

**Virginia:**

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

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

**I. CALL TO ORDER**

Mr. Parr called the meeting to order at 2:00 p.m., with five (5) Supervisors present to establish a quorum.

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

**II. PUBLIC COMMENTS**

*Angela Hicks, Treasurer of Nelson County*

Ms. Hicks announced her retirement effective August 1, 2024. She noted that after serving the citizens of Nelson County for over three (3) decades, it was time to start the next chapter of her life. She expressed her gratefulness to the late Treasurer J. Marvin Davis, who started her on the journey that became a lifelong service to the County and the people she loves. She thanked the members of her staff, both past and present, for their support, professionalism, and compassion for the people they serve. She thanked the Board of Supervisors, past and present, for the support given to her and her office over the past years. Ms. Hicks noted that it was a pleasure to work alongside great people who shared a common commitment to the betterment of Nelson County. She expressed her thanks to her family, co-workers, and fellow Treasurer across Virginia for their support. She then thanked the citizens of Nelson County for entrusting her with such an important responsibility. She stated that her business mantra was “our job exists because of the people we assist.” She noted that she had remained committed to running her office with integrity, transparency and accountability, throughout her 12 years as Treasurer. Ms. Hicks announced that she would appoint her highest ranking deputy, Neely Hull, as Interim Treasurer until a special election is held. She reported that Ms. Hull had over 16 years’ experience in the Treasurer’s Office, and she believed that Ms. Hull would do a great job as Treasurer. Ms. Hicks assured that she and her staff had been working hard to make the transition as smooth as possible. She noted that Robinson, Farmer, Cox and Associates, along with the Auditor of Public Accounts, would be in the office on July 31<sup>st</sup> to begin the turnover audit, which should be turned over by mid-August. She expressed her gratitude for the opportunity to serve Nelson County.

*Tish Blackwell, Jefferson Area Board on Aging (JABA)*

Ms. Blackwell noted that the Board had a proclamation for Older Americans Month later on the agenda. She thanked the Board on JABA’s behalf for proclaiming May as Older Americans Month, and for the support they provided to JABA and the older adults in Nelson County. She reported that this year’s Older Americans Month theme was “Powered by Connections.” She noted that Nelson’s approach to collaboration truly facilitated so many connections between agencies that directly support seniors, and help create activities and situations to expand that support.

There were no others wishing to speak under public comments and Mr. Parr closed public comments.

Mr. Parr thanked Ms. Hicks for her service to the County and congratulated her on her retirement. He commented that he was sure she had worked on her transition plan. He noted that the Board would work with staff on the next steps for the County.

**III. CONSENT AGENDA**

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

- A. Resolution – R2024-34 Minutes for Approval

**RESOLUTION R2024-34  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(February 13, 2024)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **February 13, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – R2024-35 Budget Amendment

**RESOLUTION R2024-35  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET  
May 14, 2024**

<b>I. Appropriation of Funds (General Fund)</b>			
\$	495.00	3-100-001899-0040	4-100-031020-5419
\$	33,020.76	3-100-001899-0008	4-100-091030-5202
\$	<u>3,460.85</u>	3-100-001899-0008	4-100-091030-5202
\$	36,976.61		
<b>II. Appropriation of Funds (within the General Fund)</b>			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	149,336.92	3-100-009999-0001	4-100-093100-9203
\$	<u>149,336.92</u>		
<b>III. Reappropriation of Funds (School Fund)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	149,336.92	3-205-004105-0001	4-205-063100-9303
\$	<u>149,336.92</u>		
<b>IV. Transfer of Funds (From General Fund Non-Recurring Contingency)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	21,000.00	4-100-999000-9905	4-100-013010-1010
\$	1,072.00	4-100-999000-9905	4-100-013010-2001
\$	100.00	4-100-999000-9905	4-100-013010-3007
\$	2,500.00	4-100-999000-9905	4-100-013010-5201
\$	6,000.00	4-100-999000-9905	4-100-013010-5401
\$	6,000.00	4-100-999000-9905	4-100-013010-5413
\$	1,000.00	4-100-999000-9905	4-100-013010-5501
\$	100.00	4-100-999000-9905	4-100-013010-5503
\$	7,300.00	4-100-999000-9905	4-100-013020-1002
\$	562.00	4-100-999000-9905	4-100-013020-2001
\$	150.00	4-100-999000-9905	4-100-013020-5201
\$	<u>500.00</u>	4-100-999000-9905	4-100-013020-5401
\$	46,284.00		

C. Resolution – R2024-36 Opposition to Appalachian Power Company

**RESOLUTION R2024-36  
NELSON COUNTY BOARD OF SUPERVISORS  
OBJECTION TO APPALACHIAN POWER COMPANY RATE INCREASE**

**WHEREAS**, Appalachian Power Company, a subsidiary of American Electric Power, hereinafter referred to as “AEP”, has filed a request with the State Corporation Commission seeking an increase in its rates that would have significant financial impacts on the citizens of Nelson County; and,

**WHEREAS**, the State Corporation Commission found as recently as this past November 2023 that Appalachian Power Company was seeking an excessive base rate increase of \$25.03 per 1,000 kilowatt-hours but still permitted a 10% increase in rates of \$16.03 per 1,000 kilowatt-hours for residential

customers; the new rates took effect 60 days from the date of the order, which was January 29, 2024. The development follows a recent SCC report that said an average Appalachian customer's monthly bill rose by about \$35 just between July 2022 and July 2023; The SCC's approval allows Appalachian to, among other things, increase its annual revenue by \$127.3 million and pursue a return on equity of 9.5%, up from its current state-authorized ROE of 9.2%; and

**WHEREAS**, Appalachian Power Company had previously received approval of a fuel factor rate increase from the SCC on February 10, 2023 that increased the average residential customer's monthly bill by \$3.00; this increase was on top of two other increases from last year resulting in an \$11 increase to the average monthly bill for transmission costs and \$2.37 per month to pay for costs generated by requirements of the Clean Economy Act; and

**WHEREAS**, Appalachian Power Company, gave notice to the Clerk of the SCC on February 1, 2024 of its intent to file no earlier than April 1, 2024, a request for the Commission's approval of one or more rate adjustment clauses pursuant to Va. Code section 56-585.5; to collect projected and actual costs associated with complying with the mandatory Renewal Energy Portfolio Standard Program established by section 56-585.5; Subsequently, Appalachian Power Company gave notice to the Clerk of the SCC on April 2, 2024 that no earlier than June 3, 2024, Appalachian Power Company plans to file an application to seek the Commission's approval of a rate adjustment clause pursuant to Va. Code section 56-585.1 (A)(4) to recover costs related to transmission services; and

**WHEREAS**, this substantial increase is being requested during difficult economic times; and,

**WHEREAS**, the businesses, industries and citizens of Nelson County, should not be adversely impacted because of the utility's desire to further increase profits or seek additional revenues; and,

**WHEREAS**, this substantial increase may induce serious financial implications on Nelson County businesses, industries and our citizens, and may cause additional financial strain when times are exceedingly difficult due to increases in inflation, cost of living and may other indices; and,

**WHEREAS**, the proposed rate increase should not be considered as AEP's solution and furthermore, it should not be considered by the SCC nor AEP at this time.

**NOW, THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby oppose the large utility rate increase requested by AEP, and shall file this Resolution with the State Corporation Commission to demonstrate our opposition for the proposed action.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that a copy of this Resolution representing the official position of the Nelson County Board of Supervisors be shared with our state legislators and will all affected counties within the AEP service area of the Commonwealth for their consideration and concurrence.

#### **IV. PROCLAMATIONS**

##### **A. May is Older Americans Month (P2024-02)**

Mr. Reed read aloud **Proclamation P2024-02** May is Older Americans Month and then made a motion to approve it as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

**PROCLAMATION P2024-02  
NELSON COUNTY BOARD OF SUPERVISORS  
MAY 2024 IS OLDER AMERICANS MONTH**

**WHEREAS**, May is Older Americans Month, a time for us to recognize and honor the many older adults in Nelson County, and their immeasurable influence on every facet of American society; and,

**WHEREAS**, Nelson County recognizes how, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and,

**WHEREAS**, Nelson County recognizes that older Americans improve our community through intergenerational relationships, community service, civic engagement, and many other activities; and,

**WHEREAS**, Nelson County benefits when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and,

**WHEREAS**, Nelson County must ensure that older Americans have the resources and support needed to

stay involved in their communities, reflecting our commitment to inclusivity, connectedness;

**NOW, THEREFORE, BE IT RESOLVED**, on this 14th day of May, 2024, the Nelson County Board of Supervisors does hereby proclaim May 2024 to be Older Americans Month. We call upon all residents to recognize the profound impact of meaningful interactions and social connections on the well-being and health of older adults in our community.

