

January 9, 2024

**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  
Dr. Jessica L. Ligon, South District Supervisor  
Candice W. McGarry, County Administrator  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk  
Linda K. Staton, Director of Finance and Human Resources

Absent: Thomas D. Harvey, North District Supervisor

**I. CALL TO ORDER**

Mr. Rutherford called the meeting to order at 2:00 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

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

Mr. Rutherford noted that it had been a great pleasure serving as Chair for the last two (2) years.

**II. REORGANIZATION OF THE BOARD AND ANNUAL ORGANIZATIONAL MEETING**

- A. Election of Chair and Vice Chair

Mr. Rutherford turned the meeting over to Ms. McGarry who noted that State law and County Code required the Board to conduct an annual organizational meeting at which the Chair and Vice Chair are elected.

Ms. McGarry opened the floor for Chair nominations for 2024. Mr. Reed nominated Mr. Parr to serve as Chair. Mr. Rutherford seconded the nomination. There were no other nominations for Chair and the floor was closed. There being no further discussion, Supervisors voted (4-0) by roll call vote to approve the motion to elect Mr. Parr as Chair.

Ms. McGarry then opened the floor for Vice Chair nominations for 2024. Mr. Rutherford nominated Mr. Reed as Vice Chair. Mr. Parr seconded the nomination. There were no other nominations for Vice Chair and the floor was closed. There being no further discussion, Supervisors voted unanimously (4-0) to approve the nomination and elect Mr. Reed as Vice Chair.

- B. Resolution – **R2024-01** Annual Organizational Meeting of the Board

Ms. McGarry reviewed R2024-01 Annual Organizational Meeting of the Board.

Mr. Rutherford moved to approve **Resolution R2024-01** as amended to appoint Dr. Ligon to the Piedmont Workforce Network Council. Dr. Ligon 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 R2024-01  
NELSON COUNTY BOARD OF SUPERVISORS  
ANNUAL MEETING**

**JANUARY 9, 2024**

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

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

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

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

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

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

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

Thomas Jefferson Planning District Commission:	Jesse N. Rutherford
Thomas Jefferson Planning District Commission:	Ernie Q. Reed
Director of Emergency Services:	Board of Supervisors Chair
Emergency Services Coordinator:	John Adkins
Piedmont Workforce Network Council:	Jessica Ligon
Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Deputy Clerk to the Nelson County Board of Supervisors:	Amanda B. Spivey
Zoning Administrator:	Dylan M. Bishop
Hazardous Materials Coordinator:	John Adkins
Thomas Jefferson EMS Council:	John Adkins
Nelson County EMS Council:	J. David Parr
Thomas Jefferson Community Criminal Justice Board:	Daniel L. Rutherford
Nelson County Social Services Board:	J. David Parr
Nelson County Planning Commission:	Ernie Q. Reed

**III. PUBLIC COMMENTS**

*William Percy*

Mr. Percy was absent at the moment and Mr. Parr indicated that they would circle back to him.

*Alex Casillas - Shipman, VA*

Mr. Casillas commented that he was with the Virginia Rural Water Association. He explained that they were working on projects for decentralized wastewater systems, such as septic systems, or cluster systems for subdivisions. He noted that the federal government had set aside funds to address these problems in rural Virginia. He noted that septic systems would eventually fail. Mr. Casillas commented that he wanted to try and get people in contact with their funds for the Clean Water State Revolving Fund USDA Rural Development. He indicated that if someone needed help with their septic systems, they could contact Mr. Casillas for more information.

*John Tani - Nellysford, VA*

Mr. Tani stated that Aqua was a water and sewer provider to 445 Nelson County homes in the Stoney Creek subdivision. He noted that the Stoney Creek system was up-to-date and operating below capacity, which required minimal, normal preventative maintenance. He stated that Aqua customers were facing a substantial increase in water and sewer bills beginning in January 2024. He reported that the rates for 3,000 gallons per month would increase from \$25 to \$38 for water (52 percent increase), and from \$47.90 to \$60 for sewer (25 percent increase). Mr. Tani also noted that there were proposed tariff increases based on a volumetric basis. He explained that charges for usage of over 3,000 gallons per month would increase 44 percent for water, and 62 percent for sewer, if the rate increases were approved. He commented that Aqua had been an aggressive rate hiker since they assumed control of the water in 2015. He noted that since 2015, rates had risen 90 percent for water and 36 percent for sewer. Mr. Tani commented that based on Aqua’s history, they anticipated future rate increase applications every two to three years. He reported that several members of the community had been meeting over the past few weeks to determine what could be

done to stop the rate increase and how to best proceed. He noted that a complaint had been submitted to the SCC. Mr. Tani noted that the Aqua increase was statewide and the SCC had received numerous comments from other communities. He reported that the County Boards of Botetourt and Caroline, in solidarity with their residents, had engaged legal counsel to fight the increase. He commented that the citizens of Nelson County affected by the increase, would appreciate if the Board of Supervisors followed the lead of their counterparts in Botetourt and Caroline counties. He stated that they believed the rate increase was unjustified because the increase was excessive. He noted that Virginia law called for a gradual rate increase over time. He commented that the increase in the January bill would sudden, not gradual. He noted that they did not believe Aqua had provided sufficient justification for the rate increase. Mr. Tani noted that in Aqua's application, the utility supported the rate increase, in large part, on prospective infrastructure improvements to water and sewer systems in other communities across the state. He stated that Nelson County customers should not have to pay for the proposed costs of other counties. He noted that they were capital costs, not operating costs. He commented that many Aqua customers claimed that Aqua had not invested in maintaining their systems, and had allowed them to deteriorate.

*William Mays – President of the Nelson County Farm Bureau Board of Directors*

Mr. Mays stated that he was there to address some confusion and clear up some confusion that happened in the last several weeks over land use in Nelson County. He noted that his phone had been busy over it, as well as others on his Board. He commented that there was a misunderstanding with something taken out of context in a previous Board meeting when Mr. Parr asked a question. He stated that he valued the working relationship that the two Boards had, noting it was the most important thing they had to go on, to work towards positive outcomes for agriculture in Nelson County. He commented that he valued the relationship very much, noting that the ability to have good dialogue over issues that affected agriculture and forestry in the County. He congratulated the Board on working toward fiscal responsibility over the past decades to put the County in a position to do capital improvements. He noted there was a need for capital improvement but they also needed to be fiscally responsible and live within their means. He commented that Nelson County agriculture and forestry represented a big part of Nelson County's economy. He noted that he and his Board would continue to strive for a good working relationship with the Board of Supervisors. He thanked the Board for the time and wished them all the best in 2024.

*Elwood Waterfield III*

Mr. Waterfield stated that there was a culture of corruption and cover ups in the County. He indicated that he had not been able to get a meeting with Sheriff or the Commonwealth Attorney in over six (6) years. He noted that the new Sheriff had stated that he would be safe in talking with him and would not be arrested. He stated that he was homeless because the Sheriff's Department did not investigate crimes and very seldom show up, noting that was prior to Mr. Embrey taking office. He referenced FOIA requests and stated that the words "ethics, integrity and trustworthiness" should not be used when talking about the Nelson County administration. He noted that he had lived on his home for 21 years and was then given three (3) hours to vacate the premises. He stated that Ms. Ligon should be made Chairman of the Board. He commented that the East District and South District were nastiest and filthiest places in the County. He stated that no one had done more in the County to clean it up than he had. He referenced Keep Nelson Beautiful and asked why anyone would get rid an organization called keep anything beautiful. He noted he had applied five (5) times to serve on that board and he was not considered for appointment until he mentioned the word litigation in a Board of Supervisors meeting. He commented that at his first meeting, it was announced that the Board did not exist anymore. Mr. Waterfield stated that he had filed an anti-SLAPP motion, and they all should be gone.

Mr. Parr called for Mr. Percy again at the end of public comments, but Mr. Percy was not present to speak.

