

**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  
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  
Angela F. Hicks, Treasurer  
Erik Laub, Assistant Commonwealth Attorney  
Sheriff Mark E. Embrey  
Dylan M. Bishop, Director of Planning and Zoning

Absent: Thomas D. Harvey, North District Supervisor

**I. CALL TO ORDER**

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

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

**II. PUBLIC COMMENTS**

*Marta Keane – Jefferson Area Board on Aging (JABA), CEO*

Ms. Keane provided the Board with copies of JABA’s 2023 Annual Audit Report. She reported that JABA’s programs served over 20,000 people in the region. She noted that their volunteers capacity building gave the equivalent of 23 employees to help build out what JABA did. She reported that a volunteer at the Cecilia Epps Community Senior Center won the volunteer award a few weeks ago. She reported that JABA’s audit found that 82.7 percent of their funds went directly to services. She noted that the benchmark for Non-profits was 65 percent, and their auditors liked to see 75 percent. Ms. Keane stated that she wanted the Board to know the money they gave to JABA was going directly to the seniors and for their services. She noted that they were currently finishing up their numbers for FY24 and would return in the fall to provide a final update. Ms. Keane reported that through Q3 (March/third quarter), JABA had provided over 1,000 people in Nelson County with assistance through their Senior helpline. She noted that was about 2,000 contacts because people would often call back with more questions. She reported that Caregiver services were increasing and they had been able to help 25 caregivers. She noted that had been about 125 contacts because once JABA made contact, people came back. Ms. Keane reported that JABA had just hired a care giver coordinator, so they were looking to that number growing. She noted that they were running about 30 people in the Cecilia Epps Center, which equated to 750 units of service because people came twice per week, and most of them attended pretty much all the time. She explained that the time at the Center was also their time for socialization and their participation in health education and Healthy Steps. Ms. Keane also reported that they were up 47 members for home delivered meals in Nelson. She noted that the post cards they sent out really increased that number. She reported that JABA had provided about 8,700 meals through March. She noted that JABA was very happy with the process and progress they were making in Nelson. She expressed her appreciation for all of the support from the Board. Ms. Keane also provided a handout titled “JABA Stories of Impact,” which she highlighted a story on Page 11 that was specific to Nelson County. She reported that JABA had a female client who wanted more home delivered meals, so the Aging Service Coordinator visited the home, and found that the client did not have running water and there were a lot of other issues. She noted that JABA was able to help the client get into a new home and have grab bars installed by the Nelson County Community Development Foundation. Additionally, she noted that JABA was able to get the client incontinence products. She indicated that All Blessing Flow was a good source for those items. Ms. Keane noted that JABA was able to get the number of home delivered meals increased and the client was able to remain safely in her home. Ms. Keane thanked the Board for their support. Mr. Parr thanked Ms. Keane for everything JABA did for the community, as well as everything she did for JABA.

*Robert Gubisch - Faber, VA*

Mr. Gubisch provided a quote from Dr. Archie Kalokerinos who found the whole vaccine business to be a hoax. He then noted another quote from 400 pages of research by doctors that said that vaccination along with war could be the biggest fraud in history. He commented that for each disease epidemic from 1850 to 2018, all someone would need to do is replace the date and location, and they would come to the conclusion

that drug companies have been running the same racket repeatedly. Mr. Gubisch stated that disease mongering had been going on since 1796. He then quoted Dr. David E. Martin who stated that the covid story “was an excuse to set the state for the distribution of an experimental gene therapy in the form of WRNA injections..” Mr. Gubisch noted that he wanted to bring this to our attention because when the COVID story, somehow the First Amendment to the Constitution melted, and no one could go to church because someone said they might get sick. He commented that they were already building the the vaccine movie for maybe the bird flu. He asked what they would do next time. He stated that he hoped everyone had learned and would stand up and act like Americans. Mr. Gubisch thanked the Board for what they do for the County.

*Elwood Waterfield III*

Mr. Waterfield stated that he was homeless because the County stole his property, because he stood up against corruption in the County. He commented that Mr. Tommy Harvey was not at half of the meetings and he hoped his pay reflected that. Mr. Waterfield then stated that Lisa Bryant was a criminal and belonged behind bars. He commented that the County should have tried to settle with him instead of continuing to maliciously prosecute him and make him homeless.

*Stephen Bayne - Nellysford, VA*

Mr. Bayne referenced an email letter sent to the Board on July 3<sup>rd</sup> entitle “CVRHP Piedmont Community Land Trust Renaissance Ridge” and asked that the Board please respond to his request for information. He asked for the Board to explain how and when they would communicate to County citizens, a comprehensive plan regarding low income housing for Nelson County. Mr. Bayne then reference Resolution R2024-49, Nelson County Board of Supervisors Support of Housing Opportunities Fee Waivers for NCCDF Housing Projects. He asked that the Board confirm that the County would not put the costs of costs of utility connections and debris disposal on the backs of citizens instead of the developers. He also referenced Resolution R2024-56 Nelson County Board of Supervisors Authorization to Enter into Agreement with VDOT to Accept FY24-25 Transportation Alternatives Program Grant Funding for the Front Street Sidewalk Improvement Project. He noted that the local commitment was a 20 percent match, plus the balance of the estimated project costs over the maximum allowable of \$3,125,000. He asked for the Board to explain to citizens why there would be any balance over the maximum allowable, particularly a material balance estimated at \$751,000. Mr. Bayne stated that Nelson County must have a comprehensive, strategic and tactical plan regarding low income housing, and the County must communicate the plan transparently to the citizens. He noted that Nelson County must live within its means, on behalf of citizens, the tax payers.

*Luc Olivier, Jr. - Nellysford, VA*

Mr. Olivier stated that he had recently retired after 40 years in financial services, noting that he had specialized in project management. He commented that in reviewing the minutes from the last meeting, he had the sense that Board was spending an excessive amount of time micromanaging the Sheriff's Office. Mr. Olivier proposed that the Board give the Sheriff's Office the they budget needed to do their job. He suggested that the Board provide \$1.5 million to \$3 million in funding to the Sheriff's Office. He noted that the Sheriff's Office could then provide updates to the Board on a quarterly basis. Mr. Olivier stated that the efforts of the Board to micromanage that work was counterproductive. He noted that he had been a resident for three (3) years and he acknowledged that he saw the impact of the incremental staffing that the Sheriff's Office had hired. He noted that he had seen increased patrol minimally on 151 and other areas.

*Mary Kathryn Allen - Gladstone, VA*

Ms. Allen thanked the Board for their time and patience and the service that they provided to the County. She explained that Nelson County Youth Baseball was shut down in 2022. She noted that after COVID, registration numbers for youth baseball continued to decline to the point where they were unable to make a team in any age group. She explained that since then, Nelson County had been forced to play in other places. She reported that four (4) of the Nelson County players were on the 12U Amherst Ozone team, and they had just won the Division 2 State Championship the night before. She noted that every little boy dreamed of playing in the World Series. She noted that the young men had worked very hard in the spring season, and they wanted to get them to the World Series. She noted there were four (4) student athletes from Nelson, with a total of 11 players on team. Ms. Allen reported that the World Series was scheduled for July 25<sup>th</sup> through July 31<sup>st</sup> and the team's first game was on Thursday, July 25<sup>th</sup> against Texas. She introduced the four (4) young men on the team from Nelson: Stephen Allen, Colton Gibson, Hayden Simpson and Henry Wright. She noted that all of the young men had been a part of youth baseball in Nelson County since T-Ball. She indicated that many of the Amherst students on the team had family members in Nelson. She reported that the team remained undefeated during the district and state tournament, beating out their opponent 78 to 9, which meant that they scored 78 runs and only allowed 9 runs. Ms. Allen noted that the team had put in the work through the heat and injuries. She asked the Board to help with a financial donation. She noted that they were reaching out to local businesses and organizing fundraisers. Ms. Allen

estimated that the trip would cost about \$2,500 per player. She noted that the estimate was the minimum. She estimated that a hotel would cost \$1,000 to \$1,200; transportation and gas at \$600 to \$800; and food around \$500 for a total closer to \$2,700. Ms. Allen reported that they would also be making a request at the Amherst County Board of Supervisors on July 16<sup>th</sup>. She noted that they were currently planning to leave on July 23<sup>rd</sup>, and depending on how they did, the tournament was scheduled to finish on July 31<sup>st</sup>. She asked that the Board help them get Team Virginia to the World Series. She noted that should the Board choose to make a donation, the check could be made out to Amherst Youth Baseball.

**II. CONSENT AGENDA**

Mr. Reed made a motion 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 – R2024-46 Minutes for Approval

**RESOLUTION R2024-46  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(March 18, 2024)**

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

B. Resolution – R2024-47 Budget Amendment

**RESOLUTION R2024-47  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET  
July 9, 2024**

<b>I. Appropriation of Funds (General Fund)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 23,345.00	3-100-002404-0035	4-100-031020-7038
	\$ 32,233.00	3-100-002404-0035	4-100-031020-7049
	\$ 8,931.11	3-100-009999-0001	4-100-093100-9203
	<b>\$ 64,509.11</b>		
<b>II. Supplemental Appropriation of Funds (School Fund)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 76,070.98	3-205-002404-4070	4-205-064600-6040
	\$ 52,801.99	3-205-003302-0096	4-205-064600-6040
	\$ 8,931.11	3-205-004105-0001	4-205-062100-9302
	<b>\$ 137,804.08</b>		

C. Resolution – R2024-48 COR Personal Property Tax Refund

**RESOLUTION R2024-48  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

**RESOLVED**, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Tax Category</u>	<u>Payee</u>
\$3,220.16	2021-2023 Personal Property Tax & Vehicle License Fee	Jason A. Lyman & Kristen Audra Atkins 6568 Plank Road Afton, VA 22920

D. Resolution – R2024-49 NCCDF Fee Waivers

**RESOLUTION R2024-49  
NELSON COUNTY BOARD OF SUPERVISORS  
SUPPORT OF HOUSING OPPORTUNITIES-FEE WAIVERS FOR  
NELSON COUNTY COMMUNITY DEVELOPMENT FOUNDATION  
HOUSING PROJECTS**

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

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

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

**IV. RECOGNITION OF RETIRING TREASURER ANGELA HICKS (R2024-50)**

Mr. Parr thanked Ms. Hicks for her years of dedicated service to the County. Mr. Parr read aloud **Resolution R2024-50** and made a motion to approve the resolution. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2024-50  
NELSON COUNTY BOARD OF SUPERVISORS  
RESOLUTION RECOGNIZING THE COUNTY SERVICE OF  
ANGELA F. HICKS**

**WHEREAS**, Mrs. Angela F. Hicks, Treasurer, is retiring as of August 1, 2024 after having served the citizens of Nelson County for more than thirty (30) years; and

**WHEREAS**, Mrs. Hicks began her employment with the County in the early 1990’s working part-time for Parks and Recreation, as well as the Commissioner of Revenue’s office, before being hired by Treasurer J. Marvin Davis to work as a part-time office clerk in April 1993. She was then promoted to full-time in 1996, working her way up to Deputy Treasurer III and Chief Deputy I under Treasurer Erma Sue Harris and then was successfully elected as Treasurer of Nelson County in November of 2011; and

**WHEREAS**, Mrs. Hicks achieved excellence in her role as Treasurer by serving as an active member in the Treasurer’s Association of Virginia, serving as the Central District Chair, as well as Chair of the Certification Review Committee. In 2014, Mrs. Hicks attained the designation of Master Governmental Treasurer from UVA’s Weldon Cooper Center for Public Education and the Virginia Treasurer’s Association, which was the first for the Nelson County Treasurer’s Office; and

**WHEREAS**, under the leadership of Mrs. Hicks, the Nelson County’s Treasurer’s Office became accredited for the first time in 2015; maintaining that accreditation to date, and with the support of Mrs. Hicks, two of her three Deputy Treasurers have also become certified as Master Governmental Deputy Treasurers; and

**WHEREAS**, Mrs. Hicks has worked to add more convenient payment options for Nelson County’s citizens which include: credit card payment, online payment, and a payment drop box at the Courthouse entry, to serve the citizens outside of regular office hours; and

**WHEREAS**, Mrs. Hicks has done an excellent job at managing the County’s accounts and investments to carefully ensure the County’s good standing for years to come;

**NOW, THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby honor Mrs. Angela F. Hicks with great appreciation for her dedicated and steadfast service to Nelson County and its citizens throughout her tenure, and

**BE IT FURTHER RESOLVED**, that Mrs. Hicks will be missed both personally and professionally and the Board wishes her and her family continued health, happiness, and prosperity upon her well-deserved retirement.

