

BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District



CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**AGENDA**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**NOVEMBER 14, 2024**  
**THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE**  
**GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON**

- I. CALL TO ORDER**
  - A. Moment of Silence
  - B. Pledge of Allegiance
- II. PUBLIC COMMENTS**
- III. CONSENT AGENDA**
  - A. Resolution – **R2024-73** Minutes for Approval
  - B. Resolution – **R2024-74** Budget Amendment
- IV. PRESENTATIONS**
  - A. VDOT Report
  - B. 2025 TJPDC Legislative Program – David Blount (**R2024-75**)
  - C. Storm Ready Certification - National Weather Service
  - D. Nelson Heritage Center VDH Renovation – Johnette Burdette
- V. NEW & UNFINISHED BUSINESS**
  - A. Local Health Dept. Report and FY24 Carry Over Funds Request – Ryan McKay, VDH
  - B. Montebello Volunteer Fire Department's Interest Free Loan Request (**R2024-76**)
  - C. Local Authority to Reduce 25 MPH Speed Limits in Business or Resident Districts
  - D. Route 151 Through Truck Restriction
- VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
  - A. Reports
    - 1. County Administrator's Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives
- VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(7) Region 2000 Landfill Litigation & §2.2-3711 (A)(8), §15.2-2316.8 Savion Solar Siting Agreement**
- VIII. OTHER BUSINESS (AS PRESENTED)**
- IX. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM**

**EVENING SESSION**  
**7:00 P.M. – NELSON COUNTY COURTHOUSE**

**I. CALL TO ORDER**

**II. PUBLIC COMMENTS**

**III. PUBLIC HEARINGS**

**A. Special Use Permit #24-0239 – Dwelling Units in B-1 Business**

Consideration of a Special Use Permit application requesting County approval to utilize an existing building for mixed commercial and residential use on property zoned B-1 Business. The subject property is located at Tax Map Parcel #58B-3-2 at 622 Front Street. The subject property is owned by Alexandra and Jesse Lopez Low.

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

**V. ADJOURNMENT**



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**RESOLUTION R2024-73**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MINUTES**  
**(April 18, 2024, April 22, 2024)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 18, 2024 and April 22, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: November 14, 2024

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Old Board of Supervisors Room located on the fourth floor of the Nelson County Courthouse, in Lovingson, Virginia.

Present: Ernie Q. Reed, Central District Supervisor, Vice Chair  
Thomas D. Harvey, North District Supervisor  
Jesse N. Rutherford, East District Supervisor  
Dr. Jessica Ligon, South District Supervisor  
Candice W. McGarry, County Administrator  
Linda K. Staton, Director of Finance and Human Resources  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk

Absent: J. David Parr, West District Supervisor - Chair

**I. CALL TO ORDER**

Mr. Reed called the continued meeting to order at 2:01 p.m. with three (3) Supervisors present to establish a quorum with Mr. Parr absent, and Dr. Ligon arrived shortly after.

**II. FY25 BUDGET WORK SESSION**

**A. Staff Updates**

Ms. McGarry commented that there was nothing much new to report. She noted that she had forwarded some information to the Board about the General Assembly not overriding the veto regarding the one (1) percent sales tax option for localities, so that was off the table for the current biennium. She also reported that the General Assembly was likely not going to finish their work on the budget until May 15<sup>th</sup>. She suggested that the Board make its final decisions on the items left to work through, and then they could go ahead and advertise that budget for the public hearing. She noted that once they had the public hearing, they would hopefully have more information on the state budget, along with final property tax numbers, and they could make some adjustments after that if the Board chose to do so. She indicated that there were not any changes to the contingencies after the last work session.

**B. Other Fund Budgets**

**1. VPA/Social Services**

Brad Burdette and Allison McGarry of Nelson County Department of Social Services were present to discuss the new position included in their budget request. Mr. Burdette noted that what they had requested was around \$79,000. He explained that what they were requesting was not necessarily a new position, as it was really a true-up of their budget. He noted that they were now at the point where they were almost fully staffed. He explained that it was not necessarily a request for a new position per say, it was more so the actuals for the salaries and benefits that they were projecting for the upcoming year. He noted that the amount was actually a pass-through amount so it provided DSS the ability to cover salaries, should they deplete their 855 budget line, which he projected that they probably would. He explained that was their base budget for all things Social Services staff related. He noted that it would be a pass through, and the issue with pass through was that it was the difference in what was pulled down from the state. He reiterated that they were not necessarily requesting a new position, as it was more for staff and operations.



Mr. Rutherford asked what the requested amount was. Mr. Burdette noted the total was \$79,000. Mr. Rutherford asked if the state was going to contribute to any of that amount. Ms. Allison McGarry reported that the local match was about \$60,000. She explained that they had to expend the first budget line which was a 15.5 percent local match, and then they went to the next budget line which was a 74 to 76 percent local match. She commented that the amount was based on what the state gave them, which they really did not know yet. Mr. Rutherford noted the state budget status. Ms. Allison McGarry noted that she based the amount on what DSS had received for the current budget year and what their current salaries were, being fully staffed. Mr. Rutherford asked when DSS needed a decision from the Board. He suggested that it may make more sense to wait until after the State budget was completed, so they would know if there was more or less funding provided by the state. Mr. Burdette noted that it would not hurt them to wait. He explained that they were trying to prevent having to come back to the Board later to request funding in January/February if they were looking at a possible budget shortfall for staff and operations. Mr. Rutherford asked that Mr. Burdette and Ms. Allison McGarry update the Board once they had an answer from the state. Mr. Burdette noted they may not have an answer until May, or possibly later. Ms. Allison McGarry noted that the DSS budget ended on May 31<sup>st</sup>. Mr. Rutherford suggested that once they get the State budget back, they could have the funding amount needed narrowed down to see where the Recurring Contingencies were at, and determine whether they would fund the additional request then, or in January. Mr. Reed agreed and thought Mr. Rutherford's suggestion made sense. He noted they would likely end up amending the budget in the upcoming year.

The Board thanked Mr. Burdette and Ms. Allison McGarry for their time.

## 2. Debt Service

The Board discussed the joint meeting scheduled to take place that evening with the School Board. Mr. Reed suggested that they may want to brainstorm any questions they might ask at the meeting. He noted that they may be able to get answers sooner.

Ms. McGarry reported that Debt Service was another piece of the budget left for the Board to work on. She noted that staff had printed some other scenarios which were still based on a \$57 million debt capacity that really starts in FY29. She explained that was based on the timing of some of the projects that had been discussed with Davenport.

Ms. McGarry reviewed the first scenario, which was the original from Davenport that showed the County did not contribute the additional \$610,000 in FY24. She indicated that in 2025, the scenario did input the \$610,000, for a total Transfer to Debt Service of \$3.9 million. She explained that this scenario did not require any other adjustments through 2053 in order to accomplish the \$57 million and pay for that debt through 2053. Ms. McGarry noted that the strategy used the County's declining current debt service payments and kept it within the Debt Service Reserve, so that it could be pulled from at times when what was being paid out was exceeding more than what was being put in. She indicated that the scenario did not require any new tax incentives or additional revenue, other than maintaining a contribution of the \$3,935,284 starting in 2025 and going through 2053.

Ms. McGarry then reviewed the next scenario, which she noted that the Board had seen before. She explained that the scenario showed no contribution in addition to what they were already contributing, so they would have \$3,325,284 in Transfer to Debt Service. She noted that in order to keep with the \$57 million in debt capacity, they would need to provide an additional \$610,000 in 2038 for a total of \$3,935,284. Mr. Reed asked if that would be another \$610,000 in addition to the \$610,000 in additional revenue for Debt Service for a total of \$1,220,000 to Debt Service. Ms. McGarry confirmed that was correct.

Ms. McGarry reviewed a third scenario that still worked with the \$610,000 but they would not start contributing that until 2027 to get to the \$3.9 million contribution. She noted that around FY2031, there would be some requirement to make an additional contribution besides the \$610,000. She indicated that she was not sure how much would be required.

Ms. McGarry provided an overview of a fourth scenario which took into account a reduced contribution amount of \$388,623 in FY25. She noted that additional funds would need to be put in around 2047 in order to stay in the black for that scenario.

Ms. McGarry then reviewed a fifth scenario that looked at no additional contribution in 2025, a reduced additional contribution of \$388,623 in 2026, and picking back up the additional \$610,000 in 2027. She noted that would require an additional contribution in 2033.

Ms. McGarry then looked at a sixth scenario which pushed the \$388,623 contribution to 2027, with no additional contributions in 2025 or 2026. She noted that the \$610,000 contributions would resume every year following 2027. She indicated that some additional contribution would be needed in FY2030. Mr. Reed asked if the additional contribution would be more or less than \$610,000. Ms. McGarry said that it would probably be more. Ms. McGarry noted that she felt the more important decisions were what the Board wanted to do in FY25 and FY26. She noted that they would be in the same boat they were in, the same budget, and probably not a lot of incremental increases in the County's local revenues, unless some other things fell into place. She suggested that it may be wise to look at 2025 and 2026 as being potentially reduced, and then they would get to 2026, which was the next reassessment year.

Dr. Ligon stated that she was not a fan of punting a problem down the road. She commented that if they already had a problem, what would it be in a few years. She asked why Ms. McGarry was presenting those options. Mr. McGarry noted that Mr. Reed had asked her to. Dr. Ligon asked what had brought about the request. Mr. Reed noted looking at the budget in the biennium, they would be stuck with the same local composite index (LCI) for the next two years. He commented that at best guess, they would have over \$1 million less than last year from the state. He noted it was possible that if nothing changed with the composite index, they could be looking at a much higher LCI in two years. Ms. McGarry agreed and indicated that should be expected. Mr. Reed commented that it was hard to think that what they had now was almost a best case scenario for the next two years. He noted that in terms of revenue that would be available, the scenarios made sense. He suggested that the only other possibility would be if there was a more conservative debt service limit than \$57 million.

Ms. McGarry noted that there were two (2) other variables in the current analysis could be tweaked so that they had a better sense of what it could look like. She explained that the current analysis assumed that they were going to have \$57 million in debt by FY29. She reported that the current committed debt was \$35.1 million which included the repayment of the Larkin interim financing, the building for Social Services and the High School renovation. She noted that they could look at setting a limit of less than the \$57 million, between the \$35.1 million and \$57 million. She also indicated that they could look at only needing \$35.1 million by FY29, and they could build in some future capacity further out into the future. Mr. Rutherford commented that it would change with assessments. Ms. McGarry indicated that Davenport was looking at a cash flow analysis with it limited to the \$35.1 million.

Mr. Rutherford commented on the funds pulled from the school system by the State and noted that the equivalent in terms of Debt Service by his estimate was over \$100 million in Debt Service to the County. He noted that the shortage to the Schools of about \$1.7 million in recurring need, instead of that money going to the Schools, that money could be worth that much in terms of Debt Service, if it were all to be utilized. He commented that the addition of homes at Wintergreen and Stoney Creek over the past several

years equated to an increase in gross value. He noted that it was also important to determine how to attack the algorithm for the LCI.

Dr. Ligon commented that other school systems fundraised for money on their own. She noted that there were certain things that School Boards could do to make money for their schools and she suggested that maybe it was time for ours to get on that horse. She noted that she did not have any other information, other than it had been brought up in conversation with a School Board member. Mr. Rutherford asked how much money they were fundraising. Dr. Ligon commented that in Amherst, a lot of sales tax stuff went to their School Board. Mr. Reed indicated that Amherst's LCI was about half of Nelson's. Dr. Ligon commented that Nelson was in the top 15 for LCI.

Ms. McGarry noted she was not sure if the two variables, in terms of either pushing any additional capacity out or limiting it, was something to be decided with the budget. She indicated that they could decide on the contribution for the year, and then work through the other pieces at a retreat. Mr. Reed commented that it might make sense to recommit to the level of debt service that they figured they would need and when. Mr. Rutherford commented that they were looking at saving about \$200,000, when in his mind, the biggest concern they had was the \$1.5 million yearly that the Schools were losing. Mr. Reed noted that they did not have much control over that, but they had to come up with a scenario. Mr. Rutherford commented that they could only do what they could do, noting that they were put into a system that they did not design and they wished they could correct. He noted that the question was always how could they bridge the gap, but there were also fiscal impossibilities.

Mr. Reed commented that for this year, they knew what they had to deal with. Mr. Rutherford noted that two (2) to four (4) years from now would be interesting. He stated that he was not a fan of putting off the dollars and cents as Dr. Ligon indicated, noting that he did not think that was a good practice. He suggested that they consider modifying the total amount of debt service. Dr. Ligon noted if they pushed the contribution any later, they would be increasing the contribution that would be needed later down the road. Mr. Rutherford noted it was not a healthy practice to put that on future boards. He commented that he was not a fan of kicking the can down the road and that he would rather consider going from whatever commitment they had now. He noted that they still needed to be cautious of utilizing the difference between the \$35.1 million and \$57 million. Dr. Ligon commented that she thought they could get more projects done with \$35 million than just the Social Services building and the High School renovation.

Mr. Rutherford noted the possibility of refinancing debt in future but they did not know what the financial markets might look like then. He indicated that they had been able to refinance once before and they realized the same amortization, and year over year revenue savings. Ms. McGarry agreed that refinancing was a possibility. Mr. Reed commented that the only thing they knew was whatever they projected. Mr. Rutherford noted that they had built two elementary schools with the intention to fill them because that was the projection, and they were wrong. Dr. Ligon commented that when her generation was there, the elementary schools were full. Ms. McGarry asked if there were any other scenarios the Board wanted to run, other than where they were limiting the capacity at 2029 to what had already been committed.

Mr. Rutherford suggested limiting it down to what they had already committed to, Social Services and the High School, and see what that difference in Debt Service looked like year over year. He indicated that he did not think they needed to kick the can down the road for future Boards. Mr. Reed commented that he thought they should see what the options were, and then have a retreat to reassess what the capital commitments would be and when. He noted that they were existing in a situation to where they had a really different scenario of where they were at the last retreat.

Mr. Rutherford noted that when they had the initial retreat, they had not been hit with two (2) composite index changes where the state funding to the Schools had decreased. He commented that the cost of living increase for School staff at three (3) percent for last year and three (3) percent for the next year was getting

bigger and bigger, and that three (3) percent would eventually be \$1 million within the next four (4) years. Ms. McGarry noted that it could be. She indicated that the cost of the three (3) percent increase was currently around \$600,000. She commented that was the same situation for every employer, including the County, as salaries grew. Ms. McGarry asked that the Board provide any scenario tweaks that they may be interested in by the next day so that Davenport would have time to work on it. Ms. McGarry noted that the \$35.1 million Debt Service scenario was being determined by Davenport currently. Mr. Rutherford explained that when they went into their retreat, they would have Davenport present to review the scenarios. Dr. Ligon asked when they would hold the retreat. Ms. McGarry indicated that they would look to schedule that after things had settled down from the budget. Mr. Rutherford noted December/January was the best time to do a retreat before the budget time kicks off. Ms. McGarry indicated that they could do the same in the Fall and work to set the priorities for the next budget cycle and beyond. She noted that the problem for staff was that during that time period, they were finishing up the current year's audit with the auditors and also building the next year's budget.

Mr. Rutherford suggested that if there were ambitions to take on significant debt service, a unilateral cooperation with GO Virginia and Region 9 should be considered. He noted that if during the retreat, the Board decided that it wanted the Larkin property to be something that created jobs, there could be some partnerships across regions that would create a project with access to state funding. Dr. Ligon asked if the original intent with the Larkin property had been economic development. Ms. McGarry explained that there had been two (2) tracts with economic development components and recreational components. She noted that most of the economic development involved the other side of 29, not the side that the County was able to acquire. Mr. Reed indicated that there had also been some housing components as well.

### 3. School Division Operating & School Nurse

Ms. McGarry provided the Board with printouts from the State's calculation tool with the projected enrollment. She reviewed the total state and local funds, noting that at an enrollment of 1,430, it was based on the General Assembly's budget which was going to change somewhat. She reported that the FY25 State share was \$9,594,358 and the local share was \$12,618,196. She noted that the current year local funding was \$18,544,772, including the school nurse contribution plus the main operating money. She indicated that amount was about \$6 million to \$7 million over the local share required.

Ms. McGarry explained that the State share and Local share were based on the Standard of Quality (SOQ) positions and programs that the State funds. Dr. Ligon noted her question may be for the Schools and not staff, she asked if there was a reason that the Schools were way above and beyond. She asked if that was due to having multiple elementary, or where the discrepancy was. Ms. McGarry noted that a lot of it was due to staffing, and what was funded by the state. She commented that because of the formula, they say that the County should only need a certain number of teachers and principals. She noted that it was formula driven, not necessarily what was actually needed in practice. She commented that was likely a lot of the problem, as well as enrollment numbers. Mr. Reed commented they were way below the level where they start to have economies of scale. He noted that everything was pretty much a fixed cost. He commented that for transportation, it did not matter how many students there were, they still had to run the buses. Mr. Reed noted that the formula did not consider that transportation.

Mr. Reed asked what the Schools had requested funds. Ms. McGarry reported that \$1,786,209 was the shortfall. She indicated that the total request for FY25 from the Schools was \$20,330,981. Mr. Rutherford estimated that the \$1.7 million equated to over \$150 million in debt service over time. Ms. McGarry indicated that the request was \$7,712,785 more than what the state said the County's local share was.

Mr. Reed asked if there was anything else to discuss regarding the numbers or anything else before the evening session with the School Board. He asked if there were any specific questions that could be provided to the School Board ahead of the meeting to give them time to get the information.

Dr. Ligon asked if the Moseley facility study had been sent by the Schools. Ms. McGarry noted that it had not been provided but she was going to follow up.

Mr. Rutherford noted that the declining pupil issue in Nelson was not a unique one. He commented that it was happening across the state, noting that Southside and southwest Virginia, as well as other areas, were seeing the same problem. He indicated that he was curious to know whether the schools met regionally, similarly to the TJPDC, and whether they discussed enrollment issues. Ms. McGarry noted that Dr. Hester attended regional meetings. He noted that the TJPDC discussed economic stuff, Internet, and the VATI grant, and he asked if the School Board had a similar level of discussion regionally. Mr. Reed noted that they had the Virginia School Board Association where Ms. Janet Turner-Giles was the Chair for the last few years. He commented that he assumed that was one subject that they discussed.

Mr. Rutherford noted that they would likely run into the interaction of what the Board was going to do to increase the school populations. He commented that the conversation usually went that direction every time. Ms. McGarry noted that with the LCI, until the funding formula is fixed, more kids would cost the County more because the County paid a higher proportion per student than the state. Mr. Rutherford commented that the economies of scale should already exist. He noted that the state was always committed to funding their determined share every year. He commented that if funding need increased, the County did not necessarily need to bridge the gap, because they were already meeting the threshold for the required minimum local share. Ms. McGarry noted that was correct, as the County was paying over what was required. Mr. Rutherford commented that he did not understand how more kids would cost the County more. He provided an example of a kindergarten class with 10 students and one teacher, noting that if five (5) more students were added to the class, then the state amount would contribute whatever its portion was, but we had already bridged that gap. Mr. Reed noted that they may not have to increase their expenses as incrementally, but there were two sides to the balance sheet. Mr. Rutherford noted in seven (7) years, they had lost more than 200 kids. Ms. McGarry commented that it was more than that. Mr. Rutherford noted that was a lot of kids and some serious conversations needed to be had. He noted that his questions were not necessarily something that could be pulled out of the School Board office that fast. He indicated that he was interested to hear about the conversations that took place regionally and on what level.

Dr. Ligon noted that she had spoken with Dr. Hester because she felt that Dr. Hester should engage the homeschool groups to ask why they were not sending their kids to school. She commented that Dr. Hester complained that there was no parent engagement in the schools, and there were not enough bus drivers. Dr. Ligon noted that the parents who had time to help at the schools were the ones homeschooling their kids. She commented that if they were to get a homeschooling family back, they would have more community involvement. Dr. Ligon noted Dr. Hester was not willing to reach out to the homeschooling groups and she was negative about it. Mr. Rutherford noted that was a shame because there were specific resources that certain homeschool families could likely only utilize through the public education system. Dr. Ligon noted that what she understood was that if a homeschooled child wanted to participate in band or FFA, the schools are supposed to allow them, and they are then a part-time student and the school would receive funds from the state for the part-time student. She commented that they had to engage the homeschooling crowd, but Dr. Hester was unwilling to do so. Mr. Reed noted when he was running his school in Charlottesville, they had that exact discussion. He noted that the resources open to them because while they were a private school, they were unaccredited so it was more like homeschooling, was PVCC. He explained that his students could attend PVCC and take advantage of all of the amenities there as long as they showed proficiency in being able to do it. He noted during that time, Charlottesville High School decided to make an exception to allow some classes to be made available. Mr. Reed stated that he thought it was not the

public schools' responsibility to reach out to those who are not using their services, he noted that he thought it was up to the homeschooling community to reach out to the schools to see about creating something that they could do together and create another source of revenue. He commented that it was really hard for a public school to do that because they were a public school.

Mr. Rutherford noted that he was homeschooled. He commented that his oldest brother was essentially a nuclear engineer, who attended PVCC at 15 years old because public school in Nelson could not help him to escalate to the level he needed. He noted that particular niche would be really hard to satisfy for people who would be willing to compromise lifestyles, time and energy, to see that their children were able to go that far. Mr. Rutherford noted that when he was between the ages of 11 and 15, he was playing soccer and travel soccer. He indicated that he had reached out to David Parr to see if homeschool kids could participate, and there was a litmus test of reasons why they would not let homeschool kids participate. He noted that then he reached out to Connie Brennan, and then some of the mothers reached out as well because some of the kids wanted to be a part of Drama, or take an advanced math class. Mr. Rutherford noted that model was not unique in America. He indicated that many schools across the country allowed homeschoolers to participate. He explained that in Virginia, homeschoolers were allowed to participate at the local board's discretion. He noted that they could work to allow homeschoolers to participate, but maybe with a minimum amount of two (2) classes and then they would meet the ADM requirement and have 50 more kids.

Dr. Ligon reported that she had attended the mental health program at the school. She noted that there were a lot of complaints from parents about not having baseball and other programs. She suggested that if they were engaging homeschoolers that would love baseball, they would have a team. Mr. Rutherford commented that he wished he could have played soccer. Dr. Ligon commented that she had been on a farm call and there were some homeschool kids who were a part of drama, and they had learned that was an option through 4-H program, rather than the County. Mr. Reed noted that understanding the structure, he would say that was not a question for Dr. Hester, rather it was for the School Board because the School Board hired Dr. Hester and the School Board set the policies. Ms. McGarry suggested that may be a good question for the joint meeting that evening.

Dr. Ligon commented that every child on her road went to Charlottesville or Lynchburg for school. Ms. McGarry asked if she knew why. Dr. Ligon noted that two (2) of the children fell behind and it was not recognized by the teachers, and it was not told to the parents. She indicated that another child was due to a bullying situation that the family felt was not handled well. She commented that the other situation, the child wanted to go to private school but there was not transportation initially, but now they can carpool with the others. Dr. Ligon noted that her brother's children go elsewhere due to the poor literacy rate in Nelson. She commented that a School Board member had indicated that if they did not get the money needed, they would not be as successful educating the kids. Dr. Ligon noted a 30 percent literacy rate in 6th grade and commented that it did not seem successful. She asked what they were paying for. Mr. Reed noted they did not buy their demographics, they had the demographics they had, and they had to serve the people they had. Dr. Ligon commented that the Schools' thoughts of success and hers may be a little different.

Ms. McGarry asked Mr. Harvey what kind of questions he might have for the evening. He noted he was there to observe.

### C. Additional Budget Work Session Dates

The Board discussed future work dates. Ms. McGarry indicated that Mr. Parr had wanted to keep the work session on April 22nd at 2 p.m. scheduled. Ms. McGarry noted that the state budget would not be done until mid-May. She suggested that if they could work through the last few pieces, they would have a budget ready to go to public hearing, and they could make changes after they knew the particulars. She noted that

if they needed more work sessions after April 22<sup>nd</sup>, they could consider them at that time. She asked the Board if they thought they could be at a point to make decisions on Monday, April 22<sup>nd</sup>. Mr. Reed and Mr. Rutherford commented that they should be ready. Dr. Ligon asked if that also included making a decision on how much funding to give the Schools. Ms. Staton indicated that it did. She explained that they would need to know that so they would have a budget to advertise. Ms. McGarry indicated that they could make changes after the public hearing took place before the budget was adopted. She explained that the major decisions left were the Debt Service and what level of transfer they were going to do, and the School funding.

Mr. Rutherford also noted the Social Services increase for their position. Dr. Ligon asked about the position. Ms. Staton noted that it was not really a new position. Ms. McGarry noted that it was characterized as a new position in the budget submission. She explained that it was a position that Social Services had for years, but they were not at their base staffing, so they never filled it. She commented that someone was actually already in that position. Mr. Rutherford asked why they were even funding it then, noting he did not understand. Ms. McGarry commented that she did not know they had hired someone until recently. She noted that the way it had been explained to her in a side conversation was, that they were rarely fully staffed, so throughout the year they could tap into vacancy savings to cover that position if they do not get the funding requested. Dr. Ligon suggested that they do that just as a reprimand. Mr. Rutherford noted that he was a little confused as he had thought it was a whole new position. He commented that Social Services could have brought the person in the position to the meeting for the discussion. He suggested that they discuss the Social Services funding more on Monday at the next work session. Dr. Ligon asked if she could have the minutes regarding the Social Services position discussion from earlier in the meeting to review before Monday's meeting. Ms. Spivey noted they could provide those. Ms. McGarry indicated that Mr. Burdette had explained that Social Services used their main budget line item to pay for positions, and then once that funding is gone, they move to a second line that was more of a pass through funding situation. She noted that the second line was funded at a different ratio, local to state, so it was at a higher local rate of 76 percent, which equated to the \$60,000. She explained that Social Services had put the position funding in the request because they did not want to come back later and ask for more money during the year if they stayed fully staffed and went through all of their regular personnel funding budget line. Mr. Reed commented that it was budget season, and he thought they just wanted to make sure they got everything in that they needed to get.

Dr. Ligon commented that she had met with Curtis Sheets, and it sounded like on the things that Susan Rorrer had asked for was not likely going to happen. She noted it was in regards to moving something from Wintergreen. Ms. McGarry indicated that she would check with Ms. Rorrer on that. Dr. Ligon noted it had to do with moving a console from Wintergreen and putting a new console at Wintergreen. She reported that Chief Sheets told her that a meeting had taken place the previous week and they were not sure it would happen. Ms. McGarry noted that she would check in with Ms. Rorrer on that. Ms. Spivey commented that Ms. Rorrer had been dealing with radios. Ms. McGarry noted that Ms. Rorrer had been distributing new radios. Dr. Ligon commented that it sounded like Dispatch moving to cell phones was going okay.

### **III. ADJOURN AND CONTINUE – EVENING SESSION AT 6PM FOR A JOINT MEETING WITH THE NELSON COUNTY SCHOOL BOARD.**

Mr. Rutherford made a motion to adjourn and reconvene at 6:00 p.m. and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the meeting adjourned.

**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 6:00 p.m. in the Former Board of Supervisors Room located on the fourth floor of the Nelson County Courthouse in Lovingston, Virginia.

Present: Board of Supervisors  
Ernie Q. Reed, Central District Supervisor – Vice Chair  
Jesse N. Rutherford, East District Supervisor  
Dr. Jessica Ligon, South District Supervisor  
Candice W. McGarry, County Administrator  
Linda K. Staton, Director of Finance and Human Resources  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk

School Board  
George Cheape, East District – Chair  
Margaret Clair, Central District – Vice Chair  
Shannon Powell, West District Trustee  
Dr. Amanda Hester, Superintendent of Nelson County Public Schools  
Shannon Irvin, Assistant Superintendent for Administration  
Tammy Ponton, Administrative Assistant to Superintendent

Absent:  
J. David Parr, West District Supervisor–Chair  
Thomas D. Harvey, North District Supervisor  
Ceaser Perkins, South District Trustee  
Janet Turner-Giles, North District Trustee

**I. CALL TO ORDER**

Mr. Reed called the meeting to order at 6:05 p.m. with three (3) Supervisors present to establish a quorum, with Mr. Parr and Mr. Harvey absent. Mr. Cheape also called the meeting to order with three (3) Trustees present to establish a quorum, with Mr. Perkins and Ms. Turner-Giles absent.

**II. JOINT MEETING BETWEEN BOARD OF SUPERVISORS AND SCHOOL BOARD**

The meeting agenda was approved with a consensus from both Boards.

**A. FY25 Budget Discussion**

Mr. Reed asked if Ms. McGarry would like to start the discussion. Ms. McGarry deferred to Dr. Hester, noting that she had a presentation.

Dr. Hester provided a PowerPoint presentation to both Boards on the FY24-25 Budget.

She noted that the School Division's Focus included the following:

- Safety and maintaining an environment conducive to learning
- K-12 Literacy and addressing learning loss
- Innovation



- Best practices for excellence in teaching and learning
- Social and emotional learning support
- Career Exploration & Readiness

She then reviewed the goals of the School Board which included:

- Student Success
  - Individualized instruction
  - Diversified courses
  - Career Readiness
- Orderly, Safe, Healthy Environment
  - Utilizing appropriate mitigation strategies and safety procedures
  - Attending to the physical and emotional wellbeing of all in the school community
- Operational Excellence
  - Solid budget of need
  - Efficient Use of Resources
  - Accomplishing Goals of the School Board
- Highly Qualified Workforce
  - Competitive compensation
  - Attract and retain qualified and well educated staff
- Community Engagement
  - Technology innovations
  - Inform and update through variety of mediums

Dr. Hester discussed the proposed budget, noting that it was a part of the budget packet that was submitted, she noted that it was also on the School's website under the Finance Department. She explained the major differences between FY24 and FY25 impacting the budget. She indicated that salary was a significant portion. She indicated that a three (3) percent raise for all employees, not just SOQ positions, was in the budget. She reported that the LCI was the biggest impact, with \$1.1 million less in revenue from the State. She noted that Health insurance had zero increase for FY25. She also reported increased costs in electricity and propane. She indicated that due to the increases in Kindergarten registration, the School Division was looking to add an elementary school teacher. Dr. Hester reported that they were seeing increases in the frequency and severity of behaviors, particularly in younger students and were looking to add a behavior specialist. She noted that they had two (2) behavioral specialists, one (1) being paid with ESSER funds, which would be exhausted this year. She then reported that their English Language Learner (ELL) numbers were increasing and they would need an additional ELL teacher to maintain ratios. She noted the ELL teacher position was being offset by the Foreign language teacher position. She then noted that the budget included an Ag teacher, which was being offset by a part-time CTE welding teacher. She indicated that they had an increase in needs, as well as interest in supporting workforce readiness and preparation for different industries.

Dr. Hester reported that the biggest impact to their budget was the Local Composite Index increase from .5888 to .6645, resulting in a difference of \$1.1 million in incoming revenue from the state.

Dr. Hester indicated that one of the questions they got frequently was regarding per pupil expenditures. She noted that the per pupil expenditures were available on the VDOE (Virginia Department of Education)

website, however the website was not reporting and including certain expenses such as: non-regular day school programs, non-LEA programs, Debt Service, or Capital Outlay Additions). She reported that the blended, raw data for all students came to a cost of \$22,352.26 per student. She noted that the regular education students only came to a per pupil cost of \$19,532.51, while the Special Needs Students only came to a cost of \$34,105.03 per pupil. She indicated that the JLARC study alerted to the fact that for special needs students it required more resources at higher costs to be able to educate students, due to their specific needs that were important to fulfill for the success of the students, but also mandated through policies and codes. She noted that there was a varied difference between the cost of SPED (Special Education) versus General Education students.

Dr. Hester reviewed the factors that increased up per pupil costs:

- Smaller class sizes
- Competitive salaries
- Geography and Topography of locale
- At Risk student populations
- number of Special Education students
- School Improvement and Facility Enhancements
- Energy costs
- Size and age of schools in the Division
- Size and age of Transportation Fleet
- Extracurricular offerings
- Number of Academic Pathways & Course offerings
- Add on Costs for Grant Purchases
- Collaborative efforts with County agencies such as facility/field use, vehicle maintenance, shared transportation

Dr. Hester then reviewed the Fall versus Spring enrollment numbers. She noted that for FY2024 their number as of March 31<sup>st</sup> was 1,421.25 where in FY2023 they had 1,415.57. She indicated that was a variance of 5.69. She noted that they did have a drop from Fall, which had 1,427 students. She explained that there was a decrease from the Fall, but that was pretty consistent from year to year. She reported that they had more enrollments coming in over the last two (2) weeks, some special needs students and others moving into the School Division. Dr. Hester indicated that a change in one (1) student would equate to \$5,135 in state revenue and a \$10,174 change in the local match.