#### **IV. CONSENT AGENDA**

Mr. Rutherford moved to approve the Consent Agenda as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolutions were adopted:

A. Resolution – **R2024-02** Minutes for Approval

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

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

B. Resolution – R2024-03 Budget Amendment

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

<b>I. Appropriation of Funds (General Fund)</b>		
<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 306.00	3-100-001899-0040	4-100-031020-5419
<b>\$ 306.00</b>		
<b>II. Transfer of Funds (General Fund to Transfer Account)</b>		
<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$2,766,838.68	4-100-091030-5619	4-100-093100-9203
<b>\$2,766,838.68</b>		
<b>III. Transfer of Funds (Transfer Account to School Fund)</b>		
<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$2,766,838.68	3-205-004105-0001	4-205-066100-9305
<b>\$2,766,838.68</b>		

\*Correction made to budget amendment following the meeting to use the correct Revenue Account number for the Transfer of Funds (Transfer Account to School Fund).

**V. PRESENTATIONS**

A. VDOT Report

Mr. Brown provided the following report:

Mr. Brown reported that they were still working on the Blundell Hollow structure replacement. He noted that he was hoping they would finish up that week. He indicated that winter operations had been going on for the past week. He noted that they had some activity on the mountain that past weekend due to some ice, sleet and snow.

Mr. Brown reported that VDOT was still trying to take care of routine maintenance activities. He noted that brush cutting along the highways in Nelson had been taking place, along with shoulder work along the roadways.

Mr. Rutherford:

Mr. Rutherford noted that they had discussed Whippoorwill and he asked Mr. Brown to look at his schedule to set up a meeting there. He also asked if Mr. Brown could attend a Lovingson Village Association meeting regarding the gateway signs. Mr. Brown noted he could meet and asked Mr. Rutherford to let him know when to meet.

Mr. Reed:

Mr. Reed noted that he and the County Administrator had some discussion about the procedure to look at reducing the speed limit and restricting thru truck traffic on 151 in the Rockfish Valley. He wanted Mr. Brown to know they were looking into the process, and they may need clarification on the procedures. Mr. Brown asked Ms. McGarry if she still had the truck restriction link that he had sent. Ms. McGarry noted that she did have the link. She commented that she believed the Board could request VDOT to conduct a speed study as the first step in the process to reduce the speed limit.

Dr. Ligon:

Dr. Ligon asked to add another area for a speed study. She asked about extending the 45 mph speed limit on Route 29 from Lovingson to the high school. She noted that it was dangerous to get on Route 29 in that

area. Mr. Rutherford noted he was interested in looking at intersection at Blue Moon and Vito's. Dr. Ligon agreed that was a bad spot and noted the next two intersections headed south on Route 29. Mr. Rutherford suggested looking at all of the intersections in the area. Dr. Ligon suggested that a speed reduction could help. Mr. Brown noted that VDOT liked access management and noted that some of those intersections should probably be closed.

Mr. Brown reported that the school zone area at the high school was being studied, and he was not sure what the recommendations would be. He explained that all of the traffic was collecting at the light in Lovington, and when the light turned green, it created difficulty for school bus traffic trying to cross the southbound lanes. He noted that VDOT had placed a traffic camera in that area to study it. He noted that they would hopefully have some recommendations to help that situation.

Mr. Parr:

Mr. Parr asked if Campbell's Mountain had been hard surfaced all the way to the end. Mr. Brown confirmed that it had be completed. Mr. Parr noted that there was a gravel road sign still in place on the road. Mr. Brown indicted that they would take the sign down. Mr. Parr asked about culvert work taking place across from Saunders Brothers on Route 56. He commented that area had issues with standing water. He asked if Saunders was doing the work or VDOT. Mr. Brown was not sure.

Mr. Reed made a motion to do a speed study on Route 151 in the Rockfish Valley, with the intention of a speed reduction to 45 mph along that corridor. Mr. Rutherford seconded the motion. Mr. Brown asked what the boundary limits were for the study. Mr. Reed noted the County line in Afton down to Beech Grove. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Dr. Ligon asked if a separate approval needed to be done for a speed study on Route 29. The Board was in consensus to request a speed study on Route 29 in Lovington also.

B. Thomas Jefferson Soil and Water Conservation District Programs Update

Anne Coates and Luke Longanecker of the Thomas Jefferson Soil and Water Conservation District (TJSWCD) were present to provide an update on the Thomas Jefferson Soil and Water Conservation District Programs. Ms. Coates noted that she was the Executive Director of the Thomas Jefferson Soil and Water Conservation District (TJSWCD). She introduced Mr. Longanecker as the Director of Programs for Agriculture. Ms. Coates explained that the TJSWCD was often confused as a non-profit 501c-3, but they were actually a government agency, just like the County. She noted that conservation districts were formed in the 1930's in response to the Dust Bowl. She noted that one of the primary differences with a conservation district versus a non-profit or other government agencies, was that they had elected local directors, which were made up of local landowners. She explained that they made local decisions on how to use Federal and State funding. She reported that there were 3,000 conservation districts in the United States, with 47 districts being in Virginia. She noted that not all land in Virginia was covered by a conservation district. She indicated that all of Nelson County was covered, which meant they were eligible for 100 percent of the funding that was available.

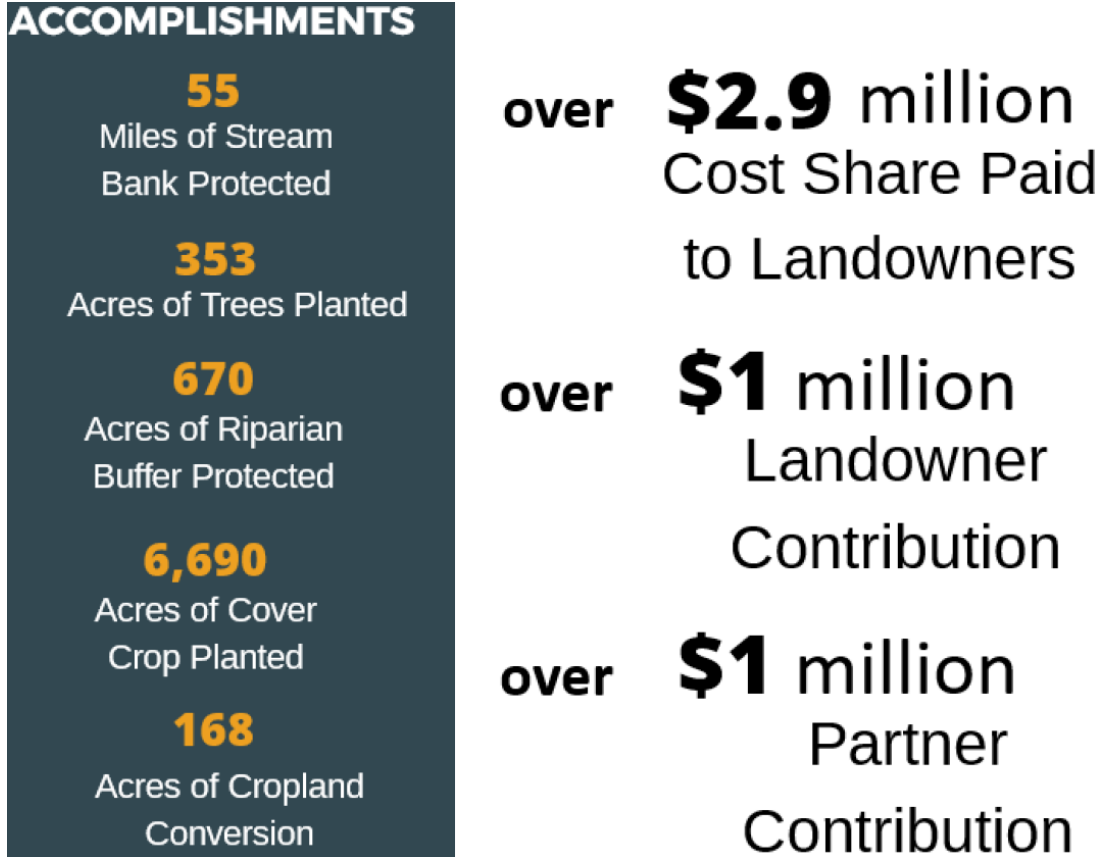
Ms. Coates reported that the TJSWCD was part of the National Association of Conservation Districts, as well as the Virginia Association of Soil and Water Conservation Districts. She noted that the associations did a lot of legislative lobbying for the TJSWCD, and went after funding for them. She indicated that they did have a process to help get community interests filtered up the ladder to try and get some changes at a legislative level.