B. May 24, 2024 is Poppy Day (P2024-03)

Mr. Rutherford made a motion to approve **Proclamation P2024-03** May 24<sup>th</sup> is Poppy Day. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

**PROCLAMATION P2024-03  
NELSON COUNTY BOARD OF SUPERVISORS  
MAY 24<sup>TH</sup> IS POPPY DAY**

**WHEREAS**, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers;

**WHEREAS**, Millions who have answered the call to arms have died on the field of battle;

**WHEREAS**, A nation at peace must be reminded of the price of war and the debt owed to those who have died in war;

**WHEREAS**, The red poppy has been designated as a symbol of sacrifice of lives in all wars; and

**WHEREAS**, The American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower;

**THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby proclaim May 24 2024, as **POPPY DAY** and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day.

**V. PRESENTATIONS**

A. VDOT Report

Mr. Parr noted that Mr. Brown would be present at the evening session. He noted that any road concerns or request for VDOT could be related to Ms. Spivey, or they could be discussed with Mr. Brown that evening.

B. Comprehensive Economic Development Plan (CEDS) – TJPDC

Ms. Ruth Emerick of the Thomas Jefferson Planning Development Commission (TJPDC) was present to discuss the Comprehensive Economic Development Strategy Plan (CEDS). She explained that in 2021, the TJPDC applied for a US EDA (Economic Development Administration) grant to complete a Comprehensive Economic Development Plan Strategy Plan for the region. She noted that all six (6) localities that participate in the TJPDC were asked to contribute, and Nelson was part of that.

Ms. Emerick reported that the CEDS plan was approved by the Commission of the TJPDC earlier in the month. She noted that there was no action requested of Nelson County that day, but there would be many opportunities to continue to participate in the future.

Ms. Emerick explained that a CEDS presented the collective, coordinated actions that entities and organizations in the region have agreed to take to create economic prosperity in their region. She noted that the actions were grounded in economic realities supported by data, information, and intelligence. She indicated that at the beginning of the process, the TJPDC had solicited existing plans from the localities and organizations that were working in the economic development sector. She reported that they gathered data on demographics, housing, workforce, and other economic indicators to paint a picture of what it was like on the ground for economic developers and businesses. She noted that the TJPDC solicited qualitative information through a site visit with their consultant, Camoin Associates; they held focus groups with stakeholders, and conducted a business survey. She reported that they assessed the region's resilience and vulnerability to economic impacts. She indicated that the goals and strategies in the draft plan were grounded in facts and vetted by the stakeholder group.

Ms. Emerick reviewed the opportunities with the CEDS:

- Setting a regional vision for shared economic development goals.
- Helping to leverage the assets that are important components of local economies.
- Growing emerging industries by supporting entrepreneurs and research and development
- Showcasing where large-scale investment would have the greatest impact on various communities.
- Helping localities and the region pursue funding opportunities based on the priorities established in the strategies.

Ms. Emerick explained that one of the big opportunities with the CEDS was that when applying for grant funding, either at the local level or as a small organization/non-profit, a lot of federal grants give priority if there is a CEDS for the region, and the applicant can point to specific strategies in the CEDS that the funding opportunity being applied for would help with.

Ms. Emerick reviewed the components of the CEDS plan. She reported that they formed a strategy committee that helped guide the direction of the CEDS. She noted that they performed a data analysis with their consultant and then vetted the information through the committee to make sure that what they were seeing on the ground, matched what they were seeing through the economic indicators. She indicated that the data sometimes lagged what was happening in reality, particularly with the pandemic. Ms. Emerick noted that they also conducted interviews and a business survey to make sure that if there was a lag or people were seeing something different than what was happening in reality at that moment, that they were able to capture that qualitative data. She reported that they did site visits with economic developers in all six (6) jurisdictions. She noted that they also held a public comment period where the CEDS plan was available for public comment for 30 days. She reported that the TJPDC Commission adopted the CEDS plan earlier in the month.

Ms. Emerick highlighted some of the key takeaways from the CEDS plan. She reported that from 2010 to 2020, the TJPDC region's population growth outpaced both Virginia and the U.S. She noted that the public sector was a strong component of the economy, but Transportation and Warehousing, Professional Scientific Technical Services, and Manufacturing were also showing growth in the entire region.

Ms. Emerick reviewed SWOT Analysis (strengths, weaknesses, and opportunities), noting that it was largely based on the stakeholder interviews. She explained that the information was collected through the business survey, phone calls, and site visits with stakeholders doing economic development. She reported that as a region, there were some areas where they were doing very well and other areas that could use improvement. She noted that the areas that could use improvement were not doing poorly, rather, it meant there were opportunities for growth or it could be beneficial to seek funding for those areas.

Ms. Emerick reviewed the SWOT for Nelson. She reported that the state of Nelson's local economy based on the feedback received, was that Nelson was doing moderately well. She noted that industry diversity was also moderate. She indicated that with the risks to the economy, both economic and environmental, there was a high perceived need for development strategies for economic growth. She noted that the infrastructure availability also had a high perceived need for development strategies. She commented that the infrastructure availability could be related to utilities, housing and other factors. Ms. Emerick reported that the SWOT analysis indicated that the environment and collaboration were seen as a low perceived need for assistance.

Ms. Emerick reviewed the four (4) goal areas:

1. Support economic growth within existing industries while leveraging emerging market opportunities to expand economic potential in the region.
2. Implement or adapt industry-focused initiatives that draw on cross-sector collaboration for talent retention, advancement, and attraction.
3. Promote elements of community place making that create a public realm that is attractive to both businesses and residents.
4. Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.

Ms. Emerick indicated that the strategies listed in the CEDS plan were categorized by readiness for implementation. She noted that there would be an Implementation Committee. She indicated that there would be a stakeholder meeting the next day, and they would discuss who would be a good candidate from the committee to be a part of the implementation, as well as which partners would be needed to help with the implementation. She explained that the people assisting with implementation would also be tracking the metrics for the CEDS plan. She noted that the metrics were designed to track progress, and those metrics would also be reported back to the EDA.

Ms. Emerick explained that this CEDS plan was different because the TJPDC worked jointly with the Rappahannock Rapidan Regional Commission (RRRC) to procure the consultants for the CEDS plan. She noted that they held their meetings with the consultants and worked through the processes in lockstep with RRRC. She explained that Region 10 and Region 9 together made up GO VA's Region 9, so they had an opportunity to work with GO VA's Region 9 Council, and CVPED (Central Virginia Partnership for Economic Development) to make Super Regional Strategies, which were strategies that covered the entire region. She noted that this would allow them to work together on certain economic development initiatives. Ms. Emerick indicated that the Super Regional Strategies were included as an Appendix in the CEDS plan. She noted that there were many goal areas included in the Super Regional Strategies.

Ms. Emerick reviewed the next steps. She reported that the TJPDC adopted the CEDS plan on May 2<sup>nd</sup>. She noted that the final meeting of the strategy committee would take place on May 15<sup>th</sup>. She reported that RRRC was holding their 30-day public comment period, which would close on May 22<sup>nd</sup>. She indicated that RRRC would be voting at the Commission meeting on June 26<sup>th</sup> to determine whether or not to adopt the CEDS plan. She noted that there would be a presentation of the final strategies to GO VA Region 9 on June 27<sup>th</sup>, and then they would move into implementation.

Mr. Rutherford noted that he and Mr. Reed had just received the presentation at the TJPDC meeting. He commented that some of their discussions as a region involve the industries around us and how that influences Nelson County. He mentioned NGIC and the Department of Defense industries that service the Charlottesville area, as well as UVA. He noted that the public sector was huge, but part of that was just UVA by itself as they have thousands of jobs. He noted Louisa County's proximity to Interstate 64 and the influence they had from both Charlottesville and Richmond, which turned into data centers coming in and additional energy needs for the future.

