

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR.
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
JANUARY 14, 2025
THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE
GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON

- I. CALL TO ORDER**
 - A. Moment of Silence
 - B. Pledge of Allegiance
- II. REORGANIZATION OF THE BOARD AND ANNUAL ORGANIZATIONAL MEETING**
 - A. Election of Chair and Vice Chair
 - B. Resolution – **R2025-01** Annual Organizational Meeting of the Board and Appointments
- III. PUBLIC COMMENTS**
- IV. CONSENT AGENDA**
 - A. Resolution – **R2025-02** Minutes for Approval
 - B. Resolution – **R2025-03** Budget Amendment
 - C. Resolution – **R2025-04** Support for Repairs and Strategic Plan Implementation Funding for the Blue Ridge Parkway
- V. PRESENTATIONS**
 - A. VDOT Report
 - B. 2026 General Reassessment – Gary Eanes
 - C. Nelson County Jail Utilization Report – Matthew Vitale, OAR
- VI. NEW & UNFINISHED BUSINESS**
 - A. Ambulance Transport Billing Rates (**R2025-05**)
 - B. Rockfish Valley Community Center Funding Request
- VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
 - A. Reports
 - 1. County Administrator's Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - D. Directives
- VIII. OTHER BUSINESS (AS PRESENTED)**
- IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM**

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

I. CALL TO ORDER

II. PUBLIC COMMENTS

III. PUBLIC HEARINGS

A. Rezoning #24-0289 – A-1 Agricultural to B-1 Business

Consideration of Rezoning application requesting County approval to rezone property from A-1 Agricultural to B-1 Business to align the subject property's zoning with its current land use. The subject property is located at Tax Map Parcels #58-A-7, 7A at 10761 Thomas Nelson Hwy. The subject properties are owned by SS Roundtree LLC.

B. Ordinance O2025-01 - Amendment to Chapter 7, Motor Vehicles and Traffic, Article IX, Local Authority to Reduce Speed Limits

Consideration of an ordinance proposed for passage to include language to authorize Nelson County as allowed by §46.2-1300 to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour.

IV. OTHER BUSINESS (AS PRESENTED)

- A. Special Use Permit #24-0014 – Large Solar Energy System, Wild Rose Solar
- B. Proposed Siting Agreement – Large Solar Energy System, Wild Rose Solar
- C. Wild Rose Solar Project Appeal of June 26, 2024 Planning Commission Substantial Accord Determination

V. ADJOURNMENT

DIVISION 2. CONDUCT OF MEETINGS

Sec. 2-41. Scope.

The rules of procedure in this division shall govern the conduct of the board of supervisors' meetings.

Sec. 2-42. Rules of order.

Robert's Rules of Order shall be observed as the rules for conducting the business of the board of supervisors.

(Res. of 9-13-72)

Sec. 2-43. Chairman.

The board of supervisors shall, at its first meeting after election, elect one (1) of its number as chairman. The chairman, if present, shall preside at such meeting and at all other meetings during the term for which so elected.

(Res. of 3-11-80, § A)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-528.

Sec. 2-44. Vice-chairman.

The board of supervisors shall, at its first meeting after election, elect one (1) of its number as vice-chairman. The vice-chairman shall preside at meetings in the absence of the chairman and shall discharge any other duties of the chairman during the chairman's absence or disability.

(Res. of 3-11-80, § A)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-528.

Sec. 2-45. Terms of officers.

The chairman and vice-chairman of the board of supervisors shall be elected for one-year terms; but either or both may be reelected for one (1) or more additional terms.

(Res. of 3-11-80, § A)

State law reference(s)—Authority for above section, Code of Virginia, § 15.1-528.

Sec. 2-46. Clerk.

The board of supervisors shall, at its first meeting after election, designate the county administrator as clerk, who shall serve at the pleasure of the board and whose duties shall be those set forth by Virginia Code Sections

15.1-531 and 15.1-532 and resolution of the board as adopted from time to time. The minutes of the board shall be duly drawn by the clerk.

(Res. of 3-11-80, § B)

Sec. 2-47. Annual meeting.

The first meeting held after the newly elected members of the board of supervisors have qualified, and the first meeting held in the corresponding month of each succeeding year, shall be known as the annual meeting. At such annual meeting, the board shall establish the days, times and places for regular meetings of the board for the ensuing twelve (12) months.

(Res. of 3-11-80, § C)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-536.

Sec. 2-48. Regular meetings.

Except as otherwise provided by law, the board of supervisors shall meet in regular session not less often than once each month upon such day or days as may be established. The board may, however, subsequently establish different days, times or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code Section 15.1-536. When the day established as a regular meeting day falls on a legal holiday, the meeting shall be held on the next following regular business day.

(Res. of 3-11-80, § C)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-536.

Sec. 2-49. Special meetings.

- (a) A special meeting of the board of supervisors shall be held when requested by two (2) or more of the members. Such request shall be in writing, addressed to the clerk of the board, and shall specify the time and place of meeting and the matters to be considered at the meeting. Upon receipt of such request, the clerk shall immediately notify each member of the board and the commonwealth's attorney or the county attorney, if one is employed, in writing, to attend upon such meeting at the time and place mentioned in the request. Such notice shall specify the matters to be considered at the meeting. The clerk shall send a copy of such notice to each member of the board and the commonwealth's attorney or the county attorney, if one is employed, by certified mail not less than five (5) days before the day of the special meeting. The clerk may have such notice served on the members of the board and the commonwealth's attorney or the county attorney, if one is employed, by the sheriff of the county, if he deems the same necessary to secure their attendance. The clerk shall also notify the general news media of the time and place of such meeting and the matters to be considered.
- (b) No matter not specified in the notice shall be considered at such meeting, unless all the members of the board are present. The sheriff shall be allowed fifty cents (\$0.50) for the service of each such notice, payable out of the county levy. The five (5) days' notice may be waived if each member of the board of supervisors and the commonwealth's attorney or the county attorney, if one is employed, attends the special meeting and signs a waiver.

(Res. of 3-11-80, § C)

State law reference(s)—Special meetings, Code of Virginia, § 15.1-537; creation of office of county attorney, Code of Virginia, § 15.1-9.1:1.

Sec. 2-50. Agenda.

The agenda for all meetings of the board of supervisors shall be established by the clerk of the board in consultation with the chairman.

(Res. of 3-11-80, § D)

Sec. 2-51. Adjournment by majority.

Notwithstanding any other provision of this Code, a majority of the members of the board of supervisors present at the prescribed day, time and place to attend any meeting held or to have been held pursuant to the provisions of this division shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the board is completed.

(Res. of 3-11-80, § E)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-536.

Sec. 2-52. Voting.

- (a) All questions submitted to the board of supervisors for decision shall be presented by appropriate motion of a member and seconded by another member. Such questions shall be determined by a majority of the supervisors voting thereon by voice vote, roll call or any other method of voting which shall identify the matter to be voted upon and shall record the individual votes of the members. In the case of any matters involving the appropriation of any sum exceeding five hundred dollars (\$500.00) a majority of the total membership shall be required. The clerk shall record the name of each member voting and how he voted. Whenever any member wishes to abstain from voting on any question, he shall so state and his abstention shall be announced by the chairman and recorded by the clerk.
- (b) Since the board has elected not to provide for the appointment of a tie-breaker, any tie vote shall defeat the motion, resolution or question voted upon.
- (c) Matters requiring public hearings shall not be subject to vote by the board before such public hearing has been held; provided, that nothing herein shall be construed to prevent the deferral or continuance of consideration of any matter prior to the holding of such public hearing.
- (d) Amendments to a motion, unless accepted by the member making the original motion and the member seconding the same, shall be subject to vote by the board before any action is taken on the original motion.
- (e) Discussion of any motion may be terminated by any member's moving the previous question, whereupon the chair shall call for a vote on the motion and, if carried by a majority of those voting, shall then call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
- (f) After a vote has been taken on a matter before the board, any member may move for its reconsideration, provided such motion is made at the same meeting or an adjournment thereof at which the matter was originally acted upon. The effect of the motion to reconsider, if adopted, shall be to place the original question in the exact position it occupied before it was voted upon.

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- (g) Any vote previously taken by the board, with the exception of zoning matters (which shall be subject to reconsideration only as above stated) and ordinances, may be rescinded by a majority of total membership of the board.

(Res. of 3-11-80, § F)

State law reference(s)—How questions determined, Code of Virginia, § 15.1-540; tie breakers, Code of Virginia, § 15.1-535.

Sec. 2-53. Order and decorum.

- (a) The chairman of the board of supervisors shall preserve order and decorum, and shall decide questions of order without debate, subject to an appeal to the board.
- (b) When deciding important issues, members should explain their individual votes.
- (c) No member shall, in debate, use language or gesture calculated to wound, offend or insult another member.
- (d) Citizens are encouraged to speak on issues, but shall limit their remarks to the question before the board. The board shall determine a time limit on citizen speakers, if necessary. Citizen speakers should avoid repetition when possible.

(Res. of 3-11-80, § F)

Sec. 2-54. Amendment to, suspension of rules of procedure.

This division may be amended by a majority vote of the board of supervisors at the next regular meeting following a regular meeting at which the motion to amend is made. By majority vote of those board members present and voting, this division may be suspended on any matter before it.

(Res. of 3-11-80, § H)

Secs. 2-55—2-70. Reserved.

Chairs and Vice Chairs

	<u>Chair</u>	<u>Vice Chair</u>
2025	?	?
2024	J. David Parr - W	Ernie Q. Reed - C
2023	Jesse N. Rutherford - E	J. David Parr - W
2022	Jesse N. Rutherford - E	Robert G. Barton - S
2021	Ernie Q. Reed -C	Jesse N. Rutherford - E
2020	Thomas D. Harvey -N	Ernie Q. Reed -C
2019	Larry D. Saunders - S	Thomas D. Harvey -N
2018	Thomas H. Bruguire -W	Larry D. Saunders - S
2017	Thomas D. Harvey - N	Thomas H. Bruguire - W
2016	Allen M. Hale - E	Thomas D. Harvey - N
2015	Larry D. Saunders - S	Allen M. Hale - E
2014	Constance Brennan - C	Larry D. Saunders - S
2013	Thomas H. Bruguire - W	Constance Brennan - C
2012	Thomas D. Harvey - N	Thomas H. Bruguire - W
2011	Joe Dan Johnson - S	Thomas H. Bruguire - W
2010	Constance Brennan -C	Joe Dan Johnson -S
2009	Allen M. Hale - E	Constance Brennan - C
2008	Thomas D. Harvey - N	Allen M. Hale - E
2007	Thomas H. Bruguire - W	Thomas D. Harvey - N
2006	Harry S. Harris - S	Thomas H. Bruguire - W
2005	Gary E. Wood - E	Constance Brennan - C
2004	Constance Brennan - C	Gary E. Wood - E

Chairs and Vice Chairs

2003	Thomas D. Harvey - N	Constance Brennan - C
2002	Thomas H. Bruguire - W	Thomas D. Harvey - N
2001	Gary E. Wood - E	Thomas H. Bruguire - W
2000	Harry S. Harris - S	Gary E. Wood -E

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**RESOLUTION R2025-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING**

JANUARY 14, 2025

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

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

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

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2025 in the General District Courtroom located in the Nelson County Courthouse in Lovington, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

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

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

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Board of Supervisors appointments for Calendar Year 2025 shall be as follows:

Thomas Jefferson Planning District Commission:
Thomas Jefferson Planning District Commission:
Director of Emergency Services:
Emergency Services Coordinator:
Virginia Career Works Piedmont Council:
Clerk to the Nelson County Board of Supervisors:
Deputy Clerk to the Nelson County Board of Supervisors:
Zoning Administrator:
Hazardous Materials Coordinator:
Thomas Jefferson EMS Council:
Nelson County EMS Council:
Thomas Jefferson Community Criminal Justice Board:
Nelson County Social Services Board:
Nelson County Planning Commission:

Jesse N. Rutherford
Ernie Q. Reed
Board of Supervisors Chair
John Adkins
Jessica Ligon
Candice W. McGarry
Amanda B. Spivey
Dylan M. Bishop
John Adkins
John Adkins
J. David Parr
Daniel L. Rutherford
J. David Parr
Ernie Q. Reed

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

Sec. 2-73. Director of emergency services.

- (a) The director of emergency services shall be the chairman of the board of supervisors. Succession to the chairmanship is outlined in the basic emergency operations plan.
- (b) The director shall be responsible for organizing emergency services and directing emergency operations through the regularly constituted government structure, and shall utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the director upon request.
- (c) The director will prepare or cause to be prepared and keep current a local emergency operations plan. He may, in collaboration with other public and private agencies, develop or cause to be developed mutual aid agreements for reciprocal assistance in the case of a disaster or emergency.
- (d) The director shall have the authority to appoint a coordinator and deputy coordinator of emergency services, as well as to authorize the appointment of other emergency service personnel, as deemed necessary, with the consent of the board of supervisors.
- (e) The director shall appoint a team of key personnel known as the emergency operating staff, along with a line of successors for these key personnel, and charge them with the responsibility of directing one (1) or more operations during an emergency. The organization of this staff shall be incorporated into the local emergency operations plan.

(Ord. of 6-8-76(1), § 2)

State law reference(s)—Powers and duties of political subdivisions, Code of Virginia, § 44-146.19.



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RESOLUTION R2025-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES

(June 4, 2024, June 11, 2024, July 9, 2024, August 13, 2024 and August 28, 2024)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **June 4, 2024, June 11, 2024, July 9, 2024, August 13, 2024 and August 28, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: January 14, 2025

Attest: _____, Clerk
Nelson County Board of Supervisors

June 4, 2024

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 7:00 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

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Parr called the meeting to order at 7:01 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey was absent.

II. PUBLIC HEARING

A. Proposed FY24-25 County Budget, All Funds

Ms. Staton reported that the presented FY25 Budget was based upon budgetary information at the time of the public hearing advertisement. She noted that State budgetary decisions may affect the final General Fund budget and the School Division operating budget presented for the Board's approval. She stated that the School Division budget presented was based upon the original General Assembly recommended budget proposal.

Ms. Staton then presented the following:

Tax Year 2024 Tax Rates

All tax rates are levied per \$100 of assessed value

Real Estate and Mobile Home tax rate \$0.65

Personal Property tax rate \$2.79

Machinery & Tools tax rate \$1.25

Transient Occupancy Tax this rate will increase from 5% to 7% effective July 1, 2024.

All tax rates shown except for the Transient Occupancy Tax are levied per \$100 of assessed value.

Real Estate and Mobile Home Tax rate is \$0.65 per \$100 assessed value - unchanged from 2022; The per penny tax rate equivalent is based on FY25 projected RE tax revenue of \$20,890,068/65 cents = \$321,386.

Tangible Personal Property Tax rate is \$2.79 - per \$100 of assessed value; also unchanged from 2022. Yields anticipated revenue of \$6,013,768 for FY25; an anticipated decrease of 1.2% below the FY24 amended budget due largely to a decrease in vehicle values over last year.

Machinery & Tools tax rate is \$1.25 - per \$100 of assessed value; remains unchanged from 2022. Revenue yield is estimated at \$75,000, an increase of 3.89% over FY24.

The advertised budget for public hearing contains Transient Occupancy Tax revenue based upon the July 1, 2024 rate of 7% as approved by the Board of Supervisors – this is an increase from 5% and is expected to generate around \$468,000 more than in FY24 for a total of just under \$2.3 million.

Budget Funds

- General Operating Fund
- School Operating, Textbook & Cafeteria Funds
- Debt Service Fund
- Capital Fund
- Piney River Water & Sewer Enterprise Fund
- Broadband Enterprise Fund

The County's fund accounting system tracks budgetary and financial activity. The Board is considering proposed budgets for each of the funds listed. The General Fund often supports other funds as is the case with the School Fund and the Debt Service Fund. A brief overview of the 2 largest funds, the General fund and the School Fund, will follow later in the presentation.

The Capital Fund is reserved for capital projects. Funding for initial A&E (Architectural and Engineering) expenses of two (2) such projects are included in the FY25 Capital Fund budget: 1) the NCHS Renovation Project funded at \$2,456,071, and 2) the Department of Social Services Building Project funded at \$1,656,071 (after Cost of Issuance expensed at \$87,857 in current FY24). Estimated total project costs are \$25M for NCHS, and \$9.5M for the DSS Building. Total project costs to be incorporated in the budget once they are determined.

The remaining funds are generally project oriented or related to an enterprise operation such as the Piney River Water & Sewer and Broadband operations. The Broadband Fund to date has been over-seen by the Broadband Authority. Final stages of implementing Broadband network services throughout Nelson County prompted the Broadband Authority to proceed with dissolution and termination effective June 30, 2024. Effective July 1, 2024, the Broadband Fund will be managed by the Board of Supervisors as an enterprise fund within the County budget.

**FY24-25 GENERAL FUND BUDGET
COMPARED TO FY23-24
AMENDED BUDGET**
(AS OF FEBRUARY 2024)

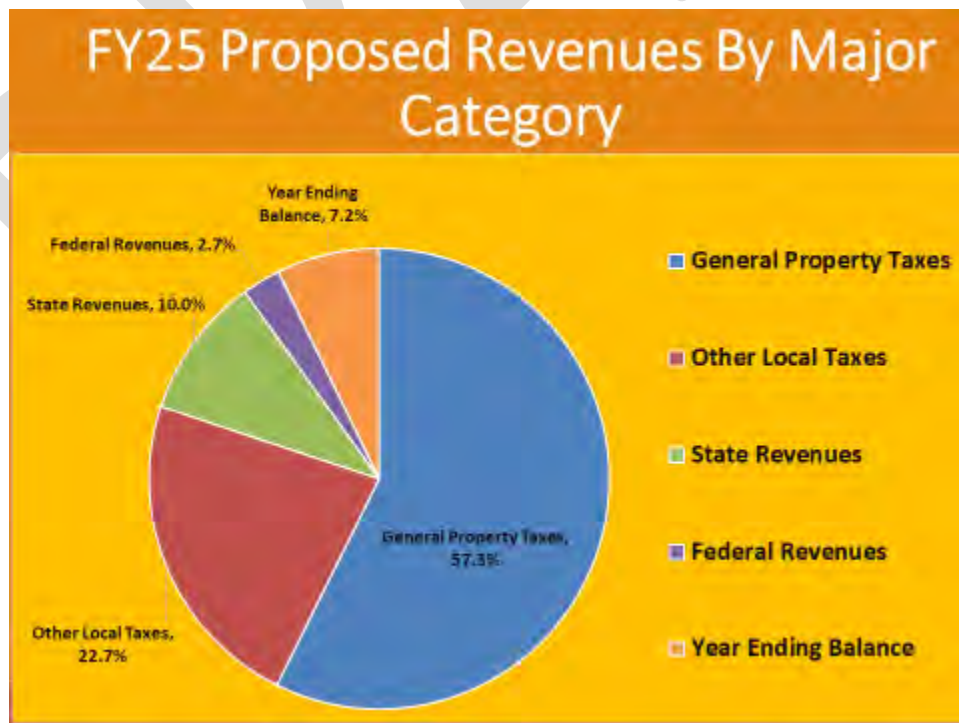
FY23-24	\$51,765,639
FY24-25	<u>\$49,530,187</u>
Decrease	(\$ 2,235,452)

Percentage Change **- 4.32%**

Compared to the current year budget as amended (through February 2024), the proposed General Fund budget reflects a decrease of (\$2,235,452), or -4.32%. The budgeted revenues and expenditures are balanced at \$49,530,187.

Budgetary decreases from FY24 to FY25 are primarily due to budget reductions in Capital Outlay, Transfers to Other Funds, and Capital Projects within the General Fund.

Ms. Staton reported that the FY25 Proposed Revenues were \$49,530,187. She then presented the following:



- Local Revenue consisting of General Property taxes and other Local Taxes make up 80.1% of the overall budgeted revenue.
- Total Anticipated Local Revenues are \$39,668,527
- State Revenues account for 10.0% at \$4,937,774
- Federal 2.7% at \$1,346,459
- Year Ending Balance of \$3,577,427 in FY24 makes up 7.22% of total revenues for FY25. It includes FY24 carryover funds of \$3,227,427 consisting of \$128,138 in ARPA grant funds, \$2,025,537 in Capital Outlay, \$662,994 in Non-Recurring Contingency, and \$410,758 in miscellaneous carry forward and non-recurring costs. The remaining \$350,000 is planned for transfer to the Piney River Water & Sewer Fund for Pump Station replacement costs.

Local Revenue

FY24 Budget	\$38,070,221
FY25 Estimates	<u>\$39,668,527</u>
Overall Increase	\$ 1,598,306

Percentage Change **+ 4.2%**

FY25 **local revenue** makes up about **80.1% of the total General Fund budget of \$49,530,187** at just under **\$39.7** million dollars. This is a 4.2% increase over FY24 local revenue of \$38,070,221 representing a total increase of \$1,598,306 in additional FY25 revenue.

General Property Taxes: (\$78,992)

Real Estate Taxes: + \$285,390
Public Service Taxes: (\$295,291)
Personal Property Taxes: (\$71,902)
Machinery & Tools: + \$2,811

Other Local Revenue: + \$1,677,298

Utility Taxes: + \$37,266
Recordation Taxes: + \$50,000
Transient Lodging Tax: + \$468,000
Meals Tax: + \$239,026
Permit Fees: + \$74,226
Court Fines & Forfeitures: + \$76,400
Interest on Investments: + \$845,860
Expenditure Refunds: (\$98,216)
Miscellaneous (Net): (\$15,264)

General property taxes of \$28,405,249 accounts for **71.6% of all local revenue**. Of these revenues, public service tax, personal property tax, and mobile home tax are each anticipated to decrease in FY25. The result for this category is (\$78,992) overall less revenue in FY25.

- Real Estate tax is anticipated to increase by \$285,390 in FY25 due to increased home building and values.
- A decrease in Public Service tax of -22.66% and -1.18% in Personal Property taxes together are projected at (\$367,193) below FY24.
- Personal Property taxes are projected to decrease by (\$71,902) due to an overall decrease in vehicle values.
- Machinery & Tools tax is estimated to increase by \$2,811.

Other Local Revenue:

Most other local revenue categories anticipate increases, or at a minimum, level funding. Utility taxes are expected to increase by \$37,266 and Recordation Taxes are projected to increase by \$50,000 due to favorable interest rates on borrowing. Meals tax is expected to increase by \$239,026 or 17.71% while lodging tax is anticipated to generate an increased 26.0% in revenue for FY25 projecting a \$468,000 overall increase, due in part to the 7% TOT rate effective July 1, 2024. Permit fees, court fines and forfeitures are expected to increase by a total of \$150,626, offsetting declines in expenditure refunds and overall miscellaneous revenues totaling (\$113,480). Interest on investments is projecting an increase of \$845,860 over the FY24 budget. This 169.17% increase over FY24 is due to increased interest rates on investments.

State Revenue

FY24 Budget	\$5,273,382
FY25 Estimates	<u>\$4,937,774</u>
Overall Decrease	(\$ 335,608)
Percentage Change	- 6.36%

Estimated State revenue is currently **10.0% of the total General Fund budget in FY25.**

The overall decrease in State revenue is due to a -74.59% at (\$579,357) decrease in Other Categorical State Aid, which primarily consists of grant funds. FY25 State Grant funds will be appropriated as they are received in FY25. This includes Asset Forfeiture proceeds, Four for Life Grant funds, Fire Program Funds, and various other grants.

The budget includes State reimbursements of shared local expenses for constitutional offices reflecting the state's share of a 3% salary increase that has been proposed for those offices.

Federal Revenue

FY24 Budget	\$ 1,731,120
FY25 Estimates	<u>\$ 1,346,459</u>
Overall Decrease	(\$ 384,661)
Percentage Change	- 22.22%

Federal revenue makes up 2.7% of the total FY25 General Fund budget. Generally, federal sources include social services funding, Children's Services Act (CSA) funding, the payment in

lieu of taxes relative to national forestland located in Nelson (from the U.S. Bureau of Land Management) and various federal grants.

The decrease reflected here is primarily due to a -23.05% reduction in Federal Categorical Aid in the form of ARPA grant funds (American Rescue Plan Act economic stimulus funds) available through FY24 making the overall decrease -22.22%

All Sources of FY25 Revenue

Local	\$39,668,527
State	\$ 4,937,774
Federal	\$ 1,346,459
Year Ending Balance	<u>\$ 3,577,427</u>
Total	\$49,530,187

Local, state, and federal revenues, and non-revenue sources together with prior year ending balance make up all projected revenue supporting the FY25 proposed General Fund expenditures.

Year Ending Balance of \$3,577,427 in FY24 makes up 7.2% of total revenues for FY25. It includes FY24 carryover funds of \$3,227,427 consisting of \$128,138 in ARPA grant funds, \$2,025,537 in Capital Outlay, \$662,994 in Non-Recurring Contingency, and \$410,758 in miscellaneous carry forward and non-recurring costs. The remaining \$350,000 is planned for transfer to the Piney River Water & Sewer Fund for Pump Station replacement costs.

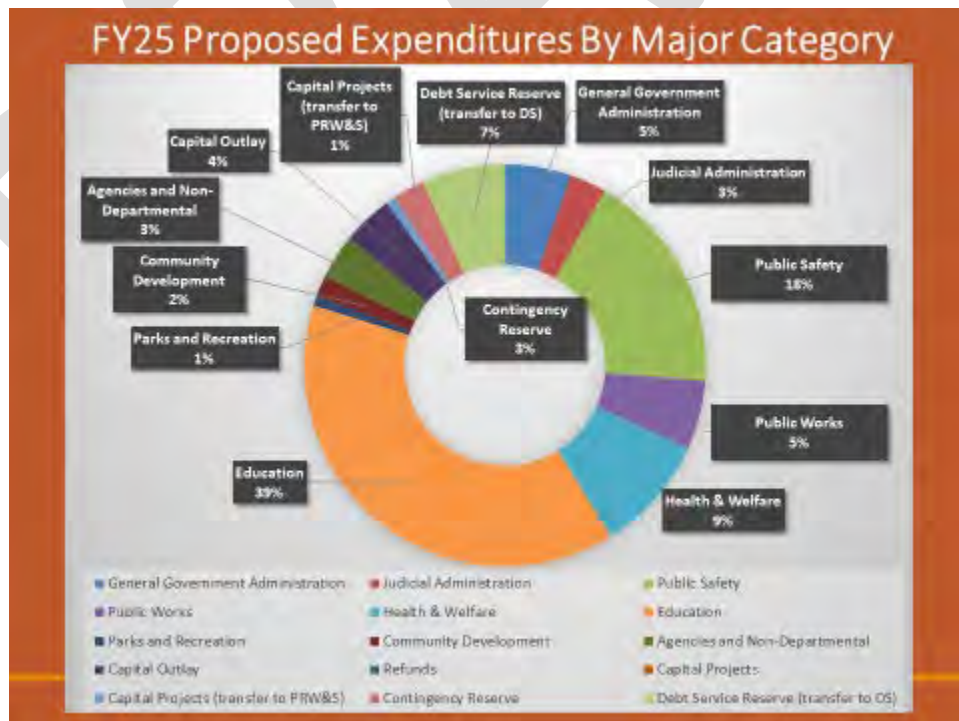
Ms. Staton reported that the FY25 Proposed Expenditures were \$49,530,187. She then reviewed the following FY25 Expenditure information:

FY24-25 GENERAL FUND BUDGET COMPARED TO FY23-24 AS OF February 2024

FY23-24	\$51,765,639
FY24-25	<u>\$49,530,187</u>
Decrease	(\$ 2,235,452)

Percentage Change - 4.32%

Compared to the current year budget as amended (through Feb. 2024), the proposed General Fund budget reflects a decrease of (\$2,235,452) or -4.32%. This change is primarily due to FY25 budget reductions in Capital Outlay, Transfers, and Capital Projects preliminary costs budgeted in FY24 within the General Fund for the DSS Office Building project. Ongoing project costs are budgeted directly in the Capital Fund for FY25.



Total FY25 General Fund Expenditures equal revenues at \$49,530,187. In looking at how revenue dollars are spent, this graph shows major categories of expenditures as a percentage of the total budget.

The largest category of expenditures shown is Education at 39% representing \$19,156,889 (including \$2,117 for PVCC). In addition to the \$19,154,772 allocated to NCPS funding in FY25, the County will contribute debt service payments for schools in FY25 in the amount of \$838,263 for a total of \$19,993,035. This total has been reduced from the FY24 total by retired debt of \$1.1M for the NCHS/NMS building construction project.

The FY25 County support for NCPS includes funding for four (4) School Resource Officers from the General Fund budget. This cost is included in the Public Safety category at approximately \$313,915, of which the County will receive partial state grant revenue funding in FY25 at \$92,621. The balance of \$221,294 for SRO salaries and benefits is fully County funded.

FY25 Expenditures By Major Category (% of Total Budget)

School Division- Operations (39%)	\$19,154,772
Public Safety (18%)	\$ 8,890,803
Governmental Operations (16%)	\$ 8,066,747
Health and Welfare (9%)	\$ 4,651,383
Agency & Non-Departmental (includes PVCC) (3%)	\$ 1,758,229
Capital Outlay (4%)	\$ 2,025,537
Capital Projects (transfer to Piney River Water/Sewer)	\$ 350,000
Refunds & Unallocated Reserve (3%)	\$ 1,307,432
Debt Service (7%)	\$ 3,325,284
Total	\$ 49,530,187

- The largest expense within the General Fund is \$19.1M (39% of total budget) for the School Division.
- Next is Public Safety operations at just under \$8.9M or about 18% of total budget.
- Third is Governmental Operations at just over \$8M or 16% of budget. Included are General Government and Judicial Administration, Public Works, Parks and Recreation, and Community Development.
- Next are Health and Welfare at 9% and Agency/Non-Departmental at 3%. Agency and Non-Departmental includes the remainder of the FY24 COVID-19 American Rescue Plan Act funds of \$128,138.

- Capital Outlay is budgeted at 4% or just over \$2M. Refunds and unallocated contingency reserve of \$1.3M make up 3% of the General Fund budget.
- PRW&S Fund: \$350,000 transfer is allocated from the General Fund to replace one of the sewer pumping stations.
- Debt Service transfer: \$3.3M covers debt service payments in FY25 and adds \$1.1M of FY24 declining debt to the reserve fund increasing future debt capacity for capital projects for the County and Schools.

Expenditure Highlights:

Personnel:

- **3% Salary & Benefit Adjustment Included, or Greater of Equity Adjustment From Management Advisory Group Pay Study implemented in FY24**
- **11% Increase in Health Insurance Premiums**
 - To Include a High Deductible Plan With Health Savings Account (HSA)
- **VRS Employer Rate Contribution Changes**
 - Defined Benefit Retirement Contributions – Decrease from 11.47% to 10.77%
 - Virginia Local Disability Program (VLDP) – Decrease from .85% to .74%
- **New Positions Included:**
 - Assistant Director of Special Projects (Tourism & Economic Development)
- **4 Full-time School Resource Officers (Includes 2 State SRO Grant Positions)**

- A comprehensive pay study was completed by Management Advisory Group and implemented July 1, 2023. At that time, employees earning below the minimum pay range on the approved pay study scale for their position received the greater of either a 5% pay increase or the raise to minimum on the new pay scale. The final step in the MAG pay study process was to apply equity adjustments to compensate employees for years of service with the County. The proposed FY25 budget allows an across-the-board salary increase to all employees at 3%, or application of the delayed equity adjustment, whichever is greater.

- Health Insurance premiums for FY25 increased by 11%. In an effort to minimize costs, the Board elected to offer employees the option of a High Deductible Plan in addition to the current KA250 and KA500 Plans. The HD Plan also allows employees the optional advantage of utilizing a Health Savings Account (HSA) for tax-free health care deductions.

- The FY25 VRS Employer Rate Contribution changes are as follows: 1) Defined Benefit Retirement Contributions will decrease from 11.47% to 10.77%; and 2) Virginia Local Disability Program (VLDP) rates decrease from .85% to .74%.

- An Assistant Director of Special Projects position in the Tourism and Economic Development department is included in the FY25 budget.

- The FY25 budget includes 4 School Resource Officers; two (2) are partially state grant funded.

Expenditure Highlights:

Public Safety & Emergency Services:

- 14.2% increase in Regional Jail Costs
- Emergency Services Vehicle – 80% of Tanker Cost for Faber Fire Dept. and Power Load System & Cot for NEMS Ambulance Acquired From Rockfish Volunteer Fire and Rescue Squad
- IT & Network: Microwave Network Upgrade, Server Replacement, Microwave Battery Replacements, Radio Improvements at Wintergreen, Circuit Court Audio/Visual System Replacement
- Additional Funding for Local EMS Council As Requested
- 6 Sheriff's vehicles and equipment

- Regional Jail cost increases are due to higher utilization; Albemarle-Charlottesville Regional Jail (ACRJ) uses a 5 year average prisoner population to help smooth out annual increases; however with annual utilization on the rise, average annual costs will also increase. Nelson County's obligation for construction costs are anticipated to begin in FY25.

- The budget includes operational funding to: 1) Provide 80% of the cost of a Tanker truck for Faber Fire Dept. and a Power Load System and Cot for the Nelson Emergency Medical Services (NEMS) ambulance acquired from Rockfish Volunteer Fire and Rescue 2) IT and Network expenses (including: network server replacement; network penetration testing; IT Microwave Network Upgrade and replace Microwave Batteries DC Plant; radio communications improvements at Wintergreen); and Circuit Court Audio/Visual system replacement.

- Full funding to Nelson County Emergency Services Council as requested.

- Purchasing 6 Sheriff's vehicles and equipment. All of the aforementioned costs continue to increase sharply while deliveries still experience delays.

Other Highlights:

- **Increases to Agency Contributions of \$21,326**
- **Capital Project Funding of \$4,832,372**
- **Miscellaneous Capital Outlay - Total \$2,025,537**
- **Transfers to Other Funds of \$25,041,291**
 - Reassessment Fund - \$100,000
 - DSS- \$2,111,235
 - School Nurses and Operational Funding - \$19,154,772
 - Debt Service -\$3,325,284
- **Contingency Reserves of \$1,275,432**
 - Recurring \$612,438
 - Non-Recurring \$662,994

The budget also includes contribution increases to the following Agencies: Nelson County Health Department, Nelson Local EMS Council, Thomas Jefferson Soil & Water Conservation District, Jefferson Madison Regional Library, JABA (Jefferson Area Board for Aging), Foothills Child Advocacy Center, Community Investment Collaborative (Central VA Small Business Development Center), and Rockfish Senior Meals. Some requests were reduced for FY25 making the net increase for Agencies just over \$21,000.

Capital Project Funding includes \$300,500 reserved for Schools, \$2,456,071 for the NCHS renovation project, and \$1,656,071 for the DSS Building project. The balance of \$419,730 is unallocated reserve.

Miscellaneous Capital Outlay, aside from those items included for Public Safety and Emergency Services previously mentioned, includes: 1) Sturt Property set-aside 2) Voting Machine Replacement and Department of Elections Security Compliance, and 3) Replacing the Transfer Station Tipping Floor. Total Capital Outlay funding is \$2,025,537.

Transfers are the transfer of General Fund monies for other purposes. Transfer funds include funding set aside for the next reassessment, for the Department of Social Services (VPA Fund), for School Nurses and School Operations, for the Debt Service Fund, for Piney River Water & Sewer, etc. FY25 Transfers total \$25,041,291.

Also included are Contingency Reserves of \$1,275,432 with \$612,438 generated from recurring revenue and \$662,994 from non-recurring revenue (carryover). Non-recurring contingency funds are best used for one-time expenditures. Recurring contingency funds can be used for one-time expenditures without impacting future operations.

Ms. Staton then reviewed the FY25 School Fund which was \$32,365,576. She reported the following information on the School Fund for FY25:

FY24-25 Advertised SCHOOL FUND BUDGET COMPARED TO FY23-24 Approved Budget

FY23-24	\$34,694,395
FY24-25	<u>\$32,365,576</u>
Decrease	(\$ 2,328,819)

% Change	- 6.7%
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The FY24 School Fund approved budget based upon an enrollment of 1396 compared to the FY25 advertised budget based on an enrollment of 1430 reflects an overall decrease of (\$2,328,819) or – 6.7%. The decrease is largely due to the increase in expenditure projections versus a \$1.17M decrease in state, federal, and other funding sources.

In FY24 the State School Construction Assistance Program (SCAP) Grant was fully appropriated at \$2,451,703. Approximately 1.4M of this grant is anticipated to be requested for use in FY25 and is not presently included in the total FY25 budget shown here.

FY25 School Fund Revenue

Local:	\$19,154,772 + \$610,000
State:	\$ 9,594,359 - \$427,432
Federal:	\$ 2,898,258 (no change)
Other:	<u>\$ 718,187 + \$289,567</u>
Total School Funds	\$32,365,576

In addition to local operational funding of \$19,154,772, an increase of \$610,000 over FY24, the School Division also receives revenues from other sources: State, Federal, and Other (which is comprised of reimbursements for field trips, dual enrollment, and telecommunications rebates etc. projected at \$718,187). State funding included here reflects an anticipated decrease of \$427,432 and is based upon the original General Assembly recommended budget proposal. Regular Federal funding is anticipated to remain level for FY25. The amount represented here includes carryover Covid-19 stimulus relief funding of \$504,993 from FY24 into FY25.

FY25 Local Contribution to Schools

School Operations	\$18,989,837	+ \$610,000
School Nurses	\$164,935	(no change)
4 SRO's (General Fund)	\$221,294	+ \$ 92,000 (State Grants)
Reserve for Capital	\$ 0.00	(no change)
Transfer to School Capital	\$ 0.00	(no change)
Total Contribution	\$19,376,066	

Existing School Debt	\$ 838,263
*TOTAL SUPPORT	\$20,214,329

*96.8% of FY25 local Real Estate Tax revenue supports the Total Local Contribution to Schools as shown above.

This is the equivalent of \$.63 cents out of every \$.65 cents in Real Estate Tax revenue.

Ms. Staton reiterated that one of the largest components of the General Fund budget was the local contribution to schools. She then reported the following:

Including debt, about 51.0% of local funds within the general fund budget are allocated to schools which equates to 40.8% of total GF budget.

The local contributions to School Operations and the School Nurses for FY25 is funded at \$610,000 more than in FY24 versus the School Division request of \$1.78M in new local funding for FY25. Four (4) School Resources Officers are funded at just under \$314K, with \$92K in state grant funding as allocated within the General Fund budget. The county will also fund \$838,263 in existing school related debt; with additional debt associated with the NCHS renovation to be determined.

Given the Total Contribution, not including debt, approximately 92.8% or \$.60 cents out of every \$.65 cents in Real Estate tax revenue supports the Schools. Including Existing School Debt, this percentage increases to 96.8% or \$.63 cents out of every \$.65 cents in RE Tax revenue in FY25.

With estimated FY25 school enrollment of 1430, the proposed level of local funding provides a per pupil local expenditure cost of \$13,395. FY25 Local Education funding of \$19,154,772 coupled with State, Federal, and other funding for schools of \$13,210,804 yields a total cost of \$32,365,576 or \$22,633 per pupil in FY25.

Required Local Contribution to Schools Based on Enrollment of 1,430 and Original General Assembly Recommended Budget

Local Composite Index (LCI) – The formula by which the State determines the percentage split between State and Local Funding for education.

Nelson County's LCI for 2024-2025 is **0.6645** - up 7.6% from **0.5888**

Based on enrollment of 1,430 students, the County's required local contribution to Schools for FY25 is **\$12,618,196**.

FY25 Local Contribution for operations at **\$19,154,772** exceeds the required local contribution by **\$6,536,576** or **51.8%**.

The Local Composite Index is the State's formula for determining a locality's ability to pay; the higher the index, the lower the amount of funds received from the State. An LCI of **0.6645** means that the County pays **66.45%** and the State Share is **33.55%** for Standards of Quality (SOQ) Programs, Incentive Programs, Categorical Programs, and Lottery-Funded Programs. This is a 7.6% increase in Local funding required toward these programs over FY24. Enrollment also contributes to the amount of total funds received. Enrollment for FY24 was 1396 while FY25 is projected at 1430, an increase of 34 students.

Nelson County Schools continue to be well funded. Operational funding for Schools including funding nurses for the schools is proposed at \$19,154,772 (\$18,989,837 for operations and \$164,935 for nurses). For student enrollment of 1430, this funding exceeds the required Virginia Department of Education funding (Required Local Share) of \$12,618,196 by \$6,536,576 or 51.8%. This difference is 31.3% of RE Tax revenue, or 20.3 cents of every .65 in RE Tax revenue.

Proposed School Fund Expenditures by Major Category As Requested

Instruction	\$21,569,382	+ \$1,008,145
Administration	\$ 1,653,994	+ \$ 37,921
Transportation	\$ 3,120,471	+ \$ 86,237
Maintenance	\$ 3,158,015	+ \$ 142,581
Food Services	\$ 1,351,859	+ \$ 28,256
Facilities	\$ 0	(no change)
Debt Service	\$ 197,947	+ \$ 5,765
Technology	\$ 1,756,122	+ \$ 295,240
Fund Transfer	\$ 229,001	+ \$ 44,198
*Total:	\$33,036,792	+ \$ 1,648,344 + 5.29%

*** Excludes \$504,993 in Covid-19 Stimulus Carryover Funding**

The major categories of expenditures shown here are based upon state funding as provided for in the original General Assembly's recommended budget compared to the FY24 requested budget. This is an overall increase of **\$1,648,344** or 5.29% above the FY24 budget request of \$31,149,585. The FY25 proposed School Division budget includes a request for an increase of **\$1,786,209** in local funding due primarily to increased expenditure projections and decreased State and Other funding sources. The Board of Supervisors has allocated \$610,000 in new local funding for School Division operations in FY25, funding total expenditures of \$32,365,576. The Board of Supervisors provides the local contribution to the School Division; however the School Board and Administration decide how those funds are allocated for expenditure within the School division budget.

In addition to this operational funding request, an immediate Capital Improvement concern of Nelson County Public Schools is the NCHS Renovation Project for which a Bond Anticipation Note has been obtained through the Economic Development Authority (EDA) and included in the County's Capital Fund budget for FY25. The BAN total included in the FY25 Capital Fund budget is \$2,456,071 for project implementation while seeking and preparing a long term funding option, potentially through VPSA (Virginia Public School Authority). The total project is estimated at approximately \$25M. This aligns with the FY24 recommendation from the NCPS analysis that these improvements are critical and advised for completion within three (3) years. All short and long term Debt Service costs associated with this Capital project will be fully funded through the County Debt Service Fund.

Summary By Fund

■ General Fund	\$49,530,187
■ School Fund	\$32,365,576
■ Textbook Fund	\$729,537
■ Cafeteria Fund	\$240,491
■ Capital Fund	\$4,832,372
■ Piney River Water/Sewer	\$539,908
■ Debt Service Fund	\$6,562,696
■ Broadband Fund	\$276,138
	\$95,076,905

To conclude, all the funds that make up the county budget are denoted here totaling just over \$95M.

Additional information regarding each fund has been provided in the handouts, but should you have questions or want further information, we will be glad to provide that to you. Per State Code, the Board must wait a minimum of seven (7) days following the public hearing before adopting the budget. This being June 4th, the Board may adopt the FY25 budget as early as the Board's next regular meeting on June 11, 2024.

Ms. Staton concluded the FY25 Budget presentation.

Mr. Parr opened the public hearing on the Proposed FY25 County Budget, All Funds.

Margaret Clair - Faber, VA

Ms. Clair noted that she was the Director of the Nelson County Community Development Foundation and the Central District representative on the School Board, but she would just be speaking as a constituent and a tax payer in Nelson. She applauded Ms. Staton for her work on the presentation. She commented that the LCI hit pretty hard, noting that the LCI was based on gross income, real property values and sales tax in the County, all of which had gone up. She pointed out the increase in local revenues by \$1.5 million which reflected that. She noted that this caused the Schools to have a \$1.1 million deficit in their budget from what their requested amount was. She commented that was a huge amount of money, and for a budget built on people and benefits, it was going to hit people, programs and benefits. She asked the Board to dig into funds and see where they could find more money to support the schools. Ms. Clair said she had been listening to a commencement speech by Ken Burns and he had noted the divisions between people in America and how they were very "us and them". She noted that Mr. Burns had said there was no them, there was only us. She then commented that in the feeling of One Nelson, the bottom line was our budget and it was really hitting the schools hard. She asked the Board to think about who the Schools served,

everybody in the community. She noted that the Schools were the community. She commented that the SOQ (Standards of Quality) positions were very underfunded. She noted that the JLARC study proved that Virginia, as a state, underfunds their schools because the LCI index was well below what was nationally funded for schools. Ms. Clair commented that she needed to advocate for the schools.

Jeri Lloyd, Afton, VA

Ms. Lloyd commented that she had not planned to speak because she did not spend a lot of time reviewing the budget as she had just gotten back from Alaska. She noted that she liked the budget, and thought the budget was fairly well articulated. She commented that she probably had more questions. She referenced page 9 and asked why are the revenues were decreasing. She noted in the next section under Local revenue and commented that there seemed to be a significant amount of money from lodging tax. She asked if the County was seeking out those who had lodging businesses to see if they had business licenses. She noted that would be a little more money that the County could get, but she commented she was not sure how the County could go about doing that. Ms. Lloyd then referenced page 17, noting that she appreciated the equity in the benefits of all employees for the School system and the County. She commented that it was amazing for the County to be able to do that. She noted that several other communities throughout the state and the country were not even doing three (3) percent. She stated that for Nelson County to do three (3) percent, it was really phenomenal. She then noted again on page 17, the Assistant Director of Special Projects position and asked if that was a permanent position or not. She then asked what percentage of the resource officers came from the state grant. She asked how they figured out what the percentage of that funding was. Ms. Lloyd then referenced page 19 and asked how the contributions for local agencies like JABA were determined. She noted page 22 and asked if the dual enrollment offset the expenditure that the County sent to PVCC. She asked if dual enrollment was being paid in addition to the funding for Piedmont Virginia Community College. She commented that compared to the neighboring counties, what Nelson paid per pupil was pretty phenomenal given the County and its size.

