barton asked Mr. Brown if he would be able to call Mrs. Moyer to let her know to report any trucks coming through to the Sheriff's Office. Mr. Brown commented that he was not sure when the restriction would be up, it was in the works, but there would be a height restriction in accordance with §46.2-1104 of the Code of Virginia. He noted that it would be an enforceable restriction.

Mr. Reed:

Mr. Reed asked if there were any updates on the 151 corridor study. Mr. Brown noted that it was moving on and Mr. Youngblood was the VDOT person in charge of that. He commented that there would be scheduled public hearings on the results when appropriate. Mr. Brown noted that he was not sure when it would be completed but there would be public input from the citizens and the Board. Mr. Reed noted that they were trying to include any information in the Comprehensive Plan to safeguard the 151 corridor.

Ms. McGarry noted that she would be reporting on the 151 corridor study in her report also. She commented that a public workshop was in the works for November 1st at the Rockfish Valley Community Center, she noted that they were currently working to get it scheduled.

Mr. Barton asked when the height restriction would be placed in GPS system, noting that was the reason people drove through there. Mr. Brown noted that the height restriction would be reported to DMV for their records, but he did not think that VDOT would put it into some GPS system, because they did not deal with VDOT, they dealt with DMV. He noted that the restriction would go to the DMV databank and to the Virginia Truckers Association. Mr. Brown commented that VDOT would not be calling a GPS company.

Mr. Parr:

Mr. Parr asked what expensive height detection system was. Mr. Brown explained that it was a bollard hanging over the roadway that measured height and involved a traffic signal. Mr. Parr suggested something similar to what hung from drive-thru's that would indicate "if you hit this, you will hit that." He commented that it was simple, and asked if it were realistic. Mr. Brown noted it was simple to him, but not to the traffic engineers, noting he had asked the same thing. Mr. Brown commented that the cost was around \$150,000 or more. Mr. Parr wondered what the cost was to move a truck out of the way once it got stuck. Mr. Brown commented that there was no reason for those trucks to come through there. He noted that the majority were coming from Route 60 following GPS, and they had to drive past three (3) warning signs with places to turn around. He commented that he did not think the signs were the problem, he noted they were just following GPS and did not know any better.

Mr. Rutherford:

Mr. Rutherford commented that Whippoorwill Road off Peavine had been on the five-year plan, but there was an issue with an abandoned VDOT easement past the end of state maintenance. He asked what the process would be to obtain, possibly a portion of the abandoned easement back. Mr. Rutherford asked if Mr. Brown could follow up with information on the process.

Mr. Rutherford the intersections in Lovington, and asked when they might receive some design suggestions from VDOT for Smart Scale applications. Mr. Brown noted that pre-submission applications would be in May. Mr. Rutherford thought they might get some suggestions by spring. He noted that the TAP grant application for Lovington had been submitted, and asked Mr. Brown to suggest any stakeholders that he should lobby.

Introduction

Mr. John Adkins introduced Ms. Amy Justus as the Supervisor for the Dispatch Center. He reported that they had conducted five interviews with well qualified candidates both internally and externally. He noted that Ms. Justus was one of the center's senior communications officers with over 20 years of experience in 911 dispatch. He commented that they were happy to offer the position and promote Ms. Justus to supervisor at the ECC (Emergency Communications Center). Ms. Justus thanked the Board.

Mr. Rutherford thanked Dispatch for being the silent heroes on the phone. He noted the fire at his home just prior to his wedding and expressed his appreciation for everyone who responded. He also noted the difficult job that Dispatchers had and thanked them.

VI. NEW & UNFINISHED BUSINESS

A. Special Use Permit #1005 – Campground (Deferred from September Meeting)

Ms. Hjulstrom reintroduced SUP #1005 from the previous month. She reported that it was a special use permit application for a one-site campground. She explained that the owners intended to live in the house on the property, and they wanted to be able to rent out their own personal camper during times when they were not using it themselves. Ms. Hjulstrom showed the proposed camper location on the site map, which was on the north side of the house and would meet the setback requirements. She reported that there was no flood plain and the area was agricultural and residential in nature. Ms. Hjulstrom indicated that the property was zoned A-1 and was accessed by an existing entrance. She noted that VDOT had no comments. She reported that the house was served by existing utilities. She reported that the owner had been in contact with the Health Department. She noted that the property was located in an area designated Rural and Farming on the Future Land Use Map.

Ms. Hjulstrom reported that on August 23, 2023, the Planning Commission voted (6-0) to recommend approval of the special use permit with the following conditions:

1. There shall be no more than one site, and the unit shall be provided by the property owner.
2. The location of the site shall meet property setbacks.

Owner applicant Luke Hoge was present. Mr. Hoge noted that Ms. Hjulstrom summed up the application well. He commented that his direct neighbors had spoken in favor of the application. He noted that all of the neighbors he had spoken with were in favor. Mr. Hoge noted that the permit he applied for was for a campground but it was just his single camper that he wanted to rent out on his property and he wanted the conditions spelled out to state that. Mr. Rutherford noted that the public hearing had already taken place. The Board had no questions for Mr. Hjulstrom or the applicant.

Mr. Barton made a motion to approve **Special Use Permit #1005** with the conditions recommended by the Planning Commission as follows:

1. There shall be no more than one site, and the unit shall be provided by the property owner.
2. The location of the site shall meet property setbacks.

Mr. Parr seconded the motion. There was no further discussion and Supervisors approved the motion unanimously (4-0) by roll call vote.

B. Ambulance Funding Request – Rockfish Valley Volunteer Fire and Rescue

Tony Reid of the Rockfish Valley Volunteer Fire Department was present to request fifty (50) percent funding for a new ambulance that would be a replacement. He explained that this was normally done in the past by the Rescue Squad submitting for the Rescue Squad Assistance fund, but they were declined for the grant in March due to the mileage on truck (around 88,300 miles) and concerns regarding the number of calls covered by the agency. Mr. Reid commented that currently, Rockfish was probably the most active all-volunteer rescue squad in the County. He noted that they tried to assist with the paid crews if needed. He also noted that if the paid crew had a truck break down and were in need of a truck, Rockfish had two ambulances and could loan out one.

