

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
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 2:00 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

Jeri Lloyd - Afton, VA

Ms. Lloyd thanked the Board for her appointment to the Economic Development Authority.

David Cearley - Roseland, VA

Mr. Cearley stated that he was present on behalf of Massies Mill Ruritan Club. He requested that waste from the Ruritan Club’s carnival be dumped free of charge at the landfill of Route 29. He noted that the Ruritan Club was a non-profit.

Dr. Hester – Superintendent, Nelson County Public Schools

Dr. Hester stated that she was present to share information about the School’s budget. She noted that during the public hearing last week, a community member said that the per student expenditure at NCPS was \$30,000. She stated that this amount was not accurate and reported that their per pupil expenditure was about \$22,000, as most recently reported through the VDOE (Virginia Department of Education). She noted that this was inclusive of all of the grants that the Schools received, which was not reflective of the money necessarily spent immediately, but of the total of the grant. Dr. Hester explained that the per pupil cost was complicated as it did include components such as: enrollment which fluctuates up and down; transportation impacted by geography, topography and an aging fleet; facilities and upkeep; grant monies; at-risk or economically disadvantaged student populations and special education student populations, both of which they had a larger population and percentage of students; and compensation of employees. She noted that when working with the budget, it was easy to lose sight of the big picture due to its complexities. She stated that Nelson County Public Schools provided a critical and necessary service as it supported the community’s most valuable resource, our children. She commented that NCPS was one of the largest employers in Nelson County, noting that as with most budgets, the bulk of their budget was dedicated to their people through compensation. She noted that their people were critical and necessary to the support of the students, school and division. Dr. Hester commented that the Local Composite Index (LCI) had been mentioned several times by both the Board of Supervisors and the School Board. She noted that the drastic increase in the LCI placed Nelson County at 16th in the state with the overall ratio, leading Nelson to be the second highest in this increase for this year, second to Charles City. She also noted that the significant increase was coupled with the removal of hold harmless funds, which had historically been provided to localities to provide time for them to develop a strategy to address the increase. She commented that the hold harmless funds were shockingly not provided by the state this year, despite NCPS’s consist and passionate advocacy to representatives in the General Assembly. Dr. Hester reported that due to a significant increase in the LCI and the lack of hold harmless money, a \$1.1 million shortfall was created before the budget was even developed, which was of no fault to the Board of Supervisors or the School Board. She noted that in the current environment, everything was more expensive. She indicated that the School’s budget reflected immediate needs to support the teachers and students. She noted that a shortfall of this magnitude would require decisions to be made that would have a negative and lasting impact on students, staff, schools and the division. She listed some of the impacts which included: not filling certain staff vacancies; not adding an Agriculture teacher; eliminating raises for staff, as well as numerous other considerations that had all been shared with the County. Dr. Hester reiterated her appreciation for Ms.

McGarry and her staff's willingness to meet consistently to discuss budget, as well as overall items impacting both the Schools and the County, in order to collaborate in solving problems. She noted that they appreciated the support of the Board of Supervisors and the funding. She asked for consideration of more funding to address the unique budget biennium.

Jayne Hoffman - Montebello, VA

Ms. Hoffman stated that she was speaking on behalf of the Keep Montebello Rural Coalition (KMRC). She thanked the Board of Supervisors and the Planning Commission for the extensive work and dedication to the completion of the Comprehensive Plan; for allowing the voices of the Montebello community to be involved; and for the changes made to the Comprehensive Plan recommended by the Montebello community and the KMRC. She announced that an Agricultural Forestal District application had been submitted within Montebello, the Forest Mountain District, which included 1,530 acres in the core area and a total of over 2,000 acres. Ms. Hoffman reminded the Board that at the March 20th Comprehensive Plan Public Hearing, the KMRC had requested that the Board of Supervisors to put a hold on all major site plans and Special Use Permits for significant development within the Montebello area, such as subdivisions, groups of cabins, event venues, golf courses, etc., until the anticipated Zoning revisions were finalized.

III. CONSENT AGENDA

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

A. Resolution – **R2024-40** Minutes for Approval

**RESOLUTION R2024-40
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(March 12, 2024, March 15, 2024 and March 20, 2024)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 12, 2024, March 15, 2024 and March 20, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2024-41** Budget Amendment

June 11, 2024

**RESOLUTION R2024-41
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
June 11, 2024**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 314.28	3-100-002404-0001	4-100-031020-5419
\$ 2,266.95	3-100-002404-0001	4-100-031020-5419
\$ 1,742.00	3-100-002404-0034	4-100-031020-1014
\$ 765.00	3-100-002404-0006	4-100-022010-5419
\$ 183,058.30	3-100-002401-0045	4-100-053600-3164
\$ 18,000.00	3-100-002404-0061	4-100-081020-7067
\$ 206,146.53		

II. Transfer of Funds (General Fund Departmental - From Employee Benefits Line)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 2,065.00	4-100-091030-5615	4-100-043020-2011
\$ 1,000.00	4-100-091030-5616	4-100-012090-2005
\$ 3,000.00	4-100-091030-5616	4-100-021010-1009
\$ 1,100.00	4-100-091030-5616	4-100-053600-1003
\$ 7,165.00		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 11,000.00	4-100-999000-9905	4-100-011010-3002
\$ 2,500.00	4-100-999000-9905	4-100-011010-5501
\$ 4,953.00	4-100-999000-9905	4-100-043040-5305
\$ 36,983.00	4-100-999000-9905	4-100-043040-5408
\$ 55,127.00	4-100-999000-9905	4-100-043040-5415
\$ 6,878.77	4-100-999000-9905	4-100-053600-3164
\$ 117,441.77		

IV. Transfer of Funds (From General Fund Recurring Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 76,600.93	4-100-999000-9901	4-100-053600-3164
\$ 76,600.93		

C. Resolution – **R2024-42** Petition for Writ of Special Election, Treasurer Seat

**RESOLUTION R2024-42
NELSON COUNTY BOARD OF SUPERVISORS
PETITION OF CIRCUIT COURT FOR WRIT OF ELECTION
TREASURER SEAT**

WHEREAS, the serving Treasurer, Angela F. Hicks, has submitted her resignation effective August 1, 2024; and

WHEREAS, the next regularly scheduled election for the office of Treasurer is in 2027; and

WHEREAS, a special election to fill a vacancy in any constitutional office shall be held promptly pursuant to Virginia Code § 24.2-682; and,

WHEREAS, Virginia Code § 24.2-228.1 directs that the governing body of the county in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney be and hereby is directed to petition the Circuit Court of Nelson County requesting the issuance of a Writ of Special Election for Tuesday, November 5, 2024, to fill the unexpired term of the Treasurer’s current term of office.