Philip Purvis - Shipman, VA

Mr. Purvis noted that his biggest comment was that he had done a little research on private schools, and the state average was around \$11,000 for private education. He commented that most of those were Christian education. He reported that LCA in Lynchburg had an attendance of about 15,000 students and their tuition was about \$11,000. He noted that LCA was offering many of the same things that public schools offer, for about one-third of what the County was spending for public education, with the exception of a few extra fees for sports. He asked why it cost almost three (3) times as much for public education as it was for private education. He asked at what point public education would become unsustainable. He noted that he was not opposed to public education, as he had come through school in Nelson and graduated from there. He commented that he knew private education would never replace public education. He asked if they could encourage private sources to come in and educate for less than what the County was putting in, not taking into consideration what the state and federal contributions were. He noted his concern that they were spending almost \$30,000 per student to educate a child in Nelson County, based on last year's budget. He commented that the average income in Nelson County was \$35,000. He said it seemed a little extravagant to him.

William Percy - Lovington, VA

Mr. Percy requested that the Board direct administration to have another look at the School Speed Zone proposals from Blue Line and Altumint to get competitive proposals. He suggested that it may be good to have two (2) bids. He noted that he would appreciate if the Board would direct administration to readdress that subject.

There were no others wishing to speak. Mr. Parr closed the public hearing.

III. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

IV. ADJOURNMENT

At 7:53 p.m., Mr. Rutherford moved 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.

DRAFT

June 11, 2024

Virginia:

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

Present: 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

June 11, 2024

authorized for entry into the official record of the Board of Supervisors meetings.

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

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.

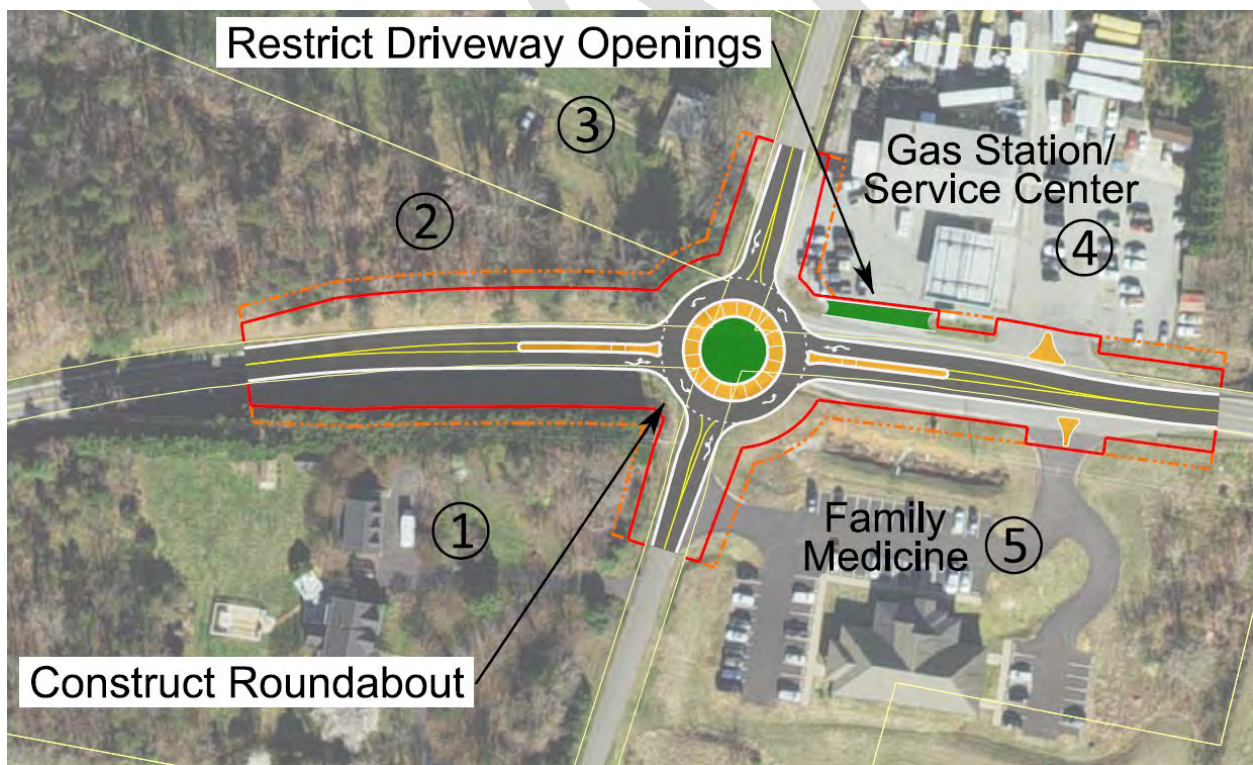
Mr. Reed thanked Mr. Brown for providing the information on the 151 Speed Study. He asked Mr. Brown if he had any comments or anything else to add to that. Mr. Brown noted he did not. He suggested that if the Board wanted to have a deeper discussion on the 151 Speed Study, it would be good to have a 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, Starts 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)

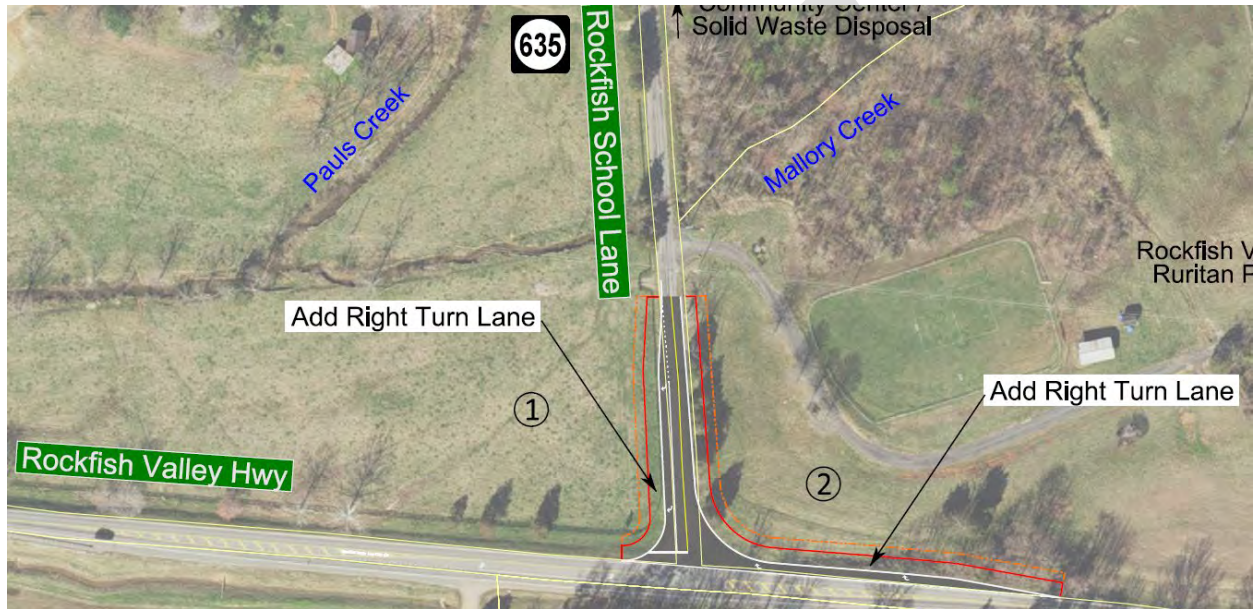
Mr. Carson Eckhardt of VDOT was present to review the Smart Scale applications. He noted that the pre-application period was over and they were now at the full application phase. He indicated that he would review the two (2) projects for Nelson County. He explained that there had been a third project 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 losses 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
	<u>\$98,588,140.00</u>	<u>\$98,588,140.00</u>

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. Lovington 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 Lovington 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 Lovington 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 Lovington 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 Lovington 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 he 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.

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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 Lovingson, 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

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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 3rd 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

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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 25th through July 31st and the team's first game was on Thursday, July 25th 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 16th. She noted that they were currently planning to leave on July 23rd, and depending on how they did, the tournament was scheduled to finish on July 31st. 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

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**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**

I.	Appropriation of Funds (General Fund)		
	<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
	\$ 64,509.11		
II.	Supplemental Appropriation of Funds (School Fund)		
	<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
	\$ 137,804.08		

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

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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

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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 Lovingsston. 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 Lovingsston 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.

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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:

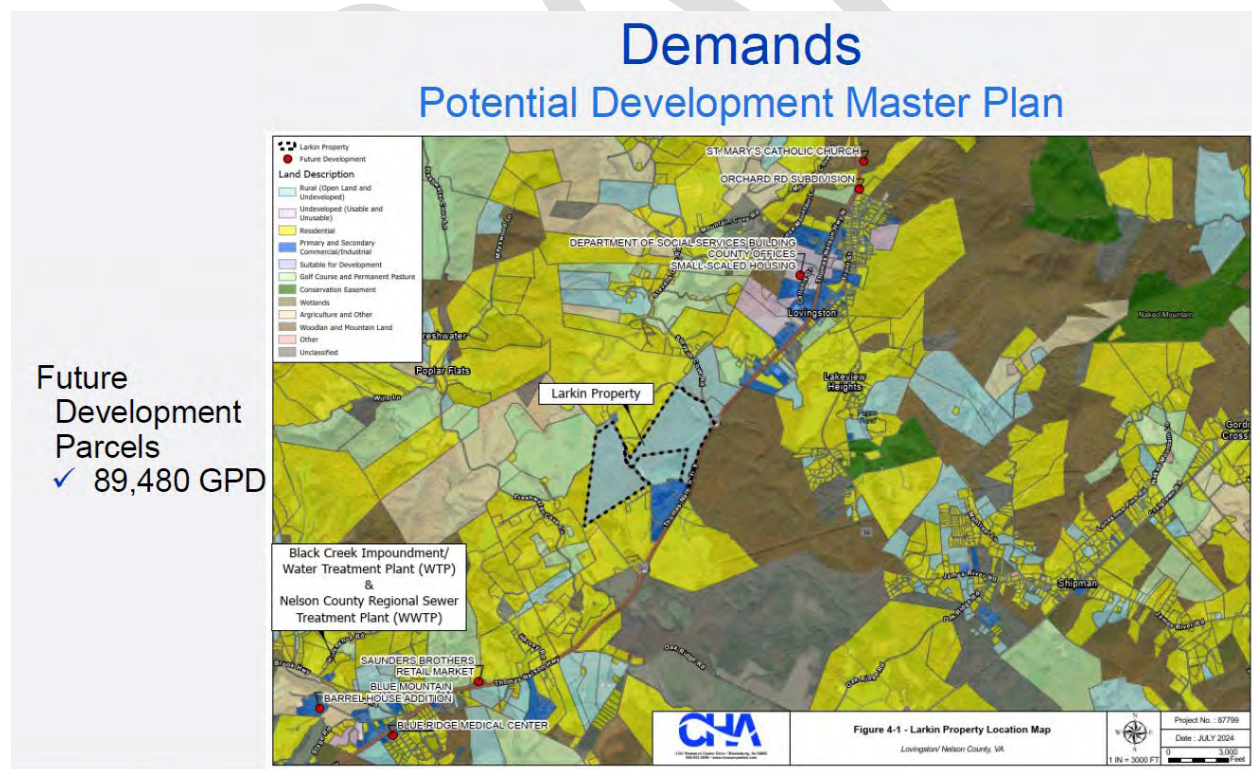
Mr. Reed had no VDOT issues to report.

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 Lovingson 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)
Larkins Properties			
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
North End Lovingson			
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
Colleen			
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
Total Demand		89,480	52,180

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

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.

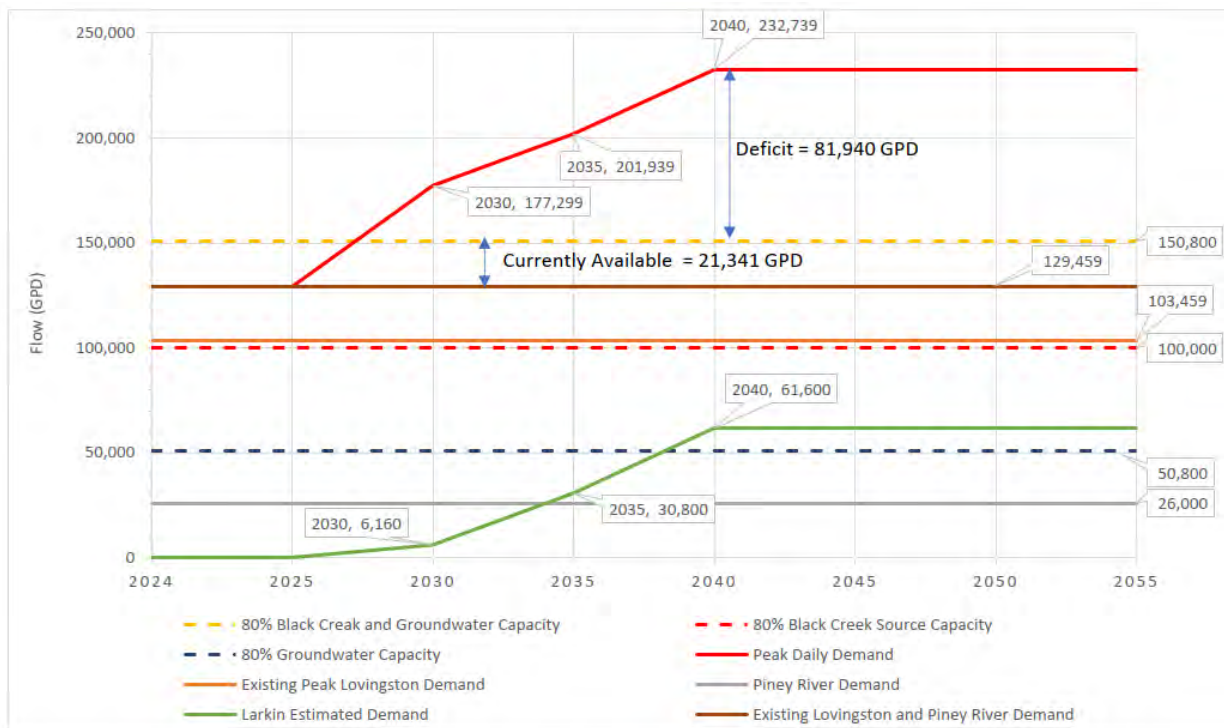


Figure 4-4 – Predicted Buildout Water Demand (2025-2055)

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.

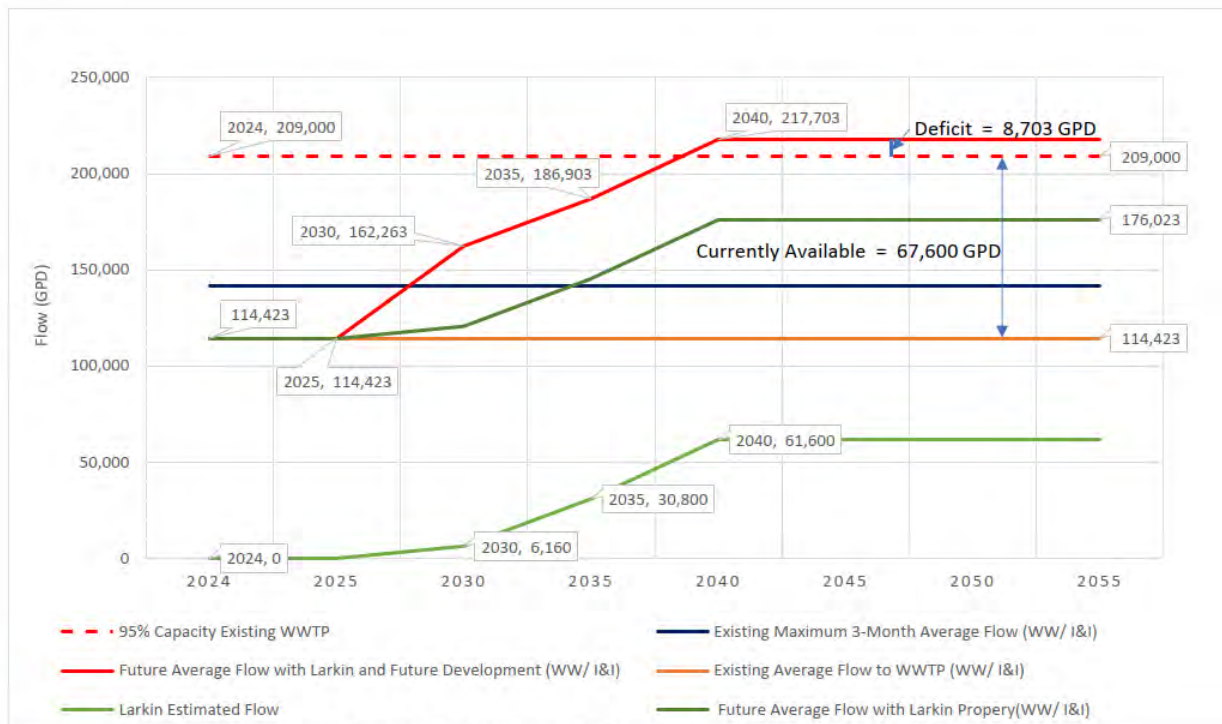
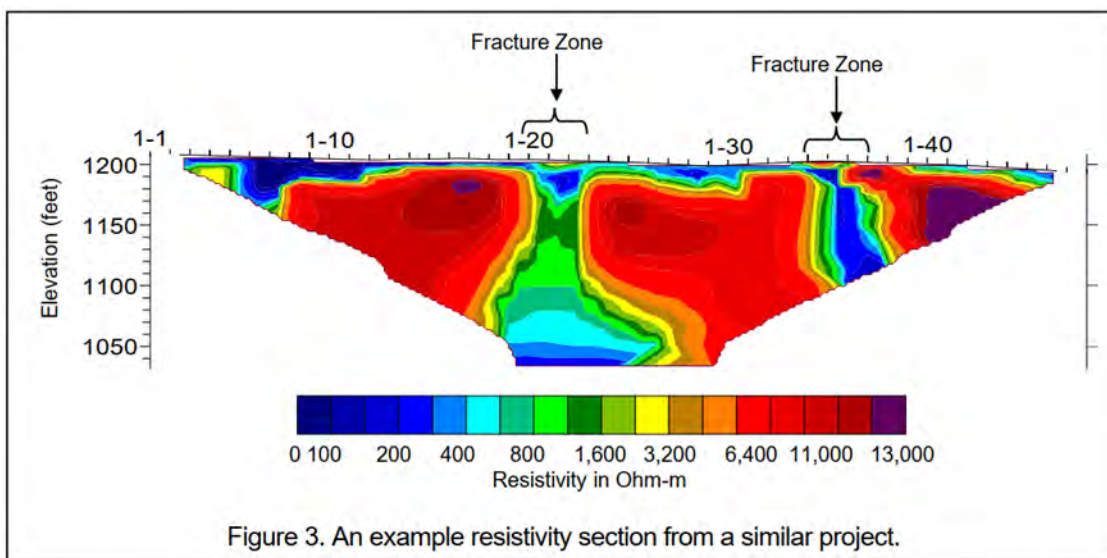


Figure 4-5 – Predicted Buildout Wastewater Flow (2025-2055)

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

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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

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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 1st, 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.

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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 Lovingson 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 BBBCA 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 BBBCA. 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

July 9, 2024

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.

DRAFT

August 13, 2024

Virginia:

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

Present: J. David Parr, West District Supervisor – 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
Kevin Wright, Director of Animal Control

Absent: Ernie Q. Reed, Central District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Parr called the meeting to order at 2:02 p.m. with three (3) 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

Robert Gubisch - Faber, VA

Mr. Gubisch stated that he was there to let the Board know that there were many people are wondering if they could put a hold on swimming pools and baseball fields for the time being. He commented that there were so many unknowns they were facing now, especially economically. He noted that a gentleman spoke on water at the last meeting and it was obvious that the projects would become a heavy requirement on water, which was becoming more and more precious. He commented that Nelson was very blessed to have good well water. He suggested that the County investigate the COVID story. He noted that with his vast research, he found that the children were put children through a bad experience that was completely unnecessary. He commented that the children were not at risk of dying and the world was not going to come down on them. He said that the children were really paralyzed for a long time. He noted that it had come out that the six (6) feet distancing and masks had no science behind them. He commented that they had left a mark on the children and he hoped it would never happen again. Mr. Gubisch thanked the Board members for their service.

Michele Regine - Faber, VA

Ms. Regine spoke regarding the speed limits on County roads. She noted that the Governor had mentioned that from July 10th forward, Counties could set the speed limits for local roads. She indicated that she lived on Route 6, which had a 55 mph speed limit and most people traveling on Route 6 from 29 to 151 drove way above that limit. She noted that she had spoken with her Supervisor, Mr. Reed. She indicated that it was not only Route 6, but also 151. She suggested that they reexamine those areas, particularly areas like Nellysford where there were businesses. She said that the speed limit in Nellysford should be 35 mph. She also suggested that the speed limit at Ashley's Market and Blue Mountain should be lower.

William Percy - Lovington, VA

Mr. Percy requested that the Board send an RFP to Blue Line Solutions and Altumint for Speed Enforcement by Camera in the School Zones. He commented that there was no way the County could lose money with the deal. He suggested that the money could be earmarked for the School System so there would be no question as to whether they were trying to make money off of it. He asked the Board to have VDOT look at overpass at Front Street, 29 and Callohill to potentially get it on Smart Scale or the Six Year Plan. He noted that he felt this would go along with the Board's resolution to reduce fatalities on our roads. Mr. Percy then thanked Robert Brown with VDOT for the paving on the southbound lanes of 29 with the exception of coming down hill into Lovington. He noted that there was not enough room to get off to the left to slow down and turn left at Northside. He suggested that the turn lane be extended.

III. CONSENT AGENDA

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

A. Resolution – R2024-57 Minutes for Approval

RESOLUTION R2024-57 NELSON COUNTY BOARD OF SUPERVISORS APPROVAL OF MINUTES (March 22, 2024)

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

B. Resolution – R2024-58 Budget Amendment

RESOLUTION R2024-58
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
August 13, 2024

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 12,830.00	3-100-002404-0003	4-100-013010-5413
\$ 4,718.00	3-100-002404-0017	4-100-021060-3160
\$ 10,310.00	3-100-002404-0017	4-100-021060-3160
\$ 1,833.00	3-100-002404-0034	4-100-031020-1014
\$ 364.00	3-100-002404-0034	4-100-031020-1014
\$ 30,720.00	3-100-003303-0025	4-100-031020-7045
\$ 93,000.00	3-100-001899-0030	4-100-081020-7056
\$ 7,257.00	3-100-009999-0001	4-100-081050-3010
\$ 3,983.34	3-100-001899-0008	4-100-091030-5202
\$ 1,250.00	3-100-009999-0001	4-100-091030-5656
\$ 18,000.00	3-100-002404-0061	4-100-999000-9905
\$ 379,582.00	3-100-009999-0001	4-100-093100-9203
\$ 563,847.34		

II. Reappropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 379,582.00	3-205-004105-0001	4-205-061100-9301
\$ 379,582.00		

III. Transfer of Funds (General Fund Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 25,000.00	4-100-999000-9901	4-100-022010-1003
\$ 10,240.00	4-100-999000-9905	4-100-031020-7045
\$ 1,000.00	4-100-999000-9905	4-100-091030-5604
\$ 36,240.00		

IV. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT reported that repairs were ongoing from the storm that took place last week. He noted that they had two road closures yesterday, with one of those being Millpond. He reported that Millpond was reopened yesterday afternoon. He noted that they had one closure that day at Route 645, Carter Road. He explained that a bridge along Route 645 had sustained some damage and the repairs were being completed that day, with it anticipated to be reopen by the afternoon.

Mr. Brown reported that there were many road washouts, erosion, clogged pipes and pipes that had been uncovered, mostly in areas around Schuyler and north of Wingina towards Schuyler around the Rockfish

River basin. He noted that VDOT crews from Campbell, Appomattox and Amherst Counties were also working in the area to get the roads back in as quickly as possible.

Mr. Brown then reported that VDOT planned on cutting two (2) lane primaries now. He indicated that it was their intention to mow the four (4) lanes prior to Labor Day. He noted that the litter pickup contractor should be finished in Nelson.

Mr. Brown referenced the public comment regarding the new speed limit legislation. He noted that he would be sending the Board and Ms. McGarry some information on the legislation passed to allow localities to reduce speed limits. He indicated that in order for a locality to reduce a speed limit, it had to be on a road already posted with a 25 mph speed limit. He noted that it did not require a traffic study, and it could be lowered to either 20 mph or 15 mph. Mr. Brown indicated that there was a process involved and he noted that he would send a fact sheet over on that process. Mr. Parr asked how many section of road they had in Nelson with a 25 mph speed limit. Mr. Brown noted that most were in Lovington and a few subdivision streets elsewhere. Mr. Rutherford asked Mr. Brown to send a list of roads in Nelson with a 25 mph speed limit. Mr. Brown noted that he could do that. He also indicated that the legislation would not have as big of an impact in Nelson County as it would in Amherst and Campbell Counties where there were a lot of subdivisions. Dr. Ligon noted Gladstone and asked about traffic calming and whether it was more effective than lowering the speed limit. Mr. Brown noted that based VDOT's studies, they did not recommend any change in the speed limit in Gladstone where it was posted 25 mph. He indicated that they also determined that due to the geometry of Gladstone, the severe curves on both ends, and in the middle of the main stretch of Gladstone, were great for traffic calming. He noted that there was a guide on traffic calming and he could send so that the Board could look at it. Mr. Brown explained that traffic calming required an initial traffic study which had to be done by the County or community. Dr. Ligon asked how recent that study would need to be and if one done in the last five (5) years would be acceptable. Mr. Brown indicated that it would have to be done fairly recent in order for VDOT to accept it.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford thanked Mr. Brown for VDOT's efforts, especially in the Schuyler area. He noted that they were very responsive. He asked Mr. Brown to thank the Shipman crews. He noted that there were a few roads where the culverts were washed out pretty severely, specifically on Rockfish River Road and other areas. Mr. Rutherford noted that he would send a list to Mr. Brown. He also asked Mr. Brown follow up on Whippoorwill when he had a chance. Mr. Brown commented that he did not think Whippoorwill would come in under rural addition because there were no rural addition funds to rebuild it. He noted that the only viable option was Revenue Sharing. He commented that the additional right of way needed could be obtained through Revenue Sharing, but it would be much less expensive if the right of way was obtained by others and recorded, platted and given to VDOT.

Dr. Ligon:

Dr. Ligon had no VDOT issues to discuss.

Mr. Parr:

Mr. Parr thanked VDOT for their work, especially the Thursday prior. He noted some snake charmers were needed. Mr. Brown noted that the water made the snakes move.

Ms. McGarry asked Mr. Brown if he could speak to the Board's request on the VDOT traffic study on Route 29 at the High School/Middle School complex. She noted that Mr. Brown had provided some results and she hoped he would speak in public session about it. Mr. Brown reported that basically the traffic engineers did not find anything that could be done to help the situation. He explained that the engineers said that having the officer stop traffic was the most effective way to get the break in traffic to get the buses out. He noted that the engineers did not recommend any additional signage or traffic control measures other than the officer working the intersection. He commented that from what understood, the Sheriff's folks did a great job creating breaks in the traffic to allow the buses to get out.

B. Departmental Report – Animal Control

Ms. McGarry introduced the Departmental Report. She noted that many years ago, the report was done on a regular basis, and they would have each department head come and provide a brief overview of their department, present their report and answer any questions. She indicated that this was just an effort to revive the practice.

Officer Kevin Wright, Director for Animal Control was present to provide the report for his department. Officer Wright indicated that his monthly report showed a spike in the number of calls per service. He explained that any time they had severe weather, there was usually an increase in the number of calls for service. He noted that the fees collected at the shelter had gradually increased due to the shelter fee increase. He indicated that he expected the fees to consistently stay up because of the fee increases.

Officer Wright reported that the first department head meeting with the County Administrator in his time with Animal Control since January 2013. He commented that the department head meeting went well and was appreciated. He noted that Ms. McGarry had asked the department heads to highlight their challenges and success within their departments. He commented that with every challenge in Animal Control, it was their goal to make it a success.

Officer Wright noted that one of Animal Control's challenges currently was the shelter infrastructure. He reported that they were in the process of scheduling the replacement of the Shelter roof and he thanked the Board for the funding for the roof. He explained that they had a drainage issue in the center of shelter where all animal waste from the kennels goes to the drain. He noted that the kennels had been there since the construction of the facility. He explained that they would need to take the kennels out and then fix the drain situation. He indicated that it would require fairly extensive construction and he was working to have blueprints drawn up and quotes. Officer Wright noted that he would be providing details and more information as they moved forward.

Officer Wright explained that one of the big issues that Animal Control faced was how the public viewed them. He commented that each person viewed Animal Control differently. He explained that a lot of the issue had to do with social media. He noted that people had a platform to immediately respond to some distaste or something they do not agree with. He stated that one of their goals was to find a way to show the public what Animal Control actually does. He noted that in his time with the department, Animal Control had changed quite a bit. He stated that he did not believe the citizens knew what a call for service required. He noted that one of the recent complaints was that people saw them on the side of the road doing nothing, which was insulting. Officer Wright explained that the Animal Control officers were completely independent in their trucks. He noted that pre-COVID, the Board had approved onboard computers where Animal Control could be dispatched through their trucks, and they could do their reporting from the trucks. He noted this ability allowed them to be more effective because they could stay in the field longer. He explained that stray pickup was not all they did. He noted that they had criminal investigations that kept them in the field. He indicated that they also were taking calls for service and making sure they had the necessary probable cause. He pointed out that it took time to go after those cases in a safe manner.

Officer Wright reported that during the department head meeting, he spoke with Maureen Kelley about getting help with the Animal Control webpage and possible social media. He welcomed any suggestions that may help put that positive image out into the community. He commented that he felt like they were doing a great job, he just did not think people realized what it took to handle a basic stray call.

Officer Wright reported that the new Sheriff and administration has allowed Animal Control to be a part of something that was promoting Animal Control in a positive way. He noted that they participated in Cop Camp with the Sheriff's Office over the summer. He expressed his appreciation for the Sheriff including Animal Control. He noted that alert training at Rockfish was some of the best training. He explained that the alert training was an amazing thing to have under their belts as it trained them to know how to deal with an active shooter situation. He indicated that the community was better off because of that training. He commented that the more they used social media, not just in his office, it would help to get a positive image out there.

Mr. Rutherford thanked Officer Wright and his staff for their service, noting that they had done a great job. He noted that the members of community who have benefitted from the good actions of Animal Control were not necessarily as loud as the complaints. He commented that the Board heard the good things and knew they were doing a great job. Dr. Ligon commented that it was a pleasure working with Officer Wright and noted that he ran a tight ship.

Mr. Parr thanked Officer Wright. He noted the ribbon on Officer Wright's shield which was in memory of Smyth County Deputy Hunter Reedy who was recently killed in the line of duty. He noted that Nelson County certainly sympathized and empathized with Smyth County after the loss of Chris Wager here. He thanked Officer Wright for showing support to Smyth County.

V. NEW & UNFINISHED BUSINESS

A. Lovington Sewer Project Support Agreement (R2024-59)

Ms. McGarry reported that the Board had been briefed over the past few months that this project would come before them for consideration. She explained that the support agreement was for the Lovington Sewer Project and was required by the financing entity, which was USDA Rural Utility Service. She indicated that the support agreement was required to be executed between all entities, in order for the Service Authority to take on the \$600,000 loan from USDA Rural Utility Service.

Jennifer Fitzgerald, Assistant Executive Director of the Nelson County Service Authority was present to discuss the project. She reported that approximately 16,000 linear feet of clay pipe currently served the Lovington community, and of that, 8,000 linear feet would either be replaced or lined with cured in place pipe (CIPP). She explained that the CIPP technology was a trenchless rehabilitation method that was used to replace existing pipelines. She noted that it was a jointless, seamless pipe lining within the existing pipe. She indicated that one of the benefits of the CIPP technology was that it did not require excavation to rehabilitate a pipeline that was leaking or structurally unsound. She noted that this method would extend the pipeline for up to 50 years, which was almost the timeframe that the pipeline had been in the ground. Ms. Fitzgerald indicated that the repairs would eliminate the inflow and infiltration issues that they were currently experiencing with the system during large rain events. She reported that the Service Authority had one (1) to two (2) manhole overflows or blockages per year, which was mainly caused by root intrusion of the pipe. She pointed out that sanitary sewer overflows were a public health concern that impacted the environment and were also prohibited by the Virginia Pollution Discharge Elimination Permit issued by the Virginia Department of Environmental Quality.

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Ms. Fitzgerald reported that as part of the project, they would be replacing 31 manhole covers and frames, along with the lining of the sewer laterals and manholes. She explained that the project would start off with CCTV inspections of the sewer lines, which is where they would inspect the sewer lines by camera without having to dig. She noted that this method was a very effective way to monitor the pipe without having to disrupt the current sewer line or dig up someone's yard.

Ms. Fitzgerald reviewed the project schedule. She noted it took longer for the agreement to be approved by USDA's Office of General Counsel than anticipated. She also noted the unexpected passing of their project engineer. She reported that the initial start of the project was to be July 2024 and noted that they anticipated that the delay would delay the project by about five (5) to six (6) months. She reported that the total project budget was \$2,235,000 with a grant of 71 percent of that amount. She indicated that the project was estimated to take 18 months to complete.

Mr. Rutherford asked if the grant was similar to the one received for Schuyler. Ms. Fitzgerald confirmed that it was. Mr. Rutherford asked if the grant was income based. Ms. Fitzgerald confirmed that the grant was based on income. She noted that was the maximum amount of grant they could get.

Mr. Rutherford noted it was another great thing for Lovington and very timely. He commented that the terra cotta pipe had been a recurring issue. He also noted that there had been many issues with the manholes in Lovington. He asked that they look at some Community Development Block Grants for water infrastructure as it related to the water pipes. He noted that the water lines were around the same age as the terra cotta pipe. He offered to advocate or assist if needed. He suggested that if they were going to be doing the work, this was the best four (4) to five (5) year block of time to have it done.

Dr. Ligon asked if it was possible that the CCTV inspection would reveal that the pipes were too far gone to use the repair process selected. Ms. Fitzgerald noted that it would not. She explained that the process was very effective and cured in place. She noted that in essence it created a whole pipe inside deteriorated/separated pipe currently in place. Mr. Rutherford noted that the process was pretty sophisticated, but basically a pump sprayed a fluid inside the pipe which stuck to the interior of the pipe and hardened up. He indicated that they also used it in Schuyler. Ms. Fitzgerald noted it was also done in Gladstone.

Ms. McGarry indicated that **Resolution R2024-59** was provided to create a moral obligation to finance the loan portion of the project, which would be a commitment of approximately \$28,000 per year. She noted that the amount was dependent on the interest rate at closing. She noted that the other obligation that the County had was to establish a 10 percent reserve for 10 years, until there is one (1) annual payment accumulated, which would be equivalent to the \$28,000 per year in Debt Service that the Board would provide to the Service Authority for payment of the loan portion of the project.

Mr. Rutherford moved to approve **Resolution R2024-59** as presented and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-59
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION TO APPROVE A SUPPORT AGREEMENT
IN CONNECTION WITH THE ISSUANCE OF A REVENUE BOND BY
THE NELSON COUNTY SERVICE AUTHORITY

August 13, 2024

WHEREAS, pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), the Board of Supervisors of Nelson County, Virginia (the “Board”) created the Nelson County Service Authority (the “Authority”); and

WHEREAS, the Authority is empowered to acquire, purchase, lease, construct, reconstruct, improve, extend, operate, maintain, and finance water and wastewater systems, and to otherwise have, possess, and exercise the powers granted by the Act and as otherwise authorized or permitted by law; and

WHEREAS, pursuant to the Act, the Authority is empowered to pledge for the payment of principal and interest on its revenue bonds the revenues of such water and wastewater systems, or any portion thereof, so long as the full faith and credit of the Commonwealth of Virginia, the County of Nelson, Virginia (the “County”), or any other political subdivision of the Commonwealth of Virginia are not pledged to the payment of such bonds; and

WHEREAS, the Authority desires to obtain long-term financing to provide funds to pay all or any portion of the capital costs, including for the payment or reimbursement of principal and interest accrued for interim financing, to (i) acquire, construct, rehabilitate, and equip various improvements to the Authority’s wastewater (sewer) collection and treatment system and facilities related thereto, including in the Lovingson area, and (ii) pay issuance costs in connection with such undertakings (collectively, the “Project”); and

WHEREAS, the United States of America, acting through Rural Utilities Service, an agency of the United States Department of Agriculture (“RUS”) has offered to purchase a not to exceed \$641,000 Nelson County Service Authority Wastewater Revenue Bond (Lovingston Sewer Project) (the “Authority Bond”) to provide the permanent financing needed by the Authority to pay all or any portion of the costs of the Project on the terms and conditions described in that certain RUS Letter of Conditions, dated February 14, 2024 (the “Letter of Conditions”); and

WHEREAS, in the Letter of Conditions, RUS advised that the Authority is eligible for RUS grants not to exceed \$1,594,000; and

WHEREAS, the Board of the Authority met on July 18, 2024 and authorized issuance of the Authority Bond for the Project, among other approvals, and requested that this Board approve a Support Agreement providing for a non-binding obligation of the Board to appropriate sufficient amounts to the Authority in connection to the payment obligations of the Authority under the Authority Bond and the funding and maintenance of a Debt Service Reserve Fund, as set forth in the Letter of Conditions; and

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

1. The Board, acting as the governing body of the County, hereby approves the execution and delivery of a Support Agreement by the County, to be dated the date of issuance and delivery of the Authority Bond to RUS (the “Support Agreement”), in connection with the undertakings of the Authority under the Authority Bond. The Chair or Vice Chair of the Board, or the County Administrator, any one or more of whom may act (whether individually or collectively, the “County Representative”), are each hereby authorized and directed to execute and deliver the Support Agreement substantially in the form attached to this Resolution as **Exhibit A**, which form is hereby approved. To such end, the Board hereby covenants and agrees to undertake a non-binding obligation to appropriate such amounts as may be requested from time to time, if any, in order to pay the debt service on the Authority Bond and other payment obligations of the Authority related to the Authority Bond, including the funding and maintenance of the Debt Service Reserve Fund described in the Letter of Conditions. Such moral obligation pledge of the County in

connection with the Authority Bond is hereby approved and made to the fullest degree and in such manner as is consistent with the Constitution of Virginia and laws of the Commonwealth of Virginia, *provided, however*, that such pledge shall not be deemed to be a lending of the credit of the County to RUS or to any other person or entity or otherwise deemed to be a pledge of the faith and credit or the taxing power of the County, and such pledge shall not bind or obligate the Board or any future Board to appropriate funds for such purposes or otherwise in connection with the Authority Bond.

2. The County Representative and such officers, employees, and agents of the County as any one or more of them may designate, are each authorized and directed to execute and deliver any and all additional instruments, certificates, and other documents as may be necessary or convenient in order to carry out the purposes of this Resolution, all as may be advised by legal counsel.

3. This Resolution shall be effective immediately upon its adoption.

Ms. Fitzgerald noted that there would be an event at the Courthouse on August 20th at 11 am. and if the Board was able to attend, that would be great. She thanked the Board.

B. Wild Rose Solar Waiver of 60-Day Hearing Requirement

Ms. Bishop introduced the subject, noting that the Board was familiar with the Wild Rose Solar Project in Gladstone. She reported that the Planning Commission heard the Special Use Permit request for the Wild Rose Solar Project at their meeting in June. She noted that the meeting was two-fold, she explained that one part was a 2232 Review, which was State Code Section 15.2-2232. She noted that the 2232 Review required a locality to review solar projects for substantial accordance with their Comprehensive Plan. She noted that was one (1) vote, and the second vote was the recommendation for the Special Use Permit. Ms. Bishop reported that the Planning Commission voted 4-1 that the project was not in substantial accordance with the Comprehensive Plan. She also reported that the Planning Commission voted 5-0 to recommend denial of the Special Use Permit.

Ms. Bishop reported that the applicant had appealed the 2232 determination by the Planning Commission, to the Board of Supervisors, who could uphold or overturn that determination. She indicated that as part of the appeal document, the applicant was requesting waiver on the requirement for the Board of Supervisors to hear the appeal within 60 days. She noted that the reason for the waiver was to allow the Board to review the 2232 appeal, the Special Use Permit, and the Siting Agreement, all at the same time at the October meeting during the evening session. Ms. McGarry noted there may be a change to when the items would come before the Board. She indicated that she had spoken with Jeannine Johnson, and she had mentioned possibly November instead. Ms. Bishop noted that the Board did not need to take any action at this time, just a general consensus to accept the waiver. She indicated that special use permits had to be voted on within a year of the application. Ms. Bishop and Ms. McGarry indicated that Jeannine Johnson of Wild Rose was also present if the Board had any questions.

Mr. Rutherford asked what action was needed. Ms. Bishop noted that a general consensus to accept the waiver was all that was needed. She reiterated that the applicant was asking to waive the 60-day requirement for the appeal so that all three (3) items could be heard together. Mr. Parr noted he was fine with that.

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Dr. Ligon noted the one year deadline and asked when the paperwork was submitted for the special use permit. Ms. Bishop noted it was submitted around April 2024 but she would have to check.

The Board was in consensus to accept the waiver of the 60 day hearing requirement for the appeal. Ms. Bishop noted they would be meeting internally to firm up the siting agreement. She asked that the Board reach out to her if they had any questions on the project.

C. Forgiveness of \$50,000 Rockfish Valley Fire & Rescue Loan (R2024-60)

Ms. McGarry noted that during the Board's budget work sessions, it was discussed that the County would potentially put off purchasing a new ambulance and possibly acquire Unit 56 from Rockfish. She explained that in lieu of paying Rockfish \$50,000 for that unit, they had discussed forgiving \$50,000 from Rockfish's current interest free loan. She reported that Rockfish had a current outstanding balance of \$145,312.50. She noted that Resolution 2024-60 would make it official, and would direct the Treasurer to take the needed steps to reduce Rockfish's outstanding loan balance by \$50,000 and it would also effect any documentation and General Ledger entries necessary to reflect the directive. Mr. Parr noted this the resolution would make official what the Board had already approved. Ms. McGarry noted it had not been approved but it was discussed and there had been no objection during the discussion.

Dr. Ligon moved to approve **Resolution R2024-60** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-60
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR FORGIVENESS OF \$50,000 FROM INTEREST FREE LOAN
BALANCE FOR ROCKFISH VALLEY VOLUNTEER FIRE AND RESCUE

WHEREAS, in lieu of purchasing a new ambulance for Nelson's EMS program (NEMS) in Fiscal Year 2024/2025, Rockfish Valley Volunteer Fire and Rescue is transitioning their unit Rockfish 56 into the NEMS fleet; and

WHEREAS, at the March 15, 2024 FY24/25 budget work session, staff and the Board discussed that instead of paying \$50,000 for unit 56, Rockfish Valley Volunteer Fire and Rescue would be forgiven of \$50,000 from their interest free loan from the County, which is known to have a current outstanding balance of \$145,312.50;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that in consideration of incorporating Rockfish unit 56 into the NEMS fleet, Rockfish Valley Volunteer Fire and Rescue is hereby formally forgiven of \$50,000 from their interest free loan and the Treasurer is requested to reduce their outstanding loan balance in the amount of \$50,000 and effect any documentation and General Ledger entries necessary to reflect this directive.

D. Rescheduling of November 2024 Regular Meeting (R2024-61)

Ms. McGarry explained that Resolution 2024-61 proposed to rescheduled the November regular Board meeting from November 12th to Thursday, November 14th. She noted the proposed change was so that the Board could go to the VACo Conference being held through November 12th. Mr. Parr noted that the change in date was a regular occurrence. Ms. McGarry confirmed that this change was done annually. Dr. Ligon asked if there was a Jail Board meeting on that day. Ms. McGarry noted that she would have to check on

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the date. Ms. Spivey noted that the Jail Board meeting took place on the second Thursday of the month and the 14th was the same meeting date, so there could potentially be a conflict. Mr. Rutherford asked if there was potentially anything important that they would be voting on at the Jail Board meeting. Ms. McGarry noted that she was not aware of anything. She indicated that the Jail Board meeting took place from 12:00 p.m. to 2:00 p.m. Mr. Parr suggested that if they got closer to the date and it looked like a big Jail Board meeting, the Board could push to a later start time to allow Ms. McGarry and Dr. Ligon to attend the Jail Board meeting. Dr. Ligon noted that she and Ms. McGarry could attend the Jail Board meeting virtually if needed, but the Jail Board would need to have a quorum in person. Mr. Rutherford suggested setting the date and then work to adjust the time later if needed.