Mr. Reed commented that one of the most important things for Nelson as part of GO VA Region 9, was that they would qualify for some grants and monies. Mr. Rutherford noted another positive with GO VA and the County's geographical location, was that Nelson neighbored two (2) other regions. He explained that if Nelson were to partner with another county outside of its region for a project, the available pot of money would increase. He suggested that the Board should be thoughtful of GO VA. He noted that Nelson County had been successful in the past with a GO VA grant for crafting higher paying jobs. He commented that they could advocate for something substantial if they found the right concept. Dr. Ligon commented that it was a shame that the County's environmental portion of the SWOT analysis was green, noting that was before the Service Authority assessment determined that they did not have enough water build anything.

Mr. Rutherford encouraged the Board to remember the aspect of Region 9 when they hold their retreat and make any decisions that were related to jobs.

Dr. Ligon noted that she had spoken with the County's EDA. She asked how aware they were of the CEDS plan and what their expected role was, noting that the County did not have an active EDA. Ms. Emerick noted that she had been in coordination with Maureen Kelley, and all of economic development had mostly been channeled through come through her for the project. Ms. Emerick indicated that she was open to engaging other staff members from Nelson, or other organizations that the County may have in mind.

Ms. McGarry indicated that there was a plan to coordinate a CEDS presentation with the County's EDA. Ms. McGarry thanked Maureen Kelley and Heidi Crandall for their participation on the CEDS committee as Nelson County's representatives. She referenced Appendix I in the CEDS plan, noting that it contained a tremendous amount of data by locality. She suggested that the Board read it when they had time as there was a lot of good information in it. Ms. Emerick commented that the data was broken out so that it would be most useful to the localities when applying for grants.

#### C. FY23 Audit Report – Robinson, Farmer, Cox Associates

Ms. McGarry introduced David Foley of Robinson, Farmer, Cox Associates (RFCA). Mr. Foley noted that he was the partner in charge and audit manager for the County's FY23 audit. He explained that the FY23 audit had been completed and he was there to present the results to the Board. He noted that as part of the audit, there were two (2) different documents that the auditors issued - the audited financial report and the Communication with Those Charged with Governance letter. Mr. Foley provided an overview of the audit process. He explained that they audit the financial statements to make sure that the County's financial statements have been prepared in accordance with generally accepted accounting principles. He noted that the auditors also review the internal controls that the County has in place over its financial reporting. He indicated that they also test the controls to see if they are working as designed. Mr. Foley then explained that the third piece of the audit was the Federal Compliance Audit. He noted that whenever a locality or organization spends over \$750,000 in federal grant awards during a fiscal year, they were required to undergo the Federal Compliance Audit. He explained that there was a checklist for the auditors to review

for the Federal Compliance Audit which made sure that County and Schools were compliant with those federal grant requirements.

Mr. Foley indicated that included in the audited financial report, were three (3) different reports from RFCA that communicated the results of the audit. He explained that the first was the independent auditors report, which is where RFCA stated that they did perform an audit on the County's financial statements and also where RFCA issued their opinion on the County's financial statements. Mr. Foley reported that RFCA had issued an unmodified opinion on the County's financial statements, which was the cleanest opinion an auditor could give on a set of financial statements. He explained that an unmodified opinion meant that the County's financial statements had been prepared in accordance with generally accepted accounting principles. Mr. Foley then explained that the second report was RFCA's report on the County's internal controls over its financial reporting. He reported that this report was also clean and there were no significant deficiencies or material weaknesses in the County's internal controls over its financial reporting. He stated that RFCA felt that the County had strong internal controls in place. Mr. Foley explained that the third and final report from RFCA was in regards to the County's compliance with federal grant programs. He indicated that the County had received a clean report, with no significant deficiencies reported and no items of noncompliance noted. Mr. Foley reported that overall, the County had a very clean audit for FY23, with all three (3) reports from RFCA being clean.

Mr. Foley then reviewed the Communication with Those Charged with Governance letter. He explained that auditing standards required that the auditors communicate certain things to the Board of Supervisors at the end of the audit. He noted this requirement was met with the communication letter to the Board. He reviewed the qualitative aspects of accounting practices. He noted that management was responsible for the selection and appropriate use of the accounting policies. He indicated that accounting estimates were an integral part of preparing the financial statements. As an example, he noted that some of the more significant estimates used in preparing the financial statements was management's estimate of depreciable lives of capital assets. He indicated that this information was used in calculating depreciate expense. Mr. Foley noted that management's estimate of pension and other post-employment benefit liabilities that were recorded in the financial statements, were estimates that were actually prepared by an actuary that provided the estimates to the County.

Mr. Foley stated that there were no difficulties encountered in performing the audit, if there were any, they would have to be communicated to the Board. He commented that the County staff did an excellent job in working with RFCA through the audit process. He noted that County staff were well prepared for the audit and they did an excellent job pulling any additional information requested by RFCA during the onsite portion of the audit, as well as answering any questions. Mr. Foley reported that there were no misstatements and no audit adjustments, which meant that the County's records were in the condition that they needed to be, even at the start of the audit. He reported that there were no disagreements with management in terms of any financial reporting, accounting or auditing matters. He indicated that if there were any disagreements, they would have to report those to the Board. Mr. Foley explained that they did request certain representations from management, which they received those in the form of a signed representation letter at the end of the audit. He noted that as far as he and his team were aware, management did not consult with any other independent accountants in terms of second opinion shopping.

Mr. Foley thanked County staff for all of their hard work and assistance in getting through the audit.

Dr. Ligon noted that she had just received the audit, so she had not read it yet. She asked if the Board was able to ask RFCA questions later, or if their job was done. Mr. Foley indicated that RFCA was always for questions. He noted that they could reach out through Ms. McGarry with questions, or they were welcome to contact him directly as well. Mr. Parr noted that the results were not surprising, and he expressed his appreciation to Mr. Foley for his presentation.

Ms. McGarry asked if Mr. Foley would provide a brief summary of the County's financial condition at the end of FY23. Mr. Foley reviewed exhibit 3 on page 30 of the audit report, which was the balance sheet for the County's governmental funds. He noted that the financial statement presented the County's assets, liabilities, deferred inflows and fund balance at the end of the fiscal year. He reported that the County ended FY23 with \$30.2 million in total fund balance, which meant that the County's assets exceeded its liabilities by \$30.2 million. He commented that GFOA always recommended that a locality have an unassigned fund balance of at least 20 to 25 percent of governmental expenditures. He noted that on Exhibit 5, total County expenditures for the County's General Fund was \$42.2 million, so it well exceeded that amount. He noted it was a very strong financial condition for the County.

Ms. McGarry thanked Ms. Staton and her staff for their work throughout every fiscal year and especially during the audit process.

D. Nelson Heritage Center Updates – Johnette Burdette

Ms. Johnette Burdette of the Nelson Heritage Center was present to provide the Board with an update on everything happening at the Nelson Heritage Center. She reminded the Board of the Center's mission and vision of a community coming together. She reported that the Heritage Center was in the middle of construction and renovation, not only with bricks and mortar, but also a renovation of their systems, practices and protocols. She noted that they were positioning themselves to be the community center for Nelson County that the community deserved.

Ms. Burdette reported that the Heritage Center would be the future home of the Nelson County Health Department, which would open in December 2024. She indicated that Wall Construction, the Virginia Department of Health (VDH), the Department of General Services (DGS) and members of the Millennium Group Board met onsite the day before to discuss the construction schedule. She noted that Wall Construction was in the process of completing an updated schedule that would be provided to DGS and VDH as requested. She indicated that they were working with their local partners, as well as the Charlottesville office to ensure that the transition happens as seamlessly as possible.

Ms. Burdette reported that the Heritage Center had a fully renovated gymnasium that was now being used. She noted that they had open gym on Mondays, and from 3:00 to 5:00 every Sunday. She reported that they had 20 to 40 participants each Sunday in the gym. She commented that the purpose of renovating the gym was to provide a safe place for the children in the community, as well as the golden citizens. She noted that the golden citizens had the opportunity to walk in the mornings in a place that was safe and climate controlled.