Ms. Coates explained that Soil and Water Conservation Districts were a political subdivision of the state authorized through Code of Virginia §10.1-546 and governed locally by an elected Board of Directors. She noted that Mark Campbell and David Collins were the two (2) elected Directors for Nelson County. She indicated that the TJSWCD was geographically the second largest conservation district in the state, with Culpeper being the largest district. She reported that the TJSWCD had the largest staff in the state, noting that they were doing a lot of work. She noted that they were proud of their team, and they had a supportive Board of Directors to help them.

Mr. Longanecker reported that he managed the Ag and septic programs for the district. He explained that he and his team worked one on one with farmers and landowners in the TJSWCD to get to know them and their operation, determine what worked and what did not work, and come up with technical resources, grant funds, and educate them on best practices. He noted that they tried to help farmers and landowners improve their herd, land management, or anything else they may be able to assist with. He indicated that they had record funding at the state level to provide significant cost share dollars to the farmers, to do a variety of conservation programs that benefitted the land, and water quality, as well as the farmer with improved efficiency, improved land management, herd health. Mr. Longanecker noted that these were voluntary incentive programs, farmers called the TJSWCD for assistance. He indicated that they were not regulatory

and they did not want to be regulatory. He noted they were there help answer questions and provide assistance in any way they could. He commented that over the years of building the program, they had become a resource for farmers, and they hoped that would continue in the future.

Mr. Longanecker reported on TJSWCD’s agricultural impact in Nelson County since 1998. He noted that they started tracking their metrics in 1998. He noted that the data was from a 25-year span, but indicated that the bulk on the money had been put on the ground in the last 5 to 6 years. He pointed out that it created an economic boost to the local economy as well. He showed the accomplishments of the TJSWCD.



Mr. Longanecker reported that the TJSWCD was providing funding, but noted that farmers and landowners were putting forth their money also, because they believed in the programs. He noted there had been over \$1 million in landowner contribution for these conservation efforts. He explained that they worked primarily with livestock and cropland producers to further their education, and give them resources to improve their overall operation. He noted that they also work some with vineyards and orchards. He indicated that what was available had greatly expanded and there was a lot more flexibility in how they put the projects on the ground. He noted that they worked a lot with livestock producers to give them the resources to graze in a more efficient way, provide a clean water supply to the herd and get the livestock out of the wet and muddy areas.

Mr. Longanecker noted that they had about 100 different practices they could put on the ground that were available to farmers and landowners in our area. He reported that the TJSWCD helped landowners with riparian buffers and erosion control as well. He showed an example of erosion control that was done on a farm at the Nelson-Albemarle line. He explained that the TJSWCD was able to provide funding and technical assistance. He showed a picture of the property before, and then a picture four years later to show the improvements made.



# Riparian Buffers and Erosion Control



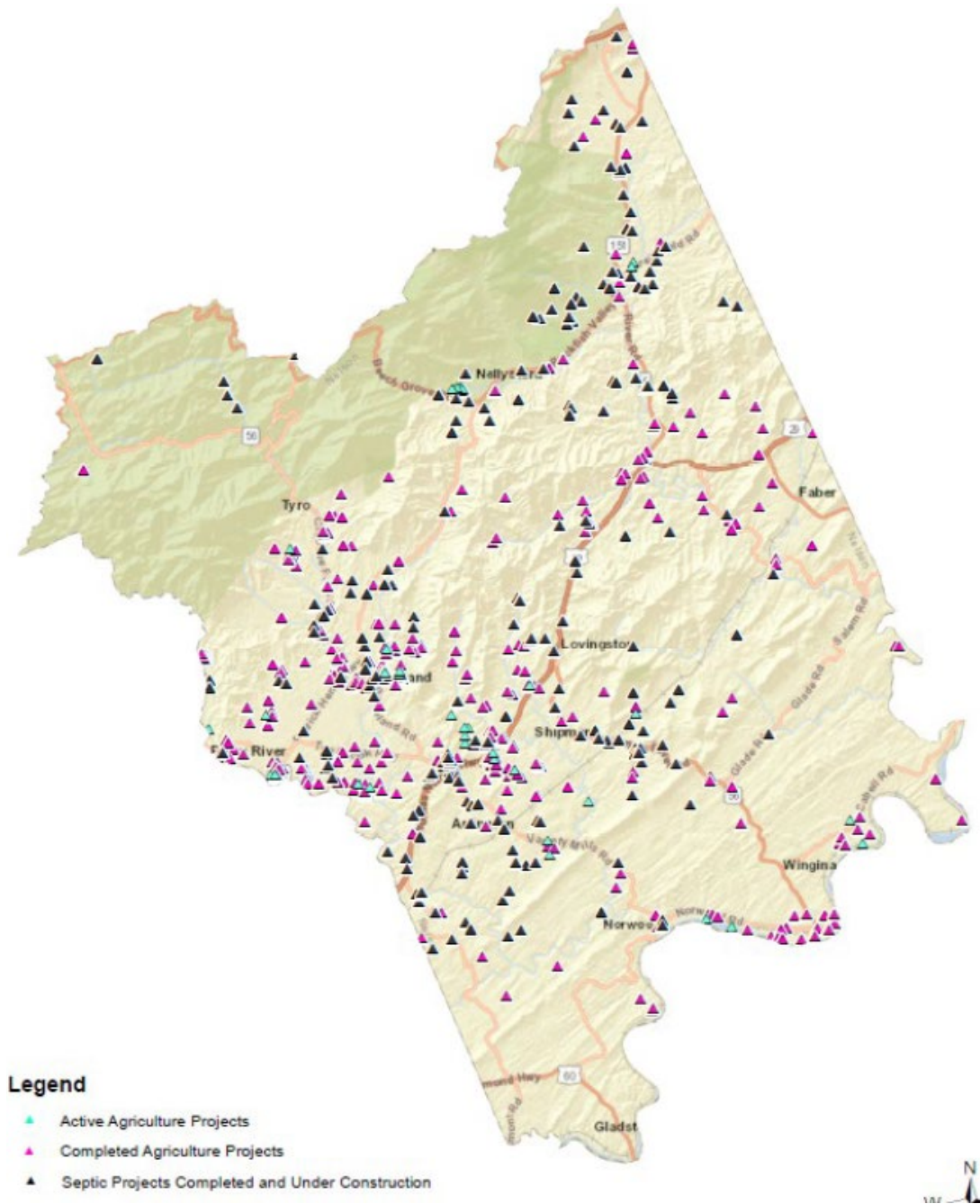
Before ↑

**670 Acres of  
Buffer Area  
Protected**

↓ After

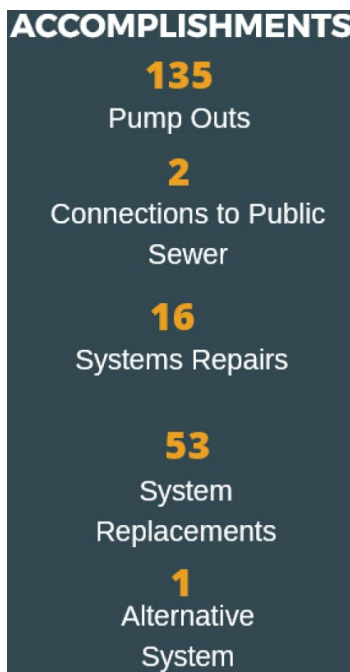


Mr. Longanecker reiterated that there were a variety of practices, from cover crops to nutrient management plans, to animal waste facilities for larger operations. He showed a map of Nelson to represent the areas they were working. He indicated that the pink triangles represented completed agriculture projects since 1998, the green triangles represented active agriculture projects in the current fiscal year, and the black triangles represented septic projects that had been completed or were under construction.