Mr. Parr presented Ms. Hicks with a framed copy of the adopted resolution. Ms. Hicks thanked the Board.

Amherst Youth Baseball Funding Request

Mr. Parr added the Amherst Youth Baseball Funding Request to the Agenda for discussion. He congratulated the players. The Board discussed the funding request from the Amherst Youth Baseball team to help them travel to participate in the World Series. Mr. Rutherford stated that it was an honor and privilege to have these young men represent Nelson County. He noted that the Board had contributed \$5,000 last time they went to the World Series. He suggested that it was appropriated to do the same amount again.

Mr. Rutherford made a motion to contribute \$5,000 to sponsor the baseball team. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

**V. PRESENTATIONS**  
A. VDOT Report

Robert Brown of VDOT was present to provide the following report:

Mr. Brown noted that the paving had been completed in Lovington. He reported that they were able to address some maintenance issues at the intersection of the shopping center during paving. He noted that he was pleased with how it turned out. He indicated that he was unsure when the pavement markings would be completed. Mr. Brown noted that the pavement work was good quality and nicely done. Mr. Parr pointed out that the paving equipment was out before holiday weekend, which he noted was great.

Mr. Brown reported that the mowing along primary roads had been completed. He noted that they were planning to get the contractor out for litter pick up in a few weeks. He reported that mowing along the secondary roads had started on Monday that week.

Mr. Brown noted that he was hoping to have the results from the pedestrian study on 29, but he had not received them from VDOT's traffic folks. He explained that they were struggling with the high speeds out there on 29, so it was taking time to figure out how to protect the pedestrians and not create lots of secondary collisions when people slow down.

Mr. Brown noted that he had spoken to Mr. Parr about the sight distance on Route 56 at Cow Hollow. He reported that they had done some hand trimming but they were planning to get the boom axe out to do a better job. He noted that VDOT's maintenance forces were handling normal maintenance issues. Mr. Brown reported that the Rural Rustic Projects had not started yet, but they were looking to start work on Davis Creek soon.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford commented that a directive had been made to complete a speed study on 29. He noted that he had recently gotten correspondence from Outback Brewing, complaining about pulling out into 20 and having some near misses, particularly people getting out into the left lane to make a left. He stated that it was imperative to see what could be done to slow traffic on the 29 corridor in Lovington. He noted that he thought a directive had been made in either January or February. Dr. Ligon noted that it was asked if it could happen, but she was not sure a directive had occurred. Mr. Rutherford noted that he wanted to look at extending the 45 mph zone. Mr. Rutherford suggested looking at having the 45 mph zone extended from Orchard House to Stevens Cove. Mr. Brown indicated that he would look into it.

Mr. Brown noted that they had a discussion on traffic safety at the intersection of Front Street and Main Street and it had been reviewed. He reported that no issues were there to be addressed. Mr. Rutherford noted that when they start the Lovington sidewalk improvements, there could be some changes in the dynamics to consider. Mr. Parr noted the section where Heart of Nelson was located; he asked if there was a way to keep people from parking in the no parking area. He commented that the painted lines were not enough to keep people from parking in that area. Mr. Parr noted that the visibility was limited to the north from either side of Front and Main when people parked in the no parking zone. He asked if something could physically be put in place. Mr. Brown suggested that could be designed into the sidewalk project. Mr. Rutherford commented that they may be able to get the Sheriff to put some no parking tickets on cars.

Mr. Brown noted that Lovingsston was classified as a village. He commented that when town councils restrict parking, they get a lot of push back from the businesses. He noted that he did not know if the County wanted to gauge that or not. Mr. Brown reported that the traffic study for a four-way stop at the intersection found there had been zero accidents in the last five (5) years. Mr. Rutherford commented that he was sure VDOT would have some participation as they worked on the design aspects of the street. Mr. Brown indicated that the County needed to make sure that the design consultant knew what they wanted.

Mr. Rutherford asked about any follow up on Whippoorwill. Mr. Brown noted that he could give an answer that day but Mr. Rutherford would not like it, and he noted that he was not satisfied with it. Mr. Brown commented that he was still working on it. He indicated that he was going to look at some deeds in Clerks office before he left.

Dr. Ligon:

Dr. Ligon noted a discussion on Gladstone speed reduction. She asked Mr. Brown to let her know what he found out with new law. She indicated that she would get more information on what the folks in Gladstone were wanting besides just the 15 mph speed limit. Mr. Brown cautioned the Board to not set a precedent that they could not keep when they considered reducing speed limits below 25 mph, because everyone would want it.

Mr. Reed:

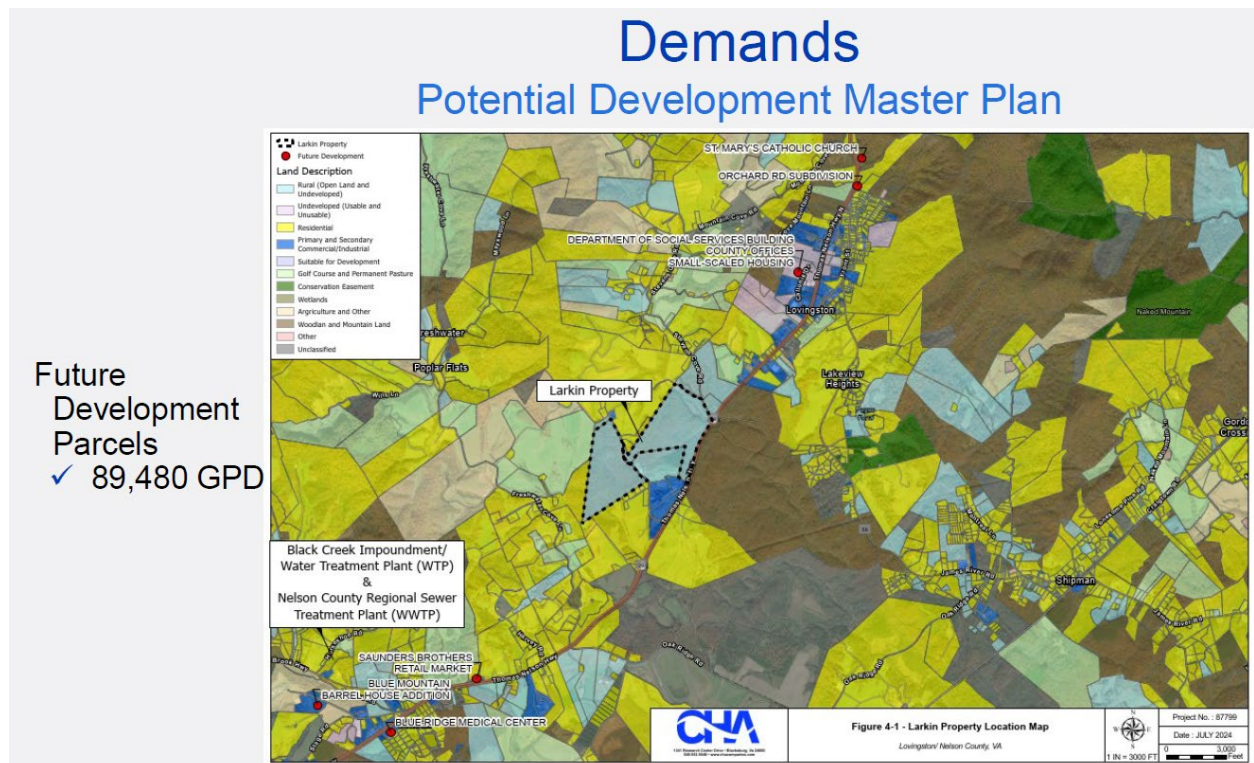
Mr. Reed had no VDOT issues to report.

Mr. Parr:

Mr. Parr had no VDOT issues to report.

B. Larkin Property Water and Sewer Capacity Phase I Engineering Report - CHA

Ms. McGarry introduced Stevie Steele of CHA. She noted that he was hired as the consultant to complete the Larkin Property Water and Sewer Capacity Analysis, and to analyze the impact to the Lovingsston water and sewer system. Mr. Steele indicated that he would not get into the weeds of the report. He noted that it had been provided to the Board and if they had any questions that he did not address, they could submit them to Ms. McGarry or Ms. Spivey, and he would provide a prompt response. He showed a map of the Potential Development Master Plan.