Dr. Hester reviewed the enrollments by School. She noted that they had seen a drop in enrollments over time. She indicated that they had seen some upticks in enrollment at Rockfish over the last two (2) years. She noted that they also had some increase at Tye River. She reported that they had a projected drop in enrollment at the Middle School due to a smaller current Fifth grade class. She noted that they also had some increases at the High School.

Dr. Hester then reviewed the projected funded Pre-K through 12<sup>th</sup> grade enrollment for FY24-25. She noted that they were projecting to have 113 Kindergarteners. She indicated that they were still in the process of Pre-K registrations.

GRADE	23/24 actual	24/25 proj.	GRADE	23/24 actual	24/25 proj.
			8	122	113
Pre-K	48	48	9	131	122
K	113	113	10	134	131
1	111	113	11	111	134
2	93	111	12	109	111
3	97	93	Total PK-12	1,495	1,499
4	99	97	PreK (K-12 only)	PreK (48) CSA (14) PREP (6)	PreK (48) CSA (14) PREP (7)
5	90	99			
6	124	90	Funded K-12	1,427	1,430
7	113	124			

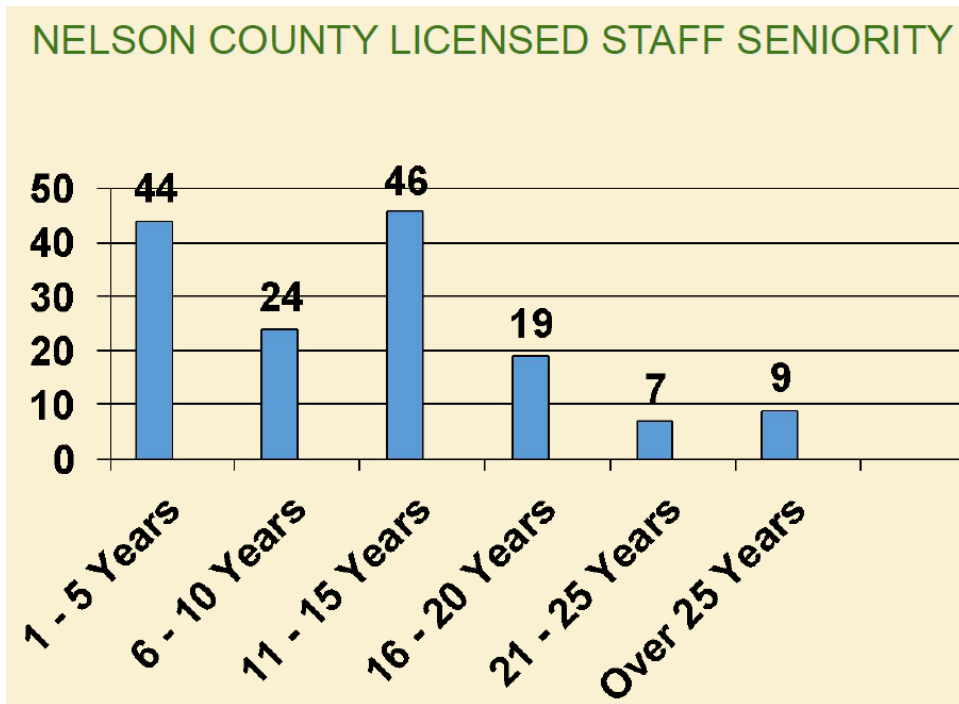
She noted that they had had some challenges with their Head Start program and the managing agency, MACAA, transitioning out of that responsibility and bringing in a new organization to work through that.

Dr. Hester reported that they were starting to see an increase in ages 0 to 4 in the increasing SPED (Special Education) populations that they would see. She indicated that would have an impact on classes like Early Childhood Education (ECSE) because it would affect the class sizes which had different ratios. She noted that would increase costs related to transportation and staffing.

Dr. Hester reported that they did have additional funding structures through Section 611 and 619. She noted that the School Division utilized all of the different available funding structures that they could, particularly for their special education students.

Dr. Hester indicated that they were seeing an increase in English Language Learner (ELL) students. She noted that while there was a decline in enrollment, they were seeing an increase in the ELL student population which made up a bigger percentage of their population. She reported that they were starting to see a need for an additional ESOL teacher. Dr. Hester then indicated that they had seen a 31.91 percent increase in ELL enrollment between FY23 and FY24. Ms. Irvin reported that the ration for SOQ was 50:1, so at 62 ELL students, they would be out of compliance if they did not hire another teacher. Dr. Hester noted that the ELL populations, SPED population and Disadvantaged population were also considered subgroups, so when they talked about accountability and accreditation for schools, those populations made up their own subgroups that contributed significantly to the components of accreditation. She noted that the number of disadvantaged students had decreased and then, increased again possibly due to the pandemic. She indicated that disadvantaged students typically required a little more funding because they were coming to the School Division with some disadvantages through exposure to learning, lack of it, and many other contributing factors.

Dr. Hester discussed the teacher shortage. She noted that it was not just affecting the School Division locally, it was also a problem statewide and nationally. She commented that there were people, but there were not necessarily qualified, endorsed, licensed and trained teachers. She noted reasons why were due to lower pay and fewer candidates. Dr. Hester showed the chart of Nelson County License Staff Seniority.



She reported that there were 44 staff in the 1-5 years, and 46 staff in the 11-15 years' categories. She noted that there were 68 teachers in the pretty early stages of teaching, and a lot of times, new teachers required more support and training to be able to bring them along to the master teacher level. She commented that in the past, if they could bring a teacher to 5 years, they would keep them. She noted it was getting tougher and tougher to do that, because once they reached that point, their skill level was more competitive. She reported that when they lost staff, they were losing them to institutions of higher education. She noted they had lost four (4) staff to Nelson County, and they were also losing staff to the private sector. She commented that those going to the private sector had found that they could make a lot more money, with less responsibilities and less stress. Dr. Ligon asked at what year teachers were fully vested. Ms. Irvin reported that teachers got tenure after three (3) years, but vesting was with retirement. Dr. Hester noted if teachers went to UVA or JMU, their retirement with VRS carried over.

Dr. Hester showed Nelson County's salary rankings as compared to other divisions across the state. She indicated that the School Board had established a goal to be in the top 25. She noted that in green, it showed where Nelson County had improved in ranking from FY23 to FY24. She reported that last year, they were ranked fourth for beginning teachers, and this year they were ranked #3 for 2024. She explained that when they got to year 5, they saw that the more experienced the teachers were, the more competitive the School Division needed to be with their pay.

### Nelson County Salary Rankings as Compared to Other Divisions

(FY 24 Salaries are based upon salaries as of 7/01/23 which does not include any midyear salary adjustments)

NELSON COUNTY	NCPS Salary Fy 24	NCPS FY 2023 Rank	NCPS FY 2024 Rank	Fy 24 Salary Level at 25 <sup>th</sup> in State	Proposed Salary FY25 with 0% COLA
Beginning Teacher	56,042	4	3	52,421	\$57,163
5 Years	57,457	14	12	55,216	\$58,606
10 Years	58,908	20	21	58,439	\$60,086
15 Years	60,395	40	39	62,075	\$61,603
20 Years	62,914	50	47	66,900	\$64,172
25 Years	67,704	55	48	72,048	\$69,058
30 Years	73,582	44	39	77,550	\$75,054

Source: VEA SALARY STUDY January, 2024(may be subject to revision by VEA)

\***Green** in the table above in the Proposed Salary Column indicates NCPS is exceeding its goal of 25<sup>th</sup> in state; **Red** indicates that NCPS is not reaching its goal of 25<sup>th</sup> in the state

Dr. Hester indicated that their biggest competition when recruiting was against Charlottesville and Albemarle. She noted that they had a significant number of certified teachers living in the Amherst, Albemarle, Augusta, and Charlottesville areas. She indicated that they were able to pull some of their classified and other certified staff from Nelson. She then showed the teacher salaries among divisions within their target group. Mr. Rutherford noted that they were out-competing Buckingham, Amherst, Waynesboro and Augusta. He commented that Charlottesville and Albemarle were out-competing them in salaries as usual.

	CHARLOTTESVILLE	ALBEMARLE	GREENE	BUCKINGHAM	AMHERST	WAYNESBORO	AUGUSTA
0 YEARS	53,950 13	54,491 9	52,335 28	51,055 38	47,750 75	48,730 64	47,864 73
5 YEARS	56,984 13	58,116 8	55,004 30	51,055 63	49,113 86	50,555 67	50,306 71
10 YEARS	61,369 12	62,002 10	57,811 30	51,309 89	50,513 99	52,383 79	52,872 74
15 YEARS	66,502 11	66,135 12	60,759 36	52,387 106	51,821 110	55,428 76	55,569 75
20 YEARS	71,636 11	70,543 14	63,858 42	54,606 115	55,009 113	58,474 78	58,403 81
25 YEARS	76,225 12	75,255 16	67,115 55	57,270 117	59,309 111	61,520 90	61,382 92
30 YEARS	82,389 14	80,272 19	70,539 59	70,673 56	63,605 113	64,565 105	64,516 108

\***Green** indicates the division is exceeding the level of pay that NCHS pays its teachers at that level of seniority. **Red** indicates that NCHS is paying its teachers at a higher level of pay than the comparison division at that level of service

Dr. Hester showed the number of FTE (full-time employee) Nelson County Public Schools teaching positions and FY24 had 143.96 FTE teaching positions. She noted that over the years, the total FTE had dropped. She reported that last year, they had added back the Assistant Principal position at the Elementary Schools. She noted that they did see an increase, and that was primarily due to the pandemic and having additional staff on hand to deal with virtual learning and transitioning back to in person learning. She noted that there was a significant drop in FTE from FY22 (154.47 FTE) to FY23 (142.96 FTE).

Dr. Hester discussed student transportation needs. She noted that some of the components were the topography and geography of the County, along with the aging fleet and the need for more vehicles (buses or vans or other vehicles). She stated that the drivers were the people who got the students to and from school safely and noted that it was a tough job. She noted that staff recruitment and retention continued to be a priority. Dr. Hester reported that the combined evening routes at Tye River had been working well and had allowed for more instructional time in the elementary schools.

Dr. Hester noted that they continued to maintain the DOE recommended 15-year cycle for vehicles. She indicated that they had an aging fleet which would require replacing buses at higher numbers in the future, costing more money. She estimated that a typical bus with air conditioning cost about \$135,000. She reported that 11 daily route buses and three (3) daily route cars were over 15 years old. She indicated that they had 35 daily vehicles (cars, vans, buses) that were a 2009 model or older. She commented that three (3) daily use vehicles had over 200,000 miles. She reported that they were able to purchase two (2) electric buses through a grant. She noted that the buses had arrived and were in use. She noted that they did see some positive data coming from that, but it would be important to spend the next year collecting data to determine whether it would be advantageous to use those buses on certain routes. She reported that those were the only new buses that had been purchased in quite a while. Dr. Hester noted that they had an increasing student population requiring special transportation. She indicated that they were running low on vehicles and if one were to break down, they would have to figure out a different way around it. She noted that price of diesel in January was about \$2.64 per gallon.

Dr. Hester reported on the Maintenance and Operations Needs. She noted that the buildings were aging. She reported that the roof project had just been completed. She indicated that they had upcoming projects that needed to take place and they could not just keep kicking the can down the road. She noted that the Middle School was built in 2003 and portions of the High School were constructed in 1954, 1975, and 2003. She indicated that Rockfish was built in 1999 and an HVAC replacement and controls upgrade were needed. She noted that Tye River was constructed in 1995. She reported that the price of propane continued to increase.

Dr. Hester summarized her presentation, noting that their staff were the critical aspect of what they are needed, in order to serve their students. She stated that the students were the most important thing, and they had to have staff be a high priority, which was why raises were listed first. She commented that a budget was a financial representation of what was valued, and that was a big value for them. She reported that they currently had five (5) teaching positions filled by long term subs and they were trying to find the right candidates for the jobs. She noted that the Great Resignation was very real and it was difficult to find candidates willing to drive the distance, particularly since affordable housing was not available in Nelson. She indicated that it was critical to provide salaries that could offset travel costs and appropriately attract high quality staff to work in NCPS, while also retaining current employees. Dr. Hester noted that they were competing at a higher level with the private sector, other public agencies, and Institutions of Higher Education to retain staff.

Dr. Hester reported that NCPS Schools and staff were experiencing the increase of behavioral and mental health needs. She noted that it was not just a Nelson County issue, it was experienced by schools and staff across the Commonwealth and the nation. She commented that everyone had problems, but NCPS's problems were more important, because they were their problems and their students. She stressed the importance of being able to provide the supports for their students, as well as the staff and families. She noted that without additional services and staff to support the needs, their students would continue to struggle socially, emotionally, mentally, and academically. She noted that staff were experiencing secondary trauma when they were witnessed their students suffering from major mental meltdowns. She commented that they needed to work together to find ways to support the needs, not just for academic performance, but for the overall needs of their students, families and community.

Dr. Hester noted that the School Division was a service industry and 80 of their budget was tied to personnel costs. She explained that this included the funding to cover the full year costs of a two (2) percent raise given January 1, 2024; a three (3) percent salary raise for all staff, not just SOQ positions, which was proposed by the General Assembly and agreed to by the Governor; and due to inflationary factors, the budget was adjusted to include some anticipated cost increases.

Dr. Ligon asked what percentage of students were disadvantaged students. Dr. Hester noted that they had 15.2% SPED students. She reported that they had around 58% at-risk/disadvantaged students. Dr. Ligon asked if there was a definition for disadvantaged students. Dr. Hester noted she could not quote the definition from DOE at the moment. She explained that for many years, the free and reduced meal applications helped drive the definitions of disadvantaged. She noted that the Schools were in a community eligibility program (CEP), so all students received free breakfast and lunch. She commented that they no longer collected applications for the program because it was automatic. She noted that did make it a little more difficult to capture that picture. She noted that in order for the Schools to participate in CEP, they had to have at least 50 percent of the students to be in the disadvantaged category. Dr. Ligon asked if this meant financially disadvantaged. Dr. Hester confirmed that it was economically disadvantaged. She noted that they could find the DOE definition of disadvantaged. Mr. Cheape commented that they typically were above the state average for SPED. Dr. Hester confirmed that they were above the state average for SPED, which was around 13 to 14 percent. She reiterated that Nelson was just over 15 percent SPED.

Mr. Cheape noted the cost per pupil for SPED students was much higher for Nelson than other jurisdictions because they had to transport some SPED students to another school, and then pay a per student fee for services at those schools. Dr. Hester noted that most of their SPED students were educated within the Nelson Schools. She indicated that there were some students who were participating in private day schools or Ivy Creek. She noted that they County paid for the slots for students. Ms. Clair commented that the County paid for the slots in a regional program that supports Special Education. Dr. Hester noted that it was called the Piedmont Regional Education Program (PREP) and they provided various services related to Occupational Therapy, Autism, alternative education, Ivy Creek. Dr. Hester explained that what impacted them was that they paid for the slots. She noted that at the end of next year, Ivy Creek would be moving from its Albemarle location and the costs may go up depending on the new location. She commented that they had a responsibility to provide services to the students that they needed and were required, by law. Ms. Clair noted that it was a lot cheaper to participate in the regional program than it would be to have to provide those services by hiring people. Dr. Hester noted that those people would have to be specifically skilled and endorsed individuals working with those student populations. Ms. McGarry asked if some of the costs for services for those particular students were covered through the Children's Services Act (CSA). Ms. Irvin noted that those particular services were not. Ms. Powell noted that it was very complex. Dr. Ligon asked about Ivy Creek. Dr. Hester explained that Ivy Creek was supported by the participating Schools in the PREP program. She noted that with more participants, the cost was better because with more slots and participants, it offset the costs. She indicated that if Ivy Creek moved further away from some of the participating School Divisions, then it would not be worth the transportation costs.

Dr. Ligon asked if Ivy Creek was privately owned. Mr. Cheape and Dr. Hester indicated that it was not privately owned, rather it was a public regional program. Ms. Irvin noted that all of the different counties paid for services. Mr. Cheape noted that the services were provided by agreement and the costs were set by the costs incurred by the school. Mr. Cheape noted that if Nelson were to have to hire a specialist for one student, the cost would be extremely high. He explained that the program was a regional cost-sharing measure that the County was able to take advantage of. Ms. Powell noted that the challenge was, if Ivy Creek moved, the County still had those same legal responsibilities to the students, and they would have to find a solution. Mr. Cheape noted if Ivy Creek went away completely, they would still have the same responsibility to educate the children. Ms. Clair noted that the lion share of the services through the PREP

program were within their schools. She indicated that they did not have that many kids at the Ivy Creek school. She commented that it was always nice to have a physical place for a kid to go that needed intense support, but the primary benefit was that the County got to have those teachers working with their classroom teachers. She noted that some of the things that the PREP teachers taught the classroom teachers was how to do modifications for students that needed them, and other kids benefitted from those as well. Dr. Hester noted that Ivy Creek was just one part of PREP, she indicated that there were many other resources available in the program that they could access to help families and parents. Ms. Irvin noted that they also have services for physical therapy, behavioral therapy, occupational therapy, autism, vision and other specialty services that the County did not have the staff for.

Dr. Ligon asked what percentage of teachers were driving from outside of the county. Dr. Hester noted that they had been reviewing that and using Google Earth to plot it out. She indicated that she could get that information and provide it. She reported that they did have Nelson residents as employees in their schools, but not necessarily as teachers. She indicated that they had a lot of teachers coming from Amherst and other areas like Buckingham, Appomattox, Campbell, Staunton, Augusta, Waynesboro, Charlottesville, and Louisa. Mr. Cheape noted that not all, but some of that was driven by the lack of housing in Nelson County.

Dr. Ligon noted the MACAA (Monticello Area Community Action Agency) situation. She said that she felt there were a lot of false promises given by MACAA during their presentation to the Board of Supervisors. She noted it sounded like they are backing out of Headstart for next year. Dr. Hester explained that they transition to an organization called CDI. She noted that CDI was a national organization that took over Headstart programs on an interim basis, and was not designed to be a long term fix. She noted that her understanding was that MACAA did not satisfy the requirements of obtaining the licenses and there were some issues along the way that contributed to that. She explained that the Schools were informed that MACAA would transition those services. She noted that the incoming agency, CDI, pays significantly less. She indicated that CDI was waiting to get their license from the United States Department of Education, and they could not work in schools until licensed, so the Headstart students were not being educated at all. She noted some communication from MACAA seemed to indicate that if the licensing process could be fixed, they may come back. She commented that she was not sure about that. She reported that the School Division also had used MACAA for their afterschool program and MACAA gave four (4) days' notice that they would not be providing services for the Afterschool Program and they were going to try to hire a staff person. She noted that MACAA had been trying to hire a staff person since the end of February. Dr. Hester explained that the School Division had absorbed the afterschool program and they had been using School staff and funds to staff the afterschool program for 3.5 hours each afternoon, Monday through Friday.

Dr. Hester indicated that the issue with MACAA was not just in Nelson, it also affected Louisa, Fluvanna, Charlottesville and Albemarle. She noted that their teachers they had working Headstart had stated that they would stick it out for the rest of the year, because they loved the kids in Nelson. She indicated that she was not sure they would stick around next year if CDI was running it because the pay was so low. Dr. Hester noted that she appreciated CDI coming in and doing the program, it was just their business model. She commented that she did not have the confidence that MACAA would do it. She noted that they would likely need to find a new platform for afterschool care and Headstart, or they may have to determine how to handle those services in house.

Dr. Hester commented that they had a childcare desert in Nelson, noting that they did not have enough childcare or before and afterschool programs. She commented that bringing people into Nelson County was difficult, unless they lived here. Ms. McGarry asked if the VPI could absorb those students. Dr. Hester reported that there was a cap of 20 students in their VPI, and they were already at their cap, so it would require hiring more staff. Ms. Irvin indicated that would require all local funding as they were using all of the slots allowed from the state. Dr. Hester commented that in order to keep the 10:1 ratio, they would



have to hire four (4) more people. Ms. Clair asked whether the Headstart students were currently coming into the school currently. Dr. Hester confirmed that they were not coming to school. Dr. Hester noted that MACAA could not get their license and had been gone since March 31st, and since CDI was a national company, they were in the process of getting their license from the state. She reiterated that until CDI was licensed, those Headstart kids were at home. She noted that burden that had been placed on the families and the students were missing out on time in the classroom.

Dr. Ligon commented that she hated that the cap was 20 students. She asked Dr. Hester what she thought the actual need was. Dr. Hester commented that it would be great to support three (3) classes of 15 students with a teacher and an aide. She noted that they were dependent on registration numbers to help anticipate how many students. She reported that they currently had 48 students in Pre-K.

Mr. Rutherford noted that the Board was proud to be able to cover the debt service for the High School, noting that it was probably one of the largest capital improvements the Schools had seen since building the Middle School. He commented that the County had taken on a huge amount of Debt Service for that and they were proud of that and excited about it. He asked where they were in the process for the High School renovation project. Ms. McGarry noted that they were signing Bond Anticipation Note (BAN) the next day and closing sometime before the end of month. She said that they would then be able to proceed with the Architecture and Engineering (A&E) work. Mr. Rutherford commented that hopefully they were not off by 30 percent. Dr. Hester noted that the architects knew they were working with a price tag and they had to determine what they could do within those funds. She commented that the architects worked with Schools and were very cognizant of projecting any increases.

Mr. Cheape expressed the appreciation for the funding from the County, but he noted that it had been 21 years since they had any significant capital expenditure and any building that was owned had to be maintained. He noted that the High School building at its core was 1955 with original floor tiles, subway tiles and lockers. He pointed out that the systems were also outdated and needed upgrades were a part of the project. He also indicated that the elevator was over 40 years old. Mr. Cheape noted that there would be more to come. He stated that the needs would not stop because they spent \$20 million on this project. Dr. Hester noted at the end of the project, it was all mechanical and engineering upgrades, so they would not be coming out of the project with a new shiny building that can be seen from the road. She commented that they would be coming out with infrastructure that would take them into the future. Mr. Cheape commented that the average person would not realize the work that had been done. Dr. Hester explained that they would be replacing windows, pipes, and HVAC. Ms. Clair noted that they would be increasing the number of outlets per classroom. Mr. Cheape commented that the CTE wing had electrical that had been sized for 1975. Ms. Powell also expressed her appreciation of the funding from the County. She commented that the challenge the County was going to see moving forward was, as infrastructure is built, there needed to be a plan for maintenance and upkeep so that they did not have to spend millions down the road to just fix the internal workings of the buildings. She noted that the school buildings were not going away, and they would continue to have higher needs for those buildings as they age. She commented that the County would also run into the same issue. Ms. Irvin noted that new buildings had different costs. She commented that with today's HVAC systems, there were control upgrades required and programming, as well as sprinkler maintenance. She noted there were a lot of additional costs now versus years ago.

Mr. Cheape noted the need to take care of things now. He commented that the investment made in 2003 with the new building and addition to the existing building, it indicated that the campus was not going anywhere. He estimated that in order to build a new campus comparable to what they had, it would cost around \$150 million or more. Mr. Rutherford noted he was grateful for the buildings the County had, and he agreed that they needed to determine how to forecast maintenance and recurring expenses year over year. Mr. Cheape suggested that they have more joint meetings, not just at budget times. Mr. Rutherford commented that they needed to be having more 1x1, 2x2 and joint meetings. Ms. Powell commented that

it was not just about expenses. She stressed the need to discuss how to increase revenue streams as a County, and not just from the residents but much broader than that. She asked how they could come up with the funds to pay for things like infrastructure without relying on the citizens' real estate taxes. Mr. Rutherford noted that all of those factors were economically driven.

Dr. Ligon asked if the building maintenance was left to the Board of Supervisors, and not the School Board. Mr. Cheape noted that was not correct. Ms. Powell noted it depended on whether it standard maintenance like changing light bulbs, it would fall under maintenance, and if it were major improvements, it would fall under Capital Improvements. Mr. Cheape explained that they had an Operations budget and a Capital budget. He noted that the Capital budget was full of things that were immediate need, overdue need, things they would like to do, and things they wish they could do. Ms. Irvin indicated that the Maintenance budget included things like painting, stripping the gym floors, fixing water fountains, and lights.

Mr. Reed asked for copy of Dr. Hester's presentation, noting that it was really clear and succinct. He mentioned the challenges that Schools had discussed. He commented that having finished the Comprehensive Plan, the County had the opportunity to carve a direction to deal with some of the problems they had funding education and building a community. He noted that they had talked about providing housing, and they already had a community. He commented that the Schools did a great job tying events to the community. He stated that he thought there were some elements in the Comprehensive Plan, that if put together, could chart a course where they know they would be dealing with a Composite Index that would look even more dismal in two (2) years. Mr. Reed noted that Nelson County was a beautiful and attractive place for some people, but not a possible location for the people who could build a workforce or staff a school. He stated that the School and the County were the largest economy in the County. Mr. Cheape noted that the Schools were the single largest stakeholder in the County's budget. Mr. Reed indicated that they were also the biggest employer in the County. Mr. Reed said he thought that meant that the Board had to look at priorities differently than they had been looked at in the past, and maybe providing things that normally would not be assumed as things that local governments would be investing in. He commented that it was the only way that they could continue to build the biggest economy, the biggest business and the biggest community. He noted that he thought they had a lot of those things in place. He commented that they were looking at some things that could definitely do better than keep their heads above water in the short term, but they had some ability to invest in some things. He said that he thought there were probably some things they could invest in that could serve the community and the schools in a bigger way, but it was a long term commitment.

Mr. Cheape stated that as a citizen, he thought the previous Comprehensive Plan that had been focused on Agritourism had been a roaring success. He commented that people wanted to come to Nelson County and take advantage of the beauty and hospitality. He noted that he was not sure that they had been able to capitalize on that revenue wise. He stated that the LCI was clearly unfair to rural localities. He noted that the state knew it, the legislature knew it, the County and its representatives knew it, and every other rural area in the state knew too. He commented that the problem was that the formula was applied to everyone the same way. He noted that the State said that the County set the assessment because they hired the Assessor, and the County set the tax rate and then collected the taxes, so they County must have lots of money. He commented that in the past, they had Hold Harmless, which helped rural areas like Nelson. He noted that this year, Hold Harmless had not been passed. Mr. Cheape commented that maybe it would come back around, but they were not hopeful that it would. He noted that was where the disparity came from. He commented that the State says the locality can pay a certain amount. He noted that he understood that the County had other departments in the County to serve, not just the Schools. Mr. Cheape commented that with inflation being five (5) percent to seven (7) percent, the School employees would still be behind with the requested three (3) percent raise. Dr. Hester reminded both Boards that with the State's biennium budget, the Schools needed to provide at least a 1.5 percent raise, or they would have to give the money back. Mr. Rutherford noted that the raises only applied to SOQ positions. He asked how many of the

Schools' positions were SOQ positions. Ms. Irvin indicated that between one-third and one-half of their positions were SOQ positions. Dr. Hester commented that the LCI formula would not be changing any time soon and they still had some work to do now, or their employees could decide to work where they could make more money.

Mr. Rutherford commented that he understood the need to remain competitive with salaries. He noted that the County had made efforts to fund the Schools, and had given \$2.7 million in new money over the last two (2) years to reduce some of the steps in the pay scale. Ms. Powell noted that the County was seeing some of the challenges with pay as they were wrapping up their own pay study. Mr. Rutherford noted that as a County, they wanted to be as competitive as they could, and he felt they had done a good job in the last few years by providing the Schools with \$2.7 million in new money from Recurring Revenue. He commented that a lot of that was Real Estate revenue and that put a lot of burden on the local person. He indicated that he did not want the local person feeling more burdened. Mr. Rutherford pointed out that the utility rates at CVEC and AEP were going up, and he noted that affected the citizens as well as the Schools. He stated that he wanted to have a better year going forward in communicating 1x1 and 2x2. He noted that they were having a joint session when they were two-thirds of the way through with the budget. Ms. Powell noted they had requested a meeting as a group about six (6) months ago, and the idea was to wait until they were closer to the budget. Ms. Clair noted that when they had previously met in the fall, they suggested scheduling four (4) meetings for the year, but no one really wanted to do that. Mr. Rutherford noted that the joint sessions were important, but he stressed the need for talking constantly. Mr. Cheape agreed, but he noted they needed to do both. He they should meet more often so that they can discuss budget needs in advance of the budget work sessions and setting the tax rate. Mr. Rutherford commended the County and School Board staff for meeting regularly.

Mr. Cheape stressed the need for long term planning to establish framework to maintain the County's health and School System's health long after they were all gone. Mr. Rutherford noted that they had discussed that earlier in the day when reviewing the Debt Service and what they thought the future Boards after them would be able to afford. He commented that the Debt Service they took on now, would likely outlive their terms on the Board. Ms. Powell asked how they were going to grow revenue beyond the revenue sources they had now. Mr. Rutherford noted they could not address the workforce itself because it was really hard to attract businesses. He commented that in order to attract a workforce, they had to be able to afford to live here. Mr. Cheape noted that they had to have the education in place for them to do the work they were trying to attract. Mr. Rutherford indicated that a big piece of the Comprehensive Plan was trying to figure out what could bring 250 jobs to Nelson and then bring something else.

Ms. Clair noted that the conversation they were having was really good. She commented that she did not think the situation they were in was due to anything that anyone had done this year. She noted that the School Division's budget was fairly flat. She indicated that the issue they were facing was due to a combination of the LCI and other factors. Mr. Cheape noted that with the exception of the four (4) things they had been highlighting, they had a pretty level budget from last year. He indicated that they had put the one (1) behavior specialist in the budget, which had been previously funded through ESSER funds. Dr. Hester noted that they had one (1) behavior specialist in the Operations budget and the other was through ESSER funds, which brought them to a total of two (2) behavior specialists. Mr. Cheape noted that they needed four (4) behavior specialists. He commented that he could not stress enough that after COVID, there were a large number of students in need of all services like educational services, mental services, and counseling services, which were not provided in the community, that the Schools had to provide. He noted that they were having to provide those services on an emergency basis in schools just for good classroom management. Dr. Ligon asked if Region Ten was able to provide any services. Mr. Cheape noted that Region Ten was stretched thin just like everyone else.

Dr. Hester commented that the number of risk assessments, threat assessments and suicide assessments that keep growing, is very concerning. She said that there was a debate on why schools deal with it. She noted that they had to deal with it because they could not teach when their students were in an elevated state. She indicated that Virginia was behind the national average in salaries and they had to make that up. She noted that highly educated individuals impacted the community in terms of poverty, drug use, mental health, making good choices and economic future. She noted that this was a community concern and a Commonwealth concern. Dr. Hester noted that when she said they needed a behavior specialist in every building, they needed crisis counselors. She indicated that the state was now requiring that teachers be trained on mental health awareness for students. She noted that the teachers would say that the biggest challenge in the classroom in the last year or two was behavior.

Mr. Rutherford noted that the County participated in regional efforts with the TJPDC where they could get a good take on what was happening in the counties around Nelson. He asked if Schools had a regional equivalent that discussed what was happening with the future of pupil populations. He noted that the County's pupil situation was not unique. Dr. Hester noted that she was involved in a lot of different groups like regional superintendents' groups and statewide committees. She noted that it was not just a Nelson problem and the problems were bigger elsewhere. She reiterated that Nelson's problems were big because they were their problems.

The Boards discussed the future student and family population in Nelson. Dr. Hester explained that there was a migration out of Virginia and northern Virginia. She noted that there was an increasing number of younger couples with children with money, who could afford a better quality of life and. She noted that those families were deciding between public school, private school or homeschooling. She asked what Nelson had to offer a family with kids, and not just schools. Mr. Rutherford noted housing issues. Mr. Cheape asked what was in the new Comprehensive Plan to attract families with children and what was being done. Mr. Rutherford indicated that they were getting into work on the Zoning ordinance, and that was where the true meat of the conversation happened. Mr. Cheape asked if that meant work on the Subdivision ordinance. Mr. Rutherford said that would be dependent upon the appetite of the Board and how they saw the future of subdivision rights. Ms. Powell asked if part of the plan was to grow young families. Mr. Rutherford noted that he could say for himself, yes, but how they did that was complicated. He said that Nelson was a very attractive place with some of the best parks and river access areas and three (3) metropolis areas to work in. Ms. Powell asked if the plan would include building infrastructure for Parks and Recreation to attract families here. Mr. Rutherford noted that he did not think they would have a problem attracting people to Nelson, he commented that the problem was them being able to afford to get here. Ms. Powell asked if they would plan to bring jobs in that were comparable with the housing prices. Mr. Rutherford asked how they would do that. The Boards discussed housing prices in the surrounding counties. Ms. Clair commented that part of the housing issue had to do with supply. She noted that in her reading of the Comprehensive Plan, the goal was to create a variety of housing and other things to attract a variety of people, as well as for the people who already live in Nelson. She noted that they were not going to do just one thing to solve it all.