Dr. Ligon moved to approve **Resolution R2024-61** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-61
NELSON COUNTY BOARD OF SUPERVISORS
RESCHEDULING OF NOVEMBER 2024 REGULAR MEETING**

WHEREAS, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board's regular monthly meeting on November 12, 2024 is necessary due to the attendance of some members of said governing body at the annual conference of the Virginia Association of Counties through November 12, 2024;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, November 12, 2024** be and hereby is rescheduled to **Thursday, November 14, 2024**.

E. Authorization for Acceptance of Conveyance of Callohill Property (R2024-62)

Ms. McGarry reported that the Board had previously approved a purchase agreement for the reference piece of property on Callohill. She indicated that the property was Tax Map #57-A-34K and described as all that certain tract or parcel of land, with improvements thereon and appurtenances thereto belonging, situated in the Lovingsston Magisterial District of Nelson County, Virginia, containing two and thirty-seven hundredths (2.37) acres, more or less, with said lands fronting on U.S. Route #29 and Callohill Drive. She indicated that the property was adjacent to the current County property where the Maintenance Shop was located. She explained that the purchase of the property was intended to provide a storm water management retention area in case of future road widening and paving. She reported that the purchase price for the property was \$90,000. She noted that Resolution 2024-62 would authorize herself or Mr. Payne to accept the conveyance of the property, and if approved, they could effect the deed and make the purchase.

Mr. Rutherford moved to approve **Resolution R2024-62** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-62
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
CALLOHILL PROPERTY – DENISE KILMER, EXECUTOR AND TRUSTEE
AND MCGHEE FAMILY LLC**

BE IT RESOLVED, the Nelson County Board of Supervisors does hereby approve and accept the conveyance of real estate from Denise Kilmer, Executor of the Estate of Stephen B. Birchell, and Trustee of the Stephen B. Birchell Trust, and McGhee Family L.L.C. for the parcel being Tax Map Number 57-A-34K and described as: “All that certain tract or parcel of land, with improvements thereon and appurtenances thereto belonging, situated in the Lovington Magisterial District of Nelson County, Virginia, containing Two and thirty-seven hundredths (2.37) acres, more or less, with said lands fronting on U.S. Route #29 and Callohill Drive”; and

BE IT FURTHER RESOLVED, by the Nelson County Board of Supervisors that the County Administrator, Candice W. McGarry, and the County Attorney, Philip D. Payne, IV, be and hereby are authorized to accept the deed of conveyance thereof in consideration of the sum of \$90,000.00.

Mr. Parr congratulated Ms. McGarry and Mr. Payne for coming in under budget.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

Ms. McGarry provided the following report:

- A. Route 151 Speed Study Results Meeting:** A date for this meeting is in process; VDOT is trying to coordinate dates that work for their staff.
- B. NCSA Lovington Sewer Rehabilitation Project:** Provided favorable consideration of Agenda Item V A, a project announcement ceremony sponsored by USDA Rural Development and the Service Authority in collaboration with the Board of Supervisors, is planned for 11am on August 20, 2024 at the Courthouse Complex. RSVPs are requested by August 16th.

Ms. McGarry noted that if the weather was nice, the ceremony would take place on the Courthouse lawn and if not, it would take place in the Old Board of Supervisors Room.

- C. Regional Planning Grant for Digital Inclusion Grant Proposal:** Nelson, along with our TJPDC regional partners are invited to participate in a regional application to the Department of Housing and Community Development for a planning grant that would enable the participating parties to seek federally funded Digital Inclusion grant funds and Broadband Equity Access and Deployment funds of which over \$500 Million will be available over the next few years. Albemarle County’s Broadband Accessibility and Affordability Office will be the lead applicant/grant manager and participating localities would work with a hired consultant to facilitate their conduct of focus groups and stakeholder interviews regarding broadband access, connectivity, and affordability. Authorization to sign a multi-jurisdictional MOU to apply for the planning grant is requested.

Ms. McGarry indicated that it was a \$25,000 grant with no local match. Mr. Rutherford noted that while Nelson County was ahead of schedule on Broadband, but if they had not been, this entity would have helped them as they had other localities across the region who also benefit from the expansion. Ms. McGarry noted that she thought it would help the County to identify whether there were any gaps in accessibility or barriers to access and affordability, and not so much on the infrastructure side. Mr. Rutherford commented that it also had the potential to produce and ensure

redundancy. The Board was in consensus to have Ms. McGarry sign the MOU to apply for the Digital Inclusion Grant.

- D. VACo Regional Meeting (Virtual):** Our virtual Regional VACo meeting is Monday, August 19th, where 2025 legislative issues will be discussed in order to help VACo develop its 2025 Legislative Program. Please send me any legislative issues affecting Nelson that you would like me to share before then.

Ms. McGarry noted that the major issues were ones they always had: unfunded mandates, School funding and School funding formulas, and potentially the LODA issue that they advocated for this past year.

E. Regional Jail:

Expansion: The project is in the schematic design phase and updated project costs are \$49,005,385 vs. the concept design estimate of \$49,021,414. In the next four (4) months the following steps will take place: September: Pre-qualification of General Contractors and design development submission and budget update provided to the Jail Board, October: Formal value engineering and design development submission to Virginia Department of Corrections for approval, Late October/November Construction documents will be developed with 75% done in December.

Other: ACRJ had a clean audit opinion for FY23, In June 2023 our utilization was 1,093 bed days with a total of 13,827 bed days for FY24, our average daily population was 38 which is 14.31% of the total. The average total daily population was 265. As of last report, Nelson has 1 person on home electronic incarceration out of 10 total.

Dr. Ligon noted that she was learning about value engineering and what that could do to a project. She indicated that she had questions about value engineering for the Social Services building. She reported that she was able to take a tour of the jail.

- F. 2026 Reassessment RFP:** The County received three (3) proposals and pitches/interviews will be scheduled with at least two (2) firms planned for the week of August 26th. Pursuant to Competitive Negotiations procedures of the Virginia Public Procurement Act (VPPA), the firms interviewed will be ranked according to the criteria and % weight described in the RFP and the County will then negotiate a contract with the top ranked firm. If an agreement cannot be reached, the negotiations begin with the second highest ranked firm and so on. The contract is anticipated to be finalized by the end of August/early September, 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:** Per the Board's directive, staff is tracking and charting the data for both Meals and Lodging (TOT) tax collection. Revenue collections in July have been added along with a note regarding the TOT tax rate change from 5% to 7% as of July 1, 2024. (See Attached)

- H. FY25 Board Retreat:** Staff is working on establishing a location for a retreat date in the range of September 17–20 and will be working with Chair Parr soon on that agenda.
- I. Broadband Authority Dissolution:** Staff has been working with the Treasurer’s Office to complete final steps in closing the Authority bank account and opening a new Nelson County Broadband bank account. This is one of the final steps in this transition along with Mr. Payne completing final filings with the SCC.
- J. Staff Reports:** Department and office reports for July/August have been provided.

Dr. Ligon noted they were discussing the meals and lodging tax bar graph report. She asked if there was any way to see the actual days, or beds or nights. Mr. Rutherford noted they would like to add a third data point to show the number of Short Term Rental units that paid in that month. He suggested that it may be a separate bar graph to show the number of units utilized. Ms. McGarry noted that staff would have to take a look and see how to best present that information. Mr. Rutherford noted that the checks from booking platforms like Airbnb and Booking.com did not necessarily show who they were paying for. Ms. McGarry noted that the booking platforms were supposed to now be reporting who they were paying for. She indicated that they would have to check with the Commissioner of Revenue on that. Dr. Ligon asked about receiving quarterly reports on the County’s investments. She noted that interest rates were changing and she wanted to know where investment rates stood.

2. Board Reports

Dr. Ligon:

Dr. Ligon reported that she was highly saddened and interested in the access to medical care and things that people had when they went to jail. She indicated that it was actually exceptional compared to the average joe, which she noted, made her sad for the average joe. Mr. Rutherford asked if they talked about check in and check out interviews at the jail. Dr. Ligon explained the intake process at the Albemarle Charlottesville Regional Jail (ACRJ). She reported that 30 percent of people taken into the jail were there due to some mental health issue. She indicated that there was a mental health assessment performed by a nurse practitioner. She noted that if someone was there for more than two (2) days, they received a full physical exam and bloodwork by a practitioner. She noted that there was access to nurse practitioners and doctors for one-on-one appointments for more than 30 minutes. She reported that they also had a dental office and pharmacy. She indicated that the jail had a handle on the healthcare situation and it was the way everyone should live, but you had to go to jail for that.

Mr. Rutherford:

Mr. Rutherford reported that the TJPDC did not meet this month and he indicated that they should be meeting next month.

Mr. Parr:

Mr. Parr reported that EMS did not meeting this month.

B. Appointments

The Board had no appointments to consider. Mr. Parr noted that they still had a vacancy on the Social Services Board for the Central District. He reported that he had reached out to a couple of people but had not found anyone. Ms. Spivey indicated that she had spoken with Mr. Reed and he had indicated that he spoke with a few people who seemed interested, but no applications had been received to date.

C. Correspondence

Dr. Ligon noted that she went to Social Services and had a long chat with several people there. She noted that Social Services was helping more and more families who were struggling. She reported that she had also talked to Marian Dixon with the Nelson County Food Pantry and the number of people they were serving had almost doubled in a year. She noted that people were struggling and sometimes they just needed help. Dr. Ligon also reported that the number of children in foster care was lower currently.

D. Directives

Mr. Rutherford noted that he a proclamation for 9/11 for the American Legion 9/11 ceremony that he would like to put on the September 10th agenda. He indicated that he would provide details on the ceremony once he had them.

Mr. Parr reminded the Board that he would be absent from the September 10th Board meeting.

Mr. Parr reported that he been approached by the local Fleetwood Harmony Masonic Lodge, and they had been working on a fundraiser to help raise money to provide a cover for the caboose at the Piney River Trail which had been restored. He noted that they had talked with Parks and Recreation and Ms. McGarry about putting some sort of cover over the caboose. He noted that the Masonic Lodge had several members tied in with that. He indicated that Ted Hughes was very active in restoring the caboose, and his son-in-law, Roger Huffman. Mr. Parr reported that the Masonic Lodge had raised a little over \$6,000 for the cover and the estimate was around \$18,000 to \$20,000. He explained that the caboose would have to be moved due to a power easement, and the cover would get in the way. He noted that they would move it a little and then constructing a pole type structure over the caboose to protect it. Ms. McGarry noted she would check the amounts quoted. He asked what to do with the \$6,300 that the Freemasons had raised and whether the County wanted to kick in the balance, or have the Freemasons use the funds for something else or return it to the donors. Mr. Parr noted that it was a County owned property that the caboose was located on. He commented that the County had thrown around the idea of covering the caboose, and it was taken up as a project to help raise some money as a community service by the Masons. Ms. McGarry noted they could get the estimates from Jerry West and bring them back in October for further discussion. Mr. Parr suggested having Mr. West provide those quotes and having him obtain updated quotes if needed.

VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(3) &(A)(7) (AS NEEDED)

Dr. Ligon 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

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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." Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Dr. Ligon moved to reconvene in public session. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

Upon reconvening in public session, Dr. Ligon 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 (3-0) by roll call vote to approve the motion.

Authorization to Enter Purchase Agreement for Real Estate

Ms. McGarry noted that the proposal before the Board was to approve an agreement for the purchase of real estate at a purchase price of \$775,000 for property in Lovington at 37 Tanbark Plaza for the Department of Social Services Building. She explained that in an effort to more efficiently provide the building for the Department of Social Services, the purchase of the property reduces the overall estimated cost of the project. Dr. Ligon moved to authorize an agreement for purchase of real estate at 37 Tanbark Plaza. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote.

Ms. McGarry reported that they would conduct a study period for a certain amount of time, and if satisfied, the County would then proceed with the settlement on the property.

PMA Architecture Contract Amendment #6

Mr. Rutherford moved to approve PMA Architecture's Contract Amendment #6 Memorandum as amended, striking items 5b Architectural Design and 5c MEP Design Scope. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote.

Ms. McGarry noted that the memorandum for Amendment #6 reduced the cost of PMA Architecture's fees pursuant to a lesser civil engineering estimated cost revised for the new site at 37 Tanbark Plaza.

VIII. ADJOURN AND CONTINUE TO AUGUST 28, 2024 AT 4 P.M. FOR A JOINT WORK SESSION WITH THE PLANNING COMMISSION (AN EVENING SESSION WILL NOT BE CONDUCTED)

At 3:47 p.m., Mr. Rutherford moved to adjourn and continue to August 28, 2024 at 4:00 p.m. for a joint work session with the Planning Commission. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.



Nelson County Joint Planning Commission/Board of Supervisors Meeting Minutes August 28^h, 2024



Present: Board of Supervisors: Chair David Parr, Jesse Rutherford, Jessica Ligon, and Ernie Reed - Planning Commission: Chair Mary Kathryn Allen and Commissioners Chuck Amante, Phil Proulx and Mike Harman

Staff Present: County Administrator Candy McGarry and Deputy Clerk Amanda Spivey - Dylan Bishop, Director and Emily Hjulstrom, Planner/Secretary

Call to Order: Mr. Parr and Mr. Harman called the meeting to order at 4:02 PM in the Old Board of Supervisors Meeting Room, County Courthouse, Lovingston.

Mr. Musso of the Berkley Group introduced himself. He explained that Cecile Gaines, a Senior Planner at the Berkley Group, would be joining him throughout the Zoning Ordinance update. He added that Rebecca Cobb, Deputy Director, would also join them.

Mr. Musso presented the following information:

Nelson County Zoning and Subdivision Ordinance Update

Planning Commission and Board of Supervisors
Joint Kickoff Meeting
August 28, 2024



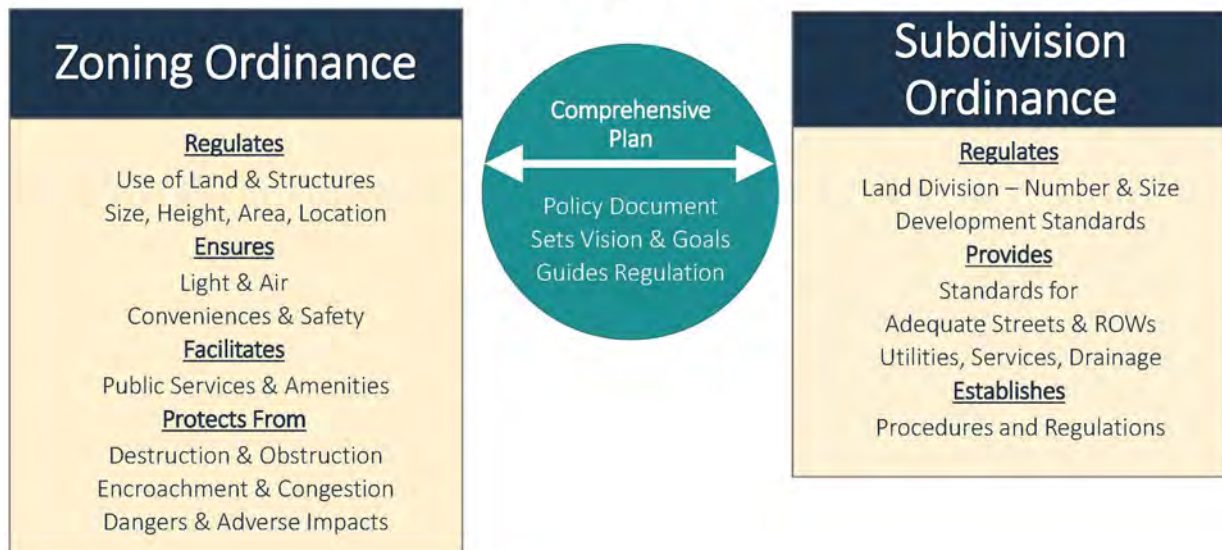


Agenda

- Ordinance Purpose and Content
- Project Intent
- Project Overview & Schedule
- Land Use Evaluation Review
 - Zoning Ordinance Diagnostic
 - Subdivision Ordinance Diagnostic
 - Comprehensive Plan Strategies Diagnostic
- Community Engagement
- Next Steps
- Keys to Success

Mr. Musso explained that the purpose of the meeting was to understand the project, discuss the Land Use Report and next steps, and identify challenges and goals.

Ordinance Purpose and Content



Mr. Musso explained that the recently adopted Comprehensive Plan was a policy document that guided the regulatory Zoning and Subdivision Ordinances. A subdivision ordinance was how a community regulated the division of land while the Zoning Ordinance regulated uses and structures on the land.



Mr. Musso explained that the purpose of the project was to update and modernize Nelson County’s Zoning and Subdivision Ordinances.

Project Overview & Schedule



****See Attachment A: Meeting Schedule***

Mr. Musso noted that there would be three phases to the project: investigation, development, and adoption. He added that the diagnostics could be found in the Land Use Evaluation. He noted that the investigation phase concluded with public engagement. He added that they would be able to utilize public feedback from the Comprehensive Plan update as well. He explained throughout the drafting process there would be a Crosswalk that would allow for easy comparison of the draft and existing ordinances. He added that the draft would then be shared at an open house for public input before returning for a pre-adoption work session. He noted that the ordinance could be adopted during the winter of 2025/2026, making it a 22-month process.

Land Use Evaluation Review

1. Overview
2. Zoning and Subdivision Ordinances
3. Next Steps
4. Conclusion

- Appendix A: Zoning Ordinance Code of Virginia Diagnostic Matrix
- Appendix B: Subdivision Ordinance Code of Virginia Diagnostic Matrix
- Appendix C: Comprehensive Plan: Diagnostic: Implementation Strategies

Land Use Policy Evaluation

Wilson County, Virginia
August 08, 2024

****See Attachment B: Land Use Policy Evaluation***

Mr. Musso noted that the packet was broken down into 4 sections with 3 appendices. He explained that it was a summary of key findings from their diagnostic of the Zoning Ordinance, Subdivision Ordinance, and Comprehensive Plan Strategies. He added that their recommendations were guided by requirements from the Code of Virginia, past experiences with peer localities, and planning best practices. He noted that the overview discussed the purpose and scope of the diagnostics and detailed how they were completed. He explained that the first two appendices were recommendations based on the Code of Virginia while the last appendix was based on the strategies from the Comprehensive Plan.

Diagnostic Review – Zoning Ordinance

Chart 1
Applicability of
Code of Virginia Sections

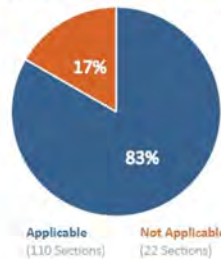


Chart 2
Compliance with Mandatory* Sections
* Chart does not include Optional or Non-Applicable percentages

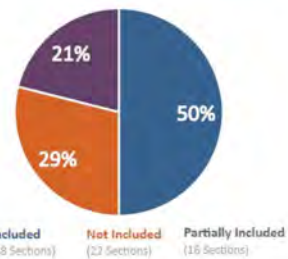
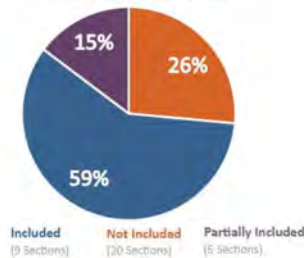


Chart 3
Optional* Provisions Usage
* Total Optional Provisions: 26% of all provisions



Diagnostic Review – Zoning Ordinance

Update

Update to align with Code of Virginia

Organize

Reorganize and consolidate articles

Consider

Consider adopting optional provisions

Incorporate

Incorporate additional and/or clarified provisions

Consolidate

Consolidate uses into broad categories

Modernize

Modernize and streamline uses

Mr. Musso explained that of 132 Zoning Ordinance related code sections in the Code of Virginia, only 110 applied to Nelson County. He noted that Chart 2 showed the breakdown of compliance for those 110 code sections. He explained that the key takeaway was that the ordinance was only 50% in full compliance with the Code of Virginia. He added that there were 34 additional and optional provisions and showed the breakdown of their inclusion in Chart 3. Mr. Musso reviewed their general findings

from the Zoning Ordinance listed in the above slide. He added that combining the ordinances into one document would allow better readability for administrators and citizens.

Diagnostic Review – Zoning Ordinance

Improvement	Result
Code of Virginia references and recent amendments	Compliance with Code of Virginia
Clear process details for zoning actions	Clarity for applicants and administration
Tables and graphics of regulations	Readability and easier administration
Reevaluate districts and refine district standards	Flexibility and user-friendly Ordinance; Achieve Comp Plan Goals & Strategies
Create a Use Matrix	Better readability and easier administration

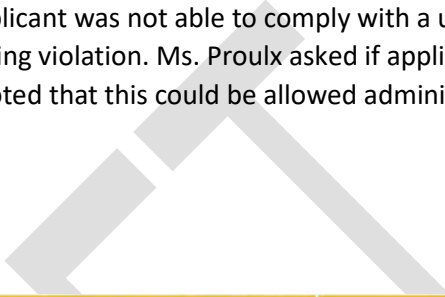
Diagnostic Review – Zoning Ordinance

Improvement	Result
Reorganize and improve use standards	Readability and accessibility; compatibility with Comprehensive Plan Goals & Strategies
Review and update definitions to ensure every land use/term has a clear accompanying definition	Internal consistency; readability; avoid interpretation issues
Modernize uses to align with today's economy and provide flexibility	Ease administrative burden; business-friendly; easy to introduce new beneficial land uses.
Incorporate and refine design standards (lighting, landscaping, signs, etc.)	Ease administrative burden and beautify the community

Mr. Musso then reviewed some of the specific recommendations (above) for updates to the Zoning Ordinance. He explained that their top priority should be ensuring compliance with the Code of Virginia. Mr. Amante asked if he could have an example of an undefined use. Ms. Hjulstrom noted that there were several.

Mr. Musso noted that use standards would be a set of standards that applied to a specific byright use. Mr. Musso explained that when a SUP is very common and has common conditions, it could become a byright use with use standards.

Ms. Proulx asked what would happen if an applicant was not able to comply with a use standard. Mr. Musso noted that it would be treated as a zoning violation. Ms. Proulx asked if applicants could get exemptions from use standards. Mr. Musso noted that this could be allowed administratively on a case-by-case basis.

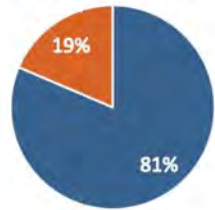


Diagnostic Review – Zoning Ordinance	Improvement – Specific Land Uses	Result
	Telecommunications: Update to include applicable Code of Virginia requirements	Ensure compliance with Code of Virginia
	Accessory Dwelling Units: Consider permissions and standards; include definitions	Internal consistency; clarity and readability; avoid interpretation issues
	Green Infrastructure: Allow for innovative approaches to infrastructure and better connectivity to natural environment.	Address specific goals and strategies of the Comprehensive Plan.
	Short-term Rentals: Review and reevaluate standards.	Control overdevelopment and protect sensitive areas and housing market.

Mr. Musso then reviewed specific land use examples (above) where the ordinance was either out of compliance or there was a recommendation for a best practice. He noted that telecommunications regulations change on an annual basis in the Code of Virginia.

Diagnostic Review – Subdivision Ordinance

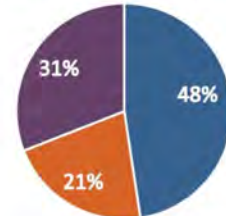
Chart 1
Applicability of
Code of Virginia Sections



Applicable
(57 Sections)

Not Applicable
(13 Sections)

Chart 2
Compliance with Mandatory* Sections
* Chart does not include Optional or Non-Applicable percentages

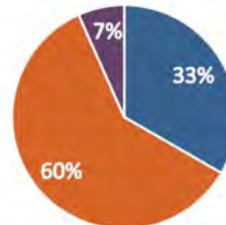


Included
(20 Sections)

Not Included
(9 Sections)

Partially Included
(13 Sections)

Chart 3
Optional* Provisions Usage
* Total Optional Provisions: 21% of all provisions



Included
(9 Sections)

Not Included
(20 Sections)

Partially Included
(5 Sections)

Mr. Musso reviewed the Subdivision Ordinance's compliance (above) with the Code of Virginia. He noted that there were not as many optional provisions that were beneficial for the community. Mr. Musso explained that many subdivision regulations were guided by the Code of Virginia.

Diagnostic Review – Subdivision Ordinance

Update

Update to align with Code of Virginia

Organize

Reorganize subdivision ordinance as an Article in Zoning Ordinance

Consider

Consider adopting optional provisions

Diagnostic Review – Subdivision Ordinance

Improvement	Result
Update preliminary plat requirements	Ensure compliance with Code of Virginia
Include provisions for the vacation of plats	Ensure compliance with Code of Virginia
Include validity of plats	Ensure compliance with Code of Virginia
Update performance bond partial release allowances	Ensure compliance with Code of Virginia
Consider requiring Environmental Assessments and remediation plans	Reduce environmental impact of large-scale development
Expand cluster subdivision (density zoning) regulations	Address goals and strategies of Comprehensive Plan

Mr. Musso then reviewed some of the specific recommendations (above) for updates to the Subdivision Ordinance. Mr. Musso noted that a preliminary plat could only be required for subdivisions of 50 lots or more. He added that the State Code of Virginia required that final site plans be valid for 5 years or more. He noted that the performance bond partial release allowance would need to be raised from 80% to 90%. He explained that requiring Environmental Assessments and remediation plans was optional but that he recommended it. He added that cluster subdivision recommendations were in compliance with the State Code of Virginia but should be addressed for compliance with the Comprehensive Plan.

Mr. Rutherford asked if they could mandate environmental reviews. Mr. Musso confirmed that they could. Mr. Rutherford explained an Environmental Review (1 or 2) would involve hiring a third party to investigate the environmental history of a property. Mr. Musso noted that it would need to be included in the ordinance for the county to be able to require it. Mr. Rutherford added that if the job was big enough, DEQ could require it. Ms. Proulx added that it would be a good idea to include environmental review in the ordinance for smaller issues, such as old gas tanks.

Diagnostic Review – Comp Plan

Strategy Text:	Action to be Taken in ZO + SO Update:
Chapter 3 Shaping Community Character	
...energy standards to ensure the adopted character and the interests of the community.	<ul style="list-style-type: none"> Allow for accessory solar and wind energy facilities to primary land uses to include both rooftop mounted and ground mounted solar, up to an appropriate size to both serve the community and protect rural landscapes.
...energy on private development through the Code of Virginia permitted solar tax and commercial small-scale solar installations.	<ul style="list-style-type: none"> No land use regulation action required.
...ees for residential solar installations.	<ul style="list-style-type: none"> Adopt a fee schedule ordinance with reduced fees for solar energy permits.
...energy-efficient lighting and investigate outdoor light impacts of over-lighting, glare, and light pollution.	<ul style="list-style-type: none"> Create lighting design standards that apply to new developments in each Zoning District.
...y and development provisions to update parking, permeable paving and other materials that improve water.	<ul style="list-style-type: none"> Consider a reducing the number of required parking spaces, found in Section 12-7-6 of the Zoning Ordinance, and allowing pervious and semi-pervious materials such as open joint pavers, reinforced grass grids, within Section 12-7-8D. Establish a minimum number of parking spaces to trigger improved surface lots (i.e. lots of 8 spaces or more require an improved surface).
...ions to require the placement of shade trees and native plants in all commercial and institutional	<ul style="list-style-type: none"> Modify the regulations of Section 12-7-8L to apply to any parking lots that meet a minimum size threshold. Include provisions that require the planting of native trees and shrubbery, as approved by the Administrator. Create landscaping design standards that apply to all industrial and commercial properties. Buffer landscaping should be required in setback areas and should identify how much space must be landscaped. Ensure that all landscape includes only native trees and shrubbery. Modify existing landscaping requirements to refer to this new landscaping design standard section.

Mr. Musso noted that the above chart could be found in Appendix C. He explained that the chart addresses every strategy in the Comprehensive Plan and paired them with the appropriate actions to take in the Zoning Ordinance. He added that this was his recommendation for what could be done to address each strategy.

Diagnostic Review – Comp Plan

Improvement	Strategy #
Incorporate and refine community design standards (landscaping, lighting, noise, signs, etc.) and incorporate green infrastructure principles.	3.1, 3.4, 3.5, 3.6, 3.9, 3.15, 3.17, 4.11, 6.3, 6.4, 6.14, 6.15
Allow for alternative housing options such as multi-family and accessory dwelling units.	3.14, 5.1, 5.2, 5.4, 5.5, 8.29
Standards for new development to include interconnectivity, shared use trails, and recreation amenities.	3.7, 3.16, 4.6, 4.7, 4.9, 4.10, 5.11, 8.33
Overlay zoning districts such as village, mountain ridge district, tourism development district.	5.14, 6.1, 6.17, 6.20, 6.22, 6.24, 7.7

Mr. Musso noted that there were a total of 33 strategies to cover in the update. Mr. Reed asked if they would get an update at the end of every legislative session to see if they needed to review anything. Mr. Musso noted that they are usually updated through the American Planning Association and that he could try to keep the county updated. Ms. Proulx asked if overlay districts could be included in the Zoning Ordinance. Mr. Musso explained that they could and explained that an overlay district would sit on top of existing zoning. Mr. Musso added that rezonings and a new zoning map would not be a part of this process. He added that people could opt-in to rezone as a part of the process or the county could initiate a mass rezoning at any time. He explained that in this project they would establish the regulations to allow the county to apply overlay zoning in the future.

Mr. Reed asked whether the types of overlay districts they could create were mandated by the Code of Virginia. Mr. Musso noted that some overlay districts are specifically mentioned in the Code of Virginia but that new overlay districts could be created by a locality. Ms. Bishop noted that in Amherst they have a Route 130 overlay district for no signage and increased setback requirement. Mr. Musso noted that it was a great example of not mapping a zoning district but instead tying it to an existing land mark.



Discussion: Land Use Ordinance Evaluation report and diagnostics

- Are there questions about the land use report?
- Are there issues that are important to the community that were not captured in the diagnostic?

Mr. Reed asked if an overlay district could apply to a master plan that had already been approved. Mr. Musso noted that an overlay district would apply to whatever portion of the master plan area it included. Ms. Bishop questioned if Mr. Reed was specifically talking about Wintergreen's Master Plan and noted that it might be different in that case.



Mr. Musso noted that they would be having one public workshop and four focus group sessions. He added that they had already received a lot of guidance from the community during the Comprehensive Plan update. He explained that the public workshop would be similar to the public workshops in the Comprehensive Plan update.



He noted that the four focus groups would involve specific stakeholders key to the topics. Mr. Rutherford noted that there should be two open houses, one for each side of the county. He added that there could be one for the Route 151 area and one for the other side of the county. He explained that the two groups have their own concerns. Ms. Bishop noted that this would require a work order amendment to add a session for \$3400. Chair Allen noted that they should go ahead and add another public workshop. Mr. Rutherford added that this would give the opportunity for different issues to be heard.

Mr. Musso added that the website used for the Comprehensive Plan will be updated to include the Zoning Ordinance Update. He explained that they would continue to receive public engagement through the website.

Ms. Proulx noted that many people did not understand the Zoning Ordinance. She asked how they could get useful feedback from the public. Mr. Musso noted that they generally start off the public workshops by walking the public through the basics of what a Zoning Ordinance was. He added that having county and Berkley group staff there to answer questions was also helpful.

Mr. Reed asked if they had a clear form and format for the focus groups. He noted that during the Comprehensive Plan update, there were people who were highly involved and could be valuable in the focus groups. Ms. Bishop explained that the focus groups were small and targeted towards industry professionals. Ms. Proulx asked if there could be observers at the focus groups. Mr. Musso noted that focus groups were generally not open to the public and they encouraged staff and county representatives to stay away as well. He explained that this allowed for the most honest feedback from people who were using the Zoning Ordinance regularly, such as developers, real estate agents, etc. Ms. Proulx noted that it felt like special interest groups getting an advantage over the larger community. Ms. Bishop noted that the results of the focus group would be shared. Mr. Reed asked if it was a conflict of interest for anyone on the Board of Planning Commission to participate. Mr. Musso noted that it was not a conflict of interest but that it was discouraged.

Mr. Rutherford noted that topics could get political or skewed and he could go both ways on how he felt about the focus groups. Ms. Hjulstrom noted that she sat in on some of the focus groups from the Comprehensive Plan update, such as the group for community centers, and was impressed with how productive the conversation was. She added that this would allow professionals (surveyors, real estate, developers, etc.), that county staff worked regularly with, to address issues they ran into with the Zoning Ordinance.



Discussion: Project Priorities & Goals

- *What do you **like** about the Zoning/Subdivision Ordinances?*
- *What do you **dislike** about the Zoning/Subdivision Ordinances?*
- *Do you have any new zoning items you would like added to the Ordinance?*
- *Are there any other zoning or subdivision issues that are important to discuss?*

Mr. Amante noted that he liked the tabular format of the proposed ordinance in comparison with the format of the existing ordinance.

Mr. Harman noted that he found by right uses to be confusing. He noted that they should look into where they should and should not apply. Mr. Rutherford noted that by right was important, that people could not purchase property without knowing what they had the right to do on it. Ms. Bishop noted that they added a definition of “by right” to the Comprehensive Plan and that it would be included in the Zoning Ordinance. Chair Allen noted that by right can be very broad in some areas and not in others. She explained that a by right use could fit well in a Gladstone property that would not fit in a Rockfish property of the same zoning.

Ms. Proulx noted that most things in the county are agricultural by default. Ms. Allen noted that what was agricultural in one area of the county may not be the same elsewhere. She added that they needed to be careful to not get too specific but that they would need to walk a fine line. Mr. Rutherford noted that this was a predecessor to having overlay districts. Ms. Proulx noted that people would be upset if they changed zoning. Ms. Proulx did not think that an overlay district would affect people in the same way as a zoning change. Ms. Bishop noted that this is why they reviewed the Comprehensive Plan first so that specific areas could be evaluated. Mr. Musso noted that they could fall back on the Future Land Use Map when looking at zoning changes.

Mr. Amante asked if new zones could be created. Mr. Musso noted that they could. He explained that they could create an R-3 zoning district. Mr. Amante clarified that he was asking if you could create a new category of zoning. Mr. Musso explained that they could and used the example of having a rural zoning district in addition to an agricultural district. Mr. Amante asked how the state would be able to regulate if they created a new type of zoning. Mr. Musso noted that they could the state did not regulate what zoning districts had to be called. He noted that certain types of districts, such as

agriculture, did have specific regulations in the Code of Virginia. Mr. Amante noted that he was not in favor of creating a new zoning district and was hoping that there would be more standardization. Mr. Musso noted that zones would fall under one of the standard categories regulated by the Code of Virginia.

Ms. Proulx noted that there were some inconsistencies within the RPC zoning district on the same page. Mr. Musso noted that they see that regularly with older Zoning Ordinances.

Mr. Reed asked if design standards could be used in the form of overlays. Mr. Musso noted that he would recommend keeping them as design standards and regulating them on a district-by-district basis. He gave the example of signage potentially being permitted along Route 29 but not through the village of Lovington. He explained that an overlay district would come in where the zoning is the same but the area required different design standards.



Next Steps

- ☒ Joint Kickoff Work Session
- ☐ Public Workshop – October TBD
- ☐ Focus Groups – October TBD
- ☐ Work Session 1: Public Engagement Summary and Table of Contents Crosswalk – December 18
- ☐ Draft Ordinance
- ☐ Work Sessions 2-6 – Feb. 2025 through Oct. 2025
- ☐ Public Open House and Review – Nov. 2025
- ☐ Pre-Adoption Worksession – December 2025
- ☐ Final Revisions
- ☐ Public Hearings & Adoption – Feb. & March 2026

Mr. Musso reviewed the update schedule (above). He noted that he was working with staff to set dates for community engagement. He added that they would need to add a public workshop and might need to shift some dates.

Ms. Proulx asked if they would get the materials ahead of time. Mr. Musso confirmed that he would try to get the materials out two weeks ahead of the meetings.

Keys To Success

- 🔑 Engage from start to finish
- 🔑 Inform and listen to constituents
- 🔑 Get input from staff
- 🔑 Communicate with stakeholders
- 🔑 Stay involved and do your homework!



Contacts



Chris Musso, Planner II
chris.musso@bgllc.net



Cecile Gaines, Senior Planner
cecile.gaines@bgllc.net

Mr. Musso asked the Planning Commission and Board to stay engaged from start to finish of the project, inform their constituents, convey their concerns to staff, and attend the worksessions.

Mr. Rutherford asked if they would need to amend the contract. Ms. Bishop noted that she would reach out to the Berkley Group to get a work order amendment to bring to the next regular Board of Supervisors meeting.

Mr. Rutherford made a motion to adjourn the meeting at 5:09 PM. Mr. Parr seconded the motion.

Yes:

Jesse Rutherford

Thomas Harvey

David Parr

Ernie Reed

Ms. Proulx made a motion to continue the meeting to the regular 7 PM Planning Commission meeting on September 25th in the General District Courtroom at 5:09 PM. Ms. Allen seconded the motion.

Yes:

Robin Hauschner

Phil Proulx

Mary Kathryn Allen

Mike Harman

The meeting adjourned at 5:10 PM

Respectfully submitted,

A handwritten signature in black ink, reading "Emily Hjulstrom". The signature is written in a cursive, flowing style.

Emily Hjulstrom

Planner/Secretary, Planning & Zoning

BOARD OF
SUPERVISORSTHOMAS D. HARVEY
North DistrictERNIE Q. REED
Central DistrictJESSE N. RUTHERFORD
East DistrictJ. DAVID PARR
West DistrictDR. JESSICA LIGON
South DistrictCANDICE W. MCGARRY
County AdministratorAMANDA B. SPIVEY
Administrative Assistant/
Deputy ClerkLINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2025-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
January 14, 2025

I. Transfer of Funds (Employee Benefits & Departmental)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 10,255.00	4-100-091030-5616	4-100-011010-2005
\$ 6,904.00	4-100-091030-5616	4-100-012010-1001
\$ 4,311.00	4-100-091030-5616	4-100-012010-2002
\$ 4,000.00	4-100-091030-5616	4-100-012010-2005
\$ 618.00	4-100-091030-5615	4-100-012010-2011
\$ 6,538.00	4-100-091030-5616	4-100-012090-1001
\$ 7,018.00	4-100-091030-5616	4-100-012090-2005
\$ 882.00	4-100-091030-5615	4-100-012090-2011
\$ 54,890.00	4-100-091030-5616	4-100-012150-1001
\$ 4,199.00	4-100-091030-5616	4-100-012150-2001
\$ 13,439.00	4-100-091030-5616	4-100-012150-2005
\$ 881.00	4-100-091030-5615	4-100-012150-2011
\$ 3,987.00	4-100-091030-5616	4-100-012180-1001
\$ 3,343.00	4-100-091030-5616	4-100-012180-2005
\$ 580.00	4-100-091030-5615	4-100-012180-2011
\$ 5,927.00	4-100-091030-5616	4-100-013020-1001
\$ 4,675.00	4-100-091030-5616	4-100-013020-1002
\$ 4,854.00	4-100-091030-5616	4-100-013020-2005
\$ 1,814.00	4-100-091030-5615	4-100-013020-2011
\$ 1,505.00	4-100-091030-5616	4-100-021010-1001
\$ 1,645.00	4-100-091030-5616	4-100-021010-2005
\$ 141.00	4-100-091030-5615	4-100-021010-2011
\$ 8,733.00	4-100-091030-5616	4-100-021060-1001
\$ 7,366.00	4-100-091030-5616	4-100-021060-2005
\$ 1,489.00	4-100-091030-5615	4-100-021060-2011
\$ 7,930.00	4-100-091030-5616	4-100-022010-1001
\$ 3,269.00	4-100-091030-5615	4-100-022010-2011
\$ 18,220.00	4-100-091030-5616	4-100-031020-1009
\$ 27,002.00	4-100-091030-5616	4-100-031020-1010
\$ 43,975.00	4-100-091030-5616	4-100-031020-1011
\$ 14,895.00	4-100-091030-5616	4-100-031020-2005
\$ 9,813.00	4-100-091030-5616	4-100-031020-2011

I. Transfer of Funds (Employee Benefits & Departmental)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 13,772.00	4-100-091030-5616	4-100-032010-1001
\$ 14,307.00	4-100-091030-5616	4-100-032010-1003
\$ 15,000.00	4-100-091030-5616	4-100-032010-2005
\$ 2,259.00	4-100-091030-5615	4-100-032010-2011
\$ 7,066.00	4-100-091030-5616	4-100-032030-1001
\$ 2,109.00	4-100-091030-5616	4-100-032030-2005
\$ 59.00	4-100-091030-5615	4-100-032030-2011
\$ 336.00	4-100-091030-5616	4-100-032030-2011
\$ 4,978.00	4-100-091030-5616	4-100-034010-2005
\$ 1,088.00	4-100-091030-5615	4-100-034010-2011
\$ 2,022.00	4-100-091030-5616	4-100-035010-1001
\$ 6,200.00	4-100-091030-5616	4-100-035010-1002
\$ 3,513.00	4-100-091030-5616	4-100-035010-2005
\$ 2,801.00	4-100-091030-5616	4-100-035010-2011
\$ 6,031.00	4-100-091030-5616	4-100-043020-2005
\$ 2,589.00	4-100-091030-5615	4-100-043020-2011
\$ 4,305.00	4-100-091030-5616	4-100-081010-1001
<u>\$ 1,428.00</u>	4-100-091030-5616	4-100-081010-2005

\$ 374,961.00 Total Employee Benefits & Departmental Transfers

Adopted: _____, 2025

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I. Total transfers of **\$374,961.00** represent **(1) \$359,292.00** in the distribution of funds related to the FY25 3% pay increase for employees retroactive to July 1, 2024 as approved by the Board of Supervisors, and Anthem Health Insurance rate increase for FY25; **(2) \$15,669.00** applied for Worker's Compensation rate increase for FY25.

BOARD OF
SUPERVISORS

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ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2025-04
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORTING FUNDING FOR REPAIRS AND STRATEGIC IMPLEMENTATION
OF BLUE RIDGE RISING ALONG THE BLUE RIDGE PARKWAY

WHEREAS, the Blue Ridge Parkway traverses 469 miles from Afton Mountain in Virginia to the Qualla Boundary in North Carolina and unites these two states' unique mountain cultures and identities with a world-renowned national park that celebrates the places, communities, and people along the Parkway; and

WHEREAS, the Blue Ridge Parkway is the most-visited unit of the national park system, attracting nearly seventeen million visitors each year and contributing significantly to the local and regional economies in Virginia and North Carolina; and

WHEREAS, the Parkway generates approximately \$1.4 billion in visitor spending and \$1.8 billion in total economic output for the 1,799,000 residents of the surrounding corridor of twenty-nine counties, seven independent Virginia cities, and numerous municipalities in North Carolina and Virginia, including the towns of Buchanan, Fincastle, and Troutville in Botetourt County; and

WHEREAS, the Blue Ridge Parkway Foundation serves as the sole official philanthropic partner to the Blue Ridge Parkway, advocating for necessary funding and resources for the Parkway's maintenance, preservation, and community engagement; and

WHEREAS, the Blue Ridge Rising strategic plan provides a roadmap for the sustainable management and enhancement of the Parkway, ensuring that it continues to serve as a vital resource for environmental education, recreation, tourism, and community connection; and

WHEREAS, Tropical Storm Helene has caused catastrophic damage and loss of life for several communities in western North Carolina and southwest Virginia, including those communities adjacent to the Parkway; and

WHEREAS, repairs are critical to preserving the safety and accessibility of the Parkway and its adjacent communities, which is essential for their economic wellbeing; and

WHEREAS, collaboration among local, state, and federal governments is critical in this response and imperative to secure the necessary funding and policies that will sustain and benefit the communities surrounding the Blue Ridge Parkway; and

WHEREAS, the establishment of a coalition composed of elected officials and community representatives will enhance advocacy efforts and foster a unified regional voice for the Blue Ridge Parkway corridor.

NOW, THEREFORE, BE IT RESOLVED that the Botetourt County Board of Supervisors endorses and supports the following:

1. **Funding for Repairs:** Urging state and federal governments to prioritize and allocate funding for repairs along the Blue Ridge Parkway to ensure its continued safety and accessibility;
2. **Implementation of the Blue Ridge Rising Strategic Plan:** Advocating for the full funding and implementation of the Blue Ridge Rising Strategic Plan to enhance visitor experience, preserve natural resources, and promote sustainable tourism along the Parkway;
3. **Collaboration and Support:** Calling upon local, state, and federal officials to collaborate with the Blue Ridge Parkway Foundation and other stakeholders to secure resources and policies that benefit the Parkway and its surrounding communities; and
4. **Coalition Creation:** Supporting the formation of a coalition of elected officials and community representatives dedicated to advocating for the Blue Ridge Parkway, ensuring that the needs and voices of the communities along the corridor are effectively represented.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to relevant local, state, and federal entities, as well as the Blue Ridge Parkway Foundation, to demonstrate our unified support for the Parkway and its vital role in our communities.

ADOPTED this 14th day of January, 2025 by the Nelson County Board of Supervisors.

Approved: January 14, 2025

Attest: _____, Clerk
Nelson County Board of Supervisors

From: [Maureen A Kelley](#)
To: [Candy McGarry](#); [Amanda Spivey](#)
Subject: FW: Blue Ridge Parkway Foundation | Proposed Resolution
Date: Friday, December 6, 2024 11:22:43 AM
Attachments: [241016 FINAL BRPF Resolution_Helene Damage and Blue Ridge Rising signed version in word.docx](#)
[Blue Ridge Rising VA appropriations Request 12-3-24 \(1\).pdf](#)
[241022 Approved BRPF_BRR Resolution Botetourt County VA \(1\).pdf](#)
[McDowell resolution.pdf](#)

Can we get the Board to do this?