He commented that he did not want the plan to be construed as something that was all-encompassing. He noted that those items with white lettering, were all areas that had been identified as potential either new or additions and potential water and sewer demand centers. He indicated that he would have a list to provide later in the presentation. Mr. Steele reported that in calculating the needs of the potential future development, they had determined a 89,480 gallon per day (GPD) of capacity requirement. He noted that the projected amount of gallons per day for each of the facilities was based on the industry standard. He indicated that did not mean that was what they would fully swell into, but that would be a safe number to

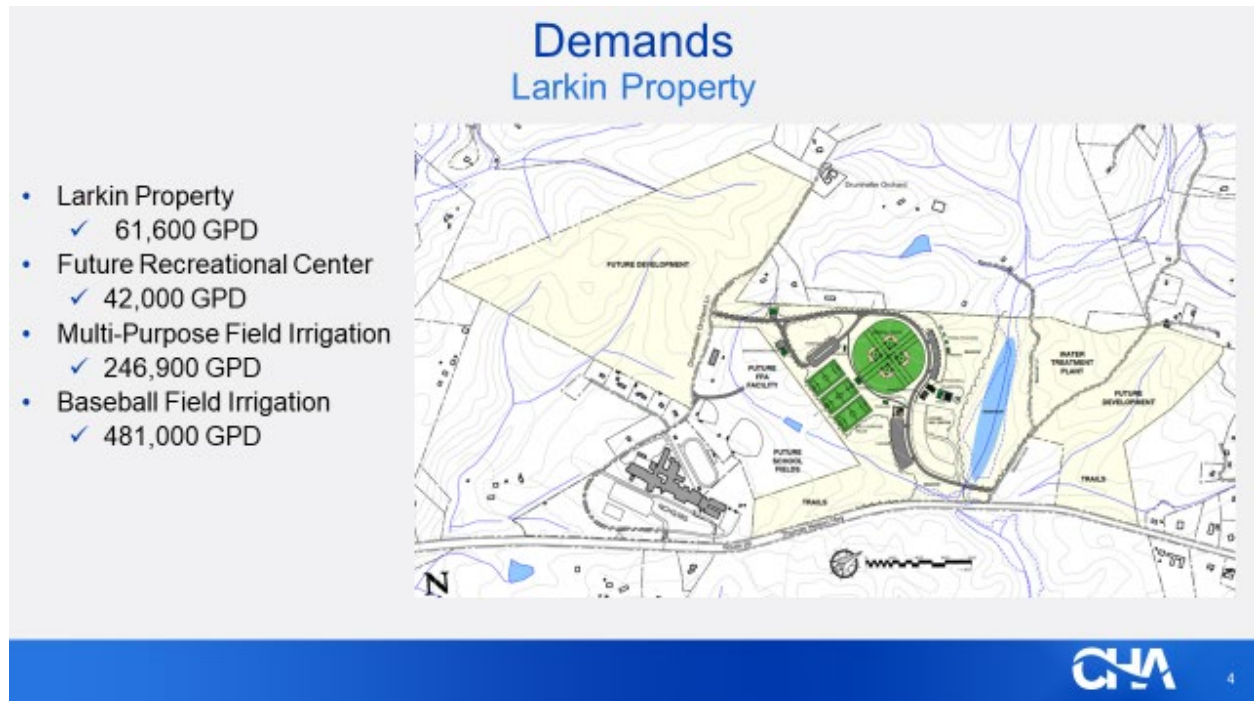


plan for, if the areas were all developed. Mr. Steele reviewed the future development list and total estimated water and sewer demand per day for each facility.

**Table 4-7 – Summary of Future Development Facility Type and Total Demand**

Land Use Category and Facility Type	Use/ Zoning	Total Water Demand (GPD)	Total Sewer Flow (GPD)
<b>Larkins Properties</b>			
Future Development - West	Residential	32,000	2,000
Future Development - East	Residential	10,100	1,000
Future Recreational Center	Assumed 50/50 Gymnasium/ Office and Exhibit Hall. No Swimming Pools.	42,000	42,000
<b>North End Lovingsston</b>			
St. Mary's Catholic Church	Commercial	2,800	2,800
Orchard Dr Subdivision	Residential	25,100	12,810
Department of Social Services Building	Commercial	1,600	1,600
County Offices Building	Commercial	800	800
Callohill Rd Housing	Residential	12,600	6,230
<b>Colleen</b>			
Saunders Brothers Retail Market	Commercial	1,000	1,000
Blue Ridge Mountain Barrel Addition	Commercial		
Blue Ridge Medical Center Expansion	Commercial	2,000	2,000
<b>Total Demand</b>		<b>89,480</b>	<b>52,180</b>

Mr. Steele noted that he was separating the future recreation center demands from the sports complex area on the Larkin property. He noted that the sewer demand for the future development items listed was 52,180 GPD. He showed the layout for what could potentially be done on the Larkin property, which also showed the GPD needed for each area. He commented that his sports people had looked at it and commented that the arrangement of soccer and baseball/softball fields made sense. He noted that there was an area where an impoundment could be located, as well as a water treatment facility. Mr. Steele noted that the east and west locations were labeled as future development. He explained that they had assumed that those future development areas could be some level of residential, either single family, multifamily, etc. He noted that it was going to set a baseline so that as they moved through, they could decide how much investment would be need to get each item.



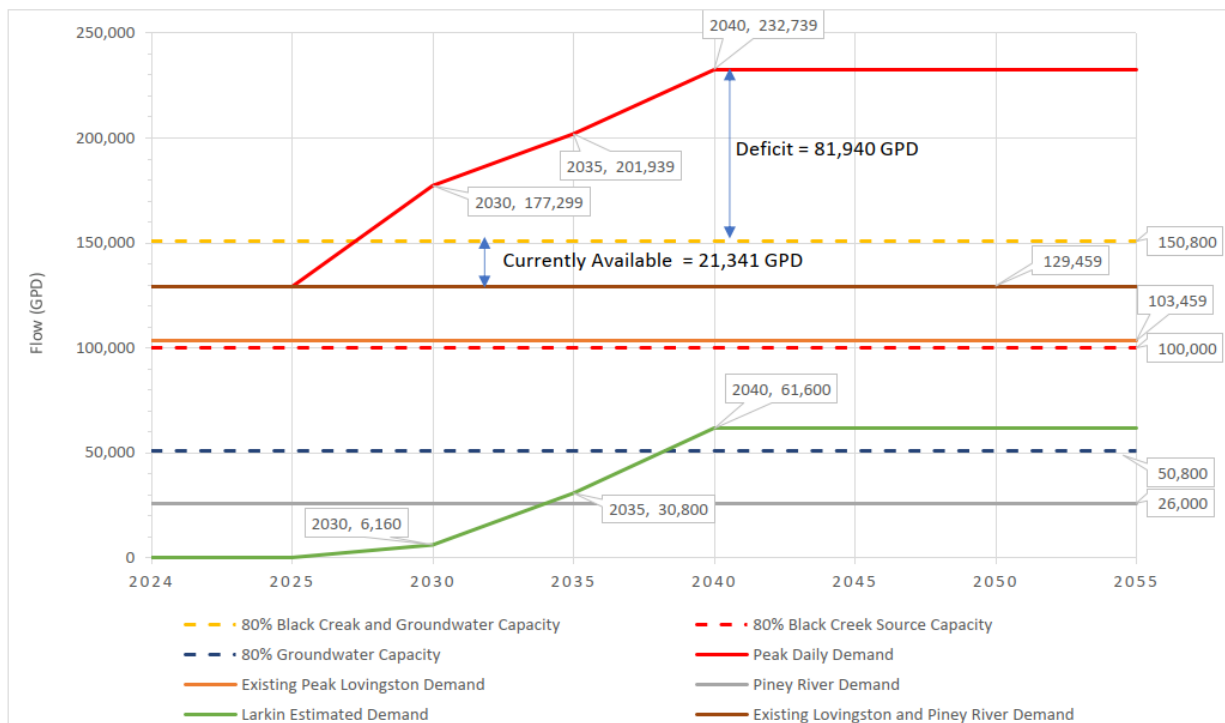
Mr. Steele reported that the Larkin property itself for the facilities shown would require 61,600 GPD. He discussed irrigation and noted that they needed to keep in mind the irrigation that would be required to care for the kind of grass or turf that they would use. He noted that Abingdon had a very nice sports complex with about eight (8) soccer fields and twelve (12) baseball fields. He commented that they had fantastic grass on their fields. He noted that their first month's water bill for the irrigation was \$30,000. He suggested that the Board determine what type of facility was right for the County, that was within their means to manage and take care of. He noted that CHA could help them to determine that.

Mr. Steele reviewed the list of Larkin property facilities and their total daily demand (GPD). He noted that the calculations were industry standard water uses. He explained that they did not have all of the listed items or provide that level of water to each one. He noted that if they were going to start somewhere, they should start at the finish line, and then decide what they did not want, rather than starting with something fragmented and then they keep piecing it together. Mr. Steele noted they could determine where they wanted to start, but they needed to make sure that the master plan showed everything, so they did not build something on top of an area that could be readily used for another activity.

**Table 4-1 – Larkin Properties Master Plan Land Use and Total Demand**

Land Use Category and Facility Type	Unit Demand	Number	Total Demand (GPD)	Notes
<b>Recreation/ Multipurpose Fields</b>				
Spectator:	5 GPD/ seating, max capacity	1500 seatings	7,500	Assume no assembly
<b>Baseball Field</b>				
Spectator:	5 GPD/ seating, max capacity	1700 seatings	8,500	Assume no assembly
<b>Outdoor Court</b>				
Basketball:	5 GPD/ person, max capacity	1 court	6,000	Assembly/ Standing Spaces
Pickleball:	5 GPD/ person, max capacity	1 court	6,500	Assembly/ Standing Spaces
<b>Outdoor Pool</b>				
	10 GPD/ swimmer, max capacity	1 pool	2,300	Assembly, Group A-5
<b>Splashpad</b>				
	Avg. 110 gpm for 4 hours/ day	1 splash pad	26,400	Assume No Circulation w/ UV Treatment
<b>Playground</b>				
	5 GPD/ person, max capacity	1 playground	1,800	Daycare
<b>Picnic Pavilion</b>				
	5 GPD/ person, max capacity	4 tables	2,400	Assembly/ Fixed/ Unconcentrated
<b>Maintenance Building (Forestry)</b>				
	5 GPD/ person, max capacity	1 shed	100	Agricultural Building
<b>Maintenance Shed</b>				
	5 GPD/ person, max capacity	1 shed	100	Accessory Storage Area/ Mechanical Room
<b>Total Potable Demand</b>			<b>61,600</b>	
<b>Recreation/ Multipurpose Fields</b>				
Irrigation:	1.5 inches of depth	3 fields	246,900	Assume raw water source
<b>Baseball Field</b>				
Irrigation:	1.5 inches of depth	4 fields	481,900	Assume raw water source
<b>Total Non-Potable Demand</b>			<b>728,800</b>	

Mr. Steele discussed the existing water sources which consisted of two sources: ground water and surface water. He noted that it was all treated at the same location. He showed the existing water sources along with the demand on the screen.



**Figure 4-4 – Predicted Buildout Water Demand (2025-2055)**

Mr. Steele showed the gray line represented the demand in the Piney River area which was 26,000 GPD. He noted that was allocated demand that they could not get because it already existed. He explained that for each of the demands, they went back three (3) years and figured out the worst case demand for those



areas so they did not cut anyone short. He noted that they multiplied that demand by a peaking factor of 1.5, just to make sure they were not taking water out of an existing system for a facility and causing a shortage. He showed the existing groundwater capacity (dashed blue line) which represented 50,000 gallons per day (GPD) of available capacity. He then noted that there was 100,000 gallons GPD available from the Black Creek Surface water (red dashed line). Mr. Steele explained that those two amounts were what they had to work with, and if they did not expand the existing water capability then that was all they had currently. He noted that the orange line was the peak Lovington demand at 103,459 gallons per day and when added with the Piney River demand, the total existing demand for Lovington and Piney River was 129,459 gallons per day. He showed that without any expansion of the County's water sources or digging more wells, there was only 21,341 GPD (dashed yellow line) of capacity available. Mr. Steele then explained that the red line showed all of the projected growth and demand which brought the gallons per day demand to a projected 232,739 GPD.