IV. PRESENTATIONS

A. VDOT Report

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

Mr. Brown reported that VDOT was closing out their fiscal year. He indicated that mowing was taking place on four lane and two lane roads. He noted that most of the southern end of 29 had been mowed in preparation for some festivals taking place in the next week.

Mr. Brown noted that someone had asked at a previous meeting how many miles of unpaved roads they had in Nelson. He reported that there were 116 miles of unpaved roads remaining in Nelson County. Mr. Parr asked how many miles of roads they had in Nelson. Mr. Brown noted that he did not know that total. Mr. Rutherford asked how many miles of road were paved per year. Mr. Brown estimated that they paved about four (4) to five (5) miles per year.

Mr. Brown then reported that they had a new Maintenance Superintendent at the Shipman Headquarters, David Beasley. Mr. Brown noted that Mr. Beasley had been working at the Madison Heights Headquarters in Amherst County. He indicated that he thought Mr. Beasley would be a great fit in Nelson.

Mr. Brown noted that he had an inquiry from Dr. Ligon about parking on the corner. He indicated that he would be checking into that. He then noted to Mr. Rutherford that he would continue to investigate the old section of Whippoorwill.

Mr. Brown reported that VDOT was working on some special projects and he then noted that they should start building some Rural Rustics soon. He indicated that Davis Creek was the first project of the year. He noted that would be the last section of Davis Creek, which goes to dead end.

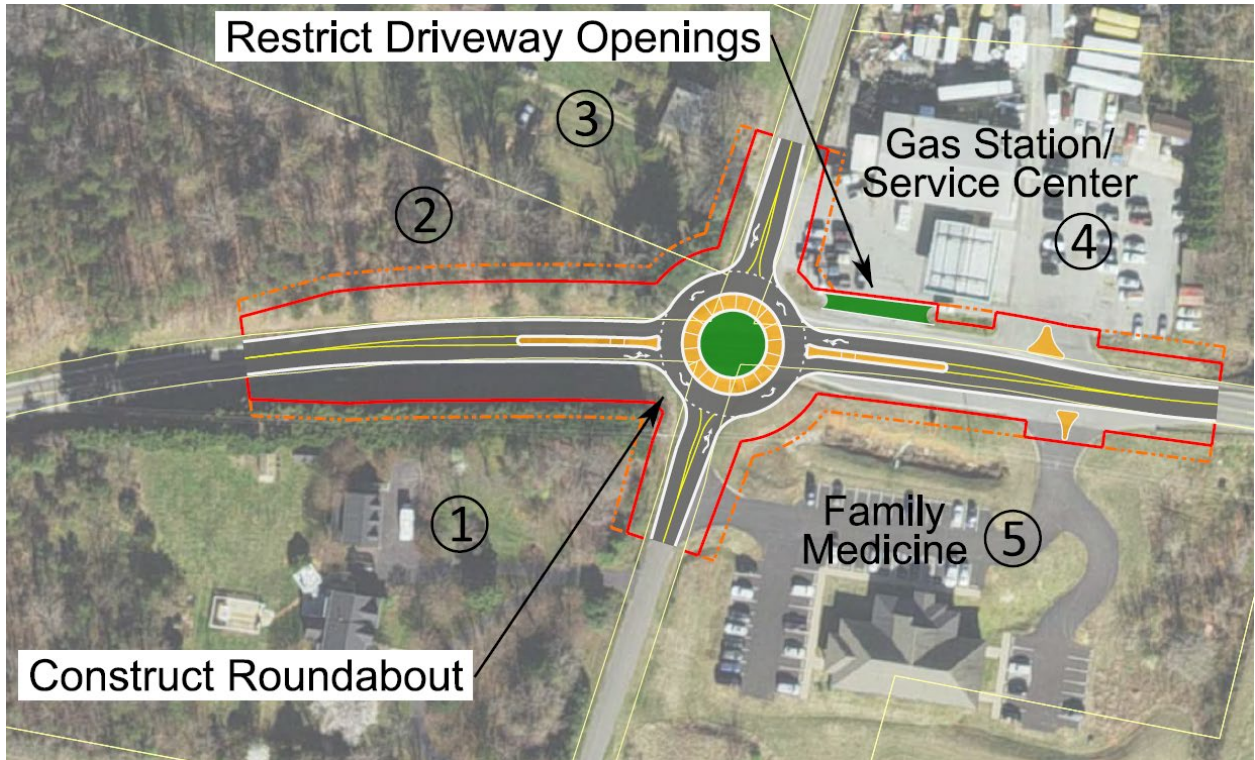
Mr. Reed thanked Mr. Brown for providing the information on the 151 Speed Study. He asked Mr. Brown if he had any comments or anything else to add to that. Mr. Brown noted he did not. He suggested that if the Board wanted to have a deeper discussion on the 151 Speed Study, it would be good to have a traffic engineer present, possibly Gerry Harter, to provide more detail on the study. Mr. Brown indicated that he would be glad to facilitate a meeting with staff to discuss the study.

Mr. Brown noted that VDOT had a meeting coming up for the Stars and Spurs. He commented that at their last meeting, Stars and Spurts had not sent a traffic impact study or traffic control plan. Ms. McGarry noted that she was pretty sure they had one and she would follow up.