Mr. Longanecker reported that over 585 BMPs (Best Management Practices) had been completed since 1998, with the bulk of that being within the last five (5) to six (6) years. He noted that there were currently 36 agricultural projects under construction, totaling \$1,271,120. He indicated that 19 of those 36 projects involved structural practices. He noted they were doing buildings for animal waste, chemical handling facilities for some orchards, as well as agronomic practices. He reviewed the Tye River Watershed TMDL and explained that a 2012 study showed there were elevated levels of fecal coliform and E. coli in the Tye River Water shed. He noted that they were able to work with DEQ to get them to provide a stable funding source for the Agriculture Program and the Septic Program. He explained that the Septic BMPs were either repairs, replacements or connection to public sewer. He reported that the Septic Program had started in 2013 and it was still available. He noted that they were in their third round of the grant, and they had been able to reapply for the grant every two (2) to three (3) years for the last 10 years or so. He noted that since 2014, there had been over \$600,000 in contributions from the program, which included the funds contributed by the landowners themselves. He reported that there had been 53 full replacements of failed drain fields and distribution boxes since 2014. He noted that everyone qualified for the program, but they had many good situations where they were able to help low income families by paying up to 80 to 90 percent of the total cost to fix their system. He commented that the repairs had cost about \$6,000 but they were now around \$10,000 to \$12,000. He noted that an alternative system was \$30,000 to \$40,000.





Ms. Coates noted that the TJSWCD had been able to provide \$2.9 million since 1998. She reported that the TJSWCD’s cost-share allocation from the state was \$5.5 million for the current year. She noted that the more they could get landowners in Nelson County to participate, the more of that funding they would be eligible for. She noted that the funding was for the entire TJSWC District. Ms. Coates reported that the TJSECD was being asked if they could absorb and deliver \$10 million in projects. She noted that they were not sure if they do that but the big piece of that was getting the word out that funding was available.

Ms. Coates reported on the TJSWCD’s Education and Residential Programs. She explained that they worked with educators in the community (teachers, non-profits, school groups) to provide hands-on watershed education programs. She explained that the Residential Program had available on a state-wide level, \$4 million per year, to deliver conservation for residential landowners. She noted that could include rain gardens around the home to help with erosion issues, or a meadow of up to an acre of conservation landscaping with native wildflowers. She explained that the Education Program provided opportunities with field trips, scholarships, Youth Conservation Camp, Youth Conservation Leadership Institute, and the Envirothon competition. Ms. Coates also noted that the TJSWCD provided educational resources to educators. She explained that they had kits available to give to teachers, and noted that they could also loan an Enviroscope model and other equipment out as well.

Ms. Coates commented that the Residential Program was to help treat and control stormwater runoff. She noted they were looking at small projects around the residence, not large scale projects. She noted that eligible practices included dry wells, and impervious driveways. She reported that the cost-share was around 80 percent for the program and 20 percent for the landowner.

Ms. Coates noted that districts were receiving over \$200 million statewide that would be distributed directly to farmers. She explained that these funds did not go to cover staff time. She indicated that funding from Nelson, Albemarle, Fluvanna, Charlottesville and Louisa helped to pay TJSWCD staff, which in turn helped them to bring the funds to the community. Ms. Coates thanked the Board for their continued support and offered to answer any questions.

Mr. Rutherford asked how they were able to do 12 septic projects at \$35,000. Mr. Longanecker noted that they were not 12 full replacements, they were smaller projects. Mr. Rutherford noted that the septic conversation was important in this community because 100 percent reserve drainfields were required. He commented that today’s septic systems were only designed to last 30 years.

Mr. Rutherford asked if a home with access to County sewer that was still on private septic would be eligible for TJSWCD to help cover the cost to connect to the County sewer. Mr. Longanecker noted if there was a problem, or failed septic system, the TJSWCD could help provide funding for the connection. Mr. Rutherford noted there were some residents in Schuyler that were connected to County water, but had not connected to County sewer. Ms. Coates noted that this would be for properties located in the Tye River Watershed. Mr. Longanecker explained that their septic funding was geographic based on watershed. He noted that they had historically had a program for the Rockfish and the Tye, but the Rockfish program ended around 2018. He noted they had been working in the Tye River Watershed since 2013 and there was still a good amount of funding left. He noted that the program was currently watershed specific, but the TJSWCD was always exploring other options to make sure everyone had that opportunity. Ms. Coates

noted that DEQ was revisiting TMDLs and they would allow those to come back into the cycle for funding, but they were not sure when that would happen.

Dr. Ligon noted huge septic issues in Shipman. Ms. Coates commented that if people were located in the in Tye River watershed, they should call TJSWCD. Mr. Longanecker noted that the entire area of Shipman was in the Tye River watershed and funding was available. Dr. Ligon noted there were a lot of homes on shared septic systems that were failing. Mr. Longanecker asked Dr. Ligon to put people in contact with him regarding any septic issues.

The Board had no other questions or comments.

**VI. NEW & UNFINISHED BUSINESS**

**A. Interest Free Loan Request – Wintergreen Rescue Squad (R2024-04)**

Ms. McGarry and Chief Curtis Sheets were present to discuss Wintergreen Rescue Squad’s request. Ms. McGarry reported that Wintergreen Rescue Squad was requesting a \$100,000 loan from the County’s Interest Free Loan Fund to help purchase a 2022 Ford F-450 ambulance. She noted that the requests usually came from the agencies and went to the Emergency Services Council, and if approved, the request was then sent to the Board for final approval.

Chief Sheets noted that the agencies all considered these types of loans to be callable notes. He explained that if an agency had some type of crisis while the \$100,000 was still owed, typically, the leaders of the agencies would meet to see if any of the agencies had the ability to make an extra payment that month to help put money back in the fund and help the agency that needed a little more money. He noted that in the 20 years he had seen the program in operation, he had never seen the program not work. He noted if the \$100,000 was approved and in a year, another agency needed the funds more than Wintergreen, they would do their part to put the funds back into the program. Chief Sheets indicated that the ambulance cost well over \$200,000. He explained that the loan funding would assist with cash flow and help them get back to a safer buffer. He confirmed that the request was approved by the Emergency Services Council. Mr. Reed asked if they were locked in for the 2022 Ford F-450 ambulance. Chief Sheets confirmed that they were and noted it was already in the garage.

Mr. Reed moved to approve Resolution R2024-04 and Mr. Rutherford 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 R2024-04  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF INTEREST FREE LOAN REQUEST FOR  
WINTERGREEN RESCUE SQUAD**

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

Ms. McGarry noted that the account balance on the Emergency Services Interest Free Loan account, prior to the approval, was \$548,480.

**B. Nelson EMS Proposed FY25 Shift Schedule Change**

Ms. McGarry noted that the subject of the Nelson EMS Proposed Shift Schedule Change had come up in conversations between herself, Chief Sheets, and John Adkins. She explained that they were having issues retaining and attracting people (specifically Advanced Life Support (ALS) and Paramedic staff) to Nelson EMS. Ms. McGarry explained to Dr. Ligon that in addition to the County’s volunteer Rescue Squads, the County contracted with Wintergreen Fire and Rescue to provide paid EMS services, which consisted of two crews of 24/7 coverage within the County. She noted that they would like to move to a new shift schedule that would provide 24 hours on and 72 hours off. Ms. McGarry explained that surrounding localities (Augusta, Amherst, Buckingham and Fluvanna) had shifted to this schedule. She noted that Nelson was competing with EMTs and Paramedics with those agencies.