Mr. Steele commented that the purpose of a master plan was twofold: 1) to make sure there is a road map for future Board members to follow; and 2) as leadership and desires from the community change, if 21,000 gallons per day is what is reasonable from a financial standpoint, they wanted to make sure that they prioritize the best use of that 21,000 gallons per day for Nelson County.

Dr. Ligon noted that the County was currently in a drought. She asked if that was taken into account during the evaluation. Mr. Steele noted that ground wells were rarely impacted by drought conditions. He explained that they were tapping into aquifers way below in a geologic structure that recharged much more quickly than the streets. He noted that with the water impoundment, they went back and looked at the drought in 2002. He explained that the drought in 2002 was so bad that Nelson County chose to readdress how much water was being taken from the surface water, and they reset it to a lower amount to make sure that there was never any trouble. He confirmed that CHA had taken drought conditions into account during the evaluation. Mr. Steele commented that the information showed the health of the current water availability.

Mr. Rutherford noted he had built houses for most of his life and in Nelson County, they did not have just one aquifer, they had thousands of aquifers. He commented that when you tapped into one aquifer, you may not be on the same one as your neighbor. He noted that 232,000 was a large number, but it was not as big as he had imagined it would be. He commented that he had anticipated more like the million-gallon per day range.

Mr. Steele noted that he would talk about the possibility of expanding the available water source. Dr. Ligon noted that projected demand was just for the planned stuff. She commented that if the County had more industry, it would be a much larger number. Mr. Steele noted that the information helped the County to understand what they had and what they would need to move forward.

Mr. Steele reported that the existing sewer capacity was much less bleak. He showed the sewer capacity information. He commented that the with all of the things they were discussing, they were only short meeting being able to treat all of that development by about 8,700 gallons per day. He noted that he was not as concerned about the sewer and the ability to treat it as he was on the water source.

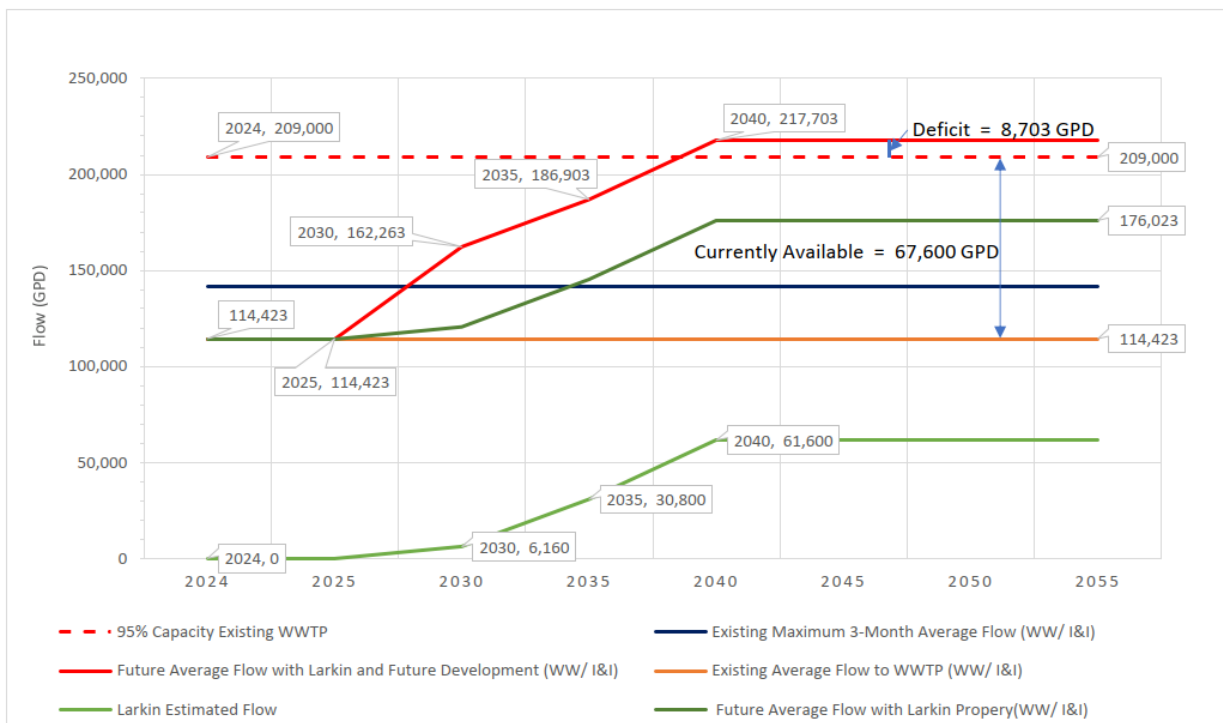
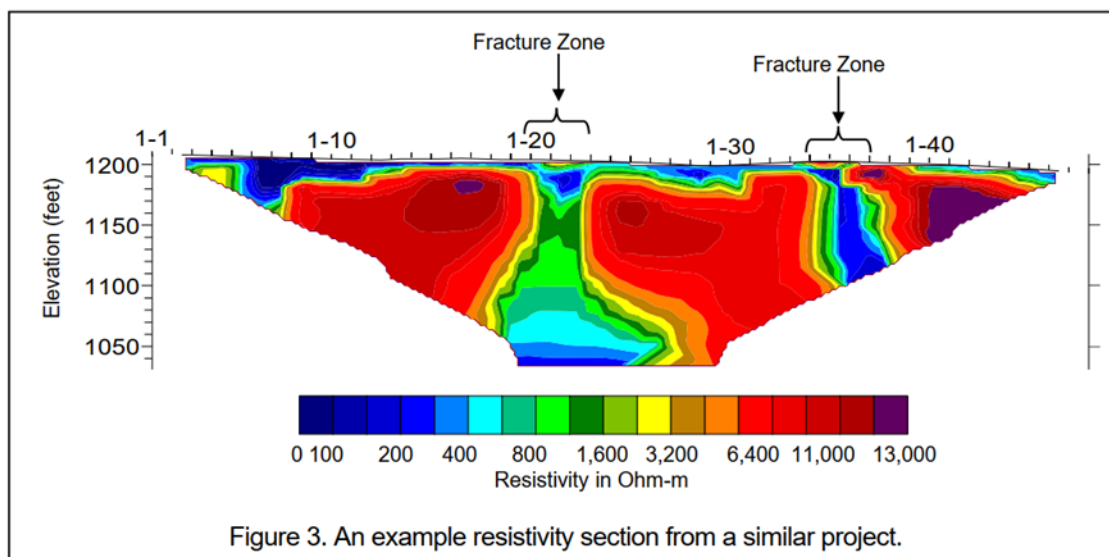


Figure 4-5 – Predicted Buildout Wastewater Flow (2025-2055)

Mr. Steele commented that he had done his best to show what they know about currently. He suggested that if they were going to start considering active economic development recruitment, then that number was well short of what they may want to shoot for, for any significant amount of water user type.

Mr. Steele reviewed the recommendations for increasing water capacity. He reported that CHA did a lot of well development on site. He explained that they could do a resistivity analysis which would send signals through the ground in a honeycomb array, which would provide a cross-sectional reference of what the geologic formation looked like. He showed an example of a resistivity section for reference.



Mr. Steele noted that that they could do that on the Larkin property to site where there was a very high probability for a significant water source, instead of using a stick to find water. Mr. Steele explained that the resistivity analysis would also give them a good idea on depth, which was the critical cost of well development. He noted that if the Board wanted to proceed with this option, he would get a resistivity plan together and then he would make sure that the staff and Board were on board. Mr. Steele explained that they would then site where and how many potential well locations were on the property, and then they would work with local and other drillers to get pricing to do a test well. He noted that it would not be a fully developed VDH (Virginia Department of Health) well because that was where the money came in. He indicated that they could dig a test well to perform a drawdown test, which would see how many gallons per minute they had. He noted that they would also be able to perform water quality testing to see if they were going to have to treat the water. Mr. Steele commented that a majority of the wells in the area did not really need anything other than chlorine. He indicated if that was the kind of aquifer they hit, then they would not have to build a treatment facility, rather they would just inject it with chlorine. He explained that if they found things like manganese or iron, that would be a whole treatment process. He noted that they could then determine whether they wanted to treat water that would require a treatment plant. He commented that the aquifers were very strong in the area and he commented that the addition of wells was a reasonable option.

Mr. Steele then reported that another option was an impoundment at Dillard Creek. He explained that if he were to start working on it tomorrow, it would take him two (2) years to get the permit, and that was if they would even let the County permit. He noted that if they wanted to consider the impoundment option, he would recommend that they make sure they have flow data that DEQ would honor. He explained that DEQ would want to know the flow in the worst flow conditions over a one-year period. He commented that DEQ would then require that the County let 90 percent of the pass through, and they would only be able to retain 10 percent of it. He explained that it would not matter how big the impoundment was. He reiterated that whatever came out of the bottom of that impoundment had to be 90 percent of the lowest flow volume. Mr. Steele noted that he could do a desktop study to determine how much water they could get out of the stream, and from there, the Board could determine whether they wanted to spend millions to impound that water, if that was all they would be able to draw from Dillard Creek. Mr. Steele commented that he thought he could determine that withdrawal amount without it costing a lot of money. He noted that determining how much water they could pull out was the first thing they needed to know.

Mr. Steele indicated that the two (2) options that the Board should consider were: 1) the flow calculation to determine whether they could pull enough water out to justify an impoundment; and 2) the wells. He noted that those options were not a huge monetary investment and they made the most sense. He indicated that he did not have to have direction that day. He noted that he would stay in communication with Ms. McGarry and Ms. Spivey and he indicated that the work could begin as soon as he had direction.

Mr. Reed noted the existing wells and the capacities that they produce, and he asked Mr. Steele when he was considering locations for additional wells, whether it just the Larkin property or whether he left that amorphous. Mr. Steele noted that his thought now, was to limit it to the Larkin property only because they

had full control of property. He pointed out that they also wanted to be mindful not to impact other wells when they generated new ones. Mr. Steele noted that they could see if there were other areas not specific to the Larkin property to consider for another well. Mr. Reed noted that Mr. Steele's point was well taken that the Larkin property may be best place to do wells since the County owned the property. Mr. Steele commented that resistivity testing would help them with due diligence to make sure they were not throwing money at something that did not work. He noted that if there were glowing fracture trace intersections somewhere other than the Larkin property, they did not need to ignore that. He suggested that a desktop study of where they would do the resistivity testing would be probably one of the first things that they did before they started putting money into an area. He noted if that was something that the Board wanted to proceed with, he would just need some direction.

Dr. Ligon asked the cost on the options that had been presented. Mr. Steele noted that he did not have a number hammered out. He noted that he needed some feedback from the Board. He offered to have a work session with the Board to discuss costs. Mr. Rutherford noted that when he acquired land, the first thing he usually did was drill a well, and that would help him determine whether or not to build on the land. He suggested working with local drillers to determine areas to drill on the property and then perform draw down tests. He pointed out that the only thing the local drillers may not have expertise on, would be the drawdown tests on Dillard Creek. Mr. Rutherford commented that figuring out the 80,000 gallons per day was three (3) good wells.