B. Smart Scale Applications (R2024-43)

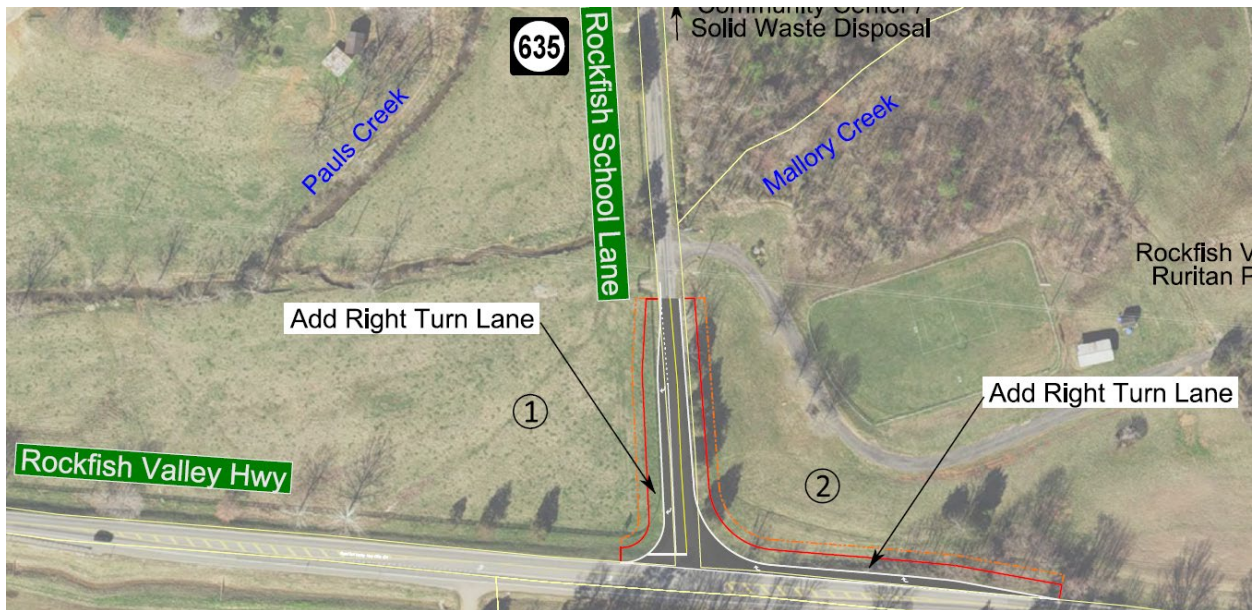
Mr. Carson Eckhardt of VDOT was present to review the Smart Scale applications. He noted that the pre-application period was over and they were now at the full application phase. He indicated that he would review the two (2) projects for Nelson County. He explained that there had been a third project at Mill Lane, however it had been screened out due to the cost of the project.

Mr. Eckhardt reviewed the first application which was at Route 151 and Tanbark. He explained that the proposed project would convert the intersection to a roundabout. He noted that overall, OIPI had no problems with the roundabout. He indicated that they were looking at the roundabout to potentially modify its location to allow for the best travel times, which could change the cost estimate, depending on the location. He showed the preliminary sketch for the Tanbark project.



Mr. Eckhardt reported that the estimated cost for the Tanbark project was about \$9 million. He noted that the cost was dependent on the exact location of the roundabout.

Mr. Eckhardt then discussed the second project application, which was at the intersection of 151 and Rockfish School Lane. He indicated that the project was a little bit of a battle with OIPI, due to the fact that there was no VTRANS need at that intersection. He noted that there was a VTRANS need about one-half mile up the corridor, but it was outside the limits of the Rockfish School Lane intersection. He noted indicated that the application had the potential to be screened out, but they were battling with OIPI because they really wanted the project to be fully funded. He commented that the preliminary sketch was the preferred alternative for the intersection and he and Rick Youngblood felt that should trump the need for VTRANS. He noted that the corridor had heavy traffic seasonally, due to the events in the area. He indicated that they would continue to battle OIPI for the project in hopes to have it funded. He showed the preliminary sketch for the Rockfish School Lane project.



Mr. Eckhardt reported that the Rockfish School Lane project was estimated to cost about \$1.3 million. He noted that was a preliminary cost and it was subject to change. Mr. Eckhardt noted that there was a resolution for the Board's consideration to support both of the projects presented. He reported that the TJPDC had signed off on both projects.

Mr. Reed moved to approve **Resolution R2024-43** as presented 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 R2024-43
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION ENDORSING THE SUBMISSION OF SMART SCALE (HB2)
APPLICATIONS REQUESTING TRANSPORTATION FUNDING**

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) in cooperation with VDOT and DRPT completed a comprehensive Rural Long Range Transportation Plan (RLRP 2040); and

WHEREAS, the 2040 RLRP includes the following transportation improvements noted below; and

WHEREAS, during its 2014 session, the Virginia General Assembly enacted legislation in the form of House Bill 2 ("HB2") now titled "Smart Scale", which established new criteria for the allocation of transportation funding for projects within the state; and

WHEREAS, the Commonwealth Transportation Board (CTB) during its board meeting of June 17, 2015, approved the Policy and Guidelines for Implementation of a Project Prioritization Process in accordance with Smart Scale; and

WHEREAS, many of the transportation projects identified by the Commission meet the eligibility criteria for funding under Smart Scale; and

WHEREAS, it is in the best interests of Nelson County to submit Smart Scale applications requesting state funding for eligible transportation projects;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby endorse the submission of 2024 Smart Scale applications requesting funding for the following transportation projects:

1. Route 151 at Tanbark Road Intersection Improvements: This project will construct a Roundabout at the intersection of Route 151 and Tanbark Drive, and expand gas station curb to restrict driveway opening nearest to proposed Roundabout on Route 151. Relocate the existing parking lot entrance on Northbound 840, south of the intersection. Regrade Tanbark Road embankment to improve visibility to Route 151, geometric improvements in the form of curve radius modification and realignment to Route 151 south of the Tanbark intersection.
2. Rockfish School Lane & Route 151 Turn Lanes: This project will install dedicated right turn lanes in the southbound and eastbound legs of the Rockfish School Lane and Rockfish Valley Highway intersection.

V. NEW & UNFINISHED BUSINESS (AS MAY BE PRESENTED)

A. 2042 Comprehensive Plan Follow-up

1. Summary of Land Use Policy Diagnostic Report
2. Proposed Work Order Amendment for Zoning and Subdivision Ordinance Updates

Ms. Bishop presented the following:

As part of the current contract with the Berkley Group, a diagnostic report of the County's zoning and subdivision ordinances was developed to assess compliance with Virginia state code and provide recommendations for consistency with the newly adopted 2042 Comprehensive Plan. The strategies identified in the comprehensive plan were reviewed to identify opportunities for implementation through ordinance updates.