Ms. Burdette stated that the Nelson Heritage Center had plans in 2025 to be the premier banquet hall and rental space in Nelson County. She reported that they had received a \$200,000 grant through Creigh Deeds office in January 2024 to start the renovation of their auditorium, which was the most rented portion of the building to date. She explained that the renovation would encompass the auditorium, the front of the building to match the Health Department entry, the restrooms in the lobby to bring them into ADA compliance, as well as updates to the HVAC in the entry and hallway areas.

Ms. Burdette reported that the Heritage Center was currently operating two (2) food pantries, which were providing roughly 400 food packages between the two (2) food pantries. She noted that there was some overlap between the two (2) food pantries. She reported that they also had a state of the art computer lab at the Heritage Center with both Macs and PCs. She noted that they had a partnership with UVA where the computers were updated at least every two (2) years to ensure that they had the most up-to-date software and security. She commented that the computer lab would be very helpful as they moved into some of their other projects in the future. Ms. Burdette indicated that there were still endless opportunities within the building to grow.

Ms. Burdette stated that there were currently no licensed early learning centers in Nelson County. She indicated that the Department of Social Services (DSS) had at least 30 open childcare vouchers being serviced outside of Nelson County, which meant that the money came from the Department of Social Services in Nelson County but the parents were having to find childcare opportunities outside of the County, so the money did not come back to a licensed County facility. She noted the COVID pandemic effects on Reading SOL scores. She stressed the need for a strong Pre-K foundation, noting that students with a strong Pre-K foundation were more likely to read on grade level by 3<sup>rd</sup> grade than their counterparts who did not have access to Pre-K. She noted that young families in Nelson had reported a need for reliable and consistent childcare. Ms. Burdette indicated that the Heritage Center had been working over the last three (3) years with several partners, including: MACAA, the Blue Ridge Area Food Bank, Blue Ridge Health District, Community Foundation Central Blue Ridge, the Charlottesville Area Community Foundation, and others. She noted that these partners over the years have helped to build the Nelson Heritage Center and to sustain it.

Ms. Burdette noted that she came to the County four (4) years ago, and she had come into the position of Executive Director at the Nelson Heritage Center three (3) years ago. She indicated that she had previously shared the Heritage Center's history, as well as what the Center had done for the community, and their vision and hopes for the Center in the future. She noted that one of the ideas was to bring an early learning center to the Nelson Heritage Center. She specified that she was not talking about a daycare center or a Headstart program, she was talking about a premier early learning center in the County for students/children ages 0-5. She noted that this would be a licensed facility that would be able to provide services to parents who receive a voucher from DSS, as well as for employees of Nelson County. She commented that she was thinking of people in her age group with older children, noting that they wanted those children to come back home to Nelson County to raise them here.

Ms. Burdette reported that last year, the Heritage Center applied for the Congressionally Directed Spending and Community Project Funding, which was through the USDA Rural Development Community Facilities Program. She announced that in March 2024, the Millennium Group and the Nelson Heritage Center was



awarded \$575,000 to open a premier learning center for Nelson County. Ms. Burdette indicated that she was there to formally make that presentation to the Board to let them know that the Heritage Center was on its way to the planning phases of the early learning center project. She noted that they were currently in the process of conducting a feasibility study for the early learning center. She indicated that while they knew there was a need for childcare and an early learning center, they wanted to hear from the community on what they needed in terms of operating hours, particularly for parents traveling to Charlottesville, Lynchburg or beyond for work. She noted that they also wanted to know how many children to potentially plan for in each age group. Ms. Burdette indicated that the feasibility study would consist of a survey, small focus groups and interviews.

Ms. Burdette noted that the renovations for the early learning center were anticipated to start Summer 2024, with the center projected to open January 2025. She reported that she was in communication with the Department of Rural Development out of Harrisonburg. She noted that they were in the pre-planning phases of securing an architect and a contractor. She indicated that they were currently working with Wall Construction on the renovation project for the Health Department and it would make sense to continue on with Wall Construction to complete all of the renovations at the Heritage Center, but that had not yet been determined.

Ms. Burdette reported that they anticipate serving up to 60 children, ages 0 to 5 years of age. She noted that they would accommodate all learning modalities and needs in an inclusive engaging environment. She stated that they did not want to split up sibling groups because students had needs outside of a traditional classroom. She noted that they wanted to be able to accommodate all students and all needs. She indicated that in order to care for 60 students and their needs, they would plan to employ up to 20 full-time employees. She noted that they would utilize a culturally responsive, age-appropriate, dual-language, and licensed curriculum. Ms. Burdette reported that they would also provide before and after school care in addition to their licensed program during the day.

Ms. Burdette noted that while they had been awarded \$575,000, they would still need help and support and County buy-in. She indicated that they would also need continued help and partnership from the Department of Social Services. She noted that they also wanted to partner with Nelson County Public Schools and the High School's Early Education classes. Ms. Burdette commented that they also wanted to partner with County employees to provide childcare for them.

Ms. Burdette noted that after the renovation of the building, they would also be looking for in-kind donations, and possibly the donation of classrooms in honor of loved ones who have contributed to Nelson County. She indicated that they would also like to look at in-kind donations to help with tuition because they did not want to turn students away. She suggested that if there were a gap in the tuition costs and the DSS voucher amount, supplemental funds could help support the student and parent. She also noted that support with general giving to help the Center as they move forward was needed.

Ms. Burdette indicated that they had received the \$575,000 to renovate the building, but it was not the intent of the Nelson Heritage Center, or the Millennium Group's Board to run the early learning center. She noted that they were in conversation with several non-profits in the County, and they did plan to bring on a partner to help run the day-to-day operations of the early learning center.

Ms. Burdette commented that there was a lot of excitement in the Nelson County community and a lot of excitement at the Nelson Heritage Center. She invited the Board to come see the renovations taking place at the Heritage Center.

Mr. Parr thanked Ms. Burdette for her presentation. He noted that it was very exciting, and he knew there was a large group supporting Ms. Burdette. He commented that it was a blessing to have Ms. Burdette as part of the community, as well as part of the Millennium Group and the Heritage Center. He asked about gymnasium and whether there was a partnership with Parks and Recreation. Ms. Burdette noted that they had conversations with Parks and Recreation, but they needed to determine a working relationship so that the Heritage Center could continue provide the space, while also keeping the lights on at the Center. She reiterated that she was happy to have more conversations going forward. She reported that they were able to partner with Nelson County Public Schools during basketball season as one of the gyms that could be used for practice by the High School boys and girls basketball teams.

Dr. Ligon asked if Ms. Burdette was asking for Parks and Recreation to pay for use of the space. Ms. Burdette indicated that they were asking for either Parks and Recreation or the County to pay. She noted that she understood the rate that the Heritage Center charged for normal rental was not in the budget for Parks and Recreation, based on previous conversations. She noted that they just needed come to an understanding where they could all be successful and still provide support for the County.

Dr. Ligon commented that having young children herself, she had felt the need for childcare as a working family. She expressed concern with the situation at the Schools where they only took young children with vouchers. She commented that it sounded like the early learning center at the Nelson Heritage Center would

also be pushing to take children with vouchers. She asked about kids that did not qualify for vouchers. Ms. Burdette corrected Dr. Ligon and noted that the early learning center was not a Headstart program. She explained that it was a premier early learning center. She indicated that they would give priority to Nelson residents, as well as residents of Nelson County who have vouchers and are having to leave the County to be served. She noted that it would not be an income based program, and it would be open to any family and any child.

Ms. McGarry congratulated Ms. Burdette on all of the work they were doing. Ms. Burdette thanked Ms. McGarry for her support of the Nelson Heritage Center and the Millennium Group. She also thanked Ms. McGarry for helping to get them to closing on their loan and financing for the renovation. Ms. McGarry noted that they looked forward to any opportunities that Parks and Recreation could partner with the Heritage Center. She asked to what extent MACAA would be involved in the early learning center. Ms. Burdette noted that nothing had been determined yet. She confirmed that MACAA was one of the organizations that the Heritage Center had been in conversation with. She noted that once they had selected their full partner for the early learning center, she would be happy to return to report to the Board of Supervisors.