From: Kevin Brandt [mailto:kbrandt@brpfoundation.org]
Sent: Wednesday, December 4, 2024 2:59 PM
To: Maureen A Kelley <makelley@nelsoncounty.org>
Subject: Blue Ridge Parkway Foundation | Proposed Resolution

Dear Maureen,

I hope this email finds you well as we approach the holidays and the end of 2024.

It's been quite the year. Helene's destruction took many lives and disrupted many more. The Blue Ridge Rising Strategic Plan that you helped craft is more important than ever as recovery continues.

Although the second Blue Ridge Rising Summit in Roanoke has been postponed until next year, our work to implement the 51 strategies across the six themes of Marketing, Visitor Experience, Resource Protection, Unified Voice, Education and Workforce and Capacity Building is ramping up in the following ways:

1. Community members have volunteered to become Blue Ridge Rising Ambassadors.
2. We are working closely with the Appalachian Regional Commission to secure a large multi-million dollar grant that will require a match.
3. We are talking with foundations and funders to help meet the need and the match.
4. We are working with state and commonwealth legislators and the governor's administrations to explore opportunities for state-level funds (see attached briefing for North Carolina funding request).

You can help take the next steps:

In Virginia, the Botetourt County Board of Supervisors approved a resolution supporting the Blue Ridge Rising Strategic Plan and the timely reopening of the entire Blue Ridge Parkway. In North Carolina, Mitchell County has approved the resolution as well. You can help by adapting the resolution and asking your elected officials to adopt the resolution and then let your state and federal elected officials know how important their support is to the recovery, resilience, and growth of the Blue Ridge Rising Corridor.

The Botetourt County approved resolution is attached as is a word document for your use.

Individually we can make a difference. Working together we can make a generational difference for ourselves, our communities and all who come to live in or experience Virginia's Blue Ridge.

If you have any questions or would like more information please contact me at Kbrandt@brpfoundation.org.

Sincerely,
Kevin Brandt



Request: The Blue Ridge Parkway Foundation is requesting a **\$2,500,000** appropriation to implement the strategies identified in the 2024 Blue Ridge Rising Action Plan. This plan, developed and prioritized by local community leaders, will expand the economic vitality and quality of life for the 768,744 citizens in this region. These funds will help complete the \$4.3 million in required match for a \$5.13 million Appalachian Regional Commission ARISE grant, support Blue Ridge Rising implementation in the seven Virginia counties not covered by the ARISE grant and provide needed funding to help restore Mabry Mill.

Background: The Blue Ridge Parkway is the most visited unit of the National Park System with 16.7 million visitors in 2023 - more than Yellowstone, Grand Canyon, and Yosemite combined.

The Blue Ridge Parkway corridor includes Grayson, Carroll, Patrick, Floyd, Roanoke, Franklin, Bedford, Botetourt, Rockbridge, Amherst, Nelson and Augusta counties and the independent cities of Galax, Salem, Roanoke, Lynchburg, Lexington, Buena Vista, Waynesboro, and Staunton. Cumulatively along the 469-mile long Parkway, visitors each year spend \$1.4 billion and support more than 19,000 jobs, providing a cumulative economic impact of \$1.8 billion.

Blue Ridge Rising Deliverables: Blue Ridge Rising supports Governor Youngkin's goals for economic development, including Accelerate Southwest Virginia, tourism, conservation, and outdoor recreation.

The Blue Ridge Rising Action Plan includes strategies to:

- Expand Marketing
- Unify the Region's Voice
- Increase Protection of Views and Wildlife
- Expand Education and Workforce Development
- Build Organizational and Community Capacity
- Enhance the Visitor Experience, including repair of Mabry Mill, the most photographed location on the Parkway. The mill has sustained significant storm damage in recent years and needs substantial restoration to continue to attract visitors to this iconic location.

Local Partnerships: Blue Ridge Rising leaders are working collaboratively to engage more partners along the Blue Ridge Parkway.

- Local communities along the Parkway corridor are considering resolutions supporting Blue Ridge Rising and the recovery efforts to restore and reopen the entire Parkway as soon as it can be done safely.

Contact: Carolyn Widner Ward, cward@brpfoundation.org, 828-776-4547

Blue Ridge Rising: 2025-2027 Budget and Implementation Highlights

Three-Year Budget and Funding Sources

- **\$12 million total budget for three years to benefit 29 counties in VA and NC**
- **\$7.3 million cash and in-kind already secured/committed**
 - Appalachian Regional Commission ARISE grant, \$5.13 million
 - Dogwood Health Trust, \$750,000
 - Explore Asheville, \$750,000
 - Blue Ridge Parkway Foundation (in-kind project support), \$300,000
 - National Park Foundation (grant for Blue Ridge Music Center near Galax), \$170,000
 - Friends of Southwest Virginia (in-kind project support), \$89,550
 - Community Foundation of Western North Carolina, \$50,000
 - Duke Energy Foundation, \$25,000
 - National Park Trust, \$12,500.
- **\$4.7 million still needed for full program implementation, 2025-2027**

Substantial Community Engagement and Benefit

- **Shared project leadership** between Blue Ridge Parkway Foundation and Friends of Southwest VA provides complementary geographic bases and regional networks.
- **Community leader “ambassadors”** from every county will advise and assist the overall Blue Ridge Rising project.
- **Action teams that include local stakeholders and advisors** will finetune each strategy, guide pilot projects, and then scale-up for regional impact.
- **Annual two-state summits** (incl. 2025 Summit at Hotel Roanoke, July 9-10) will highlight success stories and lessons learned and strengthen regional networks.
- **\$3.7 million** will directly **advance regional strategies** to boost economic development.
- **\$3.6 million** in sub-grants will support **projects in local communities**.
- Several staff positions will be dedicated to **community outreach and engagement**.
- **Specialized staff will work with specific sectors** (e.g., workforce development, conservation) to implement coordinated solutions.
- **Innovative strategies** (e.g., Parkway corridor EV charging network, accessibility improvements, dark sky viewsheds) will **diversify and grow regional visitation**.
- **Positive impacts** on dozens of communities, hundreds of businesses, hundreds of students and job seekers, hundreds of thousands of local residents, and millions of annual visitors from throughout Virginia, the United States, and the world
- A **unified regional network** to tackle new challenges and opportunities for growth in the years to come.

For more information: brpfoundation.org, friendsofswva.org, blueridgerising.com

JAIL UTILIZATION REPORT: NELSON COUNTY

Albemarle-Charlottesville Regional Jail
2014-2023

October 2024

Prepared by: **Matthew S. Vitale**, Criminal Justice Planner,
Thomas Jefferson Area Community Criminal Justice Board

ABSTRACT

- This analysis summarizes time series data of booking and release trends among the 3,174 Nelson County-responsible inmates booked into the Albemarle-Charlottesville Regional Jail from 2014 to 2023.¹
- There are six parts to the descriptive statistics presented in this report:
 1. Intakes – individuals booked into the jail, including intake rates, demographics, and any disproportionality present
 2. The average daily population (ADP), or the average number of people in jail over a period of time
 3. Incarceration rate comparison of Virginia jails and ACRJ in 2023 – also, a comparison of Virginia’s incarceration rate per 100,000 people (including prisons, jails, immigration detention, and juvenile justice facilities)
 4. Review of charge trends, identification of the top charges booked into the jail, and ten-year community booking profile
 5. Length of stay and bed days expended analysis by race, gender, and age group
 6. Utilization of home electronic incarceration

INTRODUCTION

- The data demonstrates that the COVID-19 pandemic had significant impacts on the criminal justice system that are reflected in data observations from ACRJ. Overall, jail utilization decreased significantly in 2020, likely due to the upstream impact of responses and strategies within the criminal justice system to limit the spread of COVID.
- However, reported crime incidents in Nelson County increased 25% from 456 in 2014 to 571 in 2023.²
- The largest reported crime increase occurred in the crimes against person category rising from 87 reported incidents in 2014 to 198 reported incidents in 2023, an increase of 128%.²
- Bookings of Nelson-responsible inmates increased by 17% from 2014 to 2023, almost keeping pace with total reported crime incidents.
- Inmate numbers have risen in 2023, yet still remain below pre-pandemic numbers in years 2017-2019.
- When viewing the following analysis, please keep in mind that the population estimates of Nelson County changed from 14,789 in 2014 to 14,705 in 2023.³
- Individuals serving weekend sentences have been removed: N=178 (2014-2023). n=22 (in 2023), Black =2: 2 male, 0 female. White =20: 18 male, 2 female. Unknown =0: 0 male, 0 female). This prevents over counting the same event (same charge same person).

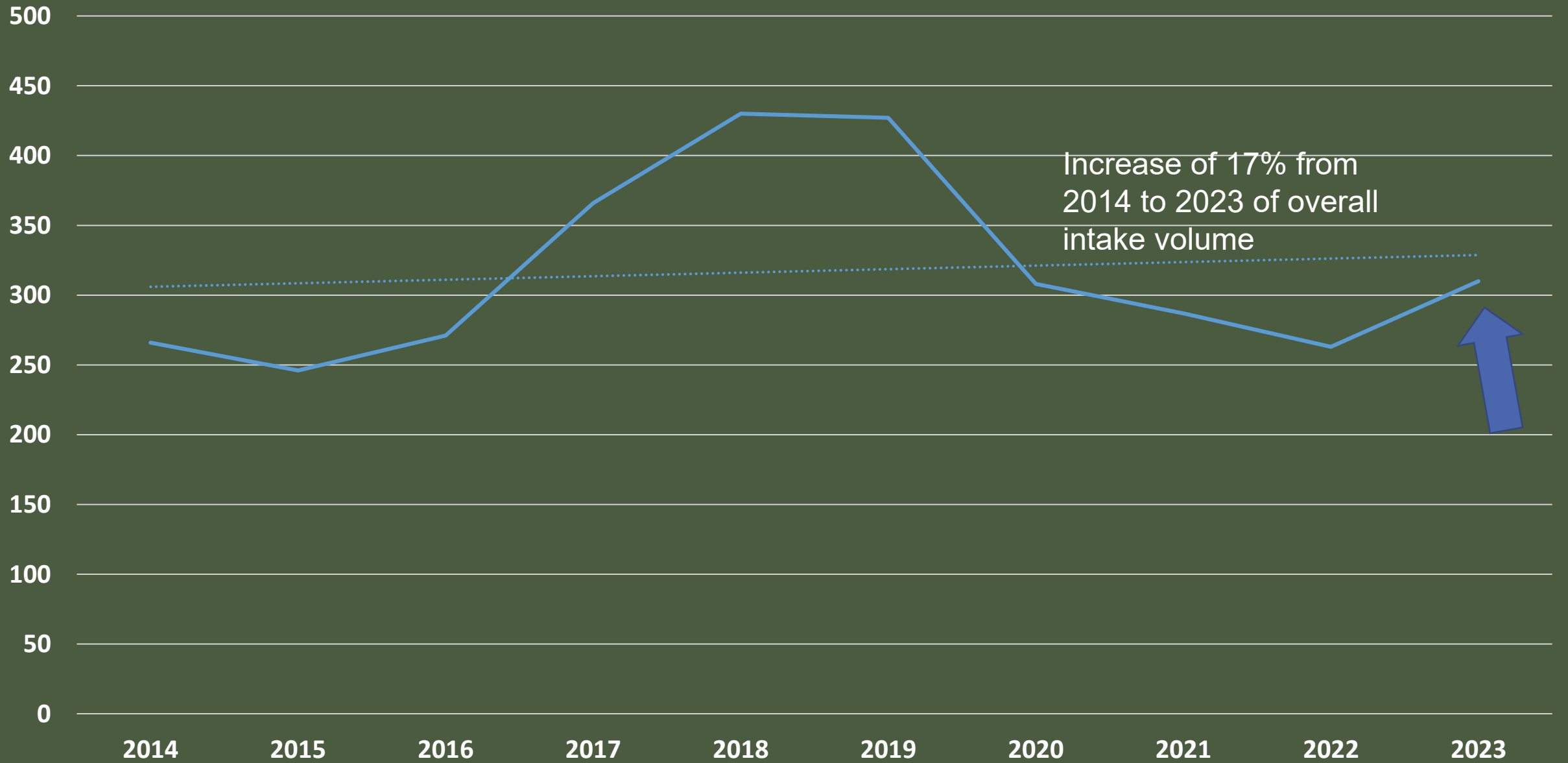
NELSON INTAKES

- The work of the Jefferson Area Community Criminal Justice Board (CCJB) for the past decade, has maintained a focus on safely and responsibly reducing jail population associated with non-violent and technical violations while maintaining community safety by utilizing the jail to hold individuals associated with more serious or violent crimes.
- Intakes – individuals booked into the jail. Individuals may have multiple charges at each intake.
- Black individuals are booked at a rate of 38.41 per 1,000 people. White individuals are booked at a rate of 19.89 per 1,000 people. Black individuals are 1.93 times more likely to be booked than White individuals.
- The overall intake rate is 21 per 1,000 individuals for Nelson-responsible inmates booked at ACRJ
- The average age of inmates entering the jail has risen over the past decade and is now 38.7 years.
- The method for classifying Hispanics was altered in 2013, in keeping with CORIS/VCIN. Unable to match year-over-year Hispanic inmate population using existing data.

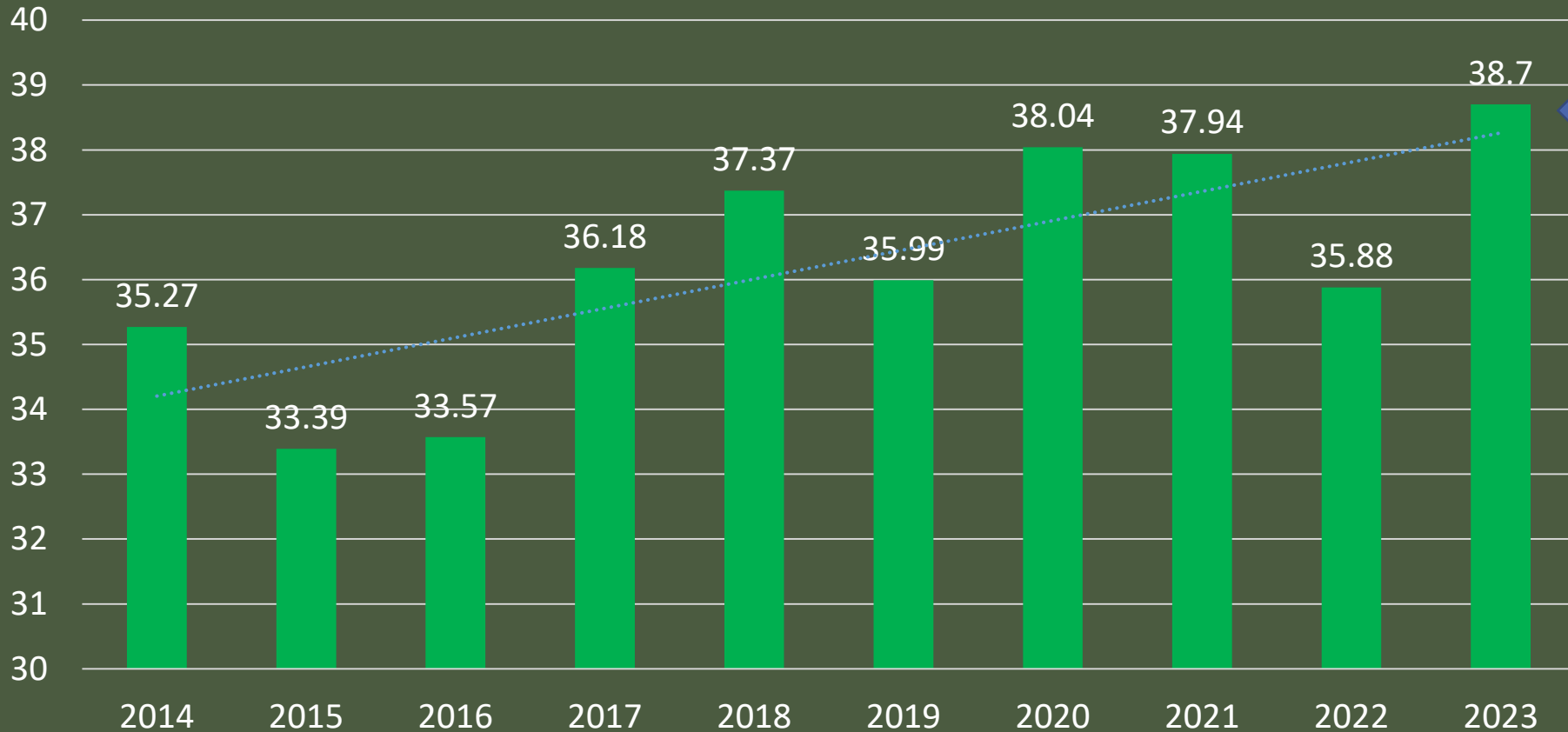
NELSON INTAKES

- Inmate numbers showed year-over-year increases from 2017-2019 before dropping in 2020 to correspond with the onset of the COVID-19 pandemic.
- Nelson intake volume in 2023 remains lower than pre-pandemic numbers.
- However, the percent change from 2014 to 2023 of the number of Nelson-responsible inmates entering ACRJ increased by 17%.
- From 2014 to 2023 reported weapons incidents rose 117%, while reported assault incidents in the county increased by 90%.²
- From 2014 to 2023, intakes of Black ACRJ inmates rose 42%, while intakes of White inmates rose only 12%.
- Intake volume among female inmates increased 100% (n=31 in 2014 to n=62 in 2023), with a 6% increase observed among male inmates.
- Although increases in total intake volume was observed 2014 to 2023, ages 50+ and ages 30-39 are the only two age groups that showed a percent increase in the time period.
- Ages 30-39 represent 37% of total Nelson-responsible inmates in 2023 (96 White, 19 Black, 0 Other), representing the largest age group at the jail.

Nelson Intakes



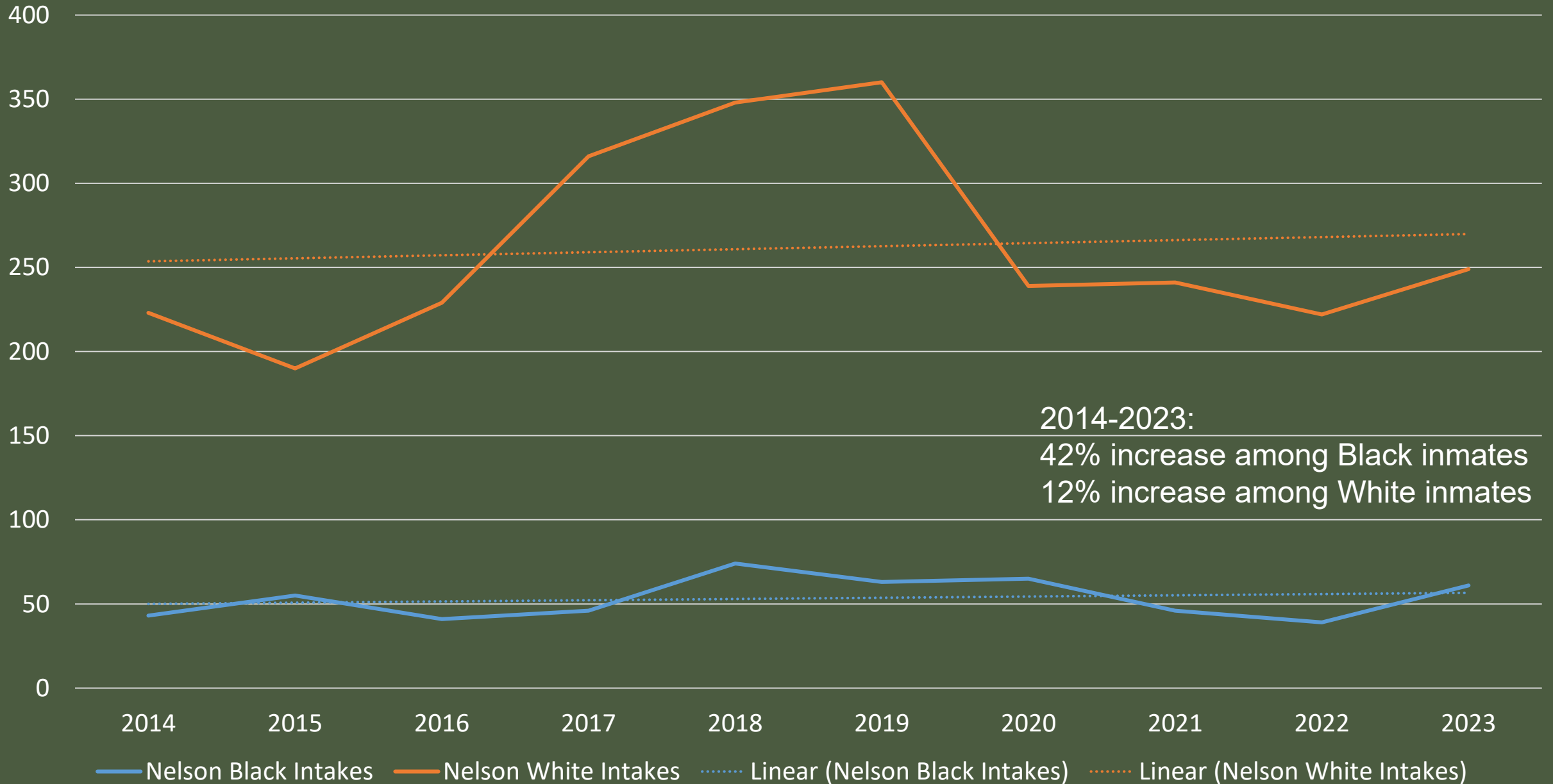
Nelson Average Age at Intake



Ages 30-39 represent 37% of total Nelson-responsible inmates in 2023 (96 White, 19 Black, 0 Other), representing the largest age group at the jail.

The average age of individuals booked into the jail shows an upward trend.

Nelson Intakes by Race

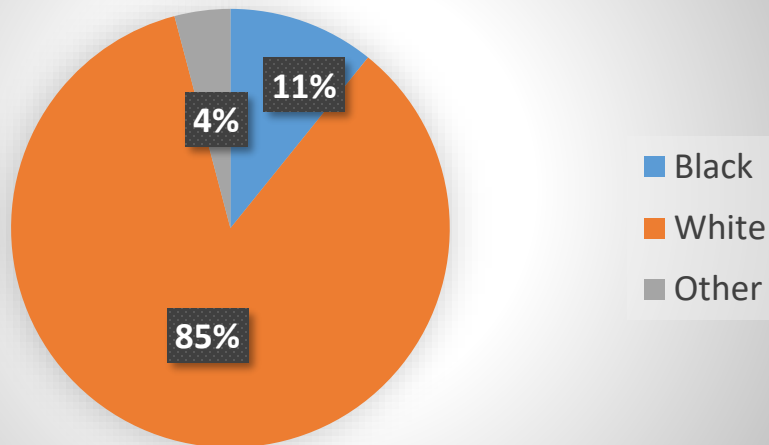


NELSON INTAKES BY RACE

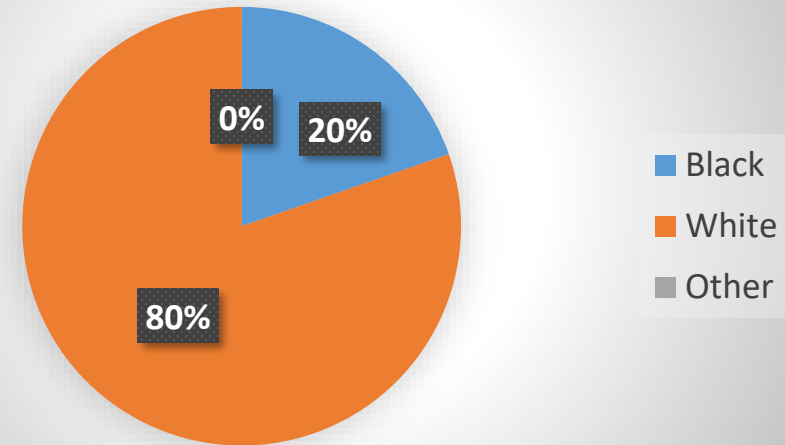
- Nelson Population: 14,705
- Black: 1,588
- White: 12,513
- Other: 604

- Total Intakes: 310
- Black: 61
- White: 249
- Other: 0* (no data)

Nelson Population



Nelson ACRJ Intakes in 2023



NELSON INTAKES BY RACE: 2023

- Nelson Population: 14,705
- Black: 1,588
- White: 12,513
- Other: 604
- Inmate Population: 310
- Black: 61
- White: 249
- Other: 0* (no data)

$$\text{Black Intake} = \left(\frac{\text{Number of Black intakes}}{\text{Total Black population in the county}} \right) \times 1000$$

$$\text{White Intake} = \left(\frac{\text{Number of White intakes}}{\text{Total White population in the county}} \right) \times 1000$$

$$\text{Likelihood Ratio} = \frac{\text{Black Rate}}{\text{White Rate}}$$

Black individuals in 2023 were approximately **1.93 times** more likely to be booked compared to White individuals, based on these intake rates.

NELSON INTAKES BY RACE: 2023

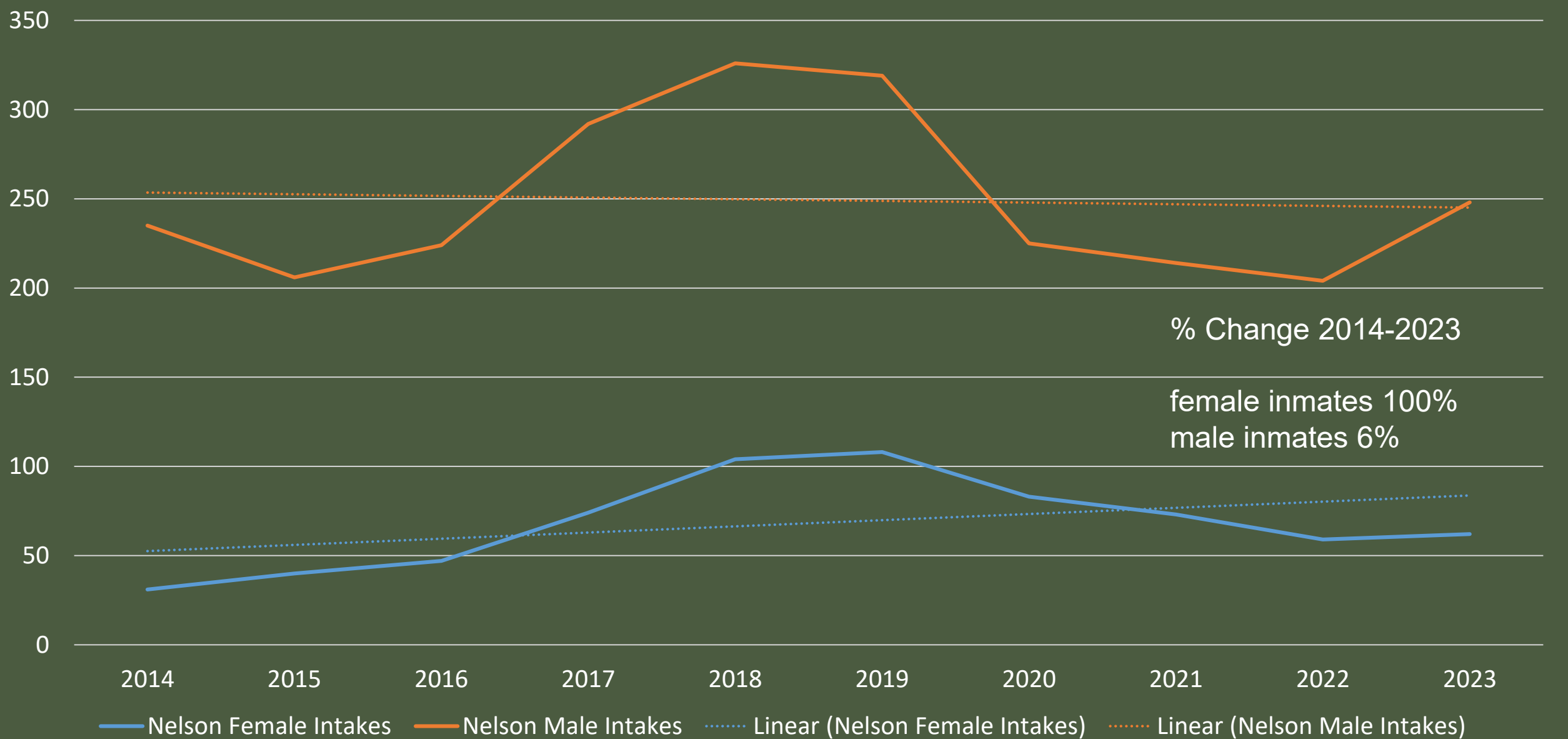
Key Insights from the Data:

- Jail contact rates by race: how many individuals from specific racial groups entered the jail over the year, allowing for an approximate rate of jail contact relative to their presence in the general population.
- With Black residents making up a smaller percentage of the general population but a higher relative proportion of the annual jail bookings, there is possible overrepresentation.
- This disproportionality can serve as a starting point to investigate potential contributing factors.

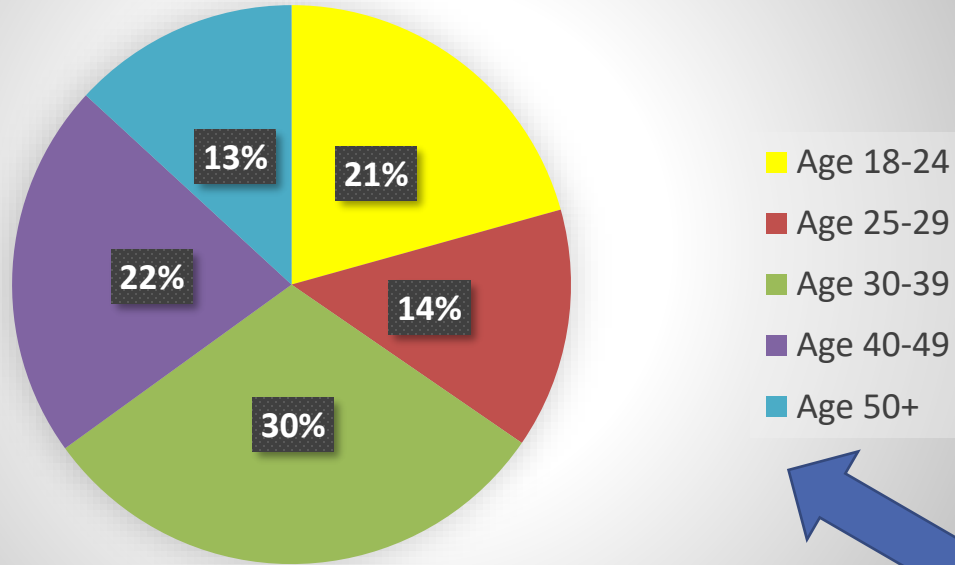
Limitations and Missing Context:

- While the data reveals disproportionate booking rates, several important questions remain unanswered:
- Seriousness of the crime committed? Comparing cohorts of similar crime offenses could help identify if Black and White individuals are booked at a similar rate for similar crimes.
- Number of charges per booking? Examining the number of “stacked” charges per intake event could indicate whether specific groups are more likely to be booked on multiple charges, potentially affecting length of stay and subsequent outcomes.
- Criminal history? Prior criminal history can influence sentencing and length of stay, particularly if individuals are on probation or parole.
- Contributing factors beyond race? Factors such as **socioeconomic status, education level, employment status, and community arrest patterns** can also contribute to jail bookings. Exploring these could help determine if race alone explains the disparities or if it intersects with other variables.

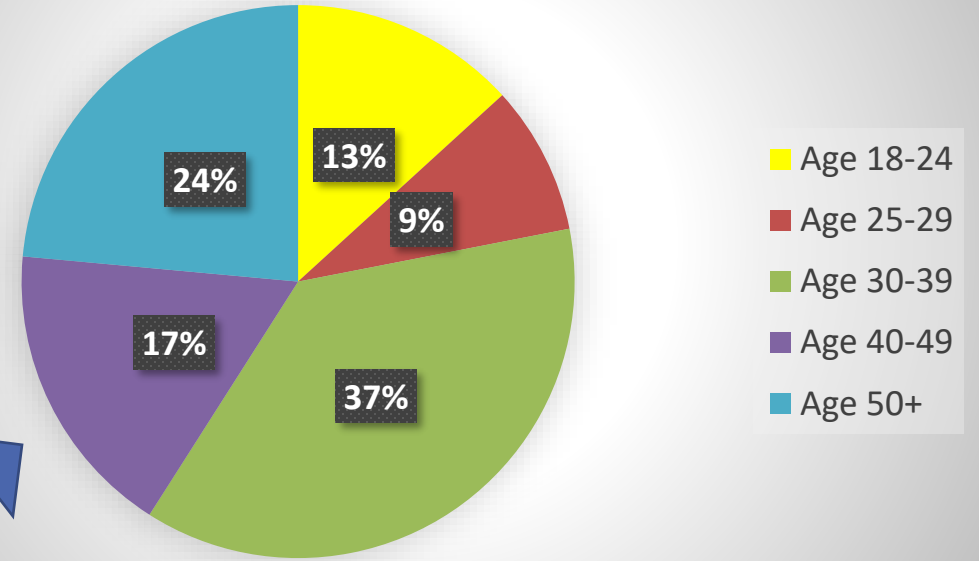
Nelson Intakes by Gender



2014 Intakes by Age Group



2023 Intakes by Age Group



Age groups as a percentage of total Nelson-responsible inmates

2023 Intake percentages by age group: - Any major shifts from ten years ago?

Age 30-39 is now 37% of yearly intake volume

Age 50+ is now 24% of yearly intake volume

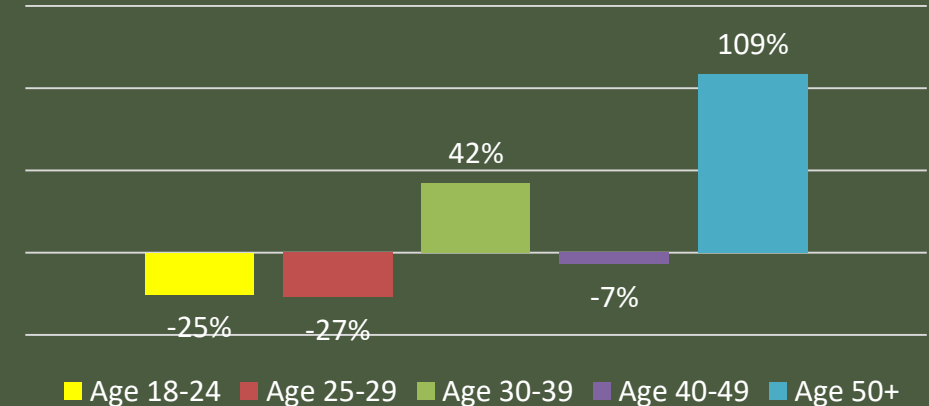
Inmate proportion of ages <30 has shrunk

Inmate proportion of ages 30-39 has grown

Inmate proportion of ages 40-49 has shrunk

Inmate proportion of ages 50+ has grown

Percent Change in Nelson Intakes by Age Group (2014-2023)



What has caused this shift in the past ten years?

Criminal Justice Reforms and Diversion Programs

Diversion programs for first-time offenders and minor crimes, particularly for those under 30, steering individuals toward rehabilitation, probation, or community service instead of incarceration.

Specialty Dockets that focus on reducing incarceration in favor of community supervision and counseling programs.

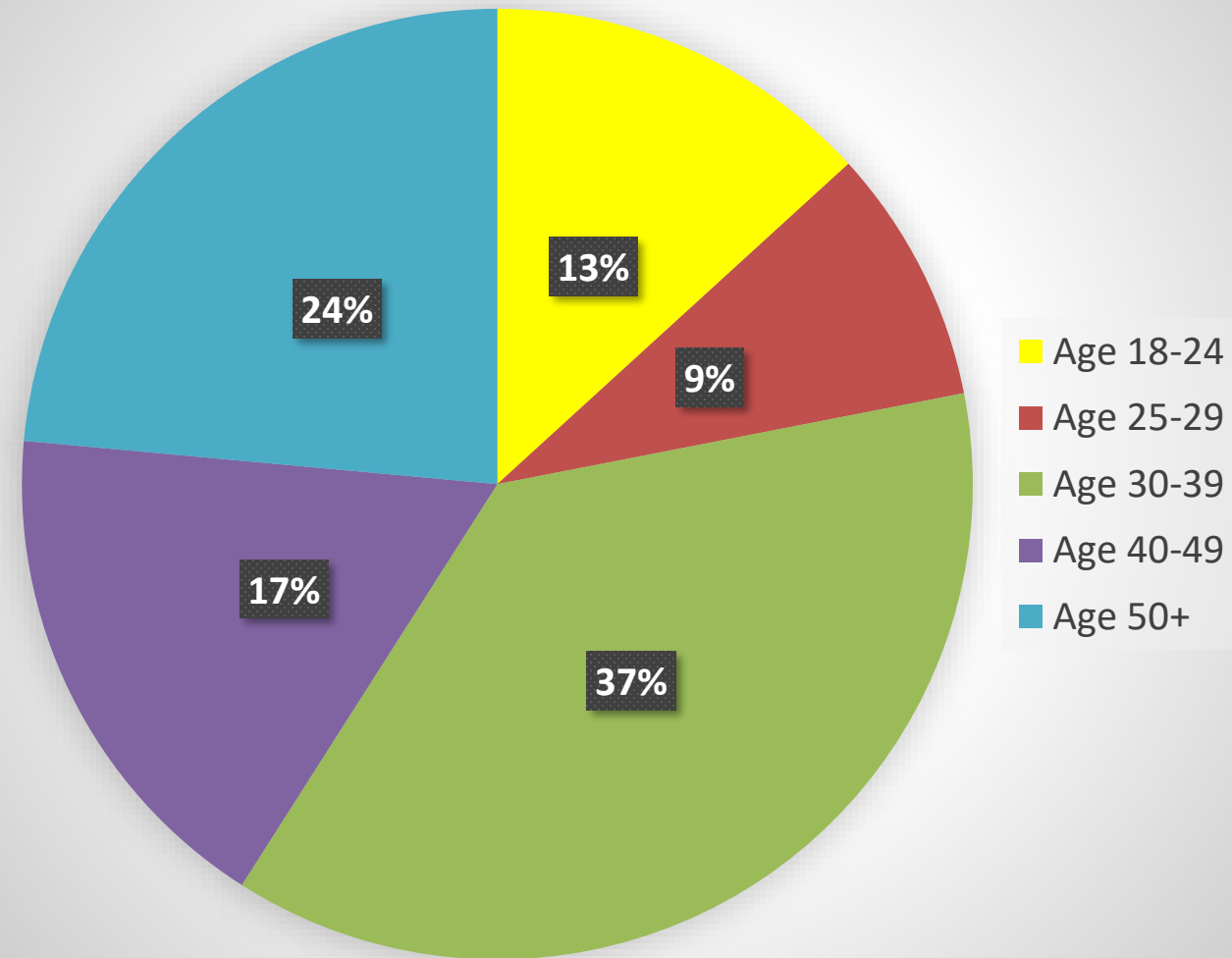
Impact on Older Individuals: while diversion programs may target younger populations, older individuals may not benefit as much from these reforms, particularly if their offenses involve repeat crimes or more serious offenses.

Mental Health and Substance Abuse Treatment

Younger Individuals Receiving More Treatment: There has been a growing emphasis on identifying need and providing mental health and substance abuse treatment for younger populations to prevent them from entering the criminal justice system. Programs for mental health diversion could be contributing to reducing the number of intakes for those under 30.

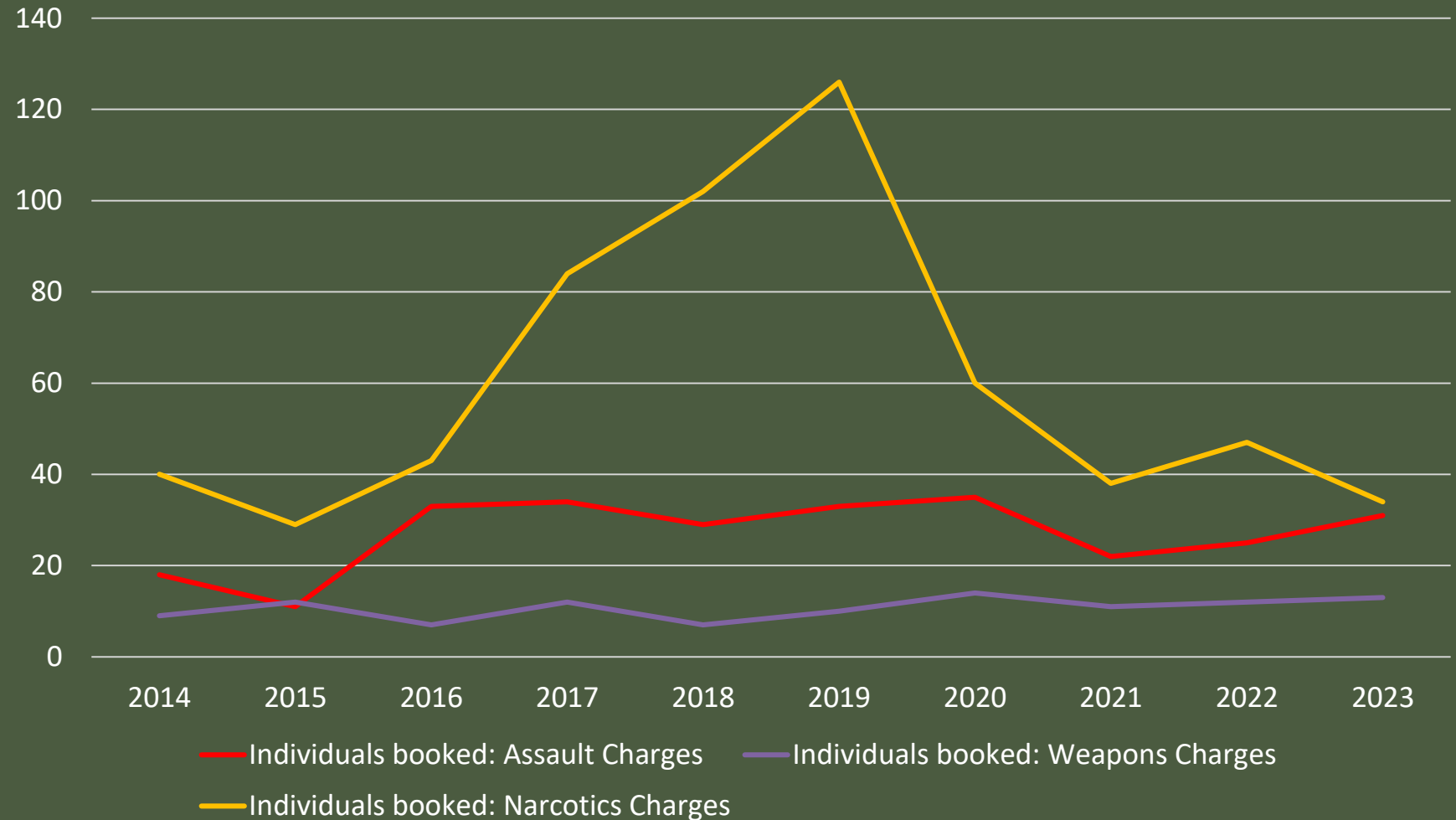
Untreated Mental Health Issues in Older Individuals: In contrast, older individuals may be less likely to receive timely mental health or substance abuse intervention, leading to increased jail intakes, particularly if their offenses are related to untreated conditions.