Dr. Hester announced that she had just received a message that Headstart would start on Monday with CDI.

Dr. Ligon asked what was needed, besides the money, from the Board. Ms. Powell stated that they needed a partnership with the Board that did not have everything fall back to the Schools. She explained that when they talked about the afterschool program, they needed a partnership that looks at early intervention, whether with families or kids, so that they stop the cyclical, multi-generational socioeconomically driven or drug related issues. She indicated that they needed a partnership much broader than just the Schools trying to carry that conversation. She said that they needed the Board's ear, an open mind, and maybe someone else to take leadership and responsibility in some things. Mr. Cheape explained that there were communities in Virginia where the governing Board says that the School System has a need, so they

determine that they need to raise revenues to make that happen. He noted that was a partnership. He commented that in a small community like Nelson, the School System is the community. He noted that currently they were Parks and Rec, because the County did not own any fields. He agreed with Ms. Powell's comments. Mr. Cheape indicated that he wanted the 1x1 and 2x2 meetings, but he also wanted the joint meetings and long term planning.

Mr. Cheape commented that there were no frills in their budget. He explained that the guidance from the State said bus replacement at 15 years/300,000 miles. He noted that with a fleet of their size, they should be buying four (4) buses per year. He indicated that some time ago, the buses were moved into Capital. He noted that in the six (6) years that he had been on the School Board, they had purchased four (4) buses. He reported that two (2) buses were from ESSER funds, and the other two (2) buses came from a federal grant for electric school buses. He noted that they had not bought any buses on schedule, and that was because they had been shifted to Capital. He asked the Board to move four (4) buses per year into the Schools' Operational budget, at least for the next few years as a standalone, whatever the cost may be. Mr. Rutherford asked what a bus currently cost. Mr. Cheape indicated that a bus cost about \$135,000. He noted that they were also behind on replacing cars. He pointed out that there were people in the School System who drove cars, and gave up their cars so they could be used to transport children.

Dr. Ligon noted that she had been mulling over consolidation of schools and she asked if a study had been conducted. Dr. Hester reported that Moseley had conducted a study and they were waiting for the final report, which was very thorough and about 101 pages. She noted that due to populations, they could not take one (1) school and put it into another because they did not have the capacity to be able to do that without significant investment and renovations. Dr. Hester indicated that the original capacity for Tye River was 600 students, and they currently had 486 to 496 students. Mr. Cheape noted that today's education standards were different than what they were when the elementary schools were built, so they could not fit as many kids in on today's standards as they could when the schools were originally built.

Dr. Ligon commented that the County's standards for SOL's kept dropping. Mr. Cheape and Dr. Hester reported that they were actually increasing. Mr. Cheape noted that they were happy to have the conversation about school consolidation, but it would be a really big conversation because it would probably lead to other things. He commented that the County had offered at the time to fund \$50,000. Ms. McGarry noted that it had been in the budget for a few years, and then the study was not done, so it was removed from the budget.

Dr. Ligon noted that there were some school systems that helped generate their own funds. She asked if there had been ideas on renting space or other ways to make money. Dr. Hester noted that there had been considerations, but some of the possible solutions were not ideal or not well received in the community or by staff. She explained that renting out empty space within their school buildings was difficult, because they had to remember that they worked with children. She also indicated that they had to be careful of any changes that would need to be made to the structure, along with costs. Dr. Ligon asked if there were things that School Board did to generate money that did not come from the Board of Supervisors. Ms. Powell noted that School Boards could find sponsorships for things. She also noted that Ms. Irvin was always looking for grants. She explained that sponsorships aligned more with athletic programs and extracurricular programs. Dr. Hester noted that they also had consider resources in Nelson, other than money, that could help offset costs somewhere. She reported that their clubs and activities were fundraising all the time. She noted that private schools have galas to help raise funds for their schools. She commented that one of the regional committees had just discussed fundraising and the question was how could they bring in funds on a much larger scale than the typical candy bar sales. Mr. Cheape indicated that he had many discussions regarding corporate sponsorships for CTE programs to help purchase tools and equipment. He noted that those opportunities were not what they used to be, because profit margins have gotten tight and it was not as advantageous put their placard on equipment. Ms. Powell noted that some of the students had done

some solicitations for donations. She explained that they struggle when they go outside of Nelson to seek donations from business because those businesses want to support their local schools. She noted that they had a small group of corporate sponsorships they could pull from that were in the County. She commented that some people had issues with sponsorships coming from the local wineries and breweries. Ms. Clair noted that some of the donors shared their pockets with other causes so the donors could sometimes be overwhelmed. Mr. Cheape referred to it as donor fatigue. Dr. Hester noted that there could also be business that want to be involved, but had not been asked, so they really needed evaluate that also. Ms. Powell noted that the Schools had a generous educational donor over the years, who at one point had donated many of the Chromebooks and MiFis. She commented that they had been able to find individuals who were very supportive of education in Nelson County and the Schools had received some generous donations to utilize toward equipment.

Mr. Cheape asked whether they should discuss budget numbers at all during the meeting, or would they be keeping the conversation to ideas and needs. Mr. Reed commented that they should numbers, noting that they had to come up with a budget. He noted that the Board could benefit from the School Board's input on what the Board should do and what priorities they should try to balance in order to try and meet the Schools' needs. Mr. Cheape indicated that the School Board recognized that money was a finite resource. He noted that they thought the Board recognized that the Schools had needs, it was just a matter of which needs the Board could fill at this time, and how they could go forward to try and plan better so that they could get more of those needs filled.

Mr. Reed noted that the School Board did a good job laying out the things they were asking for. He commented that he thought the Board was not good at getting a grip on that before they figured out what their revenues would be. He noted that they had the revenues they had, and the only tool they had was to juggle the County budget to see where there was money to work with. He commented that he did not think they could depend on Richmond in the biennium. He noted that in order for the County to do the things it needed to do, they needed to figure out ways to generate the funds themselves. He commented that it was a question to the Board, as to what they were willing to sacrifice in the long term that they thought they would be projected towards, now that they are looking at trying to do the right thing for the Schools. Ms. McGarry explained that some of those things that they were planning for in long term, if those needed to be scaled back right now, those were things that they had said would benefit the community and be attractive to young families and children that wanted to come to Nelson, and be the infrastructure that would help bring other jobs in. She noted that it was a pretty big balancing act right now, in terms of what Mr. Reed was saying. Mr. Cheape indicated that he understood completely, noting that they did not want to rob from the future to pay for the present.

Mr. Reed stated that the County had some significant assets, aside from their Debt Capacity. He mentioned land banks and land trusts, noting that they could provide opportunities to the County for exploring additional ways to raise capital, and additional ways to invest in the future. He commented that he did not think that anyone would come in and build the housing if the County did not provide a significant incentive to make something like that happen. He noted that they would have to be very clear about what they wanted and they would have to be fully committed to it. Ms. McGarry noted that even pursuing that would not change where they were immediately. Mr. Reed agreed.

Ms. Clair noted that she understood the balancing act but it was difficult because they did not want to lose an opportunity to improve the current situation they were in. Mr. Reed commented that if they all shared the responsibility for it, and had community buy-in for something that they really wanted to do, he did not see why it could not happen.

Mr. Cheape noted that the Board lobbying people from the State would be huge, particularly related to the LCI. He suggested letters and resolutions could possibly help. Ms. McGarry noted that they had been

active in that way, particularly this year. Mr. Cheape and Ms. Powell expressed their appreciation to Ms. McGarry. Mr. Rutherford noted that Delegate Amy Laufer had put in an amendment for them.

Mr. Cheape noted that Nelson was ranked 15<sup>th</sup> in the state for LCI. Ms. Powell indicated that they were ranked with Loudon County as far as the locality's ability to pay. Mr. Reed commented that Amherst's LCI was half of Nelson's LCI. Ms. Powell commented that other localities around Nelson were also about half. Dr. Hester noted she felt that if they did not take care of their students and staff now, they inched closer to where it became a doom situation. She commented that did not mean that they did not recognize the balance that had to take place, she noted that her role was to advocate for the Schools. She noted that the decisions now, impacted both sides later. She commented that they had been put into an unfortunate situation by the state. Mr. Rutherford noted that the people that put them in this situation where they are, had never sat in the same room. Mr. Cheape commented that they had never set foot in a classroom either. Mr. Rutherford commented that it was a state created problem.

Mr. Cheape stated that he was impressed and thankful for the tone that Dr. Hester and Ms. McGarry had set in working together and meeting regularly. He suggested that the two boards needed to follow that lead and capitalize on it with 2x2's, 1x1's and joint meetings throughout the year. He indicated that he was interested in setting a meeting schedule going forward.

Ms. Clair asked for the Board to at least attend the School Board's streaming meetings. She noted that during those meetings they gave out awards, they had presentations from Dr. Yarzebinski and learned about all of the great things going on in the Schools. She explained that Dr. Hester's "Pathways to Success" gave an overview of the work in each department in the School Division. Ms. Powell noted that Dr. Ligon had not seen what would take place with the renovation with the High School. She suggested 1x1 meetings to tour the schools. Mr. Reed asked for electronic copy of the budget dilemma and Dr. Hester's presentation. Ms. McGarry noted that she had forwarded the budget dilemma information to the Board via email.

Dr. Ligon asked if they were serving the homeschooling students and why they were not sending their kids to school. She noted that she was under the impression that if a homeschooled child came to the school to participate in sports or drama, whether they were counted as a part-time student and how that helped with funding. Dr. Hester noted VHSL (Virginia High School League) which was the governing body for High School athletics, drama and debate in Virginia, did not allow homeschool students to participate and compete. She indicated that there were opportunities to participate in part-time classes and the students were counted in a certain way. She noted that she could not answer why homeschool groups did not come to the Schools. She stated that the Schools did offer opportunities for homeschool students to participate in some things, but athletics were not part of that. She commented that certain homeschool programs had debate clubs.

### **III. OTHER BUSINESS (AS PRESENTED)**

The Board had no other business to discuss.

### **IV. ADJOURNMENT (CONTINUE TO APRIL 22, 2024 AT 2PM FOR A BUDGET WORK SESSION)**

At 8:05 p.m., Mr. Rutherford made a motion to adjourn and continue the meeting to April 22, 2024 at 2:00 p.m. for a budget work session. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned. Ms. Powell made a motion to adjourn the School Board meeting and Ms. Clair seconded the motion. There being no further discussion, Trustees approved the motion by vote of acclamation and their meeting also adjourned.

**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Old Board of Supervisors Room located on the fourth floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: J. David Parr, West District Supervisor - Chair  
Ernie Q. Reed, Central District Supervisor, Vice Chair  
Jesse N. Rutherford, East District Supervisor  
Dr. Jessica Ligon, South District Supervisor  
Candice W. McGarry, County Administrator  
Linda K. Staton, Director of Finance and Human Resources  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk

Absent: Thomas D. Harvey, North District Supervisor

**I. CALL TO ORDER**

Mr. Parr called the continued meeting to order at 2:05 pm, four (4) Supervisors present and Mr. Harvey being absent.

**II. FY25 BUDGET WORK SESSION**

**A. Staff Updates**

Ms. McGarry noted that there were not a lot of updates from the last budget work session. She reported that the current balance in the Recurring Contingency was \$552,289 and the Non-Recurring Contingency balance was \$662,994.

**B. Other Fund Budgets**

**1. VPA/Social Services**

Ms. McGarry reviewed the VPA/Social Services position. She reported that in further discussions with Social Services, they were perfectly fine if the Board wanted to pull that position out for now because they may have some vacancy savings that could cover it by year end. She noted that if they wanted to leave the position in, they could do that as well. Mr. Reed asked if the Board were to pull the money for the position, Social Services would still be able to fill the position and then come to the Board for funds when needed. Ms. McGarry noted that they had already made the hire and the position was already in place, but it was sort of shown as new position in the Social Services budget submittal. She explained that it was really a position that they had on their books, that was approved by the State for some time, but they had not had the staffing to be able to fill the position until now. She indicated that Social Services had filled the position and they were using vacancy savings from the current year to cover the position now through the end of their fiscal year, which was May 31<sup>st</sup>. She explained that the amount they had put in, was for a full year with that position for next year. She noted that they had an option on whether to fund or not. She indicated that would affect the Recurring Contingency. She noted that they would put the County portion of that position in Recurring Contingency and they would reduce the State reimbursement for that position on the Revenue side. Mr. Reed asked how much that was. Ms. Staton reported that the County's portion was just over \$60,000 and the state's portion was just under \$20,000.

Mr. Parr asked for the Board's opinion. Dr. Ligon asked what would happen if the Board said no. Ms. McGarry explained that Social Services would fund the position from the start of the year, and if there were



any vacancies throughout the year, they would use those funds to cover it. She noted that if they got to the end of the year and they did not have enough to cover that position through the fiscal year, they would come back to the Board and ask for more local funding. She indicated that they put the funding request in on the front end to avoid having to return to ask for more money later. She commented that Social Services did not seem too concerned about having to come back. Ms. Staton noted that in the last few years, Social Services had quite a bit of turnover, so their vacancy savings tended to flux.

The Board was in consensus to not fund the additional requested funds for the Social Services position. Ms. McGarry reported that they would gain back \$60,149 to Recurring Contingency.

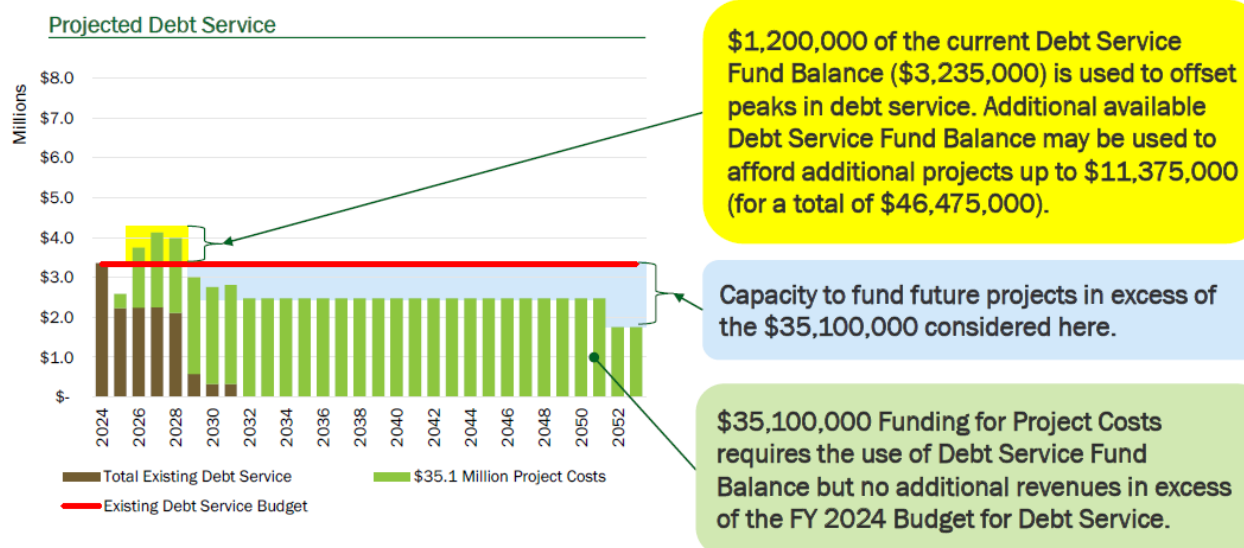
## 2. Debt Service

Ms. McGarry provided a new Debt Capacity/Affordability Scenario to the Board from Davenport.

Dr. Ligon asked what pots of money were invested at what rates. Ms. McGarry noted that the majority of the County's funds were invested at five and a half (5.5) percent interest rate.

Ms. McGarry explained that staff had asked Davenport to provide a debt service scenario where they only had the \$35.1 million in projects that the Board had made some commitment to. She indicated that this included the Larkin land purchase for \$2.6 million, the Social Services building at \$10 million, and the High School renovation project at \$22.5 million. She reported that this resulted in a Recurring Debt Service of \$2,480,000. She indicated that amount could be fully funded by the existing budget for Debt Service and the balance currently held in the Debt Service Reserve.

Ms. McGarry indicated that they were able to fund all \$35.1 million of the projects that were currently in progress with the FY24 Budget for Debt Service of \$3,325,284 and approximately \$1.2 million of the fund balance currently held in the Debt Service Fund. She noted that assuming all \$3,235,000 of the Debt Service Fund balance at fiscal year-end 2023 was available for the County's capital plan, an additional \$11,350,000 of projects could be funded without the need for additional dedicated revenues. She indicated that without any additional revenue, they could go up to \$46,475,000 in debt capacity.



Ms. McGarry indicated that with the \$46 million scenario, they would continue to do the \$3.3 million transfer each year, all the way through 2053. She explained that they would utilize Debt Service Reserve through 2031, but they would keep putting in same amount to continue to build up a reserve over time with transferring \$69,000 more than what was needed to pay the debt. She noted that they were using the Debt Service Reserve but they were also building up some for future use. She indicated that the scenario would allow them to cover the \$35.1 million already programmed, and provided a cushion of about \$11 million in Debt Service that they could take on without any additional funds. Mr. Rutherford noted a lot of debt was retiring in 2028. Ms. McGarry noted that the two (2) scenarios represented two (2) philosophical approaches to Debt Service (the \$35.1 million option or the \$46 million option). She explained that the \$46 million scenario was a proactive approach that allowed for planning and saving for some future Debt Capacity down the road. She indicated that the Board would not necessarily have to make a commitment with which philosophy to go with. She reiterated that the \$46 million option allowed for the Board to put in a constant amount. She noted that they were paying off the debt and a lot of it up front and then using the reserve that had been built up, and then it would allow them to put in a little extra money over time to create a little more capacity as the current debt comes off.

Mr. Parr asked if there was graph showing the \$57 million in projects. Ms. McGarry noted they had it but it was not provided again today. Mr. Parr asked if there was a list of projects that they had earmarked for the \$57 million. Ms. McGarry explained that at some point, there had been some thoughts on that. She noted that there was about \$19 million that was unallocated. Ms. McGarry noted that they had budgeted \$3.9 million and the new scenarios had \$3.3 million, so that would free up the \$610,000 going forward. Mr. Rutherford noted as the scenario showed, the \$610,000 would not have to be utilized and could be added back into to Recurring Revenue. Ms. McGarry confirmed and noted that would bring the Recurring Revenue up to around \$1.2 million. Mr. Parr noted that in doing that, they would be giving up the capacity of about \$10 million in projects. Ms. McGarry noted that they would be reducing the ability from \$57 million to about \$46.5 million. Mr. Reed noted that they would have the option of adding funds to the Debt Service Reserve. Ms. McGarry confirmed that they could adjust if they determined that a specific amount was needed for a project. Mr. Rutherford noted that they had a lot of debt retiring in the next several years. Mr. Parr noted that the retiring debt had been accounted for in each of the scenarios presented.

Mr. Reed noted they had the ability to increase payments to debt service later on, if they had additional capital needs. He thought they should wait to make a decision until they discussed item 3 – School Division Operating & School Nurse. Mr. Parr commented that he was worried that they had been working towards a plan for four years and now they were looking at scrapping it and take away what they had worked towards. He noted that they had paid Davenport a lot of money to help make these plans. Mr. Rutherford noted that they would need a lot of the debt capacity to help with school needs. Mr. Parr commented that a long time ago, they had discussed providing the School Division with \$20 million to use however they wanted, and now they had a \$24 million High School renovation where they probably would not see much change other than floor and wall tiles, as far as visible changes. He noted that he was not commented on whether it was needed or not, he was just saying that they had thrown out that \$20 million figure thinking they were being generous. Mr. Parr and Mr. Rutherford estimated that the Schools probably had another \$20 million to \$30 million more of wish items.

Ms. McGarry noted the County should probably also do a facility study on their own buildings to determine where they are and what kind of maintenance plan they needed to think about for their facilities as well. She commented that as far as she could recall, that had not been done, and there was no maintenance plan in place. She noted that the County's Director of Public Works, Jim Allen, wanted to get a plan in place. Mr. Reed commented that he felt the charts provided at the last meeting helped layout the plan for the \$57 million with different scenarios for when they contributed the \$610,000 to Debt Service. He noted that there were other ways to generate revenue that they were not considering in the current year. He commented that they were dealing with recurring deficit to the Schools from the State that would happen this year and

next year. Mr. Reed suggested that it would make sense to have a short-term plan for the next two (2) years to deal with the change to the composite index. He noted that they had already decided not to increase revenues through Real Estate Tax for this year, but it would continue to be an option in the future, and there were other possible revenue streams to consider in the future. He suggested to look at the School funding before making a decision on Debt Service so that they could try to do the best they could for the Schools.

Ms. McGarry indicated that it was important to note the recurring expenses that the County would have in the future. She noted that they would have the full jail renovation debt service most likely starting in 2026, which was estimated to cost \$382,000 in debt service. She reported that 2029 was the slated target date for the end of capacity at the regional landfill, unless something else were to take place. She noted that they would potentially need to decide what to do with trash at that point, and that could involve additional hauling costs depending on how far away the landfill may be. Ms. McGarry reiterated that the County would need to be mindful of those things as they move forward. Mr. Reed noted that given the composite index scenario, there were some trends that were not in their favor going forward and they would become more challenging. He commented that in order to do the things they were talking about; they would have to determine an equitable revenue stream going forward. He noted that the composite index did reflect actual real estate values and sales which put Nelson County above everyone else. He commented that given of the trends, it would continue and if it started to get worse, they would be really compromised going forward.

Ms. McGarry indicated that as the County's Debt Service Reserve went down, then they would have less interest earnings related to that because that would decrease the overall fund balance.

Ms. McGarry reviewed Davenport's \$35.1 million scenario, which she noted just paid for the \$35.1 million in projects that the Board had already committed to. She commented that it was set up so that whatever they decided to do after that, they would pay for as they went. She noted that they would use all of the Debt Service Reserve through 2028, and then at that point, they would just be paying for the \$35.1 million, and not building any capacity for the future. She indicated that Column C in blue were the revenues not required for the fund, so those would be funds that would come back into the budget for use.

April 22, 2024

	(A)	(B)	(C)	(D) (B+C)	(E)	(F)	(G) (E+F)	(H) (D-G)	(I) (A+H)
FYE	Beginning Debt	Debt Service	Revenues Not Required to Fund \$35,100,000 of	Total Revenues	Existing Debt	Projected Debt	Total Existing & Projected Debt	Surplus (Shortfall)	Ending Debt
6/30	Service Reserve	Budget	Projects		Service	Service	Service		Service Reserve
2023									
2024	3,237,412	3,325,284	0	3,325,284	3,357,550	0	3,357,550	(32,266)	3,205,146
2025	3,205,146	3,325,284	(518,822)	2,806,462	2,226,052	356,825	2,582,877	223,585	3,428,731
2026	3,428,731	3,325,284	(518,822)	2,806,462	2,242,797	1,503,763	3,746,560	(940,098)	2,488,633
2027	2,488,633	3,325,284	(518,822)	2,806,462	2,251,946	1,870,298	4,122,244	(1,315,782)	1,172,851
2028	1,172,851	3,325,284	(518,822)	2,806,462	2,109,015	1,870,298	3,979,313	(1,172,851)	0
2029	0	3,325,284	(324,999)	3,000,285	577,859	2,422,425	3,000,285	0	0
2030	0	3,325,284	(572,937)	2,752,347	329,922	2,422,425	2,752,347	0	0
2031	0	3,325,284	(522,320)	2,802,964	325,000	2,477,964	2,802,964	0	0
2032	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2033	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2034	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2035	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2036	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2037	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2038	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2039	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2040	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2041	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2042	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2043	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2044	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2045	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2046	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2047	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2048	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2049	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2050	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2051	0	3,325,284	(847,320)	2,477,964	0	2,477,964	2,477,964	0	0
2052	0	3,325,284	(1,570,680)	1,754,604	0	1,754,604	1,754,604	0	0
2053	0	3,325,284	(1,570,680)	1,754,604	0	1,754,604	1,754,604	0	0

Dr. Ligon asked what the rules were on talking to Davenport and whether the Board members could give them a call, or if working staff was the mode of communication. Ms. McGarry commented that she could check, she noted that they had not had that question before. Mr. Rutherford suggested that Dr. Ligon could Davenport with her questions and looping everyone in on those communications. Ms. McGarry noted that there were multiple scenarios that could be run with the model, but the two (2) that they had just reviewed were the ones specifically discussed after their last meeting. She commented on the two (2) models and the philosophies behind the them, noting that it was up to the Board as to whether they wanted to make a decision on them. She noted that it did appear that if the Board chose not to maintain the \$57 million capacity, they would not need the \$610,000 for the Debt Service Reserve. She indicated that if they chose to maintain the \$57 million, then they would have to put in the \$610,000, or some variation of it. Mr. Reed noted that scenarios still existed to keep the \$57 million capacity if they chose to not add the \$610,000 this year. Dr. Ligon noted to Mr. Reed that she understood he wanted to give the Schools as much funding as possible, she commented that with how things were going, there would be a year when the Schools were crying. She asked if that was going to be this year, or after the next assessment. Mr. Reed commented that they could give them the \$610,000 and they could still be crying because that amount did not touch what was really needed. He noted that the County had more financial abilities to go towards the Schools if they chose to utilize them. He commented that the tradeoff was what they wanted to do in the future, and what they were going to have recurring, and now. He noted that once they took revenues off the table, they did not have much to work with, and the big losers were the biggest ticket item, and that was the Schools. He commented that they did not say no when the Sheriff came and requested things, and they did not say to Fire and Rescue or other critical things in the County. He referenced the school presentation given by Dr. Hester noting that she had done a great job explaining what would potentially be cut, based on the funding shortage. Ms. McGarry, Mr. Parr and Mr. Reed noted that the budget dilemma information provided

options to be considered if the Schools had to reduce their budget. Ms. McGarry noted County could afford to do things, but it did require setting priorities. Mr. Parr suggested that the Board circle back to discuss Debt Service after reviewing the School budget.

### 3. School Division Operating & School Nurse

Ms. McGarry noted that the pots of money they were dealing with currently had to do with both of their contingencies and whatever was decided with the Debt Service capacity. Mr. Reed noted there were required contributing factors that the School was required to have in their budget and they had to do. Ms. Staton noted that the Schools were in a somewhat similar situation as the County, in regards to the three (3) percent raise. She explained that the three (3) percent raises were offset for the County by revenues coming in from the Compensation Board for Comp Board only employees. She commented that it was difficult to say that only the Comp Board people who worked for the County would get raises. Ms. Staton noted that the Schools were in the situation where the SOQ (Standards of Quality) said that they would provide three (3) percent for the SOQ positions. She indicated that was why there was a difference in cost versus income.

Ms. McGarry reported that the Schools would have to provide 1.5 percent for each year of the biennium to be able to draw any state funding for a raise, otherwise they would not get any state money for that. Mr. Reed commented that the some of the reasons for the change to the County's composition index made the County look flush. He noted it was an illusion, given the scenario in the Schools. He asked if they looked at those indicators as trends, what would happen to real property, adjusted gross income and retail sales in the future. Mr. Reed noted the Budget Dilemma presentation considered what the Schools would cut, given the scenarios.

Mr. Rutherford noted that in the last few years, the Board had made a huge effort in seeing something that was a big deal for the School System that had not been done in a long time, which was bridging some of the steps in the pay scale. He commented that he thought the School Board's ambition of being in top quarter of pay was a good one for teachers and very respectable. He noted that in looking at the staff numbers and who they were competing with, they were probably not going to beat Albemarle/Charlottesville because their cost of living was so high. He commented that if they were beating their neighbors like Appomattox, Amherst and others in terms of the pay scale, they should be able to get a large part of the cream of the crop. He said that he thought that the Board had helped support the Schools in getting to that point. Mr. Reed commented that they were still a long way away. He suggested that they consider what the Sheriff would do if he had the same discrepancy with people who were long term.

Dr. Ligon noted that as someone in workforce, it was not always about money, it was about pride, enjoying the people you work with, and leaving at the end of the day knowing you did a good job. She commented that when talking to teachers, they did not love the School Board or Dr. Hester, and the schools were out of control. She said that it seemed like they got one report from the teachers and then an entirely different report from the School Division. Mr. Reed commented that he thought Dr. Ligon was wrong. Dr. Ligon commented that it was not about money all the time, but it was helpful. Mr. Parr noted he lived in that world every day and Dr. Ligon was not far off in her comments.

Mr. Parr asked where they were on the agenda and whether it was time to come up with a number. Ms. McGarry commented that she thought that was where they were at. Dr. Ligon asked Ms. McGarry what number she was comfortable with. Ms. McGarry noted that was tough. Mr. Parr noted that personally, as much as he did not like adjusting the plans that they had been working on for four (4) years with the \$57 million debt capacity, he would not have too much heartburn with adjusting to \$46 million and allocating the \$610,000 to the School Division. He commented that he knew the ask was a lot more, but as a Board, that fell in line with what they had done historically. He noted that would still preserve their Recurring Contingency. He expressed some concern with how low they were getting with Recurring Contingency.

He asked what the Recurring Contingency would be. Ms. McGarry reported that \$612,438 would be the Recurring Contingency, she noted that was without putting the \$610,000 back into Recurring Contingency. She indicated that the Non-Recurring Contingency would be \$662,964. She indicated that in looking at those two (2) pots of money, she would retain the Recurring money, because if they needed to, they could spend it on non-recurring things and it would still come back next year. She noted that retaining some Non-Recurring funds would be helpful. Mr. Rutherford noted that they still did not have the Governor's budget. Ms. McGarry agreed that they did not have the Governor's budget, but she did not think they could wait. She commented that she thought the goal was to get the Schools a number and then go to public hearing. She noted that they could make adjustments after the public hearing, based on the Governor's budget and any other information they may get between now and then. She indicated that she did feel empathetic about the LCI change since that was out of their control, but she had found that throughout the years, when provided with less funding than anticipated, the Schools did seem to make it work. Mr. Parr commented that they had never closed the school system from a budget standpoint. Ms. Staton noted what the County allowed for the School System in the budget, did not dictate to them how they would spend it. She indicated that the Nursing Program was the only piece that they plugged in directly.

Mr. Reed noted Mr. Parr's proposal for the Schools and asked what would they get. Ms. Staton noted it would be an additional \$610,000 at this point. Ms. McGarry noted that was on top of the \$18,544,772 in current funding. Mr. Rutherford asked about the cost of the three (3) percent raise. Ms. McGarry reported that was a cost of \$675,000, which was offset by the state reimbursement of \$143,155 for a net cost of \$531,845. Ms. Staton indicated that the total school funding to include the \$610,000, was \$19,154,772. Mr. Rutherford estimated that in three (3) years, local government had increased its coffers to bridge the gap in state funding by more than \$3 million, if \$610,000 was the number for this year. Ms. McGarry noted that the previous year was an additional \$1.5 million. Mr. Rutherford noted that the year before that was \$1.2 million. He commented that this would put them at about \$3.3 million in new money over the last three (3) years. He suggested leaving the \$610,000 for the Schools as a placeholder until they had the public hear. The Board was in agreement to advertise the budget with an additional \$610,000 to go to the Schools. Ms. McGarry reported that the public hearing would take place on June 4<sup>th</sup> at 7 p.m. with the vote on the budget to take place at the June 11<sup>th</sup> regular meeting during the afternoon session.

Ms. McGarry noted that the \$610,000 was out so the transfer to Debt Service would remain at \$3.3 million for the \$46 million capacity. She noted the transfer to Debt Service would still keep all options open for debt capacity in future.

Mr. Parr asked about the School Nurse fund. Ms. Staton noted that it was still in the budget on a separate line, so they did not need to do anything different with that.

### **III. ADJOURNMENT**

Mr. Rutherford asked if they were looking to have a Board retreat. Ms. McGarry noted that they were looking at having one sometime between August and November.

Dr. Ligon asked if the School Board would keep the Board up to date on the MACAA situation. Ms. McGarry noted that she thought they would. Dr. Ligon asked about the MACAA funding. Mr. Reed and Mr. Rutherford noted that could be adjusted later on.