Chief Sheets apologized for being present out of a budget cycle. He commented that he was glad they were not talking about calls being dropped, or complaints from other jurisdictions around Nelson about having to come in to Nelson to handle the workload. He explained they were not at that point, but they were their running system in an expensive way, having to pay a lot of overtime and shift differentials to fill holes in the schedule that would not normally be there. He noted that they had been the contract EMS provider for Nelson County since 2006. He reported that when Buckingham created their Department of Emergency

Services about three (3) years ago, they chose a schedule model that was 24 hours on and 72 hours off. He noted that at the time, that schedule was unconventional but it stayed and more agencies started to follow the schedule model. He indicated that he had started planning for the schedule problem about three (3) years ago, but the problem came sooner than he thought it would. He explained that for most people in the room, the work schedule was 2,080 hours per year. He noted that using the old schedule, the traditional firefighter/EMT schedule was working 2,920 hours per year. He commented that as the market got more competitive, in addition to paying more, people started reducing the number of work hours to provide a work/life balance.

Chief Sheets reported that they had started skip shifts three (3) years ago, which allowed their employees to pick shifts that they did not want to work on that month's schedule, and it did not go against their vacation time. He indicated that they would need to have 30 skip shifts in a year, in order to be competitive with Amherst, Buckingham or Augusta. He noted they had gotten up to 12 skip shifts. He commented that they had hoped to be up to 30 in three years' time, but in the last year, they had lost half of their staff to competing agencies around Nelson due to the current schedule. Chief Sheets reported that they had been advertising for months, and had not been able to find qualified applicants at the paramedic level. He explained that the last three (3) hires for the NEMS (Nelson EMS) crew were all relatively new EMTs. He commented that they could handle one of those EMTs on each of their shifts, but if they had more than one new EMT per shift, it would be problematic. He explained that their transport times were lengthy and patient acuity tended to be high. He noted that they were setting themselves up for a bad patient experience if they did not have enough paramedics in their system. Chief Sheets asked the Board to conceptually agree that they would need to be using a 24/72 schedule on July 1st in order to be competitive with the surrounding localities. He noted that they could begin advertising that now, to hopefully get some applicants in to evaluate and hire, with the caveat that they were not on a 24/72 schedule yet but they would be switching to that schedule in July.

Mr. Rutherford asked if there was any interest in utilizing the Faber Rescue location, or if they were staying central to the Lovingson facility. Chief Sheets noted that the call data had indicated that they should keep both trucks centrally located. He noted that Wintergreen Rescue Squad at the Nellysford station really acted as a third County ambulance. He indicated that ambulance went out if the two Lovingson trucks were not available. He noted that if that arrangement ended, they have to decentralize the two trucks, and put one on one side of the County, and one on the other side.

Mr. Rutherford asked if a mutual aid agreement was in place with Albemarle. Chief Sheets confirmed that there were mutual aid agreements in place with all of the localities around Nelson, as required by Code. He noted that they had to review those agreements every two (2) years. Mr. Rutherford asked if there had been any instances where Albemarle had been able to assist. Chief Sheets noted Western Albemarle Rescue Squad had been able to assist some on the northern 151 area. He reported that every once in a while they may do a medic intercept where a basic truck headed north out of Lovingson picks up a medic off of a Charlottesville truck. Chief Sheets noted that they used Augusta in the Afton area, and Waynesboro First Aid Crew helped out as well. He indicated that Buckingham and Amherst helped out occasionally. Chief Sheets noted that Nelson EMS also responded in those areas to assist.

Dr. Ligon asked how many more staff would be needed to be fully staffed with the new schedule. Chief Sheets reported that they currently had three (3) shifts of four (4) people. He noted that the new schedule would add a fourth shift. He explained that it would affect the payroll over 33 percent because one of those four (4) staff members would need to be a supervisor. He noted they would really be hiring a Lieutenant and three (3) providers. Chief Sheets reported that the schedule problem would affect Wintergreen Fire and Rescue as well. He noted that the EMS only crews were transitioning quicker to the 24/72 schedule due to the call volume and issues related to patient safety, and errors are made with medication when people are fatigued. Chief Sheets reported that Wintergreen Fire and Rescue was going to have to work to make the schedule change also, but they would likely be two (2) years behind the County, if the County were to go ahead and make the change. He noted that may mean some of their providers at Wintergreen may ask to transfer to NEMS during that time to take advantage of a better schedule. He indicated that Wintergreen and Nelson benefitted from each other in working to cover calls.

Mr. Rutherford asked how many continuing education hours were required for ALS. Chief Sheets noted that a nationally registered paramedic was required to complete 100 hours every cycle, which was about the same amount it took to become an EMT. He indicated that the NEMS budget for training was about \$2,500 to \$3,000 which was a very low number. He explained that the budget was so low because they had been able to get NEMS in on continuing education classes with Wintergreen. He noted now that they were hiring EMTs for NEMS who wanted to become paramedics, they had already received a request from an EMT for tuition to UVA's EMT program. He reported that the tuition was \$10,000. He noted that they would have to build that into the NEMS budget.

Ms. McGarry reported that for FY25, they would be looking at a payroll increase of about \$281,000 in order to implement the new schedule. She noted that the current FY24 budget for the Paid EMS program was about \$1.4 million. She indicated that the schedule change would add another \$300,000 which would bring that budget to about \$1.7 million. Mr. Rutherford asked how that would impact residual recurring

revenue. Ms. McGarry noted that right now, if they were running fewer Advanced Life Support calls, it did impact the revenues they brought in because they could charge higher rates for the higher level of service. Mr. Rutherford asked if that was a breakeven scenario. Ms. McGarry reported that currently, their budgeted revenue recovery was roughly \$720,000, which was about half of the \$1.4 million.

Dr. Ligon asked what percentage of bills for ambulance transport were not paid. Ms. McGarry indicated that they had the information but she did not have it with her at the moment. She noted that there was always some Accounts Receivable in that situation. She explained that they had a soft billing program where if people were not able to pay, and they got billed a few times and did not pay, it became a write off. She also that there were hardship waivers, and she stated that no one was ever denied transport or services.

Mr. Rutherford commented that the only way to offset the \$300,000 increase, would be to change the transport rate. Ms. McGarry agreed and noted that the transport rates had not been changed since about 2012. She noted that the Board could consider changing the rates in the upcoming budget year. Dr. Ligon asked Ms. McGarry if she could come up with some numbers for further discussion. She noted that costs had gone and the cost for fuel had gone up. Ms. McGarry noted they could determine what an average bill might be.

Mr. Rutherford asked Chief Sheets what other localities' transport rates looked like. Chief Sheets noted if Nelson' rates had not changed since 2012, he was certain other localities around had bumped up their rates more frequently than that. Mr. Rutherford suggested it would be beneficial to determine what the rates were in other localities, particularly as they were going into the budget. Ms. McGarry noted that staff could provide a lot of detail for discussion at that time. Dr. Ligon indicated that the cost of goods in her office had increased at least 200 to 300 percent in the last two years, so she assumed that it was even worse in the human world. She commented that not keeping up with the rates could be a problem. Mr. Rutherford pointed out that the insurance companies were normally paying the transport bill. Ms. McGarry confirmed that the primary payers were mostly insurance companies, Medicare and Medicaid.