**VI. NEW & UNFINISHED BUSINESS (AS MAY BE PRESENTED)**

**A. FCCLA National Leadership Conference Funding Request**

Ms. McGarry noted that the FCCLA representatives had to return to school, so she would be presenting their request to the Board. She reviewed the letter of request received from Sarah Addison, FCCLA sponsor. She reported that the FCCLA had three (3) students wishing to attend the 2024 FCCLA National Leadership Conference (NLC) in Seattle, Washington. She indicated that the current cost for the trip was \$8,590. She reported that they had a total of \$2,690 in funds raised, with \$1,000 coming from the School Board's contribution; \$1,000 from catering the FFA banquet; \$190 from a bake sale and yard sale; \$200 donation from Saunders Brothers; \$100 from Mountain & Vines Vineyard; \$100 from Creation Appreciation; and \$100 from HMA. Ms. McGarry indicated that the FCCLA was currently applying for other grants to help offset some of the costs. She noted that they also had some other fundraisers coming up. She indicated that the request was for \$1,000 from the Board of Supervisors to help with the cost of the trip.

Dr. Ligon asked if they had the money. Ms. McGarry assured they had the funds available. Mr. Parr noted that the Board had a history of supporting school groups going to competitions. He noted the success of FCCLA's Teacher Prep program and the good work they do in the Schools to help the teachers and students.

Mr. Reed made a motion to fund the FCCLA's request for \$1,000. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

**B. Concurrence of Nelson County Broadband Authority Dissolution (R2024-37)**

Ms. McGarry reported that prior to the Board's meeting, the Nelson County Broadband Authority met at 1 p.m. She noted that it had been discussed for some time, now that 98 percent of the County had access to high speed fiber internet, the Broadband Authority's mission was complete. She indicated that during the meeting, the Broadband Authority adopted Resolution R2024-02 which she then read aloud:

**RESOLUTION-R2024-02**

**NELSON COUNTY BROADBAND AUTHORITY**

**RESOLUTION DECLARING THE PURPOSE OF THE NELSON COUNTY BROADBAND AUTHORITY COMPLETE AND RECOMMENDING DISSOLUTION AND TERMINATION OF THE AUTHORITY**

**WHEREAS**, on June 9, 2009, via Resolution **R2009-52**, the Nelson County Board of Supervisors adopted Articles of Incorporation of the Nelson County Broadband Authority (NCBA) which were filed with and certified by the State Corporation Commission (SCC) establishing the NCBA effective July 29, 2009; and

**WHEREAS**, the NCBA was established for economic development purposes to provide high speed data service and internet access service to local businesses, local government, and the public; and

**WHEREAS**, the NCBA, in partnership with the Board of Supervisors and Central Virginia Services, Inc./ dba Firefly Internet Broadband, has facilitated the build-out of a high speed fiber internet network that provides access to high speed fiber internet for nearly 100% of the County's businesses and residents; and

**WHEREAS**, pursuant to the Code of Virginia, §15.2-5431.9, the Nelson County Broadband Authority has determined that the purposes for which it was created have been completed and all of its obligations can easily and readily be assumed by the County of Nelson;

**NOW THEREFORE BE IT RESOLVED**, the Nelson County Broadband Authority, hereby directs that this resolution be filed with the Nelson County Board of Supervisors and requests the Board's consideration of the adoption of a concurring resolution and subsequent filing of Articles of Dissolution with the State Corporation Commission and finally, upon conclusion of the Authority's affairs, filing of Articles of Termination of corporate existence with the SCC.

Ms. McGarry explained that the next steps would be to consider the resolution of concurrence, Resolution R2024-37, which would concur with the recommendation of the NCBA. She indicated that if the Board were to adopt Resolution R2024-37, finding that the Broadband Authority should be dissolved, then the appropriate Articles of Dissolution would be filed with the State Corporation Commission (SCC) by Mr. Payne, the County's Attorney. Ms. McGarry noted that Mr. Payne would then orchestrate the distribution of assets and the assignment of the Broadband Authority contracts to the County. She also indicated that Mr. Payne would handle the filing of the Articles of Termination of Corporate Existence with the SCC. She noted that the intent was to fast track the process to have it completed by the end of the fiscal year in June, which Mr. Payne had indicated to her that it should not be an issue.

Mr. Rutherford noted that the Broadband Authority had delayed the dissolution of the Authority for about a year, to allow the unreached communities to have an opportunity to be connected. He indicated that a lot of those places now had fiber on the poles and connected in their homes. He commented that this had been the first Broadband meeting where they felt it was appropriate to dissolve the Authority. He reported that there was 98 percent coverage in Nelson with the exception of two small areas on the Parkway. He noted those areas should be resolved soon. He stated that Nelson County was probably the first Broadband Authority to ever dissolve due to the mission being accomplished. Ms. McGarry noted that Firefly had stated that Nelson County was probably the first and only county in the Commonwealth to reach this level of access to fiber broadband internet. She stated that was something to be very proud of. Mr. Rutherford noted that he was on the Broadband Authority and had made the motion to dissolve it during the Authority meeting. Ms. McGarry noted that they had assured the Broadband Authority that the County would continue to act as advocates for those not yet connected in Afton and Love.

Dr. Ligon asked if there were any outstanding liabilities that the County would be taking on. Ms. McGarry explained that the way the Broadband Authority's finances were dealt with from auditing standpoint, it was considered an enterprise fund, much like the Piney River Water and Sewer System. She noted that the fees taken in paid for the operation of the Authority. She indicated that they would still have the Broadband Fund, much like the Piney River Water and Sewer Fund, and it would be the responsibility of the County to make any transfers to that fund to help operations if needed. She reported that currently, the Broadband revenues were far exceeding the expenditures for that operation. Dr. Ligon asked if there were any legal liabilities. Ms. McGarry confirmed there were not much. Mr. Rutherford noted that the biggest liability was given up with the transfer of the fiber network in Nellysford and Afton. Mr. Reed recognized Mr. Harvey's leadership with the formation Broadband Authority, along with the other supervisors at that time, to get things rolling for broadband in Nelson. He commented that Mr. Harvey deserved a lot of credit for that, noting that his leadership was instrumental.

Mr. Harvey made a motion to approve Resolution R2024-37 and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) and the following resolution was adopted:

**RESOLUTION R2024-37**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION DECLARING THE PURPOSE OF THE NELSON COUNTY BROADBAND**  
**AUTHORITY COMPLETE AND CONCURRENCE WITH DISSOLUTION AND**  
**TERMINATION OF THE AUTHORITY**

**WHEREAS**, on June 9, 2009, via Resolution R2009-52, the Nelson County Board of Supervisors adopted Articles of Incorporation of the Nelson County Broadband Authority (NCBA) which were filed with and certified by the State Corporation Commission (SCC) establishing the NCBA effective July 29, 2009; and

**WHEREAS**, the NCBA was established for economic development purposes to provide high speed data service and internet access service to local businesses, local government, and the public; and

**WHEREAS**, the NCBA, in partnership with the Board of Supervisors and Central Virginia Services, Inc./ dba Firefly Internet Broadband, has facilitated the build-out of a high speed fiber internet network that provides access to high speed fiber internet for nearly 100% of the County's businesses and residents; and

**WHEREAS**, pursuant to the Code of Virginia, §15.2-5431.9, the Nelson County Broadband Authority has determined that the purposes for which it was created have been completed and all of its obligations can easily and readily be assumed by the County of Nelson; and

**WHEREAS**, at their meeting on May 14, 2024, the Nelson County Broadband Authority, adopted a resolution requesting the Board's consideration of the adoption of a concurring resolution for the dissolution and termination of the NCBA; and

**BE IT RESOLVED**, that the Nelson County Board of Supervisors declares that the mission of the Nelson County Broadband Authority is complete and the Board concurs with the dissolution and termination of the Authority.

**BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors authorizes the County Attorney to process the filing of Articles of Dissolution with the State Corporation Commission and finally, upon conclusion of the Authority's affairs, the filing of Articles of Termination of corporate existence with the SCC.

The Board took a five (5) minute recess.