Ms. McGarry noted that the most recent borrowing amounts were in the Debt Service scenarios, but they were not in the budget yet. She noted that they were waiting to get to closing to see what the exact amounts were. She noted that they would be included in the budget for next year so that they would not have to have a public hearing to amend the budget since it would be over the threshold. She indicated that the threshold was one (1) percent of the expenditure budget. She noted that the threshold amount was usually

April 22, 2024

around \$700,000, so they could only amend the budget up to that amount before they had to have a public hearing.

At 3:03 p.m., Mr. Rutherford motion at to adjourn and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

DRAFT



BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

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East District

J. DAVID PARR  
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DR. JESSICA LIGON  
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County Administrator

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Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-75**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF THOMAS JEFFERSON PLANNING DISTRICT**  
**2025 LEGISLATIVE PROGRAM**

**WHEREAS**, the draft Thomas Jefferson Planning District Legislative Program for 2025 lists three top legislative priorities; and

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

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

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors, that the 2025 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body, with the legislative program to serve as the basis of legislative priorities and positions of the member localities of the Thomas Jefferson Planning District for the 2025 session of the Virginia General Assembly, as presented on November 14, 2024, as well as incorporation of recommendations put forth by the Board, as applicable.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



November 4, 2024

TO: Members, Nelson County Board of Supervisors  
Nelson County Administrator

FROM: David C. Blount, Director of Legislative Services

RE: 2025 TJPDC Legislative Program Approval

Attached for your review and consideration is the draft 2025 TJPDC Legislative Program. I will be seeking approval of it at your November 14 meeting. The draft program continues three top legislative priorities for 2025 as follows:

- 1) Public Education Funding
- 2) Budgets and Funding
- 3) Land Use and Growth Management

The accompanying “Legislative Positions” section focuses on the most critical recommendations and positions in other areas of current interest and concern in the region. Items in this section that have been substantively amended are noted following this memo.

A summary of the priority positions will be produced and distributed later for you to use in continuing to communicate with your legislators.

I look forward to discussing the draft program and seeking approval of it at your November 14 meeting. Thank you.

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**Recommended Action:** Approve the draft 2025 TJPDC Legislative Program

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## **Substantive Changes to Legislative Positions Section**

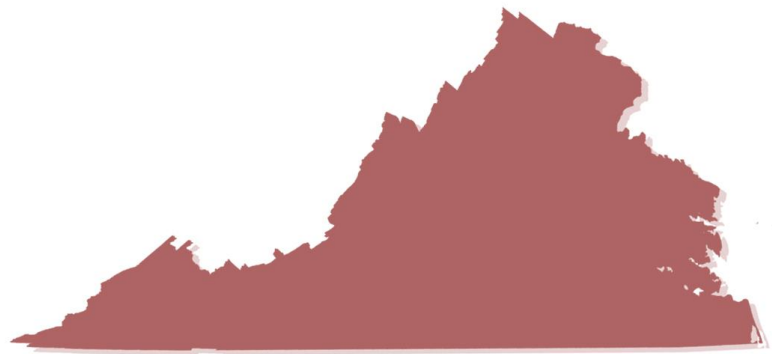
**Environmental and Water Quality** (p. 5; first bullet): Added specific support for state assistance to improve water quality of Lake Anna.

**General Government** (p. 6, seventh bullet): Added a position in support of local discretion to determine the best uses of artificial intelligence (AI).

**Health and Human Services** (p. 6, second bullet): Revised existing language to support improvements in state hospital capacity to accept individuals under a TDO.

**Housing** (p. 7, first bullet): Added language to support funding for rental assistance to low-income families with school-aged children.

**Public Safety** (p. 7, second bullet): Revised existing language on recruitment/retention of volunteers by adding a provision to oppose actions that hinder the provision of emergency services by increasing costs of operations or deterring recruitment and retention.



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# **Thomas Jefferson Planning District**

## **2025 LEGISLATIVE PROGRAM**

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Albemarle County | City of Charlottesville  
Fluvanna County | Greene County  
Louisa County | Nelson County  
**DRAFT**

**October 2024**

**Tony O'Brien**, Chairman  
**Christine Jacobs**, Executive Director  
**David Blount**, Director of Legislative Services

## TOP LEGISLATIVE PRIORITIES

### Public Education Funding

**PRIORITY: The Planning District’s member localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) and reverse policy changes that previously reduced funding or shifted funding responsibility to localities.**

The State will spend more than \$18 billion dollars on direct aid to public education in the current biennium. Additional state funding for teacher salaries, at-risk students and childcare subsidies in the current biennium are appreciated. However, we continue to believe that the State should increase its commitment to K-12 education in a manner that reflects the true costs of K-12 education. The 2023 Joint Legislative Audit and Review Commission (JLARC) report on K-12 education funding confirmed this, finding that public education in Virginia is underfunded, while noting that local school divisions receive less K–12 funding per student than divisions in other states and several key funding benchmarks.

Local governments consistently go “above and beyond” their responsibilities by appropriating twice as much K-12 funding as required by the state. We believe localities need an adequately defined SOQ that more equitably shares the costs of public education between the state and local governments, in order to ensure the overall success of students across the Commonwealth.

Further, we urge state efforts to support 1) flexibility in the use of state funds provided for school employee compensation; 2) adequate pipeline programs for teachers, especially in critical shortage areas; and 3) funding and policies that assist localities in addressing challenges with hiring school bus drivers and mental health professionals.

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### Budgets and Funding

**PRIORITY: The Planning District’s member localities urge the governor and legislature to enhance state aid to localities, to not impose unfunded mandates on or shift costs to localities, and to enhance local revenue options.**

As the State fine-tunes revenue and spending priorities for the current biennium, we encourage support for K-12 education, health services, public safety, economic development and other public goals. Localities continue to be the state’s “go-to” service provider and we believe state investment in local service delivery must be enhanced. The State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.

We support the legislature making additional revenue options available to localities in order to diversify the local revenue stream. Any tax reform efforts should examine the financing and

delivery of state services at the local level and how revenue is generated relevant to our economic competitiveness. The State should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars, the local share of recordation taxes, and any state-mandated exemptions to local revenue sources, unless a viable revenue-replacement to local governments is established.

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## Land Use and Growth Management

**PRIORITY: The Planning District's member localities encourage the State to resist preempting or circumventing existing land use authorities, but rather support local authority to plan and regulate land use.**

In the past, the General Assembly has enacted both mandated and optional land use provisions, some of which have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local control of decisions to plan and regulate land use and oppose legislation that weakens these key local responsibilities.

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support local authority to address siting and other impacts associated with utility-scale installation of clean energy resources. We support state funding and technical assistance that address the planning, production, transmission, and deployment of new energy resources.
- We support broader impact fee authority for facilities other than roads, and changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure; 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations; and 3) exempt additional facilities serving as event spaces from building, fire code and other health and safety regulations.
- We believe accessory dwelling units should not be mandated, and that local governments should retain the authority to regulate them.
- We request 1) state funding and incentives for localities, at their option, to acquire, preserve and maintain open space, and 2) enhanced ability for localities to balance growth and development as it pertains to farm and forestland within their jurisdiction.
- We support greater flexibility for localities in the preservation and management of trees.



## LEGISLATIVE POSITIONS

### Broadband

The Planning District's member localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas. While we appreciate federal and state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI), we believe state and federal support for broadband expansion that utilizes both fiber and wireless technologies, public/private partnerships and regulated markets should include the following:

- Support for cooperative efforts among private broadband, internet and wireless companies, and electric cooperatives to ensure access to service at an affordable cost.
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- Maintaining local land use, permitting, fee and other local authorities.
- The ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.
- Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.

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### Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools.
- We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
- We support enhanced state funding for local CSA administrative costs.
- We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
- We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
- We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

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## Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources are crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
- Continuing emphasis on regional cooperation in economic, workforce and tourism development.
- Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
- State job investment and small business grants being targeted to businesses that pay higher wages.
- State support for the Virginia Business Ready Sites Program and for an economic development project adjacent to the existing Rivanna Station.
- Increased state funding for regional planning district commissions.

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## Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- Concerning school facilities:
  - >We support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of school facilities.
  - >The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
  - >We appreciate and support the school construction assistance programs enacted in 2022 and request that they be consistently funded.
- We support 1) amending the LCI formula to recognize the land use taxation value, rather than the true value, of real property; and 2) preserving current *Code* provisions stipulating that local school funds unexpended at the end of the year be retained by the local governing body.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

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## Environmental and Water Quality

The Planning District's member localities believe that environmental and water quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of environmental

resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution. This includes support for cyanobacteria monitoring, mitigation and remediation efforts at Lake Anna. We also support aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We support state investment targeted to permitted dischargers to upgrade treatment plants, to aid farmers with best management practices, and to retrofit developed areas.
- We support continued investment in the Stormwater Local Assistance Fund (SLAF) to assist localities with much-needed stormwater projects and in response to any new regulatory requirements. Any such requirements should be balanced, flexible and not require waiver of stormwater charges.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include providing funding for development and implementation of state-required regional plans and investing in regional projects.

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## General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to fulfill their responsibilities. Accordingly, we take the following positions:

- State policies should protect local governments' current ability to regulate businesses, to include collection and auditing of taxes, licensing and regulation (whether they are traditional, electronic, internet-based, virtual or otherwise), while encouraging a level playing field for competing services in the marketplace.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State. We also support the use of a notarized waiver to allow volunteer workers to state they are willing to provide volunteer services and waive any associated compensation.
- We urge state funding to address shortfalls in elections administration dollars, as administration has become more complex and federal and state financial support for elections continues to lag



behind the need. We request adequate funding for costs associated with voting equipment, registrar offices, early voting requirements and election security standards.

- We urge state funding necessary for agencies to carry out tasks such as processing applications, reviewing permits and other critical administrative functions.
- We support expanding the allowable use of electronic meetings for all local public bodies, with flexibility for them to determine public comment, participation and other procedures. Also, any changes to FOIA should preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning the creation of customized records.
- We support the use of alternatives to newspapers for publishing various legal advertisements and public notices.
- We support federal and state funding for localities to acquire and maintain advanced cybersecurity to protect critical systems and sensitive data.
- We support enhanced state funding for local and regional libraries.
- We support expanding local authority to regulate smoking in public places.
- The State should not inhibit the ability of localities to determine how best to use artificial intelligence (AI) or require any related reporting requirements that are unreasonable.

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## Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping disabled people, poor people, and young and elderly people achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for any local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care for people with behavioral health and developmental disability service needs that helps divert people from needing state hospital care, as well as having services such as outpatient and permanent supportive housing available. We also support improvements in state hospital capacity to accept individuals under a TDO.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

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## Housing

The Planning District's member localities believe every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to promote affordable and mixed-use housing, and to expand and preserve the supply and improve the quality of housing that is affordable for the elderly, disabled, and low- and moderate-income households. Accordingly, we take the following positions:

- We support 1) local authority to promote and flexibility in the operation of housing affordability programs and establishment of affordable dwelling unit ordinances; 2) increased federal and state funding, as well as appropriate authority and incentives, to assist localities in fostering housing that is affordable; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; 4) funding for rental assistance to low-income families with school-aged children; and 5) policies and direct state investments to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

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## Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
- We encourage state support and incentives for paid and volunteer fire/EMS/first responders and related equipment needs, given the ever-increasing importance they play in local communities. We oppose regulatory action that hinders the provision of emergency services by increasing costs of operations or deterring recruitment and retention of emergency services employees.
- We support state efforts to assist localities in recruiting and retaining law enforcement personnel.
- We support changes to the Line of Duty Act (LODA) to afford officers employed by private police departments the benefits available under LODA.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
- We encourage needed funding for successful implementation of policies and programs that 1) supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment; 2) provide alternative transportation options for such individuals; and 3) reduce the amount of time police officers must spend handling mental health detention orders.
- In an effort to fairly share future cost increases, we support indexing jail per diem costs as a fixed percentage of the actual, statewide daily expense average, as set forth in the annual Jail Cost Report.
- We support the ability of local governments to 1) adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities, and 2) utilize photo speed camera devices to address safety concerns, including on locally-designated highway segments.

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## Transportation

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges; for attracting and retaining businesses, residents and tourism; and for keeping pace with growing public needs and expectations. We encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to adjust the "Smart Scale" prioritization and the funds distribution process, there should be state adequate funding and local authority to generate transportation dollars for important local and regional projects across modes.
- We support additional authority to establish mechanisms for funding transit and non-transit projects in our region.
- We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to conduct local transportation studies.
- We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
- We support ongoing state and local efforts to coordinate land use and transportation planning and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.



# Nelson County Health Department

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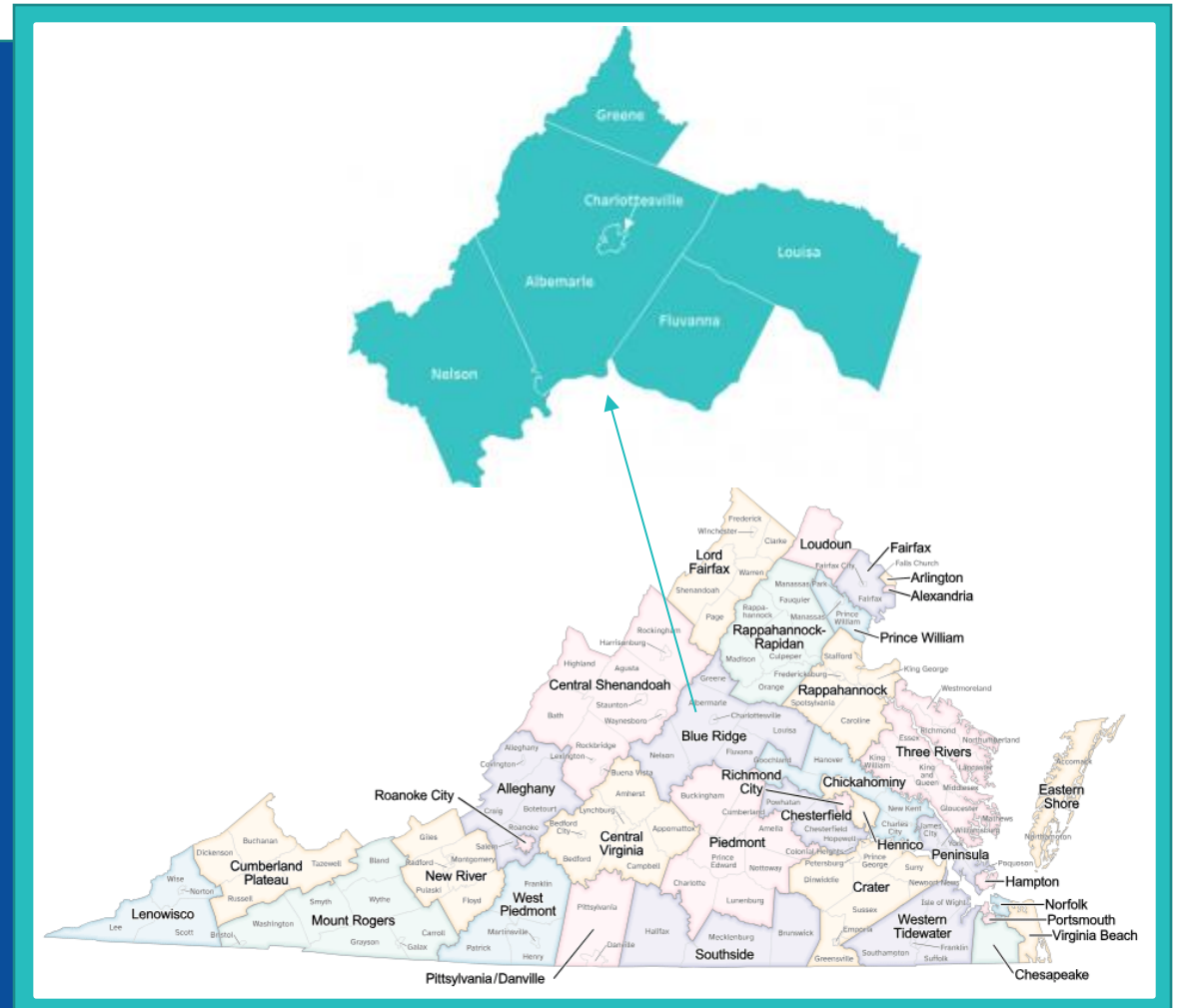
**Ryan L. McKay, BRHD Health Director**

November 14, 2024



# Blue Ridge Health District

- Charlottesville/Albemarle Health Department
- Fluvanna County Health Department
- Greene County Health Department
- Louisa County Health Department
- **Nelson County Health Department**
- Yancey Community Health Center



# The Aim of Public Health

“The science and art of preventing disease, prolonging life, and promoting health through the organized efforts and informed choices of society, organizations, public and private communities, and individuals.”

— *CEA Winslow*

# PUBLIC HEALTH INFRASTRUCTURE

- ✓ **Assessment/Surveillance**
- ✓ **Emergency Preparedness & Response**
- ✓ **Policy Development & Support**
- ✓ **Communications**
- ✓ **Community Partnership & Development**
- ✓ **Organizational Administrative Competencies**
- ✓ **Accountability/Performance Management**



**Communicable  
Disease Control**



**Chronic Disease &  
Injury Prevention**



**Environmental  
Public Health**



**Maternal, Child,  
& Family Health**



**Access to & Linkage  
with Clinical Care**

# NCHD Data\* Highlights

**341** Family Planning Visits  
3,042 Total FP visits in BRHD

316  
more  
than  
FY23!

**38** Pre-admissions screenings  
conducted (LTS & Support)  
739 Total screenings conducted in BRHD

**319** Car Seats  
Distributed in BRHD

**192** Cribs  
Distributed in BRHD

**254** Average Monthly  
Caseload in NCHD  
3,014 Total average monthly  
caseload in BRHD



\*Fiscal Year 2024 Data



# NCHD Data\* Highlights



**44** Food Service Establishment  
Inspections

1,077 Total Food Service Inspections in BRHD

**25** Temporary Event  
Vendors Permitted

119 Total permits issued by BRHD



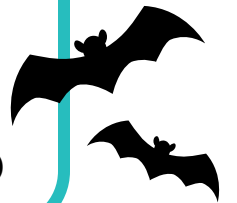
**1,082** Vital Records Issued

18,874 Total Vital Records issued in BRHD



**52** Animal Bite Cases  
Investigated for Rabies

632 rabies investigations in BRHD



# Nelson County Health Department Move

**We are moving to the  
Nelson Heritage Center!**

**Important dates:**

- **NCHD current location closes on November 12**
- **Moving begins November 18**
- **NCHD services reopen in new location on November 22 (WIC clinic)**



# Nelson County Health Department Services

- **Vital Records** — Birth, death, marriage, and divorce certificates
- **Environmental Health** — Septic system and private well permits, food service permits and inspections, rabies investigations
- **Communicable Disease Control**
- **Harm Reduction** — Naloxone, Fentanyl test strips, medication disposal bags
- **Population Health** — Community Health Worker outreach, car safety seats & crib distribution, infant safety classes, tobacco cessation, communications
- **MAPP2Health** — Community Health Assessment & Improvement Planning



# Nelson County Health Department Services

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## Clinical Services:

- WIC
- Immunizations
- Family Planning
- Sexual Health STI Testing and Treatment
- TB Testing and Treatment
- Medicaid Long Term Supports and Services (eMLS)

**Some clinic services are offered on a sliding scale.  
Private insurance accepted.**

**Call to schedule an appointment at 434-263-8315**



# MAPP2Health: 2025 Community Health Assessment is Underway!

## **Community Household Survey in Nelson County – Completed Summer 2024**

- 100 surveys completed through 3-month process visiting 328 homes
- 13 interviewers made 38 trips from June-August 2024
- 9% said their health was excellent; 27% very good; 36% good; 23% fair; 5% poor
- 19% made a 911 ambulance call in the last year (19% of those had made 3 or more calls)
- About half had to go at least 30 minutes to see a doctor
- 47% travel 45 minutes or more to see a dentist

**We want to hear from YOU!** Visit [BlueRidgeHD.org](https://BlueRidgeHD.org)

- Focus Groups
- Community Survey
- Stakeholder Survey

**Full MAPP2Health Report (CHA and CHIP) to be published by September 2025**



# Test Kit Distribution and Toy Drive

BLUE RIDGE HEALTH DISTRICT PRESENTS

## FREE COVID-19 TEST KITS & TOY DRIVE

*Be prepared for the upcoming holidays!*

**Monday, December 9**  
**2 PM - 4:30 PM**

**Nelson County Health Department  
Parking Lot**

1653 Thomas Nelson Hwy., Arrington, VA\*

*\*Please note: this is the new NCHD location*



Questions? Call  
Community Health  
Worker **Ana Zuniga**

 **804-895-4927**

### WE WILL OFFER:

- Rapid at-home COVID-19 test kits (x4 per person)
- Toy drive for local organizations (accepting unopened toys only)

**Look for Mobi!**



# Thank You

BRHD Director  
[Ryan.McKay@vdh.virginia.gov](mailto:Ryan.McKay@vdh.virginia.gov)

## MISSION

to protect and promote the health  
and well-being of all Virginians

## VISION

working together for healthy,  
equitable communities



ACCOUNTABILITY • COMMUNICATION • DIVERSITY  
EQUITY • EXCELLENCE • INTEGRITY • RESPECT • STEWARDSHIP







November 6, 2024

Dear Nelson County Board of Supervisors,

The Fiscal Year 2024 year-end-settlement (YES) process for the Nelson County Health Department resulted in a \$58,667.57 surplus to be potentially returned to Nelson County. This resulted from vacancy savings for positions in the Nelson County Health Department and in the Administration Team who serve all localities in the Blue Ridge Health District. The Blue Ridge Health District is requesting the County's permission to carry over the surplus funds into the current year's Nelson County Health Department's local budget.

The Health Department would like to use the carryover funds to cover moving costs for relocating to the new Health Department at the Nelson Heritage Center, installing the new IT network infrastructure, and to support expansion of sexually transmitted infection (STI) testing for Nelson County. This includes purchasing STI test kits and lab services. Federal grant funding for these programs have ended and while VDH is providing limited funds for lab services, we would like to expand access.

If approved, all funds will be converted to "local only dollars", meaning they can only be used for activities conducted in Nelson County.

I look forward to addressing any questions about the request and appreciate the Board of Supervisors thoughtful consideration.

Respectfully,

Ryan L. McKay, MPA  
Health Director  
Blue Ridge Health District



## Local VDH Current and New Rent

Below are the current and future rent costs broken down by the state and local shares based on the 55/45 split:

Current State Share (annual): \$40,329.50

Current Local Share (annual): \$32,996.86

Total current rent **\$73,326.36**

New State Share (annual): \$52,145.48

New Local Share (annual): \$42,664.48

**Total new rent \$94,809.96 (this will increase to \$99,550.56 annually after 60 months of payments)**

The difference between the current and new rent annually is **\$9,667.62**.

For FY25, annual cost of rent is lower because we're paying the lower rate for the first half of the FY. Nelson County's share for FY25 is estimated at **\$37,830.66**. The increase compared to FY24 is **\$4,833.80**.

While looking at our rent costs, I realized that the FY24 budget included additional funding for the new rent costs because we anticipated moving in last year. This is another contributing factor to the surplus.



BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-76**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF INTEREST FREE LOAN REQUEST FOR**  
**MONTEBELLO VOLUNTEER FIRE DEPARTMENT**

**BE IT RESOLVED**, that the Nelson County Board of Supervisors hereby approves an interest free loan request for Montebello Volunteer Fire Department in the amount of \$55,000 to help purchase five (5) Self Contained Breathing Apparatus' (SCBA) and 15 cylinders for firefighting operations.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

**NELSON COUNTY EMERGENCY SERVICES COUNCIL**

P.O. Box 336  
Lovington, Va. 22949

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10/16/2024

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

Dear Mrs. McGarry,

The Emergency Services Council has unanimously voted to support an interest free loan request from the Montebello Volunteer fire Department. The amount requested is \$55,000.00.

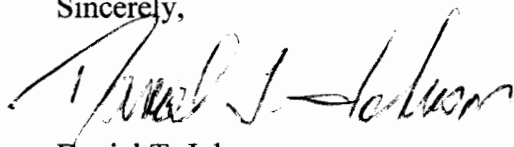
The request is to replace out of date SCBA (air packs) in the department. I would also like to note, they chose the MSA G1 packs that all other agencies in the County currently use. We have been trying for several years to get all agencies on the same equipment, as possible, as items had to be updated, to aid in mutual aid support.

I would appreciate the Board of Supervisors to support this request as well.

I have attached all the documentation and a copy of the quote for reference.

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

Sincerely,



Daniel T. Johnson  
President, NCESC

The current SCBA cylinders are no longer usable due to age, +15 yrs, and the Harnesses/Regulators/Facepieces no longer meet current NFPA (National Fire Protection Association) Standards and are not compatible with the units currently used by other Fire Departments in the County.

If Additional Item How Many Do You Already Own?    NONE

What Will You Do With The Old Item?

The SCBA cylinders will be recycled by an authorized recycler and the Harness/Regulators/Facepieces will be disposed of.

Describe Briefly The Scope Of Your Project:

The upgrading to current NFPA standards of 5 SCBA units and 15 cylinders.

Do You Intend to Make This Resource Available County-Wide?    YES

What Is The Approximate Net Worth Of Your Agency?

Real Estate Equity+VehicleEquity+Cash+Investments

See Attached Balance Sheet – Sept 2024

What Is The Total Debt Amount Of Your Organization?

Nelson County – 25,000

How Will You Support Your Payment?    Funds donated to Fire  
Department/Investments

**Please Attach A Copy Of Your Operating and Capital Budget.**

Approved:

☒ Yes

☐ No

Date Approved:

10/19/24

By Print:

DANIEL T. JOHNSON

By Sign:

Daniel T. Johnson

Montebello Volunteer Fire Dept

2025 Operating Budget

**Incomes**

Donations	7,000.00
Applebutter Proceeds	2,300.00
Fire Fund Procceds	9,500.00
Interest	8,000.00
County Proceeds	<u>30,600.00</u>
Total	57,400.00

**Expenses**

Vehicle Fuel	1,500.00
Bldg Maintenance	4,000.00
Fire Fund Expenses (includes loan pmt)	15,000.00
Insurance	10,000.00
Office Supply	800.00
Publication/Postage	1,300.00
Util-Elect	1,400.00
Util-Heat	1,800.00
Util-Phone/Internet	<u>2,300.00</u>
Total	38,100.00



Phone: 4349932425 Fax: 434-993-2679

## Quote

Date	Quote #
10/11/2024	232473

Project

Name / Address
Montebello Fire & Rescue P.O. Box 96 Montebello VA. 24464 tek064@yahoo.com

Rep	CAJ
Terms	Due on receipt

Item	Description	Qty	Cost	Total
A-GIFS-441MB2C2LAA	G1 SCBA, 4500 psig, QC, 2018 Edition Air Pack, Standard harness, Metal band cradle, Quick disconnect regulator, continuous regulator hose, Universal Extendaire II emergency breathing support, Speaker Module on left chest strap, PASS on right shoulder, Alkalline battery. 15 year Warranty	5	6,650.00	33,250.00
10175708	G1 SCBA Cylinders for Quick-Connect, 4500 psig, 45-minute LP2	15	1,236.90	18,553.50
10161810	MSA Facepiece, G1, FS, MD, MD NC, 4PT C-HARN,C-NS	5	349.14	1,745.70
10175021-SP	Control Module G1-TIC 4500/5500 PSI	3	850.00	2,550.00

Thank you for allowing us to quote this!! CHRIS JOHNSON

**Subtotal** \$56,099.20

QUOTE VALID UNTIL 10/31/2024

**Sales Tax (5.3%)** \$0.00

**Total** \$56,099.20

Signature: \_\_\_\_\_

**7854 STAGE RD  
Concord, Va. 24538**

Web Site
www.fireandsafety.net



**From:** [Neely Hull](#)  
**To:** [Amanda Spivey](#)  
**Subject:** RE: Montebello Volunteer Fire Dept.  
**Date:** Wednesday, October 16, 2024 11:32:28 AM

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Hey Amanda,

Montebello currently has a balance of \$25000.00. The amount of money in the interest free loan account as of today at AUB is \$559,369.42.

Hope this helps,  
Neely

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**From:** Amanda Spivey  
**Sent:** Wednesday, October 16, 2024 11:21 AM  
**To:** Neely Hull <nhull@nelsoncounty.org>  
**Subject:** Montebello Volunteer Fire Dept.

Hi Neely,

Does Montebello currently have an interest free loan balance? Also, what is the current amount of money available in the interest free loan account?

Thanks,  
Amanda



**COUNTY OF NELSON**  
**OFFICE OF THE TREASURER**  
ANGELA F. HICKS, TREASURER

P.O. BOX 100  
LOVINGSTON VA, 22949  
434-263-7060(PHONE)  
434-263-7064(FAX)  
[ahicks@nelsoncounty.org](mailto:ahicks@nelsoncounty.org) (EMAIL.)

**PROMISSORY NOTE      \$40,000**

Lovingston, Virginia  
June 9, 2020

FOR VALUE RECEIVED, the undersigned promises to pay to the **COUNTY OF NELSON**, at such place as may be designated in writing, the principal sum of **\$40,000** Dollars, without interest, in installment payments in the amount of **\$2,500.00** each, commencing on the anniversary hereof, and subsequently due on the first of **April** and the first of **October** of each year until the principal sum is paid in full. At the election of the Board of Supervisors, such payments may be deducted in full or in part from any sum appropriated by the Board for distribution to the undersigned.

The makers shall have the privilege to prepay the entire principal amount, or any portion thereof, without penalty.

If default be made in payment of any installment due hereunder the entire principal shall, at the option of the holders of this Note, immediately become due and payable for all purposes whatsoever, and its collection may be enforced by a remedy at law or in equity.

The time of payment of all or any part of the debt hereby evidenced may be extended or renewed from time to time by the holders hereof, and no such extension or renewal shall in any way release or affect the liability of anyone in any way liable for the payment hereof.

The undersigned waive presentment, protest, and notice, and the benefit of the homestead exemption, if any, as to this debt.

If the debt hereby evidenced be not paid as it matures and is collected by suit or attorney, it is further agreed that there shall be paid hereunder all reasonable court costs and attorney's fees incurred in such collection.

**Montebello Volunteer Fire Department**

By: T. S. Kiri

Its FIRE CHIEF

**NELSON COUNTY EMERGENCY SERVICES COUNCIL**

P.O. Box 336  
Lovingston, Va. 22949

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5/26/21

County Of Nelson  
Stephen Carter, Administrator  
P.O. Box 336  
Lovingston, Va. 22949

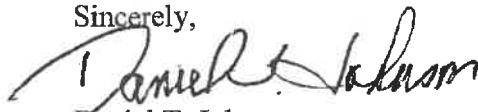
Dear Mr. Carter,

The Emergency Services Council has approved a loan request, unanimously, for Montebello Volunteer Fire Department, in the amount of \$40,000.00. The money will be used to aid in the purchase and equipping of a 2020 International HV507 Tanker. I would request this be presented to the Board of Supervisors for consideration. I hope the funds will be made available in June, due to the projective arrival of the tanker in July.

I have attached a copy of the application, and all relevant information for your review.