Mr. Reid reported that a new truck cost around \$334,000. He indicated that he had found a few demo trucks that were already built and available. He explained that the demo trucks were basically new trucks, they were just taken around to different agencies to demo. He asked if the County would still put forward the 50 percent, and then the Agency would go to the Emergency Services Council to borrow the other 50 percent from the interest free loan fund to purchase the ambulance. Mr. Parr confirmed that the request had been recommended by the EMS Council. He noted that it was his understanding that the request was previously approved with the assumption that Rockfish were to receive the grant for the 50 percent funding, which did not work out.

Ms. McGarry commented that 50 percent of the desired Horton demo ambulance would be \$149,865. She noted that the County's current budget balance in the Emergency Vehicle line was \$157,885, which if approved, would be where the money would be paid from. Ms. McGarry then reported that Rockfish did not have any outstanding loans currently, and she noted that the Interest Free Emergency Loan fund balance was \$702,914.

Mr. Parr moved to approve the 50 percent funding request for Rockfish Valley Volunteer Fire Department as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry presented the following report:

- A. Comprehensive Plan:** The project website is www.Nelson2042.com. The County considered public feedback to date at a joint meeting of the Board of Supervisors and Planning Commission on September 28th and made adjustments to plan language to be incorporated into a revised draft. Additional feedback from the County and the public will be taken until October 26th. Comments may be left by completing a form on the nelson2042.com homepage or on the idea wall or by contacting County staff and Supervisors through October 26th. 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:** On August 17th, Amherst County held a public hearing on a special exception request for a revised utility scale solar energy system by Piney River Solar, LLC located at 2508 Patrick Henry Highway which is adjacent to the Piney River trail and it was referred back to their Planning Commission for consideration in September. The Amherst Planning Commission recommended denial of the permit siting inconsistency with the County's Comprehensive Plan. Their Board of Supervisors will hold a public hearing on the permit at its October 17th meeting.
- C. State PSAP Staffing Recognition Grant:** The County applied for and will receive a one-time Virginia Department of Emergency Management grant that is meant to recognize and retain 911 dispatchers in State recognized PSAPs (Primary Safety Answering Points). The County will receive \$35,000 for this purpose, \$2,500 per each grant eligible position, which for Nelson includes 12 FT 911 Dispatch positions and 2 FT Authorized full-time PSAP managers/ supervisors who are

certified and actively work on the 9-1-1/ operations floor. Our project plan and timeline entails paying out \$1,250 to each eligible employee in November 2023 and \$1,250 in March 2024. The grant is on a reimbursement basis and appropriation of these funds were included in the October budget amendment for the Board's consideration. A huge thank you to John for getting our folks this grant that recognizes the excellent work they are doing!

- D. Courthouse Complex Tree Work:** The Board of Supervisors authorized essential tree removal work at the Courthouse Complex; which is planned for October 11th – 13th from 7:30 am to 6:30 pm daily. For the duration of this work, the primary Courthouse Complex entrance at Courthouse Square will be closed and parking will be restricted along the rock wall of Court Street down to the corner of this entrance. The use of noise generating machinery and equipment is expected. Notices about this work have been distributed physically and by email to County employees and neighboring properties and will also be posted on the County's website.

Ms. McGarry noted that AEP was currently on site to look at the work that would take place around the utility lines.

- E. Nelson County Service Authority (NCSA) Term Engineering Contract:** The Service Authority issued an RFP for Term Contract Engineering Services, four proposals were received, and a unanimous decision was made by the evaluation committee to negotiate a contract with the top ranked firm. The contracted firm will provide engineering tasks on an as needed basis as scoped. As authorized by the Board of Supervisors and in partnership with the NCSA, the first tasks to be scoped will be a Preliminary Engineering Report or PER that evaluates 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.

Ms. McGarry noted she would not yet name the firm as she was not sure where the Service Authority was in the notification process.

F. FY24 State Budget Amendment:

Salary Adjustments: The General Assembly's budget passed on September 6th contains funding of a 2% salary increase for K-12 education - SOQ recognized positions beginning January 1, 2024. It is my understanding the School Division intends to provide this increase across the board and can do so within their current budget. State supported local employees will receive an increase of 2% in their base salary after any approved targeted salary initiatives, effective December 1, 2023. Targeted salary initiatives include: reapplication of a compression increase for sworn deputies currently in an eligible position as they were on August 1, 2022. An adjustment for elected Sheriff's to account for the State's consolidation of population groups, restoration of unfunded positions in the Commissioner of Revenue and Treasurer's offices at 50% reimbursement, and targeted increases for Assistant Commonwealth Attorneys and Circuit Court Clerk's Deputies. These funded salary increases will increase the amount of reimbursement to the County from the State; however, if applied uniformly to non-state funded positions, it will increase costs for locally funded positions. Staff is analyzing these impacts to be reported to the Board for consideration, prior to implementation of these pay adjustments. Note: The State Compensation Board memo on this states that since 2017, General Assembly language in the budget does not allow for these across-the-board salary increases for Constitutional Officers and employees to offset local salary supplement funds.

Regional Jail Authority Funding: The State's provision of 25% funding for the Regional Jail Authority's renovation project was included in the budget amendment. ACRJ is proceeding with scheduling its Financial Advisors (Davenport & Co.) to present an interim financing strategy to each member jurisdiction for approval. They are scheduled to present this at the Board's November 16th regular meeting.

- G. Opioid Abatement Authority Grants:** Partnership agreements are being circulated for signature for the Cooperative Partnership Grants awarded by the Opioid Abatement Authority. These awards are for \$834,974 for CITAC expansion and addition of 23-hour crises response and \$448,500 for Blue Ridge Center Community Response and addition of Community Drop In. There is no local match for these grants and Albemarle County will serve as the fiscal agent and will perform grant management functions.

- H. Route 151 Corridor Study Update:** VDOT and their consultant are updating the study which will include the dissemination of a public survey and a second in-person meeting to be scheduled for the first week of November tentatively at the Rockfish Valley Community Center at a time TBD. Following the public meeting, cost estimates on recommendations will be finalized and a subsequent VDOT presentation to the Board of Supervisors will be scheduled. As previously noted,

this schedule flows well with that of the Comprehensive Plan; allowing for its consideration and inclusion in the final draft to be presented for public hearings in early to mid-winter 2023.