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

### **A. Reports**

#### **1. County Administrator's Report**

Ms. McGarry provided the following report:

- A. Comprehensive Plan and Ordinance Updates:** Following adoption of the plan with amendments on March 20<sup>th</sup>, the next step is to review and consider proposed Zoning and/or Subdivision Ordinance amendments identified by Berkley Group as bringing the Ordinances in line with the adopted Comprehensive Plan. Once the final deliverable document is ready; it will be distributed to the Board and Planning Commission. The Planning Commission will likely review this at their May meeting with the Board following suit at their June meeting. In conjunction with this review; staff will have a proposal from Berkley Group to amend their contract for a Zoning and Subdivision Ordinance update that will include State Code compliance as well as Comprehensive Plan continuity.
- B. Stars and Spurs Fourth of July Event:** Event planning and permitting continues with free fireworks to be displayed at the Oak Ridge event venue on July 4<sup>th</sup> in collaboration with Lovingston Volunteer Fire Department. LVFD will hold a Fourth of July parade in Lovingston on June 29<sup>th</sup> with Stars and Spurs invited to participate to advertise the event. Marketing of the event and ticket sales has begun; see event website at [www.https://stars-spurs.com/](http://www.https://stars-spurs.com/). Further direction is needed from the Board regarding the previously approved contribution to the event. The Board directed staff to issue the County's financial contribution directly to Oak Ridge; however, in arranging to do so, venue representatives indicated they were not amenable to receiving the funds. Other options include paying event vendors or the Rodeo directly or Events an' Fests LLC. Local resident Lizelle Jacobs, Vice President of Bold Rock Hard Cider is the LLC's CFO and primary contact.

Ms. McGarry asked for direction from the Board on where they would like for the contribution to go. She did not know if the Board was more comfortable with the funds going to the LLC that had been established. The Board discussed the Events an' Fests LLC. Ms. McGarry confirmed that she had pulled the filing with the SCC to confirm that the LLC was a registered organization with local representation. Dr. Ligon asked if the LLC had any other events going on. Ms. McGarry noted that she thought they planned to do other events, but they were just getting started. Ms. McGarry suggested that the LLC would be the best route. Mr. Parr commented that he did not have any heartburn with the LLC. He understood the reservations at first, but there had been a lot of activity and things were moving forward. Ms. McGarry noted that the promotor had invested nearly \$100,000 in the event so far. Mr. Rutherford suggested putting in the check memo that it was for reimbursement of \$10,000 for the venue. Dr. Ligon noted she was excited for the event.

The Board was in consensus to direct the County's \$10,000 contribution for the event to Events an' Fests LLC.

- C. Warminster Rural Historic District:** The Department of Historic Resources (DHR) has received the complete nomination package and will present it to the Virginia State Review Board and the Virginia Board of Historic Resources on Thursday, June 20, 2024 for recommendation to the National Register of Historic Places and inclusion in the Virginia Landmarks Register. A public meeting/hearing on the District will be held at 6pm on Wednesday, May 15<sup>th</sup> at the Courthouse in Lovingston. DHR was responsible for sending notification letters to all District and adjacent property owners.

- D. Regulatory Changes to Emergency Services Drug Kit Exchange Program:** U.S. Food and Drug Administration (FDA) and Drug Enforcement Administration (DEA) federal regulatory changes go into effect November 27, 2024, affecting how EMS providers restock their ambulance drug kits. The Virginia Board of Pharmacy was tasked with drafting and adopting emergency regulations that will be effective for up to 18 months or until new permanent regulations are put into place. These emergency regulations must undergo an administrative review process with the Office of the Attorney General, Department of Planning and Budget, and the Governor which may take approximately 10 weeks to complete. John Adkins, Curtis Sheets, and stakeholders statewide have been instrumental in providing feedback and attending meetings on these emergency regulations which has resulted in beneficial changes that are highly responsive to the needs of EMS providers.

To comply with these new Board of Pharmacy (BOP) adopted regulations, Wintergreen Fire and Rescue Service (WFRS) will obtain a pharmacy license (already in process) which will allow them to replenish the drug boxes of other Nelson EMS agencies; which in turn allows these agencies to stay licensed as Advanced Life Support providers. There will be two secured (alarmed doors with card key access and security cameras) pharmacy supply “vending machines” located in the career staff facilities from which agencies will restock their drug boxes. WFRS will manage the program and will develop MOUs for Chiefs and Captains to execute to participate. The FY25 proposed budget contains funding for anticipated costs associated with these program changes

Ms. McGarry noted that the adopted redlined BOP regulations and a list of some of the more relevant approved changes were provided to the Board with her report. She thanked John Adkins and Curtis Sheets for their work on this matter.

- E. Sturt Property Virginia Forest Stewardship Plan:** Bill Perry of the Department of Forestry completed a Forest Stewardship Plan for the Sturt property in April. His recommendations include the first step of conducting a prescribed burn of 1/3 (32.4 acres) of the parcel of recently thinned loblolly pine (parcel A) and then planning for a commercial thinning of the 128 acres of loblolly pine (parcel B). Additionally, he recommends identifying and treating any populations of invasive plant species on all parcels. The Department of Forestry can conduct the prescribed burn for \$25/ac and they would do 20 acres at a time. The County would need to hire a conservation service to address the invasive species and also hire a forestry consultant and logging company to perform the commercial thinning. Mr. Perry is sending County staff contact information for consultants that do this work.

Mr. Reed noted that he had reviewed the information and the plan looked really good, but he thought it would be a good idea for the County to have a survey of the property done. He noted there were some questions regarding the boundaries of the property. Mr. Reed also suggested they get the advisory committee together to review the report and make a recommendation. He noted that he had spoken with the Virginia Master Naturalists and it seemed feasible to have them involved on the invasive species scenario so they did not have to contract with a company to do that. Dr. Ligon asked if they needed to run anything by the Sturt family before they did anything. Ms. McGarry explained that the Sturt family had deeded the property over to the County, so the County was the current owner of the property. Dr. Ligon commented that the family seemed to stay involved. Mr. Reed indicated that the family had not been involved, rather the advisory committee had been formed and did not include any members of the Sturt family. Mr. Reed noted that advisory committee was made up of the Department of Forestry, himself, Susan McSwain, Pete Rose, Jerry West, and others. He also noted that a lot of the preliminary work had been done by Wintergreen Nature Foundation and they had even come up with a primary master plan. He commented that the master plan was just historical, and had nothing to go forward. Mr. Reed noted that the Sturt property had been deeded to the County with the intention that it would be primarily a nature preserve. Ms. McGarry noted that she would have to look at the deed, but it also included outdoor recreation. She commented that Pete Rose kept in contact with the Sturts’ daughter. She noted that the County had brief conversations with her regarding the two grant submissions that the County had done for the Sturt property to keep her in the loop with what was happening with the property. Mr. Reed suggested that it would be good to look into what cost share options may be available for what was outlined in the forestry plan. He noted that the invasive work in the timeline may allow for reimbursement.

- F. 2021 HOME American Rescue Plan Project:** Through the TJPDC’s allocation of these funds, member jurisdictions were allotted project funds of \$312,664 to benefit qualifying populations as prescribed by the program guidelines. In December 2022, Nelson County Community Development Foundation (NCCDF), as the administrator of the County’s traditional HOME funds, was authorized to use these funds coupled with the Foundation’s HOME funds of \$175,000 to construct rental housing to address the homelessness of Nelson citizens or those at-risk of homelessness; prioritizing elderly/disabled and families with children. NCCDF has begun the project on property they own on St. James Church Road in Roseland which entails getting the site

engineered for 3 duplex buildings (6 units) and building the first unit. Construction of other units will follow as funds allow.

- G. Lovingson Front Street Sidewalk Improvements TAP Grant:** This project is part of the draft Six Year Improvement Plan (SYIP) that will be considered for approval by the Commonwealth Transportation Board in June. The Lynchburg District Spring SYIP Public hearing meeting was held on May 1, 2024 at the Lynchburg District Offices. Public comments were taken and written comments may also be submitted by mail or e-mailed to [Six-YearProgram@vdot.virginia.gov](mailto:Six-YearProgram@vdot.virginia.gov) until May 20, 2024.

Mr. Parr asked if there were any updates on the Lovingson branding. Ms. McGarry and Mr. Rutherford noted that Maureen Kelley and a few other entities like the Heart of Nelson and the Lovingson Village Association were involved. Mr. Rutherford noted that there were some t-shirts potentially in the works and they were just trying to figure out what they wanted to do.

- H. Lovingson System Water/Sewer Capacity Study:** A draft report for review is expected by the end of May.