Key findings include:

- Combining zoning and subdivision ordinances into a single document, making it more clear and user friendly.
- Low impact design and landscaping standards.
- Greater conservation regulations.
- Alternative residential uses and increased density in appropriate areas.
- Compliance with state code
 - o Zoning Ordinance 50-70% compliant (graph on p.4)
 - o Subdivision Ordinance 50-80% compliant (graph on p.13)

- Update uses and definitions, utilizing the comprehensive plan glossary, modernize uses, identify outdated uses, combine like uses.
- Review by Planning Commission annually.

The recommended structure is identified on p. 6 of the report and is as follows:

1. General Provisions
2. Administration
3. Permits and Applications
4. Primary Districts
5. Overlay Districts
6. Use Matrix
7. Use Performance Standards
8. Community Design Standards
9. Nonconformities
10. Subdivision
11. Definitions

One recommendation is to identify those special use permits that are frequently approved with similar conditions, potentially converting them to by-right uses with those customary conditions codified as regulations.

Short term rentals, accessory dwelling units (ADUs), green infrastructure, signs, design standards, connectivity, recreation, and overlay districts are all included for review and consideration. Overlay districts are delineated areas with increased restrictions that are in addition to the underlying zoning designation. Some potential options for overlay districts are a mountain ridge district to regulate or restrict steep slope development, a tourism development district to identify/condense prime tourism areas, and/or a Route 151 Corridor overlay to regulate access management and density of development.

A diagnostic matrix is provided which identifies each section of Virginia code 15.2, Chapter 22, which governs zoning and land use. The grey line items are identified as optional provisions of the code. The report also notes implementation strategies from the comprehensive plan with associated actions to be taken in the ordinance.

Under the County's existing contract with the Berkley Group, a work order amendment has been submitted for the Board's review and consideration to continue Phase 2 of ordinance updates. If approved, the kickoff would be scheduled for July 2024. The process is very similar to the comprehensive plan update process, with public engagement, public workshop, focus groups, joint work sessions on topics such as permitting, district intent and standards, uses, and community design, and an open house followed by public hearings through the adoption process. The proposed timeline is approximately 18 months, with a tentative adoption date in Spring 2026.

Ms. Bishop also noted that a proposed work order amendment had been included in the packet for the Board's consideration which would allow Berkley Group to provide services under their current contract and continue with Phase 2. She indicated that Phase 2 would be the Ordinance update. She explained that if the Board were to approve the amendment that day, the kickoff would take place in July. She noted that the process looked very similar to the Comprehensive Plan update process: including public engagement; workshops; focus groups; joint work sessions on topics such as permitting, district standards, uses and community design; and an open house followed by public hearings. Ms. Bishop indicated that the proposed timeline was approximately 18 months, with a tentative adoption date in Spring 2026.

Ms. McGarry noted that the work order amendment in the Board's packets was not the final version. She indicated that the Board had been provided updated copies at their seats, which were dated May 13, 2024. She reported that the new total cost for the proposal, including the non-direct expenses, was \$143,556.

Mr. Rutherford asked how many public engagement sessions they would be looking at and whether it was similar to the Comprehensive Plan. Ms. Bishop indicated that they would be able to use all of the information from the Comprehensive Plan public engagement. She noted that this would be a lot more technical. Mr. Rutherford commented that the whole premise of doing the Comprehensive Plan was to get to the point where they updated zoning.

Mr. Reed asked if they would also have the opportunity this time to add optional services. Ms. Bishop confirmed that they would. Mr. Reed asked about Mapping Support under Optional Services and whether Ms. Bishop saw the opportunity for Berkley Group to offer some services there that the County would not be able to do in-house. Ms. Bishop explained that Mapping Support was more about Phase 3. She noted that once they completed the Zoning and Subdivision Ordinance updates, the next phase they would want

to look at after that would be the County's Zoning Map. She indicated that the optional service for Mapping Support was for if the County decided to do another work order amendment to continue working with Berkley Group after completing Phase 2. She confirmed that the optional services could be added in the future if so desired, just as was done with the Comprehensive Plan. Mr. Rutherford asked if the next phase would be essentially redrawing the County's zoning. Ms. Bishop indicated that would be up to the Board as to whether they wanted to continue to proceed to align the Comprehensive Plan, and the Zoning and Subdivisions ordinances. Mr. Rutherford noted that the zoning maps had probably not been redrawn since the 1970's. He commented that Afton Mountain Road was an example of badly drawn zoning, noting that they had half in R-1 and half in Agricultural. Ms. Bishop commented that she thought a lot of the original zoning was intended to have residential along the roadways and agricultural to the back of it to still have permitted agricultural uses. She noted that in the 2000's, there may have been some zoning work around Beech Grove, but not for at least 15 years.

Mr. Rutherford commented that in the context of today's households, a lot had changed. He noted that there was a lot of R-1 that was being farmed. He stated that he did not think it shouldn't, rather he thought it should be able to be done that way. He noted that he would like for the Board to consider that. Mr. Reed commented that in addition to what they might be approving that day, they would be dealing with Phase 3 at some future point. He asked if there were any other services besides mapping that Phase 2 did not cover, that they might want to do. Ms. Bishop noted that she thought the amendment was a good start. She indicated that at any point, they could approve a work order amendment to add any of the other services. She pointed out that whatever was adopted for the scope of work, the County would be on the hook for it. She noted that the scope had been toned down a bit, so that if they wanted to add more items during the process, it could be done that way. Mr. Reed noted that Phase 3 with the mapping would be the final piece. He asked if that would also be an 18-month process. Ms. Bishop noted that she was not sure about the timeline for it, but they would develop a new scope of work. She noted that they could get an estimate from Berkley Group. The Board had no further questions.

Mr. Rutherford moved to approve the Comprehensive Plan Update and Recommendations for Zoning and Subdivision Ordinance Amendments work order amendment from Berkley Group for a total of \$143,556. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote. Ms. Bishop thanked the Board and she confirmed that the expense would take place over the next few fiscal years.