- I. Polling Place ADA Compliance Assessments:** The Virginia Department of Elections requires annual assessment of the County's polling places for ADA Compliance and further requires confirmation of ADA compliance through local Electoral Board certification. This annual certification is due back to the State by Monday, October 16, 2023. The Registrar (Jackie Britt) and her staff, Paul Truslow, and Mr. Tom Vandever, the Executive Director of the Independence Resource Center, conducted ADA assessments of all 9 of our voting sites which noted that 3 of our precinct locations (Lovington Fire Department, Gladstone Rescue Squad, and Massies Mill Ruritan Club) presented outside accessibility difficulties that would need modification to become fully ADA accessible by the November election. Paul and Billy worked diligently with Jackie and her staff over the last few weeks to obtain the site owner's permission at each location and to implement the required ADA compliance fixes recommended by Mr. Vandever. The primary alterations made at each of these locations involved concrete work that provided modification of the slope of the approaches to and leveling of the landing spaces at the entryways of the front doors and some minor increases in size of parking areas. There were a few accessibility issues identified at the Registrar's office with the primary issue being handicap van accessible parking. This has been temporarily addressed through coordination with Atlantic Union Bank for the temporary dedicated use of a shared handicap van accessible space immediately adjacent to the Registrar's building and new striping of said space up through the November election. A shared permanent space has been requested of the Bank by the County with the outcome TBD. Mr. Vandever returned to evaluate the work that was done, noting all sites were fully ADA compliant and commending County staff for achieving this compliance so expeditiously. The Electoral Board will now be able to certify ADA compliance to the state by the deadline. A huge thank you goes out to Jackie and her staff and to our maintenance staff (Paul and Billy) for making this a priority!
- J. DSS Building/Callohill Site:** PMA has evaluated use of a centralized filing system versus individual office files for the impact to square footage; noting "The conclusion is that this would reduce the total square footage for offices by 126 square feet but add a new room that would enlarge the building by 575sf to 625sf. This is why small DSS offices rely on case files to remain in the offices." Timmons has reported that the newest site concept has been successful in reducing the footprint of the project from the first concept in 2022. The newest concept requires about 3.5 acres of development on the site as opposed to 5 acres. Additionally, if the project only entails DSS needs, then the actual development of the site and parking can yield a smaller parking lot and building footprint; which could reduce the site development costs as much as \$1M from the first estimate and it would also reduce the budget for the building. PMA recommends having Downey & Scott update their cost estimate. Timmons has also reported that addressing stormwater will either require creating a stormwater retention pond on site, which may require blasting, or an easier and potentially less expensive option would be to construct this across the other side of Callohill if an easement could be obtained or additional land were procured. PMA is working on a design fee proposal to move the project forward from this point through design, bidding, and construction.

Mr. Parr commented that PMA did not get in a hurry and were dragging their feet. Ms. McGarry agreed and commented that she may need to be more assertive in pushing them along also. Mr. Reed and Mr. Rutherford also commented on the slow progress. Mr. Parr noted that he had a DSS Board meeting the following week and asked if staff could get updates from PMA to share for that meeting.

Mr. Parr asked about the tree removal and whether any options had been considered for the wood. Ms. McGarry noted that in the contract, the County reserved the right to retain the first twelve (12) feet of the tree. She commented that they intended to keep the first 12 feet and noted that Paul Truslow would pick up the pieces to be retained for keeping at the Maintenance shop until a decision has been made on what to do with the wood.

Mr. Parr referenced the ADA compliance for the polling places and Registrar's office and asked if the County was considering any long term adjustments/changes with the Registrar's office. Ms. McGarry commented that the primary long term solution was getting the bank to allow the County to have the shared parking space long term. She noted that otherwise, they may have to look at alternate locations, which could be difficult. Mr. Rutherford stated that he would need to abstain from any discussion as he was a property owner. Ms. McGarry commented that staff was looking at options beyond the current location, but nothing concrete. She noted that working out a solution with the bank was the primary objective.

Mr. Parr asked if the County would have any more leverage if they were the property owners. Ms. McGarry noted that she did not know the answer to that. She commented that the County should have significant leverage being a large depositor of that institution. Mr. Parr commented that it was not an overly utilized parking space for the bank.

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

2. Board Reports

Mr. Barton:

Mr. Barton reported that the Jail Board had not met. He asked about the political forum and a conflict of some sort was mentioned during the forum. He commented that there was a conflict of sorts between the Sheriff and Commonwealth Attorney. He asked why that would be brought up in a public forum and asked who was aware of the conflict. Mr. Parr asked where that conversation and issue belonged in a Board of Supervisors meeting. Mr. Parr felt they were in territory that did not apply to the Board. Mr. Barton noted that the Board of Supervisors represented the people of Nelson County. Mr. Parr agreed but noted that neither office reported to the Board. Mr. Barton felt that the two offices may want to work things out together.

Mr. Rutherford asked what the Albemarle-Charlottesville Regional Jail plan was, now that the State had included it in the budget. Ms. McGarry noted that Thursday's Jail Board meeting would have updates on the timeline. She explained that the Jail Board would request interim financing for all of the soft costs involved in the design. Mr. Barton noted that he decided not to run for re-election but he could continue to serve on the Jail Board unless another Board of Supervisors member was interested in serving. He commented that it had been a learning experience. Mr. Rutherford commented that he would be interested.

Mr. Reed:

Mr. Reed reported that last month, he and Ms. McGarry attended the VACo Regions 3 and 5 meeting. He noted that the meeting was held at the Beulah Recreation Center, which was a repurposed school that had been turned into a community recreation center. He reported that they were able to tour the center. He noted that there was a discussion about the JLARC study that was done on the schools and the way schools are funded. He commented that Nelson County well represented at the meeting with more representatives at that meeting with the exception of Henrico County, which was hosting the meeting.

Mr. Reed also reported that the TJPDC Regional Transit Governance Steering Committee met and discussed the funding alternatives available to localities. He noted that had a JABA Board meeting that was good. He reported that he met with Doug Coleman of the Wintergreen Nature Foundation to discuss the Comprehensive Plan and how it applied to Wintergreen and the rest of the Central District.