- I. FY25 State and Local Budget:** As of May 10<sup>th</sup> reports, a budget deal has been reached between legislators and the Governor. The General Assembly is scheduled to reconvene on May 13<sup>th</sup> for a special session to vote on this budget; details will be communicated as they become available. The County's FY25 budget is scheduled for public hearing on Tuesday, June 4<sup>th</sup> with its adoption and appropriation scheduled to follow 7 days later at the regular meeting on June 11<sup>th</sup>. Changes to the budget may be made by the Board between the public hearing and its adoption; in which case, additional meetings either between June 4<sup>th</sup> and June 7<sup>th</sup> or any time before June 30<sup>th</sup> may be necessary.

Ms. McGarry reported that staff was currently working on how to address the bond financing proceeds and anticipated expenditures. She noted that Ms. Staton was going to meet with David Foley of RFCA today following his presentation to determine what would need to be done. She indicated that the bond financing could be a staff addition to the FY25 budget between the public hearing and the budget adoption.

- J. Nelson County Broadband Authority:** The Broadband Authority meets at 1pm on May 14<sup>th</sup> and pending a report from Firefly, is to consider a resolution recommending dissolution and termination of the Authority to the Board of Supervisors. If the resolution is adopted, next steps include the Board of Supervisors considering a resolution of concurrence and if adopted, subsequent filing of Articles of Dissolution with the State Corporation Commission (SCC) and upon conclusion of the Authority's affairs, filing of Articles of Termination of corporate existence with the SCC. The County would then be assigned the Authority's assets and its contracts as well as assuming its operational revenues and expenses.

- K. Staff Reports:** Department and office reports for April/May have been provided.

## 2. Board Reports

### Mr. Reed:

Mr. Reed reported that on April 24th, he had attended a breakfast awards ceremony by the local chapter of the Virginia American Red Cross where JABA CEO Marta Keane received a servant leader hero award.

### Dr. Ligon:

Dr. Ligon reported that she attended the Economic Development Authority (EDA) meeting where they voted for bond initiative. She noted that she spoke and mentioned that she hoped Ms. McGarry and Ms. Kelley would do a deep dive on EDAs that have been successful in Virginia and what the relationship was between those EDAs and the Board of Supervisors in those localities. Dr. Ligon noted that she also mentioned that she had an expectation that the EDA members do the training recommended by the state. She commented that she hoped some of the Board would do that training also, possibly with the EDA members. She stated that she felt economic development in the County was important, and if they were to create jobs or some sort of industry in the County, it would change the County for decades. She hoped that the Board would stand behind her on her speech to the EDA. She reported that she had emails on two (2) different EDAs so far, but she was looking to get more information. She indicated that it was her hope to meet with the EDA and discuss how to make them more productive. Mr. Rutherford noted that the most active EDA he had worked with was in the Danville Pittsylvania area. He encouraged Dr. Ligon to look at that EDA because he felt it was a good model to look at. He noted that he was all about training. Dr. Ligon commented that she had expectations on return on investment and the EDA needed to do the training and come up with ideas.



Mr. Rutherford:

Mr. Rutherford reported that he attended the TJPDC meeting. He suggested that the Board look at the CEDS plan. He noted there were a lot of good points in there. He indicated that the Department of Defense was a huge employer in the Charlottesville area. He noted that Waynesboro was also getting new business and asked what that could mean for Afton.

Mr. Harvey:

Mr. Harvey had nothing to report.

Mr. Parr:

Mr. Parr noted that there was no EMS Council meeting. He commented that he had nothing to report from Social Services, noting that they continue to do a great job.

B. Appointments

Mr. Parr reviewed the appointments, noting that most did not need to happen until June. He indicated that he wanted to pull a few appointments out for consideration during the meeting for the Economic Development Authority and MACAA. He noted that the rest of the appointments would be considered in June.

<b>(1) New Vacancies/Expiring Seats &amp; New Applicants :</b>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term &amp; Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
Nelson County Service Authority Board - West District	6/30/2024	4 Year Term / No limit	David Hight	Y	David Hight
Nelson County Service Authority Board - South District	6/30/2024	4 Year Term / No limit	Sergio Sanchez	Y	Sergio Sanchez
Ag & Forestal District Advisory Committee	5/13/2024	4 year term / 3 term limit	Sunny Taylor	N	No Applications Received
Nelson County Economic Development Authority	6/30/2024	4 year term/ No limit	R. Carlton Ballowe	Y	R. Carlton Ballowe
Nelson County Economic Development Authority	6/30/2024	4 year term/ No limit	Deborah Brown	Y	Deborah Brown
Nelson County Economic Development Authority	6/30/2026	4 year term / No limit	Natt Hall	N - passed away	Jeri Lloyd
Board of Building Code Appeals	6/30/2024	4 year term / No limit	R. Carlton Ballowe	Y	R. Carlton Ballowe
Board of Building Code Appeals	6/30/2024	4 year term / No limit	Ben Butler	Y	Ben Butler
Jefferson Madison Regional Library Board	6/30/2024	4 year term/ 2 term limit	Aleta Childs (UT)	Y	Aleta Childs
Planning Commission - West District	6/30/2024	4 year term / No limit	Michael Harman	Y	Michael Harman
Planning Commission - South District	6/30/2024	4 year term / No limit	Mary Kathryn Allen	Y	Mary Kathryn Allen
JAUNT	6/30/2024	3 year term / No limit	Brad Burdette	Y	Brad Burdette
<b>(2) Existing Vacancies:</b>					
<u>Board/Commission</u>	<u>Terms Expired</u>				
MACAA Board of Directors	3/13/2024	2 year term / No limit	Chris Sandquist	N	Ann Mische

MACAA

Mr. Reed moved to appoint Ann Mische to the MACAA Board of Directors. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

Economic Development Authority

Mr. Parr noted that they had two (2) reappointments, R. Carlton Ballowe and Deborah Brown, and one (1) vacancy being filled by Jeri Lloyd. Mr. Rutherford moved to appoint R. Carlton Ballowe, Deborah Brown and Jeri Lloyd to the Economic Development Authority. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

C. Correspondence

Mr. Rutherford noted he had received some items for VDOT, but he had coordinated with Robert Brown.

D. Directives

The Board had no directives.

**VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(1) & (A)(3)**

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711- (A)(1) - "Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body;" and, (A)(3) - "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body." Dr. Ligon seconded the motion and there being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors approved the motion by vote of acclamation.

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

Property Purchase Agreement

Mr. Rutherford made a motion that the Nelson County Board of Supervisors agrees to purchase a parcel of real estate being 2.37 acres, more or less, situated in Nelson County, being tax map #57-A-34K for the price of \$90,000. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote. Mr. Rutherford then amended his motion to include authorizing Ms. McGarry to enter in the purchase agreement for the property. Mr. Reed seconded the amended motion. Mr. Parr called for a vote by acclamation on the amendment. Supervisors approved the amended motion by vote of acclamation.

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

At 4:55 p.m. Mr. Parr adjourned the meeting until 7:00 p.m.

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

**I. CALL TO ORDER**

Mr. Parr called the meeting to order at 7:00 p.m. with five (5) Supervisors present to establish a quorum.

**II. PUBLIC COMMENTS**

There were no persons wishing to speak under public comments.

**III. PUBLIC HEARING**

**A. FY25-30 Secondary Six-Year Road Plan (R2024-38)**

The purpose of the public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2025 through 2030 in Nelson County and on the proposed Secondary Road System Improvement Priority List for Fiscal Year 2025.

Mr. Robert Brown of VDOT was present to discuss the draft FY25-30 Secondary Six-Year Plan. He noted that they held the work session during last month’s meeting. He indicated that nothing had changed with the plan, other than the order of priority. Mr. Rutherford commented that when they got to the second resolution R2024-39, the roads were not listed in priority, they were just listed. Mr. Brown and Mr. Rutherford both noted that the second resolution was a separate thing from the Secondary Six-Year Road Plan.

Mr. Brown reviewed the allocations on the cover sheet. He explained that there were two (2) types of funding that Nelson received for secondary road construction, Telecommunication fees (Telefees) and District Grant Unpaved Road funds. He reported that the Fy25 District Grant Unpaved Road funding was estimated to be \$671,748, with the Telefee amount being \$36,186. He pointed out the District Grant



Unpaved Road funds in FY26 which were \$454,996, which he noted was a pretty big cut from FY25. He assured that they would still get as much done with the roads as they could.

Mr. Brown reviewed the Secondary Six-Year Plan.