B. FY25 Budget Adoption (R2024-44)

Ms. Staton read and reviewed the FY25 Budget Adoption Resolution R2024-44. She indicated that the total funds amount of \$98,588,140 was different from the amount that was published in the newspaper, which was \$95,076,905, a difference of \$3,511,235. She explained that the difference was comprised of the amount that was budgeted for the VPA/DSS Fund in the amount of \$2,111,235, and \$1.4 million of carryover School Construction grant funding. She then noted that the School Fund amount of \$33,765,576 was initially proposed at \$32,365,576 but it was increased by the \$1.4 million being carried over. Ms. Staton reported that the Code of Virginia required them to wait at least seven (7) days after the public hearing to adopt a budget. She indicated that they had met that requirement as of that day since the public hearing took place on June 4th. She then noted that no budgeted monies that had been adopted in the budget could be spent until they are appropriated.

Ms. Staton then read and reviewed the FY25 Budget Appropriation Resolution R2024-45. She noted that the funds were identical to those in the adoption resolution that she had just reviewed. She reported that the total revenues matched the expenditures for the year at \$98,588,140 each.

The Board had no questions for Ms. Staton. Mr. Parr thanked Ms. Staton for all of her work.

Mr. Reed commented that he had the intention of making an amendment to the resolution. He asked if they should have a motion and second on the resolution as it was, and then have a discussion on an amendment of that motion, or discuss it before getting into it. Mr. Parr suggested having a discussion beforehand.

Mr. Reed thanked Dr. Hester for her comments and summarization of the state of the School budget at this point. He noted the impacts of the Composite Index, as well as movements in Richmond that had not fallen in the County's favor. He said that he felt it was important to look at what they had done so far and then try to find a way to build on that. He noted that the current budget had a placeholder for an additional \$610,000 to the Schools. He indicated that the motion he would like to make, would be to add another \$350,000 to that number. For his reasoning, he noted the importance of being able to pay equitably across the board for teachers and staff. He noted that the State had approved three (3) percent increases for SOQ positions which then put all of the other positions at a disadvantage, unless the Board found the wherewithal to be able to fund those increases locally. He commented that the County had been good at keeping County staff up with those reasonable cost of living increases. Mr. Reed indicated that as the budget stood, it was clear that no matter how the School Board shuffled their funds, they would not be able to do that this year

for the Schools. He noted that the additional \$350,000 did not guarantee that all of the School staff would be able to get those increases, but it would certainly give the Schools a “leg up” on being able to consider doing that. Mr. Reed commented that the other priorities specified by Dr. Hester were also significant. He noted that they were in a position this year where they had taken a hit with their Schools. He commented that if the County had any ability to cover some of the loses in the short term, what they would probably be looking in the next fiscal year would be a similar situation from the State, but they may have an opportunity to do a little more for the Schools with the reassessments coming up. Mr. Reed commented that it would go far to make sure that the School staff had equitable pay raises across the board, comparable to the rest of the County. He noted that it would also show the Schools that the Board of Supervisors was serious about resolving the problems they had with School funding.

Mr. Reed noted that should they decide to add \$350,000 to the School Fund, they would also need to look at where that money would come from. He suggested that one way would be to take half from Recurring and the other half from Non-Recurring Contingency reserves. He estimated that this would put both contingencies around \$500,000 each, which was the benchmark that they had looked at for contingency reserves in the past. He noted that he thought that was reasonable and something that they could do. He suggested that the other possibility would be to leave those contingencies as they were and take the money from the General Fund. Mr. Reed noted that if there were support from the Board on taking this step, it would then make sense to discuss where the additional money would come from.

Mr. Parr noted that the contingencies added together would leave an average of about \$462,716 per contingency if they just split the amount in half. Mr. Rutherford noted it had been a long standing tradition of the Board that any recurring expenses needed to come out of recurring funds. He did not think they should utilize non-recurring funds for that, but he also did not want to see them losing too much of their Recurring contingency.

Dr. Ligon asked the Board to remember that there were a lot of expensive projects coming up in the next five (5) to ten (10) years. She noted that the school situation would be worse next year with the LCI and probably worse the year after that.

Mr. Rutherford made a motion to approve **Resolution R2024-44 Adoption of Budget** as presented. Dr. Ligon seconded the motion. Mr. Parr clarified that the motion was adoption of resolution 2024-44 as presented in the amount of \$98,588,140.

Mr. Reed made a motion to amend the amount of money allocated in the budget for the Schools at an increase of \$350,000 and a decrease in the General Fund of \$350,000 to balance out. Mr. Parr asked for a second and there was none; he noted there being no second, the amendment failed. There being no further discussion, Ms. Spivey proceeded with the roll call vote on the original motion. Supervisors approved the motion unanimously (4-0) by roll call vote and **Resolution R2024-44** was adopted as presented.

**RESOLUTION R2024-44
ADOPTION OF BUDGET
FISCAL YEAR 2024-2025
(JULY 1, 2024 - JUNE 30, 2025)
NELSON COUNTY, VIRGINIA**

WHEREAS, pursuant to the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950, the Board of Supervisors of Nelson County, Virginia has prepared a budget for informative and fiscal planning purposes only and has also established tax rates, as applicable, for Fiscal Year 2024-2025 (July 1, 2024 - June 30, 2025); and

WHEREAS, the completed Fiscal Year 2024-2025 Budget is an itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowing; and

WHEREAS, the Board of Supervisors has published a synopsis of the budget, giving notice of a public hearing in a newspaper having general circulation in Nelson County and, subsequent thereto, convened a public hearing on the Fiscal Year 2024-2025 Budget on June 4, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County, Virginia that the Fiscal Year 2024-2025 Budget be hereby adopted in the total amount (all funds, revenues and expenditures) of **\$98,588,140**. The individual fund totals are denoted as follows:

<u>Fund</u>	<u>Budget</u>
General	\$ 49,530,187.00
VPA(DSS)	\$ 2,111,235.00
Debt Service	\$ 6,562,696.00
Capital	\$ 4,832,372.00

School	\$ 33,765,576.00
Textbook	\$ 729,537.00
Cafeteria	\$ 240,491.00
Piney River Water/Sewer	\$ 539,908.00
Broadband	\$ 276,138.00

- 1) The General Fund includes \$128,138 in COVID-19 Stimulus Funding and \$25,041,291 in local funding transferred to: The Reassessment Fund \$100,000, the Debt Service Fund \$3,325,284 (\$2,028,105 debt service and \$1,297,179 reserve), the Piney River Water & Sewer Fund \$350,000, and the School Fund \$19,154,772 (\$18,989,837 for general operations and \$164,935 allocated for school nurses). Also included is \$2,111,235 in local, state, and federal funds transferred to the VPA Fund (DSS) and contingency/reserve funds of: Recurring Contingency \$612,438, Non-Recurring Contingency \$662,994, and School Capital Reserve \$300,500. Initial Capital Funding for NCHS Renovation Project at \$2,456,071 and DSS Building Project at \$1,656,071 are also included in the Capital Fund.
- 2) The School Fund includes a transfer of \$229,001 to the Textbook Fund, \$504,993 in Federal COVID-19 Stimulus Funding, and \$1,400,000 in State School Construction Assistance Program (SCAP) Grant funding.