Mr. Parr:

Mr. Parr reported that the DSS Board and EMS Council held their meetings on the same day, and he had taken a personal day last month and was unable to attend either meeting. He thanked the Board for the ambulance funding for Rockfish, noting it had been well-supported by the EMS Council.

Mr. Rutherford:

Mr. Rutherford reported on the TJDPC meeting, noting they were having more discussion on affordable housing and studies to be done. He commented that a general housing survey had been conducted in 2018-2019 to determine housing demand and noted that they were looking to complete the survey again over the next year. Mr. Rutherford reported that he would be speaking at an affordable housing conference in Staunton the next day. He commented that the Comprehensive Plan was onward and upward, and thanked staff and Berkley Group for their work. He noted that they were excited to see it wrap up at the first part of next year, and then they would be moving on to zoning after that. He commented that a Comprehensive Plan was only as good as the zoning that followed. Lastly, he reported that Lovingston had a fall festival over the weekend with vendors and live music. He commented that it was good to see activity in the village and he hoped that the momentum continued.

B. Appointments

Nelson County Service Authority

Ms. Spivey reported that they had received a resignation letter from Justin Shimp, who was resigning as the North District representative on the Nelson County Service Authority Board. She noted that they had advertised but they had not received any applications. She commented that if they knew someone in the North District who would be a good candidate to have them apply.

Board of Zoning Appeals

Ms. Spivey reported that they had advertised the expiring term on the Board of Zoning Appeals. She noted that Ms. Carole Saunders had indicated that she wished to be re-appointed for another term. Mr. Parr moved to re-appoint Carole Saunders to the Board of Zoning Appeals and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

C. Correspondence

The Board had no correspondence.

D. Directives

The Board had no directives.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 2:59 p.m., Mr. Parr moved to adjourn and reconvene at 7:00 p.m. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion 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 7:04 p.m. with four (4) Supervisors present, and Mr. Harvey was absent.

II. PUBLIC COMMENTS

David McGann - Afton, VA

Mr. McGann commented that he was present to see what the Board of Supervisors would do for the special use permit and to gain public knowledge on the subject.

There were no other persons wishing to speak under public comments. Mr. Rutherford closed the public comments period.

III. PUBLIC HEARINGS

A. Special Use Permit #998 – Vacation House

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

Ms. Hjulstrom presented the following:

BACKGROUND: This is a request for a Special Use Permit to allow a vacation house use in an existing dwelling on property zoned R-1 Residential.

Public Hearings Scheduled: P/C – August 23; Board – October 10

Location / Election District: 2617 Rockfish Valley Hwy / Central District

Tax Map Number(s) / Total Acreage: 21-7-2A / 1.08 acres +/- total

Applicant/Owner Contact Information: Gretchen Rush, 2617 Rockfish Valley Hwy, Nellysford, VA 22958, 210-931-9892, gretchrush@gmail.com / Glenda MacNeil, 544 Creek Heights Drive, Midlothian, VA 23112, 804-920-2628, aresmom@yahoo.com

Comments: This property contains an existing single-family dwelling. The narrative provided by

the applicants indicates that this is one owner's primary residence, and the other owner's part time residence until she retires. They are requesting to utilize the dwelling as a vacation house, or short-term rental, 2-3 weekends per month.

Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room...

Transient: A guest or boarder; one who stays for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Section 5-1-5a of the Zoning Ordinance requires a Special Use Permit for a vacation house use in the R-1 Residential district.

DISCUSSION:

Land Use / Floodplain: This area is residential and commercial in nature, with some agricultural uses as well. Zoning in the vicinity is R-1 Residential, A-1 Agriculture, and B-1 Business. There are no floodplains located on this property.

Access / Traffic / Parking: This property is accessed by an existing entrance on Rockfish Valley Hwy. VDOT had no comments.

Utilities: The house is served by existing utilities.

Comprehensive Plan: The Nellysford area is designated as the County's only "Neighborhood Mixed Use Development Model." It is further identified as a "primary development area." This model supports a central gathering place able to fulfill the diverse needs and interests of nearby residents and visitors to the county, all within a focused, walkable, and identifiable place.

At their meeting on August 23, there was a motion to recommend approval that failed with a vote of (2-4). There were no subsequent motions, therefore there is no recommendation from the Planning Commission for SUP #998.

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

Ms. Hjulstrom noted that an additional public comment had been received and provided to the Board prior to the meeting.

Applicants, Ms. Gretchen Rush and Ms. Glenda MacNeil were present. Ms. Rush commented that she was a resident on the property at 2617 Rockfish Valley Highway in Nellysford. Ms. MacNeil commented that she was a co-owner of the property and visited on the weekend. She noted that she was waiting to retire in 2025.

Ms. MacNeil stated that they were present to get permission for a special use permit. She noted that they had addressed the concerns that had been brought up by the Planning Commission. She stated that they now had a letter from their neighbor Penny Harris, who had agreed to be the on-site neighbor when the owners were not present. Ms. MacNeil commented that Ms. Harris lived right next door and was the closest neighbor. She noted that trees had been planted on either side of the property for a buffer. She also indicated that there was an enclosed area for dogs. Ms. MacNeil commented that they had limited the number of people that could come to the property to four (4) people.

Ms. Rush commented on the first criteria for a special use permit, noting that in viewing the GIS on the County website, it showed that it was very much a mixed use neighborhood. She noted that the Post Office and Fisher Auto Parts were just 200 feet down the road, and she pointed out that there was another Airbnb on the other side of the Harris' home. She noted that another 500 feet down the road on the Agricultural

side, there was another Airbnb. She reported that Three Notch'd, Brewery was about a half mile away and just across the street from their house was a hay farm. She noted that there were all sorts of things going on in their neighborhood, which made it great. She understood the concerns, noting that some of the neighbors had been there for 40 years, while they were new to the area. Ms. Rush noted that they had held an open house and spoken with the neighbors. She also noted that they had addressed the issues brought to the Planning Commission.