1. Cow Hollow Road (Route 674) – Mr. Brown reported that Cow Hollow was completed last year and was waiting for financial closure.
2. Davis Creek Road (Route 623) – Mr. Brown noted that Davis Creek Road should be completed in the current year.
3. Hunting Lodge Road (Route 646)
4. Jennys Creek Road (Route 674)
5. Wheelers Cove Road (Route 640) – Mr. Brown noted that Wheelers Cove had a 1.5 mile section to complete.
6. Fork Mountain Road (Route 667)
7. Berry Hill Road (Route 613)
8. Gulleysville Lane (Route 629)
9. Buffalo Station Road (Route 606)
10. Walk Around Lane (Route 764)
11. Green Field Drive (Route 721)
12. Eagle Mountain Drive (Route 648)

Mr. Brown noted that those priorities were the active projects in the Six-Year Plan currently. He indicated that those priorities were fully funded throughout the next six (6) years.

Mr. Brown then reviewed the line in the plan for Nelson Countywide Transportation Services. He explained that it was an account that VDOT kept money in to help with special projects that come up from time to time on Secondary Roads. He noted that they usually put the Telefee money in that account. He indicated that the account also paid for new secondary road signs.

Mr. Brown commented that he felt the plan reflected the priorities worked on at April meeting. He offered to answer any questions.

Mr. Rutherford noted that the Board had asked for a list of current unpaved gravel roads in the County. He commented that it was not needed for any decisions that evening, but he would be interested in having that information for the future. He noted he was interested to know how many linear miles were left. Mr. Brown estimated that there were still about 120 to 130 miles of unpaved roads left in Nelson. He noted that North Fork had about seven (7) miles unpaved. Mr. Brown explained that as more roads are hard surfaced, the Unpaved Road allocation to the County decreases.

Mr. Brown reviewed the Rural Rustic Draft Priority list for FY25-30.

1. Spring Valley Road (Route 634)
2. North Fork Road (Route 687)
3. Pigeon Hill Road (Route 681)
4. South Powell Island Road (Route 662)
5. Toms Lane (Route 674)

PRIORITY	ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	Cost
1	634	Spring Valley Rd.	Rte. 616	Dead End	1.00 Mi.	180	\$250,000
2	687	North Fork Rd.	1.0 Mi. North Rte 56	2.0 Mi. North Rte 56	1.00 Mi.	110	\$250,000
3	681	Pigeon Hill Rd.	.63 Mi. S Rte. 666	Rte. 680	1.12 Mi.	90	\$280,000
4	662	South Powell Isl. Rd.	.68 Mi. North Rte. 739	1.45M.NorthRte 739	0.77 Mi	60	\$192,500
5	780	Toms Lane	Rte. 674	Dead End	0.40 Mi.	60	\$100,000
	647	Findlay Gap Rd.	Rte. 722	1.0 Mi.SouthRt. 722	1.00 Mi.	30	\$250,000
	685	Bradley Lane	Rte. 56	Rte. 686	1.11 Mi	50	\$277,500
	686	Spy Run Gap Rd.	Rte. Augusta CL	Rte. 685	.65 Mi.	60	\$162,500
							\$1,762,500

Mr. Brown noted that there were three (3) additional routes on the list that were non-prioritized roads, which included Findlay Gap Road (Route 647), Bradley Lane (Route 685) and Spy Run Gap Road (Route 686). He indicated that portion of Findlay Gap was the section that goes to the County’s property.

Mr. Brown noted the unpaved road list was a list of possible projects that could be changed each year. He commented that if conditions or warrants on priorities changed, things could move.

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

Mr. Rutherford moved to approve **Resolution R2024-38** as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-38  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF FY25-FY30 SECONDARY SIX-YEAR ROAD PLAN  
AND FY24/25 CONSTRUCTION PRIORITY LIST**

**WHEREAS**, Sections 33.2-331 and 33.2-332 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2024/25 through 2029/30) as well as the Construction Priority List (2024/25) on May 14, 2024 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

**WHEREAS**, Staff of the Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2024/25 through 2029/30) and the Construction Priority List (2024/25) for Nelson County,

**NOW THEREFORE BE IT RESOLVED**, that said Board finds the Plan(s) to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, and as such said Secondary Six-Year Plan (2024/25 through 2029/30) and Construction Priority List (2024/25) are hereby approved, as amended if applicable.

**IV. APPROVAL OF THE RURAL RUSTIC DESIGN STANDARD FOR FY25-30 NELSON COUNTY SECONDARY ROAD SIX YEAR IMPROVEMENT PLAN (R2024-39)**

Mr. Brown explained that according to the Rural Rustic Design Standard, the Board of Supervisors must approve the design standard. He noted that even though they passed a resolution with the six-year plan that specifically states rural rustic, they still needed to adopt a separate resolution. He explained that it was like a technicality to meet VDOT requirements

Mr. Reed moved to approve **Resolution R2024-39** as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-39  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF THE RURAL RUSTIC DESIGN STANDARD FOR UNPAVED ROADS IN THE  
FY25-30 NELSON COUNTY SECONDARY ROAD SIX YEAR IMPROVEMENT PLAN**

**WHEREAS**, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

**WHEREAS**, the Board of Supervisors of Nelson County, Virginia desires to consider whether these Routes should be designated as Rural Rustic Roads as follows:

- Route 623, Davis Creek Road. from Dead End To: Road 625,
- Route 646, Hunting Lodge Road, From: Route 604 To: Route 645,
- Route 647, Jenny’s Creek Road, From: Route 56 To: Route: 151,
- Route 606, Buffalo Station Road, From: Route 626 To: Route 1.4 miles East of Route 626,
- Route 667, Fork Mountain Road, From: 1.29-mile North of Rte.56 To:2.29-mile North of Rte. 56
- Route 629, Gulleysville Road, From: Route 634 To: Dead End,
- Route 613, Berry Hill Road, From: Route 788 To: Route 634,
- Route 640, Wheelers Cove Road, From: Route 620 To: 1.50-mile South of Route 620,
- Route 764, Walk Around lane, From: Route 628 To: Dead End,

May 14, 2024

- Route 721, Green Field Drive, From: .70-mile North of Rte. 626 To: 2.8-mile North of Rte. 626
- Route 648, Eagle Mountain Drive, From: Route 703 To: Route 56

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on these roads; and

**WHEREAS**, the Board believes that these roads should be so designated due to their qualifying characteristics; and

**WHEREAS**, these roads are in the Board's six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates these roads as Rural Rustic Roads, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that these roads be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

Mr. Parr asked if there were any other VDOT items to discuss with Mr. Brown. Mr. Rutherford thanked Mr. Brown for the sign in Lovingston. He thanked Mr. Brown for the gravel in the pothole in Schuyler. He noted that the pothole would need a more permanent fix in the future.

Dr. Ligon asked for a contact person with VDOT. She noted in speaking with a lot of the fire departments, there were complaints about VDOT response for traffic control during accidents. She asked who she could speak with about getting a quicker response. Mr. Brown indicated that the quickest way to get a response and by policy, it should go through the VDOT call center at 1-800-367-ROAD. Mr. Parr asked if that should be done through Dispatch or someone else. Mr. Brown explained that they are not supposed to respond unless it is from law enforcement. He noted that they were supposed to call the call center and the request would be sent out immediately. Mr. Brown noted it was instantaneous to make sure that someone responded. Dr. Ligon noted that there was a squabble between fire departments and police regarding who was supposed to do traffic control. She commented that the police got mad when the firefighters said there was no fire, so it was not their job to do it. She said that everyone felt that it was the job of VDOT, but they were not showing up. Mr. Brown noted that VDOT did not need to respond to every accident. He noted if there was not a lane closure or a long term closure, they did not need to be there. Mr. Harvey noted that whichever fire department took the call, they were the ones to process. Dr. Ligon noted that she was trying to understand the process so that everyone would be educated and maybe it would work the way it was supposed to. Mr. Brown explained that the incident commander was the next to call VDOT.

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

The Board had no other business to discuss.

#### **VI. ADJOURN AND CONTINUE TO JUNE 4, 2024 AT 7 P.M. FOR THE FY25 BUDGET PUBLIC HEARING.**

At 7:20 p.m., Mr. Rutherford made a motion to adjourn and continue the meeting to June 4, 2024 at 7:00 p.m. for the FY25 Budget public hearing. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.