BE IT LASTLY RESOLVED, that adoption of the Fiscal Year 2024-2025 Budget shall not be deemed to be an appropriation and no expenditures shall be made from said budget until duly appropriated by the Board of Supervisors of Nelson County, Virginia.

C. FY25 Budget Appropriation (R2024-45)

Mr. Rutherford made a motion to approve **Resolution R2024-45** as presented 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 R2024-45
FISCAL YEAR 2024-2025
APPROPRIATION OF FUNDS**

WHEREAS, the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950 require the appropriation of budgeted funds prior to the availability of funds to be paid out or become available to be paid out for any contemplated expenditure; and

WHEREAS, the Nelson County Board of Supervisors has heretofore approved the Fiscal Year 2024-2025 Budget (July 1, 2024 to June 30, 2025) for the local government of Nelson County and its component units; and

WHEREAS, the Board of Supervisors now proposes to appropriate the funds established in the Fiscal Year 2024-2025 Budget;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that the Fiscal Year 2024-2025 Budget be hereby appropriated on an annual basis by fund category, as follows:

<u>Fund</u>	<u>Revenue(s)</u> <u>(All Sources)</u>	<u>Expenditure(s)</u> <u>(All Departments)</u>
General	\$49,530,187.00	\$49,530,187.00
VPA (DSS)	\$ 2,111,235.00	\$ 2,111,235.00
Debt Service	\$ 6,562,696.00	\$ 6,562,696.00
Capital	\$ 4,832,372.00	\$ 4,832,372.00
School	\$33,765,576.00	\$33,765,576.00
Textbook	\$ 729,537.00	\$ 729,537.00
Cafeteria	\$ 240,491.00	\$ 240,491.00
Piney River Water/Sewer	\$ 539,908.00	\$ 539,908.00
Broadband	\$ 276,138.00	\$ 276,138.00
	\$98,588,140.00	\$98,588,140.00

BE IT FURTHER RESOLVED by the Board of Supervisors that:

1. The General Fund appropriation includes \$128,138 in COVID-19 Stimulus Funds and the transfers of: \$2,111,235.00 (4-100-093100-9201) to the VPA Fund (DSS) (3-150-004105-0001); 3,325,284.00 (4-100-093100-9204) to the Debt Service Fund (3-108-004105-0100), \$19,154,772 (4-100-093100-9202/Nursing \$164,935, 4-100-093100-9203/Operations \$18,989,837, 4-100-093100-9205/Buses \$0,

4-100-093100-9206/Capital \$0) to the School Fund (3-205-004105-0001); \$0 (4-100-093100-9114) to the Broadband Fund (3-114-004105-0100); \$100,000 (4-100-93100-9101) to the Reassessment Fund (3-101-004105-0001); and \$350,000 (4-100-093100-9207) to the Piney River Water & Sewer Fund (3-501-004105-0001).

2. The amounts transferred from the General Fund to the VPA Fund (DSS), Debt Service Fund, School Fund, Piney River Water & Sewer Fund, and Broadband Fund are also included in the total appropriation for each of these funds.
3. The School Fund includes \$504,993 in Federal COVID-19 Stimulus Funding and \$1,400,000 in State School Construction Assistance Program (SCAP) Grant carryover funding.
4. The Textbook Fund appropriation includes the allocation of \$229,001 from the School Fund.
5. The Debt Service Fund includes \$2,028,105 in current debt service and \$4,534,591 in debt service reserve.
6. The appropriation of funds to the School Fund, Textbook Fund, Cafeteria Fund, and VPA Fund (DSS) shall be in total and not categorically.
7. The appropriation and use of funds within the General, Debt Service, Capital, Piney River Water & Sewer, and Broadband funds shall adhere to the amounts prescribed by the Board of Supervisors for each department therein unless otherwise authorized by the Board of Supervisors.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry presented the following report:

A. Shipman Historic District: The Department of Historic Resources (DHR) has approved the Shipman Historic District National Registry of Historic Places nomination project for cost share funding. DHR will contribute \$6,500 in matching funds and the County's share would be \$7,500 for a project total of \$14,000. DHR will provide a contract outlining the terms of the cost share agreement and once signed by both parties, the project scope will be developed and distributed to DHR's pool of contractors. The County will then make a contractor selection based on the quotes submitted for the project. Staff anticipates having the DHR cost share agreement for the Board's consideration at the July 9th regular meeting.

B. Route 151 Updates

Speed Study Results: In January, the Board requested an updated speed study along the 55 MPH sections of Route 151 (Rockfish Valley Highway) in Nelson County between Route 664 (Beech Grove Road) to the Nelson / Albemarle County Line to determine if a single 45 MPH Speed Zone could be established over the entire 13.15-mile length. A comparative review of speed data was done that assessed whether there have been any significant changes in operating speeds since the most recent speed study within the 55 MPH Speed Zone from 0.31 miles north of Route 784 (Bland Wade Lane) to the Albemarle / Nelson County Line was conducted in 2016. As part of this effort, count locations were selected within the portion of Route 151 that remains posted at 55 MPH, in close proximity to the two (2) count locations from the 2016 speed study, as well as the incorporation of an additional count location on the southernmost portion of the study section, closest to Route 664.

The updated study results showed that there did not appear to have been any significant changes to operating speeds on the roadway since the previous speed study was conducted, that would warrant a speed limit reduction on this section of Route 151.

Ms. McGarry asked the Board to let her know if they wished to schedule a work session with VDOT to review the study, noting that she could get that set up.

Through Truck Restriction: This was delegated to the Planning and Zoning department for follow up and is in process.

C. Lovingson System Water/Sewer Capacity Study: County and NCSA Staff are meeting with the consultants this week to review draft findings; with plans for presentation to the Board at the July 9th regular meeting.