Mr. Barton commented that it was a wonderful community and he welcomed the applicants to the community. He indicated that the community was sensitive to short term rentals. He noted that the Comprehensive Plan was ongoing and it was difficult to approve anything at this time. Ms. Rush commented that she understood that the timing was not great. She noted that they did not anticipate applying for a special use permit. She explained that she had gotten a job at Wintergreen and noted that there were hundreds, if not 1,000 or more Airbnb rentals in Nelson County, depending on where you looked. She commented that they were not in compliance and they were now trying to catch up. Ms. Rush noted that it did not seem fair that they had to go through the application process when there were two properties just down the street that were in a location that did not require a special use permit.

Mr. Rutherford opened the public hearing for Special Use Permit #998 - Vacation House.

Paul Davis - Nellysford, VA

Mr. Davis commented that he was also speaking on behalf of Donna Small. Mr. Davis noted that his concerns had nothing to do with the applicants personally. He commented that it would become a business in residential with the special use permit. He noted that the special use permit stayed with the property, and noted concerns that it stayed with the property forever and would change the County. He commented that he was not aware of any enforcement or follow-up that was done for special use permits, or if anyone from the County checked in. Mr. Davis then commented for Ms. Small. He noted that Ms. Small's comment was that it was not like by-right, it was a residential area. He commented that the Airbnb became a business and it stayed with the property. He noted that the applicants had good intentions, but the permit stayed with the property, and any other approved permit for a property. He reiterated the need for follow-up on special use permits.

David McGann - Afton, VA

Mr. McGann stated that he was taking in the comments from the applicants and those against the application, as well as those comments from the Board. He commented that Airbnbs were everything. He noted concerns that kids would not be able to stay in the County.

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

Mr. Reed asked Ms. Hjulstrom about the timeframe that the Board had to make a decision on the special use permit. Mr. Rutherford commented that it was one (1) year from the application period. Mr. Reed estimated that they had about ten (10) months left. He noted the Comprehensive Plan and rezoning. He asked if there would be an opportunity for residents who were denied something previously in their previous zoning, to reapply under the new zoning. Ms. Hjulstrom noted they would have to check with the County attorney. Ms. Hjulstrom noted if the applicants were denied, they could reapply in one year. She noted that the denial would not prevent the owners for applying for other special use permits or rezoning.

The Board had no further questions for staff. Mr. Rutherford invited the applicants to come back up.

Ms. Rush commented that they would only be renting 20 percent to 40 percent of the month as she was also living there. She suggested that the Board might consider writing the special use permit with conditions to keep the neighbors happy, particularly if the property were to be sold in the future.

Mr. Reed noted that he was also on the Planning Commission. He commented that he had voted against the special use permit at the Planning Commission meeting. He noted the Comprehensive Plan process and commented that he thought the Board had decided not to act on regulating short term rentals beyond what had been put into place. He commented that it was important to equitable and thoughtful. He noted that in the research done on regulating short term rentals, some options that other communities had implemented had to do with R-1 zoning. He explained that some proposals had been adopted to not allow any short term rentals in R-1 zoning. He noted that there were proposals to only have owner occupied short term rentals in R-1 zoning. He commented that those were options that might be on the table for Nelson.

Mr. Reed noted and agreed with the owner's statement that there were other short term rentals in the area. He commented that if they were to look at implementing some zoning changes in the Nellysford area, it would not look like it did currently. He noted that it would be cleaned up to some extent. Mr. Reed did not feel that he could approve a special use permit at the current time where there was R-1 zoning. He

noted it may not be equitable for the applicants, but he wanted to be sensitive and responsive to the citizens in his community.

Mr. Barton commented that sometimes it was best to put yourself in the position of already being present. He thought they needed to stop the trend.

Mr. Rutherford commented that when the Board had discussed figuring out the zoning for short term rentals, they discussed options like a moratorium, or a blanket ban on special use permits. He noted that they learned that there were things they just could not do. He commented that the County did not have a lot of R-1 areas. He noted that short term rentals were by-right in possibly 95 percent of Nelson County. He noted that they understood the benefits of short term rentals in the community as there had been revenue increases over the last few years. He agreed with Mr. Reed that they did not know what zoning would look like until they were finished with the Comprehensive Plan. He noted that he would like to see them get through the Comprehensive Plan and zoning completed. He commented that he doubted that R-1 would be in the picture of short term rentals in the future. He noted that there were a lot of mixed uses within that area. He suggested that they either delay the vote on the special use permit, or deny the special use permit and encourage the applicants to return when the zoning is completed.

Mr. Parr noted that it was obvious that they did not have the votes. He asked Ms. Hjulstrom if one scenario was better than the other, if the applicants wanted to come back later. He asked if the applicants should pull the application, or the Board votes no and the applicants reapply in a year. Mr. Rutherford did not think it would be quite right if the applicants withdrew the application. Mr. Parr commented that the options were then to either delay the vote, or vote no and tell the applicants to come back in one year. Ms. Hjulstrom was not sure about delaying the vote, she suggested it may be better to go ahead with vote rather than put it off.

Mr. Parr commented that he sympathized with situation, the timing was bad. He noted that he was familiar with the property and what they were doing seemed to be fine. He commented that it was too close with the Comprehensive Plan and zoning changes coming up. He noted that if it had been one year ago, he probably would have voted in favor of the special use permit.

Mr. Barton made a motion to deny Special Use Permit #998 – Vacation House in R-1, noting he felt that was what was best for the community. Mr. Reed seconded the motion.

Ms. McGarry asked Ms. Hjulstrom about the possibility of applying for rezoning if the special use permit was denied. Ms. Hjulstrom noted they would be able to apply for a rezoning to A-1.

There being no further discussion, Supervisors voted unanimously (4-0) to approve the motion, and Special Use Permit #998 was denied.

B. Correction of FY24 Budget Adoption and Appropriation Resolutions (R2023-40C) and (R2023-41C)

Consideration of proposed resolutions correcting the originally approved FY24 Budget Adoption (R2023-40) and Appropriation (R2023-41) Resolutions, to include the \$2,111,079 budgeted within the General Fund to be transferred to the VPA (Department of Social Services) Fund. The General Fund total, including the VPA Fund transfer amount, is \$50,222,334 making the FY24 total appropriations for all funds \$95,163,565.