2023 Intakes by Age Group

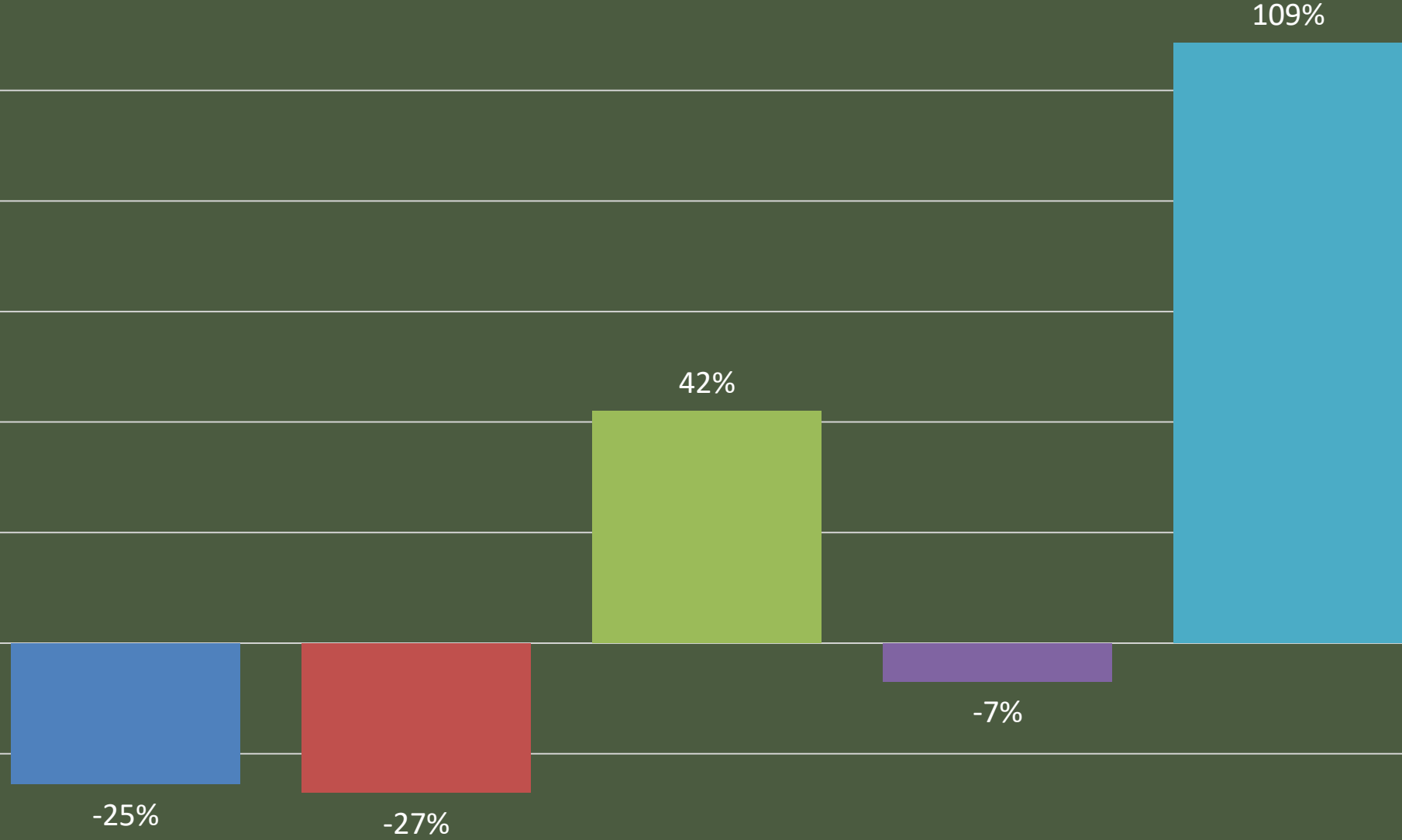


INDIVIDUALS BOOKED: ASSAULT, WEAPONS, AND NARCOTICS CHARGES

- Individuals booked with assault charges represent 10% of Nelson-responsible jail volume.
- Narcotics represents 11%
- Weapons represents 4.2%



Percent Change in Nelson Intakes by Age Group (2014-2023)



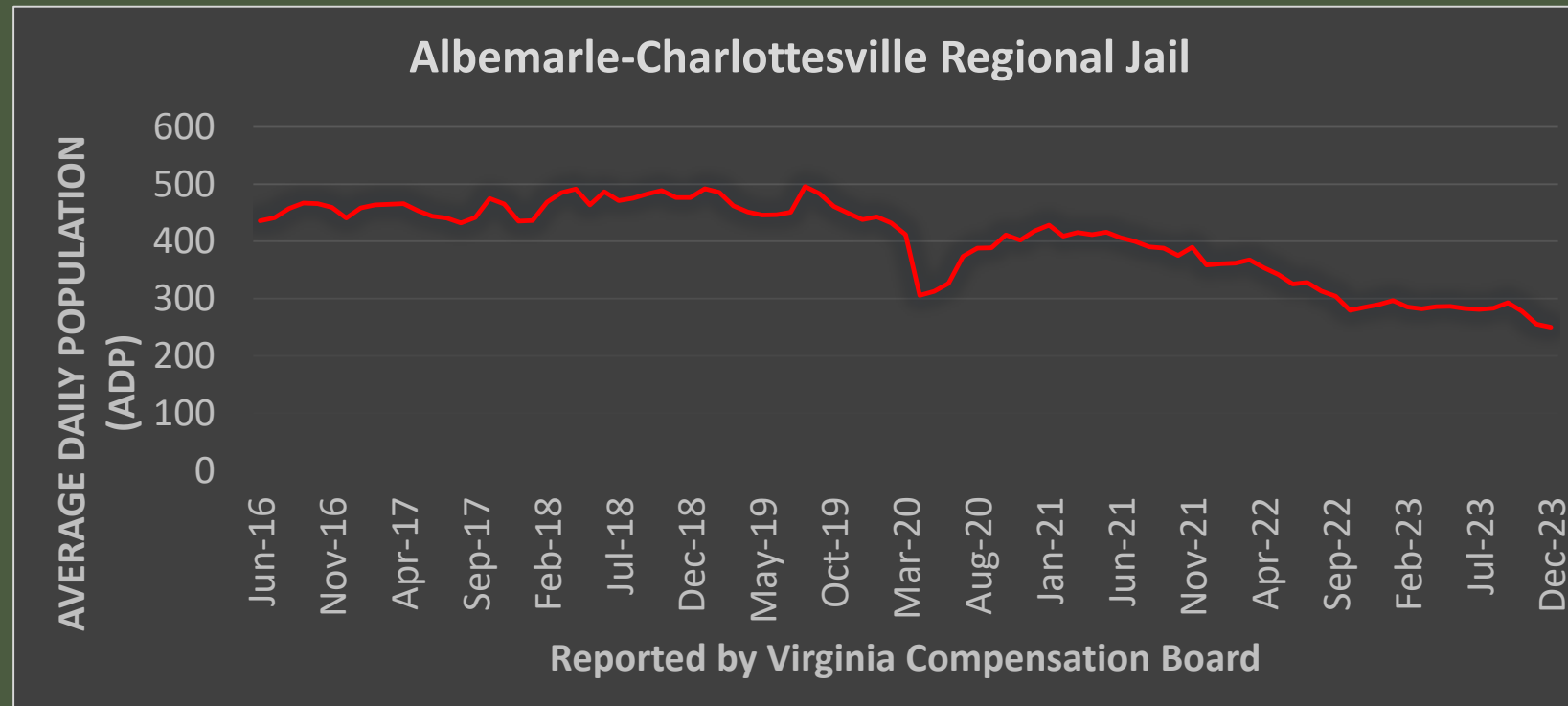
■ Age 18-24 ■ Age 25-29 ■ Age 30-39 ■ Age 40-49 ■ Age 50+

NELSON INTAKES SUMMARY

- The overall intake rate if individuals booked into ACRJ for Nelson County in 2023 is approximately 21.08 per 1,000 residents (for comparison 10.5 per 1,000 in Albemarle County).
- A disproportionate quantity of Black individuals are booked, compared to the county population of Black individuals. Black individuals are **1.93** times more likely to be booked at ACRJ compared to White individuals (for comparison the county of Albemarle likelihood ratio is **4.27**).
- The method for classifying Hispanics was altered in 2013, in keeping with CORIS/VCIN. Unable to match year-over-year Hispanic inmate population using existing data.
- Inmate proportion of ages <30 has shrunk
- Inmate proportion of ages >50 has grown, also ages 30-39 has grown
- Future analysis could look at ages >50 cohort, what can be done to reduce this demographic?
- Individuals booked with assault charges represent 10% of Nelson-responsible jail volume. This is an increase from 6.77% of jail volume in 2014.

AVERAGE DAILY POPULATION (ADP) & INCARCERATION RATES

- ADP is collected and reported by the Virginia Compensation Board and contains data back to June 2016. The Compensation Board does not report jurisdiction responsible for inmates, only jail totals. ⁴
- ADP is determined by taking the total number of **inmate days** (the sum of the number of incarcerated individuals for each day in the period) and dividing it by the number of days in that period.
- ACRJ ADP 2016 = 452
- ACRJ ADP 2023 = 250



AVERAGE DAILY POPULATION (ADP) & INCARCERATION RATES

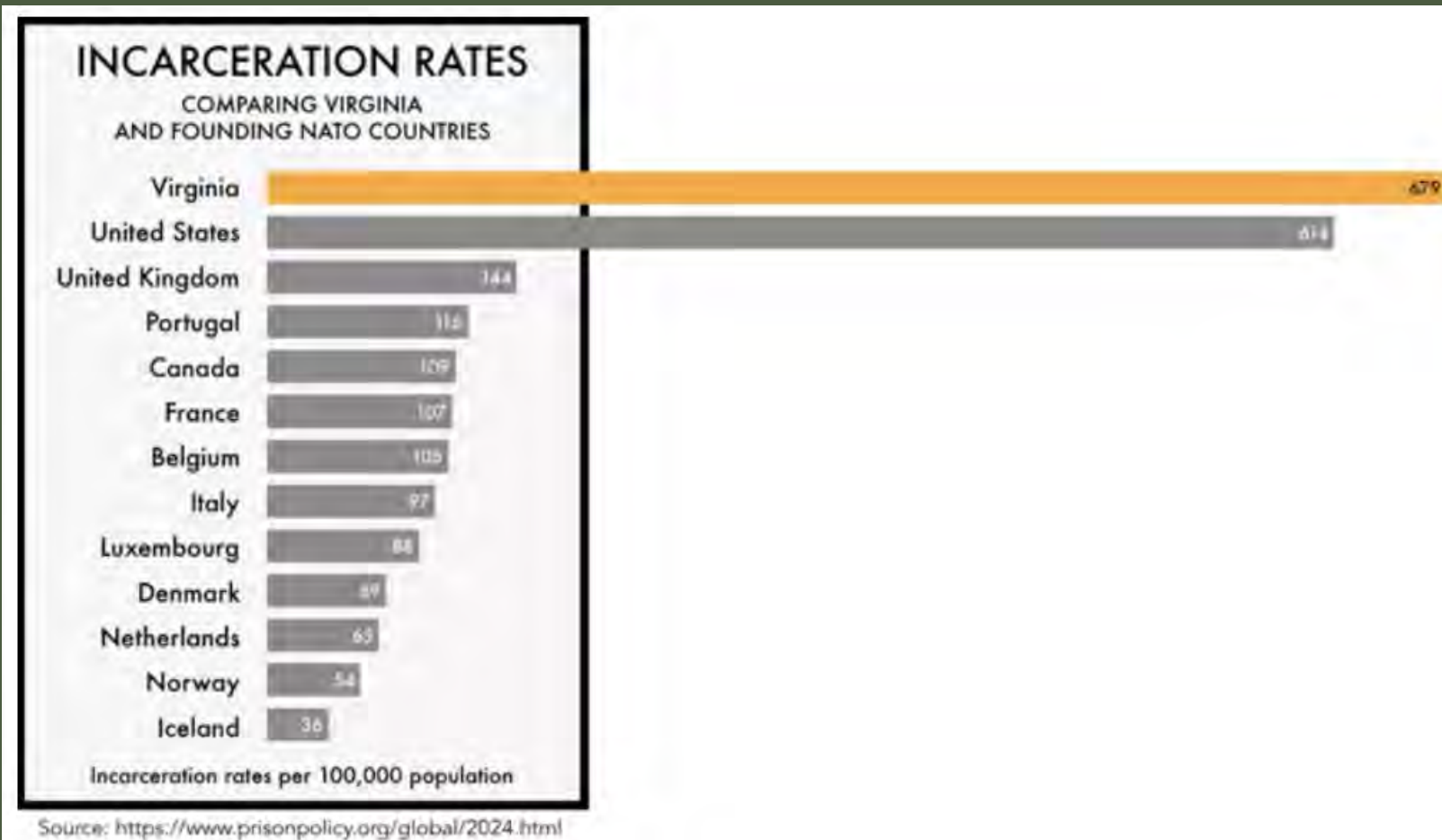
- ADP for all VA jails in 2023 = 19,765
- Incarceration Rate per 100,000: Uses the Average Daily Population (ADP). This provides a snapshot of the rate at which a population is incarcerated.

$$\text{Incarceration Rate} = \left(\frac{\text{ADP}}{\text{Total Population of the Region}} \right) \times 100,000$$

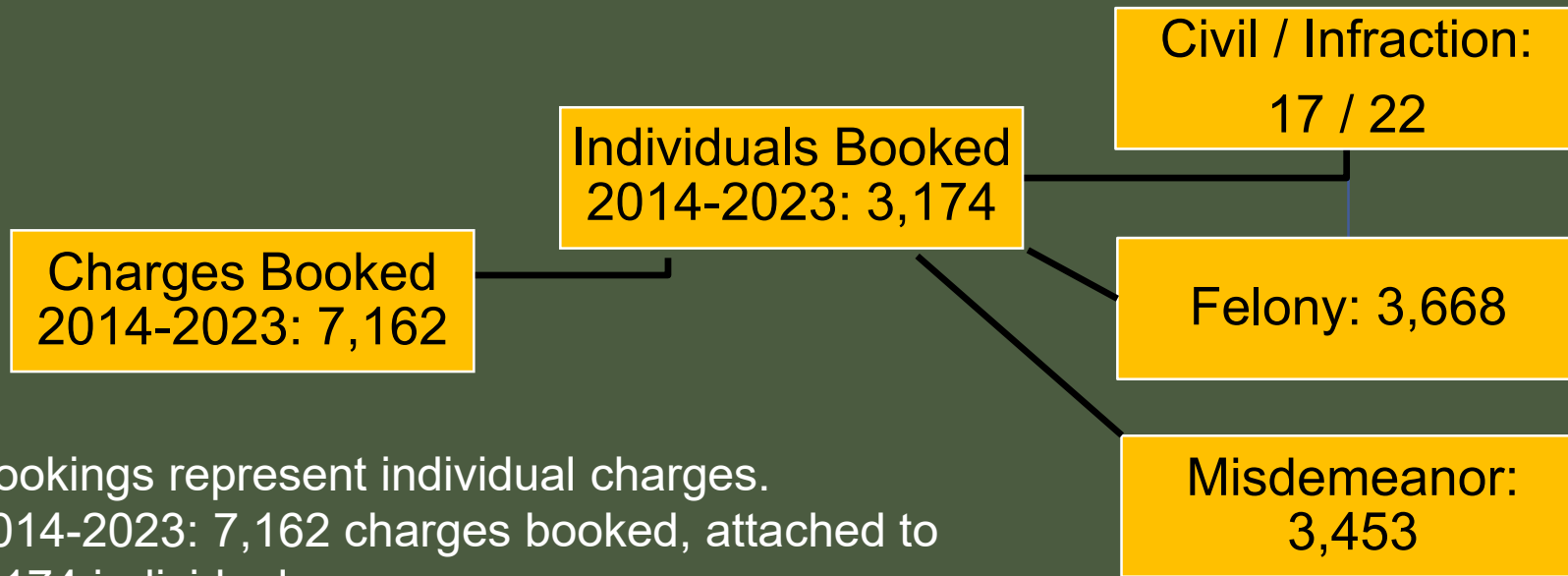
- ACRJ ADP 2023 = **280**
- ACRJ footprint Pop. 2023 (Albemarle, Charlottesville, Nelson) = **175,364**
- ACRJ Incarceration rate 2023 = **160**
- All Virginia jails incarceration rate 2023 = **226**
- *Does not differentiate local vs. state responsible inmates

AVERAGE DAILY POPULATION (ADP) & INCARCERATION RATES

- Virginia has an incarceration rate of 679 per 100,000 people (including prisons, jails, immigration detention, and juvenile justice facilities).⁵



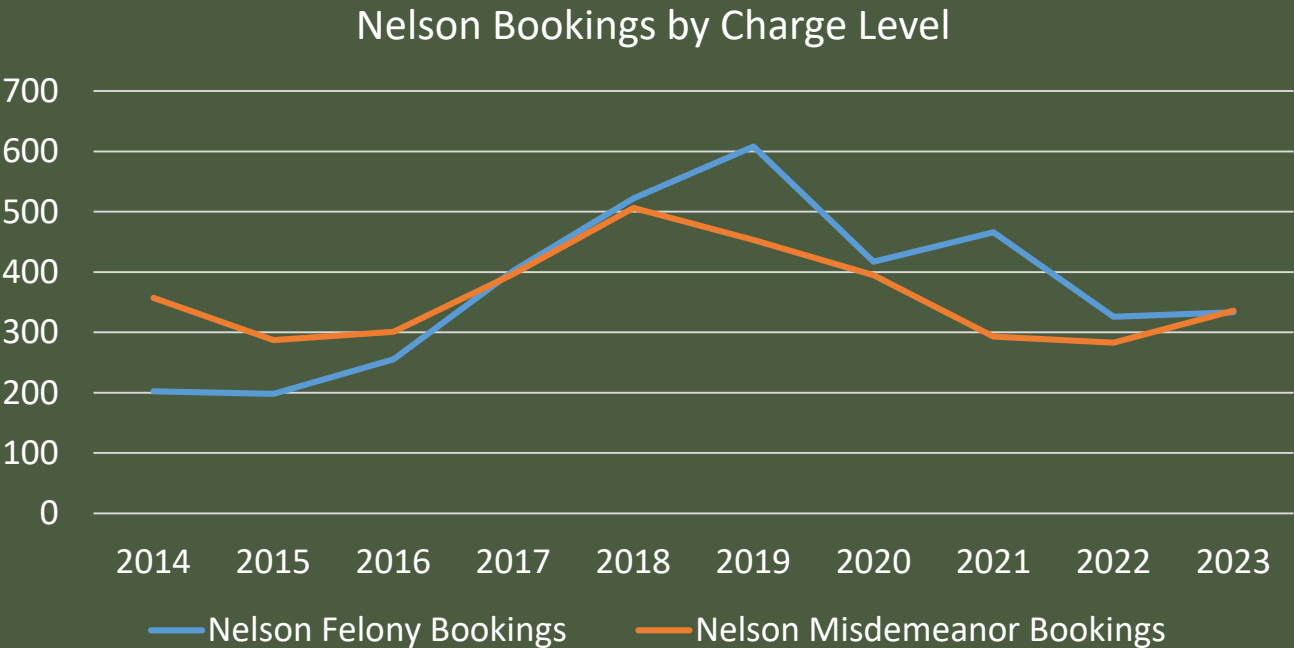
NELSON BOOKINGS (CHARGES)



Bookings represent individual charges.
2014-2023: 7,162 charges booked, attached to
3,174 individuals.

NELSON BOOKINGS (CHARGES)

- 2014-2023 N= 7,162 bookings into ACRJ from Nelson County
- Misdemeanor booking volume fell 6% from 2014 to 2023, with a 65% rise in felony bookings over the ten-year period.

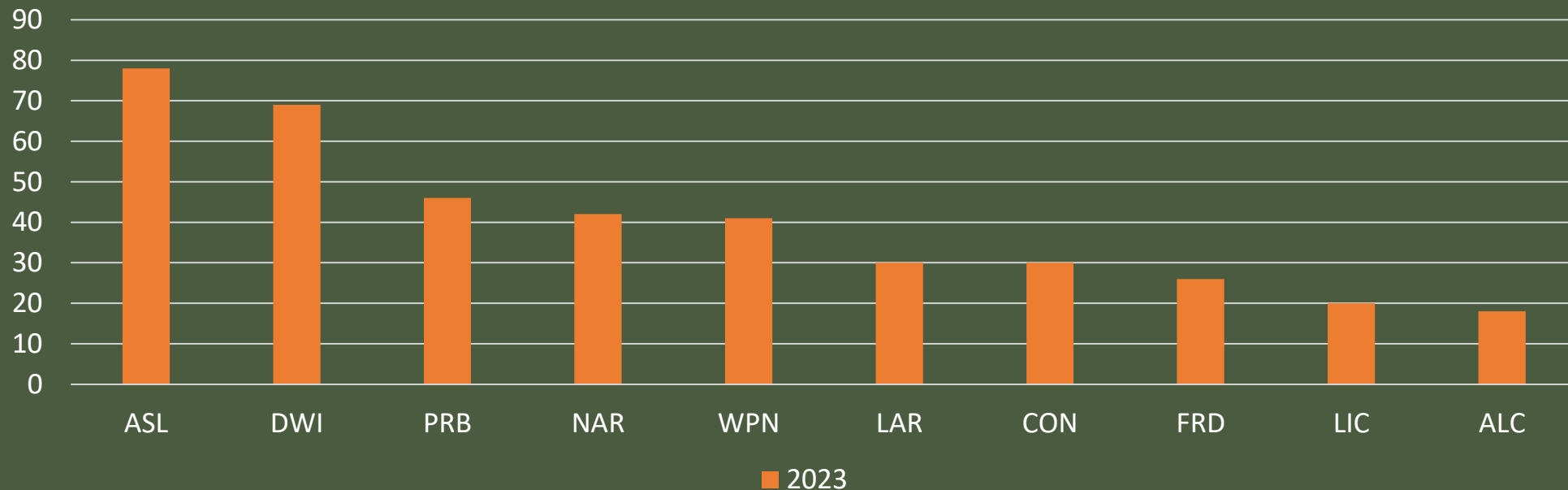


2014-2023	
Civil	17
Felony	3,668
Infraction	22
Misdemeanor	3,453
(blank)	2
Grand Total	7,162

NELSON BOOKINGS (CHARGES)

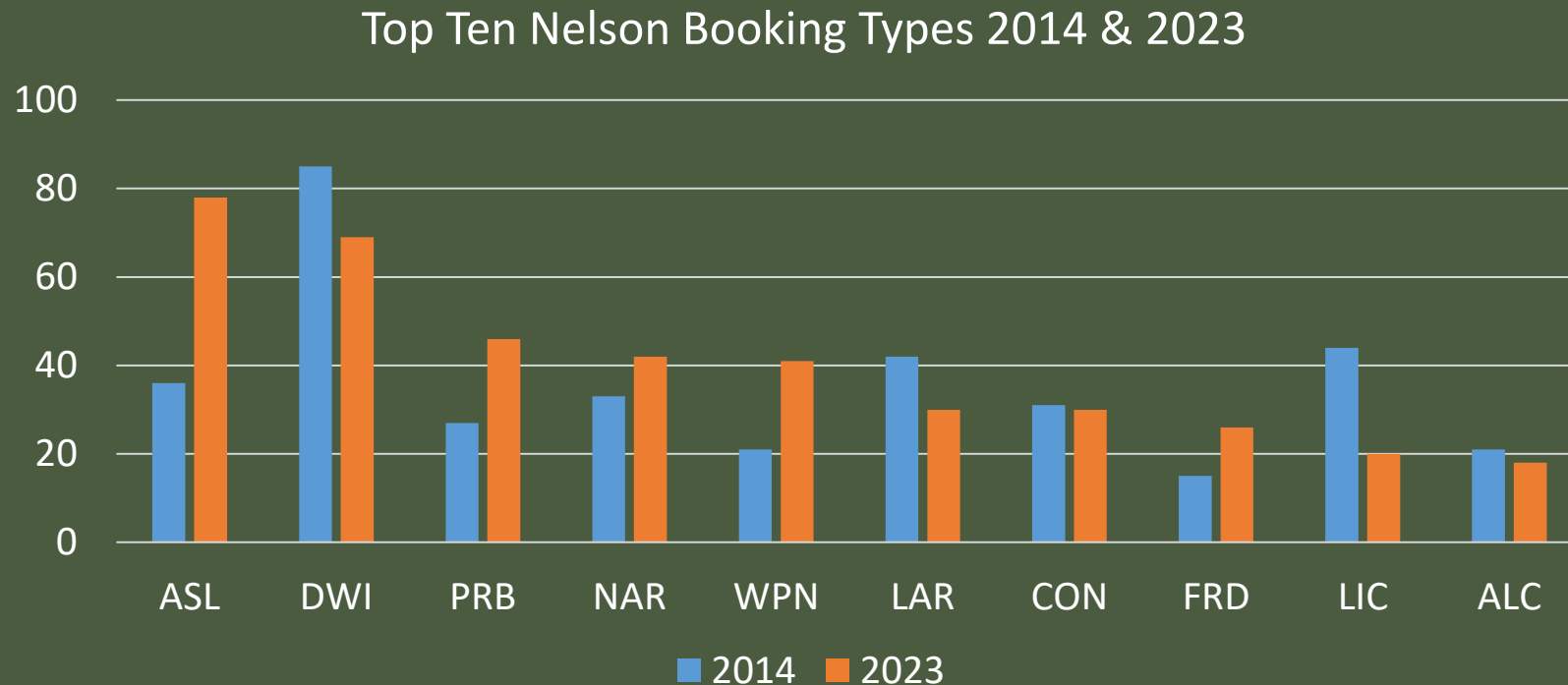
- The top ten Nelson charge types by booking volume, from highest to lowest (**2023**) were assault, DWI, probation violations, narcotics, weapons violations, larceny, contempt (FTA), fraud, drive - license revoked, and alcohol (intoxicated in public, includes other drugs).

Top Ten Nelson Booking Types 2023



NELSON BOOKINGS (CHARGES)

- The top ten Nelson charge types by booking volume, from highest to lowest (**2023**) were assault, DWI, probation violations, narcotics, weapons violations, larceny, contempt (FTA), fraud, drive - license revoked, and alcohol (intoxicated in public, includes other drugs).



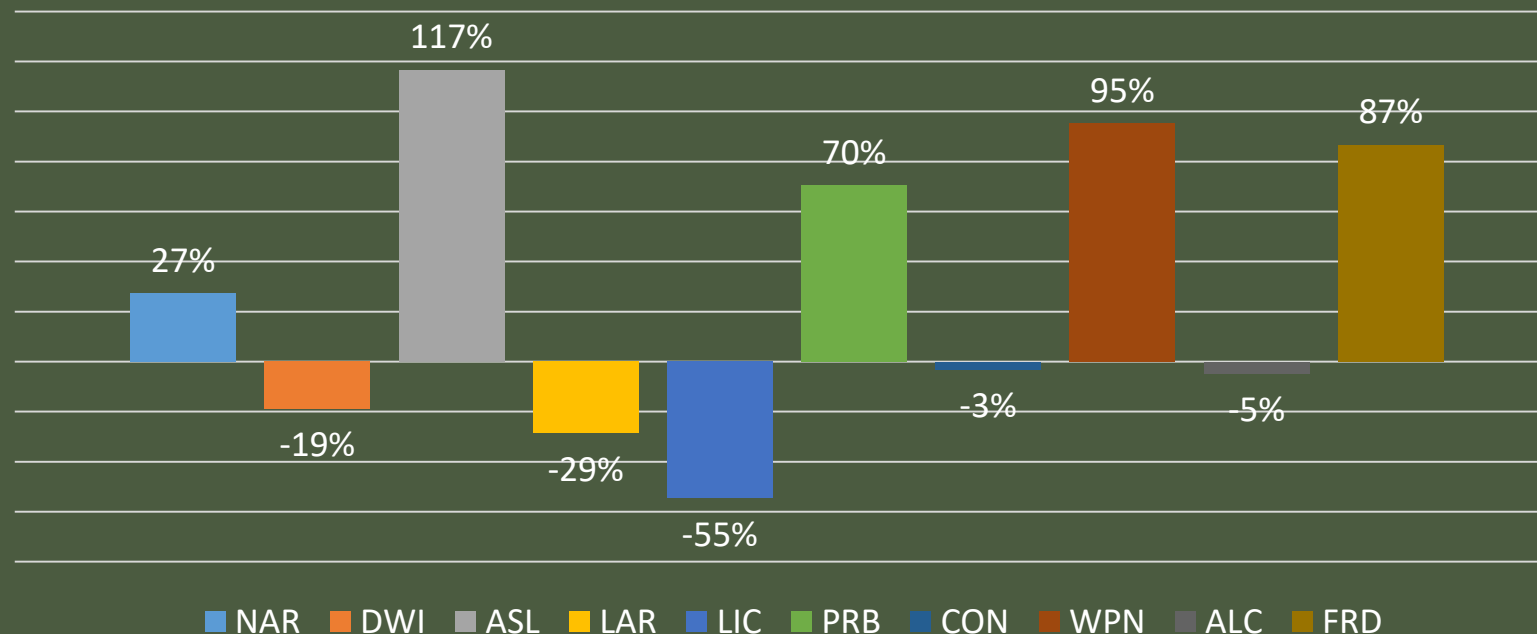
How does 2023
compare to 2014?

NELSON: COMMUNITY BOOKING PROFILE 2014-2023

- Weapons +95%
- Assault +117%
- Narcotics +27%
- Probation Violations +70%
- Fraud +87%

- DWI -19%
- Larceny -29%
- Drive suspended -55%
- Contempt -3%
- Alc/Obs (Intoxicated in public) -5%

% Change in Top Ten Nelson Booking Types (2014 to 2023)



NELSON: COMMUNITY BOOKING PROFILE 2014-2023

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Nelson Bookings - Total	564	489	560	816	1051	1091	836	779	629	646
Percent Assault Bookings	6.38%	6.75%	13.93%	10.05%	7.33%	7.15%	10.89%	10.40%	10.02%	12.07%
Percent DWI Bookings	15.07%	19.84%	10.18%	9.19%	12.18%	6.97%	9.09%	5.78%	9.70%	10.68%
Percent Probation Violation Bookings	4.79%	4.70%	2.86%	6.37%	7.61%	7.97%	6.58%	6.93%	9.54%	7.12%
Percent Narcotic Bookings	5.85%	13.91%	11.79%	18.38%	15.98%	19.34%	11.60%	10.53%	10.02%	6.50%
Percent Weapons Bookings	3.72%	4.70%	4.29%	4.78%	5.99%	5.59%	4.90%	5.65%	7.15%	6.35%
Percent Larceny Bookings	7.45%	6.75%	8.57%	7.84%	5.99%	7.97%	5.50%	12.07%	7.79%	4.64%
Percent Fraud Bookings	2.66%	3.27%	3.39%	3.92%	4.09%	3.76%	3.23%	3.21%	2.70%	4.02%
Percent Contempt Bookings	5.50%	3.89%	5.18%	3.80%	4.47%	5.87%	4.55%	4.62%	5.09%	4.64%
Percent License Violation Bookings	7.80%	6.13%	6.61%	5.88%	4.00%	5.13%	5.86%	2.31%	2.70%	3.10%
Percent Alcohol/OBS Bookings	3.72%	4.09%	3.93%	4.66%	3.52%	2.11%	2.27%	1.80%	1.11%	2.79%
Percent of Bookings Represented by Top-Ten Charges	62.94%	74.03%	70.71%	74.88%	71.17%	71.86%	64.47%	63.29%	65.82%	62.54%

- This provides a snapshot of high-frequency area crime that is booked into ACRJ, and changes over time

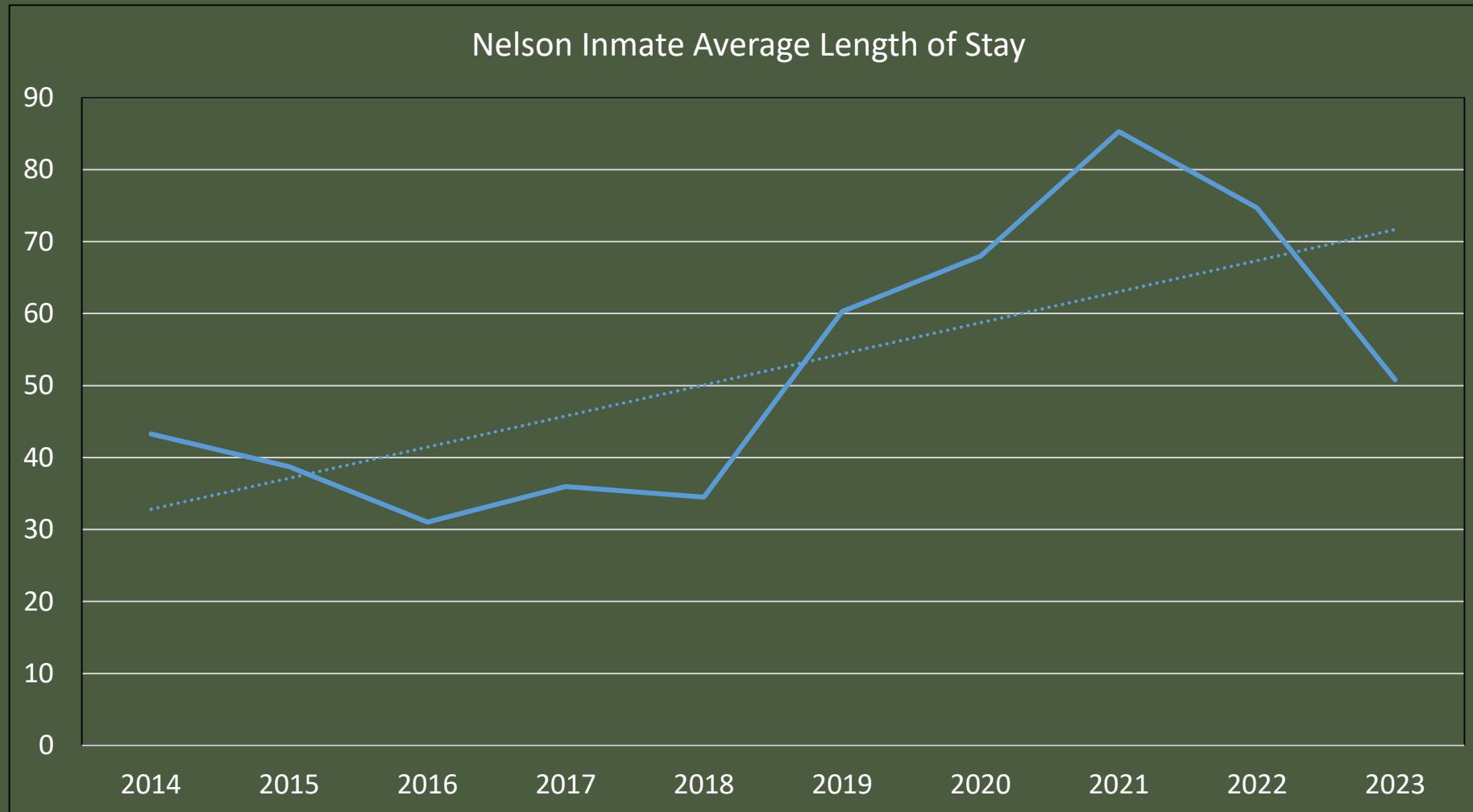
NELSON BOOKINGS (CHARGES)

- Bookings for probation violations increased 70% since 2014. There were 27 Nelson-responsible probation violation (PV) bookings at ACRJ in 2014, compared to 46 in 2023 (n=40 felony PV and n=6 misdemeanor PV). PV's represent 7.12% of total 2023 Nelson-responsible bookings
- The 41 weapons charges in 2023 were attached to 18 unique individuals (2 Black, 39 White). The weapons charges in 2023 are represented primarily by individuals over 40:
 - Ages 27-39: n=5
 - Ages 40+: n=13
- It is noteworthy that the majority (n=14) of the weapons offenses are due to possession of a firearm by a felon.
- Assault charges have increased dramatically both felony (n=39) and misdemeanor (n=39) bookings. The top five assault charges booked:
 - Domestic Assault – Simple: n=28 (misdemeanor)
 - Domestic Assault 3rd + Offense n=12 (felony)
 - Simple Assault - Citizen n=10 (misdemeanor)
 - Malicious Wounding Attempt n=6 (felony)
 - ASSAULT: ON LAW ENF/JUDGE/DOC/FIRE/EMERG PERSON n=6 (felony)

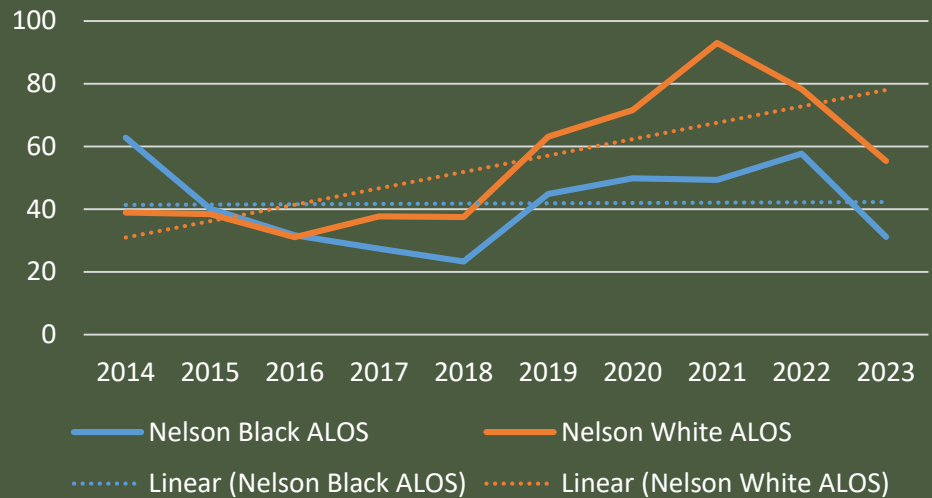
NELSON INMATE LENGTH OF STAY (LOS)

- Nelson sentenced individuals serve a range of time at the jail, known as length of stay. On the high end of that range is 1,168 days for an individual booked with a misdemeanor larceny: second conviction.
- Length of stay is calculated by subtracting the release date from the booking date and is filtered by release date.
- The average (mean) length of stay (ALOS) comparing the ten year period changed from 43.26 days in 2014 to 50.79 days in 2023. This is an increase of 17%.
- The most repeated (mode) length of stay of the 3,174 (2014-2023) Nelson-responsible intakes is 2 days.
- The largest percent increase in ALOS occurred in White inmates with a 42% increase in ALOS from 2014-2023, compared to a 50% decrease observed among Black inmates.
- Black inmates in 2023 served significantly less days on average (31 days) than did White inmates (55 days).
- The average length of stay rose 23% among male inmates and fell 1% among female inmates.
- Increase in average length of stay was observed in the 25-39 age categories, all other age categories showed a decrease in ALOS.

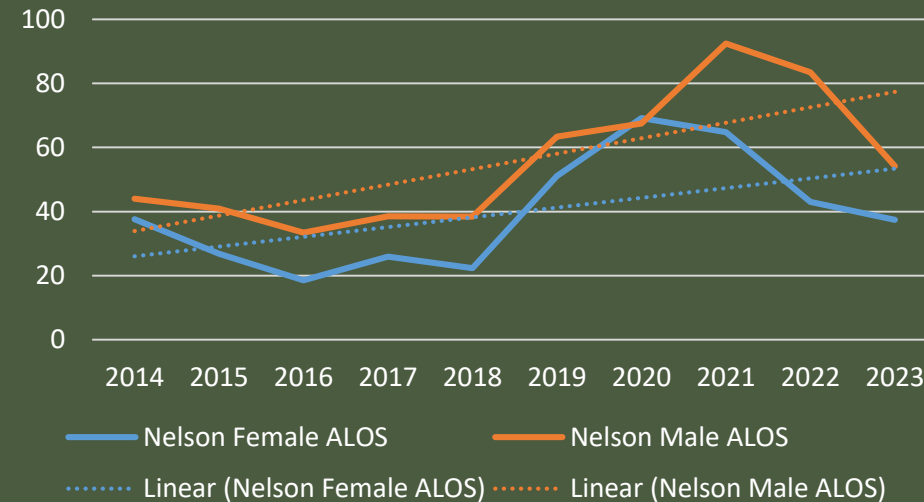
NELSON INMATE AVERAGE LENGTH OF STAY (ALOS)



Nelson Average Length of Stay by Race



Nelson Average Length of Stay by Gender

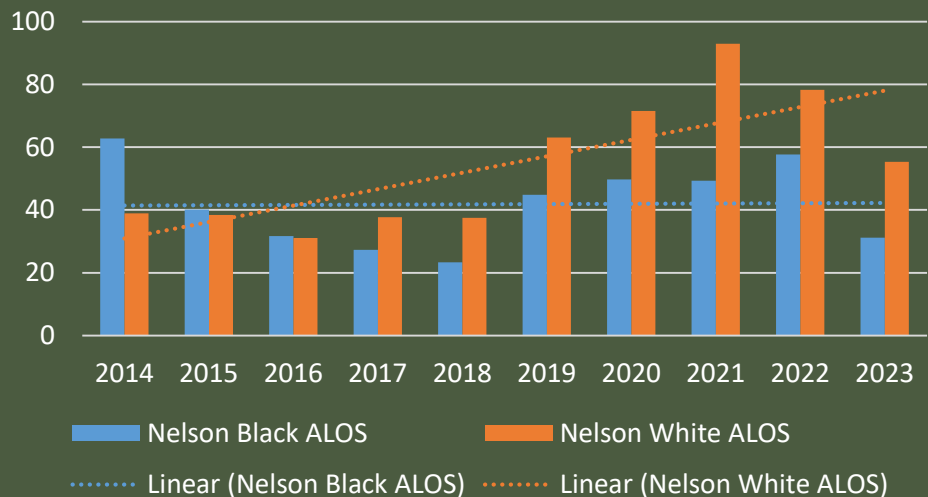


ALOS – by race and gender; 2 visualizations of the same data.

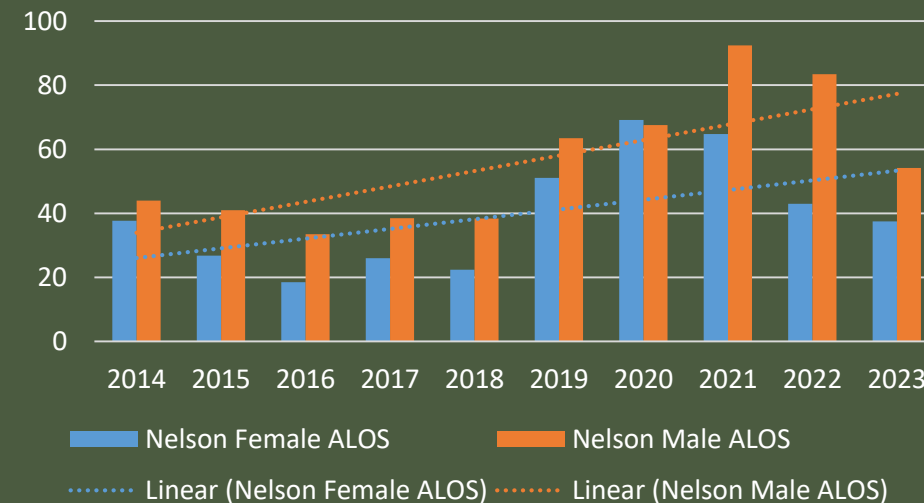
White individuals now have a longer ALOS.

Disproportionality has increased in gender ALOS comparison.

Nelson Average Length of Stay by Race



Nelson Average Length of Stay by Gender



NELSON INMATE AVERAGE LENGTH OF STAY (ALOS)

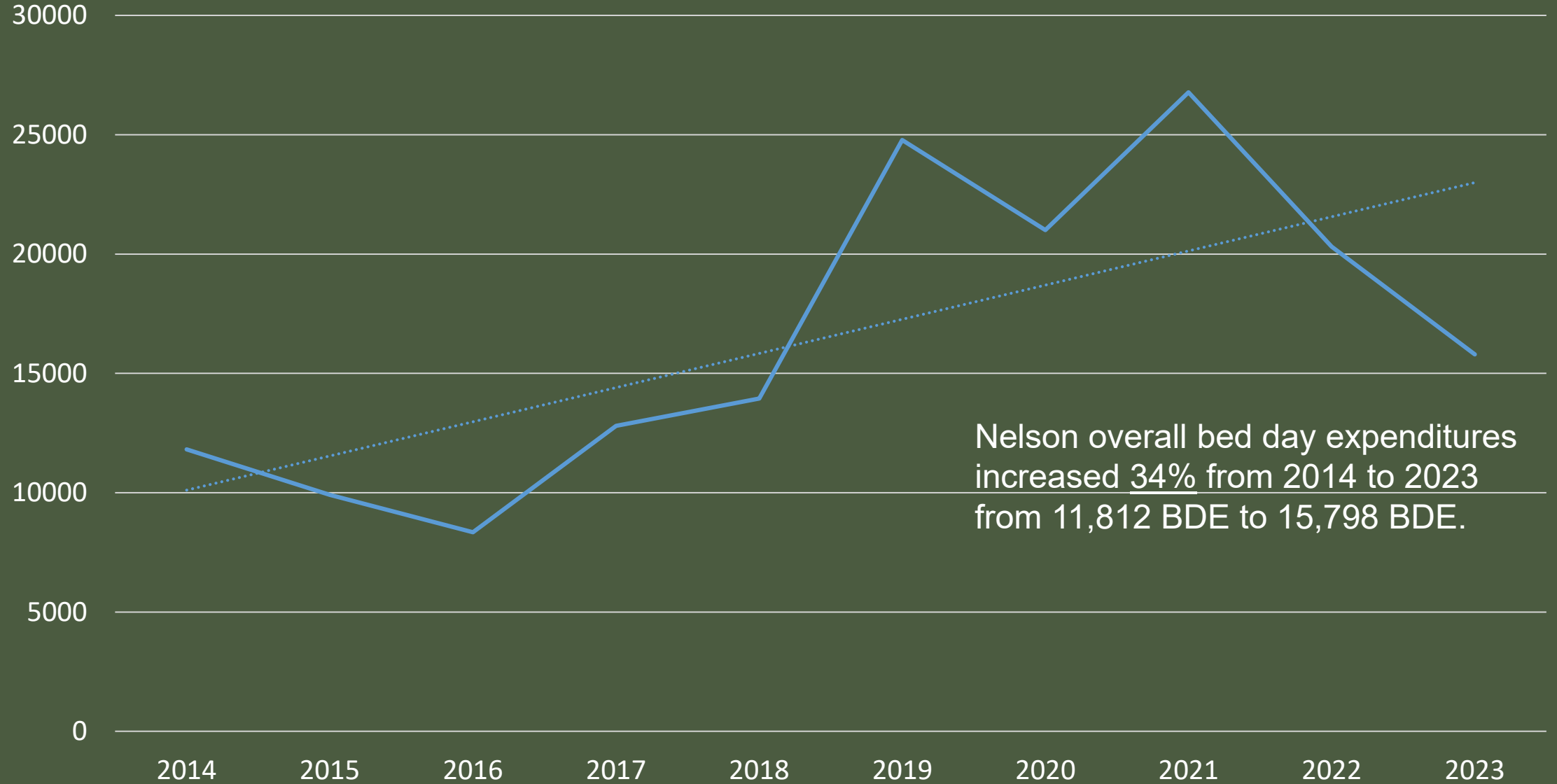
- By age group over a ten-year period, a broad picture.