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

Sincerely,



Daniel T. Johnson  
President, NCECSC

## Emergency Services

### Interest Free Loans

- |          |   |
|----------|---|
| 04/12/94 | Nelson Rescue Squad requested to establish a capital fund for rescue squads/fire department to borrow against interest free.  |
| 07/12/94 | BOS Accepted Revolving Loan Fund for Fire/Rescue Squads as adopted by the Emergency Services Council (attached); and the County would provide funding when funds are available. BOS requested Emergency Services Council to establish the Financial Review Committee to administer the loan program when funds are available. |
| 12/13/94 | BOS revised Program Element 3.b clarifying the agencies that are eligible to apply for interest-free loans. BOS could not decide on how much money the County will contribute to the Program.   |
| 02/11/97 | BOS approved \$500,000, effective June 30, 1997.  |
| 02/12/02 | BOS raised loan amount from \$200,000 to \$250,000.   |
| 05/11/04 | BOS established a disbursement procedure for receipt of program funding by the Nelson County Rescue Squad from Nelson County in lieu of a lump sum distribution of program funds.   |

**Emergency Services Interest Free Loan Fund (Non-Loan Transactions)**

2/11/1997	EMS Loan Fund established by BOS	\$500,000
10/13/1998	Additional Contribution to EMS Loan Fund as budgeted in FY99 \$250,000 was originally considered, but only \$125,000 was approved.	\$125,000
11/10/1998	BOS approved transfer from EMS Loan Fund to General Fund Contingency. Funding was needed for establishment of escrow related to California Sidecar financing. Check #1003 issued from EMS Loan Fund on 12/18/98.	-\$97,000
6/29/1999	Check issued from General Fund to reimburse EMS Loan Fund.	\$97,000
6/13/2000	BOS approved transfer from EMS Loan Fund to General Fund.	-\$125,000
2/13/2001	Check issued from General Fund to reimburse EMS Loan Fund.	\$125,000
9/14/2004	BOS approved \$77,484.40 to be transferred from the General Fund Contingency to the EMS Loan Fund to accommodate the loan in the amount of \$250,000 to the Nelson County Rescue Squad for the new building on Route 29. The intent is for any transfer to be paid back as the EMS Loan Fund has collections to cover the amount borrowed. Only \$5000 was transferred. implement this transfer.	-
Total		\$625,000
11/16/2004	BOS approved additional allocation of \$125,000 to EMS Loan Fund. Disbursed to fund in 2 increments--\$5000 in November 2004 and \$120,000 in Dec. 2004 Resolution was reversed to pay back the \$5000 transferred (Dec. 14, 2004)	\$125,000
Revised Fund Total		\$750,000

**NELSON COUNTY**  
**EMERGENCY SERVICES LOAN FUND**

AS  
APPROVED BY  
THE  
EMERGENCY SERVICES COUNCIL  
OF  
NELSON COUNTY

\*\*\*\*\*

MAY 1994

APPROVED BY BOARD OF SUPERVISORS \_\_\_\_\_

DATE

1. **Loan Funds**

- a. Maximum per loan - \$200,000
- b. Minimum per loan - \$35,000  
(with special consideration for hardship cases)
- c. Each agency is eligible for no more than one loan per year
- d. In the future, requests for apparatus and buildings/land will be considered separately

For the first five years or until adequate funds are available, they will be considered together

- e. Funds will be available on 1 November after approval
- f. The total or cumulative amount that an agency may borrow from the fund shall not exceed  $A \times B$  where:
  - A = the loan period (see below)
  - B = the agency's operating expenses annually reimbursed by the county at the time of the loan
- g. The period of each loan shall be:
  - Apparatus - 8 years
  - Buildings/Land - 15 years

## 2. **Payments**

- a. Payments shall be deducted from the county's reimbursement to each agency for their annual operating expenses
- b. The first deduction will be made one full year following commencement of the loan
- c. Agencies may pre-pay or accelerate payments
- d. Note shall be non-interest bearing



### 3. Application / Eligibility

- a. There will be one loan cycle per year
- b. Applications shall be made in writing to the Chairman of the Financial Review Committee of the Nelson County Emergency Services Council (NCESC)
- c. Loan requests must be postmarked or hand delivered no later than 1 September
- d. Application shall contain the following:
  - Project description
  - Justification
  - Financial statement
  - Amount of funding requested
  - Vendor/contractor (if known)
- e. No agency shall be eligible for a subsequent loan until all other agencies have had funds made available to them
- f. If only partial support for a given project is available during a given year, an agency's application remains active and may be reconsidered in future years

#### 4. Financial Review Committee / Review Procedures

- a. The committee shall be comprised of one representative from each emergency services agency in the county to be designated by each agency in writing to the NCESC president not later than 1 July of each year

Committee members may or may not be agency representatives to the NCESC

- b. The chairman shall be elected by vote of the committee at its July meeting
- c. Committee members shall abstain from voting on requests from their respective agencies
- d. The committee shall review loan requests and make its recommendations to the NCESC

- On the second Tuesday of September, each loan application shall be verbally presented to the committee by an agency representative; applications will be subsequently reviewed and rated by the committee

- Based on available resources, the committee shall recommend funding to the NCESC on the third Tuesday of September

- The NCESC shall forward its recommendation to the county administrator by 1 October for subsequent approval by the Board of Supervisors

- e. The committee shall draft application forms and review procedures for approval by NCESC

**5. Insurance**

- a. Approved projects shall be insured for replacement value for duration of loan
- b. Insurance proceeds for loss shall be used to replace same or pay off loan

**6. Note Agreement**

- a. Note shall be designed by the County Attorney and shall be signed by authorized representatives of the agency
- b. Nelson County shall have first lien on said apparatus, building or land unless the manufacturer or bank holds the first lien

7. Modification of proposed Emergency Services Loan Fund procedures was made at the May meeting of the Emergency Services Council as follows...  
..... that the approved Emergency Services Loan Fund procedures may be altered in the future, if situations warrant changes, and by majority vote of the Nelson County Emergency Services Council.

# Local Authority to Reduce 25 MPH Speed Limits in Business or Resident Districts

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VIRGINIA STATE CODE §46.2-1300 A (4)

# Provisions of Virginia State Code §46.2-1300 A (4)

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- ❖ **Governing body of any county, city, or town may (1) by ordinance or may (2) by ordinance authorize its chief administrative officer to :**
  - ❖ Reduce the speed limit to either 15 MPH or 20 MPH on any highway within its boundaries that is located within a business district or residence district where the posted speed limit is 25 MPH, and
  - ❖ Restore a speed limit that has been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, and
  - ❖ Provided that such reduced or restored speed limit is indicated by lawfully placed signs, and
  - ❖ Written notice of the speed limit change must be provided to the Commissioner of Highways at least 30 days prior to changing the speed limit.

# Definition of Business & Resident Districts Per State Code §46.2-100

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- ❖ **Business District**: the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.
- ❖ **Resident District**: the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ [15.2-2200](#) et seq.) of Title 15.2.

# Local Governing Body Options under Virginia State Code §46.2-1300

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Both Options (1) and (2) Require public notice and public hearing:

- ❖ **Option (1)**: The Board of Supervisors would consider an Ordinance specific to each eligible highway proposed for speed reduction under this State Code section.
- ❖ **Option (2)**: The Board of Supervisors would consider an Ordinance that authorizes the County Administrator to carry out the provisions of this State Code section.
- ❖ Staff recommends including the following provisions within an Option (2) Ordinance:
  - The County Administrator shall receive the consent of the Board of Supervisors by resolution following a public hearing, prior to any reduction or restoration of speed limits on a specific highway.

# Gladstone Route 656 (Gladstone Road)

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## **VDOT Input:**

- ❖ Current 25 MPH speed limit has been in place since 1964
- ❖ Per 2023 counts, the road carries approximately 84 vehicles per day (VPD)
- ❖ An S-curve is located between the addresses of 1035 and 1057 Gladstone Road that naturally influences the speed of vehicles providing traffic calming
- ❖ 2019 Speed Limit Study safety recommendations that were implemented included: sign and trimming work, pavement review, repair, cleaning, and pavement marking improvements
- ❖ Not currently eligible for traffic calming due to there being < 600 VPD and the 85<sup>th</sup> percentile speed is not greater than 10 mph over the posted 25 MPH speed limit
- ❖ 20 homes are immediately adjacent to the road, with on-street parking, and are within a 0.3 mile stretch on Route 656 fulfilling the Resident District requirement for speed reduction from 25 mph under State Code §46.2-1300 A(4)



# Figure 1: Gladstone Route 656 Installed Sign Improvements – VDOT Traffic Engineering Recommendations 10/30/2019



## Figure 2: Gladstone Route 656 Installed Pavement Improvements – VDOT Traffic Engineering Recommendations 10/30/2019

Install Solid White Line to Define Parking Area and a 10-foot Wide Westbound Travel Lane.



# Next Steps & Staff Recommendation

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## **Next Steps:**

- ❖ Consider implementing local authority to reduce 25 MPH speed limits in Business and Resident Districts and direct staff accordingly.
  - If Option (1) is preferred and the Board wishes to proceed with Route 656, Gladstone Road, staff will draft the Ordinance and Authorization for public hearing resolution for the Board's future consideration.
  - If Option (2) is preferred, staff will draft the Ordinance and Authorization for public hearing resolution for the Board's future consideration.
  - Take no action

## **Staff Recommendations:**

- ❖ If action is desired, Staff recommends Option (2): An Ordinance that authorizes the County Administrator to carry out the provisions of this State Code section - *with the consent of the Board by resolution following a public hearing (optional language)*
  - Local authority would be in the County Code for present or future use. *Note: There are approximately 30 highways with 25 MPH posted speed limits in the County. (Per <https://www.virginiaroads.org/datasets/VDOT::vdot-posted-speed-limits/about>)*
  - Request enforcement of the current speed limit prior to pursuing a reduction in speed limit for Route 656, Gladstone Road.



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# Questions & Discussion

# Implementation of Locality Speed Limit Reductions under § 46.2-1300

## Background

HB 1071 passed in the 2024 General Assembly session and effective July 1, 2024, amends §§ 46.2-878 and 46.2-1300 of the *Code of Virginia* (see full amendments in Appendix A) to provide that the governing body of any county, city, or town may by ordinance reduce speed limits to less than 25 mph but not less than 15 mph (and restore the speed limit previously posted) on any highway within their respective boundary's including those in the state system for which the existing posted speed limit is 25 miles per hour, where such highways are located in a business district or residence district, and such reduced or restored speed limits are indicated by lawfully placed signs. These requirements are further detailed below.

## Requirements for Speed Limit Reductions by Locality

Per the amended § 46.2-1300, the governing body of a county, city, or town may by ordinance reduce the speed limit to less than 25 mph but not less than 15 mph (or restore such speed limits previously reduced) on highways in their boundaries where all the following is met:

1. Highway is posted with signs indicating a speed limit of 25 mph.

- The street shall have an R2-1 sign posted indicating a speed limit of 25 mph (see adjacent figure), with one sign posted in each travel direction at the beginning of the 25-mph zone (see "lawfully placed signs," item 3 below).
- Alternatively, a single R2-1 sign may be posted indicating a speed limit of 25 mph only on the streets that enter a town or neighborhood etc. to indicate the speed limit that applies to the entire town or neighborhood etc. with a supplementary R2-5P plaque indicating "Unless Otherwise Posted" or "Neighborhood" etc. as allowed per the MUTCD (see adjacent figure). In many instances, for streets entering a neighborhood the supplementary R2-5P plaque indicating "Unless Otherwise Posted" may not be present, although it is required per the MUTCD for this application.
- Streets not posted with signs indicating a speed limit of 25 mph may not be reduced by the locality. For such streets, VDOT makes the determination whether to post signs indicating the applicable speed limit under its policy in IIM-TE-365 (see [HERE](#)). Statutory speed limits (e.g. 25 mph in residential areas, 35 mph in towns, 55 mph in rural areas etc.) are not required to be posted with signs and per IIM-TE-365 VDOT does not generally post statutory speed limits on secondary roads. However, VDOT may determine to post the statutory speed limit in cases that meet the statutory requirements (e.g. street is in a residence district) and where such speed limits are not evident to motorists, such as in a residential area situated along an otherwise rural highway where a statutory 55 mph speed limit applies (and likewise may not be posted with speed limit signs).



2. Highway is in a residence or business district.

- The area adjacent to the highway must meet the definition of a residence or business district as defined in the *Code of Virginia* § 46.2-100 (See Appendix B for current definitions).

3. The reduced or restored speed limit is indicated by "lawfully placed signs."

- All signs required by the Manual of Uniform Traffic Control Devices (MUTCD) and the Virginia Supplement to the MUTCD (any reference to the MUTCD encompasses the requirements in both) shall be installed and shall be in accordance with the requirements of the MUTCD (e.g. type, design, size, placement, location etc. -see Part A of the MUTCD). See Appendix C for various MUTCD signing requirements pertinent to the locality-reduced speed limits.  
Note: The MUTCD is adopted under 24VAC30-315-10 as the standard for signs and markings on all highways under the jurisdiction of the Virginia Department of Transportation
- The reduced speed limits established through a locality ordinance are statutory limits and per the MUTCD do not require an engineering study.
- The MUTCD requires that posted speed limits be multiples of 5 mph therefore the locality reduced speed limit and the related signs shall only indicate either 15 mph or 20 mph.

## Implementation of Locality Speed Limit Reductions under § 46.2-1300

- The MUTCD stipulates certain other signs to safely establish and appropriately indicate the speed limit including (i) advance warning signs indicating the reduced speed limit (where it is more than 10 mph below the adjacent, upstream speed limit) and (ii) warning signs alerting motorists to reduce speeds where the roadway alignment limits speeds below the posted speed limit such as at curves etc. The various sign requirements per the MUTCD are further detailed below.
4. The locality shall provide written notice to VDOT 30 days prior to changing a speed limit on any highway in the state highway system.
- The written notice should include the street name, route #, termini, and the locality-reduced speed limit.

### **Process for Locality Requests**

To implement a reduced speed limit per the requirements of 46.2-1300 etc. the locality and VDOT shall perform the steps below (see “Recommendations for Locality-Reduced Speed Limits” in Appendix D).

1. The locality notifies the local VDOT office\* for the location where they have passed an ordinance to reduce the speed limit along with the following information:
- i. Copy of the locality’s ordinance authorizing the reduced speed limit along with the following information:
    - The street name & route #, and termini of the locality-reduced speed limit.
    - Document the requirements per 46.2-1300 that the street is posted with signs indicating a 25-mph speed limit and is in a residence or business district (See Appendix B for current definitions of residence and business district).
    - See the VDOT Posted Speed Limits map [HERE](#) for speed limit postings on state highways. Note the map may not have or show all 25-mph speed limits, particularly in residential neighborhoods.
  - ii. A sign diagram or sketch map indicating the street and signs (including sign locations) pertaining to the original 25 mph speed limit the locality will install/replace as required per the MUTCD \*\* to properly establish and indicate the locality-reduced speed limit.

The locality shall identify all new signs that must be installed and all existing signs that will be modified or replaced along and in advance of the street section where the locality will reduce the speed limit as follows:

- All the original 25-mph speed limit signs, advance warning signs, and any other warning signs pertaining to the original 25-mph speed limit installed along the street where the locality will reduce the speed limit.
- Speed limit signs indicating the original 25 mph speed zone where it continues for cases where a locality reduces the speed limit in only a portion of a 25-mph zone.
- Signs for any revised speed limit transitions for the original 25-mph speed zone. For example, where the original 25 mph speed limit is preceded by a 40-mph transition speed zone from a 55-mph speed zone, the locality must identify such transition zones and the related signs/locations/speed limits as VDOT may reduce the 40-mph transition speed zone to 30 or 35 mph to establish a proper transition to the locality-reduced speed zone from the 55-mph zone. VDOT must first establish the speed limit reduction by conducting an engineering study etc. as required per § 46.2-878 etc. as the locality does not have authority to change such speed limits. Alternatively, VDOT may opt to utilize a “XX MPH Reduced Speed Ahead” sign within the existing transition zone. In either case, the locality shall be responsible for the costs of the required signs.
- Any existing school zone speed limits (SZSL) within or otherwise affected by the locality-reduced speed zone shall be reviewed and re-established (or potentially removed altogether) to reflect the locality-reduced speed limit, in accordance with VDOT’s IIM-TE-183.1 “Requirements for the Establishment, Operation, and Maintenance of School Zone Speed Limits (SZSLs). The SZSL shall reflect a speed limit equal to or less than the locality-reduced speed limit, as determined to be appropriate after a study or it may be the determination to remove the SZSL altogether etc. The locality shall be responsible for the costs of all modifications to the SZSL and any new or modified signs required per VDOT’s IIM-TE-183.1.

## Implementation of Locality Speed Limit Reductions under § 46.2-1300

- iii. Identify any traffic signals within the locality-reduced speed zone and submit new signal change and clearance intervals required due to the reduced speed limit as necessary to meet the MUTCD requirements. Per the MUTCD (VA Supplement) clearance intervals should be calculated per the latest edition of VDOT's IIM-TE-306 (document 406.1 for NOVA District). On a case-by-case basis and upon the request by the locality, VDOT may be able to perform this work on their behalf, at the cost of the locality.

\* Notifications should be submitted to the local VDOT District residency office (see [VDOT District Contacts](#)) except in the Northern Virginia District (NOVA) notify the local VDOT Permits Office (Prince William Permits: David Heironimus, [david.heironimus@VDOT.Virginia.gov](mailto:david.heironimus@VDOT.Virginia.gov), Fairfax Permits: Robert Burton, [robert.burton@vdot.virginia.gov](mailto:robert.burton@vdot.virginia.gov), Loudoun Permits: Antonios Estafanous, [antonios.estafanous@VDOT.Virginia.gov](mailto:antonios.estafanous@VDOT.Virginia.gov)).

\*\* See Appendix C for typical signs pertaining to the original 25-mph posted speed that must be replaced or modified etc. and various MUTCD signing requirements.

2. The VDOT District residency / NOVA permits office, in coordination with the VDOT District Traffic Engineer reviews the locality submittal and verifies the locality-reduced speed limit and proposed signs the locality will install/replace meets the criteria of 46.2-1300 (see "Requirements" above), and the requirements of the MUTCD as detailed above.
3. VDOT returns the list to the locality with comments including any sign adjustments required to conform to the MUTCD and IIM-TE-183.1 (for school zones), the identification of any revisions to speed limit transitions required, and traffic signal adjustments that must be done before or in conjunction with, the locality speed limit reduction.
4. The locality then submits an application for a Land use permit for Locality Reduced Speed Limits (LUP-LRSL, see [Land Use Permits](#)) to the VDOT District residency / NOVA permits office to install the required speed limit signs, warning signs, and any other signs or signage changes required per the MUTCD or VDOT requirements (at the cost of the locality).  
Note: The LUP-LRSL is a special permit being developed specifically for this application by the OLU and will be available in August.
5. The locality notifies the local VDOT District residency / NOVA permits office when the reduced speed limit signs and all other pertinent signs are installed.
6. The VDOT District residency office / NOVA permits office, in coordination with the VDOT District Traffic Engineer confirms the locality sign installations meet the MUTCD and VDOT specifications and requirements.
7. The VDOT District residency office / NOVA permits office conveys the reduced speed limit and the date of the speed limit change to the VDOT District Traffic Engineer along with a copy of the locality's ordinance authorizing the reduced speed limit. The VDOT District Traffic Engineer then conveys the change via the TE-382 form to the VDOT Traffic Operations Division for filing and recording the speed limit change in the statewide database (RNS).

NOTE: If VDOT anticipates a crash problem or operational issue where the locality proposes to reduce the speed limit, they should work with the locality to establish the appropriate speed limit. Otherwise, where a crash problem or operational issue develops due to the locality speed limit reduction or where the roadway features or context change, VDOT must work with the locality to restore the original speed limit. The locality must first restore the original 25 mph speed limit by passing an ordinance rescinding the locality-reduced speed limit. This subsequently restores the statutory 25 mph speed limit (which may then be posted with appropriate signs). The DTE conveys the restored 25 mph speed limit via the TE-382 form, along with a copy of the locality's ordinance rescinding the locality-reduced speed limit to TOD for filing and recording the speed limit change in the statewide database (RNS).

### **Locality Responsibilities**

The locality is responsible to procure, purchase, install, and maintain all signs (including signposts and foundations) required by and in accordance with the MUTCD and VDOT's Standards & Specifications associated with the locality-reduced speed limit as previously detailed including speed limit signs, advance or other warning

## **Implementation of Locality Speed Limit Reductions under § 46.2-1300**

signs, school-related signs (must follow VDOT's IIM-TE-183.1), and signs for any revised speed limit transitions established by VDOT (subsequent to completion of the required engineering study by VDOT). Maintenance responsibility for any locality-revised school zone signs will continue as detailed in IIM-TE-183.1. The locality shall remove all original signs and signposts not utilized for the locality-installed signage.

The locality shall submit new signal change and clearance intervals required due to the reduced speed limit (on a case-by-case basis, VDOT may agree to do this work on behalf of the locality and the cost for any signal modifications shall be reimbursed by the locality). Any required signal retiming(s) and studies for any revised speed zone transitions or school zone speed limits required to be conducted by VDOT or the locality shall be completed prior to the locality installation of the reduced speed limit signs. The reduced speed limit signs shall not be installed until all revised school zone signs, speed zone transition signs, and warning signs pertinent to the reduced speed limit are installed. All locality-installed signs must have a stamp or sticker indicating it was installed by the locality and the date of installation.



## Implementation of Locality Speed Limit Reductions under § 46.2-1300

### Appendix A – §§ 46.2-878 and 46.2-1300 as amended per HB 1071

§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.

A. The governing bodies of counties, cities, and towns may adopt ordinances...applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease ...;
2. Authorize ...;
3. Require ...;
4. Reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, *including those in the state highway system*, within its boundaries that is located in a business district or residence district *for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location*, provided that such reduced *or restored* speed limit is indicated by lawfully placed signs. *At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this subdivision, the governing body shall provide written notice of the change to the Commissioner of Highways. If any provision of this subdivision is inconsistent with the provisions of § 33.2-310, 33.2-317, 33.2-326, or 46.2-878, this subdivision shall be controlling.*

§ 46.2-878. Authority to change speed limits.

A. Notwithstanding the other provisions of this article, *and except as otherwise provided in subdivision A 4 of § 46.2-1300*, the Commissioner of Highways or other authority having jurisdiction over highways may decrease the speed limits...

## **Implementation of Locality Speed Limit Reductions under § 46.2-1300**

### **Appendix B – Definitions of Business & Residence Districts per the *Code of Virginia* § 46.2-100**

*"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.*

*"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.*

## Implementation of Locality Speed Limit Reductions under § 46.2-1300

### Appendix C – Various MUTCD Signing Requirements

All the following signs pertaining to the original 25 mph posted speed limit and installed along the section of highway to be reduced must be replaced or otherwise installed as required by the MUTCD to indicate the locality-reduced speed limit of 15 mph or 20 mph.



Note: Where a single R2-1 sign is posted on a street entering a town and intended to convey the applicable speed limit for the entire town a supplementary R2-5P plaque indicating “Unless Otherwise Posted” or similar shall be posted as appropriate per the MUTCD (see above) to ensure motorists are properly informed of the speed limit. Similarly, an appropriate plaque is recommended (but not required) for similar applications on streets entering a neighborhood to enhance their understanding and adherence with the locality-reduced speed limit.

Note: Where the locality-reduced speed limit does not entirely cover the originally posted 25 mph zone, an additional R2-1 sign indicating the 25-mph speed limit must be installed where it continues for cases where a locality reduces the speed limit in only a portion of a 25-mph zone.

Note: any W3-5a signs indicating “25 MPH Speed Zone Ahead” shall be replaced only with the W3-5 sign indicating the locality-reduced speed limit, per the VA MUTCD which prohibits use of the W3-5a sign for new installations.

Note: See MUTCD, Figure 2A-2. Examples of Heights and Lateral Locations of Sign Installations for proper sign installation.

Various other installed warning signage such as below as well as other similar warning signs pertaining to the roadway alignment generally may remain except for any advisory speed plaques (W13-1P) that indicate a speed higher than the locality-reduced speed limit (i.e. advisory signs indicating 20 mph where the locality-reduced speed limit is 15 mph). In those cases, the advisory speed plaque shall be removed, and the W1-1 or other similar warning signs may remain. Otherwise, any other warning signage required per the MUTCD to indicate the locality-reduced speed limit shall be installed.



Note the present, approximate cost to purchase & install a single speed limit (R2-1) or warning sign on a typical two-lane road is \$1,100 and \$1,400, respectively but may vary by region and installer.

# Implementation of Locality Speed Limit Reductions under § 46.2-1300

## Appendix D – Recommendations for Locality-Reduced Speed Limits

The following are recommendations for locality-reduced speed limits that enhance their effectiveness and minimize impacts on traffic flow and operations.

1. Law enforcement perspective is a key aspect for setting and enforcement of speed limits. Localities are encouraged to develop a process for the selection, installation, and coordination of their reduced speed limits with the local Police on enforcement.
2. Motorists are not likely to lower speeds in response to a reduced speed limit except where there are corresponding roadway features and adjacent development that prompt a lower speed, as well as enforcement of speed limits by local police.
  - Therefore, it is recommended that the locality-reduced speed limits be reserved for locations with actual and obvious residential or business development characterized by features such as on-street parking, significant pedestrian activity, sidewalks, marked pedestrian crosswalks etc. Any 15-mph reduced speed zone should be reserved for the highest density locations having most if not all these features, such as in a Central Business District (CBD).
  - A reduced speed limit of 15 or 20 mph or even 25-35 mph on a street lacking many of the above features, such as in a neighborhood with sparse or no observable development, wide, straight streets etc. (common in many subdivisions) will not be obeyed by many motorists even where such streets are zoned residential and thus meet the definition of a residence district.
  - Enforcement of speed limits in many residential areas is generally infrequent if it occurs at all, prompting motorists to drive at a higher speed they feel is justified by the lack of any observable need to go slower.
  - The widespread posting of reduced speed limits that do not correspond to the roadway features and adjacent development promotes further disrespect of posted speed limits by motorists and the tendency to further disregard the posted speed limit altogether.
3. Generally, the posted speed limit of 25 mph should be retained on arterials and collector streets that serve as primary thoroughfares through a town or where such highways have small concentrations of development in an otherwise rural setting (rural town). Such highways generally have higher traffic volumes and are primary highways on the state system. Additionally, local roads that likewise serve as the major route through such locations should retain any 25-mph posting.
  - Note the City of Seattle, when it lowered speed limits across much of its road network in 2015, retained a speed limit of 25 mph on larger urban corridors and on residential streets maintained a speed limit of 20 miles per hour. A study by the Insurance Institute for Highway Safety (IIHS) found that Seattle's speed limit reduction was associated with a significant decrease in the odds of an injury crash.
  - A reduced speed limit of 15 and even 20 mph is extremely hard to maintain by motor vehicles. If applied, a reduced 15 mph speed limit should be limited to dead-end streets or cul-de-sacs.
4. Motorists are more likely to follow a speed limit that is uniform along a street rather than where it frequently changes. A length of at least 0.2 miles (1,056 feet) is recommended for any locality-reduced speed limit.

# VDOT Speed Limit Study

## Lynchburg District - Traffic Engineering

**Date:** 10/30/2019

### Study Area:

**Route:** 656  
**Street Name:** Gladstone Road  
**Jurisdiction:** Nelson County  
**From:** MP 0.97- 0.10 Miles West of Route 691 (Center Hill Lane)  
**To:** MP 1.47- 0.60 Miles West of Route 691  
**Length:** 0.50 Miles

### Functional Class:

The studied section of Route 656 (Gladstone Road) is a Local roadway. For the purposes of this report, this road segment is designated as extending in an east-west direction.

### Speed Limit for Study Roadway:

The reviewed segment is governed by a posted 25 MPH Speed Limit (Zone ID# 8638), established by Commissioner's Resolution dated July 16, 1964. East and west of this segment, the unposted Statutory 55/45 MPH Speed Limits applies.

### Origin and Nature of Request:

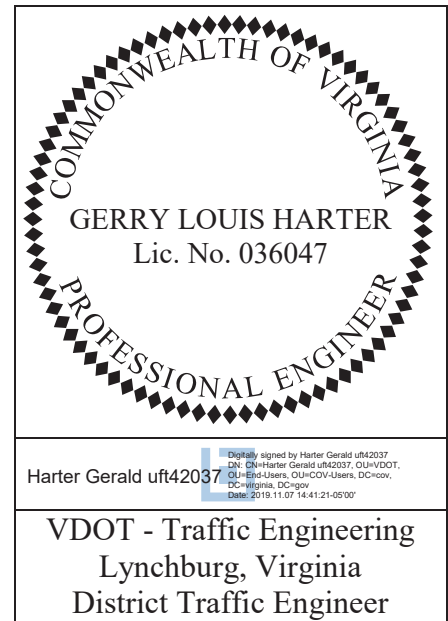
A concerned citizen of the Community of Gladstone requests that the posted 25 MPH Speed Limit in the study segment be reduced to 20 MPH, due to concerns over vehicles speeding through this area and children crossing the road. Note the primary focus of this study is in the Community of Gladstone (the populated portion of Route 656), a distance of 0.28 miles, which is contained within the 0.50-mile study segment governed by the 25 MPH Speed Zone. Refer to the Study Area Map at the end of this report.

### Study Results and Recommendation:

The study section of Route 656 is a Local roadway, extending generally in an east-west direction through the community of Gladstone. The road consists of variable 20- to 33-feet of pavement width and variable 2- to 4-foot grass shoulders, as well as sidewalk (no curb) along the westbound side. The pavement surface is in generally fair condition, with some damaged pavement, mostly along the westbound lane. Shoulders are generally in good condition. The horizontal alignment ranges from fair to poor, and the vertical alignment ranges from fair to good. The 2018 Annual Average Daily Traffic (AADT) publication lists a volume of 100 vehicles per day (vpd) for this road; however, our most recent count showed 73 vpd (it should be noted that school was not in session during this count). Road features and roadside development generally control operating speeds.

The most recent three years of available crash data, from May 1, 2016 to April 30, 2019 reveals that there have been no (0) reported crashes on this road.

Speed samples were collected for a 24-hour period on June 20, 2019 and June 21, 2019, resulting in an 85<sup>th</sup> percentile speed of 30 MPH, a 50<sup>th</sup> percentile (median) speed of 20 MPH, and a 10 MPH pace speed ranging from 16 MPH to 25 MPH for the 73 vehicles sampled.



Based on the results of this study, including road conditions/geometrics, traffic volumes, roadside development, crash data, and a recorded 85<sup>th</sup> percentile speed of 30 MPH, it is recommended that the existing posted 25 MPH Speed Zone on Route 656 from 0.10 miles west of Route 691 to 0.60 miles west of Route 691, a distance of 0.50 miles, be retained.

Recommendations will be provided, apart from this study, to install Turn Warning Signs and 10 MPH Advisory Speed Plaques for the most severe curve in the study segment and to replace the two (2) existing Chevron Alignment Signs for this same curve with two (2) One Direction Large Arrow Signs, as well as to install additional GLADSTONE Unincorporated Place Signs to increase motorists' awareness that they are entering the Gladstone community. Recommendations will also be provided to review pavement condition and repair, resurface as needed, as well as to install solid white pavement-marked lines to delineate on-street parking along the westbound lane, and reduce the width of the westbound and eastbound travel lanes as a traffic calming measure. Finally, it will be recommended that the concerned citizen be advised of the process to pursue the installation of WATCH FOR CHILDREN Signs through the County.

## **Study Details:**

### **A. Speed Data:**

Data Collection Method:	Peek ADR-1000 Counter
Weather Conditions:	Clear / Dry
Date of speed samples:	June 20, 2019 to June 21, 2019
Location of speed samples:	0.47 miles west of Route 691
85 <sup>th</sup> percentile speed:	30 MPH
Median speed:	20 MPH
Pace speed:	16 to 25 MPH

#### Notes:

- The speed samples were collected midway along the straightest and longest segment of the study section; this would likely be the location where vehicles are travelling at the highest speeds.
- In addition to the above standard speed data, it is noteworthy that approximately 77 percent of sampled vehicles were travelling at, or below, the posted 25 MPH Speed Limit.

### **B. Road Characteristics:**

#### **Physical Roadway:**

The study section of Route 656 is a Local roadway, extending generally in an east-west direction through the community of Gladstone. The road consists of variable 20- to 33-feet of pavement width and variable 2- to 4-foot grass shoulders, as well as sidewalk (no curb) along the westbound side. The pavement surface is in generally fair condition, with some damaged pavement, mostly along the westbound lane. Shoulders are generally in good condition. The horizontal alignment ranges from fair to poor, and the vertical alignment ranges from fair to good. The 2018 Annual Average Daily Traffic (AADT) published volume for this road is 100 vehicles per day. This road is governed by a posted 25 MPH Speed Limit.

Several test drives were conducted in the study section using a ball bank indicator device, to evaluate the need for curve warning signs. The most severe curve, located approximately 175 feet east of the study segment's western terminus, can be safely travelled at 10 MPH, based on ball bank readings of 10- to 11-degrees at this speed. This curve is signed with one (1) set of back-to-back Chevron Alignment Signs. A recommendation will be provided to improve Curve Warning Signage at this location. There is also a reverse curve approximately midway along the segment which can be safely travelled at 20 MPH, based on ball bank readings of 14- to 15-degrees at this speed. No warning signs are needed at this location. There is a curve located approximately 475 feet west of the study segment's eastern terminus,

which can be safely travelled at 25 MPH Speed Limit, based on ball bank readings of 10- to 13-degrees at this speed. This curve is equipped with a One Direction Large Arrow Sign for each approach. The remainder of this road consists of short straight segments which can be safely driven at the 25 MPH Speed Limit. See Figure 1, in Section G of this report, for a visual representation of the above information.