Ms. McGarry reported that the public hearing was in regards to proposed corrections to the FY24 budget adoption and appropriation resolutions. She noted that the original resolutions were R2023-40 and R2023-41. She referenced Virginia State Code sections §15.2-2503 and §15.2-2506, which prescribed the parameters for which approvals of budgets happen, publications of notice, and the public hearing on the budget.

Ms. McGarry provided the following background information:

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

During the annual FY23 year end and subsequent FY24 beginning year financial processes in August 2023, staff discovered a clerical error in the General Fund total as presented in the aforementioned resolutions affecting the overall adopted and appropriated budget for FY24. The correct FY24 budget adoption and appropriation total should be **\$95,163,565** (\$93,052,486 + \$2,111,079) which includes the VPA fund (which is the transfer to Social Services amount) of \$2,111,079. That amount was omitted from the total in the original resolutions. Staff consulted with the County Attorney and Auditors on how to effect the correction and they recommended that

staff follow initial budget adoption and appropriation procedures in accordance with §15.2-2506 of the Code of Virginia, which requires a public hearing following a seven (7) day public notice.

Ms. McGarry reported that pursuant to §15.2-2506, the Board of Supervisors authorized the public hearing on September 13, 2023, via the adoption of Resolution R2023-61. She noted that the public hearing notice was published in the September 28, 2023 edition of the Nelson County Times providing a 13-day notice prior to the Board of Supervisors public hearing date that night.

Ms. McGarry showed the Original FY24 Budget Adoption Resolution R2023-40.

Original FY24 Budget Adoption Resolution R2023-40

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County, Virginia that the Fiscal Year 2023-2024 Budget be hereby adopted in the total amount (all funds, revenues and expenditures) of **\$93,052,486**. The individual fund totals are denoted as follows:

| <u>Fund</u> | <u>Budget</u> |
|-------------------------|------------------------|
| General | \$48,111,255.00 |
| VPA(DSS) | \$ 2,111,079.00 |
| Debt Service | \$ 6,341,318.00 |
| Capital | \$ 705,251.00 |
| School | \$34,694,395.00 |
| Textbook | \$ 595,000.00 |
| Cafeteria | \$ 299,280.00 |
| Piney River Water/Sewer | \$ 194,908.00 |

Ms. McGarry then showed the proposed corrected FY24 Budget Adoption Resolution R2023-40C, noting that the General Fund now included the number below it, the VPA \$2,111,079.

Proposed Corrected FY24 Budget Adoption Resolution R2023-40C

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 |

Ms. McGarry then showed the Original FY24 Budget Appropriation Resolution R2023-41.

Original FY24 Budget Appropriation Resolution R2023-41

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County, Virginia 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) (All Sources)</u> | <u>Expenditure(s) (All Departments)</u> |
|-------------------------|-------------------------------------|---|
| General | \$48,111,255.00 | \$48,111,255.00 |
| VPA(DSS) | \$ 2,111,079.00 | \$ 2,111,079.00 |
| Debt Service | \$ 6,341,318.00 | \$ 6,341,318.00 |
| Capital | \$ 705,251.00 | \$ 705,251.00 |
| School | \$34,694,395.00 | \$34,694,395.00 |
| Textbook | \$ 595,000.00 | \$ 595,000.00 |
| Cafeteria | \$ 299,280.00 | \$ 299,280.00 |
| Piney River Water/Sewer | <u>\$ 194,908.00</u> | <u>\$ 194,908.00</u> |
| | \$93,052,486.00 | \$ 93,052,486.00 |

Ms. McGarry then showed the proposed corrected FY24 Budget Appropriation Resolution R2023-41C, noting that the General Fund Revenues and Expenditures both showed the correct amount of \$50,222,334 with the revised total of \$95,163,565.

Proposed Corrected FY24 Budget Appropriation Resolution R2023-41C

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

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

Ms. McGarry explained that the next steps would be to conduct the public hearing to receive citizen input on the proposed corrected resolutions and obtain staff input if desired. Ms. McGarry noted that pursuant to §15.2-2506 the Board would need to wait a minimum of seven (7) days to take action on the proposed corrected resolutions, R2023-40C and R2023-41C. She noted that staff recommended that the Board have favorable consideration of the resolutions at the next regular Board meeting scheduled for November 16, 2023.

Mr. Reed asked if they took the \$2 million amount and added it to the General Fund, why did the VPA continue to have a \$2 million balance. Ms. McGarry explained that accounting wise, it had to be included in the General Fund total and then it was a transfer out. She commented that the \$2 million was not being added, it was already there. She noted that it was just not shown in the total General Fund amount like it should have been.

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

The Board had no questions and Mr. Rutherford and Ms. McGarry noted that the resolutions would go forward to the November 16th Board meeting.

C. Amendment of FY2023-2024 Budget – Supplemental Appropriation of School Construction Assistance Program Grant Funds (R2023-65)

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

Ms. McGarry explained that the public hearing was on a budget amendment for the School Appropriation. She presented the following background information:

On March 28, 2023, the Board of Supervisors voted to provide a letter of financial commitment for the School Division’s School Construction Assistance Program grant application for High School renovations estimated to cost \$24,517,030.

The School Division was awarded a 10% grant of \$2,451,703 by the Department of Education Board on May 11, 2023 and official notification was dated June 21, 2023.

Ms. McGarry then explained that the funds were to be provided on a reimbursement basis and would not be provided in a lump sum from the State. She referenced the Code of Virginia §15.2-2507 Amendment of budget, which states that “any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing once in a newspaper having general circulation in that locality at least seven days prior to the meeting date.”

Ms. McGarry reported that on September 12, 2023, the Board of Supervisors authorized a public hearing via adoption of Resolution R2023-62. She noted that the budget amendment public hearing notice was published in the September 28, 2023 edition of the Nelson County Times with a 13-day notice prior to the Board of Supervisors public hearing date that evening. Ms. McGarry reported that the total expenditures shown in the currently adopted budget was \$72,061,949.14 (which excludes transfers). She noted that one (1) percent of total expenditures was \$720,619.49. She explained that the total budget amendment request was \$2,451,703 in State School Construction Assistance Program Grant Funds requested by the School Division for the High School renovation project. She noted that the total School Budget after the amendment would be increased by \$2,451,703. She noted that would be on a reimbursement basis.