- D. NCSA Lovingson Sewer Rehabilitation Project:** The Service Authority has received a financing proposal from the United States Department of Agriculture (USDA) office of Rural Utilities Service (RUS) to implement a \$2,235,000 sewer rehabilitation project in Lovingson that would address serious environmental issues with sewage overflowing out of manholes into residential yards and ultimately into Town Creek. The financing entails a grant of \$1,594,000 and a loan in the form of an RUS wastewater utility bond of \$641,000 at 2.25% interest for 40 years, with an annual cost of \$24,384. In order for the project to go forward, the Service Authority needs to be able to show sufficient revenues from the Lovingson wastewater system to cover this annual cost. In lieu of a rate increase, the proposed means to achieve this, is by a mutually approved Support Agreement between the NCSA and the County which would allow the County to legally transfer funds of \$24,384 by annual appropriation to the Service Authority, to be counted and used as revenues of the Lovingson wastewater/sewer system. The annual transfer would be a moral obligation pledge and is not binding, nor does it obligate future Boards. 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.
- E. Department of Social Services Building:** After a closed session during the May 14th regular meeting, the Board authorized the County to proceed with execution of a 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. PMA has been advised; with A&E work on hold until the purchase is complete.
- F. Nelson Recovery Court:** New legislation effective July 1, 2024 changes the Court's name from Drug Court to Recovery Court and modifies what constitutes violent offenses. These include murder and weapons based offenses; which render a potential participant as ineligible but allows for those with past or present burglary offenses to now be eligible to participate. The Court currently has 4 active participants, 1 pending entry, and 2 referrals. The 2 participants in the final phases of the program will potentially graduate in October.
- G. Move Safely Blue Ridge Community Meeting:** The TJPDC will be hosting a community meeting on June 12, 2024 from 6pm – 8pm at the Nelson Center. This meeting is to gather our citizens' thoughts on ways to make the roads in Nelson safer for everyone including those who bike, walk, roll, or drive. The project website is <https://movesafelyblueridge.com/> where you can sign up for email updates and complete an online survey.
- H. Preliminary FY24 End of Fiscal Year Projection:** Staff is monitoring first half 2024 revenue collections for Real and Personal Property taxes. As of June 7th, there was a balance of Real Property taxes to be collected of \$1,335,180 and Personal Property taxes of \$335,242 totaling \$1,670,422. The overall balance of all local revenues to be collected is \$2,026,803. The overall balance of \$1,032,541 in State, Federal, and other (excluding Year Ending Balance) revenues is also expected to be collected in full. Collections for fiscal year 2024 will continue through July/August until our June accounting period is reconciled and closed; staff anticipates realizing the overall budgeted amount of revenues of \$52,859,150. Expenditures through the end of June are anticipated to be in the neighborhood of \$1,400,000 for a total fiscal year expenditure projection of \$49,750,239. Comparing that to the fiscal year projection of total revenues of at least the budgeted amount of \$52,859,150; carryover funds are expected to be around \$3,108,911. The FY25 budgeted carryover is \$3,032,863. Fiscal year-end status will be more clear and an update reported in July/August. (See attached Summary Reports)
- I. 2026 Reassessment RFP:** Staff is planning to issue the RFP for 2026 real property reassessment/mass appraisal services 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.
- Ms. McGarry indicated that they would not see the effects of the reassessment until the second half of FY26
- J. Staff Reports:** Department and office reports for May/June have been provided.

Mr. Rutherford referenced the revenue projections and collections. He suggested that monthly reports on meals and lodging revenues would help the Board and staff to support local businesses in the hospitality industry. Ms. McGarry noted that now that the budget was complete, staff could assist in that process and

get those reports. Mr. Rutherford suggested that the last three years of revenue data would be best information to have on hand.

2. Board Reports

Mr. Rutherford:

Mr. Rutherford noted that there was a TJPDC meeting, but he was unable to attend. He noted that Mr. Reed attended the meeting.

Mr. Reed:

Mr. Reed reported on the TJPDC meeting. He noted that the big part of that meeting was the passage of the TJPDC resolution in support of the Smart Scale projects. He reported that there were two (2) 151 projects included in the resolution. He commented that with the Board’s resolution for the Smart Scale projects, things were well on their way. He noted that there would not be a TJPDC meeting in July. Mr. Reed also reported that the Recovery Court meeting was great. He noted that what was most remarkable was the sense of optimism from everyone on how successful it had been and how positive it had been for the clients participating. He commented that he was very grateful for that.

Mr. Parr hoped to have some follow-up after the two (2) participants graduate in October.

Dr. Ligon:

Dr. Ligon reported that she had attended the Virginia Careerworks meeting the day before. She reported that they were also impacted by state funding, noting that it had dropped by more than ten (10) percent. She indicated that they were excited about grants getting into the schools and trying to teach children to be better in the workplace. She commented that it seemed Nelson County Schools were not responding to the people at Virginia Careerworks.

Mr. Parr:

Mr. Parr reported that EMS Council had not met in the last few months due to emergencies taking place the afternoon of their EMS Council meetings. He noted that they had to cancel the meeting because everyone was on scene.

Ms. McGarry noted that she did not report on ACRJ. She noted that the Regional Jail Board had not met the last two (2) months, so she did not have anything to report from that. She reported that they would be meeting in July. Dr. Ligon asked when Mr. Barton's appointment would be concluded for the Jail Board. Ms. McGarry noted that staff thought it would be in July, but they would check.