### **Traffic Control Devices:**

The study section is currently posted with 25 MPH Speed Limit Signs, Chevron Alignment Signs, One Direction Large Arrow Signs, and GLADSTONE Unincorporated Place Signs. Signs are generally in fair condition. The GLADSTONE Signs are mounted back-to-back on a single post, about midway through the Gladstone community. A recommendation will be provided to install additional GLADSTONE Signs so that they are visible to motorists as they first enter the community for each direction of travel. There are double yellow centerline pavement markings on this road, with the exception of the westernmost 250 feet which has no markings. Markings are in fair to good condition.

### **C. Roadside Development and Environment:**

Roadside development consists of 17 residential dwellings (residential density of 61 residences per mile for the 0.28-mile segment mentioned previously) and one (1) church, all along the westbound side of the road. The dwellings are generally situated close to the road and most of these dwellings do not have off-street parking accommodations. Along the eastbound side of the road there is a property related to railroad operations.

### **D. Parking Practices and Pedestrian Activity:**

On-street parking was observed along the westbound side of the study segment. There are sidewalks along most of the westbound side, although no pedestrian activity was observed. There are no visible bike paths or marked crosswalks in this area.

### **E. Reported Crash Experience for Most Recent 3-Year Period:**

Crash records obtained through Roadway Network System (RNS) are for the period

From: May 1, 2016  
To: April 30, 2019  
Length of period: 3 Years

**Note:** Only crashes involving an injury of fatality or property damage exceeding \$1,500 are reportable and available through the Department of Motor Vehicles (DMV). Also, due to the time required for DMV to process and code reported crashes, data is only available prior to May 1, 2019.

According to our records, the total number of reported **crashes** for this section of highway is: 0.

And, the total number of reported **injuries** for this section of highway is: 0.

And, the total number of reported **fatalities** for this section of highway is: 0.

The **crash** rate for this section of highway is: 0 per 100 million VMT.

The **injury** rate for this section of highway is: 0 per 100 million VMT.

The **fatality** rate for this section of highway is: 0 per 100 million VMT.

### **For Interstate, Primary and Secondary Highways:**

#### **Type of roadway:**

The statewide average **crash** rate is: \_\_\_\_\_ per 100 million VMT.

The statewide average **injury** rate is: \_\_\_\_\_ per 100 million VMT.

The statewide average **fatality** rate is: \_\_\_\_\_ per 100 million VMT.



**For Secondary Highways:**

(For secondary roads, the District average may be used in lieu of the statewide average.)

The district average **crash** rate is: 203.27 per 100 million VMT.  
 The district average **injury** rate is: 100.68 per 100 million VMT.  
 The district average **fatality** rate is: 1.50 per 100 million VMT.

**Discussion of Crash Experience and Relevant Information:**

The most recent three years of available crash data, from May 1, 2016 to April 30, 2019 reveals that there have been no (0) reported crashes on the study segment. A more comprehensive crash review for this road was conducted for the latest 10-year period, from May 1, 2009 to April 30, 2019, revealing no (0) reported crashes.

**F. Enforcement Consensus:**

Since no speed limit change is being recommended, concurrence from law enforcement is not required.

**G. Additional Comments:**

1. In addition to the previously-stated speed data, it is noteworthy that approximately 77 percent of sampled vehicles were travelling at, or below, the posted 25 MPH Speed Limit. This significant level of speed limit compliance is likely due to the following factors:
  - Road geometry, consisting of sharp curves and short tangent sections, control operating speeds on this road (see below Figure 1, noting measured advisory speeds for curves, as well as length of tangent sections). These features act like traffic calming measures and the reverse curve in the center of Gladstone actually operates like a chicane to slow traffic.



**Figure 1: Route 656 (Gladstone) Roadway Features**

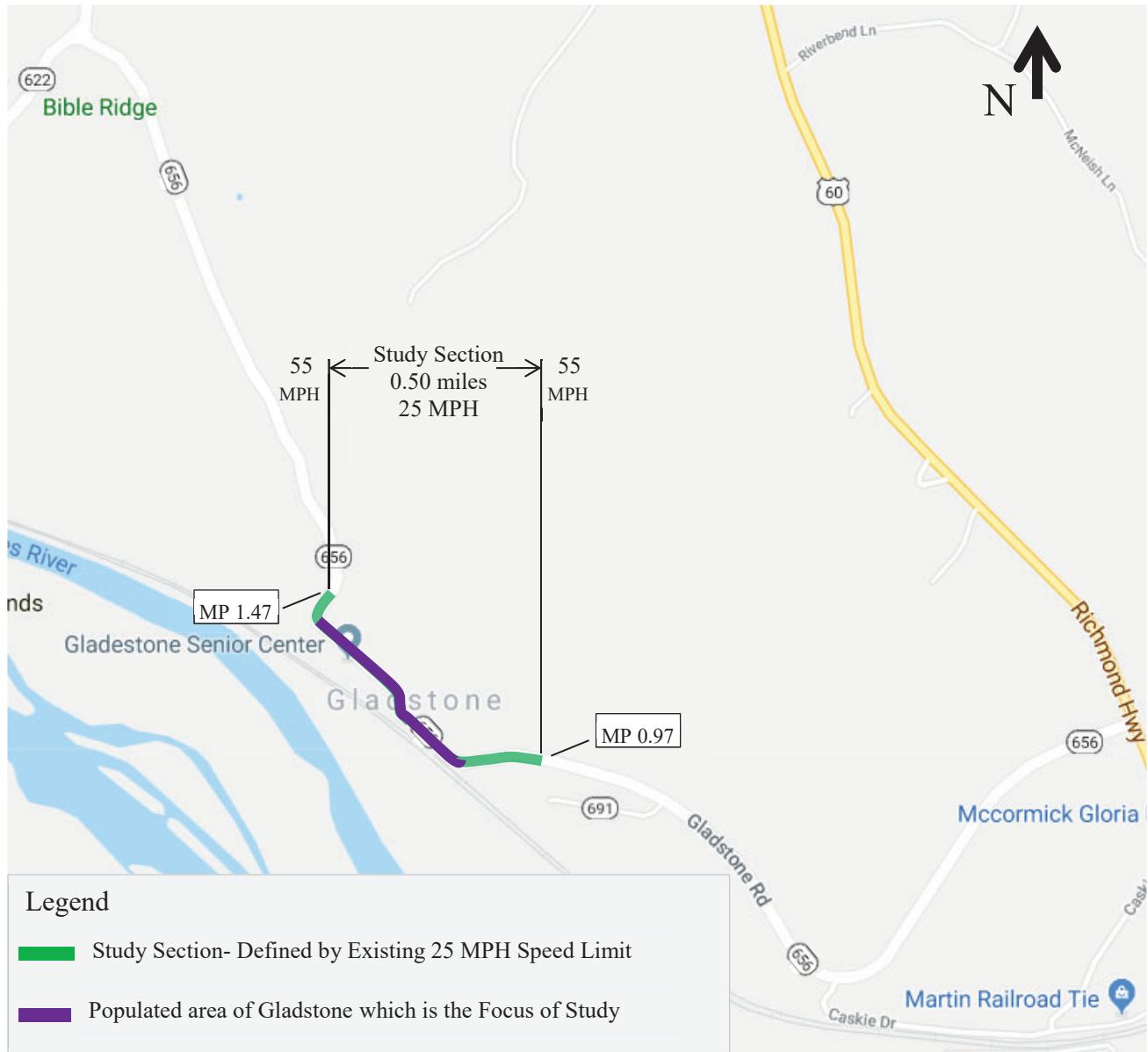
- Residential dwellings situated within approximately 10- to 20-feet of the roadway, as well as sidewalks and on-street parking, all along the westbound side of this road, increase roadside friction which also tends to reduce speed.
- The official AADT volume of 100 vpd (based on historical counts collected on March 2, 2017 and substantiated by the most recent count of 73 vpd collected for this study, on June 20, 2019) indicates that this is a very low volume road, likely consisting primarily of local residents.



2. A Regulatory 20 MPH Speed Limit, as was requested by the concerned citizen, falls below the norm for posted speed limits on public roads (with the exception of special use roads, such as those in parks, school campuses, military bases, etc.). In the Lynchburg District, for example, there are no known public roads with a posted regulatory speed limit below 25 MPH. In fact, a query of the VDOT Central Office determined that there are only a handful of known locations in the State of Virginia with a regulatory speed limit below 25 MPH for State maintained highways (not including streets maintained by localities). The Central Office indicates that only one (1) speed reduction below 25 MPH has been implemented in the past 10 years.
3. Included in the citizen's reasoning for a reduced speed along the study segment, is the concern for the safety of children living in the Community of Gladstone. While Traffic Engineering does not recommend a further reduction in the 25 MPH Speed Limit (which is the standard speed limit applied to local neighborhood roads, many of such roads having denser residential development and higher traffic volumes than the study segment), there is a process which the citizen may desire to pursue through the County, to secure the installation of WATCH FOR CHILDREN Signs.
4. Apart from this Speed Study request, the concerned citizen suggested that Speed Humps be installed to enforce speed limit compliance. In regard to physical traffic calming measures, such as Speed Humps, to lower operating speeds, guidance for their implementation is provided in the VDOT document entitled, Traffic Calming Guide For Neighborhood Streets. According to this document, among the factors considered to qualify a road for such measures, the daily traffic volume must be 600 vpd or greater, and the measured 85<sup>th</sup> percentile speed must exceed the posted speed by at least 10 MPH (i.e., for a 25 MPH Speed Limit, the 85<sup>th</sup> percentile speed must be at least 35 MPH). The study segment does not meet either of these thresholds. Any requests for traffic calming would first start at the County level.
5. As stated in Section C and Section D of this report, most of the residential properties do not have off-street parking accommodations, and on-street parking was observed along the 650-foot segment of Route 656 where sufficient pavement width exists. This segment (shown in Figure 1) extends eastward from just east of the previously discussed sharp horizontal curve to just west of the reverse curve. A recommendation will be provided, apart from this study, to install solid white edgelines along both sides of this segment to define the parking area for westbound traffic and effectively narrow both the westbound and eastbound travel lanes. This delineated reduction in the width of the travel lanes may serve to reduce operating speeds along the road.

## Study Area Map

NOTE: Map is provided for illustrative purposes and may not accurately depict the most recent roadway conditions.



TO: Gerry L. Harter, P.E., PTOE  
 DISTRICT: Lynchburg  
 e-mail to [Marie.Gibson@VDOT.Virginia.gov](mailto:Marie.Gibson@VDOT.Virginia.gov)

FR: Chris Winstead  
 DISTRICT: Lynchburg

Received By: (Name)	Chris Winstead	Location:	
Received From: (Name)	Charles Brown	Address:	
Phone #:		City, State, Zip:	

County:	<b>Nelson</b>	Subdivision:	<b>Gladstone Community</b>
Route:	<b>656 (Gladstone Road)</b>	Specific Location:	From: 0.10 miles west of Route 691
Area:			To: 0.60 miles west of Route 691
District:	Lynchburg		Distance: 0.50 miles

**Description of Request**

**Date: 06/14/19**

Please perform a speed study on Route 656 in Nelson County for the Gladstone Community.

**Due date (if applicable):**

**Traffic Engineering Recommendation**

**Date: 10/30/19**

**Work Scope:** A Traffic Engineering review has been conducted on Route 656 (Gladstone Road), within the Gladstone Community in Nelson County, to determine if the existing 25 MPH Speed Limit is appropriate for this road, and if any other changes are needed to improve safety.

**Recommendations (Speed Study):** Based on the results of the Speed Study, including road conditions / geometrics controlling operating speeds, very low traffic volumes, moderate roadside development, lack of crash activity, and a recorded 85<sup>th</sup> percentile speed of 30 MPH, it is recommended that the existing posted 25 MPH Speed Zone on Route 656, from 0.10 miles west of Route 691 (Center Hill Lane) to 0.60 miles west of Route 691, a distance of 0.50 miles, be retained.

**Additional Analysis/Recommendations:** During the field review conducted for the Speed Study, it was noted that there is a sharp curve located approximately 0.55 miles west of Route 691 (175 feet east of the existing 25 MPH Speed Limit Sign for eastbound traffic), which has a safe advisory speed of 10 MPH based on ball bank readings of 10- to 11-degrees at this speed. Currently this curve is equipped with one (1) Chevron Alignment Sign for eastbound traffic and one (1) for westbound traffic, each mounted on the same post. It is Traffic Engineering's judgment that, although no crashes have occurred in this curve, sign improvements should be made to enhance safety at this location.

Additionally, the concerned citizen who initiated this review noted that children play at the residences along Route 656, and he is concerned for their safety due to the close proximity of the dwellings to the roadway (being 10- to 20-feet from the road) and the existence of on-street parking in front of the residences. He fears that children, darting into the road, may not be seen by the travelling public. It is Traffic Engineering's judgment that the existing posted 25 MPH Speed Limit, the obvious residential nature of this road, and the very low traffic volumes (year 2018 AADT published volume of 100 vehicle per day (vpd) and recorded volume of 73 vehicles during a recent 24-hour period in June 2019) mitigate the stated safety concerns.

- Continued -

County:	<b>Nelson</b>	Subdivision:	<b>Gladstone Community</b>
Route:	<b>656 (Gladstone Road)</b>	Specific Location:	From: 0.10 miles west of Route 691
Area:			To: 0.60 miles west of Route 691
District:	Lynchburg		Distance: 0.50 miles

In relation to this same concern, the reviewer noted that there are back-to-back GLADSTONE Unincorporated Place (I-V8a) Signs, installed in the reverse curve approximately midway through this community, well after motorists enter this residential area. To heighten unfamiliar motorists' awareness of the fact that they are entering the quaint community of Gladstone, and the possibility of encountering local area residents, including children, Traffic Engineering will recommend installing additional I-V8a signs closer to the entry points to this community, one (1) for each direction of travel. TE will also suggest that the concerned citizen be advised of the process to secure WATCH FOR CHILDREN Signs along this road.

In regard to on-street parking, such activity was observed along a 650-foot straight segment of Route 656 heading westbound. This segment, which is the only portion of road wide enough to support parking, extends eastward from just east of the previously discussed sharp horizontal curve to just west of the reverse curve. The addition of a solid white pavement-marked line in this segment would help define the parking area and narrow the westbound travel, which may result in reduced speeds along the road. While pavement width along the eastbound side of Route 656 is not wide enough to support parking, a solid white edgeline for this approach would effectively narrow this travel lane as well. Research has shown that narrowing the lanes has a tendency to cause drivers to slow down.

During the field review, it was noted that visibility to the Reduced 25 MPH Speed Limit Ahead (W3-5) Sign for eastbound traffic, and for westbound traffic, will soon be obscured due to growing vegetation in front of the sign, and on the sign post. This should be trimmed back.

Finally, there are several areas of pavement, particularly along the westbound lane of Route 656, which are deteriorated/damaged, and should be reviewed for corrective action.

Based on the above, the following recommendations are provided to improve safety on Route 656 in the community of Gladstone:

- For the sharp curve located approximately 0.55 miles west of Route 691 (see Figure 1):
  - Install a Turn (Right) (W1-1R) Sign and 10 MPH Advisory Speed (W13-1P) Plaque along Route 656 westbound, approximately 75 feet east of the curve.
  - Install a Turn (Left) (W1-1L) Sign and 10 MPH Advisory Speed (W13-1P) Plaque along Route 656 eastbound, approximately 50- to 75-feet west of the curve. This sign should be installed approximately 100- to 125- feet east of the 25 MPH Speed Limit Sign.
  - Remove the two (2) Chevron Alignment (W1-8) Signs mounted on the same post along the outside of this curve, and Replace them with two (2) One-Direction Large Arrow (W1-6) Signs at the same location, one (1) sign facing eastbound traffic, pointing left, and one (1) sign facing westbound traffic, pointing right.
- To increase drivers' awareness that they are entering the Community of Gladstone (See Figure 1), where they may encounter local area residents, including children:

County:	<b>Nelson</b>	Subdivision:	<b>Gladstone Community</b>
Route:	<b>656 (Gladstone Road)</b>	Specific Location:	From: 0.10 miles west of Route 691
Area:			To: 0.60 miles west of Route 691
District:	<b>Lynchburg</b>		Distance: 0.50 miles

- Continued -

- Install a GLADSTONE Unincorporated Place (WI-V8a) Sign along Route 656 westbound approximately 0.25 miles west of Route 691.

- Install a GLADSTONE Unincorporated Place (WI-V8a) Sign along Route 656 eastbound approximately 200 feet west of the 25 MPH Speed Limit Sign, located approximately 0.60 miles west of Route 691. This will require the Relocation of the Reduced 25 MPH Speed Limit Ahead (W3-5) Sign, currently located 200 feet west of the 25 MPH Speed Limit Sign, to a new location approximately 200 feet to 250 feet further west.

*Note: the existing back-to-back GLADSTONE Unincorporated Place (WI-V8a) Signs currently located approximately 0.39 miles west of Route 691, are to remain in place.*



**Figure 1: Gladstone Route 656 Proposed Sign Improvements**

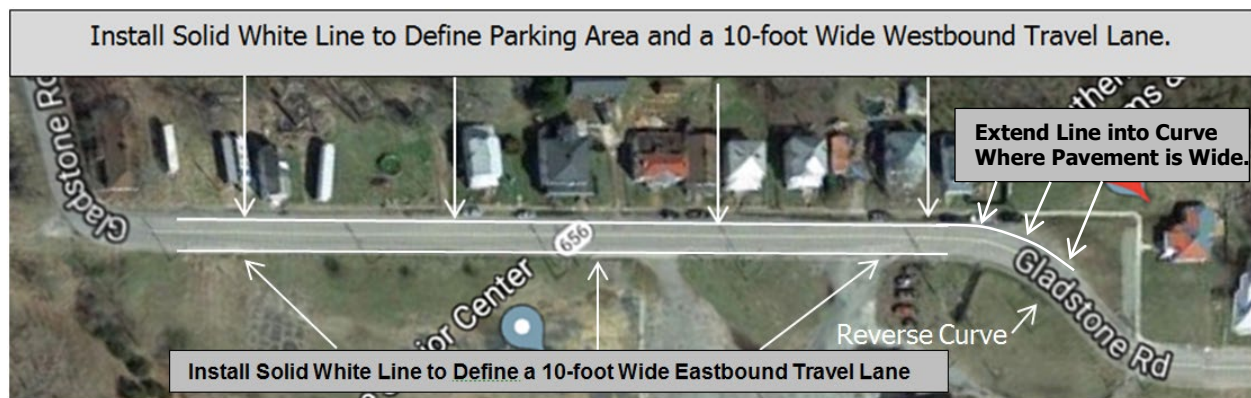
- To help define the parking area along the westbound travel lane of Route 656 where sufficient pavement width exists to support parking, and to narrow the westbound and eastbound travel lanes to encourage slower traveling speeds, the following recommendation is provided (See Figure 2):
  - Install solid white pavement-marked edgelines along the westbound and eastbound sides of Route 656, in the straight segment, to delineate a 10-foot travel lane for each direction of travel, as shown in Figure 2. The edgeline for the westbound approach should be extended into the reverse curve where the pavement begins to widen in that curve, for westbound traffic.

*Note: Prior to this work being accomplished, the pavement in this area will need to be repaired and cleaned by the Residency.*

County:	Nelson	Subdivision:	Gladstone Community
Route:	656 (Gladstone Road)	Specific Location:	From: 0.10 miles west of Route 691
Area:			To: 0.60 miles west of Route 691
District:	Lynchburg		Distance: 0.50 miles

- Continued -





**Figure 2: Gladstone Route 656 Proposed Pavement Marking Improvements**

To maximize awareness of the Reduced Speed Zone in Gladstone, the following recommendations are provided:

- Trim the foliage growing near/on the Reduced 25 MPH Speed Limit Ahead (W3-5) Sign, in advance of the 25 MPH Speed Limit Sign approaching the Community of Gladstone from the east.
- Trim the foliage growing near/on the Reduced 25 MPH Speed Limit Ahead (W3-5) Sign, in advance of the 25 MPH Speed Limit Sign approaching the Community of Gladstone from the west.

*Traffic Engineering recommends that the Residency review pavement condition, and determine what level of corrective action is appropriate. Traffic Engineering also suggests that the Residency contact the concerned citizen, advising him of the process to secure the installation of WATCH FOR CHILDREN Signs through the County.*

If you concur, please have your Residency crews perform the recommended sign and trimming work, pavement review, repair, and cleaning, and advise the concerned citizen of the process to secure WATCH FOR CHILDREN Signs through the County, and once the pavement surface has been prepared for striping, we will have our District pavement marking crew stripe the recommended solid white lines; all advising this office of the completion dates.

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**Residency Concurrence**

**Date:**

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RECOMMENDATION BY: Anthony D. Rago, Traffic Engineer  
 COMPLETED BY: William C. Field, Traffic Engineering Technician, Sr.

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**DATE RECOMMENDED WORK COMPLETED:**

- Sign Work
- Trimming Work
- Pavement Review/Repair/Cleaning
- Residency Notification to Citizen
- Pavement Striping

CAR_SPEED_ LIMIT	LENGTH	ROUTE_COMMON_NAME	ROUTE_FRO M_MEASURE	START_LABEL	ROUTE_TO_ MEASURE	END_LABEL	COMMENT_TEXT	SUB_DIVISION_N AME	SIGN_INSTALLED_ DATE
25	0.5	SC-693N (Nelson County)	1.93	0.05 Mi. South of Route 803 Int. - Tillman Lane	2.43	0.45 Mi. North of Route 803 Int. - Tillman Lane	Original Route Alias: Salem Road	SCHUYLER AREA	1/1/1932
25	0.05	SC-639N (Nelson County)	0	Route 747 Int. - Marietta Lane	0.05	Route 56 South Int. - James River Road	Original Route Alias: Nelson AvenueIn accordance with Section 46.2-874 of the Code of Virginia.	SHIPMAN	1/29/1999
25	0.32	SC-634N (Nelson County)	1.09	0.32 mile west of Route 151 Route 151 South Int. - Rockfish Valley Highway	1.204	Route 151 South Int. - Rockfish Valley Highway	Original Route Alias: Monocan DriveIn accordance with Section 46.2-874 of the Code of Virginia.		7/14/1999
25	0.32	SC-634N (Nelson County)	1.204	0.10 Mi. West of Route 691 Int. - Center Hill Lane	1.41	Route 151 South Int. - Rockfish Valley Highway	Original Route Alias: Monocan DriveIn accordance with Section 46.2-874 of the Code of Virginia.		7/14/1999
25	0.5	SC-656N (Nelson County)	0.97	Center Hill Lane	1.47	0.60 Mi. West of Route 691 Int. - Center Hill Lane	Original Route Alias: Gladstone Road	COMM. OF GLADSTONE	1/1/1932
25	1.3	SC-617N (Nelson County)	0.65	0.20 Mi. East of Route 693 Int.	1.75	0.05 MI W RTE 630 INT		COMM. OF SCHULYER	1/1/1932
25	1.3	SC-617N (Nelson County)	0.45	RTE 693 INT	0.65	0.20 Mi. East of Route 693 Int.		COMM. OF SCHULYER	1/1/1932
25	0.2	SC-835E (Nelson County)	0	Route 734 Int. - Lobo Lane	0.2	Cul-de-Sac	Original Route Alias: Turner LaneIn accordance with Section 46.2-874 of the Code of Virginia. (Not Posted)		5/12/2015
25	0.62	SC-804N (Nelson County)	0	End of Route	0.508	Route 617 Int. - Rockfish River Road	Original Route Alias: Riverside DriveIn accordance with Section 46.2-874 of the Code of Virginia.	SCHUYLER AREA	5/1/1997
25	0.14	SC-777E (Nelson County)	0	Route 860 Int. - Village Road	0.14	Route 772 Int. - Montreal Lane	Original Route Alias: Pines LaneIn accordance with Section 46.2-874 of the Code of Virginia.	SHIPMAN AREA	11/6/1991
25	0.17	SC-1001N (Nelson County)	0.13	Route 29 Int. - Thomas Nelson Highway	0.3	Route 29 Business Int. - Front Street	Original Route Alias: Main StreetIn accordance with Section 46.2-874 of the Code of Virginia.	COMM. OF LOVINGSTON	5/14/1990
25	0.49	SC-1001N (Nelson County)	0.3	Route 29 Business Int. - Front Street	0.79	Route 711 Int. - Orchard Road	Original Route Alias: Main Street/Court StreetIn accordance with Section 46.2-874 of the Code of Virginia.	LOVINGSTON	5/15/2002
25	0.24	SC-802N (Nelson County)	0	Route 635 Int. - Cold Creek Lane	0.15	Dead End	Original Route Alias: Rockfish School LaneIn accordance with Section 46.2-874 of the Code of Virginia.	GREENFIELD	5/16/2006
25	0.69	SC-1020N (Nelson County)	0	Route 6 South Int. - River Road	0.69	Route 6 North Int. - River Road	Original Route Alias: Edgehill WayIn accordance with Section 46.2-874 of the Code of Virginia.		3/29/2017
25	1.21	SC-605N (Nelson County)	0	Dead End	1.1	Route 639 Int. - Laurel Road	Original Route Alias: Peavine LaneIn accordance with Section 46.2-874 of the Code of Virginia.		10/9/2008
25	0.85	SC-635N (Nelson County)	0	Dead End	0.85	Route 151 South Int. - Rockfish Valley Highway	Original Route Alias: Rockfish School LaneIn accordance with Section 46.2-874 of the Code of Virginia.		6/20/2006
25	0.5	SC-784N (Nelson County)	0	Dead End	0.5	Route 151 Int. - Rockfish Valley Highway	Original Route Alias: Bland Wade LaneIn accordance with Section 46.2-874 of the Code of Virginia.		8/19/1997
25	0.4	SC-808N (Nelson County)	0	Route 800 Int. - Schuyler Road	0.4	End of Route	Original Route Alias: Gold Mine LaneIn accordance with Section 46.2-874 of the Code of Virginia.	NORTH OF SCHUYLER	7/1/1992
25	0.85	SC-734N (Nelson County)	0	Cul-de-Sac	0.83	Route 662 Int. - Phoenix Road	Original Route Alias: Lobo LaneIn accordance with Section 46.2-874 of the Code of Virginia.		5/12/2015
25	0.9	SC-749N (Nelson County)	0	Route 635 Int. - Rockfish School Lane	0.9	Dead End	Original Route Alias: Crawfords View RoadIn accordance with Section 46.2-874 of the Code of Virginia.		6/20/2006
25	0.47	SC-714E (Nelson County)	0	Dead End	0.6	Route 617 Int. - Rockfish River Road	Original Route Alias: Drumheller LaneIn accordance with Section 46.2-874 of the Code of Virginia.	Rockfish	9/29/2006
25	0.17	SC-786E (Nelson County)	0.011	Route 29 Int. - Thomas Nelson Highway	0.18	Route 742 Int. - Old Ridge Road	Original Route Alias: Woods Mill LaneIn accordance with Section 46.2-874 of the Code of Virginia.		10/9/2008
25	0.93	BUS US-29N (7 Nelson County)	0	Route 29 South Int. - Thomas Nelson Highway	0.92	Route 29 North Int. - Thomas Nelson Highway	Original Route Alias: Front Street/Northside Lane	COMM. OF LOVINGSTON	5/14/1990
25	3.17	SC-814N (Nelson County)	1.3	1.30 miles North of Route 56 (Crabtree Falls Highway)	4.47	Blue Ridge Parkway	Original Route Alias: Campbells Mountain Road - Va. Code Section 46.2-878		12/21/2023
25	0.34	SC-712N (Nelson County)	0	Route 56 Int. - Crabtree Falls Highway	0.37	Dead End	Original Route Alias: Battery Hill LaneIn accordance with Section 46.2-874 of the Code of Virginia.		10/7/2008
25	0.25	SC-663E (Nelson County)	0.31	Route 730 Int. - Jones Creek Lane	0.55	Route 661 Int. - Phoenix Road	Original Route Alias: New Mount LaneIn accordance with Section 46.2-874 of the Code of Virginia.	SHIPMAN	6/11/1996
25	0.23	SC-770N (Nelson County)	0	Route 29 South Int. - Thomas Nelson Highway	0.25	Route 29 North Int. - Thomas Nelson Highway	Original Route Alias: Cannery LoopIn accordance with Section 46.2-874 of the Code of Virginia.	Shipman Area	4/9/2003
25	0.15	SC-720N (Nelson County)	0	Route 665 Int. - Wilson Hill Road	0.15	Route 655 Int. - Arrington Road	Original Route Alias: Farrar LaneIn accordance with Section 46.2-874 of the Code of Virginia.		4/21/2005
25	0.4	SC-816N (Nelson County)	0	Route 613 Int. - Rodes Farm Drive	0.4	End of Route	Original Route Alias: Roberts Ridge LaneIn accordance with Section 46.2-874 of the Code of Virginia.	RHODES FARM	6/13/1994
25	0.31	SC-860N (Nelson County)	0	0.25 Mi. South of Route 777 Int. - Pines Lane	0.31	0.06 Mi. North of Route 777 Int. - Pines Lane	Original Route Alias: Village RoadIn accordance with Section 46.2-874 of the Code of Virginia.	SHIPMAN AREA	11/6/1991
25	0.2	SC-747E (Nelson County)	0	0.10 Mi. West of Route 639 Int. - Nelson Avenue	0.2	End of Route	Original Route Alias: Marietta LaneIn accordance with Section 46.2-874 of the Code of Virginia.	SHIPMAN	1/29/1999
25	0.58	SC-760N (Nelson County)	0	End State Maintenance	0.58	Route 6/151 Int. - Rockfish Valley Highway	Original Route Alias: Sunrise DriveIn accordance with Section 46.2-874 of the Code of Virginia.		11/6/1991
25	0.32	SC-634S (Nelson County)	1.204	0.32 Mi. West of Route 151 South Int. - Rockfish Valley Highway	1.41	Route 151 South Int. - Rockfish Valley Highway	Original Route Alias: Monocan DriveIn accordance with Section 46.2-874 of the Code of Virginia.		7/14/1999
25	0.2	SC-890E (Nelson County)	0	Route 734 Int. - Lobo Lane	0.24	Cul-de-Sac	Original Route Alias: Jefferson LaneIn accordance with Section 46.2-874 of the Code of Virginia. (Not Posted)		5/12/2015

Code of Virginia  
 Title 46.2. Motor Vehicles  
 Chapter 13. Powers of Local Governments

**§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.**

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;
2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed 60 days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;
3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the primary state highway system in a town that has a population of less than 3,500;
4. Reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs. At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this subdivision, the governing body shall provide written notice of the change to the Commissioner of Highways. If any provision of this subdivision is inconsistent with the provisions of § [33.2-310](#), [33.2-317](#), [33.2-326](#), or [46.2-878](#), this subdivision shall be controlling.

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

C. No governing body of a county, city, or town may (i) provide penalties for violating a provision of an ordinance adopted pursuant to this section that is greater than the penalty imposed for a similar offense under the provisions of this title or (ii) provide that a violation of a provision of an ordinance adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is prohibited for a similar offense under the provisions of this title.

D. No county whose roads are under the jurisdiction of the Department of Transportation shall designate, in terms of distance from a school, the placement of flashing warning lights unless the authority to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.

E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.



Code 1950, §§ 46-198, 46-200; 1956, c. 134; 1958, c. 541, § 46.1-180; 1960, c. 172; 1972, c. 522; 1984, c. 345; 1989, c. 727; 2020, Sp. Sess. I, cc. [45](#), [51](#); 2021, Sp. Sess. I, c. [318](#); 2024, c. [842](#).

# Route 151 Through Truck Restriction

(Not related to truck length or weight)

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**VIRGINIA STATE CODE §46.2-809**

# Virginia State Code §46.2-809

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The Commonwealth Transportation Board, *or its designee*, in response to a formal request by a local governing body, after such body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic of any part of a *primary or secondary* highway if a **reasonable alternate route is provided**. *The Board, or its designee, shall act upon any such formal request within nine months of its receipt, unless good cause is shown.* **Such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck**, as may be necessary to promote the health, safety, and welfare of the citizens of the Commonwealth. Nothing in this section shall affect the validity of any city charter provision or city ordinance heretofore adopted.

**The Commonwealth Transportation Board delegates the authority to restrict through truck traffic on secondary highways to the Commissioner of the Virginia Department of Transportation. Such restrictions can apply to any truck, truck and trailer or semi-trailer combination, or any combination of those classifications.** Consideration of all such restrictions by the Commissioner is subject to guidelines as adopted by the Board. **The Commonwealth Transportation Board retains the authority to restrict through truck traffic on primary highways.**

# VDOT Guidelines in Requesting a Through Truck Restriction

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The local governing body must hold a public hearing and make a formal request of the Department. The following must be adhered to:

- A. The public notices for the hearing must include **a description of the proposed through truck restriction and the alternate route with the same termini**. A copy of the notices must be provided.
- B. A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
- C. The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.
- D. The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.