Dr. Ligon asked about DEQ and how recent the findings had to be on the permit application. Mr. Steele suggested it may be two years. He noted that he could find out. Dr. Ligon asked to find out the cost well. Mr. Steele noted that DEQ may be able to find areas with certified gauge locations, if there were none, then they would have to put a gauge on it for a significant amount of time. He indicated that if there were gauges that had data that DEQ would honor, they would be able to go back through the data to find the lowest flow in the lowest part of the year. He noted that would be a smaller cost than if they had to bring equipment in and put a meter on it so they could read for multiple months.

Mr. Reed noted the sewer capacity aspect was not discussed much. He asked for an overview of how that existing capacity might be achieved. Mr. Steele noted that based on everything he had shown on the map, they were only 8,700 gallons short of being able to treat everything, where on the water side they were much further away. He explained that as they generated development, and if they were able to find the wells, they would be able to treat 67,000 gallons per day worth of sewer creation before they had to figure out what they were going to do to expand that. He noted that expansion of the sewers was simpler from a planning standpoint because they would be looking at expansion of the plant. Mr. Reed noted it would be expansion of a plant as opposed to an additional plant. Mr. Steele confirmed that it could be a plant expansion as opposed to an on-site plant. He noted that if it did not make sense to expand the current plant, then an additional plant would be something to consider. He commented that if they got to the point where 67,000 would not be enough to cover the next 15 to 20 years, then that would be something that they could look at. Mr. Reed noted that the Service Authority could help provide ideas on what those next steps might look like. Mr. Steele reported that they had much more capacity availability on the sewer side than they did on the water side. He noted that they had three (3) times as much existing wastewater capacity as they did water capacity.

Ms. McGarry commented that in the more detailed report, it was suggested that I & I (infiltration and inflow) could have an impact on the sewer capacity, and the Lovington sewer project could potentially reduce the I & I. She asked if that could possibly mitigate the deficit. Mr. Steele confirmed that it could. He noted that they were not at the point where they had completed the post flow monitoring on that yet, so all usages were based on pre-I & I capital project. He explained that once they knew what those numbers were, that would tell them how much I & I they had removed by doing that work. He noted that they did their base line flow testing for I & I projects in the spring, so it would probably be next spring when they completed that. Mr. Steele confirmed that it could free up some more capacity.

Ms. McGarry stated for the public who may not have been following the Larkin property master planning, that the reference to housing components future development and other things, was still pretty much in the formative stages and nothing had been determined as to what those future areas would look like. She noted that staff had passed along information related to the number of lots that could go in those areas just for estimating purposes for water and sewer capacity. Ms. McGarry stated that she wanted to make that clear to those just tuning in, that may have seen that and thought that the County was going to put a housing development in. She noted that she wanted to clarify that for everyone. Mr. Steele noted that it was a blank pallet at this point, he just needed to start somewhere and provide an idea of what different uses may demand.

Mr. Rutherford noted that in reviewing the gallons per day on the list of wells, that they were really low wells producing four (4) to five (5) gallon per minute. He commented that many places in Nelson County had good producing wells. He commented that wells were an easy and affordable way to get water. Mr. Rutherford asked average depth on the wells. Mr. Steele noted that he had the information and he could send it over.

Ms. McGarry asked if the Board wished to get some pricing and proposals to complete some of the recommended items. The Board was in consensus to get the proposals and pricing from Mr. Steele. Ms. McGarry noted that they would bring the proposals back to the Board for consideration. Mr. Parr noted that Mr. Steele had commented that the new reservoir and water treatment plant being cost prohibitive, along with the permitting. Mr. Parr asked whether it would still be cost prohibitive if they wanted a source of water recreation. Mr. Steele noted it was different, but they would still have to look at permitting along with checking to see if there were any endangered species. He noted that non-potable water and potable water were two (2) different worlds. The Board had no other questions.

The Board took a five-minute recess.

**VI. NEW & UNFINISHED BUSINESS**

**A. Body Worn Camera MOU with Commonwealth Attorney (R2024-51)**

Ms. McGarry introduced the subject. Erik Laub, Assistant Commonwealth's Attorney was present to answer any questions if needed. Ms. McGarry explained that the included Resolution R2024-51 described how in 2019, the State's budget language contained language which stated that because of the body worn cameras used by the Sheriff's Department and other agencies, the State would provide funding for an Assistant Commonwealth Attorney, or in lieu of that, a locality could establish a Memorandum of Understanding (MOU) with the Commonwealth Attorney's Office for other funding, as a means to address all of the body worn camera footage that would need to be reviewed. She reported that since 2019, in lieu of hiring an additional Assistant Commonwealth Attorney in Nelson County, they had maintained an MOU with the Commonwealth Attorney's Office, providing additional local funding to accommodate the additional workload resulting from the requirements to review, redact and present the footage from body worn cameras. She noted that the Commonwealth Attorney's Office wished to amend the existing Memorandum of Agreement with the County to increase the amount of local funding provided in FY25 to \$57,318, which was an increase of \$25,000 from the FY24 MOU of \$32,318. Ms. McGarry explained that because these were unbudgeted local funds, the request was coming to the Board for their consideration. She reported that beginning July 1, 2024, the minimum Compensation Board salary for another Assistant Commonwealth Attorney was \$75,705 and then noted that it was still a better deal to provide supplemental funding to the Commonwealth Attorney's Office. Ms. McGarry recommended favorable consideration of Resolution R2024-51.

Mr. Parr noted that what he was seeing, the difference in the request versus the Compensation Board salary for an Assistant Commonwealth Attorney was just over \$18,000 difference. Dr. Ligon asked if they would get to a point where there was so much video footage that they would have to go to a full-time person. She noted that they had more deputies and more traffic stops. Mr. Laub indicated that part of the reason for the request change was due to the fact that they were getting a lot more footage than they were getting about a year ago. He noted that there was an ethical opinion that said they had to watch every minute of footage. He commented that was fine if there was one deputy on a traffic stop, but now that the Sheriff's Office was fully staffed, there could be three (3) deputies on a DUI, and while not every minute of video was important, they still had to watch it. Mr. Laub commented that there may be a point where they would need another to another full-time position but they were not there currently. He noted if they did, it would probably be a few years down the road. He reported that they were seeing a massive uptick in traffic stops in General District Court. Mr. Laub indicated that he had been spending most of his time on the Wintergreen police officer murder case.

Ms. McGarry noted if they did not have a position, they also did not have the benefits costs, so that was another area of savings.

Dr. Ligon moved to approve **Resolution R2024-51** as presented and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-51  
NELSON COUNTY BOARD OF SUPERVISORS  
INCREASE IN LOCAL FUNDING FOR FY25 BODY WORN CAMERA  
MEMORANDUM OF UNDERSTANDING – COMMONWEALTH'S ATTORNEY'S OFFICE**

**PREAMBLE:**

In 2019, the budget language approved by the 2019 General Assembly (Chapter 854, Item 70) required that localities implementing the use of body worn cameras could provide either: (1) one full-time equivalent entry-level Assistant Commonwealth's Attorney, at a salary no less than that established by the Compensation Board for an entry-level Commonwealth's Attorney, at a rate of one Assistant Commonwealth's Attorney for up to 75 body worn cameras employed for use by local law enforcement officers, and one Assistant Commonwealth's Attorney for every 75 body worn cameras employed for use by local law enforcement officers, thereafter OR (2) with the consent of the Commonwealth's Attorney, a

locality may provide their Commonwealth's Attorney's office with additional funding, using a different formula than stated above, as needed to accommodate the additional workload resulting from the requirement to review, redact and present footage from body worn cameras.

**WHEREAS**, since 2019, in lieu of hiring an additional Assistant Commonwealth's Attorney, the County and its Commonwealth's Attorney's office have maintained a Memorandum of Agreement providing additional local funding to accommodate the additional workload resulting from the requirement to review, redact, and present footage from body worn cameras; and

**WHEREAS**, the Commonwealth's Attorney wishes to amend the existing Memorandum of Agreement with the County to increase the amount of local funding provided in FY25 to \$57,318; an increase of \$25,000 from \$32,318, provided pursuant to the FY24 Agreement; and

**WHEREAS**, beginning July 1, 2024 the minimum Compensation Board salary for another Assistant Commonwealth's Attorney is \$75,705;

**NOW, THEREFORE, BE IT RESOLVED**, that in lieu of hiring another Assistant Commonwealth's Attorney to accommodate the additional workload resulting from the requirement to review, redact, and present footage from body worn cameras, the Nelson County Board of Supervisors does hereby approve the requested increase in local funding of \$25,000 for a total of \$57,318, to be provided as prescribed by the Commonwealth's Attorney in the FY25 Body Worn Camera Memorandum of Agreement; and

**BE IT FURTHER RESOLVED**, that the FY25 Memorandum of Agreement be filed as required with the State Compensation Board by the Commonwealth's Attorney's office.

**B. Sheriff's Department Requests**

**1. DCJS Grant for Sheriff's Office Accreditation (R2024-52)**

Ms. McGarry explained that the Sheriff's Office had a grant opportunity that would help them achieve office accreditation. She noted that staff had received some revised budgetary information just prior to the meeting that would adjust Sheriff Embrey's request. She indicated that Resolution R2024-52 spoke to the approval of the request. She explained that the Sheriff's Office had a DCJS grant opportunity that would provide 75 percent federal funding and it required a 25 percent local cash match. Ms. McGarry indicated that since this was a new grant and the cash match was unbudgeted, this was coming before the Board for approval. She reported that the original request with 75 percent federal funding of \$69,117 required a 25 percent local cash match of \$23,039. She indicated that the revised grant would provide for \$30,720 federal funding which would require a \$10,240 cash match for a total amount of \$40,960. She explained that the original grant requested a full-time position, and it had since been revised for Sheriff Embrey to incorporate a part-time position.

Sheriff Embrey thanked the gentleman for his kind words that he spoke during Public Comments. Sheriff Embrey noted that it meant a lot to hear that what they were doing in the community was noticed by members of the community. Sheriff Embrey then explained that his office wanted to pursue accreditation standards. He noted that during the recognition of Ms. Hicks, he heard that her office had obtained that status several years ago. He reported that his office was also seeking the same. He commented that he believed accreditation was a standard that they needed to achieve in Nelson to illustrate professionalism. He stated that he was very proud of the Sheriff's Office, but he noted that there was more that they could do, and he believed that the accreditation process was the first step in that direction. Sheriff Embrey explained that the Sheriff's Office had submitted a grant to DCJS for several things, and the majority of the money was for a full-time position. He noted that position was for an employee that they would bring in for a newly created position to handle accreditation management. He reported that since putting in for the position online, the Sheriff's Office had been able to identify an individual who was qualified and a better fit for the office in a part-time capacity. Sheriff Embrey reported that the individual was working on getting another law enforcement agency, similar in size to the Nelson County Sheriff's Office, accredited. He noted that the individual came highly recommended to the Sheriff's Office through DJCS, which would be the auditor for the accreditation process.