Mr. Rutherford asked what action needed to be taken. Ms. McGarry indicated that a general commitment to go to a 24/72 schedule as of July 1, 2024, so that Chief Sheets could advertise that, in hopes of improving recruitment and retention. Ms. McGarry noted that the cost was about \$281,000 but it would actually be a net increase of \$195,000 since \$86,000 had already been budgeted in the County's Paid EMS budget for phasing of reduced work hours (skip shifts). Mr. Parr asked if they were comfortable with absorbing that cost from a budget standpoint. Ms. McGarry stated that she was pretty confident that they could cover the cost, noting that it was an important cost to cover. Mr. Parr noted that neighboring counties were already doing this schedule and taking staff from Nelson. Ms. McGarry commented that she did not think they had much of a choice, other than to do it.

Mr. Rutherford made a motion to accept the proposed FY25 Nelson EMS Shift Schedule Change as presented. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

Mr. Reed asked when transport billing rates would be considered. Ms. McGarry noted that would be up to the Board, but the rates could be adjusted any time during the year. Mr. Rutherford suggested they consider them during the budget.

#### C. NCCDF Request for Support of Housing Opportunities via Fee Waivers (R2024-05)

Ms. McGarry introduced NCCDF's request, noting that Margaret Clair, the Executive Director of the Nelson County Community Development Foundation (NCCDF) was present to speak to her request if necessary. Ms. McGarry explained that the request was something that the Board had done in the past, noting that it was last done in July of 2020. She noted that the Board basically authorized a waiver of the tipping fees for NCCDF's community housing projects. She indicated that NCCDF was asking for a waiver of the tipping fees at the County's Transfer Station for debris generated by the projects, and a 24-month payment period for connections fees to County operated water and sewer systems on NCCDF-owned properties. She noted that the request also asked that this be reviewed annually at each July meeting of the Board of Supervisors going forward.

Ms. Clair noted that typically, the money was spent on smaller renovations for homeowners, similar to the septic systems noted earlier. She explained that in past years, when George Krieger was the director of NCCDF, he did more builds. She noted that she just getting geared up to start more builds soon. She reported that they had an additional \$350,000 in HOME-ARP funds to build a multi-plex for elderly and/or disabled people in Nelson County. She noted she had 24 months to complete it. She asked if connection fees could be reduced or removed. Ms. Clair reported that NCCDF had recently bought a home in Lovington to renovate and sell at an affordable price to someone who lived and/or worked in Nelson. She noted that the house would generate some tipping fees costs as part of the renovation. She indicated that she was looking to bring the project costs down. Ms. Clair also indicated that they were going to be doing

a renovation in Schuyler on Gold Mine Lane that would also create a large amount of debris for the Transfer Station. She noted that one of NCCDF's homes also needed to be renovated in Gladstone.

Ms. Clair explained that any assistance from the County to remove or reduce the costs for waste and connection fees would help to put money into projects. She noted that all of the properties came back and paid Real Estate taxes and she reported that NCCDF paid Real Estate taxes on the properties they owned. She noted that people rented the NCCDF owned properties for much lower than the going rental rate. Mr. Reed asked if the amount of waste could be quantified. Ms. Clair noted that she was not sure yet, but she could come back with those numbers. She indicated that the NCCDF had not paid any tipping fees since she had been in the role. She commented that she had been told by a few people that it would take a few dumpsters for one house. Mr. Rutherford commented that it could cost about \$500 to \$800 for trash when flipping a house. Ms. Clair noted that it would probably not break the bank if the Board said no, but she would appreciate if they said yes to her request.

Ms. McGarry noted that the cost of trash was \$55 per ton.

Mr. Rutherford thought it would be good to return with a quantifiable number. He commented that a blank waiver could end up costing a few thousand dollars if they had block and rock to dispose of. Mr. Reed noted Ms. Clair had said it was not major work. Ms. Clair noted that it was mostly cosmetic renovations. Mr. Reed commented that it was a fairly insignificant amount of money in the grand scheme of things. He noted it would help Ms. Clair in her mission and allow for the project money to go farther. Mr. Reed indicated that he would be in favor of making a motion to pass Resolution 2024-05. Mr. Rutherford asked how much it cost previously. Ms. Clair noted that the last time it was done; they did not need to use it. Ms. Clair noted that she thought there had been a great working relationship between the County and NCCDF over the last 35 years. She indicated to the Board that she provided reports quarterly to Ms. McGarry on current projects. She noted that she could provide estimates to Ms. McGarry once she has them. Ms. McGarry asked what time period the waiver would be for. Ms. Clair noted that she should have done it in July, but she was trying to see when the projects would line up. Ms. Clair explained that the connection fees would be specifically for the ARP project. Ms. Clair indicated that the tipping fee waiver was through July and it could be revisited then. Ms. McGarry noted that the budgeted number for tipping fees was \$216,000 for a full fiscal year. Mr. Rutherford noted if he were interested in passing the resolution, it would need to have an up to amount. He commented that if it were up to \$500, there would be a stop gap. He noted that was a lot of trash. Ms. Clair noted that she would just pay for the trash.

Mr. Reed moved to adopt Resolution R2024-05. Mr. Rutherford stated that he would amend that motion to be up to \$500. Mr. Parr noted that they had Mr. Reed's motion on the table and asked Mr. Reed if he accepted the amendment. Mr. Reed commented that the original motion was on the table before it was seconded. Mr. Rutherford said an amendment of a motion could happen while that motion was on the table. Dr. Ligon seconded the amended motion. Ms. McGarry commented that she believed the amendment had to be accepted by the person making the original motion. Mr. Rutherford said they did not have to by Robert's Rules. Mr. Reed noted that if he did not accept the amendment, the original motion was on the table, and if it did not get seconded, then Mr. Rutherford could have a motion. Mr. Rutherford rescinded his amendment for the time being. Mr. Parr returned to the original motion by Mr. Reed to approve Resolution R2024-05 as presented. There was no second. Mr. Parr stated that the motion died for lack of a second.

Mr. Rutherford moved to approve **Resolution R2024-05** with the amendment of up to \$500. Dr. Ligon seconded the motion. Mr. Reed asked what the time frame was for the \$500 cap. The Board decided it would be until June 30, 2024 and it would then be revisited in July. Dr. Ligon suggested that the amount be reported back to the Board for future reference. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

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

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

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

**NOW THEREFORE BE IT RESOLVED**, that in support of increasing housing opportunities, the Nelson



County Board of Supervisors does hereby continue to waive tipping fees up to five hundred dollars (\$500.00) at the County transfer station for debris generated by NCCDF projects, and allow a 24-month payment period for connection fees to county-operated water and sewer systems on NCCDF-owned property; and that this support be reviewed for adoption annually at each July meeting of the Board of Supervisors going forward.

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

A. Reports

1. County Administrator’s Report

**A. Welcome to new South District Supervisor Jessica Ligon!**

**B. Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). Board and Planning Commission members have received final draft documents for review. The final draft of the 2042 Comprehensive Plan has been posted on the project website for public review and a press release issued regarding public review of the draft by the Planning Commission and Board of Supervisors. Public Hearings have been scheduled, the first with the Planning Commission is on January 31st, 2024, at 7:00 PM., and the second with the Board of Supervisors is on March 20th, 2024, also at 7:00 PM. Both hearings will take place at Nelson County High School, 6919 Thomas Nelson Highway, Lovingston, Virginia 22949. Dissemination of this information is in progress.

**C. Nelson County Service Authority (NCSA) Term Engineering Contract:** County and NCSA staff are meeting with CHA, the contracted consultants on Wednesday, January 10th to establish the scope of the PERs for evaluation of the Lovingston 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 Lovingston wastewater treatment plant. Staff will advise the Board of the cost proposals for this work upon receipt.

**D. DSS Building:** The next work group meeting will be held on January 16th to review a preliminary floor plan and to discuss preliminary building interior and exterior design concepts. Staff has a zoom call scheduled with Davenport and Sands Anderson on financing options and timeline on January 11th.