Failure to comply with (A), (B), (C) and (D) will result in the request being returned. The Commonwealth Transportation Board and the Commissioner shall act upon any such formal request within nine months of its receipt, unless good cause is shown.

# Proposed Through Truck Restriction 1:

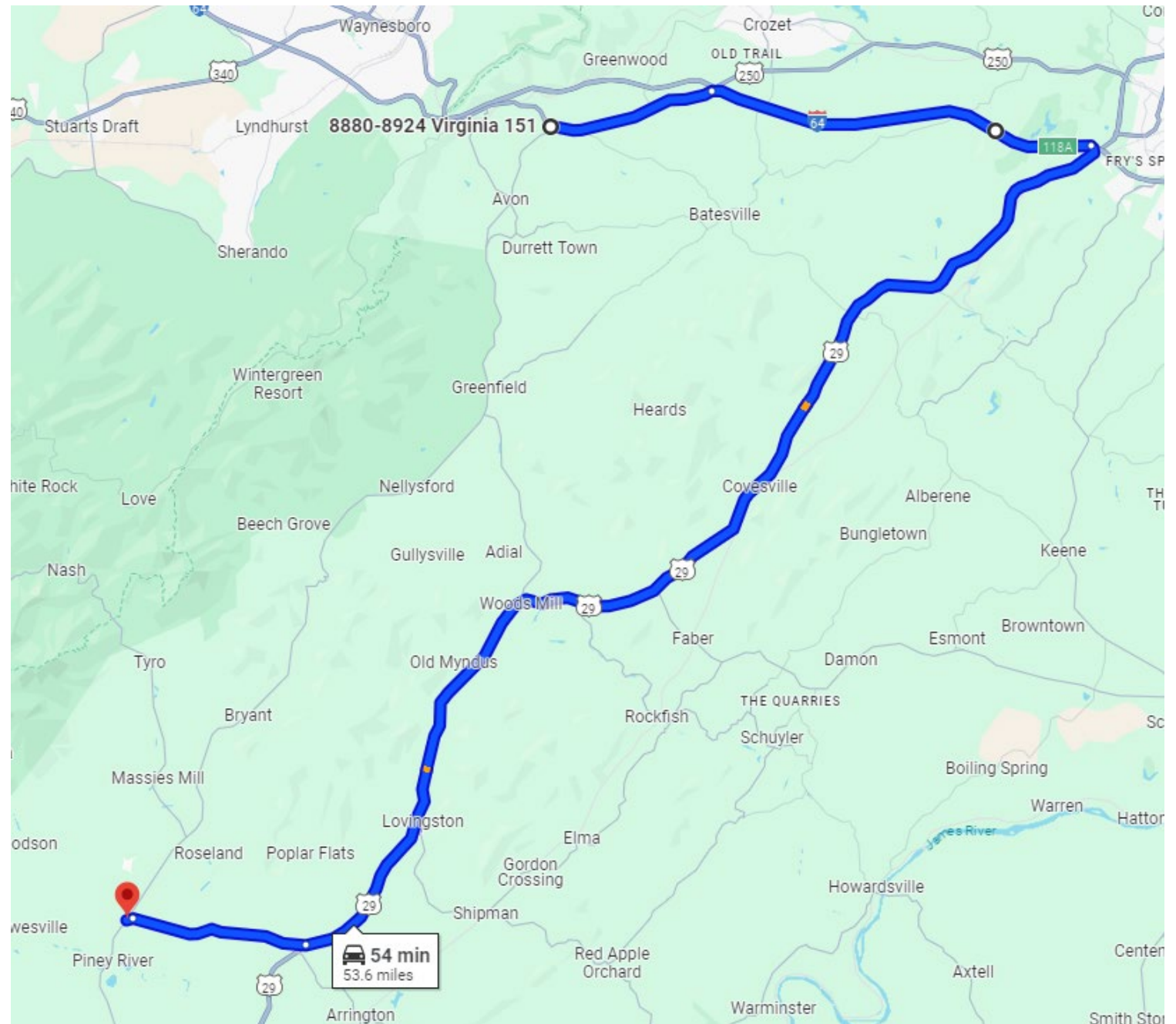
Route 250 intersection with  
Route 151 in Afton  
(beginning termini) South to  
the intersection of Route 151  
and Route 56 West at Piney  
River (ending termini). 27.3  
Miles, 33 Minutes (Google  
Maps)

*Coordination with Albemarle  
County and Culpeper District  
VDOT would be required to  
restrict the portion of Route  
151 in Albemarle County*



# Proposed Alternate Route 1:

Route 250 Intersection with  
Route 151 in Afton  
(beginning termini) East to  
Route I-64 to Exit 118 A to  
US Route 29 South to the  
intersection of Route 151  
and Route 56 West at Piney  
River (ending termini). 53.6  
Miles, 54 Minutes (Google  
Maps)

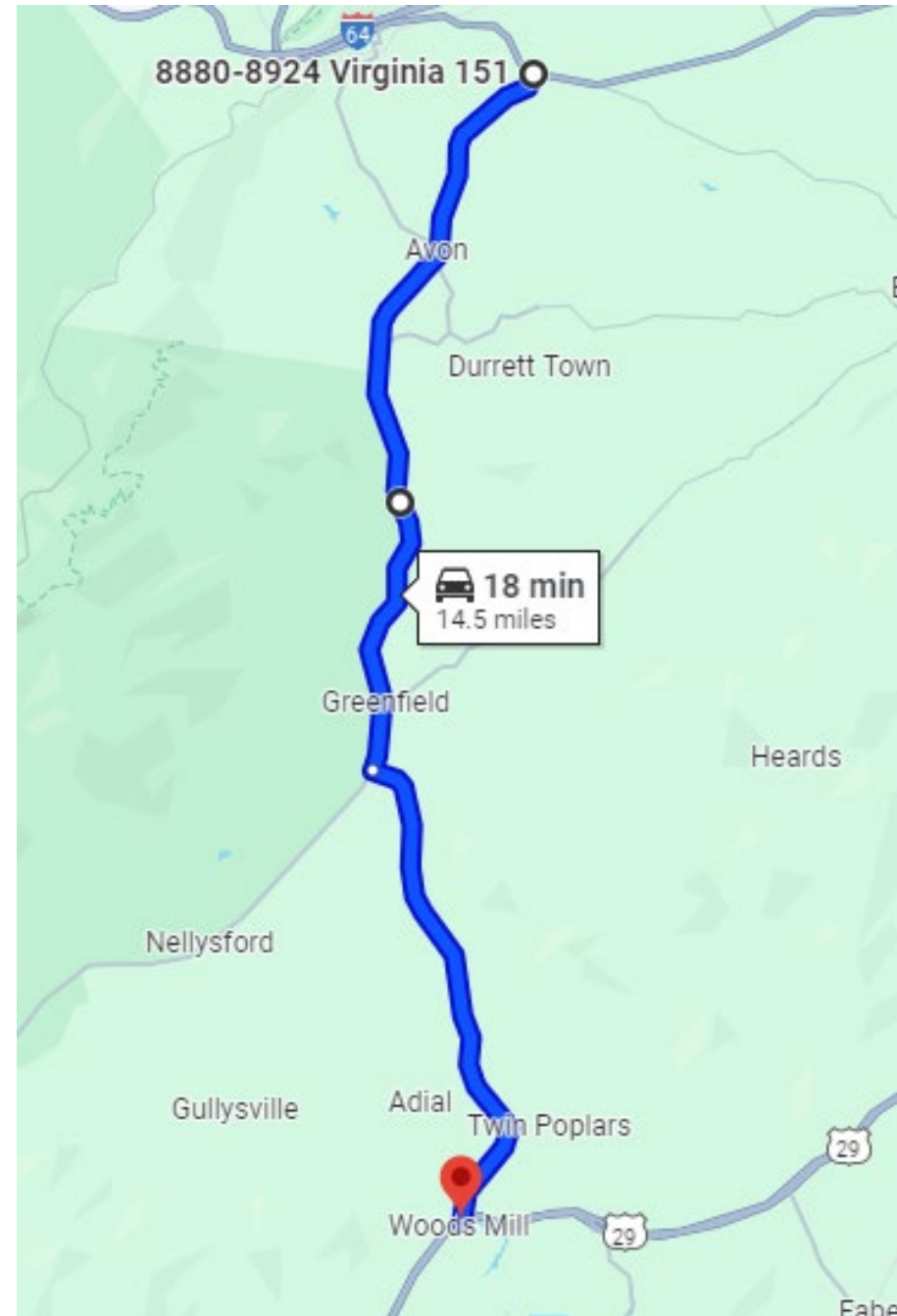




# Proposed Through Truck Restriction 2:

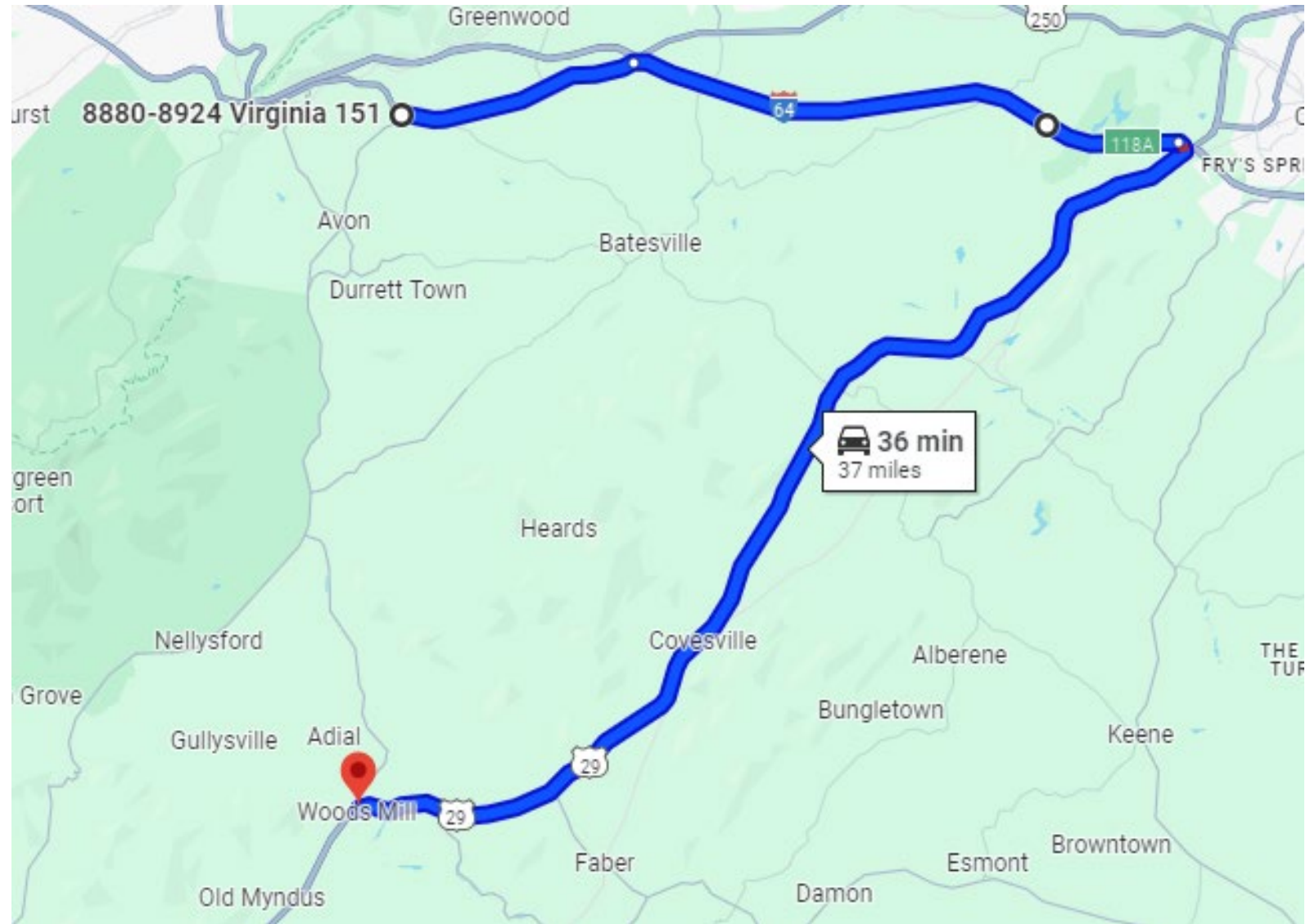
Route 250 intersection with Route 151 in Afton (**beginning termini**) to the intersection of Route 151 and Route 6, River Road, East to US Route 29 South at Woods Mill (**ending termini**). 14.5 Miles, 18.0 Minutes (Google Maps)

*Coordination with Albemarle County and Culpeper District VDOT would be required to restrict the portion of Route 151 in Albemarle County. VDOT may consider this a restriction on 2 Routes (Rt. 151 and Rt. 6) A determination from VDOT on this has been requested.*



# Proposed Alternate Route 2:

Route 250 intersection with  
Route 151 in Afton  
(beginning termini) East to  
Exit 107 to Route I-64 East to  
Exit 118 A to US Route 29  
South to intersection of  
Route 151 and Route 6, River  
Road at Woods Mill (ending  
termini). 37.0 Miles, 36  
Minutes (Google Maps)





# Analysis of Proposed Through Truck Restrictions 1 & 2

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- Both proposed restrictions involve roads classified by VDOT as Primary Highways; which means the Commonwealth Transportation Board (CTB) retains the authority to approve through truck restrictions on these routes.
- Proposed Restriction #1 only involves the primary highway of concern (Route 151).
- Proposed Restriction #2 involves restricting Route 151 and Route 6, River Road; which may or may not be considered 2 separate Primary Highway restrictions by VDOT. A determination by them on this has been requested.
- For both proposed restrictions, coordination with Albemarle County and Culpeper District VDOT would be required to restrict the portion of Route 151 in Albemarle County. (Intersection with Route 250)

# Commonwealth Transportation Board (CTB) Proposed Restriction Evaluation Criteria

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The Commonwealth Transportation Board (CTB) will consider the following criteria 1 through 4 in reviewing a requested through truck restriction. The **proposed restriction must meet both** the first and second criteria in order to be approved.

In addition to meeting the first two criteria, the **proposed restriction must meet either** the third or the fourth criteria in order to be approved.

# Both Criteria 1 and 2 Must Be Met:

---

1. Reasonable alternate routing is provided. The alternate route will be evaluated for traffic and safety related impacts. To be considered "reasonable", the alternate route(s) must be engineered to a standard sufficient for truck travel, and must be judged at least as appropriate for truck traffic as the requested truck restriction route. If an alternate route must be upgraded, the improvement shall be completed before the truck restriction can be implemented. The termini of the proposed restriction must be identical to the alternate routing to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.
2. The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

# Criteria 1- Reasonable Alternate Route is Provided

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## Analysis of Proposed Alternate Routes 1 & 2:

- The CTB would evaluate the reasonableness of the alternate route Proposed.
- Both proposed alternate routes are engineered to a standard sufficient for truck travel, and are probably better engineered for truck traffic than either of the proposed restricted routes.

Proposed Alternate Route #1 has a greater distance of **26.3 Miles and would take 21.0 Minutes longer** to reach the same destination as using the Proposed Restricted Route #1 (Calculated using Google Maps.)

Restricted Route #1	Alternate Route #1	Difference
27.3 Miles	53.6 Miles	26.3 Miles
33 Minutes	54 Minutes	21.0 Minutes

# Analysis of Proposed Alternate Routes 1 & 2:

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Proposed Alternate Route #2 has a greater distance of **22.5 Miles and would take 18.0 Minutes longer** to reach the same destination as using the Proposed Restricted Route #2 (Calculated using Google Maps.)

Restricted Route #2	Alternate Route #2	Difference
14.5 Miles	37 Miles	22.5 Miles
18 Minutes	36 Minutes	18.0 Minutes

- ❖ Both proposed alternate routes are likely to be considered to “create an undue hardship for trucks in reaching their destination” because of the degree of greater distance and longer time it would take to reach the same destination as the proposed restricted routes.

## Criteria 2- The Character and/or Frequency of the Truck Traffic on the Route Proposed for Restriction is not Compatible With the Affected Area

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### Analysis of Proposed Restricted Routes 1 & 2

The CTB would evaluate whether or not the character and/or frequency of the truck traffic is compatible with the affected area for the proposed Route for restriction. Their evaluation would include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

❖ **This criteria has the possibility to be met for both proposed restricted routes.**

## Either Criteria 3 or 4 Must Be Met for the Proposed Restriction:

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3. The proposed restricted roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
4. The proposed restricted roadway must be functionally classified as either a Local or Collector.

## Criteria 3 – The Restricted Roadway is Residential in Nature

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### Analysis of Proposed Restricted Routes 1 & 2:

- The CTB would evaluate whether or not Routes 151 & Route 6, River Road are residential in nature and would typically judge it to be residential if there are at least 12 **dwelling**s combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
- ❖ **Staff evaluation of this criteria using GIS shows that both proposed restricted routes DO NOT meet this criteria.**

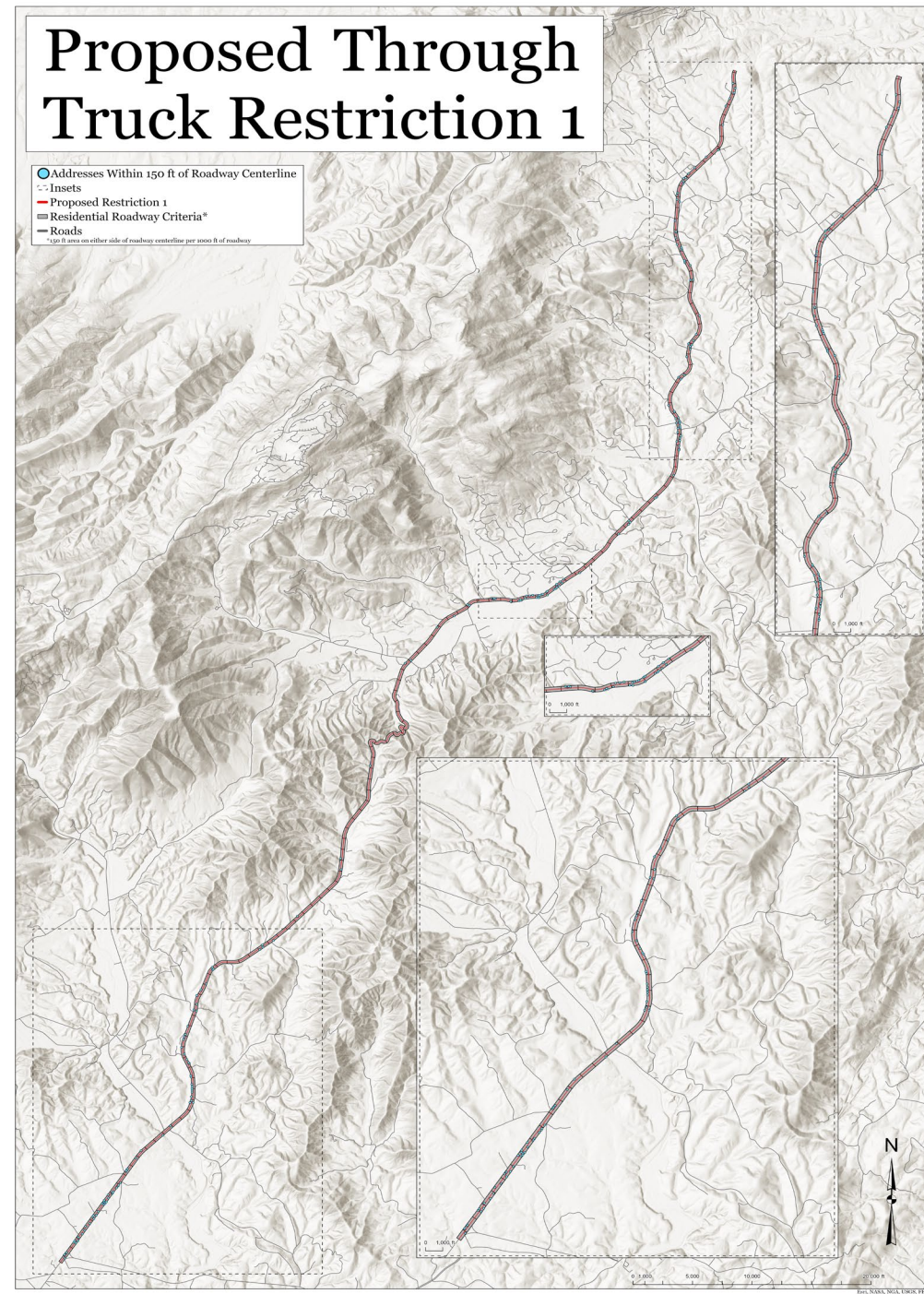


# Proposed Restricted Route 1

Route 250 intersection  
with Route 151 in Afton  
(beginning termini) South  
to the intersection of  
Route 151 and Route 56  
West at Piney River  
(ending termini).

GIS mapping shows NO  
1,000' segments that  
contain 12 or more  
\*address points,  
combined on both sides,  
within 150' of the  
centerline.

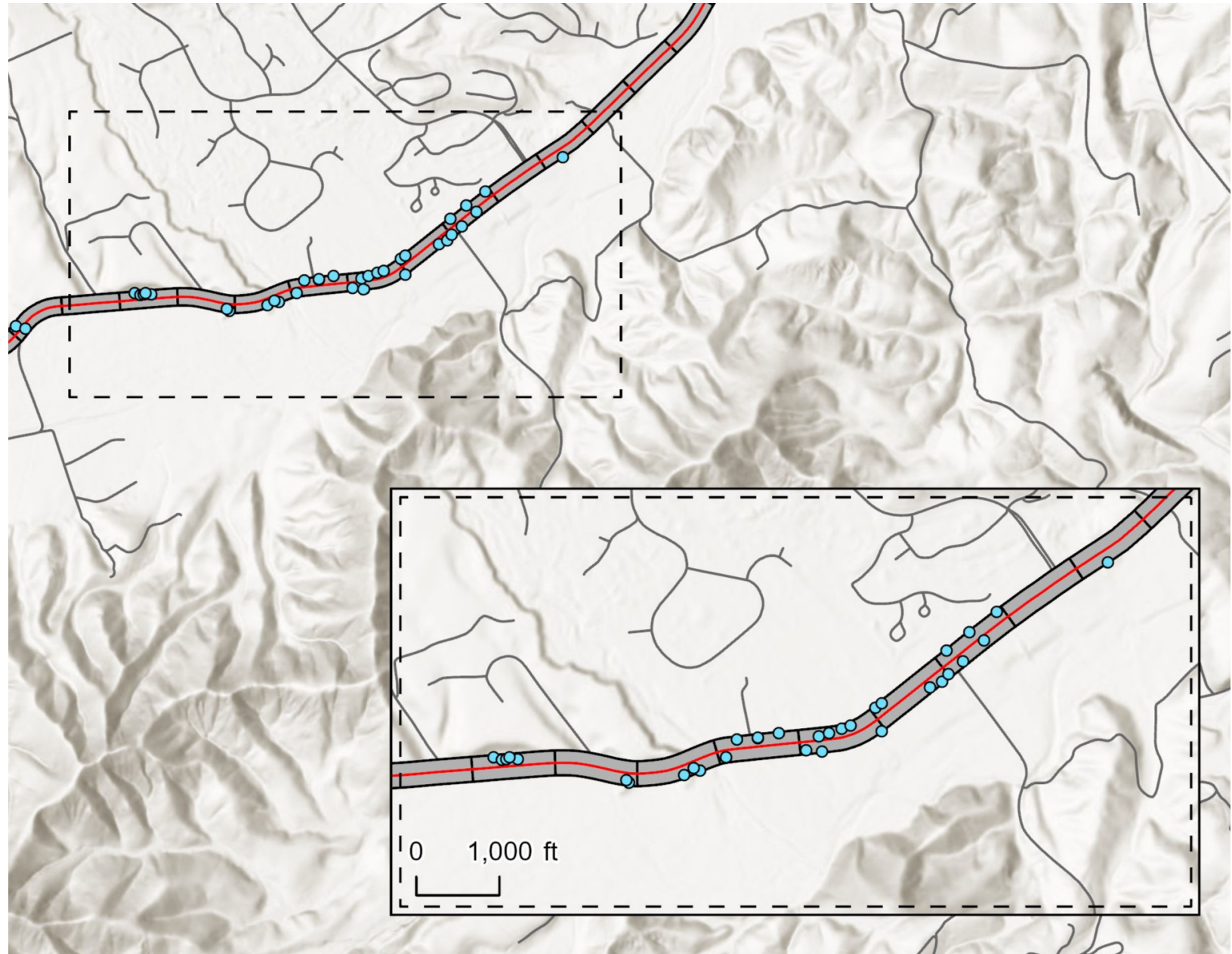
\*address points includes  
dwellings and any other  
structure with an address.





# Proposed Restricted Route 1

Route 151 inset of  
Nellysford, a high  
density area of  
qualifying address  
points on Route 151,  
does not meet  
Criteria 3.



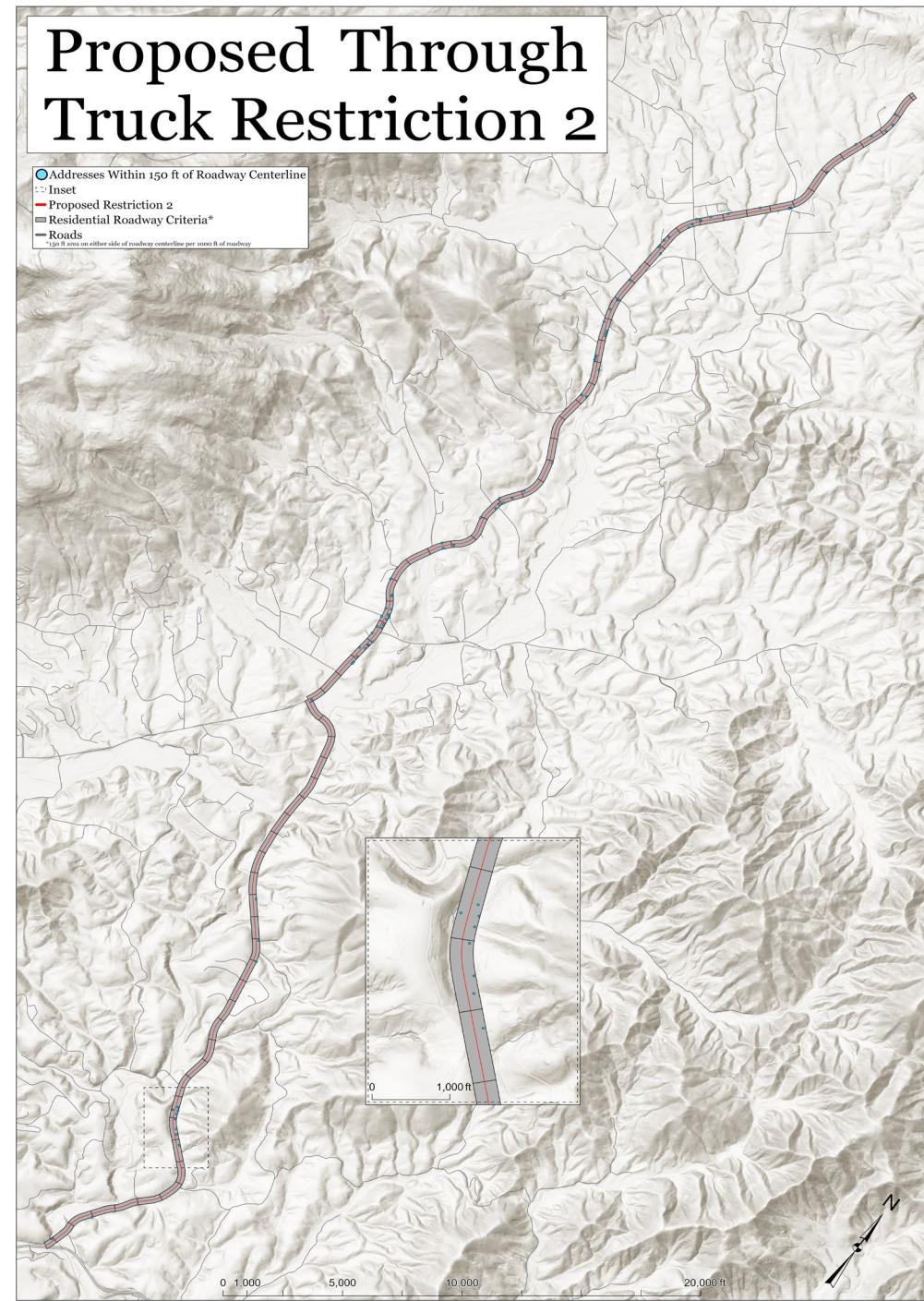


# Proposed Restricted Route 2

Route 250 intersection  
with Route 151 in Afton  
(beginning termini) to the  
intersection of Route 151  
and Route 6, River Road,  
East to US Route 29 South  
at Woods Mill (ending  
termini).

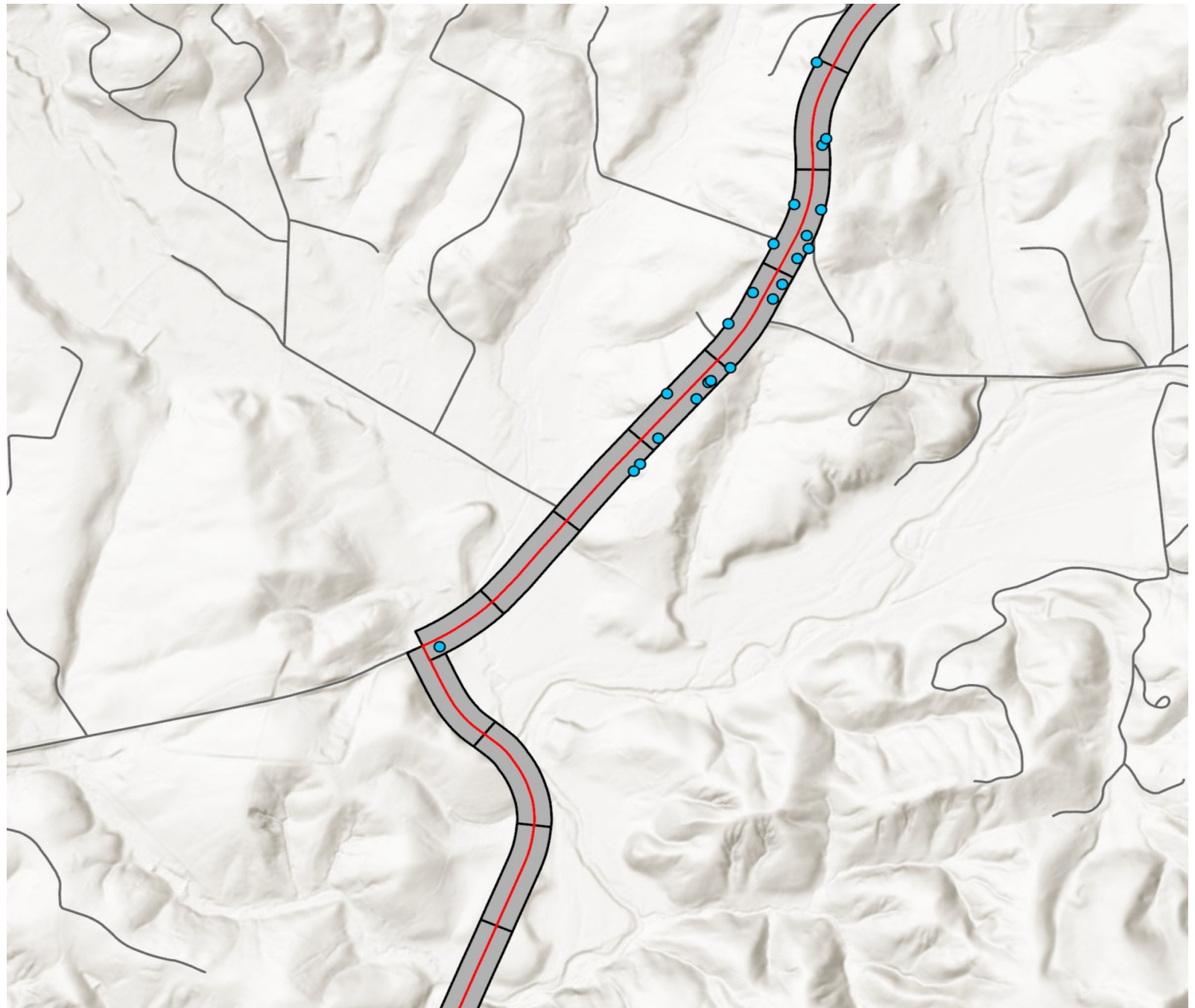
GIS mapping shows NO  
1,000' segments that  
contain 12 or more  
\*address points,  
combined on both sides,  
within 150' of the  
centerline.