Ms. McGarry reported that the State funds would be provided directly to the School Division as the grant recipient; therefore, no transfer of funds from the General Fund was required. She noted that the proposed budget amendment entailed a supplemental appropriation within the School Fund as follows:

Appropriation of Funds (School Fund)

| <u>Amount</u> | <u>Revenue Account</u> | <u>Expenditure Account</u> |
|----------------|------------------------|----------------------------|
| \$2,451,703.00 | 3-205-002402-0306 | 4-205-066100-9305 |

Ms. McGarry noted that the next steps would be to conduct the public hearing, obtain input from the School Division staff if desired, and consider adoption of Resolution R2023-65. She reported that Dr. Hester and Assistant Superintendent Irvin were present at the meeting. She indicated that staff recommended favorable consideration of a budget amendment.

Mr. Reed noted that the funds were on a reimbursement basis and he asked if the reimbursement could be applied for as money was spent, or if it had to be after the entire amount has been spent. Ms. McGarry noted that her understanding was that the reimbursements could be applied for as the money was spent, and it was submitted to the Department of Education on a quarterly basis for analysis and reimbursement.

Mr. Rutherford opened the public hearing.

David McGann - Afton, VA

Mr. McGann commented on the \$24 million to spend and grant of \$2 million for reimbursement. He asked if there was anything else that the State could reimburse if the County spent \$24 million. He noted concerns that the County was spending that much money on education when the State should have more funding for the County, other than \$2 million. Mr. McGann commented that he had nothing against school being redone because it was needed.

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

Dr. Amanda Hester and Ms. Shannon Irvin were present to answer questions.

Ms. Irvin explained that this particular grant was based on the criteria set by the State, and with Nelson County’s demographics and composite index, the most that could be received was 10 percent for the project. She noted that there were other grants they were trying to pursue, particularly for school security. She commented that as information became available, the School Division would pursue any opportunities to help the tax payers and the Board of Supervisors fund the schools. Dr. Hester noted that for this particular grant, the County was the final approved application in this round of competitive grants, they were not eligible the next round. She explained that they applied every time something came around, they tried to apply for it because they wanted to be able to support and find other ways to provide what they thought the staff and students needed to be successful. Dr. Hester commented that many of the grants were based off of the LCI (local composite index) and Nelson County, the LCI did not always appropriately reflect the County’s spending ability.

Ms. Irvin noted that they anticipated the first dollars spent would be the state monies, so that those monies could be turned. She commented that they not anticipate any County funding in the current fiscal year at all. She explained that some projects needed to go out to bid and be awarded before November 11th. She noted that an architect had been selected for the project and they were in the process of contract negotiations.

Dr. Hester commented that the architect was aware of the timelines and the expedited nature of it, in order to get the funds. She noted that the November 11th date was specific to the grant funds, not the overall allocation of \$24.5 million.

Ms. McGarry commented that it looked like they had six (6) months from the date of letter to obligate the grant funds awarded, which would be December. Ms. Irvin thought that it was six (6) months from the date of the Board meeting. Dr. Hester noted that they would check on the date.

Mr. Barton noted the \$24 million to redo the high school and asked if there was a timeline for the spending on the full project. Ms. Irvin noted that they had been provided with a GANTT chart that outlined what the timeline could look like, but it had not been finalized. She explained that it would depend on the scope of the project. Dr. Hester noted they were working with Moseley Architects. Ms. Irvin explained that the \$2.4 million had to be reimbursed fully by the following October. Mr. Barton asked when the Schools would be coming to the Board to ask for the \$24 million. Ms. Irvin explained that the request would be based on the GANTT chart designed by the architects, which would chart out the project over a number of years. She noted that until that was completed, they would not know what the number would be. Mr. Barton stated that education was his primary focus when he got on the Board. He commented that he felt the primary focus of education was not bricks and mortar, but the people. Mr. Barton commented that he did not have the impression when supporting the grant, that the project was going to happen right away. He noted that it was a surprise to him and others. He said he not think the County was in a financial position to allot \$24 million to the renovation of the schools. He asked if they could get out it. Dr. Hester noted the joint meeting of the Board and School Board in October 2022, where the Supervisors were provided a tour of high school and shown the items of immediate concern. She indicated that the items of concern were items that impacted the education of their students. She noted that they could not control when the Virginia Department of Education (VDOE) grants were available. Mr. Barton commented that he was there for the tour and he thought that the suggestions for improvements were overblown. He commented that he felt redoing the high school did not have to be done in a huge context. He noted that he was a supporter of the schools, but that did not always include buildings. He stated that there were other things that were important for the community.

Mr. Barton commented that there were other ways to spend the money in the County other than re-doing the high school. Dr. Hester noted that the project was a partial renovation. She explained that the building operated off of one water main, noting that the high school water main fed the middle school, so if something went wrong for one, it went wrong for both school. She commented that the HVAC system was aging as well as the lighting in the older portion of the building. Dr. Hester explained that this project was looking at the MEP parts (mechanical, electrical, plumbing), not flashy technology aspects. She noted that they were fixing the roof.

Mr. Barton noted he had heard concerns from other members of the Board that \$24 million would not be enough to do what was proposed. Dr. Hester noted that they were working Moseley to identify the needs and the best use of the funds. Ms. Irvin noted that the high school had the 1954 building, a 1970's building, and a 2003 building. She noted that most of the work needed was plumbing and electrical, and was not flash. She commented that they were disappointed to think that most of the expense, they would not see because it was under the building and over the ceilings. Dr. Hester noted that the technological aspect was not the focus of the money. Mr. Barton commented that in providing the best possible education and environment for children, bricks and mortar were never the answer. He wanted to encouraged the schools to find ways to get by with what they had, until they could afford it. Dr. Hester noted they were afraid that they had already been doing that for so long. She commented that they had aging HVAC equipment and noted that it was hard to learn when it was cold outside, but the heat was pumping and it was hot. She noted that they had been putting some things off and if they did not take care of it now, that next fix would be more expensive. Ms. Irvin noted that there were a number of issues, including where water had gotten behind the brick on the building envelope, she indicated that fix was included in the renovation project. Ms. Irvin also noted that there were only two wall receptacles in each classroom. She commented that while technology was not the answer, it was a learning device that every child in Nelson County had, and it was how instruction was carried on. She commented that the roof top units would be replaced, noting that they were about 20 years old and most heat pumps did not last that long any more. Ms. Irvin commented that these were things that they had to do, and if they did not do them now they would have to do them soon. She noted that they could possibly have to close schools for an emergency repair if they were not proactive.