Sheriff Embrey noted that the amended request was waiting on final approval. He indicated that the reduction in numbers reflected the full-time status versus the part-time status. He noted that the grant was awarded in June and became effective July 1<sup>st</sup>, so it was already in process if they accepted it. Sheriff Embrey explained that the position was a 15-month tenure, and if approved by the Board during the meeting, the employee was ready to get to work. He noted that the plan was to allow the employee to work in a part-time capacity during which time she would be getting the office up to date with state accreditation standards, and she would also train one of the current Sheriff's Office civilian employees to take over the tenure at the end of the grant. He reiterated that he was not looking to continue the position after the 15 months. Sheriff Embrey stated that he believed the candidate they had could get the job achieved was not from the Virginia area. He noted that she was a Liberty University student who could fulfill the part-time position and physically be in the building on a weekly basis. He indicated that the candidate had aspirations



to return to her home state. He stated that he believed the Sheriff's Office would get to where they needed to be in the next 15 months, and they would have their full-time employee fully trained and able to take over the duties to maintain the accreditation status. Sheriff Embrey indicated that having his office accredited would be advantageous in the future as far as grants and other things go.

Mr. Reed commented that it all made sense to him and he thought it was a great initiative. He asked if the resolution should be amended with the different amounts of money, or if they should accept it as it was and have some sort of payback. Ms. McGarry noted that the resolution could be approved as presented and amended and staff could fill in the correct numbers, or she could go through the resolution line by line and provide the correct numbers. Mr. Reed asked if Ms. McGarry's recommendation was to approve the resolution as amended. Ms. McGarry confirmed that it was her recommendation to approve the resolution as amended. Mr. Parr asked Ms. McGarry to review the new amounts. Ms. McGarry reported that the new federal funding amount for the grant that the County would be accepting was \$30,720 and the required 25 percent local match of that was \$10,240 for a total grant amount of \$40,960. Mr. Parr noted that the \$92,000 amount was now \$40,000 and the local match was \$10,000 down from \$23,000. Ms. McGarry confirmed and noted that the last cash match referenced in the "NOW THEREFORE, BE IT RESOLVED" paragraph would be changed to \$10,240. Dr. Ligon asked if Sheriff Embrey had faith that a part-time person/college student could do the work. Sheriff Embrey indicated that he did, based on the fact that it was currently being done at another locality in Central Virginia, and a DCJS official had reached out with the referral.

Mr. Rutherford made a motion to approve **Resolution R2024-52** as amended. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-52**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) GRANT ACCEPTANCE**  
**SHERIFF'S DEPARTMENT ACCREDITATION**

**WHEREAS**, the County has been awarded a grant through the Department of Criminal Justice Services (DCJS) for the Sheriff's Department pursuit of accreditation status; and

**WHEREAS**, this grant provides 75% federal funding of \$30,720 and requires a 25% local cash match of \$10,240 for a total of \$40,960, inclusive of a temporary Part-Time position that will end at the conclusion of the grant on September 30, 2025; and

**WHEREAS**, the local cash match requested of \$10,240 is not currently budgeted in the FY25 budget and therefore requires Board of Supervisors approval; and

**WHEREAS**, in order to accept the grant, the County Administrator must certify acceptance of the grant including commitment of the required 25% local cash match by signing the DCJS issued Statement of Grant Award (SOGA) within sixty (60) days of DCJS notification (May 24, 2024);

**NOW, THEREFORE, BE IT RESOLVED**, that upon favorable consideration of Sheriff Embrey's request for the Board's commitment of the 25% local cash match of \$10,240, the Nelson County Board of Supervisors hereby authorizes the County Administrator to accept this grant by signing and returning requisite Statement of Grant Award to DCJS, indicating commitment of the said local cash match and adherence to all grant related federal and state laws and regulations.

2. Local Constitutional Officer Supplement Policy Amendment (R2024-53)

Ms. McGarry provided background information on the Local Constitutional Officer Supplement Policy. She reported that in August 2017, the Board of Supervisors approved a policy change to the application of local salary supplements for constitutional offices. She noted that Sheriff Embrey was asking for another policy amendment related to the August 2017 policy. She explained that in 2017, the Board approved the use of the use of vacancy savings for the attraction of new employees. She noted that Sheriff Embrey was also asking to also use those funds for retention, which would involve amending the current policy to read that "Upon termination from employment of a Compensation Board employee with an earned supplement, budgeted supplement funds may be applied to the salaries of new hires **as a means of recruitment or to the salaries of existing employees as a means of retention.**" She noted that last piece was the new part, the means of retention. Ms. McGarry noted that was the Sheriff's request and it was reflected in R2024-53.

Mr. Rutherford asked as it related to pay studies, how it could fit. He asked if this would be the supplemental funding in the event someone who was receiving \$10,000 of supplemental funding, if the Sheriff would then have full discretion to redistribute that as he saw fit. Mr. Rutherford asked how that discretion would come down. He noted that the County had just completed the pay study and he was trying

to understand how this would fit both of those things. Ms. McGarry confirmed that it would allow the Sheriff to use those funds within the fiscal year that they were generated, to either attract a new person, or to use whatever supplemental differential that he may have from a vacancy to retain someone. Mr. Rutherford asked if that would be going above and beyond the pay study. Ms. McGarry noted that it could potentially go above the pay study. Mr. Rutherford noted that he was generally supportive of the proposal. He asked if it would work for every office. Ms. McGarry noted it would apply to all constitutional offices as written because it was a policy for all of them. Dr. Ligon asked if there was a way to break it up. Ms. McGarry indicated that it could potentially be done, but she noted that she was not sure of the fairness in doing that. Mr. Reed asked what were the range of uses that supplemental funding could go towards. Ms. McGarry explained that it was currently able to be used to attract a new employee. She provided an example of a use of funds, explaining that if a new employee was coming in and there was \$2,000 a previous employee left at a higher salary, then they could use those funds to increase their salary offer. She pointed out that it had to be done within the fiscal year that those savings were generated. The Board discussed various scenarios on the subject. Ms. Staton noted that it was hard to think of every scenario. She explained that if the position that was vacated was a \$50,000 position and \$10,000 of that salary went to someone else, then there was only \$40,000 left to then hire someone. Mr. Parr commented that the pool of money was still the same. Mr. Rutherford noted that the pool did not change. He commented that he could appreciate the flexibility given to the Constitutional officer so they could have the discretion needed to seek people. Mr. Rutherford indicated that he was supportive. He noted that they would have to see how it played out. Dr. Ligon asked for the average number of funds that were not used. Ms. McGarry noted that it was not typically a lot. She commented that the Sheriff's Department may had about \$2,000. She noted that the spirit of the change was for retention as the County did not currently have a merit based pay system. She noted it was not to provide someone \$500 for doing a great job. She reiterated that it was to retain people.

Mr. Rutherford made a motion to approve **Resolution R2024-53** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-53**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF 2017 LOCAL SUPPLEMENT POLICY**  
**FOR CONSTITUTIONAL OFFICES**

**WHEREAS**, at their August 8, 2017 regular meeting, the Board of Supervisors approved policy changes pertaining to the application of local salary supplements for Constitutional Offices; and

**WHEREAS**, these changes were further memorialized through the Board's adoption of **Resolution R2017-49** Local Salary Supplements for the Registrar and Constitutional Offices, with one of those changes being to allow Constitutional Offices to utilize local supplement funds, that may become available during the fiscal year due to personnel changes, in the recruitment of new employees during the fiscal year of the vacancy; and

**WHEREAS**, Sheriff Embrey has requested that the local supplement policy for Constitutional Offices be amended to allow the use of local supplement funds, that may become available during the fiscal year due to personnel changes, in the recruitment of new employees *and also the retention of current employees* during the fiscal year of the vacancy;

**NOW, THEREFORE, BE IT RESOLVED**, upon favorable consideration of Sheriff Embrey's request, the County's "Salary and Classification System" is hereby amended to incorporate governance of local salary supplements for the Registrar and Constitutional Offices effective immediately as follows:

For the purposes of this amendment, references to the Compensation Board shall also mean the State Board of Elections as it pertains to the salary of the General Registrar. References to Constitutional Officers shall be inclusive of the General Registrar.

Local salary supplements for Constitutional Officers and their full time staff are intended to provide equitable annual salary adjustments for these employees with those of other full time Nelson County personnel. The supplement is subject to annual approval by the Board of Supervisors and shall apply in each year to those employees hired or beginning employment before July 1st of the fiscal year.

The percentage of annual local supplement shall be based on the approved Compensation Board salary in effect on June 30th of the prior fiscal year (Compensation Board and local supplement). In addition to the local supplement percentage calculated on July 1st, prior year supplement amounts in effect on June 30th of the prior fiscal year will be included in the total supplement amount.

Should the annual salary adjustment in the Appropriation Act and approved by the Compensation Board result in greater compensation over the course of the fiscal year than the percentage of salary adjustment

approved by the Nelson County Board of Supervisors plus any prior year supplement in effect on June 30th, the salaries of those constitutional employees shall be paid at the salary established by the Compensation Board. Employees who were employed in a full time Compensation Board position on June 30, 2012 and remain in the same position class shall be entitled to maintain the 5% salary adjustment required to offset the reinstatement of the 5% employee contribution payment to the Virginia Retirement System (VRS) mandated in Chapter 822 of the 2012 Acts of Assembly.

Salary adjustments approved by the Compensation Board beyond the annual across-the-board adjustment shall be regarded in the following manner, ***unless otherwise stipulated by the Compensation Board:***

- (a) Compensation Board salary adjustments that do not exceed the total annual salary (Compensation Board and local supplement) being paid to the employee will not result in a pay adjustment. In cases where the salary adjustment results in an annual salary greater than the total salary currently being paid, the employee's salary will be adjusted to equal the Compensation Board salary.
- (b) Compensation Board salary adjustments that result in a reduction of the Compensation Board salary, such as in the case of a demotion, will be compensated at the approved Compensation Board salary effective on the date of the Compensation Board salary reduction.

Exceptions:

- (a) Career Development Program participation that results in an increase in Compensation Board approved salary: The increase in salary resulting from such certification shall not result in a decrease of local supplement in effect at the time of the approved salary increase. A copy of the certification must be provided to the governing body.
- (b) Situations where a position or group of positions are no longer funded by the Compensation Board or an across-the-board reduction in funding is applied to Compensation Board salaries: Such situations shall be subject to review and consideration by the Board of Supervisors on a case by case basis.

The impact to local supplement for any other Compensation Board salary adjustment not specifically addressed herein shall be subject to review and approval by the Board of Supervisors on a case by case basis.

*Upon termination from employment of a Compensation Board employee with an earned supplement, budgeted supplement funds may be applied to the salaries of new hires as a means of recruitment or to the salaries of existing employees as a means of retention; provided funds are utilized within the fiscal year budget that the vacancy occurs.* Such use of supplement funds is subject to review and consent by the designated administrator of the salary and classification system. The designated administrator may elect at their discretion to have the Board of Supervisors consider any particular request for use of supplement funding.