B. Appointments

The Board reviewed the list of vacancies and expiring terms below:

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Nelson County Service Authority Board - West District	6/30/2024	4 Year Term / No limit	David Hight	Y	David Hight
Nelson County Service Authority Board - South District	6/30/2024	4 Year Term / No limit	Sergio Sanchez	Y	Sergio Sanchez
Region Ten Community Services Board	6/30/2024	3 year term / 3 term limit	Peggy Whitehead (T2)	Y	Peggy Whitehead
Nelson County Library Advisory Committee - West District	6/30/2024	4 year term / No limit	Audrey Diane Evans	Y	Audrey Diane Evans
Board of Building Code Appeals	6/30/2024	4 year term / No limit	R. Carlton Ballowe	Y	R. Carlton Ballowe
Board of Building Code Appeals	6/30/2024	4 year term / No limit	Ben Butler	Y	Ben Butler
Board of Building Code Appeals	6/30/2024	4 year term / No limit	Kenneth Taylor	N	Application pending
Jefferson Madison Regional Library Board	6/30/2024	4 year term/ 2 term limit	Aleta Childs (UT)	Y	Aleta Childs
Planning Commission - West District	6/30/2024	4 year term / No limit	Michael Harman	Y	Michael Harman
Planning Commission - South District	6/30/2024	4 year term / No limit	Mary Kathryn Allen	Y	Mary Kathryn Allen
JAUNT	6/30/2024	3 year term / No limit	Brad Burdette	Y	Brad Burdette
Nelson County Social Services Board - Central District	6/30/2024	4 year term / 2 term limit	Darlene Smith (T2)	N	
(2) Existing Vacancies:					
Board/Commission	Terms Expired				
Ag & Forestal District Advisory Committee	5/13/2024	4 year term / 3 term limit	Sunny Taylor	N	Ben Kessler

Nelson County Service Authority Board Appointments

Mr. Parr noted that they had Sergio Sanchez to be reappointed for the South District. Mr. Parr noted that they also needed to discuss the West District appointment, which had two applicants. He indicated that David Hight had held the position for quite some time. He then noted that they had an application from Marshall Saunders. Mr. Parr asked for input from Board. Mr. Rutherford commented that wherever they could get a newer perspective, especially those that may have had an impact on the Board, was good. He asked Mr. Parr if he had a preference on representation for his district. Mr. Parr noted that he had been working for years to encourage the next generation of leaders to participate. He commented that he was excited to see that Mr. Saunders had applied and he noted that he thought Mr. Saunders would be good for West District and good for the Service Authority. He indicated that he would support Mr. Saunders in that position. Mr. Reed noted that David Hight had served on the Service Authority Board as long as he had been there. He stated that Mr. Hight's engineering and background knowledge were the greatest in terms of institutional knowledge on the Service Authority Board. Mr. Reed indicated that he would support Mr. Hight for reappointment, as long as it was his intention to continue serving and doing an exemplary job. Mr. Rutherford noted that they had typically made appointments based on the recommendation of the Board member representing that District and he thought that was still a good thing to do. Dr. Ligon asked if anyone had spoken with Mr. Hight regarding his willingness to continue serving. Mr. Parr noted that he had not spoken with Mr. Hight. Mr. Reed noted that the Service Authority met later in the month and Mr. Hight's term did not expire until the end of the month. Mr. Reed noted he could speak with Mr. Hight and they could discuss the appointment again next month. Ms. Spivey noted that Mr. Hight had indicated that he was willing and interested in serving again. The Board opted to consider the South and West District appointments separately.

Nelson County Service Authority – South District

Dr. Ligon moved to reappoint Sergio Sanchez as South District representative on the Nelson County Service Authority Board. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Nelson County Service Authority – West District

The Board discussed the appointment for West District and applicants David Hight and Marshall Saunders. Mr. Reed commented that it would be highly unusual for someone who has served for a long time without reasonable cause to be removed from the Board, to not be selected for reappointment. Dr. Ligon asked if Mr. Hight actively participated and attended meetings as the current West District representative. Mr. Parr suggested that they put the appointment on hold until the next meeting since there were questions.

Mr. Parr suggested that the Board consider the remaining appointments on the list, with the exception of one seat on the Board of Building Code Appeals and Social Services Board – North District, as they did not have applicants to appoint.

Mr. Reed made a motion to approve the remaining appointments as presented and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following appointments were made:

- Region Ten Community Services Board – Peggy Whitehead
- Nelson County Library Advisory Committee – West District – Audrey Diane Evans
- Board of Building Code Appeals – R. Carlton Ballowe
- Board of Building Code Appeals – Ben Butler
- Jefferson Madison Regional Library Board – Aleta Childs
- Planning Commission – West District – Michael Harman
- Planning Commission – South District – Mary Kathryn Allen
- JAUNT – Brad Burdette
- Ag & Forestal District Advisory Committee – Ben Kessler

C. Correspondence

Dr. Ligon reported that she toured the Heritage Center. She noted that the positivity and excitement about the things they had going on, was good.

D. Directives

Mr. Rutherford asked to address the Ruritan Club's request from Public Comments. Ms. McGarry reported that the request had come to her office. She noted that in communications by email, she did advise that she was not prepared to approve the request because that was not something had been done before and felt like it would set a precedent. She commented that the money side of it was not really an issue. She noted that

the Ruritans were estimating to have three (3) tons of trash which would amount to \$165. She commented that she did not want to set a precedent for the County to relieve people of tipping fees for every event in the County. She commented that it was up to the Board. Mr. Reed stated that Ms. McGarry's point was well taken. He noted that they had many community activities and events throughout the County and it would be hard to determine which ones were worthy of having tipping fees waived. Mr. Rutherford noted that he had been a part of a few events in Nelson County and they just usually went and tossed their few bags of trash in the collection center, which was free. He noted that people paid taxes and ultimately that trash would go to Nelson County. He asked if something could be discussed with those hosting events to determine if there was a qualifier. He noted that the carnival was a positive event. Mr. Rutherford felt it was an affordable positive thing they could do for their community. Dr. Ligon stated that she agreed. Mr. Parr noted they were blessed to have so many groups like the Ruritan Club and other groups like them in the community. He stated that he did not think they should set precedent for one event and organization. He noted that it may be something that they should need to revisit as a County. Dr. Ligon and Rutherford noted they each had \$100 to cover the expense for the Ruritans. Ms. McGarry suggested developing a policy and threshold going forward so that when these requests came forward, it would not be so subjective.

Mr. Reed noted the speed study and getting a meeting with VDOT. Ms. McGarry asked the Board if they wanted to appoint two (2) Board members, or have VDOT attend and speak with the Board in session. The Board was in agreement to have two (2) members selected to meet with VDOT. The Board decided that Mr. Reed and Mr. Harvey would be best to meet with VDOT to discuss the speed study.

The Board had no other directives.

VII. ADJOURNMENT (AN EVENING SESSION WILL NOT BE CONDUCTED)

At 3:27 p.m., Mr. Rutherford moved to adjourn the meeting and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.