Nelson County	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	% Change 2014-2023
Age 18-24 ALOS	48.5	24.84	25.72	34.99	46.05	47.35	46.15	95.29	38.37	29.2	-40%
Age 25-29 ALOS	52.08	26.71	24.57	53.83	38.77	66.21	51.51	108.95	102.39	85.44	64%
Age 30-39 ALOS	32.87	35.85	27.19	34	24.78	52.95	66.1	81.48	74.19	60.49	84%
Age 40-49 ALOS	38.82	60.83	50.05	36.25	46.56	81.51	63.65	61.74	66.55	32.75	-16%
Age 50+ ALOS	52.66	60.09	39.42	21.76	25.91	53.6	100.49	89.47	105.29	44.62	-15%

NELSON BED DAY EXPENDITURES (BDE)

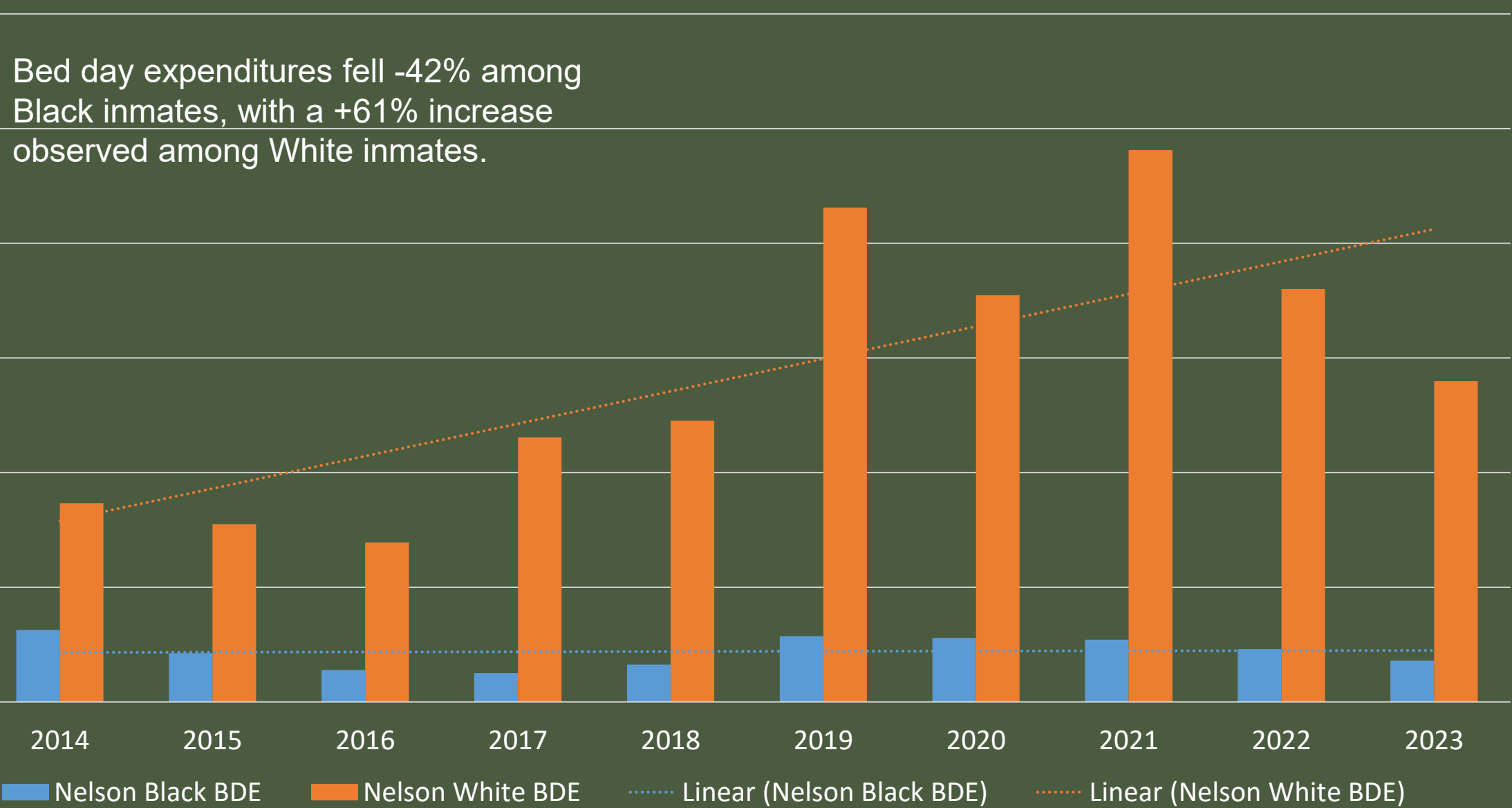
- BDE represents how many bed days are expended per inmate, per day.
- Nelson overall bed day expenditures increased 34% from 2014 to 2023 from 11,812 BDE to 15,798 BDE.
- Bed day expenditures fell -42% among Black inmates, with a +61% increase observed among White inmates.
- Bed day expenditures 2014-2023 increased by 96% among female inmates, compared to the 27% increase observed among males. Still, BDE is largely consumed by male inmates, as in other localities represented by ACRJ
- Bed day expenditures percent changes by age groups 2014-2023:
 - Age 18-24 BDE -62%
 - Age 25-29 BDE +26
 - Age 30-39 BDE +189%
 - Age 40-49 BDE -22%
 - Age 50+ BDE +54%

Nelson Inmate Bed Day Expenditures

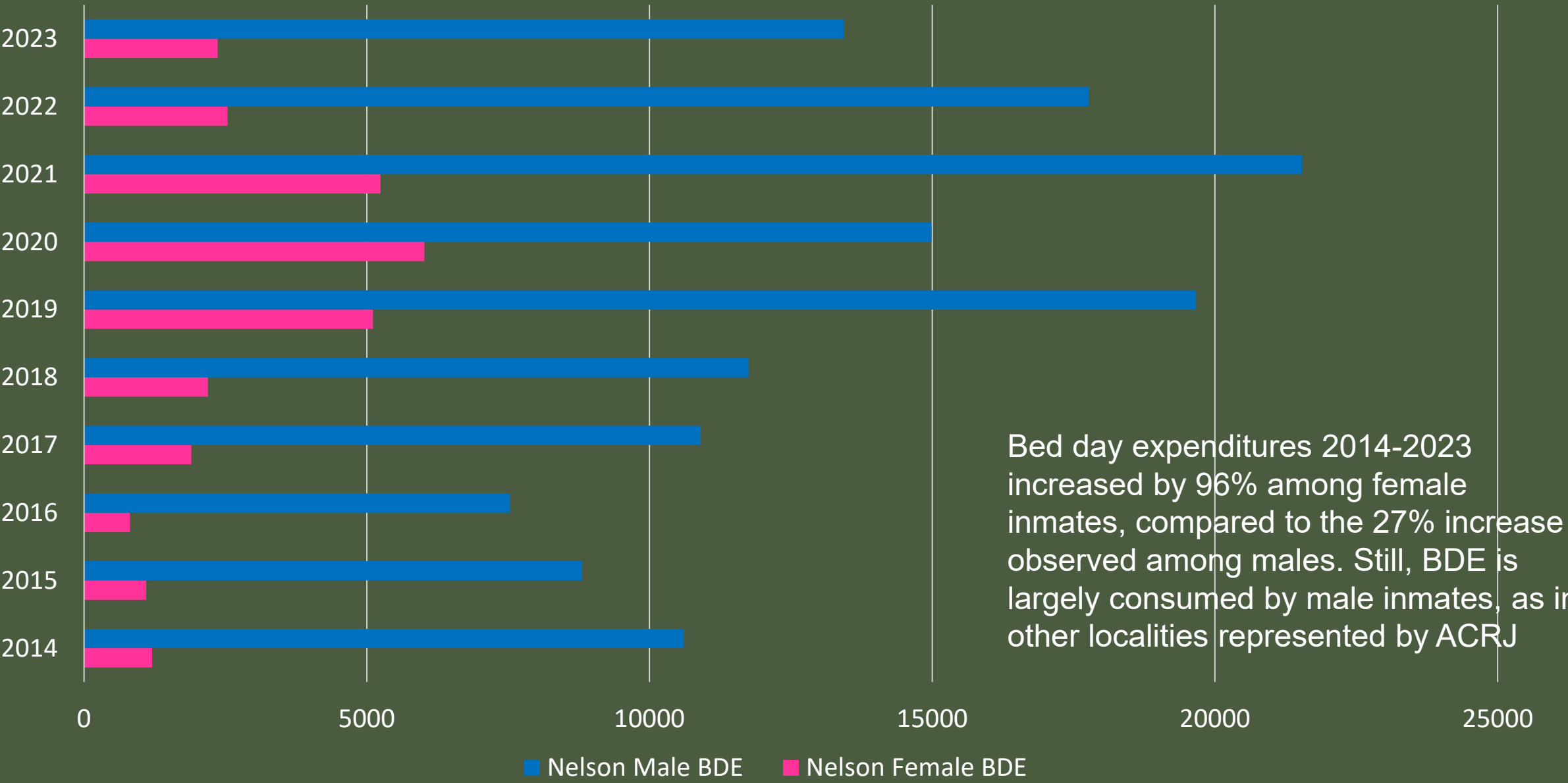


Nelson Bed Day Expenditures by Race

Bed day expenditures fell -42% among Black inmates, with a +61% increase observed among White inmates.

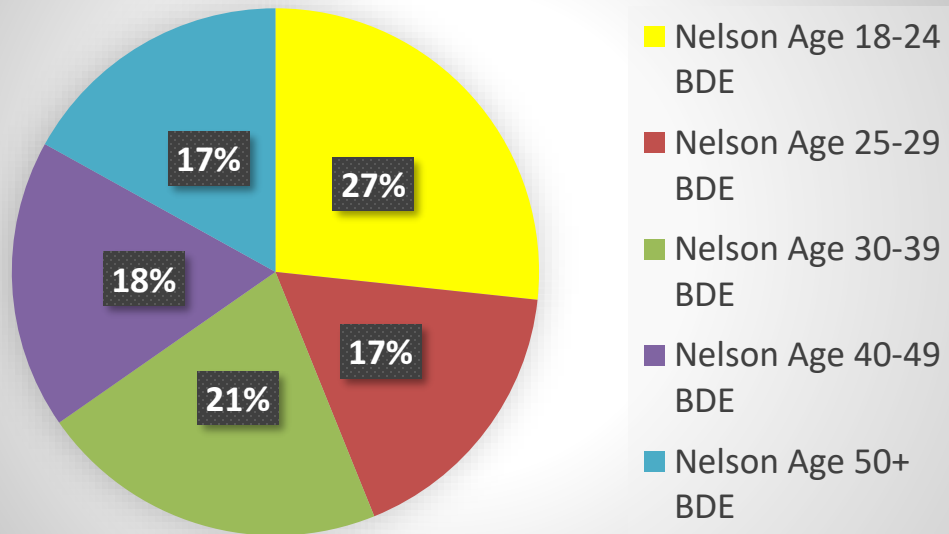


Nelson Bed Days Expended by Gender

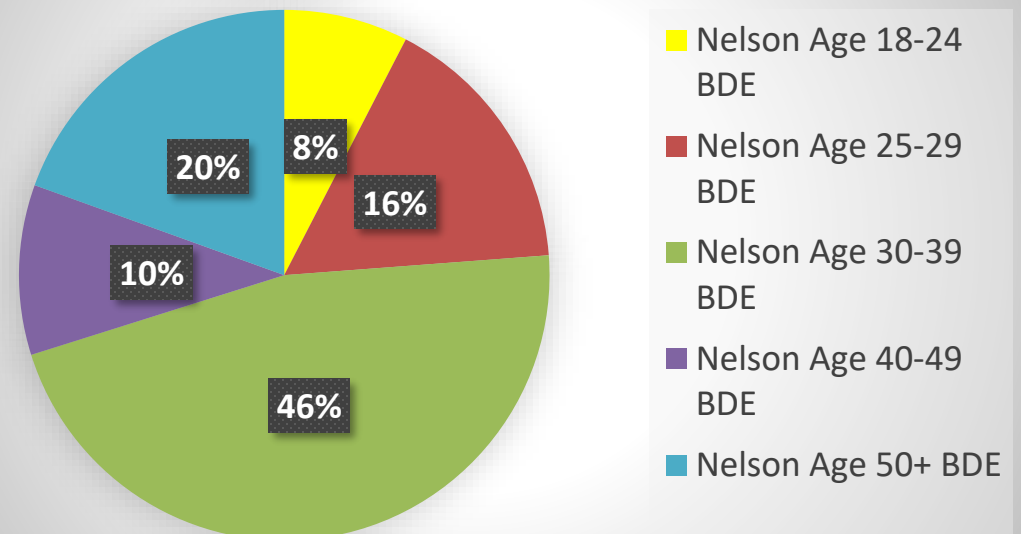


NELSON BED DAY EXPENDITURES (BDE)

2014 Nelson BDE

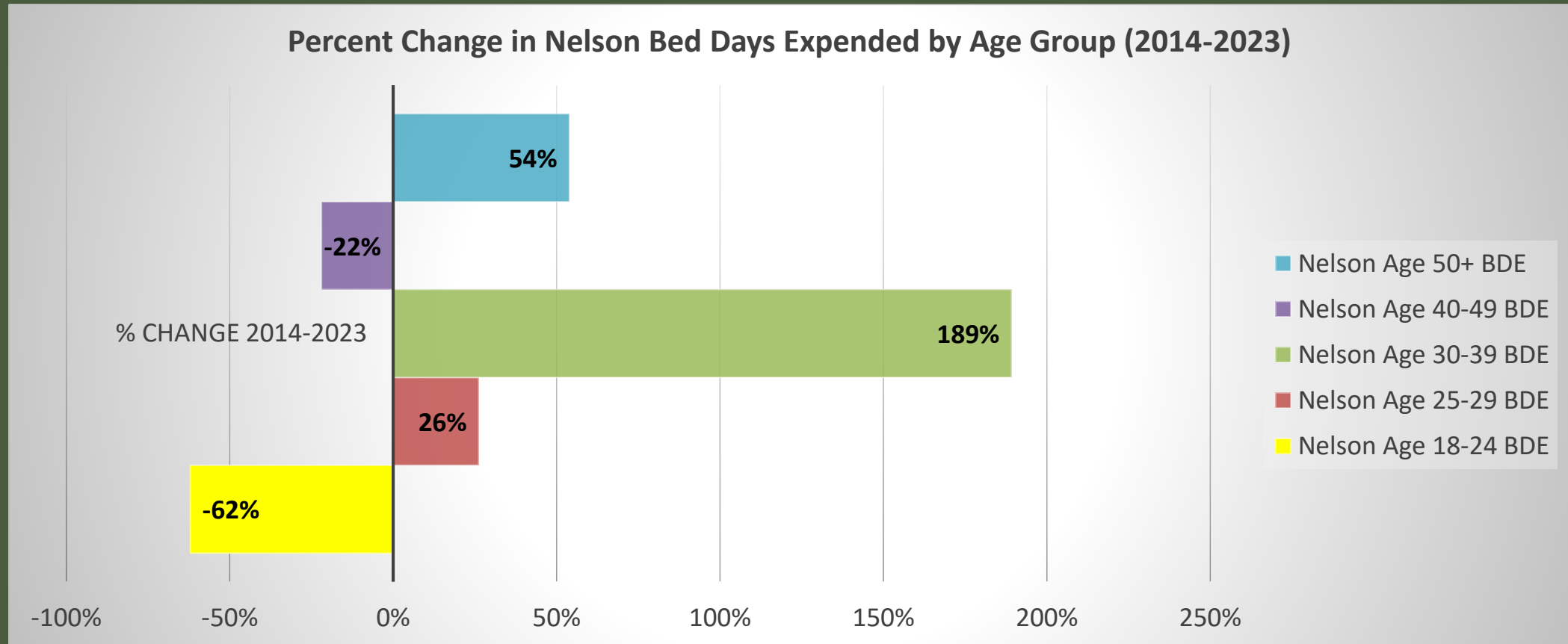


2023 Nelson BDE



- Age groups as a percentage of total BDE in 2014 and 2023

NELSON BED DAY EXPENDITURES (BDE)



UTILIZATION OF HOME ELECTRONIC INCARCERATION (HEI)

- During the pandemic, Nelson County made use of home electronic incarceration (HEI), totaling 8 inmates in 2020, 5 in 2021, and 9 in 2022.
- As COVID restrictions lifted, the use of HEI remains steady. Nelson County has approved 35 individuals during the lifetime of the HEI program so far.
- Nelson County-responsible inmates currently make up 7.5% of total ACRJ HEI participants.
- The inmates on HEI (both pretrial and sentenced individuals), are fitted with an ankle monitor and are closely monitored by staff at ACRJ. Inmates are allowed to remain at a stable residence in lieu of being held in custody. However, inmates on HEI do not earn any good time credits for the days they participated in the HEI program. This creates longer sentencing, yet is less disruptive to employment or family.
- HEI sentencing can be particularly useful for individuals requiring a high level of medical care, which can be received at home and as opposed to within the jail. This has potential to reduce cost.
- Research shows that individuals placed on HEI experience an 18 month return-to-custody (RTC) rate that is 12.2% lower than traditional custody, when compared to cohorts of similar characteristics.⁶

UTILIZATION OF HOME ELECTRONIC INCARCERATION (HEI)

- Members of the Jefferson Area Community Criminal Justice Board (CCJB) in collaboration with the UVA Department of Systems Engineering Capstone Team provided insights to the use of HEI at ACRJ.
- A cohort of similar charges was compared and success rates (determined by recidivism at ACRJ) were found to favor individuals placed on HEI compared to traditional incarceration. ⁶

Recidivism Overall: **18 Months Out and Sentenced Served**

HEI ⁶	Traditional Custody
25.5% Return to Custody Rate*	37.7% Return to Custody Rate*
N = 290 # Returned to Custody = 74 # Did not Return to Custody = 216	N = 555 # Returned to Custody = 209 # Did not Return to Custody = 346

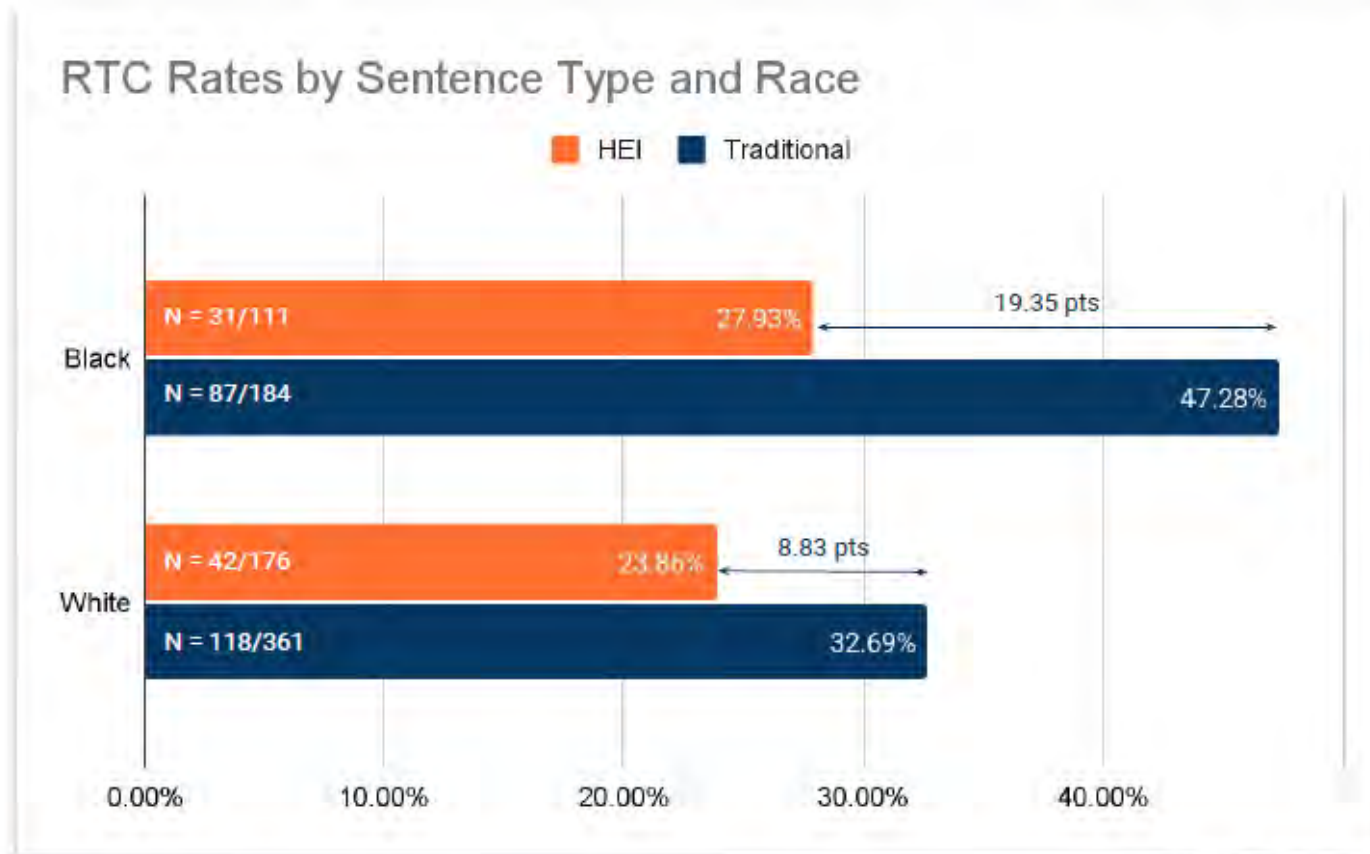
*post-trial, post-COVID

18 Month RTC is 12.2% lower for those on HEI



- Black individuals experience a 19.35% reduction in RTC (within 18 months) when placed on HEI, compared to 8.83% RTC reduction among White individuals within the same time period.
- The top three charges represented in the HEI cohort are Generic DUI, Probation Violation on Felony Offense, and Drugs Possession I or II.⁶

Correlation between Race and HEI Efficacy



Black people are more likely to return to custody than White people

Black people see a much greater reduction in RTC rates if they serve their sentence on HEI than White people do.

Why?

*Post Trial, Post Covid

SUMMARY

- The work of the Jefferson Area Community Criminal Justice Board (CCJB) for the past decade, has maintained a focus on safely and responsibly reducing jail population associated with non-violent and technical violations while maintaining community safety by utilizing the jail to hold individuals associated with more serious or violent crimes.
 - Intakes (individuals) increased by 17% keeping par with the 25% increase in reported crime incidents.
 - Misdemeanor booking volume fell 6% from 2014 to 2023, with a 65% rise in felony bookings over the ten-year period.
 - The largest reported crime increase occurred in the crimes against person category rising from 87 reported incidents in 2014 to 198 reported incidents in 2023, an increase of 128%.²
 - Bookings have shifted to crimes with a potential harmful impact to society and public safety, assault, and weapons charges. Individuals booked with assault charges represent 10% of Nelson-responsible jail volume. This is an increase from 6.77% of jail volume in 2014.
 - This aligns with policies to provide public safety and use incarceration responsibly.
 - However, DWI, narcotics, and probation violations remain a large percent of jail utilization. It is recommended to continue to provide and utilize services that use evidence-based practices, provide diversion programs, community supervision, and specialty dockets.
 - Inmate proportion of ages <30 has shrunk, while inmate proportion of ages >50 has grown, also ages 30-39 has grown.
- Next steps recommended include:
 - Research into recidivism; identification and better understanding of unique needs of this cohort. High-utilizers of criminal justice and ancillary systems often correspond with disproportionately higher costs to the community.
 - Pretrial population, are there substantial quantities of individuals held pretrial? How does Nelson-responsible pretrial populations compare to state and national pretrial statistics? How does it compare to similarly-sized Virginia counties?
 - Assault and weapons charges are on the rise, how does Nelson compare to similar jurisdictions, and what can be done to reduce prevalence of these charges?
 - How can the high volume of substance use (DWI n=69 & narcotics n=42) charges continue to be addressed within the community?

SOURCES

- ¹ Albemarle-Charlottesville Regional Jail (2024, April). *JMS: Data Download* [.xlsx].
- ² Virginia State Police. (n.d.). <https://va.beyond2020.com/>. Retrieved October 25, 2024, from <https://va.beyond2020.com/>
- ³ Census.gov. (2023, July 1). Census.gov | U.S. Census Bureau Homepage. Retrieved October 11, 2024, from <https://www.census.gov/>
- ⁴ Board, Commonwealth of Virginia > LIDS. (2002). Compensation Board. Retrieved September 23, 2024, from <https://www.scb.virginia.gov/lids.cfm>
- ⁵ Widra, E. (n.d.). *States of Incarceration: The Global Context 2024*. Prison Policy Initiative. Retrieved September 23, 2024, from <https://www.prisonpolicy.org/global/2024.html>
- ⁶ Banino, S. C., Boulos, G. Craft, C. A., Phillips, L. E., Sydnor, S. R., Alonzi, L. P., III, White, K. P., Smith, M. C., Vitale, M. S. (2024) “Analyzing Candidates for Home Electronic Incarceration on Return-to-Custody Rates for Inmates”, *Proceedings of the 2024 IEEE Systems and Information Engineering Design Symposium*, Charlottesville, Virginia, April. (Awarded Best Paper)

CONTACT INFORMATION

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Thomas Jefferson Area Community Criminal Justice Board

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October 2024

Ambulance Transport Rates and Calendar Year 2024 Billing Statistics

Authorizing Statutes: Code of Virginia §32.1-111.14 and §38.2-3407.9

Code of Nelson County: Section 13.1 (Fees for Emergency Ambulance Service),
subsections (c) and (d) of Chapter 13 (Emergency Services), Article 1 (Emergency
Ambulance Service)

Current Ambulance Transport Rates - Effective Since March 22, 2012

Current rates:

- | | |
|----------------------------------|-------------------------|
| ▶ Basic Life Support (BLS) | \$470.00 |
| ▶ Advanced Life Support 1 (ALS1) | \$550.00 |
| ▶ Advanced Life Support 2 (ALS2) | \$775.00 |
| ▶ Mileage (All Service Levels) | \$13.00 per loaded mile |

2025 Medicare Rate Analysis and EMS/MC (Billing Company) Recommendations

Nelson County Board of Supervisor 2025 Medicare Rate Analysis and Recommendations

Zip 22949 Carrier
11302

Local:00 Rural

Level Of Service	2025 Medicare Allowable (Rural)	Current Charge	Recommended (150% *MFS)	Recommended (200% MFS)	170 % MFS
ALS (Advanced Life Support) Emergency A0427	\$539.84	\$550.00	\$809.76	\$1,079.68	\$917.73
BLS (Basic Life Support) Emergency A0429	\$454.60	\$470.00	\$681.90	\$909.20	\$772.82
ALS 2 (Advanced Life Support) Comprehensive A0433	\$781.35	\$775.00	\$1,172.03	\$1,562.70	\$1,328.30
Patient Loaded Mileage A0425	\$9.24	\$13.00	\$13.86	\$18.48	\$15.71

* MFS – Medicare Fee Schedule

Estimated Annual Revenue Gain Per Rate Increase Option

150% MFS	Collection Percentage	<u>60%</u>	<u>80%</u>
	Estimated Revenue Gain	29,867.78	39,823.70
170% MFS	Collection Percentage	<u>60%</u>	<u>80%</u>
	Estimated Revenue Gain	47,573.96	63,431.94
200% MFS	Collection Percentage	<u>60%</u>	<u>80%</u>
	Estimated Revenue Gain	74,115.48	98,820.64

From January 2024 - September 2024, Net Collection Rates Ranged From 63.2% to 92.6%. It takes about 90 days from Date of Service to Collection.

FY25 Budgeted Transport Billing Revenue of \$781,000 helps to offset FY25 Budgeted EMS Council Expenditures (Vol. Fire & EMS) of \$628,279 and FY25 Budgeted Career EMS Expenditures of \$1,618,223

Similar EMS/MC Billing Agency Rate Comparison

Nelson County Board of Supervisors
2025 Rate Survey Against Like Agencies

Level Of Service	Appomattox	Greene County	Washington Volunteer	Nelson County
BLS E A0429	\$550.00	\$632.84	\$550.11	\$470.00
ALS E A0427	\$655.00	\$751.49	\$700.00	\$550.00
ALS 2 A0433	\$945.00	\$1,087.68	\$945.54	\$775.00
Mileage A0425	\$14.50	\$12.81	\$15.00	\$13.00

Transport Billing Collection Policy

NO ONE WILL EVER BE DENIED NECESSARY MEDICAL TRANSPORT SERVICES DUE TO EITHER THE INABILITY TO PAY OR LACK OF INSURANCE

- ▶ If not covered by insurance, billing to the consumer occurs within 30 days of the date of service
- ▶ Past due notices are sent after 30 days, 60 days, and 90 days overdue - after 120 days, the account is considered uncollectible and is written off
- ▶ Financial Hardship waivers are available and the established Financial Hardship Waiver of Fees Guidelines are used to evaluate the request
 - ▶ The County uses 200% of the US Department of Health and Human Services Federal Poverty Level table
- ▶ The Billing Company is authorized to establish payment plans of \$50/month with a minimum monthly payment amount of \$25/month
- ▶ The County has authorized soft-billing only to date; no debt collection agency recovery without express authorization from the County Administrator or their designee

CY 2024 -200% of Federal Poverty Level Table

The Applicant or Responsible Party completing and submitting a Financial Hardship Waiver Request form qualifies for 100% waiver of fees after any insurance if the following guidelines are met:

<u># Persons in Family or Household</u>	<u>2024 200% of Federal Poverty Level</u>
1	\$30,120.00
2	\$40,880.00
3	\$51,640.00
4	\$62,400.00
5	\$73,160.00
6	\$83,920.00
7	\$94,680.00
8	\$105,440.00
each additional person add \$10,760.00	

January 2024 - December 2024

Date of Service Statistics Provided by EMS/MC

- ▶ Total Trip Count: 1,348
- ▶ Gross Charges: \$1,261,514
- ▶ Contract Allowances: (\$349,478)
- ▶ Net Charges After Contracted Allowances: \$912,037
- ▶ Revenue Adjustments: (\$32.99)
- ▶ Payments: \$544,425
- ▶ Write-Offs: (\$21,262)
- ▶ Refunds: (\$518)
- ▶ Balance Due: \$346,902 (Accounts Receivable)
- ▶ Net Collection Percentage: 59.6%

NOTE: EMS/MC retains 5.29% of receipts as payment for billing services

- ▶ *From January 2024 - September 2024, Net Collection Rates ranged from 63.2% to 92.6%. It takes about 90 days from date of service to payment collection. The patient data transfer issue previously reported, has negatively impacted these statistics and will positively affect statistics in the near future, when these enter the payment collection cycle.*

January 2024 - December 2024

Date of Service Statistics

Primary Payor Mix

6-12 Month Mature Average

Primary Payor	% of Trips
Medicare	30%
Medicare Advantage	27%
Insurance	11%
Medicaid	1%
Medicaid MCO	17%
Patient	13%
Facility	0%
Other Govt. Payers	1%
TPL	0%

Net Collection Percentages

6-12 Month Mature Average

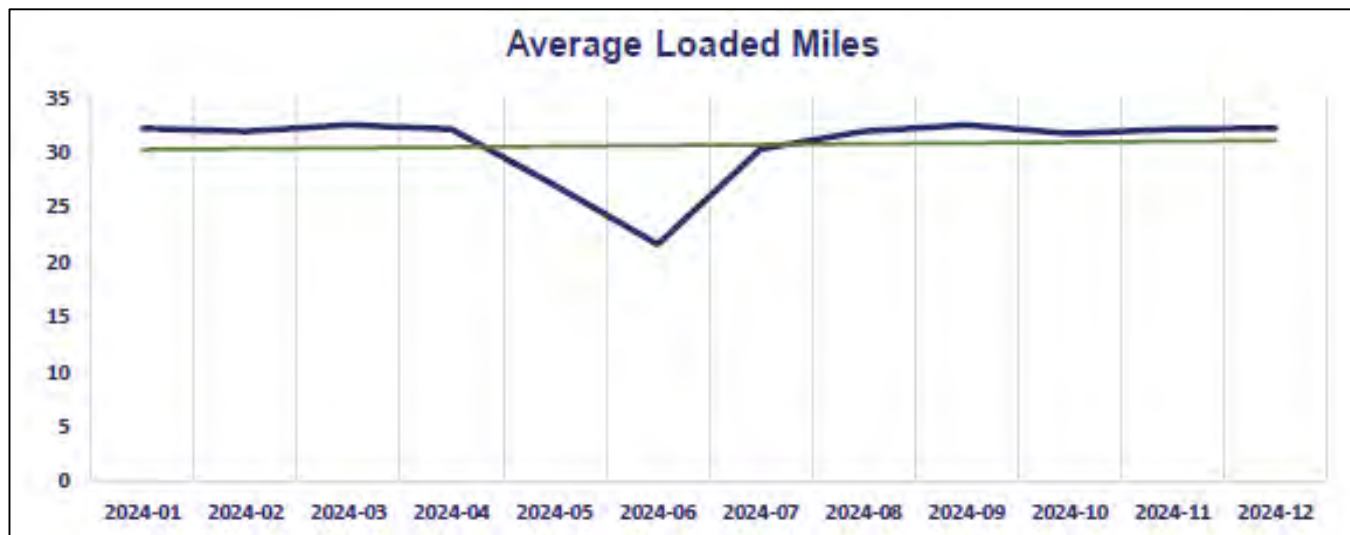
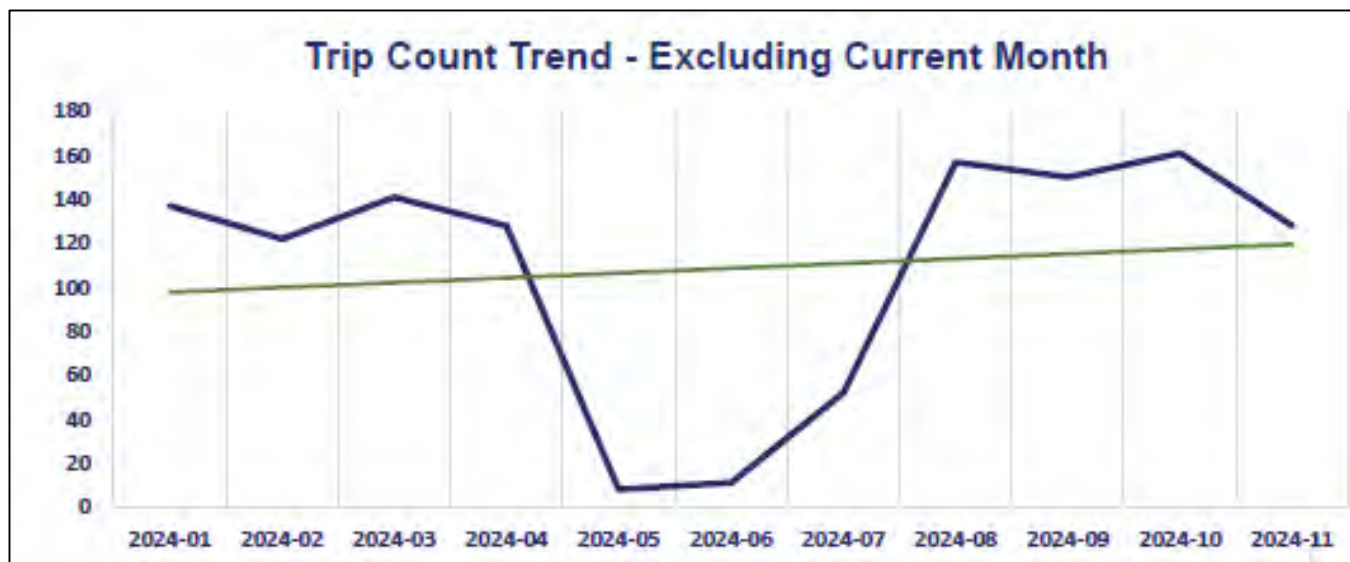
Primary Payor	Coll %
Medicare	98%
Medicare Advantage	92%
Insurance	76%
Medicaid	100%
Medicaid MCO	98%
Patient	7%
Facility	0%
Other Govt. Payers	92%
TPL	100%

Note: 86% of transport payments came from private insurance, Medicare, or Medicaid & 14% from individuals and others

*MCO: Managed Care Organization

January 2024 - December 2024

Date of Service Statistics



Q/A and Next Steps

- ▶ Questions?
- ▶ Consider Rate Increase Options - Staff recommends 150% or 170% of MFS (Medicare Fee Schedule) rounded to the nearest dollar, effective January 1, 2025
- ▶ If a rate change is favorable - adopt Resolution R2025-05 including the selected option - rounded to the nearest dollar

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR.
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2025-05
NELSON COUNTY BOARD OF SUPERVISORS
EMERGENCY MEDICAL SERVICES
ESTABLISHMENT OF FEES FOR REVENUE RECOVERY PROGRAM

RESOLVED by the Nelson County Board of Supervisors, pursuant to Section 13.1 (Fees for Emergency Ambulance Service), subsections (c) and (d) of Chapter 13 (Emergency Services), Article 1 (Emergency Ambulance Service) of the Code of the County of Nelson, Virginia that the following fees be and are hereby established and approved by said governing body for the provision of emergency medical services by paid and volunteer emergency medical services entities operating within Nelson County, Virginia.

A.

<u>Service Level</u>	<u>Fee</u>
1) Advanced Life Support 1	\$810.00
2) Advanced Life Support 2	\$1,172.00
3) Basic Life Support	\$682.00
4) Mileage (all Service Levels)	\$ 14.00 per loaded mile

B.

<u>Service Level</u>	<u>Fee</u>
1) Advanced Life Support 1	\$918.00
2) Advanced Life Support 2	\$1,328.00
3) Basic Life Support	\$773.00
4) Mileage (all Service Levels)	\$ 16.00 per loaded mile

Said fees, if approved, shall be effective January 1, 2025 and shall be utilized by Nelson County in its administration of its revenue recovery program which provides financial support for the County's paid and volunteer emergency medical services programs.

Approved: _____

Attest: _____, Clerk
Nelson County Board of Supervisors



Nelson County

EMS Revenue Recovery Program & Billing Policy for Ambulance Transport Services Revised 1/7/2025

Premise: No one will ever be denied necessary medical transport services due to either the inability to pay or lack of insurance.

Authorization: This policy is hereby established pursuant to the Code of Virginia §32.1-111.14, Powers of governing bodies of counties, cities and towns, that authorizes the exercise of powers necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health safety and general welfare; pursuant to the Code of Virginia §38.2-3407.9, authorizing the reimbursement for ambulance services, and pursuant to the authorization of the Nelson County Board of Supervisors on May 9, 2006 enacting Chapter 13 (Emergency Services) of the Code of Nelson County, establishing an EMS Revenue Recovery Program.

EMS Revenue Recovery Program:

1. The purpose of the County's EMS Revenue Recovery Program is to provide financial support for the County's paid and volunteer emergency medical services programs.
2. All consumers of medical transport services will receive a patient packet at the time of transport containing the following:
 - * *Emergency Medical Services Revenue Recovery Fact Sheet (Appendix A)*
(Includes fees for EMS Revenue Recovery Program- **Appendix B**)
 - * *Notice of Privacy Practices (Appendix C)*
 - * *Combined Notice to Ambulance Patients - HIPPA Acknowledgement Form & Authorization to Bill Insurance Company Consent Form (Appendix D)*
 - * *Financial Hardship Waiver Request Form (Appendix E)*

Established Fees:

1. The fees for the EMS Revenue Recovery Program (**Appendix B**), as approved for ambulance transport services, are established by resolution and adopted by the Board of Supervisors. Ambulance transport fees will be periodically reviewed to ensure compliance with the Center for Medicaid Services and Medicare standards and subsequently amended from time to time.

Covered by Insurance:

1. All consumers of ambulance transport services, or the responsible party, will be required when possible to provide information regarding available insurance coverage as part of the patient intake process administered by providers of EMS transport services.
2. Authorization to use this information for billing purposes is also required to be given at the time of transport, whenever possible; via completion of the Combined Notice to Ambulance Patients form (**Appendix D**). If the consumer of ambulance transport services or responsible party is unable to provide this information at the time of transport, the County's billing company will attempt to obtain this information and authorization of its use for billing purposes, directly from the consumer.
3. All consumers of ambulance transport services, or the responsible party, will receive written notification from the County's billing company of the value of services received and notice of billing forwarded to their insurer(s).
4. If any insured party requires EMS transport within a given calendar year that exceeds their insurance policy's annual limits and no additional insurance coverage is available, the fees for service beyond these coverage limits will be billed to the consumer and the consumer will be subject to the County's billing policy.
5. If the insurance company denies coverage of the transport, the billing company will verify the information that was submitted to the insurance company and resubmit the claim for reconsideration. If the insurance carrier still denies coverage of the transport, the consumer of the services, or responsible party, will receive a bill from the County's billing company and be subject to the County's billing policy.
6. Insured residents of the County who receive medical transport originating in Nelson County will receive a waiver of their insurance policy's co-payment for services.
7. Insured non-residents of Nelson County who receive medical transport originating in Nelson County, will be billed by the County's billing company for their insurance policy's co-payment for services and will be subject to the County's billing policy.

Not Covered by Insurance:

1. All consumers of ambulance transport services, or responsible party, not covered by insurance, will receive the first bill from the County's billing company, within 30 days of the date of service, and will be subject to the County's billing policy.

Volunteers:

1. Volunteer members of the County's Emergency Services system or their immediate family members who live in the same household who are consumers of ambulance transport services will receive an administrative write-off of the amount due after any insurance is billed for the services they receive from the County.
2. Eligible volunteers include active members, associate members, lifetime members, and auxiliary members who are on the membership roster for one of the fire or rescue agencies in Nelson County, as verified by the agency.
3. An immediate family member of a volunteer is considered a husband/wife, child, or parent who resides in the same household as the volunteer.
4. Should a volunteer or family member utilize the ambulance transport services in Nelson County, the call will be submitted to the billing company in the same fashion as any other call. Once the volunteer receives a bill for services rendered it will be the responsibility of the volunteer to supply the County with a copy of the bill and a completed volunteer waiver form (**Appendix H**). The County will then take the necessary steps to assure that the volunteer is a member in good standing with their agency. If the member is verified, the waiver form will be signed by the County Administrator or his designee and submitted to the billing company for administrative write-off of the balance due after the patient's health insurance is applied. All waiver forms will be maintained by the County

Collection of Payments:

1. The County's contracted billing company will collect all payments for ambulance transport services; no provider of ambulance transport services will accept or receive payment on behalf of a patient or consumer of ambulance transport services.
2. The County's contracted billing company will accept payment by cash, check, money order, or credit card.
3. The County reserves the right to authorize the billing company to establish payment plans in accordance with the County's established Payment Plan Guidelines (**Appendix G**).

Financial Hardship:

1. All consumers of ambulance transport services will receive a patient packet at the time of transport containing a Financial Hardship Waiver Request form (**Appendix E**).
2. All consumers of ambulance transport services, or responsible party, expressing financial hardship will first be encouraged, by the County's billing company to utilize the County's established payment plan guidelines (**Appendix G**). All consumers of ambulance transport services expressing financial hardship and the inability to pay will be referred to the County for completion and submission of a Financial Hardship Waiver Request form (**Appendix E**).
3. All consumers of ambulance transport services, or responsible party, lacking health insurance, or subject to the County's billing policy, may at any point during the billing process, submit a completed Financial Hardship Waiver Request form (**Appendix E**) to the County, certifying financial hardship and requesting a waiver of fees.
4. The County will use its established Financial Hardship Waiver of Fees Guidelines (**Appendix F**) in determining the waiver of fees. The County reserves the right to require the provision of additional information regarding the applicant's financial status in making this determination.

Non-payment:

1. In the case of non-payment, the consumer, or responsible party, will receive a notification of the account's past due status from the County's billing company at 30 days, 60 days and 90 days unless specifically directed otherwise by the County in writing. After 120 days, the account will be considered uncollectible and will be added to the uncollectible debt list, which will be forwarded by the billing company to the County, for consideration of write off. The County's billing company will then proceed, as directed in writing, on each of these accounts.
2. Any non-routine inquiries pertaining to payment issues, requests for fee waivers, and other extraordinary requests received by the County's billing company will be directed to the County for resolution. If applicable, the County will work with the billing company in forwarding past-due accounts to a County designated collection agent.
3. Nelson County's billing company will not pursue payment recovery through a debt collection agent without express authorization from the County Administrator or his designee.
4. The County reserves the right to authorize the billing company to terminate payment plans due to non-payment in accordance with the County's established Payment Plan Guidelines (**Appendix G**).

Overpayments and Refunds:

1. The County's billing company will notify the County of the existence of any overpayments or credit balances existing on accounts and will submit a payment requisition including any necessary documentation to the County. The County will be responsible for processing and paying any refunds for overpayments and credit balances due to consumers.