#### C. Authorization of Participation in Kroger Opioid Abatement Settlement (R2024-54)

Ms. McGarry introduced the Kroger Opioid Abatement Settlement. She reported that the County was participating in multiple other opioid abatement settlements currently. She explained that this was another settlement from Kroger and its related corporate entities. She noted that a signed resolution authorizing her to electronically authorize the County's participation was needed. Ms. McGarry explained that the amount the County would be was unknown because it was dependent on how many localities in the state participated in the settlement. She noted that once the number of localities participating with the state was determined, then each locality's allocation amount would be determined. Mr. Rutherford commented that it felt like they had been voting on this subject for a while. Ms. McGarry commented that she did not know how many more there were to come forward. She explained that Resolution 2024-54 authorized the County to participate in the proposed settlement of the opioid related claims against Kroger and its related corporate entities, and it directed the County Attorney to execute the documents necessary to effectuate the County's participation in the settlement.

Mr. Rutherford made a motion to approve **Resolution R2024-54** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-54**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF**  
**OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE**  
**ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS**

**NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENT**

**WHEREAS**, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Nelson, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Nelson County's various departments and agencies; and

**WHEREAS**, the Commonwealth of Virginia and its counties and cities, including Nelson County, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Nelson County; and

**WHEREAS**, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

**WHEREAS**, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart;

**WHEREAS**, the County Attorney has reviewed the available information about the proposed settlement and has recommended that the County participate in the settlement in order to recover its share of the funds that the settlement would provide;

**NOW THEREFORE BE IT RESOLVED** that the Nelson County Board of Supervisors, this 9th day of July, 2024, approves of the County's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlement, including the required release of claims against Kroger.

**D. 2025 Regional Housing Summit Sponsorship Request**

Ms. McGarry presented the request. She reported that the 2025 Regional Housing Summit that was put on by the Thomas Jefferson Planning District was requesting a sponsorship for the summit. She noted that last year, the Board authorized a \$1,000 sponsorship, which was the Partnership level. She noted the other sponsorship levels were \$5,000 to be a Networking Sponsor; or \$2,500 to be a Breakout Sponsor; or any other amount the Board may desire.

Mr. Rutherford noted that the three tiers were really for corporations that wanted to participate. Mr. Reed noted he had attended last year's Housing Summit and enjoyed it. Mr. Rutherford noted that they had a good mix of speakers talking about housing related stuff in the County's region. Mr. Rutherford noted that he also spoke at the event. He indicated that the Board members should consider participating in the Housing Summit because it was worth it. He suggested contributing \$500 to \$1,000 for sponsorship contribution. The Board asked how much tickets to attend the summit cost. Ms. McGarry indicated that the ticket costs were not included in the request. Mr. Rutherford suggested waiting to discuss it around September/October because he needed to speak with staff about something related to the subject. He noted that the summit did not take place until March.

The Board was in agreement to wait to discuss the request in September/October.

**E. FY24-25 Salary and Classification System (R2024-55)**

Ms. McGarry introduced the FY24-25 Salary and Classification System Resolution 2024-55. She explained that the resolution basically effects the Board of Supervisors pay raise of three (3) percent, or the applicable equity market adjustment resulting from the recent pay study. She noted that the equity market adjustment was the third piece of the pay study. She indicated that the resolution effected what the Board approved within the FY25 budget. She noted that staff was also proposing that in order to maintain competitive market rates, as of July 1, 2024, that the pay ranges assigned to each position and pay classification be increased by one half of the salary adjustment range, which would be one and a half (1.5) percent. She explained that this meant that all of the pay classes would move up by one and a half (1.5) percent. She commented that she hoped that the next time they did a pay study; they would not be so far behind the market at that point. She noted that they were just trying to find a way to keep up a little bit each year, so that it would not be such a big hit next they did a pay study.

Mr. Reed commented that they made extremely difficult to give all of the County employees, including the

schools, the same kind of equity in terms of percentage salary adjustments, when they took steps like doing something internally for Administration and County staff; if they did not make it at all possible to make those same kind of salary adjustments available to all County employees, which would include the schools. He stated that it looked a little bit inequitable, and he commented that it might make it even more inequitable than it already was, since the Schools were not budgeted enough money to be able to give those types of salary adjustments that they would like to give people in the County. Mr. Reed commented that he looked at all County employees as County employees, and he wanted to see them all held to the same level of compensation. Mr. Reed indicated that he was in favor of the increase at this County level. He noted that the argument put forth was really good, and they wanted to be able to keep competitive. He also noted that they wanted to keep further studies from making it more difficult for them to achieve their goals. Mr. Reed indicated that he would just like to see more consensus on the Board of Supervisors to look at all County employees through an equal lens in the future to try and see if they can afford the same benefits to all.

Dr. Ligon noted that they had just completed the 2025 budget where raises were budgeted in, and she asked if the number provided for the increase was now wrong, or if it had been planned all along. Ms. McGarry explained that the numbers provided had been the snapshot during that time. She noted that some people had come and gone, and some things had changed, so there could be some adjustment in those numbers, but the basis for the proposed resolution was the budget adoption which contained the funding for the three (3) percent raise or the equity adjustment based on the pay study. She reported that the three (3) percent increase would be based on salary at June 30th. Ms. McGarry noted that the one and a half (1.5) percent would adjust the scale so that anyone coming in would have a beginning salary that would be one and a half (1.5) percent higher. She explained that County employees had a probationary period, excluding Constitutional offices. She noted that County employees had a six (6) month probationary period, during which time, they cannot get a pay raise, so they would experience a one and a half (1.5) percent higher starting salary at the start of their pay range, and then once they were out of their probationary period, they would get the balance of that, to equal a total of three (3) percent at that point. Mr. Parr noted that the three (3) percent was budgeted. Dr. Ligon noted that the Board gave money to the School Board, and it was up to the School Board on whether they wanted to give a raise or not, and not up to the Board of Supervisors.

Mr. Reed made a motion to approve **Resolution R2024-55** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-55  
NELSON COUNTY BOARD OF SUPERVISORS  
FY2024-2025 AMENDMENT OF SALARY AND CLASSIFICATION SYSTEM**

**WHEREAS**, implementation of appropriate compensation practices is instrumental to the County's ability to attract, motivate, and retain qualified employees, and

**WHEREAS**, the conduct of a classification and compensation study through Management Advisory Group International, Inc. (MAG) was completed in 2023 in order to perform a periodic employee compensation review; and

**WHEREAS**, two of the three recommended components of the Management Advisory Group International, Inc. (MAG) classification and compensation study were implemented July 1, 2023; with the remaining third component being equity/market adjustments to recognize employee service years in current position and applicable education; and

**WHEREAS**, the Board of Supervisors in the adoption and appropriation of its FY25 budget, included funding for employee salary adjustments consisting of either a three percent (3%) salary increase or applicable equity/market adjustment resulting from the MAG classification and compensation study; whichever is greater,

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

Salary adjustments shall be hereby authorized for non-probationary Nelson County personnel (full-time and regular part-time) employed pursuant to the County's salary classification and pay plan, effective on July 1, 2024. Employee compensation adjustments will be based upon the greater of three percent (3%) of current salary, or applicable equity/market adjustments resulting from the 2023 MAG classification and compensation study relative to the employee's salary at June 30, 2024. The applicable salary increase as of July 1, 2024 for Nelson County full-time and regular part-time personnel shall be calculated based upon the salary in effect on June 30, 2024.

Additionally, the greater of a three percent (3%) salary adjustment or applicable equity/market adjustment resulting from the 2023 MAG classification and compensation study relative to the employee's salary at



June 30, 2024, shall be authorized for all regular part-time employees and all full-time employees employed by a Constitutional Officer, inclusive of the Officer and Registrar. The applicable salary increase as of July 1, 2024 for all Constitutional Officers and their Compensation Board funded permanent staff positions shall be calculated based upon the salary in effect on June 30, 2024 (Compensation/Electoral Board and local supplement).

Finally, in order to endeavor to maintain competitive market rate salaries, as of July 1, 2024, the pay ranges assigned to each position within the pay and classification system shall be increased by one half of the salary adjustment rate, 1.5% for FY25. Probationary employees as of July 1, 2024 that are at the minimum of their assigned pay range, shall be moved to the new minimum of their assigned pay range within the pay and classification system. Upon successful completion of their probationary period, these employees shall receive the remaining salary increase of 1.5% for FY25 in order to provide a total salary increase of 3% based upon their salary as of June 30, 2024.

F. Lovington Sidewalk Improvements TAP Grant Memorandum of Agreement (R2024-56)

Ms. McGarry explained that Resolution R2024-56 provided authorization for the County to enter into an agreement with VDOT to accept FY24-25 Transportation Alternatives Program grant funding for the Front Street Sidewalk Improvement Project. She reported that the Commonwealth Transportation Board (CTB) had awarded \$2.5 million in funding to Nelson for the Front Street Sidewalk Improvement Project. She indicated that there was a required 20 percent local match, which was \$625,000. She noted that this provided a maximum cost of \$3,125,000. Ms. McGarry indicated that a new rule associated with TAP grants was that the locality must also commit, in addition to the 20 percent match, they had to commit to finishing the project. She noted that whatever the cost estimate was, the county was committing to funding the difference. She reported that the Lovington Sidewalk Improvement Project was \$3,876,495, and the difference was \$751,495.

Ms. McGarry noted that the actual cost could vary from the estimate, but in crafting the agreement, they had to use the cost estimate at the time. Mr. Rutherford noted the County could solicit other grants to bridge those costs. Ms. McGarry indicated that she was in conversations with VDOT regarding other potential funding sources that the County could use to provide the local match. She reported the County's local match for FY25 through FY27: FY25's match \$75,600; FY26's match \$212,248; and FY27's match at \$1,088,647. She noted that they did have a little time to try and find ways to fund that. She pointed out that the bigger piece in FY27 was of most concern. Mr. Rutherford asked if they would have an additional opportunity to apply for another TAP grant during that time frame. Ms. McGarry noted they would. Mr. Rutherford commented that the Crozet Tunnel project was an example of multiple TAP grants. He noted there were other grants like the CDBG grant. He indicated that they could potentially see some infrastructure grants as well.

Ms. McGarry clarified that since the Tunnel TAP grants, the program had changed to where they could only get \$2.5 million per project. She noted that the \$2.5 million was the most they could get for this particular project. She indicated that if they had another application for another part of the street, or the second phase, then that would be a totally different project. McGarry noted they were working with VDOT to determine other grant options. Mr. Parr congratulated all those involved in application and thanked them for the time and work they put into the project.