Mr. Reed noted that in March, the Board provided a letter supporting the \$24.5 million price tag for renovations. He noted that he was sympathetic to Mr. Barton and the questions he raised, but it would be disingenuous if the Board decided at the eleventh hour that they did not want to do the project.

Mr. Rutherford commented that the County's financial power had changed since March 28th. He stated that they were not going to be able to write a check for \$22 million (\$24 million minus the \$2 million) and noted that they had to procure debt for that amount. He commented that interest rates had risen. Ms. McGarry noted that she was unsure of where interest rates were currently. Mr. Rutherford commented that he was

October 10, 2023

hesitant to think that \$22 million would be enough. He noted cost of construction had increased significantly. He noted that the estimate for the Social Services building had started around \$4 million and now it was \$12 million. He indicated that once construction started, they had to finish it. He commented that he was concerned that it would not be \$22 million, it would be \$32 million. Mr. Rutherford noted other needs for improvements in Piney River, and infrastructure in Lovingsston as well. Mr. Rutherford asked if the Schools were looking at a number of tasks, or what they could accomplish with \$22 million. Ms. Irvin commented that they were dependent on the County, State and Federal governments for funding, and they had to see what they could accomplish for the budget they had.

Dr. Hester noted she was confused and felt they had been transparent with what they needed. She noted that the \$24 million was not up front, they were planning it over the course of time. Ms. Irvin noted if they choose not to move forward, they would forfeit the grant funds, but the work would still need to be done. She commented that they would still need to replace the plumbing and air conditioning units. She reported that a while back, the elevator had nearly caught fire and burned the school down. She noted that the facility was aging and needed refurbishment. Ms. Irvin noted that the project would cost \$2.5 million more, just by not having the grant. Dr. Hester commented that they wanted to take care of the projects now with the money they had, because they did not want costs to go up. Mr. Rutherford commented that costs had gone up on everything the County had touched.

Mr. Rutherford noted that he was not sure of the consensus of the Board. He asked if it was possible to delay the vote. Dr. Hester indicated her concerns that they would lose the grant and she was not sure how seriously VDOE would take Nelson County if they applied for another grant. She noted that 10 percent of \$24.5 million was a significant amount of money. Mr. Rutherford asked if they could wait 30 days. Dr. Hester noted that they would need to check on that date to see if there was any room to work with. She noted that they were also working with timelines with the architect.

Mr. Rutherford noted the need to check on these items. He suggested that they delay. He noted that the Board could call for a special meeting with notice as required.

Mr. Reed disagreed with the suggestion to delay, noting that the letter the Board voted to support on March 28th spoke to the Board's commitment to support the work of the school for up to \$24.5 million. He commented that when they make a commitment and put a price tag on it, they should be held to decisions made.

Mr. Parr noted that he had nothing to add.

Mr. Barton did not see what a delay would do. He agreed with Mr. Reed, and said that they might as well do it, they were going to do it any way.

Ms. Irvin commented that they had looked at the application for the grant as a way to help the County. She explained that they could not use the construction funds for anything else like textbooks. Ms. Irvin noted that in over 30 years, she could not recall any other free money opportunities.

Mr. Rutherford suggested to delay the vote and call a special meeting. He wanted the cost of debt service for \$24 million, the actual project scope, and what the money would be able to cover. He noted that they had been consistently incorrect with their capital projects.

Mr. Parr commented that he was prepared to vote but it would probably be best to delay. Mr. Barton commented that he was prepared to vote if it would pass.

Ms. McGarry asked how fast they could get the answers. Dr. Hester noted that the timeframe could hopefully be determined with a phone call the next day. Dr. Hester noted they could not handle debt service information. Mr. Rutherford noted that County staff could work on that part.

Ms. Irvin noted that the architects were currently working on the \$2.4 million portion, not likely prepared to have the \$24 million project definitively. Mr. Barton asked what the \$24 million number had to do with what was necessary. Ms. Irvin explained that they use the \$24 million estimate that Gary Harvey presented to the School Board and Board of Supervisors a few years ago. Dr. Hester reiterated that they were working with their architects to determine what that amount of money could do now.

Mr. Reed asked to read the March 28th letter that the Board voted to provide. Mr. Reed read the March 28th letter of support from the Board of Supervisors as follows:

March 28, 2023

RE: Nelson County School Division (062) 2023 School Construction Assistance Program Application

October 10, 2023

To Whom It May Concern,

The Nelson County High School renovation project is currently included in the School Division’s approved Capital Improvement Plan. Should the project proceed to implementation, the Nelson County Board of Supervisors would commit to providing local revenue dedicated to the School Division that would be sufficient to operate and maintain the facility for the duration of the project financing term. Grant funds are requested to partially fund the cost of the renovation which will include electrical, mechanical, lighting and plumbing and upgraded floor and wall surfaces. The anticipated cost of the renovation is \$24,517,032 though actual costs will not be known until the project is bid.

Respectfully,
Jesse N. Rutherford
Chairman, Nelson County Board of Supervisors

Mr. Barton asked when the \$24 million needed to be spent by. Ms. Irvin reported that the \$2.5 million had to be spent by October 2024. She noted that the project could not go on forever, noting that she believed the window would be the 24-26 biennium budget. She noted that she would get clarification on that from the VDOE.

Ms. McGarry indicated that the debt service would occur over the term of the financing.

Mr. Parr moved to approve **Resolution R2023-65** as presented and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to adopt the following motion:

**RESOLUTION R2023-65
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
October 10, 2023**

I. Appropriation of Funds (School Fund)

| <u>Amount</u> | <u>Revenue Account (-)</u> | <u>Expenditure Account (+)</u> |
|-----------------------|----------------------------|--------------------------------|
| \$2,451,703.00 | 3-205-002402-0306 | 4-205-066100-9305 |
| \$2,451,703.00 | | |

IV. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

V. ADJOURNMENT

At 8:44 p.m., Mr. Parr moved to adjourn the meeting and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.