The policies herein have been reviewed and approved by the County Administrator, Candice W. McGarry

Candice W. McGarry
Candice W. McGarry

January 7, 2025
Date

Appendices

Appendix A - Emergency Medical Services Revenue Recovery Fact Sheet

Appendix B - Fees for EMS Revenue Recovery Program

Appendix C – Notice of Privacy Practices

Appendix D – Combined Notice to Ambulance Patients – HIPPA
Acknowledgement Form & Authorization to Bill Insurance
Company Consent Form

Appendix E- Financial Hardship Waiver Request Form

Appendix F - Financial Hardship Waiver of Fees Guidelines

Appendix G - Payment Plan Guidelines

Appendix H- Volunteer Waiver Request Form

Appendix A - Emergency Medical Services (EMS) Revenue Recovery Fact Sheet

Nelson County, Virginia Department of Emergency Services

Phone: 434-263-7045

Fax: 434-263-7046

E-mail: jadkins@nelsoncounty.org

Nelson County Department of Emergency Services

P.O. Box 277

Lovington, VA 22949

Ambulance Billing Frequently Asked Questions

Why does the County have a revenue recovery program?

Medicaid, Medicare, and private insurance policies include the cost of ambulance transport. As the need for additional emergency responders increases, local governments have sought ways to pay for these services without raising property taxes. Many other local governments in Virginia have found that billing Medicaid, Medicare, and private insurance for ambulance transport service has resulted in a large amount of revenue being recovered to help fund EMS services. The availability of such revenues led Nelson County to join more than 40 cities, counties, and towns in Virginia that currently have such a system.

How does this affect me?

If you have private insurance or are covered by Medicaid or Medicare, it will probably not affect you since you already pay for the cost of ambulance transport through your policy or coverage.

Why does the County need this money?

The number of 911 calls being placed to Nelson County has increased in recent years. The increase in calls has challenged the ability of our emergency personnel to consistently deliver the needed services to residents and citizens.

How will the money be used? This revenue will be used to fund EMS needs, including personnel and equipment.

What percentage of this money will come out of the pockets of citizens?

Payments from individuals are expected to account for only 5% of total revenues recovered. In Chesterfield County, for example, only \$40,000 of the \$1.2 million generated by the ambulance fees in the first year came from individuals. The majority of the revenue will come from Medicaid, Medicare, and insurance company payments. In many communities, nearly one-half of the revenue is recovered from Medicare alone.

How It Works

How does the billing work?

You will not receive a statement or bill directly from the County. Nelson County has contracted with a billing company to handle ambulance transport billing and all billing related inquiries on its behalf. You will receive a notice of billing to your insurance provider or a bill, from the billing company, within 30 days of each date that ambulance transport services are provided.

What if I have insurance?

If you have insurance coverage, the insurer, whether Medicaid, Medicare, or a private company, will receive the bill; and you as the consumer, will receive a notice of what has been billed to your insurance provider. Nelson County is currently using the Office of Inspector General (OIG) opinion, stating that if you are insured (either through Medicaid, Medicare, or private insurance), live in Nelson County, and you are a taxpayer; then your ambulance transport co-payment is considered paid through County taxes.

Will insurance generally pay all of my bill?

Most insurance companies pay 80% of the charges for ambulance transport. Additionally, the Office of Inspector General's opinion, says your co-payment is considered paid by your County taxes. However, any balance remaining after your applied insurance payment and co-pay waiver, could be your responsibility.

What if I do not have insurance?

If you do not have insurance, Medicaid, or Medicare, a bill will be sent to you or the responsible party. If you are not able to pay in full, the billing agency will gladly work with you to set up a payment plan. As long as regular payments are made, no additional collection efforts will be pursued.

What methods of payment will you accept?

Payment by cash, check or money order is accepted.

Ability to Pay

What if I am unable to pay?

Nelson County's EMS revenue recovery policy includes financial hardship provisions. If you can demonstrate financial hardship in accordance with the County's policy, a reduction in fees is available, up to 100%. A financial hardship waiver of fees can be requested at any time during the billing process. You must complete a **Financial Hardship Waiver of Fees Request Form** and return it to Nelson County for consideration. **No one will ever be denied EMS transport services due to the inability to pay.**

If I have a balance to be paid on my bill, will I be refused ambulance service?

Nelson County will not deny ambulance service to those with delinquent accounts or anyone else. This program will not change the ambulance service provided to anyone in Nelson County, regardless of insurance coverage or any other factor. Emergency responders will have no knowledge of who has paid and who has not paid.

If EMS comes to my house but I don't need transport, will I receive a bill?

No.

Medicaid Eligibility

Medicaid coverage includes the cost of ambulance transport. You may be eligible for Medicaid if you meet certain income levels and persons in household criteria. **Please contact your local Department of Social Services at 434-263-7160 to determine your eligibility.**

Insurance Information

Will my health insurance premiums increase as a result of this billing?

Unfortunately, health insurance premiums continue to rise regardless of whether or not a community decides to bill for EMS transports. Such factors as prescription-drug coverage, litigation, technology improvements in the medical field and depressed insurance company investment returns have resulted in escalating health insurance premium costs. However, ambulance transports costs represent less than 1% of health care expenditures. Many other local governments in Virginia have implemented a revenue recovery program for ambulance transport fees, and have reported no evidence that EMS billing increases health insurance premiums.

What type of information will I have to give when the ambulance arrives?

Persons using Emergency Medical Services are asked to provide any insurance information you have at the time of service, whenever possible. Attending to the patient's medical needs will always be first priority.

What if I am unable to provide the insurance information at that time?

If your insurance information is not available at the time of service, the billing company will attempt to obtain the information at the hospital. If the information cannot be obtained, you may receive a letter from the billing company asking you to provide the information. When the billing company receives the information, your insurance provider will be billed. You will not receive any further correspondence or bills until the insurance company has made a determination on your claim.

Will my insurance forms be filed for me?

Yes, the County's ambulance transport billing company will gladly file all insurance claims and forms on your behalf.

Rates**What are the billing rates for EMS transport services?**

The rate charged for transport services depends on the level of medical services required by the patient, the level of expertise of the responders (EMT, Paramedic, etc.), and the number of loaded miles the ambulance travels. Rates are periodically set by the Board of Supervisors to maintain compliance with the Center for Medicaid Services and Medicare standards and are subject to change.

Current rates:

Basic Life Support (BLS)	\$470.00
Advanced Life Support 1 (ALS1)	\$550.00
Advanced Life Support 2 (ALS2)	\$775.00
Mileage (All Service Levels)	\$13.00 per loaded mile

Appendix B - Fees for EMS Revenue Recovery Program

Established October 10, 2006 by the Nelson County Board of Supervisors pursuant to §13.1 (Fees for Emergency Ambulance Service) subsections (c) and (d) of Chapter 13 (Emergency Services), Article I (Emergency Ambulance Service) of the Code of Nelson County.

Rates are periodically set by the Board of Supervisors to maintain compliance with the Center for Medicaid Services and Medicare standards and are subject to change. The fees listed below were approved by the Board of Supervisors on March 22, 2012.

<u>Service Level</u>	<u>Fee</u>
(1) Advanced Life Support 1	\$550.00
(2) Advanced Life Support 2	\$775.00
(3) Basic Life Support	\$470.00
(4) Mileage (all Service Levels)	\$13.00 per loaded mile

Appendix C – Notice of Privacy Practices

Nelson County Virginia Department of Emergency Services

Notice of Privacy Practices

as required by

The Code of Federal Regulations (45 CFR Section 164.520)

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED
AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

Notice Version 1.0

Effective Date: January 2007

Purpose of this Notice: The Nelson County Department of Emergency Services (NCDES) is required by the Health Insurance Portability and Accountability Act (HIPAA) of 1996 to protect the privacy of healthcare information obtained when treating you and to provide you with a notice of privacy practices concerning the use of such information shortly following the time of service. Accordingly, this notice describes how and when our agency can use and disclose your healthcare information along with describing your legal rights pertaining to the use and disclosure of such information. This notice also provides contact information for questions and for obtaining further assistance if you need more help. If you were provided this notice by emergency personnel who responded to assist you, a signature form requesting your acknowledgement of receiving this notice should be included with this pamphlet. Please sign and return the acknowledgement form to an ambulance crew member indicating you received this information. Our agency is required to abide by the terms of this notice as long as it is in effect. We reserve the right to change the terms of this notice and apply such changes to all protected health information that we maintain. A copy of our current (or revised) privacy policy is available at our business office or on our website.

General Use of Healthcare Information: Protected Health Information, or PHI, is medical information obtained by emergency personnel during patient assessment and treatment or similar information provided to us by another agency for the same purpose. Such information includes verbal, written or electronically recorded data that can be individually identified by name, social security number or other means of personal identification. NCDES may use PHI for the following purposes without your written permission:

1. Treatment – PHI used for treatment purposes includes verbal, written and electronically recorded data that describes your medical condition and/or the treatment provided to you. This information may be communicated to other healthcare personnel for the purpose of continuing or transferring care and treatment (including doctors and nurses who give orders allowing us to treat you) and includes communication of PHI by radio, telephone and/or other electronic devices between healthcare personnel, ambulances, hospitals and 911 communication centers. A written report documenting your care and treatment, as well as other information we may obtain in the course of such care and treatment shall be provided to the hospital or other healthcare facility you were transported to.

2. Payment – PHI for payment purposes includes written and electronically recorded data used for securing financial reimbursement of our agency’s charges. This may include organizing your PHI and submitting a claim for charges to your insurance company, another insurance company responsible for paying your claim, a workers compensation administrator or insurer, or another third party identified by you as being responsible for payment of your charges either directly or by following the terms of a payment plan. Claims for charges may be submitted directly or through the use of a third party billing company and/or clearing house. Follow-up use of PHI for payment purposes may include management of billed claims for services rendered, medical necessity determinations and reviews, insurance company appeals, utilization review and collection of outstanding accounts. Designated agency personnel, including contractual personnel, may review and use PHI to verify your eligibility for certain services including eligibility for “hardship” classification, other special designations and for “subscription plan” services, if offered.

3. Healthcare Operations – PHI used for healthcare operations includes written and electronically recorded data needed for management purposes (including quality assessment and improvement, reviewing the competence or qualifications of emergency personnel, conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs, business planning and development, business management and general administrative activities), accreditation, licensing, training programs or other programs that support and/or improve services. Other uses include the preparation of records and/or use of PHI for filing required documentation, document requests and other administrative support activities. NCDES is required by the Virginia Department of Health to report certain data elements contained within your PHI for the purpose of assessing EMS system performance on an annual basis. Finally, NCDES may also prepare **de-identified** information (PHI with name, social security number and other means of personal identification removed) for other purposes including data collection, fundraising and certain marketing activities.

Healthcare Information Provided to Individuals Involved With Your Care or Payment of Charges: We may disclose certain PHI to a family member, relative, friend or other person who you or emergency personnel identify as being involved in your care or payment of charges if: (1) emergency personnel obtain your verbal agreement prior to the disclosure of such information; (2) you were provided the opportunity to object to such a disclosure but did not; or (3) in the event you are incapable of objecting, disclosing such information would be in your best interests as determined by the professional judgment of emergency personnel. In each of these cases, information disclosed to an identified individual shall be relevant to involving such an individual in your care or payment of charges.

Other Use of Healthcare Information: By law, NCDES may disclose some of your healthcare information, including PHI, to responsible parties who request such information in certain circumstances. Such disclosures can be made without your written authorization and without your opportunity to verbally object. These circumstances may include the following:

1. Mandated Requirements of Law – Disclosures of PHI to government agencies and/or officials as required by law. Such disclosures comply with and are limited to the relevant requirements of such laws.

2. Public Health Activities – Disclosures of PHI to federal, state or local government public health officials in certain situations including to prevent and/or control disease, injury or disability; to report vital events such as birth or death; to assist with public health surveillance, investigations or interventions; to report adverse events, product defects, biological product deviations or other similar problems and to report, investigate or track communicable diseases.

Disclosure to an employer of employee PHI as related to workplace activities to the extent required by law.

3. Victims of Abuse, Neglect or Domestic Violence – Disclosures of PHI to state and/or local government social service agencies, law enforcement agencies (LEAs) or other responsible government officials to report suspected cases of abuse, neglect or domestic violence, to the extent required by law.

4. Health Oversight Activities – Disclosures of PHI to federal and state government health oversight agencies for oversight activities including audits; civil, administrative or criminal proceedings or actions and other related functions to the extent required by law.

5. Judicial and Administrative Proceedings – Disclosures of PHI for judicial and administrative proceedings in response to the order of a court, administrative tribunal or, in some cases, a subpoena, discovery request or other lawful process that is not accompanied by an order from a court or administrative tribunal.

6. Law Enforcement Purposes – Disclosures of PHI to law enforcement agencies (LEAs) for the following reasons:

A. Pursuant to process and as otherwise covered by law. PHI provided to LEAs for: reporting certain wounds or injuries; responding to a warrant, subpoena or summons issued by a court or other judicial officer; a grand jury subpoena or an administrative request, including an administrative subpoena or summons, a civil or an authorized investigative demand, or similar process authorized under law.

B. Limited information for identification and location purposes. PHI provided to LEAs for the purpose of identifying or locating a suspect, fugitive, material witness or missing person, as long as the information transferred only includes the following: name and address; date and place of birth; social security number; ABO blood type and rh factor; type of injury; date and time of treatment; date and time of death, if applicable; and a description of distinguishing physical characteristics, including height, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.

C. Victims of crime. PHI provided to LEAs about an individual who is or is suspected to be a victim of a crime provided that: the individual agrees to the disclosure or emergency personnel are unable to obtain the individual's agreement because of incapacity or other emergency circumstance, as long as (1) the LEA represents that such information is needed to determine whether a violation of law by a person other than the victim has occurred, and such information is not intended to be used against the victim and (2) the LEA represents that immediate law enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure and (3) the disclosure is in the best interests of the individual as determined by emergency personnel, in the exercise of professional judgment.

D. Decedents. PHI provided to LEAs for the purpose of reporting a death if emergency personnel suspect that the death may have resulted from criminal conduct.

E. Crime on premises. PHI provided to LEAs that in good faith constitutes evidence of criminal conduct occurring on the premises of NCDES property.

F. Reporting crime in emergencies. PHI provided to LEAs at emergency incident scenes that appears necessary to alert LEAs to: the commission and nature of a crime; the location of such a

crime or the victim(s) of such a crime and the identity, description, and location of the perpetrator of such crime.

7. Decedents – Disclosures of PHI to coroners, medical examiners and funeral directors for the purpose of identifying a deceased person, determining a cause of death or completing other duties as authorized by law when assisting such officials.

8. Tissue Donation – Disclosures of PHI to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of cadaveric organs, eyes, or tissue to facilitate organ, eye or tissue donation and transplantation.

9. Research Purposes – Disclosures of PHI for healthcare research purposes, provided that all requirements of federal and state laws governing the use of PHI for such research are met.

10. Averting a Serious Threat to Health or Safety – Disclosures of PHI to federal, state or local officials when, consistent with applicable law and standards of ethical conduct, emergency personnel acting in good faith believe that the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and is made to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat, or is necessary for law enforcement authorities to identify or apprehend an individual: (1) because of a statement by an individual admitting participation in a violent crime that the covered entity reasonably believes may have caused serious physical harm to the victim; or (2) where it appears from all circumstances that the individual has escaped from a correctional institution or from the lawful custody of a LEA.

11. Specialized Government Functions – Disclosures of PHI for specialized government functions including the following:

A. Armed forces personnel. PHI provided to military command authorities for armed forces personnel serving with the United States and foreign nations for activities deemed necessary to assure the proper execution of the military mission provided that the purpose of such disclosure was previously communicated to armed forces personnel by way of notice in the Federal Register.

B. Intelligence gathering. PHI provided to federal officials for conducting lawful intelligence, counter-intelligence, and other national security activities as authorized by the National Security Act (50 U.S.C. 401, et seq.) and implementing authority (e.g., Executive Order 12333).

C. Protecting government officials. PHI provided to federal or other government officials for protecting the President of the United States and other officials as authorized by 18 U.S.C. 3056, or to foreign heads of state or other persons authorized by 22 U.S.C. 2709(a)(3), or for conducting investigations authorized by 18 U.S.C. 871 and 879.

D. Correctional institutions and other law enforcement custodial situations. PHI provided to correctional institutions or LEAs having lawful custody of an inmate or other individual if such agencies represent that the requested PHI is necessary for: (1) the provision of health care to such an individual; (2) the health and safety of such individual or other inmates; (3) the health and safety of the officers, employees or others at the correctional institution; (4) the health and safety of correctional institution officers, employees or others, LEA officers or other persons responsible for transporting or transferring inmates from one institution, facility, or setting to another; (5) law enforcement on the premises of the correctional institution; and (6) the administration and maintenance of the safety, security, and good order of the correctional institution.

12. Workers Compensation – Disclosure of PHI to workplace or other officials as authorized by and to the extent necessary to comply with laws relating to workers compensation or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault.

Other Uses or Disclosures of PHI: Prior to using or disclosing your PHI for any purpose other than described in this notice, our agency must first obtain your written authorization permitting us to do so. You also may revoke such authorization by providing written notice to our HIPAA Privacy Officer listed on the back of this pamphlet.

Abbreviated Notice: The information provided in this notice is abbreviated and does not describe all contents of the Code of Federal Regulations (45 CFR, Subpart E, “Privacy of Individually Identified Health Information” Section 164.500-534) for use and disclosure of protected health information. Readers of this notice desiring more information concerning the HIPAA Privacy Standard are encouraged to visit the websites listed on the back of this pamphlet.

Patient Rights Described by HIPAA: You are entitled to certain rights regarding the use, disclosure and content of your PHI. Specific requests concerning your rights must be made in writing to our HIPAA Privacy Officer listed on the back of this pamphlet. Your HIPAA rights include:

1. A right to request restrictions on certain uses and disclosures of your PHI – You may request to restrict certain uses or disclosures of your PHI. Your request will be considered and you will be notified if the request will be honored. By law, we are not required to agree to any restrictions that limit our ability to provide treatment, secure payment or conduct business operations.

2. A right to receive confidential communications of your PHI – You may request to receive PHI or other communications from us by alternative means or at alternative locations. Your request will be considered and, if reasonable, you will be notified that it will be honored.

3. A right to inspect and copy your PHI – You may request to obtain copies of your patient care report (PCR) or other records maintained by us that refer to your PHI. Requests remain confidential and become part of your record. In certain circumstances we can deny your request. If we deny your request, you will be notified of the reason for the denial.

4. A right to amend your PHI – You may request to amend your PHI if you believe it to be inaccurate or incomplete. Your request will be considered and, if verified, you will be notified that your PHI has been amended.

5. A right to receive an accounting of disclosures of your PHI – You may request an accounting of disclosures of your PHI for purposes other than treatment, payment, healthcare operations or reasons previously authorized by you. In certain circumstances we can deny your request but generally you will be notified of all such disclosures.

6. A right to obtain a paper copy of this notice – You may request a paper copy of this notice, even if you agreed to receive this notice electronically, by visiting our business offices or requesting the notice in writing.

Complaints: In the event you believe that your PHI was used or disclosed improperly by NCDES or that your rights as described by HIPAA and this notice were violated, you may file a written complaint with our agency’s HIPAA Privacy Officer or with the Secretary of Health and Human Services. Contact information for each may be found on the back of this pamphlet. In the event you make a complaint, our agency is prohibited by federal law from retaliating against you by any means available to us.

Important Information

Nelson County, Virginia
Department of Emergency Services
HIPAA Privacy Officer
P.O. Box 277
Lovingston, VA 22949
Office: (434) 263-7045
FAX: (434) 263-7046

Please contact the individual listed above for more information concerning our privacy practices or questions about this notice.

For More Information about our Agency:

<https://www.nelsoncounty-va.gov/departments-offices/emergency-services/>

Department of Health and Human Services – Office for Civil Rights
150 S. Independence Mall West, Ste. 372
Philadelphia, PA 19106-3499
(800) 368-1019 (any language)
(800) 537-7697 (TDD)

For More Information about HIPAA:

<http://www.hhs.gov/ocr/hipaa/>

To View HIPAA Regulations Current as of January 6, 2025:

<https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-C/part-164>

To File a HIPAA Complaint with the Office of Civil Rights:

<https://www.hhs.gov/hipaa/filing-a-complaint/index.html>

Appendix D – Combined Notice to Ambulance Patients
*(HIPPA Acknowledgement & Authorization to Bill Insurance Company
Consent Form)*



Nelson County, Virginia

Department of Emergency Services

P.O. Box 277

Lovington, VA 22949

Office: (434) 263-7045

FAX: (434) 263-7046

COMBINED NOTICE TO AMBULANCE PATIENTS

HIPAA Notice of Privacy Practices

Emergency personnel with the Nelson County Department of Emergency Services (NCDES) are providing you with a separate pamphlet, entitled “Notice of Privacy Practices,” as required by the Code of Federal Regulations (45 CFR Section 164.520). This notice describes how medical information about you may be used and disclosed and how you can get access to such information. Please review it carefully.

NCDES is required by the Health Insurance Portability and Accountability Act (HIPAA) of 1996 to protect the privacy of healthcare information obtained when treating you (known as protected health information or PHI) and to provide you with a notice of privacy practices concerning the use of such information shortly following the time of service. This notice describes how and when our agency can use and disclose your PHI along with describing your legal rights pertaining to the use and disclosure of such information. This notice also provides contact information for questions and for obtaining further assistance if you need more help. Our agency is required to abide by the terms of this notice as long as it is in effect. We reserve the right to change the terms of this notice and apply such changes to all protected health information that we maintain. A copy of our current (or revised) privacy policy is always available at our business office or on our website.

By signing this form, I, or the person signing for me, acknowledge receiving a “Notice of Privacy Practices” from emergency personnel with NCDES. I understand that the Notice I received explains my rights and contains information to assist me if I should have questions or a complaint.

**Permission to Use Healthcare Information for Billing Purposes and Financial
Responsibility Statement**

By signing this form, I authorize NCDES to release any information, including protected health information or PHI, to any insurance company, insurance company representative or other authorized third party for the purpose of paying my ambulance fees and charges. I authorize any holder of healthcare information or documentation, including PHI, needed to determine benefits or benefits payable for related services or any service rendered to me now or in the future to be released to NCDES if requested. I authorize that direct payment be made by any insurance company or other third party for any ambulance fees and charges that are reimbursable and owed by me to NCDES.

By signing this form, I understand that if I am insured, I am responsible for providing my insurance information to NCDES for the purpose of paying all ambulance fees and charges. I also understand that in the event I am uncooperative or refuse to provide my insurance information and/or subsequent information to support the filing of an insurance claim on my behalf, NCDES may determine that I alone must pay all ambulance fees and charges directly and that I will be responsible for paying these fees and charges within thirty (30) days of such a determination.

NOTICE TO MEDICARE BENEFICIARIES

Current Medicare Rules and Regulations require us to notify you when services provided, or are to be provided, may **not** be covered by Medicare. Medicare pays for services it determines to be Reasonable and Necessary under Section 1882 (a)(1) of the Social Security Act. If Medicare determines that a particular service, although it would otherwise be covered, is **not** Reasonable and Necessary under the Medicare program standards, Medicare will deny payment for that service.

At the present time, and with the information we have been able to obtain thus far, we believe that for that for the services you have requested, or are about to be provided to you, or that were provided to you on _____ by NCDES, Medicare is likely to **deny** payment. Therefore, we are required to give notice advising you that in the event Medicare denies payment you will be responsible for payment in full.

Please read this statement and sign: I have been notified by NCDES that they believe that in this case Medicare is likely to deny payment for the items/services identified above, for the reason stated. If Medicare denies payment, I understand that I will be personally responsible for the account balance.

Patient or Responsible Party Name

Patient or Responsible Party Signature

Date

All patients please read this statement and sign: By signing this statement I acknowledge that I have read, understand and agree to the terms and conditions explained above. Furthermore, I acknowledge receiving a separate pamphlet entitled "Notice of Privacy Practices" from emergency personnel with NCDES explaining HIPAA and my rights as described by the law.

Patient or Responsible Party Name

Patient or Responsible Party Signature

Date _____

Incident/Call/Report Number: _____ PCR Form Number: _____

☐ Patient unable to sign due to the following reason: _____

Notice provided to individual listed below: _____

Relationship: _____

Crew Initials: _____

APPENDIX E

Financial Hardship Waiver Request Form

THIS FORM MUST BE COMPLETED AND RETURNED TO THE NELSON COUNTY DEPARTMENT OF EMERGENCY SERVICES FOR EACH DATE OF SERVICE AN AMBULANCE TRANSPORT BILL IS BILLED



Nelson County, Virginia

Department of Finance

P.O. Box 336

Lovington, VA 22949

Office: (434) 263-7139

FAX: (434) 263-7134

Applicant Name: _____ SSN: _____ - _____ - _____

Date of Birth: _____

Applicant Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: (____) _____ - _____ Cell Phone: (____) _____ - _____

Work Phone (____) _____ - _____

Responsible Party (If not the same as Applicant):

Name: _____ SSN: _____ - _____ - _____

Date of Birth: _____

Address (if different than Applicant): _____

City: _____ State: _____ Zip Code: _____

Home Phone (____) _____ - _____ Cell Phone (____) _____ - _____

Work Phone (____) _____ - _____

NUMBER OF PEOPLE IN HOUSEHOLD: _____ GROSS HOUSEHOLD INCOME: \$ _____

I hereby request that I, as either the applicant or responsible party for the above-named applicant, be considered for a reduction in my payment responsibilities for ambulance transport services. I understand that I will be held liable for any false statements made herein. I also understand that the County reserves the right to require proof of income in consideration of this request.

Signature: _____

Date: _____

Applicant or Responsible Party (circle one)

Medicaid Eligibility

Medicaid coverage includes the cost of ambulance transport. You may be eligible for Medicaid if you meet certain income levels and persons in household criteria. Please contact your local Department of Social Services at 434-263-7160 to determine your eligibility.

ADMINISTRATIVE USE ONLY

Incident #: _____

EMSMC Invoice #: _____

Date of Service: _____

Date Received: _____

Claim Approved/Denied (Reason): _____

Date EMSMC Notified: _____

Approval Signature: _____

Date: _____

Appendix F - Financial Hardship Waiver of Fees Guidelines

The following guidelines used to determine the waiver of fees is based on **200%** of the Federal Poverty Level as established annually by the U.S. Department of Health and Human Services.

The Applicant or Responsible Party completing and submitting a Financial Hardship Waiver Request form qualifies for **100%** waiver of fees after any insurance if the following guidelines are met:

<u># Persons in Family or Household</u>	<u>*2024 200% of Federal Poverty Level</u>
1	\$30,120.00
2	\$40,880.00
3	\$51,640.00
4	\$62,400.00
5	\$73,160.00
6	\$83,920.00
7	\$94,680.00
8	\$105,440.00
each additional person add \$10,760.00	

- * 2024 Federal Poverty Levels per the U.S. Department of Health and Human Services.

Appendix G - Payment Plan Guidelines

Establishment

1. The County's billing company is authorized to encourage consumers of ambulance transport services, or responsible parties, with the ability to pay, to pay a monthly amount of \$50.00 until such time that their balance is paid in full. Should that amount present a hardship to the consumer, or responsible party, the billing company is authorized to accept a minimum monthly payment amount of \$25.00.

Severability

1. The County's billing company will honor all established payment plans unless such plan is subsequently broken by the non-payment of two consecutive installments. At this point, the account will be rendered uncollectible and placed on the uncollectible debt list to be forwarded to the County for consideration of write-off.

APPENDIX H

Volunteer Fire and Rescue Personnel Waiver Request Form

THIS FORM MUST BE COMPLETED AND RETURNED TO THE NELSON COUNTY DEPARTMENT OF FINANCE ALONG WITH A COPY OF THE AMBULANCE TRANSPORT INVOICE FOR WHICH YOU ARE REQUESTING A WAIVER.



Nelson County, Virginia

Department of Finance

P.O. Box 336

Lovington, VA 22949

Office: (434) 263-7139

FAX: (434) 263-7134

Name of Volunteer: _____

Name of Patient Transported: _____

Relationship of the Patient to the Volunteer: _____

Agency that Volunteer holds membership: _____

I certify that I am a member in good standing with the volunteer agency listed above. I understand that the County will verify my membership by checking with an officer of the agency.

Printed Name: _____

Signature: _____

Date: _____

ADMINISTRATIVE USE ONLY

Incident #: _____

EMSMC Invoice #: _____

Date of Service: _____

Date Received: _____

Claim Approved/Denied (Reason): _____

Date EMSMC Notified: _____

Approval Signature: _____

Date: _____

PREPARED FOR NELSON COUNTY BOARD OF SUPERVISORS

By:

EMS | MC

EMS MANAGEMENT & CONSULTANTS

RESULTS | SERVICE | COMMUNITY

12 MONTH DATE OF SERVICE ANALYSIS**Primary Payor Mix**

6-12 Month Mature Average

Primary Payor	% of Trips
Medicare	30%
Medicare Advantage	27%
Insurance	11%
Medicaid	1%
Medicaid MCO	17%
Patient	13%
Facility	0%
Other Govt. Payers	1%
TPL	0%

Net Collection Percentages

6-12 Month Mature Average

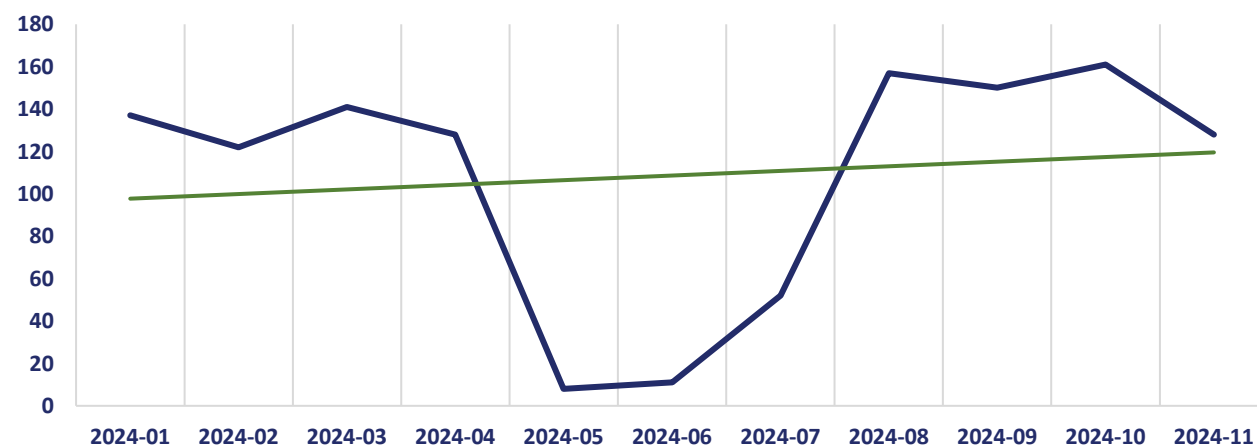
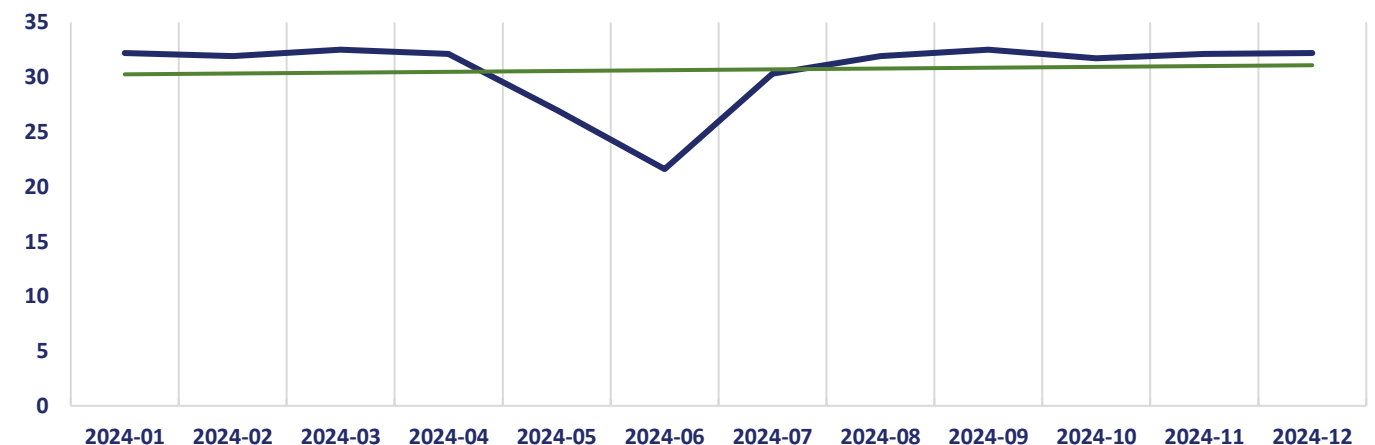
Primary Payor	Coll %
Medicare	98%
Medicare Advantage	92%
Insurance	76%
Medicaid	100%
Medicaid MCO	98%
Patient	7%
Facility	0%
Other Govt. Payers	92%
TPL	100%

Cash Per Trip

6-12 Month Mature Average

Primary Payor	CPT
Medicare	\$ 716.38
Medicare Advantage	\$ 561.02
Insurance	\$ 588.29
Medicaid	\$ 230.27
Medicaid MCO	\$ 247.57
Patient	\$ 17.87
Facility	\$ -
Other Govt. Payers	\$ 659.23
TPL	\$ 1,042.70

DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	137	128,480.20	51,397.03	77,083.17	3.84	66,065.30	4,255.38	-	6,758.65	937.81	562.65	482.23	85.7%
2024-02	122	113,215.40	40,452.33	72,763.07	(1.83)	67,508.88	2,613.74	149.17	2,791.45	928.00	596.42	552.13	92.6%
2024-03	141	132,458.30	57,293.14	75,165.16	-	66,496.53	4,443.96	-	4,224.67	939.42	533.09	471.61	88.5%
2024-04	128	121,247.60	51,000.08	70,247.52	(35.00)	59,791.64	6,257.50	300.00	4,533.38	947.25	548.81	464.78	84.7%
2024-05	8	6,645.40	1,943.86	4,701.54	-	2,971.38	163.56	-	1,566.60	830.68	587.69	371.42	63.2%
2024-06	11	8,425.30	2,314.72	6,110.58	-	4,148.08	1,287.32	69.12	744.30	765.94	555.51	370.81	66.8%
2024-07	52	48,111.70	12,769.53	35,342.17	-	27,033.98	-	-	8,308.19	925.23	679.66	519.88	76.5%
2024-08	157	148,282.90	42,059.18	106,223.72	-	78,228.86	300.00	-	27,694.86	944.48	676.58	498.27	73.6%
2024-09	150	140,751.70	35,025.01	105,726.69	-	79,891.15	-	-	25,835.54	938.34	704.84	532.61	75.6%
2024-10	161	151,152.10	36,705.50	114,446.60	-	66,622.74	1,940.10	-	45,883.76	938.83	710.85	413.81	58.2%
2024-11	128	119,948.30	18,359.81	101,588.49	-	25,189.93	-	-	76,398.56	937.10	793.66	196.80	24.8%
2024-12	153	142,795.40	157.40	142,638.00	-	476.10	-	-	142,161.90	933.30	932.27	3.11	0.3%
Totals	1,348	1,261,514.30	349,477.59	912,036.71	(32.99)	544,424.57	21,261.56	518.29	346,901.86	935.84	676.59	403.49	59.6%

Trip Count Trend - Excluding Current Month**Average Loaded Miles**

12 MONTH DATE OF SERVICE ANALYSIS BY PRIMARY PAYOR CATEGORY

MEDICARE													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	42	38,601.70	7,337.68	31,264.02	-	29,544.24	697.85	-	1,021.93	919.09	744.38	703.43	94.5%
2024-02	48	44,883.10	9,419.01	35,464.09	-	35,180.69	132.13	-	151.27	935.06	738.84	732.93	99.2%
2024-03	36	34,913.80	8,053.04	26,860.76	-	26,673.78	-	-	186.98	969.83	746.13	740.94	99.3%
2024-04	30	27,631.80	6,266.56	21,365.24	-	20,941.60	287.26	-	136.38	921.06	712.17	698.05	98.0%
2024-05	3	2,355.10	417.73	1,937.37	-	1,773.81	163.56	-	(0.00)	785.03	645.79	591.27	91.6%
2024-06	3	2,318.10	378.78	1,939.32	-	1,939.32	-	-	-	772.70	646.44	646.44	100.0%
2024-07	16	15,051.60	2,806.10	12,245.50	-	11,717.81	-	-	527.69	940.73	765.34	732.36	95.7%
2024-08	43	39,502.20	7,229.83	32,272.37	-	29,733.36	-	-	2,539.01	918.66	750.52	691.47	92.1%
2024-09	47	43,184.60	6,981.79	36,202.81	-	32,708.08	-	-	3,494.73	918.82	770.27	695.92	90.3%
2024-10	48	43,948.50	6,664.23	37,284.27	-	30,874.97	-	-	6,409.30	915.59	776.76	643.23	82.8%
2024-11	23	21,784.80	1,949.05	19,835.75	-	10,032.65	-	-	9,803.10	947.17	862.42	436.20	50.6%
2024-12	38	34,716.20	-	34,716.20	-	-	-	-	34,716.20	913.58	913.58	-	0.0%
Totals	377	348,891.50	57,503.80	291,387.70	-	231,120.31	1,280.80	-	58,986.59	925.44	772.91	613.05	79.3%
MEDICARE ADVANTAGE													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	32	29,982.30	10,923.60	19,058.70	-	18,253.14	1,047.34	-	(241.78)	936.95	595.58	570.41	95.8%
2024-02	34	31,773.90	11,927.52	19,846.38	-	17,081.13	772.36	149.17	2,142.06	934.53	583.72	498.00	85.3%
2024-03	42	39,475.10	15,021.77	24,453.33	-	22,923.29	1,375.95	-	154.09	939.88	582.22	545.79	93.7%
2024-04	36	34,081.30	9,876.66	24,204.64	(35.00)	23,047.47	890.31	300.00	601.86	946.70	672.35	631.87	94.0%
2024-05	2	1,719.40	521.83	1,197.57	-	1,197.57	-	-	-	859.70	598.79	598.79	100.0%
2024-06	2	1,536.70	259.83	1,276.87	-	1,045.99	300.00	69.12	(0.00)	768.35	638.44	488.44	76.5%
2024-07	19	17,324.10	4,243.25	13,080.85	-	11,209.62	-	-	1,871.23	911.79	688.47	589.98	85.7%
2024-08	51	48,501.00	15,811.44	32,689.56	-	28,895.88	300.00	-	3,493.68	951.00	640.97	566.59	88.4%
2024-09	50	47,082.60	12,302.68	34,779.92	-	31,833.53	-	-	2,946.39	941.65	695.60	636.67	91.5%
2024-10	34	32,194.70	7,597.89	24,596.81	-	19,683.65	300.00	-	4,613.16	946.90	723.44	578.93	80.0%
2024-11	39	36,735.90	6,078.28	30,657.62	-	10,832.36	-	-	19,825.26	941.95	786.09	277.75	35.3%
2024-12	26	25,188.40	157.40	25,031.00	-	476.10	-	-	24,554.90	968.78	962.73	18.31	1.9%
Totals	367	345,595.40	94,722.15	250,873.25	(35.00)	186,479.73	4,985.96	518.29	59,960.85	941.68	683.58	506.71	74.1%
INSURANCE													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	17	15,936.20	2,039.24	13,896.96	-	11,486.87	149.19	-	2,260.90	937.42	817.47	675.70	82.7%
2024-02	10	9,369.20	381.32	8,987.88	-	7,252.58	1,709.25	-	26.05	936.92	898.79	725.26	80.7%
2024-03	20	17,850.00	3,246.94	14,603.06	-	10,431.75	1,301.81	-	2,869.50	892.50	730.15	521.59	71.4%
2024-04	11	10,336.60	2,391.62	7,944.98	-	5,904.51	307.13	-	1,733.34	939.69	722.27	536.77	74.3%
2024-05	1	770.30	-	770.30	-	-	-	-	770.30	770.30	770.30	-	0.0%
2024-06	2	1,437.90	486.43	951.47	-	809.85	141.62	-	-	718.95	475.74	404.93	85.1%
2024-07	5	4,809.80	-	4,809.80	-	2,153.43	-	-	2,656.37	961.96	961.96	430.69	44.8%
2024-08	13	12,190.90	2,024.00	10,166.90	-	7,781.33	-	-	2,385.57	937.76	782.07	598.56	76.5%
2024-09	15	14,419.50	1,245.83	13,173.67	-	6,982.45	-	-	6,191.22	961.30	878.24	465.50	53.0%
2024-10	15	13,930.90	635.09	13,295.81	-	5,881.11	-	-	7,414.70	928.73	886.39	392.07	44.2%
2024-11	12	11,492.40	228.04	11,264.36	-	912.16	-	-	10,352.20	957.70	938.70	76.01	8.1%
2024-12	6	5,816.70	-	5,816.70	-	-	-	-	5,816.70	969.45	969.45	-	0.0%
Totals	127	118,360.40	12,678.51	105,681.89	-	59,596.04	3,609.00	-	42,476.85	931.97	832.14	469.26	56.4%

12 MONTH DATE OF SERVICE ANALYSIS BY PRIMARY PAYOR CATEGORY

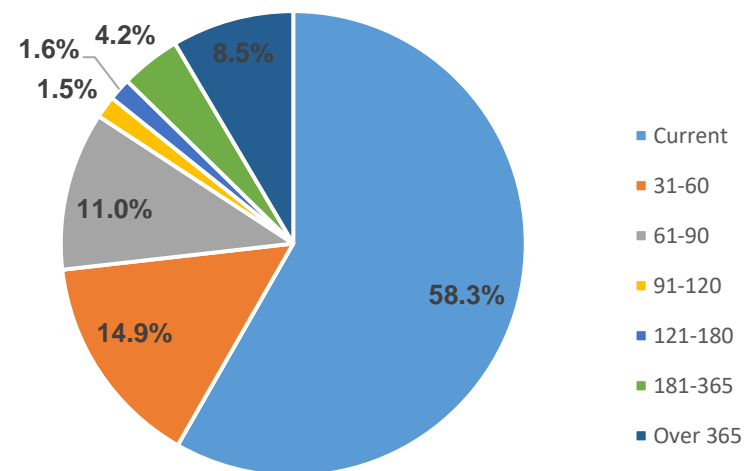
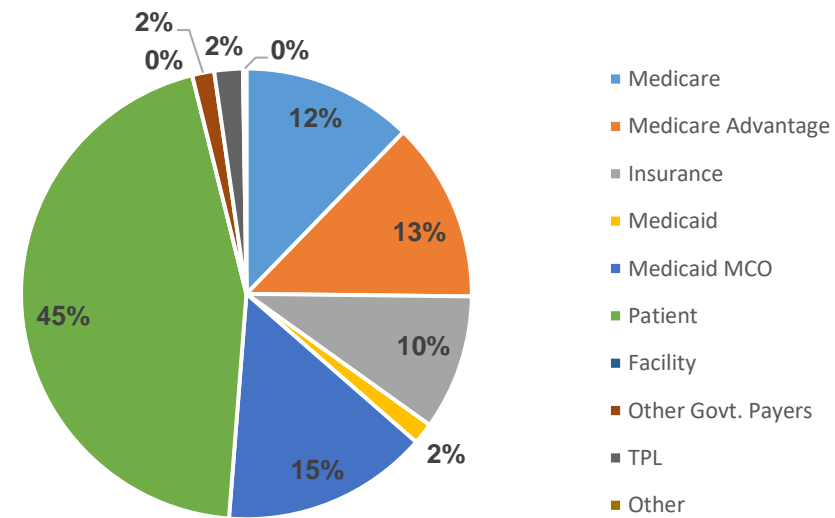
MEDICAID													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-02	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-03	2	1,727.20	1,282.02	445.18	-	445.18	-	-	-	863.60	222.59	222.59	100.0%
2024-04	2	1,837.10	1,361.20	475.90	-	475.90	-	-	-	918.55	237.95	237.95	100.0%
2024-05	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-06	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-07	2	2,030.80	1,513.80	517.00	-	517.00	-	-	-	1,015.40	258.50	258.50	100.0%
2024-08	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-09	2	1,961.90	735.08	1,226.82	-	253.02	-	-	973.80	980.95	613.41	126.51	20.6%
2024-10	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-11	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-12	1	1,075.20	-	1,075.20	-	-	-	-	1,075.20	1,075.20	1,075.20	-	0.0%
Totals	9	8,632.20	4,892.10	3,740.10	-	1,691.10	-	-	2,049.00	959.13	415.57	187.90	45.2%
MEDICAID MCO													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	25	24,930.40	18,596.51	6,333.89	-	6,333.89	-	-	-	997.22	253.36	253.36	100.0%
2024-02	19	17,608.00	12,663.94	4,944.06	-	4,471.99	-	-	472.07	926.74	260.21	235.37	90.5%
2024-03	21	19,736.10	14,761.47	4,974.63	-	4,974.63	-	-	-	939.81	236.89	236.89	100.0%
2024-04	27	27,051.00	20,160.83	6,890.17	-	6,890.17	-	-	-	1,001.89	255.19	255.19	100.0%
2024-05	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-06	1	794.40	441.48	352.92	-	352.92	-	-	-	794.40	352.92	352.92	100.0%
2024-07	9	7,979.50	4,206.38	3,773.12	-	1,436.12	-	-	2,337.00	886.61	419.24	159.57	38.1%
2024-08	26	25,304.90	16,993.91	8,310.99	-	6,376.69	-	-	1,934.30	973.27	319.65	245.26	76.7%
2024-09	20	19,226.50	12,800.13	6,426.37	-	5,447.37	-	-	979.00	961.33	321.32	272.37	84.8%
2024-10	37	36,092.40	21,600.10	14,492.30	-	9,264.00	-	-	5,228.30	975.47	391.68	250.38	63.9%
2024-11	28	26,971.90	10,104.44	16,867.46	-	3,412.76	-	-	13,454.70	963.28	602.41	121.88	20.2%
2024-12	20	18,918.30	-	18,918.30	-	-	-	-	18,918.30	945.92	945.92	-	0.0%
Totals	233	224,613.40	132,329.19	92,284.21	-	48,960.54	-	-	43,323.67	964.01	396.07	210.13	53.1%
PATIENT													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	19	17,175.00	12,080.60	5,094.40	-	-	2,361.00	-	2,733.40	903.95	268.13	-	0.0%
2024-02	8	6,839.90	5,756.90	1,083.00	-	1,083.00	-	-	-	854.99	135.38	135.38	100.0%
2024-03	19	17,708.20	14,927.90	2,780.30	-	-	1,766.20	-	1,014.10	932.01	146.33	-	0.0%
2024-04	18	16,334.10	9,793.10	6,541.00	-	150.00	4,772.80	-	1,618.20	907.45	363.39	8.33	2.3%
2024-05	2	1,800.60	1,004.30	796.30	-	-	-	-	796.30	900.30	398.15	-	0.0%
2024-06	3	2,338.20	748.20	1,590.00	-	-	845.70	-	744.30	779.40	530.00	-	0.0%
2024-07	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-08	23	21,815.30	-	21,815.30	-	4,473.00	-	-	17,342.30	948.49	948.49	194.48	20.5%
2024-09	14	12,984.90	959.50	12,025.40	-	-	-	-	12,025.40	927.49	858.96	-	0.0%
2024-10	25	22,870.30	-	22,870.30	-	-	1,640.10	-	21,230.20	914.81	914.81	-	0.0%
2024-11	26	22,963.30	-	22,963.30	-	-	-	-	22,963.30	883.20	883.20	-	0.0%
2024-12	62	57,080.60	-	57,080.60	-	-	-	-	57,080.60	920.65	920.65	-	0.0%
Totals	219	199,910.40	45,270.50	154,639.90	-	5,706.00	11,385.80	-	137,548.10	912.83	706.12	26.05	3.7%