**E. FY24-25 Budget:** The Agency request binder is being provided to the Board for review while staff develops the draft General Fund revenues and expenditures. A proposed budget calendar has been developed which includes General Fund budget introduction at the March 12th regular meeting, work-sessions to follow on Tuesdays and Thursdays through March and into April if necessary, public hearing at the May 14th regular meeting, and adoption and appropriation at the June 11th regular meeting. These dates are subject to change pending Board input and rate of progress.

**F. Route 151 Corridor Study Update:** VDOT’s online public survey on the updated plan concluded on January 2, 2024. Next steps will be coordinated between VDOT and staff.

**G. Piney River Solar, LLC Special Exception 2023-369 – Amherst County: NO CHANGE** This matter has been further deferred until February 20th.

Ms. McGarry reported on the following community meetings scheduled to take place:

She reported that a DEQ Community meeting on the Hat and Black Creek Water Quality Study would take place from 3:00-4:30 p.m. at the Nelson Memorial Library on January 10, 2024. She noted that both creeks were being monitored for phosphorus and sediment TMDLs. She also noted that a public meeting on the proposed Shipman Historic District would take place at 6 p.m. on January 10<sup>th</sup> at Nelson Memorial Library.

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

2. Board Reports

Dr. Ligon:

Dr. Ligon had no report.

Mr. Reed:

Mr. Reed reported that he had met with Mr. Tani who spoke during public comments, as well as other Stoney Creek residents about the Aqua rate increase. He also reported that he reviewed the SCC filing and had also spoken with Mr. O’Brien on the Fluvanna Board of Supervisors. He noted that half of Fluvanna’s population was Lake Monticello. Mr. Reed explained that the rate increases would apply to all Aqua Virginia holdings in the Commonwealth, which meant the rates would apply to all accounts in Virginia.

He noted that the uniqueness of the water system did not apply. He reported that the Stoney Creek system was a cost effective system to run. He noted that the water was mostly well water, and there was very little water treatment that took place. Mr. Reed indicated that the majority of other Aqua systems required much more extensive water treatment facilities, which required, staff, materials, and infrastructure. He noted that since Stoney Creek did not have that infrastructure in place, the Stoney Creek system became a profit generator for Aqua. He commented that he was sympathetic to the Stoney Creek residents, noting that getting any resolution on the matter was extremely unlikely. He stated that it was not in the Board's best interest to sign off and provide money for the legal challenges that may happen. He noted that the only long term solution he could see, was, somehow dealing with the relationship between Stoney Creek and Aqua Virginia. He reported that Aqua Virginia owned the water system. He commented that he was open to considering what a longer term solution to Stoney Creek's problems with Aqua Virginia might look like.

Mr. Rutherford:

Mr. Rutherford welcomed Dr. Ligon as the first female representative in the South District. He reported that he had a brief meeting with Sheriff Embrey regarding vehicle needs for the department. He noted that the TJPDC meeting in December was brief. He reported that the Regional Housing Partnership was in limbo at the moment, but they would have quarterly meetings coming up soon. He noted that Lovingson Village Association had some exciting things coming up soon. He reported that the Board would be receiving the request for funding for the Fourth of July fireworks very soon.

Mr. Parr:

Mr. Parr thanked Board for their confidence in him, noting that he looked forward to serving as Chair for the next year. He reported that the Social Services building was moving forward. He noted that the building committee would be meeting on January 16<sup>th</sup> to look at preliminary floor plans and design ideas. He commented that he was excited to see some concepts of the building and an interior design layout. He explained that the idea to build from the inside out. He noted they would build based on the needs of the staff, with future growth accounted for in the plan.

B. Appointments

Thomas Jefferson Water Resources Protection Foundation

Mr. Rutherford made a motion to reappoint Andy Wright to the Thomas Jefferson Water Resources Protection Foundation. Mr. Reed seconded the motion. There being no further discussion, Supervisors approve the motion by vote of acclamation.

C. Correspondence

Dr. Ligon asked about the vote on the Transient Occupancy Tax in December. She commented that there was not an opportunity for public comment, and asked if that was allowed.

Ms. McGarry reported that the Board of Supervisors held two (2) public hearings, and only one (1) was necessary by code. She noted that they followed State Code §15.2-1427 in the adoption of ordinances She reported that the first public hearing was held on April 28, 2022, noting that no action was taken at that time on the proposed amendment. She noted that proposed ordinance was deferred until the May 10, 2022 meeting. She reported that the ordinance was considered at the meeting, but no action was taken. She noted that the committee was created to review the tax payment enforcement efforts. She explained that the committee met throughout the year, and because no action was taken on the previous ordinance, a new public hearing was not required by statute. Ms. McGarry reported that the Board did authorize a second public hearing at the April 8, 2023 continued meeting and the public hearing was held on May 9, 2023. She reported that action was deferred after the May 9, 2023 public hearing. She explained that when the Board held public hearings on ordinances, they could opt to take action that evening, or choose to defer action to a future date. She noted that there was no timeframe or statute of limitations in which the Board had to act.

Dr. Ligon reported that in speaking with members of the Piney River and Lovingson Volunteer Fire Departments, there were quite a few volunteers who did not reside in Nelson County. She noted that the tax breaks did not benefit those who did not reside in Nelson. She commented that the Fire Chief in Piney River lived in Amherst. She indicated that she wanted to advocate for another form of compensation instead of a tax break, for those volunteers who did not reside in the County. Ms. McGarry noted that was a good point to bring up at the public hearing that evening. She suggested that they hold the public hearing on the ordinance as proposed and discuss it further. Mr. Rutherford suggested having the Emergency Services Council to help determine what that might look like. He commented that they could hold the public hearing and then send directives to the appropriate entities to get a better idea of what would make sense. Mr. Parr noted Piney River was in a unique situation as was Gladstone. He agreed that it was a good point. He

noted that it was something that they needed to discuss with staff. He commented that there was a fine line between giving someone a credit and taking away an expense, and paying someone. He indicated that they had leaders and very active firemen in Piney River that lived in Amherst. Mr. Rutherford noted those living outside of Nelson had not been receiving anything. Mr. Parr suggested they look at the options, noting that it did not take away from what they were doing that evening.

D. Directives

Mr. Rutherford indicated that the Lovington gateway sign may be coming up in the future.

Mr. Rutherford asked if Lovington Beautification money disbursement was figured out. Ms. Staton reported that the ladies were receiving a check in both of their names so that there was some accountability. She noted that the ladies had a directive from Finance to provide an expenditure report periodically so that they could track how far the money went. Ms. Staton noted they had a two (2) year period to spend the money. She reported that the check had been written that day.

Mr. Rutherford asked about scheduling a retreat soon. Ms. McGarry noted it would be difficult to fit it into the schedule. Mr. Rutherford noted it had been a few years since they had held a retreat to discuss goals and capital improvements. Ms. McGarry confirmed that the last retreat was held in December 2021. Dr. Ligon noted that she and Mr. Rutherford were attending a conference on goal setting and she suggested that they could work towards scheduling after that. Ms. McGarry noted there were capital improvement items already in motion, so she was not sure how much more they needed to discuss them. Mr. Rutherford noted they had not held any public hearings for bond creation yet, and the decisions they would make over the next few years would have 20 years' worth of impact in terms of debt service. He indicated that he would defer to Mr. Parr and Ms. McGarry to figure out a game plan, and then report back to the Board for a consensus. He noted his hope of getting the budget work completed in a few, very long days. Ms. McGarry noted that Mr. Reed was out of town for the remainder of January, so any retreat would be sometime after that. Mr. Parr confirmed that he and Ms. McGarry would get together to discuss it.