\*address points includes  
dwellings and any other  
structure with an address.



## Proposed Restricted Route 2

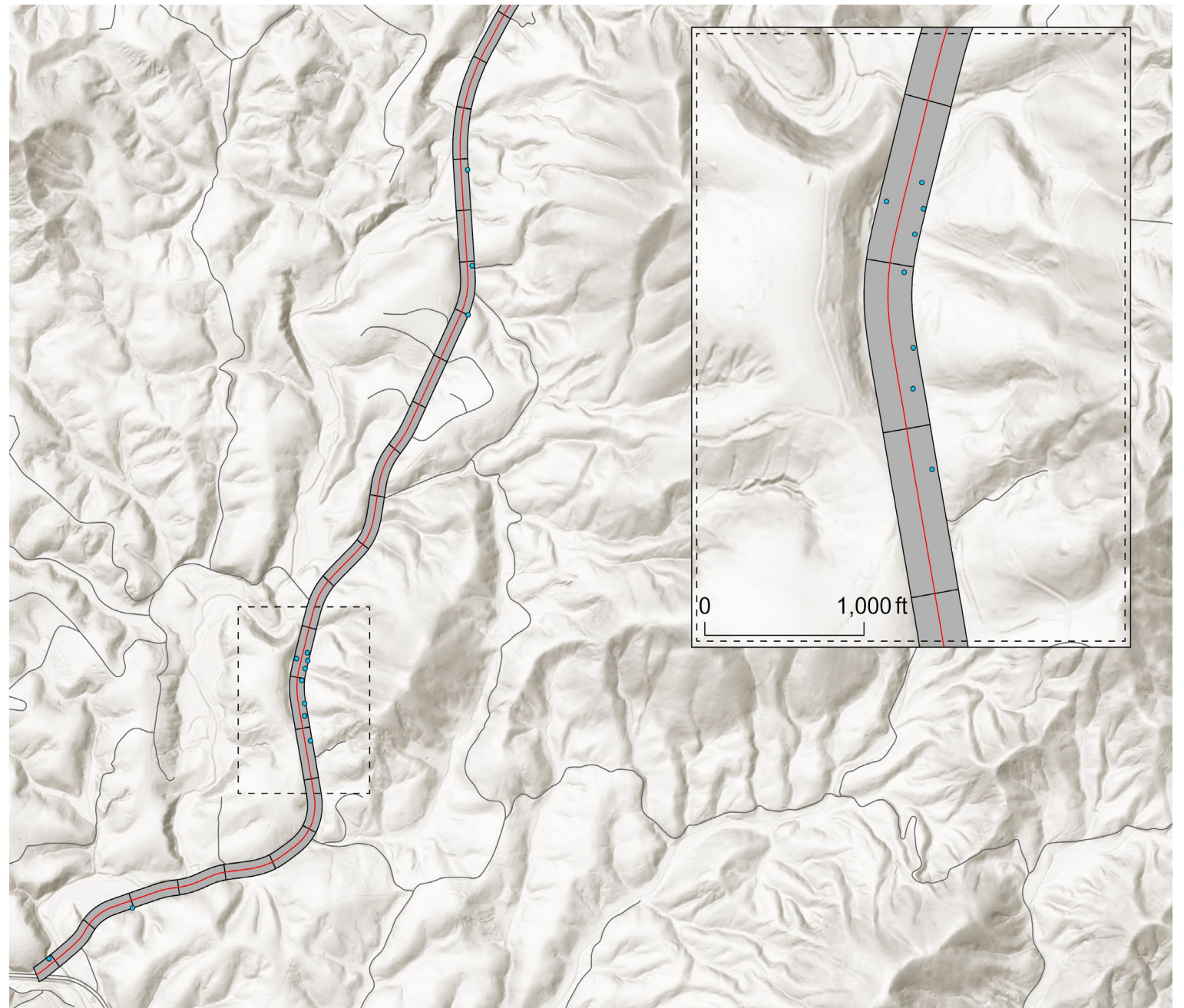
Northern section of  
Route 151, zoom of  
most dense zone of  
qualifying address  
points on Route 151  
in Martin's Store  
area, does not meet  
Criteria 3.





## Proposed Restricted Route 2

Route 6, River Road  
zoom of most dense  
area of qualifying  
address points on  
Route 6, does not  
meet Criteria 3.



## Criteria 4 – The Restricted Roadway Must be Functionally Classified by VDOT as Either a Local or Collector

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### Analysis of Proposed Restricted Routes 1 & 2:

- Route 151 is functionally classified as Minor Arterial
- Route 6, River Road is functionally classified as Minor Arterial

❖ This criteria **CANNOT** be met due to the VDOT functional classification of the proposed restricted routes.

Source: <https://www.arcgis.com/apps/mapviewer/index.html?layers=19a0da5cfafb4c7ebf1473c222d5ec6f>

# Conclusions & Discussion

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- **BOTH criteria 1 & 2 must be met.** The probability of meeting BOTH criteria 1 & 2 is fairly low due to the potential for not meeting criteria 1. The alternate routes are not likely to be considered “reasonable” due to the possible “undue hardship” that they may pose for trucks in reaching their destination. There is a good probability of meeting criteria 2 for both proposed restricted routes once further evaluated by VDOT traffic engineering.
- **EITHER criteria 3 or 4 must be met.** Criteria 3 CANNOT be met. Analysis using GIS shows that the proposed restricted routes are not “residential in nature” because they do not have at least 12 dwellings combined on both sides within 150 ft. of their centerlines per 1,000 ft. of roadway.
- Criteria 4 CANNOT be met due to both of the proposed restricted routes being functionally classified as Minor Arterial and not as Local or Collector.
- **With the inability to meet criteria 3 or 4 for both proposed through truck restrictions, staff does not recommend moving forward with the process to request a through truck restriction on Route 151 or Route 151 and Route 6, River Road.**

# Other Measures That May Reduce Through Truck Traffic

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**The following measures are being sought to change the road geometry of Route 151, which will make it less conducive to through truck traffic:**

- A reduction in speed limit from 55 MPH to 50 MPH has been requested by staff, on behalf of the Board, for Route 151 North of Bland Wade Lane to the County line
- A roundabout at the intersection of Route 151 and Route 6, River Road, has been funded by the CTB and is in the engineering phase of construction
- The proposed roundabout at the intersection of Tanbark Drive and Route 151 in Afton is a pending final application for CTB Smart Scale funding.



Adopted by Commonwealth Transportation Board October 16, 2003

## GUIDELINES FOR CONSIDERING REQUESTS TO RESTRICT THROUGH TRUCKS ON PRIMARY AND SECONDARY HIGHWAYS

Section 46.2- 809 of the Code of Virginia provides:

The Commonwealth Transportation Board, *or its designee*, in response to a formal request by a local governing body, after such body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic of any part of a *primary or secondary* highway if a reasonable alternate route is provided. *The Board, or its designee, shall act upon any such formal request within nine months of its receipt, unless good cause is shown.* Such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, as may be necessary to promote the health, safety, and welfare of the citizens of the Commonwealth. Nothing in this section shall affect the validity of any city charter provision or city ordinance heretofore adopted.

### Background

It is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel. Travel by any class of vehicle on any class of highway should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system. The Board recognizes that there may be a limited number of instances when restricting through trucks from using a segment of a primary or secondary roadway will reduce potential conflicts, creating a safer environment and one that is in accord with the current use of the roadway. The Board has adopted these guidelines to govern and regulate requests for through truck restrictions on primary and secondary highways.

### Process

The Commonwealth Transportation Board delegates the authority to restrict through truck traffic on secondary highways to the Commissioner of the Virginia Department of Transportation. Such

restrictions can apply to any truck, truck and trailer or semi trailer combination, or any combination of those classifications. Consideration of all such restrictions by the Commissioner is subject to these guidelines as adopted by the Board. The Commonwealth Transportation Board retains the authority to restrict through truck traffic on primary highways.

In order to conform to the requirements of the Code of Virginia and to insure that all concerned parties have an opportunity to provide input, the local governing body must hold a public hearing and make a formal request of the Department. The following must be adhered to:

- (A) The public notices for the hearing must include a description of the proposed through truck restriction and the alternate route with the same termini. A copy of the notices must be provided.
- (B) A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
- (C) The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.
- (D) The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.

Failure to comply with (A), (B), (C) and (D) will result in the request being returned. The Commonwealth Transportation Board and the Commissioner shall act upon any such formal request within nine months of its receipt, unless good cause is shown.

#### Criteria

Travel by any class of vehicle should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any users of the transportation network. The Virginia Department of Transportation will consider criteria 1 through 4 in reviewing a requested through truck restriction. The proposed restriction must meet **both** the first and second criteria in order to be approved:

1. Reasonable alternate routing is provided. The alternate route will be evaluated for traffic and

safety related impacts. To be considered “reasonable”, the alternate route(s) must be engineered to a standard sufficient for truck travel, and must be judged at least as appropriate for truck traffic as the requested truck restriction route. If an alternate route must be upgraded, the improvement shall be completed before the truck restriction can be implemented. The termini of the proposed restriction must be identical to the alternate routing to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.

2. The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

In addition to meeting the first two criteria, the proposed restriction must meet either the third or the fourth criteria in order to be approved.

3. The roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
4. The roadway must be functionally classified as either a local or collector.

Failure to satisfy criteria 1 and 2, and either criteria 3 or 4 will normally result in rejection of the requested restriction.

The Commonwealth Transportation Board when deemed necessary may modify or revise any provisions or criteria contained in these guidelines.

Virginia Administrative Code

Title 24. Transportation And Motor Vehicles

Agency 30. Department of Transportation

Chapter 580. Guidelines for Considering Requests for Restricting Through Trucks on Primary and Secondary Highways

**24VAC30-580-10. Purpose.**

It is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel. Travel by any class of vehicle on any class of highway should be restricted only upon demonstration that the restriction will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system. The board recognizes that there may be a limited number of instances when restricting through trucks from using a segment of a primary or secondary roadway will reduce potential conflicts, creating a safer environment and one that is in accord with the current use of the roadway. The board has adopted these guidelines to govern and regulate requests for through truck restrictions on primary and secondary highways.

**Statutory Authority**

§ 33.2-210 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 20, Issue 5, eff. October 28, 2003.

**24VAC30-580-20. Authority to restrict truck traffic on primary and secondary highways.**

The Commonwealth Transportation Board delegates the authority to restrict through truck traffic on secondary highways to the Commissioner of the Virginia Department of Transportation. Such restrictions can apply to any truck, truck and trailer or semitrailer combination, or any combination of those classifications. Consideration of all such restrictions by the commissioner is subject to this chapter as adopted by the board. Any request for such restrictions that fails to objectively satisfy the required criteria found in 24VAC30-580-40 may be rejected by the Virginia Department of Transportation District Administrator or District Engineer for the Construction District in which the restriction is requested prior to presentation to the commissioner. The board shall retain authority to restrict through truck traffic on primary highways.

**Statutory Authority**

§ 46.2-809 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 20, Issue 5, eff. October 28, 2003; amended, Virginia Register Volume 36, Issue 11, eff. February 20, 2020.

**24VAC30-580-30. Local governing body process for requesting truck traffic restrictions.**

In order to conform to the requirements of § 46.2-809 of the Code of Virginia, and to ensure that all concerned parties have an opportunity to provide input, the local governing body must hold a public hearing and make a formal request of the department. The following must be adhered to:

1. The public notices for the hearing must include a description of the proposed through truck restriction and the alternate route with the same termini. A copy of the notices must be provided.
2. A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
3. The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.

4. The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law-enforcement agency.

Failure to comply with the requirements of this section will result in the request being returned. The commissioner shall act upon any such formal request within nine months of its receipt, unless good cause is shown.

**Statutory Authority**

§ 33.2-210 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 20, Issue 5, eff. October 28, 2003.

**24VAC30-580-40. Criteria for reviewing requested through truck restrictions.**

Travel by any class of vehicle should be restricted only upon demonstration that the restriction will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any users of the transportation network. The Virginia Department of Transportation will consider the criteria in subdivisions 1 through 4 of this section in reviewing a requested through truck restriction. The proposed restriction must meet both the first and second criteria in order to be approved:

1. Reasonable alternate routing is provided. The alternate route will be evaluated for traffic and safety related impacts. To be considered "reasonable," the alternate route or routes must be engineered to a standard sufficient for truck travel, and must be judged at least as appropriate for truck traffic as the requested truck restriction route. If an alternate route must be upgraded, the improvement shall be completed before the truck restriction can be implemented. The termini of the proposed restriction must be identical to the alternate routing to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.

2. The character or frequency, or both, of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

In addition to meeting the first two criteria listed above, the proposed restriction must meet either the third or the fourth criteria listed below in order to be approved.

3. The roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150 feet of the existing or proposed roadway center line per 1,000 feet of roadway.

4. The roadway must be functionally classified as either a local or collector.

Failure to satisfy criteria in subdivisions 1 and 2, and either criteria in subdivision 3 or 4 will normally result in rejection of the requested restriction.

The Commonwealth Transportation Board, from time to time as appropriate and when deemed necessary, may modify or revise any provisions or criteria contained in these guidelines.

**Statutory Authority**

§ 33.2-210 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 20, Issue 5, eff. October 28, 2003.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

<b>(1) New Vacancies/Expiring Seats &amp; New Applicants :</b>					
<b><u>Board/Commission</u></b>	<b><u>Term Expiring</u></b>	<b><u>Term &amp; Limit Y/N</u></b>	<b><u>Incumbent</u></b>	<b><u>Re-appointment</u></b>	<b><u>Applicant(s)</u></b>
Thomas Jefferson Area Community Criminal Justice Board	6/30/2026	3 Year Term/2 Term Limit	Edith Napier	N - Resigned	Advertising
JABA Council on Aging	12/31/2024	2 Year Term/No limits	Mary S. Cunningham	TBD	Advertising
<b>(2) Existing Vacancies:</b>					
<b><u>Board/Commission</u></b>	<b><u>Term Expired</u></b>				



## THOMAS JEFFERSON AREA COMMUNITY CRIMINAL JUSTICE BOARD

### NAME, ADDRESS & PHONE

### TERM

#### **Governing Body Representative**

#### **Annually Appointed**

Daniel Rutherford  
84 Courthouse Square/P.O. Box 447  
Lovingston, VA 22949  
PH: (434) 263-7010  
[drutherford@nelsoncounty.org](mailto:drutherford@nelsoncounty.org)

January 2024 – December 31, 2024

#### **Citizen Representative**

#### **3 Years, 2 Consecutive Term Limit**

Edith Napier  
43 Napier Loop  
Arrington, VA 22922  
PH: (434) 996-9403  
[3424dw@gmail.com](mailto:3424dw@gmail.com)

July 1, 2023 – June 30, 2026 (**Term 1**)

Authority: Established by the Code of Virginia §53.1-180 et seq. & §19.2-152 et seq.

Membership: Local membership is one (1) Governing Body Representative and one (1) Citizen Representative. Members serve on a volunteer basis.

Term(s) of Office: The Governing Body representative is annually appointed at the BOS annual organizational meeting; the Citizen Representative Term is 3 years with a **2 consecutive term limit unless no other person meets the criteria for the position.**

Summary of Duties: To enable participating localities to work together to develop community-based pretrial court services and post conviction alternatives to incarceration for misdemeanants and certain non-violent felons.

Meetings: Meetings are held 4 times a year usually on the second Wednesday (January, April, July and October) at 4:00 PM at the Albemarle County Office Building. Thomas Jefferson Area Community Criminal Justice Board, Thomas Jefferson Area Crisis Intervention Team (CIT), 1600 5<sup>th</sup> Street Ext, Room B, Charlottesville, VA 22902, Office: (434) 296 - 2441 Ext: 117, FAX: (434) 979 – 4038. Contact: Matt Vitale [mvitale@oar-jacc.org](mailto:mvitale@oar-jacc.org)

JEFFERSON AREA BOARD FOR AGING ADVISORY COUNCIL

2 Members

Term

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

January 1, 2024 - December 31, 2025

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

January 1, 2023 - December 31, 2024

Term(s) of Office: 2 years: January 1st to December 31<sup>st</sup>

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

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

**Closed Session Form Motion**

## 1. Motion to Convene in Closed Session

**FORM MOTION FOR CONVENING CLOSED MEETING**

**“I move that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711-**

**(A)(7) - “Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body” – Litigation pertaining to the Region 2000 Services Authority;” and**

**(A)(8) - "Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter" - Savion Solar Siting Agreement;**

**and Virginia Code Section 15.2-2316.8. Powers of host localities.**

## 2. Conduct Closed Session

## 3. Motion to Reconvene in Public Session

## 4. Motion to Certify Closed Session

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC  
SESSION:**

**(Requires recorded roll call vote)**

**“I move, pursuant to the requirements of Chapter 37, Virginia Freedom of Information Act and Section 2.2-3712 of the Code of Virginia, that the Nelson County Board of Supervisors certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”**

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Subtitle II. Powers of Local Government  
Chapter 22. Planning, Subdivision of Land and Zoning  
Article 7.3. Siting of Solar Projects and Energy Storage Projects

## § 15.2-2316.8. Powers of host localities

A. The governing body of a host locality shall have the power to:

1. Hire and pay consultants and other experts on behalf of the host locality in matters pertaining to the siting of a solar project or energy storage project;
2. Meet, discuss, and negotiate a siting agreement with an applicant; and
3. Enter into a siting agreement with an applicant that is binding upon the governing body of the host locality and enforceable against it and future governing bodies of the host locality in any court of competent jurisdiction by signing a siting agreement pursuant to this article. Such contract may be assignable at the parties' option.

B. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing, pursuant to subsection A of § [15.2-2204](#), for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended.

2020, c. [802](#);2021, Sp. Sess. I, cc. [57](#), [58](#).

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

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

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310 and §15.2-4307, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Thursday, November 14, 2024** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingsston.

Public Hearing(s):

**1. Special Use Permit #24-0239 – Dwelling Units in B-1 Business**

Consideration of a Special Use Permit application requesting County approval to utilize an existing building for mixed commercial and residential use on property zoned B-1 Business. The subject property is located at Tax Map Parcel #58B-3-2 at 622 Front Street. The subject property is owned by Alexandra and Jesse Lopez Low.

Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingsston, Virginia, Monday through Friday, 8:00 a.m. to 4:00 p.m., or the Office of the County Administrator, 84 Courthouse Square, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS

## Nelson County Planning & Zoning

**To:** Board of Supervisors  
**From:** Dylan M. Bishop, Director of Planning & Zoning *DMB*  
**Date:** November 14, 2024  
**Re:** SUP #2400239 – Dwellings in B-1 – 622 Front Street

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**BACKGROUND:** This is a request for a special use permit for dwellings on property zoned B-1 Business.

*Public Hearings Scheduled:* PC – October 23; BOS – November 14

*Location / Election District:* 622 Front Street / East District

*Tax Map Number(s) / Total Acreage:* 58B-3-2 / 5.37 acre +/- total

*Applicant/Owner Contact Information:* Jesse & Alexandra Lopez Low / 4526 Turkey Sag Road, Shadwell, VA / [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]

*Comments:* The owners are proposing to renovate an existing structure at 622 Front Street, to be utilized for mixed use: two long term residential rental units, and commercial space for lease on the lower level. The property previously held a Special Use Permit for a dwelling, which has expired after more than 2 years of vacancy.

### DISCUSSION:

*Land Use / Floodplain:* This area is primarily mixed use in nature. Zoning in the vicinity is B-1 Business and R-2 Residential. There are no floodplains or streams located on this property.

*Access / Traffic / Parking:* Per Section 12-7-3, this area is exempt from minimum off-street parking requirements.

*Utilities:* The Service Authority is aware of the proposal, and the applicant will be required to comply with NCSA requirements prior to issuance of a building permit.

*Comprehensive Plan:* This property is located in Lovington, which is designated as a *Community Hub* by the Nelson 2042 Future Land Use Map. The core concept is to “prioritize regional scale development, redevelopment, and infill within Lovington to protect the rural landscape, ensure more efficient and effective provision of community services, bolster economic development, and improve quality of life.” Primary land use types include all types of housing, mixed use units, commercial, professional and offices, among others.

Relevant planning guidelines in this area include preserving existing structures while allowing for a mix of uses, fostering development of a variety of housing types, and encouraging infill development and retrofitting of existing buildings.

*Recommendation:* At their meeting on October 23, the Planning Commission recommended approval of SUP #240239 for dwelling units in B-1 Business at 622 Front Street to the Board of Supervisors, with the following condition:

1. The dwelling units shall not be utilized as short term rentals.

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

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

Attachments:

Application  
Narrative  
Site Plan  
Zoning  
Aerial





# PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR:

SUP

application type

# 240 239

application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

☒ Special Use Permit

☐ Rezoning from \_\_\_\_\_ to \_\_\_\_\_

☐ Conditional Rezoning from \_\_\_\_\_ to \_\_\_\_\_

☐ Other: \_\_\_\_\_

☐ Subdivision

☐ Site Plan – Minor

☐ Site Plan – Major

Reason(s) for request:

Requesting building currently zoned commercial to be used for mixed residential and commercial use.

(Please use reverse or attach additional sheet if more space is needed.)

## 2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

☒ Applicant ☐ Property Owner Name: Jesse Lopez Low

Mailing Address: 4526 Turkey Sag Rd

Telephone #: [REDACTED] Email Address: [REDACTED]

Relationship (if applicable):

☒ Applicant ☐ Property Owner Name: Alexandra Lopez Low

Mailing Address: 4526 Turkey Sag Rd

Telephone #: [REDACTED] Email Address: [REDACTED]

Relationship (if applicable):

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

### 3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):  
622 Front St, Lovington, VA 22949

b. Official tax map number: 58B 3 2

c. Acreage of property: 0.13 acres

d. Present use: Single family home and commercial space

e. Present zoning classification: 4 - commercial/indust

f. Zoning classification of surrounding properties: commercial and multi-family

**4. Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)*

**5. Additional information:** *(Please attach separate sheet for additional details, explanations, etc.)*

**6. Please note:** In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----TO BE COMPLETED BY PLANNING & ZONING STAFF-----

Pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

- Completed application and fee (\$ 200 ) received on 9/9/24
- Hearing Notice published on \_\_\_\_\_
- Planning Commission action: Date of Meeting / Hearing: \_\_\_\_\_  
Recommendation: \_\_\_\_\_
- Board of Supervisors action: Date of Hearing: \_\_\_\_\_ Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_

**Nelson County Planning & Zoning Department**

*(Mailing Address)* P.O. Box 558, Lovington, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovington, Virginia 22949  
*(Telephone Number)* 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086  
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

622 Front St  
Alexandra and Jesse Lopez Low

**Project Description**

We would like to restore the property at 622 Front St and request a special use permit to allow mixed residential and commercial use. The building is currently zoned commercial and has a commercial space on the lower level, but also has a residential home on upper levels. We propose to maintain the commercial space and convert residential space into two separate units for long term rentals. We will also be restoring the outside of the building and replacing the roof, with the goal of maintaining the current aesthetic of the building.

**Comprehensive Plan**

Our proposed project aligns perfectly with the Comprehensive Plan of Nelson County. In the Comprehensive Plan, the top three identified growth areas for Lovingson can all be addressed with this project - retail/restaurant, apartment/condos, and mixed use. Public engagement cited Lovingson as the preferred site for new housing including apartments. Chapter 5 Section 5.17 of the plan specifically sites the need to identify revitalization and neighborhood improvement strategies.

**Applicable Zoning District**

The building is currently zoned commercial although the top two floors of the building already exist as residential space. We request a special use permit to allow residential rental of that space, and will maintain the lower level as commercial.

**Surrounding Properties**

Surrounding properties will not be disturbed as the external involvement of this project is minimal.

**Neighborhood Conditions**

Lovingson and the surrounding buildings are currently in a phase of revitalization and this project aligns perfectly with this goal. We aim to add value to the neighborhood with a well maintained building, usable and rented commercial space, and increased housing.

**Traffic Patterns**

There is ample street parking available for residents. We have confirmed with VDOT they have no concerns regarding parking or traffic patterns.

Customer Jesse Lopez Address 622 Front Street  
 Building Address 622 Front Street Type of Occupancy \_\_\_\_\_  
 Development Name \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Parcel No. \_\_\_\_\_  
 Applicant \_\_\_\_\_ Signature \_\_\_\_\_  
 Title/Company \_\_\_\_\_ Daytime Phone # \_\_\_\_\_  
 I certify that the information on this form is true and correct.  
 Applicant's Signature: \_\_\_\_\_

Fixture	Fixture Value @ 95 psi		No. of Fixtures	Fixture Value
Bathtub	8	x	_____	= _____
Bedpan Washers	10	x	_____	= _____
Combination Sink and Tray	3	x	_____	= _____
Dental Unit	1	x	_____	= _____
Dental Lavatory	2	x	_____	= _____
Drinking Fountain	1	x	_____	= _____
	- Cooler	2	x	= _____
	- Public	2	x	= _____
Kitchen Sink	- 1/2" Connection	3	x	= _____
	- 3/4" Connection	7	x	= _____
Lavatory	- 3/8" Connection	2	x	= _____
	- 1/2" Connection	4	x	= 12
Laundry Tray	- 1/2" Connection	3	x	= _____
	- 3/4" Connection	7	x	= _____
Shower Head (Shower Only)		4	x	= 8
Service Sink	- 1/2" Connection	3	x	= _____
	- 3/4" Connection	7	x	= _____
Urinal	- Pedestal Flush Valve	35	x	= _____
	- Wall Flush Valve	12	x	= _____
	- Trough (2 Ft. Unit)	2	x	= _____
Wash Sink (Each Set of Faucets)		4	x	= 12
Water Closet	- Flush Valve	35	x	= _____
	- Tank Type	3	x	= _____
Dishwasher	- 1/2" Connection	4	x	= 8
	- 3/4" Connection	10	x	= _____
Washing Machine	- 1/2" Connection	5	x	= 10
	- 3/4" Connection	12	x	= _____
	- 1" Connection	25	x	= _____
Hose Connection (Wash Down)	- 1/2"	6	x	= _____
	- 3/4"	10	x	= _____
Hose (50 Ft. Wash Down)	- 1/2"	6	x	= _____
	- 5/8"	9	x	= _____
	- 3/4"	12	x	= _____
Other: _____			x	= _____
Combined Fixture Value Total	= <u>50</u>			

## 5. Appendices

### 5.1 Appendix A - Water Meter Sizing

- A. Determine the number and type of water fixtures needed and list on following form as appropriate.
- B. Determine the combined fixture value. Multiply the fixture values times the number of fixtures to obtain the Total Fixture Value for each type. Add all total fixture values and place answer in the space provided on the form.
- C. All other demands not listed in the sizing form shall be substantiated with data furnished by the Applicant's Engineer or his agent. If it is necessary to have a fixed demand or an irrigation demand, Applicant's Engineer or his agent must include information, in the appropriate location, on the water meter sizing form.
- D. In completing the water meter sizing form, all water demands necessary for the building(s) or its intended use must be included. When fixed flows are to be combined with flows determined by fixture values, the following procedures shall be utilized. Convert fixture values to flow using figure 4.4 or 4.5 from AWWA M22. Add the fixed flow with the flow determined from fixture values to determine total flow. Using figure 4.4 or 4.5 from AWWA M22, convert the total flow back to fixture units. Size the meter based on the County's meter sizing policy.
- E. The meter size necessary to serve a structure shall be determined on the basis of a fixture count. The fixture count to meter size equivalency is as follows:

<u>Meter Size</u>	<u>Fixture Count Value</u>
5/8"	0 - 50
1"	51 - 100
1-1/2"	101-250
2"	251 - 600
3" and larger	By Professional Engineer.

Meters three inches (3") and larger shall be sized by a licensed Professional Engineer. Meter sizing shall be in accordance with the requirements AWWA M22.

scale 1"=20'

Graphic scale:

0 12 25 50

Lot area: 0.13 Acres

Graphic scale:

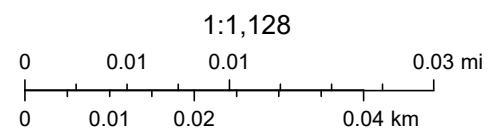
0 12 25 50



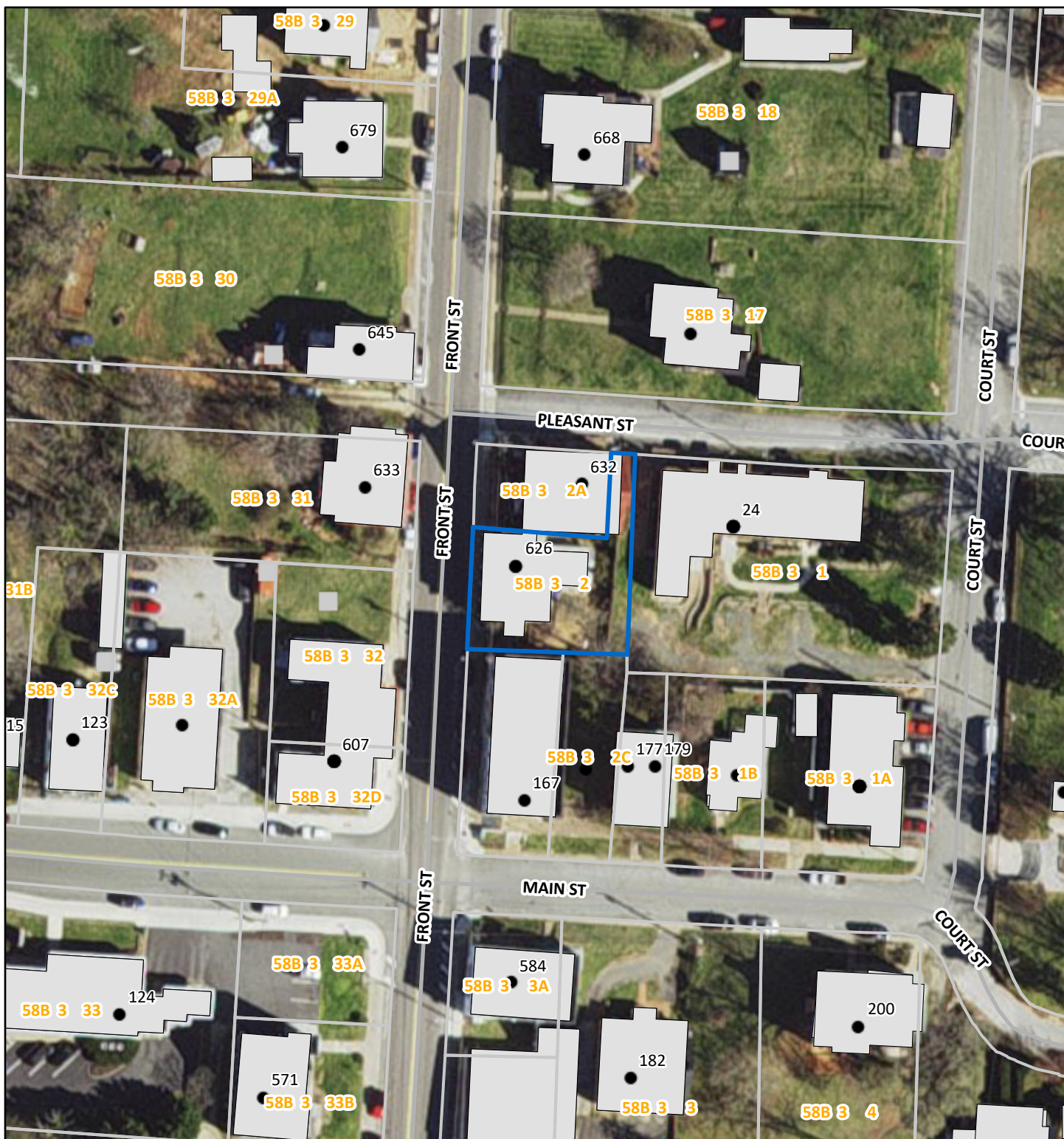
VICINITY MAP



October 17, 2024







October 17, 2024