Mr. Rutherford made a motion to approve Resolution R2024-56 and Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to adopt the following resolution:

**RESOLUTION R2024-56  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION TO ENTER INTO AGREEMENT WITH VDOT  
TO ACCEPT FY24/25 TRANSPORTATION ALTERNATIVES PROGRAM  
GRANT FUNDING FOR THE FRONT STREET SIDEWALK IMPROVEMENT PROJECT**

**WHEREAS**, Nelson County submitted a project application to request federal funding to assist in constructing sidewalks in Lovington to improve pedestrian safety; and

**WHEREAS**, the Commonwealth Transportation Board awarded \$2,500,000 in funding to Nelson County for the Front Street Sidewalk Improvement project as part of the Transportation Alternatives Program; and

**WHEREAS**, during the grant application process, the County of Nelson indicated a commitment to provide the required 20% local match and any balance of estimated project costs over the maximum allowable of \$3,125,000; and

**WHEREAS**, the required 20% local match for this award is \$625,000 and the Transportation Alternative

Program grant provisions require a local commitment of completion of the entire project; including the balance of estimated project costs currently estimated to be \$751,495; and

**WHEREAS**, the County desires to have VDOT administer the project;

**NOW, THEREFORE, BE IT RESOLVED**, that Nelson County hereby agrees to enter into the attached Project Administration Agreement with the Virginia Department of Transportation to administer the Front Street Sidewalk Improvement project in Lovington; providing oversight that ensures the project is developed in accordance with all state and federal requirements for design and construction of a federally funded transportation project, to commit to the provision of the required 20% local match and completion of the entire project, and that if Nelson County subsequently elects to cancel this project, the County agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. Nelson County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration; and

**BE IT FURTHER RESOLVED**, by the Nelson County Board of Supervisors that said Board hereby authorizes the County Administrator to execute the attached Project Administration Agreement by and between Nelson County and the Virginia Department of Transportation for the Front Street Sidewalk Improvement project in Lovington.

Ms. McGarry noted that it would be a VDOT administrated project, so it would not be an increased burden for County staff, other than paying the local match when the County was invoiced by VDOT and participating in some meetings. Mr. Parr asked about Mr. Brown's comments about designer, noting that made him think VDOT was not going to be involved. Ms. McGarry explained that VDOT would be administering the project, and they would just need to make that any County input be provided, particularly related to the parking. Mr. Parr thanked County staff and Mr. Rutherford. Ms. McGarry noted that the TJPDC worked very hard and was helpful in the application process.

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

### **A. Reports**

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

Ms. McGarry presented the following report:

**A. Route 151 Speed Study Results Meeting:** A date for this meeting is in process; staff is awaiting input from VDOT staff on potential dates.

#### **B. FY25 (July 1, 2024 to June 30, 2025) Virginia Opioid Abatement Authority (OAA) Regional Grant Approvals:**

**A.** The OAA approved FY25 funding of \$1,162,960 to continue support of the Region Ten Crisis Intervention Team Assessment Center (CITAC) expansion and Crisis Response project for a second fiscal year. Albemarle County serves as the Fiscal Agent for the grant and there is no local match requirement.

**B.** The OAA approved a new application on behalf of Members of Offender Aid Restoration (OAR)/Jefferson Area Community Corrections that manages Recovery Courts within the region; including Nelson. \$388,437 in FY25 funding will be used to expand regional Specialty Docket Services (Recovery Court) to include peer counselors. Charlottesville City is the Fiscal Agent for the grant and there is no local match requirement.

**C. NCSA Lovington Sewer Rehabilitation Project: NO CHANGE**, a draft Support Agreement has been submitted by NCSA to USDA/RUS for their approval and if approved, it will be presented to both the Board of Supervisors and Service Authority Board for approval consideration in the next couple of months.

**D. Department of Social Services Building: NO CHANGE**, the purchase agreement for a parcel of property on Callohill Drive adjoining the County owned property; which will allow for the required storm water retention pond associated with widening and paving of the planned roadway is in process and is expected to be complete this month.

**E. Preliminary FY24 End of Fiscal Year Projection (Cash Basis):** Revenue collections on a cash basis for Real and Personal Property taxes as of June 30th were 99.07% of budgeted at \$20,413,532 and 99.08% of budgeted at \$6,029,730 respectively. While collection of other local revenues either exceeded or fell short of the budgeted amounts, on a net basis, revenues from local sources exceeded the budgeted amount by .47% or \$182,756 at \$38,319,954. Revenues from the State collected were 93.48% of budgeted at \$5,241,776 with the remaining 6.22% being related to delayed reimbursement of FY24 Public Assistance

expenditures that will be accrued back by our Auditors and other grants whose expenditures and reimbursements will be carried forward into FY25. Similarly, Federal revenues collected were 85.38% of budgeted at \$1,500,019 with the remaining 14.62% being related to delayed reimbursement of Public Assistance expenditures that will be accrued back by our Auditors and other Federal grants that will be carried forward to FY25. Auditors will apply expenditures and collections for fiscal year 2024 through September which will include adjustments for items prepaid in June that are FY25 expenditures. As of July 5, 2024 on a cash basis, revenues exceeded expenditures by \$2,335,621.

**F. 2026 Reassessment RFP:** The RFP for 2026 real property reassessment/mass appraisal services was issued on June 20th with responses due July 15, 2024. Vendor interviews and contract award is anticipated to be done in July/August with the work to commence in September/October 2024. The hired firm will begin with the Sales study and the bulk of the reassessment work will be done during calendar year 2025. Final completion of the reassessment will be contractually by December 31, 2025 and assessments effective January 1, 2026. There will be informal hearings with Assessors, as requested by citizens, followed by Board of Equalization appeal hearings during the February/March 2026 timeframe.

**G. Meals and Lodging Tax Collection Tracking:** Staff has completed the directive to track and chart the last four (4) fiscal years of data for both Meals and Lodging (TOT) tax collection. This will be updated and provided monthly going forward.

**H. FY25 Board Retreat:** Staff is looking at coordinating a September or October Board Retreat; please provide us with any dates in September or October that are definitely not good for you. The 3rd and 4th weeks of the month after the regular Board meeting is ideal; i.e. **September 16th -27th and October 14th – 25th.**

The Board suggested looking at September 17th through 27th for dates to hold a Board retreat.

**I. Staff Reports:** Department and office reports for June/July have been provided.

Mr. Rutherford thanked Ms. McGarry for the meals and lodging tracking data. He suggested that going forward in July, an asterisk should be included to indicate when the TOT rate increased. He estimated that in looking at the earlier years of FY21, the County had missed out on possibly \$2 million in tax revenue. He noted that enforcement was important. Mr. Rutherford also noted that many people in the hospitality industry would appreciate seeing a solid indicator of what was happening in the County. Ms. McGarry noted that the data would be updated monthly and it would then be provided to Maureen Kelley, who could then share it with the business community on her list serve. Mr. Rutherford and Dr. Ligon discussed whether the meals tax data would be a good indicator of how things were going. Ms. McGarry noted that the amounts shown were reflective of payments for the prior months.

## 2. Board Reports

Dr. Ligon:

Dr. Ligon had nothing to report.

Mr. Rutherford:

Mr. Rutherford had nothing to report.

Mr. Reed:

Mr. Reed reported that the Agricultural and Forestal District Committee took a tour of the areas in Montebello that had applied to be an AFD (Agricultural and Forestal District) last week. He noted that the AFD Committee would be meeting soon to give its stamp on the application, with the meeting date to be determined. Mr. Reed commented that it was great because Montebello was a community where if you did not have someone to show you around, you barely knew it existed as a community.

Mr. Reed then reported that JAUNT had completed the draft of their Rural Transit Needs Assessment Study. He noted that they had a working group, which he was a part of, that had reviewed the draft. He indicated that JAUNT would be making a presentation to the Board on the results of the study in the near future.

Mr. Reed reported that the Planning Commission held the public hearing on the Wild Rose solar farm project. He noted that the Planning Commission did not approve giving its recommendation before it comes before the Board, but the Planning Commission voted that the project did not comply with the County's new Comprehensive Plan. Mr. Reed commented that he could not get his head wrapped around how that happened, he noted that there was no discussion about it at the Planning Commission. He noted that they did discuss the pros and cons of the solar farm itself, but there was really no discussion about how it related to the Comprehensive Plan, and yet it was turned down.

Mr. Reed reported that the Rockfish Valley Foundation had a new exhibit on the Monacan Nation. He recommended that everyone check it out.

Mr. Reed also reported that July 5th was the four (4) year anniversary of the cancellation of the Atlantic Coast Pipeline (ACP). He noted that the year following the cancellation, the Board passed a resolution to celebrate the anniversary, and since that time, the book "Gaslight" was published by independent journalist Jonathan Mingle. He explained that the book did a great job putting together Nelson County's role in the fight. He provided copies of the book to the Board.

Mr. Parr:

Mr. Parr reported that the Emergency Services Council was going to be looking at the budget items for the individual departments, and things that were not currently included in their budget request and any of the line items that happened to be missing. He noted that would be bringing that information to the Board later in the year as they get into the budget process. He indicated as an example that one local department had just spent \$125,000 to redo their AirPacs. He noted that the last time they did that; they had received a grant. He indicated that this time, they did not have a grant, and they were paying for it. He noted that for different things that were not included in their budget, they were hopefully going to propose looking at their line items.

B. Appointments

The Board considered the following appointments:

JABA Board of Directors

Mr. Reed indicated that he wished to continue to serve on the JABA Board of Directors. There were no other applicants to consider for appointment. Mr. Rutherford made a motion to reappoint Mr. Reed to the JABA Board of Directors. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approve the motion by vote of acclamation.

Board of Building Code Appeals

The Board considered the applications of Mr. Jason Taylor and Mr. Greg Winkler for the Local Board of Building Code Appeals (BBCA). Mr. Rutherford made a motion to appoint Jason Taylor to the Board of Building Code Appeals. Mr. Reed seconded the motion. Mr. Parr asked if it was typical that they have someone apply that was not a resident of the County. Ms. Spivey indicated that it could happen. She noted that Ms. Robin Meyer who served on the BBCA was a Charlottesville resident. She noted that the Board could appoint them however they wished. She indicated that Mr. Winkler was an architect and there were currently a couple of architects serving on that Board. She reported that Mr. Taylor would be taking his father's position on the BBCA. There being no further discussion, Supervisors approved the motion by vote of acclamation to appoint Jason Taylor to the Board of Building Code Appeals.

Nelson County Social Services Board – Central District

Ms. Spivey reported that they had not received any applications for the Central District representative on the Social Services Board. Mr. Reed indicated that he had asked a few people, but he had not gotten anyone yet.

Albemarle Charlottesville Regional Jail Authority

Ms. Spivey reported that Mr. Barton did not wish to be reappointed on the Albemarle Charlottesville Regional Jail Authority Board. She explained that the appointment could be either a Board member or citizen representative. She noted that Mr. Barton had suggested that a Board member should fill the appointment. Mr. Rutherford made a motion to appoint Dr. Ligon as a representative on the Albemarle Charlottesville Regional Jail Authority Board. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Nelson County Service Authority Board

The Board considered David Hight (incumbent) and Marshall Saunders for the West District representative position on the Nelson County Service Authority Board. Mr. Reed made a motion to reappoint David Hight to the Nelson County Service Authority Board. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

C. Correspondence

The Board had no correspondence.

D. Directives

The Board had no directives.

**VIII. CLOSED SESSION PURSUANT TO 2.2-3711 (A)(3) & (A)(7)**

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)(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." ; and,(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." Dr. Ligon seconded the motion and there being no further discussion, Supervisors approved the motion by vote of acclamation.

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. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

**IX. ADJOURNMENT (AN EVENING SESSION WILL NOT BE CONDUCTED)**

At 5:57 p.m., Mr. Rutherford made a motion to adjourn the meeting. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.