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

At 3:52 p.m., Mr. Rutherford made a motion to adjourn and reconvene at 7:00 p.m. and Mr. Reed 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. Parr called the meeting to order at 7:00 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

**II. PUBLIC COMMENTS**

*Jeri Lloyd - Afton, VA*

Ms. Lloyd asked what was happening with Justin Shimp's project on Route 6. She asked if there was a year limit on working on something that had a special use permit. Ms. McGarry noted that there was typically a year, unless the Board has granted a conditional extension. Mr. Rutherford indicated that was a question for Planning and Zoning and noted that they did not interact with the public directly during Public Comments.

**III. PUBLIC HEARINGS**

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

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

Ms. McGarry provided a presentation on proposed Amendment to Chapter 11, Taxation, Article I, Sec. 11-5.1 Exemption for Volunteer Fire and Rescue Members. She reported that the Board of Supervisors authorized the public hearing on the proposed County Code amendment on December 12, 2023, via the adoption of Resolution R2023-78. She noted that the public hearing noted was published in the December 28, 2023 and January 4, 2024 editions of the Nelson County Times in compliance with State Code §15.2-1427. She explained that Title 58.1 Taxation, Subtitle III Local Taxes Chapter 35, Tangible Personal Property, Machinery and Tools and Merchants' Capital, gave the County its authority to deal with Personal Property Tax.

Ms. McGarry reviewed the following information:

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

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

Ms. McGarry then reviewed the Current Tax Relief for Volunteer Fire and Rescue Personnel as of the 1993 Ordinance.

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

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

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

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

Ms. McGarry reviewed proposed Ordinance O2023-08 noting that it proposed to strike the text in red “exempted from paying taxes on the first five thousand dollars (\$5,000.00) of assessed value” and change it to “granted a credit of up to three hundred dollars (\$300.00)” on their personal property tax bill. She noted that was the only proposed change in the ordinance.

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

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

Ms. McGarry reported on the fiscal impact of the proposed change for the 2024 tax year. She explained that the value of the 2023 Personal Property Tax Relief for Fire and Rescue Volunteers was currently estimated at \$28,942. She noted that the amount of \$67,301 previously reported, included Disabled Veteran Tax Relief of approximately \$38,359.

Ms. McGarry explained that \$5,000 in assessed valued was equivalent to \$139.50 in tax relief per exemption. She noted that there were 207 eligible fire and rescue volunteers. She reported that the value of the proposed 2024 Personal Property Tax Relief for Fire and Rescue Volunteers was estimated at a maximum of \$62,100 for approximately 207 eligible fire and rescue volunteers. She explained that the estimate was computed by multiplying the up to \$300 by the 207 eligible volunteers (\$300 X 207), which equaled \$62,100.

Ms. McGarry also noted that volunteer fire and rescue members also received other relief. She reported that volunteers received an exemption of the Motor Vehicle License Fee for one vehicle in accordance with Vehicle License Fee Exemptions, Chapter 7 Motor Vehicles and Traffic, Article II Local License Fee Sec. 7-30. She reported that the value of the 2023 Vehicle License fee was \$38.75 per automobile and \$18 per motorcycle. She then reported the value of the 2023 Vehicle License Fee relief for Fire and Rescue members was \$8,910 total (\$8,874 automobiles + \$36 motorcycles). She noted that the 2023 total Personal Property Tax and Vehicle License Fee relief provided in 2023 was \$37,852 (\$28,942 + \$8,910). Ms. McGarry reported that the proposed 2024 Personal Property Tax and Vehicle License Fee Relief (using the 2023 data) was a total of \$71,010.

Ms. McGarry provided additional information on exemptions and incentives for volunteer Fire and Rescue Squad members provided by other localities in the area.

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

Ms. McGarry explained that the next steps would be to conduct the public hearing to receive citizen input on proposed Ordinance amendment O2023-08; and then obtain input from staff if desired. She noted that the Board could then consider adoption of Ordinance O2023-08 to be effective January 1, 2024 for the 2024 tax year. She indicated that the Board could adopt the ordinance as presented, or amended, or the Board could choose to take action at a later date.

The Board had no questions for Ms. McGarry.

Mr. Parr opened the public hearing.

*Jeri Lloyd - Afton VA*

Ms. Lloyd commented that she thought it was a great idea. She noted the hard work put in by the volunteers.

*Phillip Purvis - Shipman VA*

Mr. Purvis commented that it was a no brainer, noting that the guys and gals needed all the help they could get. He stated that he was in support of the ordinance and whatever else they could do to help them. He noted that the volunteers deserved a lot of credit, and he was in favor of supporting them for putting their lives on the line for free.

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



Mr. Rutherford commented that he liked an idea brought up by Dr. Ligon, to study what this meant for volunteers who did not live in Nelson. He suggested that they consider sending staff to the Emergency Services Council to see what that would look like, possibly a \$300 check for 100 hours of service. He thought that 100 hours of service was a good number. He asked how the hours of service were confirmed or documented. Mr. Rutherford noted that there were Amherst residents who volunteered in Nelson, as well as Albemarle residents who volunteered at Faber. Dr. Ligon commented that she believed that the records would be sufficient to make sure 100 hours were achieved.

Mr. Reed stated that he was not in favor of direct cash payments from the County to individuals for services that were not contracted services. He noted that he understood the attempt to be equitable. HE commented that he felt the amendment as presented was good, because it did provide a higher level of compensation to the volunteers.

Mr. Parr commented that he thought they were all in agreement to determine something for the out of County volunteers. He did not want to muddy the water on Ordinance O2023-08. He noted that they were talking about the ordinance that evening. He commented that he thought it was prudent that they meet with the Emergency Services Council, talk with staff and brainstorm ideas. He commented that they needed to focus on the ordinance presented that evening. He suggested that they direct staff to see what could be worked out with Emergency Services Council. Mr. Parr also volunteered to work on this with staff, noting he was on Emergency Services Council.

Ms. McGarry suggested that another option could be to adopt the ordinance as is, and then direct staff to determine a non-resident volunteer incentive option. Mr. Parr and Mr. Rutherford were in agreement with Ms. McGarry’s suggestion.

Mr. Parr asked about the 207 eligible Fire and Rescue volunteers, and where that number came from. Ms. McGarry noted that the information was provided by the Commissioner of Revenue from the certified registers of volunteers. Mr. Rutherford asked how many served at Piney River. Mr. Parr noted that there were probably seven (7) out of the thirty (30) volunteers with pagers actively and consistently serving. He indicated that they definitely wanted to have a conversation with the decision makers in those departments to make sure they were verifying that information. He noted it was pretty easy to verify, as Dr. Ligon had said, because there were reports on every call that indicated who was there and what took place. Ms. McGarry noted that the 100 hours were for volunteer activities, so that could be a broad range. Mr. Parr indicated that there was a lot of work that went on like changing oil, washing trucks, driving in the parade. He noted that he trusted the departments to verify the numbers.

The Board discussed whether they wanted to take action on the ordinance that evening, or wait. Mr. Parr noted that he thought they all wanted to take action on the ordinance. He suggested that dealing with the out of County volunteers could either be an amendment to the ordinance, or it could be its own standalone item. Ms. McGarry explained that once the ordinance was adopted, the Board would need to go back through the public hearing process to amend it further to include the non-resident volunteer incentives. Mr. Parr suggested that the Board go ahead and take care of the ordinance that evening.

Mr. Rutherford moved to adopted **Ordinance O2023-08** to be effective January 1, 2024. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following ordinance was adopted:

**ORDINANCE O2023-08**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 11, TAXATION, ARTICLE I, SEC. 11-5.1**  
**EXEMPTION FOR VOLUNTEER FIRE AND RESCUE MEMBERS**

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

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

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

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

Mr. Parr noted that he and Ms. McGarry would speak with Danny Johnson and the Emergency Services Council to come up with some ideas. Dr. Ligon asked if there was a goal to circle back with the information. Mr. Parr indicated that the goal would be to circle back next month.

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

The Board had no other business to discuss.

**V. ADJOURNMENT**

At 7:18 p.m., Mr. Rutherford 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.