12 MONTH DATE OF SERVICE ANALYSIS BY PRIMARY PAYOR CATEGORY

FACILITY													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-02	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-03	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-04	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-05	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-06	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-07	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-08	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-09	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-10	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-11	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-12	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
Totals	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
OTHER GOVT. PAYERS													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	1	870.40	419.40	451.00	3.84	447.16	-	-	-	870.40	451.00	447.16	99.1%
2024-02	2	1,698.60	303.64	1,394.96	(1.83)	1,396.79	-	-	-	849.30	697.48	698.40	100.1%
2024-03	1	1,047.90	-	1,047.90	-	1,047.90	-	-	-	1,047.90	1,047.90	1,047.90	100.0%
2024-04	4	3,975.70	1,150.11	2,825.59	-	2,381.99	-	-	443.60	993.93	706.40	595.50	84.3%
2024-05	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-06	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-07	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-08	1	968.60	-	968.60	-	968.60	-	-	-	968.60	968.60	968.60	100.0%
2024-09	2	1,891.70	-	1,891.70	-	2,666.70	-	-	(775.00)	945.85	945.85	1,333.35	141.0%
2024-10	2	2,115.30	208.19	1,907.11	-	919.01	-	-	988.10	1,057.65	953.56	459.51	48.2%
2024-11	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-12	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
Totals	13	12,568.20	2,081.34	10,486.86	2.01	9,828.15	-	-	656.70	966.78	806.68	756.01	93.7%
TPL													
DOS	Trip Count	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Balance Due	Gross Chg/Trip	Net Chg/Trip	Cash/Trip	Net Coll %
2024-01	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-02	1	1,042.70	-	1,042.70	-	1,042.70	-	-	-	1,042.70	1,042.70	1,042.70	100.0%
2024-03	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-04	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-05	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-06	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-07	1	915.90	-	915.90	-	-	-	-	915.90	915.90	915.90	-	0.0%
2024-08	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-09	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-10	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-11	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
2024-12	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
Totals	2	1,958.60	-	1,958.60	-	1,042.70	-	-	915.90	979.30	979.30	521.35	53.2%

OUTSTANDING AR AGING BY PAYOR CATEGORY**AGING BY AGING DATE & CURRENT PAYOR**

Current Payor	Current	31-60	61-90	91-120	121-180	181-365	Over 365	Total
Medicare	44,404.26	1,739.10	1,984.60	-	-	963.40	-	49,091.36
Medicare Advantage	31,870.82	12,373.06	2,846.03	-	955.60	3,388.40	294.62	51,728.53
Insurance	22,261.81	10,098.38	4,378.53	2,929.20	-	(1,716.00)	929.99	38,881.91
Medicaid	3,665.59	159.81	-	-	726.05	1,593.30	-	6,144.75
Medicaid MCO	38,523.53	4,371.24	2,881.81	350.00	-	3,342.84	9,824.30	59,293.72
Patient	89,702.17	27,320.41	29,464.82	1,970.99	4,466.17	5,281.03	21,537.39	179,742.98
Facility	-	-	-	-	-	-	-	-
Other Govt. Payers	1,355.00	1,703.35	1,243.10	-	100.00	1,091.27	817.78	6,310.50
TPL	1,551.00	1,005.00	1,337.90	915.90	-	2,779.99	614.30	8,204.09
Other	-	984.20	-	-	-	-	-	984.20
Total	233,334.18	59,754.55	44,136.79	6,166.09	6,247.82	16,724.23	34,018.38	400,382.04

AR Aging Percent**AR by Payor Category**

ACCOUNTS RECEIVABLE RECONCILIATION REPORT

For Account Period Ending: December 31, 2024

Month	Beginning A/R	Gross Charges	Contr Allow	Net Charges	Rev Adj	Payments	Write Offs	Refunds	Ending A/R
2024-07	266,465.75	3,693.60	51,825.05	(48,131.45)	(35.00)	33,025.31	7,060.75	(300.00)	178,583.24
2024-08	178,583.24	4,476.20	2,155.59	2,320.61	-	15,779.79	5,353.65	-	159,770.41
2024-09	159,770.41	5,243.30	25,398.79	(20,155.49)	-	6,179.20	6,359.69	(820.00)	127,896.03
2024-10	127,896.03	425,581.00	24,219.03	401,361.97	(1.83)	24,544.10	12,450.34	(69.12)	492,334.51
2024-11	492,334.51	140,573.50	64,352.82	76,220.68	-	153,205.04	(1,510.38)	-	416,860.53
2024-12	416,860.53	174,310.70	71,030.04	103,280.66	(41.84)	118,265.09	1,535.90	-	400,382.04
FY Total	266,465.75	753,878.30	238,981.32	514,896.98	(78.67)	350,998.53	31,249.95	(1,189.12)	400,382.04

From: [Audrey Kirk](#)
To: [Candy McGarry](#); [Judy Seraphin](#)
Cc: [Grace Mawyer](#); [Linda Staton](#)
Subject: RE: Nelson County Board of Supervisors - 2025 Medicare fee schedule
Date: Wednesday, November 27, 2024 3:17:50 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hello Candy,

Here is the information that the senior finance team has come up with.

150%:

Reasonableness Factor	60%	80%
Estimated Gain	29,867.78	39,823.70

170%:

Reasonableness Factor	60%	80%
Estimated Gain	47,573.96	63,431.94

200%:

Reasonableness Factor	60%	80%
Estimated Gain	74,115.48	98,820.64

As I previously mentioned, this increase could assume that payers would increase their payments along with the new gross charges. Also be according to the patient policy.

Please let me know if there is anything further I can assist you with.

Regards,

Audrey Kirk
Customer Success Executive, CAC
336.397.3972
ems@nelsoncounty.org

EMS|MC

Upcoming Personal Out of Office: 11/29/24

Upcoming business travel:

Upcoming Observed Holidays: 11/28/24

From: Candy McGarry <CMcGarry@nelsoncounty.org>

Sent: Wednesday, November 20, 2024 9:45 AM

To: Audrey Kirk <audrey.kirk@emsmc.com>; Judy Seraphin <jseraphin@nelsoncounty.org>

Cc: Grace Mawyer <gmawyer@nelsoncounty.org>; Linda Staton <lstaton@nelsoncounty.org>

Subject: [EXTERNAL] RE: Nelson County Board of Supervisors - 2025 Medicare fee schedule

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the corrected information! Will you provide us with estimates of the increased annual revenue from going to 150% MFS, 200% MFS, and 170% MFS please. Thanks again!

From: Audrey Kirk [<mailto:audrey.kirk@emsmc.com>]

Sent: Wednesday, November 20, 2024 9:40 AM

To: Judy Seraphin <jseraphin@nelsoncounty.org>; Candy McGarry <CMcGarry@nelsoncounty.org>

Subject: RE: Nelson County Board of Supervisors - 2025 Medicare fee schedule

Good morning,

My apologies but I sent you the incorrect Medicare allowable yesterday. Please see updated file I have attached. Please let me know if you have any questions.

Regards,

Audrey Kirk

Customer Success Executive, CAC

336.397.3972

emsmc.com

EMS|MC

Upcoming Personal Out of Office: 11/29/24

Upcoming business travel:

Upcoming Observed Holidays: 11/28/24

From: Audrey Kirk

Sent: Tuesday, November 19, 2024 4:53 PM

To: Judy Seraphin <jseraphin@nelsoncounty.org>; cmcgarry@nelsoncounty.org

Subject: Nelson County Board of Supervisors - 2025 Medicare fee schedule

Good afternoon,

I hope you all are doing well and having a terrific Tuesday. Medicare has released their fee schedule for 2025. They are increasing their rates by 2.4%. I have put together a spreadsheet for your review. If you choose to increase your rates, please let me know how much and what effective date. Please let me know if you have any questions.

Regards,

Audrey Kirk

Customer Success Executive, CAC

336.397.3972

emsmc.com

EMS|MC

Upcoming Personal Out of Office: 11/29/24

Upcoming business travel:

Upcoming Observed Holidays: 11/28/24

Notice of Confidentiality: This transmission contains information that may be confidential and may also be privileged. Unless you are the intended recipient of the message (or authorized to receive it for the intended recipient), you may not copy, forward, or otherwise use it, or disclose its contents to anyone else. Please be aware that email communication can be intercepted in transmission or misdirected. If you have received this transmission in error, please notify us immediately at HIPAAcompliance@emsmc.com and delete it from your system.

Chapter 13 EMERGENCY SERVICES

ARTICLE I. IN GENERAL

Secs. 13-1—13-30. Reserved.

ARTICLE II. EMERGENCY AMBULANCE SERVICE

Sec. 13-31. Fees for emergency ambulance service.

- (a) Pursuant to Sections 27-23.6 and 32.1-111.14 of the Code of Virginia it is hereby determined and declared that the exercise of the powers set forth below is necessary to ensure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.

- (b) Definitions:

Advanced life support level 1 services means medical treatment or procedures provided to a patient beyond the scope of an EMT-Basic as defined by the National EMS Education and Practice Blueprint.

Advanced life support level 2 services means advanced life support (ALS) services provided to a patient including any of the following medical procedures:

- (1) Manual defibrillation/cardioversion;
- (2) Endotracheal intubation;
- (3) Central venous line;
- (4) Cardiac pacing;
- (5) Chest decompression;
- (6) Surgical airway; or
- (7) Intraosseous line, and the administration of three (3) or more medications.

Basic life support services means medical treatment or procedures provided to a patient as defined by the National Emergency Medical Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician (EMT)-Basic.

Emergency ambulance service means any medical treatment or transport, or both, as defined above.

Ground transport mileage means the distance, in statute mile, from the location of the incident scene, or center point of a rescue demand zone where an incident scene or address is located, to a hospital or other facility to which a patient is transported.

- (c) There is hereby levied a fee as provided herein upon each recipient of emergency ambulance service rendered by a rescue squad organized in the county.
- (d) The schedule of rates for emergency ambulance services by rescue squads situated within Nelson County shall be fixed by resolution of the board of supervisors.

(Res. of 5-9-06)

Sec. 13-32. Administration.

- (a) The county administrator is hereby authorized to promulgate regulations for the administration of the fees imposed by this article, including, but not limited to, a subscription program for county residents and payment standards for those persons who demonstrate economic hardship, as permitted by applicable law. Any such subscription program shall be offered at an annual cost per household family in an amount fixed by resolution of the board of supervisors.
- (b) No fee, pursuant to this article, shall be imposed upon the recipient of emergency ambulance transport service provided by a volunteer rescue squad organized in this county unless a written agreement providing for such assessment is executed by the rescue squad and the county.
- (c) Inasmuch as allocations from Wintergreen Partners, Inc. and the membership fees of the Wintergreen Property Owners finance Wintergreen Property Owners Volunteer Rescue Squad, no fee will be levied for calls answered by Wintergreen Property Owners Volunteer Rescue Squad within the Wintergreen Development as defined on the most current Wintergreen Master Plan, as amended from time to time.

(Res. of 5-9-06)

Sec. 13-33. Billing.

- (a) Billing for fees imposed by this article shall be conducted in a manner prescribed by the county administrator. In this connection, payment for all fees imposed hereby shall be the responsibility of the patient or the parent, guardian or other legally responsible party in the case of a minor or incompetent person.
- (b) No person will accept payment of the fees hereby imposed except as provided by regulations prescribed by the county administrator. In this regard, the county administrator is hereby authorized to engage the services of a billing contractor for billing and collection services.

(Res. of 5-9-06)

§ 32.1-111.14. Powers of governing bodies of counties, cities, and towns

A. Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated below is necessary to assure the provision of adequate and continuing emergency medical services and to preserve, protect and promote the public health, safety and general welfare, the governing body of any county or city is empowered to:

1. Enact an ordinance making it unlawful to operate any emergency medical services vehicle or class thereof established by the Board in such county or city without having been granted a franchise, license or permit to do so;
2. Grant franchises, licenses or permits to emergency medical services agencies based within or outside the county or city; however, any emergency medical services agency in operation in any county or city on June 28, 1968, that continues to operate as such, up to and including the effective date of any ordinance adopted pursuant to this section, and that submits to the governing body of the county or city satisfactory evidence of such continuing operation, shall be granted a franchise, license or permit by such governing body to serve at least that part of the county or city in which the agency has continuously operated if all other requirements of this article are met;
3. Limit the number of emergency medical services vehicles to be operated within the county or city and by any emergency medical services agency;
4. Determine and prescribe areas of franchised, licensed or permitted service within the county or city;
5. Fix and change from time to time reasonable charges for franchised, licensed or permitted services;
6. Set minimum limits of liability insurance coverage for emergency medical services vehicles;
7. Contract with franchised, licensed or permitted emergency medical services agencies for emergency medical services vehicle transportation services to be rendered upon call of a county or municipal agency or department and for transportation of bona fide indigents or persons certified by the local board of social services to be public assistance or social services recipients; and
8. Establish other necessary regulations consistent with statutes or regulations of the Board relating to operation of emergency medical services vehicles.

B. In addition to the powers set forth above, the governing body of any county or city is authorized to provide, or cause to be provided, services of emergency medical services vehicles; to own, operate and maintain emergency medical services vehicles; to make reasonable charges for use of emergency medical services vehicles, including charging insurers for emergency medical services vehicle transportation services as authorized by § 38.2-3407.9; and to contract

with any emergency medical services agency for the services of its emergency medical services vehicles.

C. Any incorporated town may exercise, within its corporate limits only, all those powers enumerated in subsections A and B either upon the request of a town to the governing body of the county wherein the town lies and upon the adoption by the county governing body of a resolution permitting such exercise, or after 180 days' written notice to the governing body of the county if the county is not exercising such powers at the end of such 180-day period.

D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein shall be effective within an incorporated town in such county which is at the time exercising such powers until 180 days after written notice to the governing body of the town.

E. Nothing herein shall be construed to authorize any county to regulate in any manner emergency medical services vehicles owned and operated by a town or to authorize any town to regulate in any manner emergency medical services vehicles owned and operated by a county.

F. Emergency medical services vehicles operated by a county, city, or town under authority of this section shall be subject to the provisions of this article and to the regulations of the Board.

1996, c. [899](#);2002, c. [747](#);2005, c. [182](#);2015, cc. [502](#), [503](#).

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

§ 38.2-3407.9. Reimbursement for emergency medical services vehicle transportation services

A. If an accident and sickness insurance policy provides coverage for services provided by an emergency medical services vehicle, any person providing such services to a person covered under such policy shall receive reimbursement for such services directly from the issuer of such policy, when the issuer of such policy is presented with an assignment of benefits by the person providing such services.

B. No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, or (iii) health maintenance organization providing a health care plan for health care services shall establish or promote an emergency medical response and transportation system that encourages or directs access by a person covered under such policy, contract or plan in competition with or in substitution of an emergency 911 system or other state, county or municipal emergency medical system for services provided by an emergency medical services vehicle. An entity subject to this subsection may use transportation outside an emergency 911 system or other state, county or municipal emergency medical system for services that are not services provided by an emergency medical services vehicle.

C. For the purposes of this section, "services provided by an emergency medical services vehicle" means the transportation of any person requiring resuscitation or emergency relief or where human life is endangered, by means of any emergency medical services vehicle designed or used principally for such purposes. No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, or (iii) health maintenance organization providing a health care plan for health care services shall require a person covered under such policy, contract or plan to obtain prior authorization before accessing an emergency 911 system or other state, county or municipal emergency medical system for services provided by an emergency medical services vehicle.

1995, c. [420](#);2000, c. [630](#);2015, cc. [502](#), [503](#).

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

18 December 2024

Nelson County Board of Supervisors
and Candy McGarry, County Administrator
84 Courthouse Square
Lovingston, VA 22949

Ladies and Gentlemen:

RVCC appreciates the opportunity to request the assistance of the County in the development of two dedicated pickleball courts on our campus, plus the completion of our partially-built, 0.3-mile walking and exercise path encircling our recreation fields. This project will enhance recreational and physical fitness opportunities for all County residents, and we are requesting a contribution from the Board of Supervisors in the amount of \$25,000 to complete our fundraising effort.

As you may be aware, RVCC has devoted a great deal of time and treasure in recent years to the development of recreational facilities for County residents, including refurbishing our ball fields, rebuilding our basketball court, relocating and expanding our skate park and greatly improving and expanding our playground. These projects have significantly benefitted families in our area, providing a variety of exercise and play options free of charge in a county with limited public recreation venues.

Pickleball has a long history at RVCC, starting more than 15 years ago indoors, and then moving outside to our basketball court after it was resurfaced. Like the rest of the country, its popularity here has grown markedly in the recent past. That increase in use has created competition for the use of our basketball court, resulting in complaints from the hoopsters that their court time is being infringed.

Responding to a request from a number of our members and following extensive planning by our Recreation Committee, our Board has committed to building two new dedicated courts on our grounds, with overflow play to be permitted on our basketball court.

The completed walking path will include a multi-function exercise station, enabling the community to focus on both cardio and strength conditioning. The path will also serve others who will now have a safe, car-free venue for running, roller-blading, biking, long-boarding, scooter-riding and kids' ride-on cars.

Please note that while these are seemingly very different projects, they are being combined due to the logistics and cost-savings of staging the asphalt installations simultaneously.

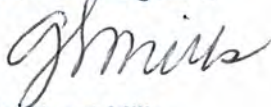
The project will be completed in two phases beginning in early 2025, after fundraising is completed this winter. The first phase will create our two new dedicated pickleball courts, in the area immediately adjacent to and West of our basketball court. Once the asphalt for the courts is installed, the paving of the perimeter path will take place, completing the loop started with the skate park expansion project in 2022.

As shown on the attached project budget, RVCC has sought to renew partnerships with a number of regional charitable foundations to assist us with funding this large project, and we are pleased to note that we have received pledges totaling over \$55,500 from these organizations.

In addition to this foundation funding, RVCC has once again launched a direct-appeal fundraising campaign beginning in October with our membership and local residents, in hopes of raising \$50,000 for this effort. We are very pleased to note that we have received over \$33,000 in private contributions to date.

All of us at RVCC appreciate the Board of Supervisors' consideration of this request for a \$25,000 contribution to this community enhancement project, which will provide direct health and recreational benefits to County residents free of charge. We look forward to the opportunity to discuss it in greater detail with you at your convenience.

With kind regards,

A handwritten signature in black ink, appearing to read "G. Stuart Mills".

G. Stuart Mills
Executive Director

/encl

ROCKFISH VALLEY COMMUNITY CENTER

Pickleball & Path Project

Project Budget and Projected Sources of Funding
2024-25

Expense	Materials	Labor/ Delivery	Total	Notes
Project Design & Engineering				
Asphalt for Path	\$ 31,025	\$ 6,000	\$ 37,025	Jessica Mauzy/Kimley-Horn & Assoc.
Path Fitness Stations	\$ 11,505		\$ 11,505	S.L. Williamson quote
Asphalt for 2 Pickleball Courts	\$ 37,000		\$ 37,000	StayFIT ExerTrac station est
Temporary Fencing - Pickleball	\$ 2,656		\$ 2,656	S.L. Williamson quote
Pickleball nets	\$ 2,000		\$ 2,000	OnCourt/OffCourt Barrier Systems est
Sport Surfacing & Court Striping	\$ 17,940		\$ 17,940	2 semi-permanent nets; installed
Lighting	\$ 1,500		\$ 1,500	4 PB & 1 BB court - Qual Seal Coating Est
total Expense	\$ 103,626		\$ 109,626	pole donated; lights & equip rental only
Contingency @5%			\$ 5,481	
Total Expense			\$ 115,107	

Proposed Funding Sources	Requested Amount	Committed to date	Notes
Bold Rock Hard Cider	\$ 1,000	\$ 1,000	Hoops court resurface/restripe
"Pickleball & Path" Fundraising Campaign	\$ 50,000	\$ 33,968	Targeted campaign begun October 2024
Perry Foundation	\$ 30,000	\$ 30,000	Challenge grant approved 10/10/24
Nelson Co. Community Fund	\$ 5,000	\$ 5,000	Received 10/16/24
CACF "Twice Is Nice" Fund	\$ 15,000	\$ -	Denied 12/9/24
Nelson County BOS	\$ 25,000		Decemberr 2024 request
Comm.Found/Central Blue Ridge	\$ 5,000	\$ 3,000	Received 6/13/24
BamaWorks Fund of Dave Matthews Band	\$ 10,000	\$ 5,000	Received 6/14/24
Worrell Foundation	\$ 50,000	\$ -	Denied 9/6/24
Schaeneman Foundation	\$ 11,505	\$ 11,505	Exercise stations only. Received 8/1/24
Total Funding Requests	\$ 201,505	\$ 89,473	

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

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:
Nelson County Board of Supervisors
Attention: Amanda Spivey
Post Office Box 336 Lovingston, VA 22949
or fax to (434) 263-7004

Date: 31 Dec 2024
Mr. ☒ Mrs. ☐ Ms. ☐
Name: Mark L. Stapleton

List a maximum of three (3) Boards on which you are interested in serving.
Thomas Jefferson Community Criminal Justice Board

Home Address:
1919 Black Walnut Dr.
Nellysford, VA 22958

Occupation: Retired
Employed by: n/a
Home Phone No: 434 361-1182 Business Phone No.: 703 498-1027
Fax No.: n/a
E-Mail Address: mlstapleton@icloud.com

Do you live in Nelson County? Yes ☒ No ☐

Are you currently a member of a County Board, Commission, Committee or Authority? Yes ☐ No ☒
If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?
Previous Nelson County volunteer positions with Piedmont Area Workforce Development and five years on the Nelson County Planning Commission with two as the Chair.
Large scale P&L business unit management, Business Development, Logistics and Maintenance, Government Contracting, Planning, City Management, training, emergency operations, workforce management, retired military, presenting, volunteer management

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

Extensive experience with the military justice system

Please use this space for any additional information you would like to provide:

A resume or separate sheet with additional information may be included.

ATTENDANCE REQUIREMENTS Section 2-153, Absences, Chapter 2, Administration, Article V.

Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed? Yes XX No

poFF

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Candice W. McGarry, Clerk of Board
Post Office Box 336
Lovingston, VA 22949

or fax to (434) 263-7004 or email aspivey@nelsoncounty.org

Date 12/8/24

Mr. ☒ Mrs. _____ Ms. _____

Name: Stephen Daniel poFF

List a maximum of three (3) Boards on which you are interested in serving.

1. T.J. Area Community Criminal Justice Board (Nelson)
2. _____
3. _____

Home Address:

617 Highland Ave SW
Roanoke, VA 24016

Occupation: Megohite Regional Supervisor Employed by: Commonwealth of VA

Home Phone No.: (540) 558-8472 Business Phone No.: 540-853-1210

Fax No.: 540-853-5435 E-Mail Address: spoff@vaaccounts.gov

Do you live in Nelson County? Yes ___ No ☒

Are you currently a member of a County Board, Commission, Committee or Authority? Yes ___ No ☒

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

Past appointment to Community Criminal Justice Board
in the 23rd Judicial District (Roanoke City,
Roanoke Co, Salem) while serving as Chief
Magistrate

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

Please use this space for any additional information you would like to provide:

A resume or separate sheet with additional information may be included.

ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes ☒ No ☐


Stephen RFE

12/8/27

THOMAS JEFFERSON AREA COMMUNITY CRIMINAL JUSTICE BOARD

NAME, ADDRESS & PHONE

TERM

Governing Body Representative

Annually Appointed

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

January 2024 – December 31, 2024

Citizen Representative

3 Years, 2 Consecutive Term Limit

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

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

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

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

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

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

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

EXISTING VACANCIES AS OF JANUARY 1, 2025

<u>Board or Commission</u>	<u>Term Expiration</u>	<u>Incumbent</u>
<i>T.J. Community Criminal Justice Board 3 year term, 2 term limit</i>	6/30/2026	Edith Napier (resigned)
<i>JABA Council on Aging 2 year term</i>	12/31/2024	Mary Cunningham

Citizen Appointments to be made in 2025

<u>Board or Commission</u>	<u>Terms Expiring 2025</u>	<u>Incumbent</u>
<i>Board of Zoning Appeals 5 year term</i>	3/30/2025	Mary Cunningham
<i>JAUNT 3 year term</i>	6/30/2025	Diane McNaught
<i>N.C. Library Committee 4 year term by District</i>	6/30/2025	Jean B. Holliday - South District
<i>PVCC Board 4 year term - 2 Term limit</i>	6/30/2025	Tom Proulx (T2)
<i>Region Ten Community Services Board</i>	6/30/2025	Patricia Heggie (T1)
<i>N.C. Economic Development Authority 4 Year Term - no limits</i>	6/30/2025	Richard Averitt (UT)
<i>N.C. Social Services Board 4 year term - 2 term limit</i>	6/30/2025	Diane Harvey (T2) - North District
<i>Albemarle Charlottesville Regional Jail Authority 1 year term - Citizen or BOS representative</i>	6/30/2025	Dr. Jessica Ligon
<i>JABA Board of Directors 2 year term</i>	7/15/2025	Dana E. Quillen
<i>Board of Zoning Appeals 5 year term</i>	11/10/2025	Shelby Bruguire (T2)
<i>JABA Council on Aging 2 year term</i>	12/31/2025	Carl Stellwag

JEFFERSON AREA BOARD FOR AGING ADVISORY COUNCIL

2 Members

Term

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

January 1, 2024 - December 31, 2025

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

January 1, 2023 - December 31, 2024

Term(s) of Office: 2 years: January 1st to December 31st

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

Meetings: Meets six times per year, generally the first Thursday from 2:00 to 3:30 p.m. via Zoom. Once per year, they meet with the JABA Board, on the fourth Monday of June at 12:00 to 2:00 p.m.(lunch is served) in Charlottesville. Members serve on a volunteer basis. Contact: Marta Keene CEO. mkeene@jabacares.org, ph 434-817-5238

BOARD OF ZONING APPEALS
Board Appoints & Recommends Certification by the Circuit Court

<u>Name & Address</u>	<u>Term Expiration Date</u>
Angela Jones 148 Miles Lane Faber, VA 22938 H 434-995-9441 ajjones9267@gmail.com	November 11, 2026
Carole Saunders 1610 Wilson Hill Rd. Arrington, VA 22922 H (434) 263-4976 carolevar@aol.com	November 9, 2028
W. Jerrold Samford 302 Bellevette Place Arrington, VA 22922 (804) 314-7291 jerry.samford@troutman.com	November 11, 2027
Philippa Proulx (Active PC Member) 950 Avon Road Afton, VA 22920 540-456-6849 proulx@lumos.net	November 1, 2029
Shelby Bruguiera 1339 Stoney Creek West Nellysford VA 22958 540-456-6778 (H) Shelby@DickieBros.com	November 10, 2025
Mary Cunningham (Alternate) 171 Joshua Lane Afton, VA 22920 434-882-1587 (H) mscsherpa@gmail.com	March 30, 2025

BOARD OF ZONING APPEALS

Board Recommends Appointment to the Circuit Court.

Established: by Article 14 of the Nelson County Code,

Composition: 5 members and an alternate recommended by the BOS and appointed by the Nelson Circuit Court, 1 of which is an active Planning Commission member.

Term of Office: 5 years; No Term Limits

Summary of Duties:

To hear and decide applications for Special Use Permits where authorized by Ordinance including deciding interpretation of the district map where there is uncertainty as to location or boundary. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to public interest.

Meetings:

Meetings are held at the call of the Chairman or at such times as a quorum of the board may determine. Members serve on a volunteer basis without pay other than for travel expenses.

JEFFERSON AREA UNITED TRANSPORTATION –JAUNT, INC.

2 CITIZEN MEMBERS

Diane McNaught
13721 Patrick Henry Hwy
Roseland, VA 22967
Ph (434) 277-8579
DCKGlobal@yahoo.com

July 1, 2022-June 30, 2025 (T2)
(Appointed March 13, 2018)

Brad Burdette
135 Pine Hill Lane
Norwood, VA 24581
Ph (804) 306-3882
justice7spc@gmail.com

July 1, 2024 -June 30, 2027 (T1)
(Appointed 10/12/21 for UT)

Term(s) of Office: 3 years: July 1st to June 30th

Summary of Duties: To set broad policy in support of JAUNT's mission which is to safely, courteously and promptly provide public and specialized services to meet community mobility needs.

Meetings: Meets the second Wednesday of each month from 10:00 am to 12:00 noon at the JAUNT office, 104 Keystone Place, Charlottesville, VA 22902. Members serve on a volunteer basis. Contact Person is Karen Davis, karend@ridejaunt.org, 434-297-2602.

NELSON COUNTY LIBRARY ADVISORY COMMITTEE

NAME, ADDRESS & PHONE

TERM :4 Years, July-June

Jennifer Page – **North District**
122 Mickens Road
Afton, Va. 22920
(571) 246-1297
Jpage.nbs@gmail.com

July 1, 2022 – June 30, 2026
(appointed 10-11-22)

Chuck Strauss- **Central District**
112 River View Lane
Faber, VA 22938
strausshaus@hotmail.com

July 1, 2023 - June 30, 2027

Gloria Ashley- **East District**
48 Henry's Hill LN
Lovingston, VA 22949
H (434) 263-5035
W (434) 263-4086
Gashley3@verizon.net

July 1, 2022 – June 30, 2026
(Appointed 3-10-15)

Jean B. Holliday- **South District**
24 Kingswood Ln
Arrington, VA 22922
(434) 263-5266

July 1, 2021 – June 30, 2025

Audrey D. Evans – **West District**
1184 Dickie Rd.
Roseland, VA 22967
(434) 277-5814
bossmare1955@gmail.com

July 1, 2024 - June 30, 2028
(Appointed 2-12-13)

Membership: 5 Members by Election District.

Term(s) of Office: Regular Terms are 4 years July – June, with no term limits. Membership is voluntary.

Summary of Duties: To serve in an advisory capacity to the Jefferson Madison Regional Library Nelson member of the Board, the JMRL Librarian, and the Nelson Librarian.

Meetings: Monthly on the 3rd Monday from 4-6 PM at the Nelson Memorial Library. Members serve on a voluntary basis.

PIEDMONT VIRGINIA COMMUNITY COLLEGE (PVCC) BOARD

<u>NAME, ADDRESS & PHONE</u>	<u>TERM: 4 Years, July-June</u>	<u>Terms Served</u>
Thomas Proulx 950 Avon Rd. Afton, VA 22920 H (540) 456-6849 Proulx@cfw.com	July 1, 2021 – June 30, 2025	Term 2

Authority: Code of Virginia §23-220

Membership: Members consist of representatives from the local community college participating jurisdictions.

Terms: Four (4) years from July 1 – June 30, **2 Term Limit**

Summary of Duties: To assist in ascertaining educational needs, enlisting community involvement and support, and perform such other duties as may be prescribed by the State Board including: participating in the selection, evaluation, and removal of the college president, review and act upon all new curricular proposals as well as the discontinuation of curricular programs, review and act on the annual local funds budget as prepared by the president, review and act on local regulations on student conduct developed by the president, and review and act on an annual written report on the operations of the college as prepared by the president.

Meetings: Meetings are held on the first Wednesday of every other month from September through May. A College Board retreat is held in the summer. Members serve on a voluntary basis.

REGION TEN COMMUNITY SERVICES BOARD

NAME, ADDRESS & PHONE

TERM :3 Years, July-June

Patricia Heggie
93 Fox Run
Nellysford, VA 22958
(H) 434-325-1254
pwheggie@gmail.com

July 1, 2022 – June 30, 2025 (T1)

Peggy Whitehead
25 Willow Brook Lane
Roseland, VA 22967
(434) 277-5732
Maggie2306.whitehead@gmail.com

July 1, 2024 – June 30, 2027 (T3)

Established by the Code of Virginia §37.2-500 et seq.

Membership: 2 local members, with 9-15 total members as apportioned on the basis of population not less than 1 member per subdivision. Members serve on a voluntary basis. 14 members (4 City appointees, 4 Albemarle County appointees, 1 each from Fluvanna and Greene Counties, 2 each from Louisa and Nelson Counties)

Term: 3 years with a 3 consecutive term limit.

Summary of Duties: To Act as a direct agent of the Region Ten member localities in the establishment and operation of community mental health, developmental disability, and substance abuse programs as provided for in the Code of Virginia §37.2-500 et seq. as amended. Reviews and evaluates public mental health, developmental disability and substance abuse services and facilities available to serve the community and such private services and facilities as receive funds through the Board. Submits governing bodies of regions the programs of community mental health, developmental disability and substance abuse services and facilities. Within amounts appropriated, executes programs and services and enters into contracts for rendition of services and facilities. Makes rules and regulations concerning rendition or operation of services and facilities under its directions or supervision.

Meetings: Second Tuesday of every month at 4 p.m. Place: Region Ten, 500 Old Lynchburg Road Charlottesville VA. 22903

Contact: Region Ten Community Services Board at 434-972-1800 Katy Gulat
kathleen.gulat@regionten.org

NELSON COUNTY ECONOMIC DEVELOPMENT AUTHORITY

NAME, ADDRESS & PHONE

TERM

Larry Saunders
1610 Wilson Hill Road
Arrington, VA 22922
434-981-1235 (C)
Larrya5819@aol.com

July 1, 2023 -June 30, 2027
(First appointed 3-14-23)

John Bruguiera
1339 Stoney Creek West
Nellysford VA 22958
434-277-5516 (W)
540-456-6778 (H)
John@DickieBros.com

July 1, 2023 -June 30, 2027

R. Carlton Ballowe
1 Mosby Lane
Faber, VA 22938
434-263-6285 (H)
434-996-7796 (W)
catbalul@aol.com

July 1, 2024 –June 30, 2028
(First Appointed 3-12-13)

Deborah L. Brown
23 Windy Acres Drive
Afton, VA 22920
434-981-2832 (C)
dbrown@alliedconcrete.com

July 1, 2024 –June 30, 2028
(First Appointed 4-10-18)

Richard Averitt
88 Grace Glen
Nellysford, VA 22958
434-262-3418
richard@raveritt.com

July 1, 2021 – June 30, 2025
(Unexpired term, appointed 4-11-23)

Jeri M. Lloyd
9322 Rockfish Valley Hwy.
Afton, VA 22920
434-996-2126
jeri@ntelos.net

July 1, 2022 – June 30, 2026
(Unexpired term, appointed 5-14-24)

J. Alphonso Taylor
288 Village Rd.
Shipman, VA 22971
434-263-5894 (H)
434-263-6195 (W)
alphonsotaylor04@gmail.com

July 1, 2022 – June 30, 2026

<u>Authority:</u>	Established pursuant to the Code of Virginia §15.2-4903 et seq.
<u>Membership:</u>	Consists of seven (7) County Resident members
<u>Term:</u>	4 years, July – June (Staggered) with no term limits.
<u>Summary of Duties:</u>	To administer the provisions of Virginia State Code §15.2-4905
<u>Meetings:</u>	Meets biannually on the 1 st Thursday of each month. Members are compensated \$75 per meeting plus mileage.

NELSON COUNTY SOCIAL SERVICES BOARD

NAME, ADDRESS & PHONE

TERM (July – June) 4 Years, 2 Term Limit

Edith Napier – **West District**
43 Napier Loop
Arrington, VA 22922
(434) 996-9403
3424dw@gmail.com

July 1, 2022 – June 30, 2026 (**Reg. Term 1**)

Brad Johnson – **East District**
2016 Wheelers Cove Rd
Shipman, Va. 22971
H (309) 824-1503
W (434) 872-2766
Bjavin57@msn.com

July 1, 2022 – June 30, 2026 (**Reg. Term 2**)

Diane Harvey - **North District**
10921 Rockfish Valley Hwy
Afton, VA 22920
W (540) 456-6379
harveyasc@gmail.com

July 1, 2021 – June 30, 2025 (**Reg. Term 2**)

Claudia Van Koba – **South District**
1033 Falling Rock Drive
Amherst, VA 24521
(H) 434-263-4596
(C) 434-907-5836
Email: Claudia_van_koba@yahoo.com

July 1, 2023 – June 30, 2027 (**Reg. Term 1**)

Stacy Rush – **Central District**
501 Rodes Valley Drive
Nellysford, VA 22958
PH: (703) 350-5602
sjrush1@gmail.com

September 10, 2024 – June 30, 2028 (**Unexpired Term**)

J. David Parr- **BOS Liaison**
250 Firehouse Road
Piney River, VA 22964
H: (434) 277-5265

January 2024 – December 31, 2024

Authority: Established by the Code of Virginia §63.2-300 et seq.

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. **2 term limit**

Summary of Duties: To provide, either directly or through the purchase of services subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, any or all child welfare services herein described when such services are not available through other agencies serving residents in the locality such as: Protecting the welfare of all children including handicapped, homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems that may result in the neglect, abuse, exploitation or delinquency of children; preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving these problems and preventing the break up of the family where preventing the removal of a child is desirable and possible; restoring to their families children who have been removed by providing services to the families and children; placing children in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate; and assuring adequate care of children away from their homes in cases where they cannot be returned home or placed for adoption.

The local board is also authorized and, as may be provided by regulations of the Board, shall provide rehabilitation and other services to help individuals attain or retain self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life.

Meetings: Regular meetings are held monthly on the third Tuesday of each month at 1:00 PM at the Dept. of Social Services building in Lovington. Members are compensated \$75 per meeting plus mileage paid at the existing State mileage rate.

JEFFERSON AREA BOARD FOR AGING BOARD OF DIRECTORS

2 Members

Term Expiration

Ernie Q. Reed
971 Rainbow Ridge Rd.
Faber, VA 22938
H: (434) 971-1647
C: (434) 249-8330
ereed@nelsoncounty.org
lec@wildvirginia.org

July 15, 2026

Dana E. Quillen
21 Aistrop Ln.
Faber, VA 22938
H (540) 241-5054
Painterdana21@gmail.com

July 15, 2025

Term(s) of Office: 2 years: July 16th – July 15th

Meeting: Fourth Monday of every other month at noon

Place: Varies

Membership: 4 members appointed by Council, 4 by Albemarle County, 2 each by Fluvanna, Nelson, Greene & Louisa Counties.

Purpose: The JABA Board is responsible for developing a comprehensive and coordinated system for services for all persons 60 and over. JABA acts as an advocate for seniors' interests and as a resource for agencies, organizations and individuals. JABA provides information referral/tracking service and transportation to improve links between older persons and existing services.

Contact: Jefferson Area Board for Aging
674 Hillsdale Drive, Suite 9
Charlottesville, VA 22901
Email: info@jabacares.org
Phone: (434) 817-5222
Fax: (434) 817-5230

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

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-1427 §15.2-2204, §15.2-2285, §15.2-2310, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, January 14, 2025** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston.

Public Hearing(s):

1. Rezoning #240289 – A-1 Agricultural to B-1 Business

Consideration of Rezoning application requesting County approval to rezone property from A-1 Agricultural to B-1 Business to align the subject property's zoning with its current land use. The subject property is located at Tax Map Parcels #58-A-7, 7A at 10761 Thomas Nelson Hwy. The subject properties are owned by SS Roundtree LLC.

2. Ordinance 2025-01 – Amendment to Chapter 7, Motor Vehicles and Traffic, Article IX, Local Authority to Reduce Speed Limits

Consideration of an ordinance proposed for passage to include language to authorize Nelson County as allowed by §46.2-1300 to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour.

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

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS

Nelson County Planning & Zoning

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: January 14, 2025

Re: REZ #240289 – Sunny Mountain Store – A-1 to B-1

BACKGROUND: This is a request to rezone property from A-1 Agriculture to B-1 Business to align the zoning designation with the current use, and allow for additional permitted sign area.

Public Hearings Scheduled: PC – December 18 / Board – January 14

Location / Election District: 10761 Thomas Nelson Hwy / East Election District

Tax Map Number / Total acreage: 58-A-7, 7A / 1.7 acres +/- total

Owner Information: Raj Singla (Andy), 10761 Thomas Nelson Hwy, Lovington, VA / Sapna Bansal, 4630 Manor Glen Way, Glen Allen, VA

Comments: This property is commonly referred to as the “Sunny Mountain Store,” which operates as a convenience store, gas station, and restaurant (Indian Oven); all legally vested nonconforming uses. The owners are proposing to rezone the property from A-1 Agriculture to B-1 Business to align the zoning designation with the current uses. This rezoning would also allow them to expand their signage. In the A-1 District, only 50 square feet of sign area is permitted for businesses. The B-1 zoning designation would allow for up to 150 square feet of sign area. In 2023, the owners replaced the freestanding sign for Marathon, which totals close to the 50 square feet limit. They would like to expand the signage on the existing freestanding sign for additional advertisement of the business on site.

DISCUSSION:

Land Use / Floodplain: The subject parcel is zoned A-1 Agriculture, and is adjoined by A-1 Agriculture zoning. There are regulatory flood zones on these properties, which restricts development through the Flood Hazard Ordinance. No additional uses are proposed for the properties.

Access and Parking: This property is currently accessed on Thomas Nelson Hwy (Route 29). VDOT will be required to review the proposed signage along the highway.

Comprehensive Plan: This property is within the Lovington Designation of the Future Land Use Map. The core concept is to prioritize regional scale development, redevelopment, and infill to protect the rural landscape, ensure more efficient and effective provision of community services, bolster economic development, and improve quality of life. Primary land use types include commercial such as retail, shopping, and dining, and business and employment. One planning guideline identified is to preserve existing structures and traditional patterns of development while allowing for a mix of uses.

Proffers: There are no proffers submitted with this request.

The approval of rezoning requests should be based on one or more of the following factors:

1. Good Zoning Practice
2. Public Necessity
3. General Welfare
4. Convenience

Attachments:

Application

Zoning / Floodplain Map

Marathon Sign Approval

Google Street View



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: REZ # 240289
application type application number

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

- | | |
|--|--|
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Rezoning from <u>A1</u> to <u>B1</u> | <input type="checkbox"/> Site Plan – Minor |
| <input type="checkbox"/> Conditional Rezoning from _____ to _____ | <input type="checkbox"/> Site Plan – Major |
| <input type="checkbox"/> Other: _____ | |

Reason(s) for request:

This location operates as C-Store, Gas Station and
Restaurant business.

want to add additional signage

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

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

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

☐ Applicant ☒ Property Owner Name: RAJ SINGLA (Andy)

Mailing Address: 10761 THOMAS NELSON HWY LOVANASTON, VA 22949

Telephone #: 714 812 3125 Email Address: rajgarg smountaininv@gmail.com

Relationship (if applicable): _____

☐ Applicant ☐ Property Owner Name: SAPNA BANSAL

Mailing Address: 4630 MANOR GLEN WAY, GLEN ALLEN, VA 23059

Telephone #: 804 490 1722 Email Address: bansal.sapna81@gmail.com

Relationship (if applicable): _____

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

3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):

10761 THOMAS NELSON HWY LOVINGSTON VA 22949

b. Official tax map number: 58 A 7, 7A

c. Acreage of property: 1.81 Acres

d. Present use: C-Store, Gas Station and Restaurant

e. Present zoning classification: 58 A 7

f. Zoning classification of surrounding properties:

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

Signature: Ray Singla Printed Name: RAJ SINGLA

Signature: Sapna Bansal Printed Name: SAPNA BANSAL

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

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

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

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

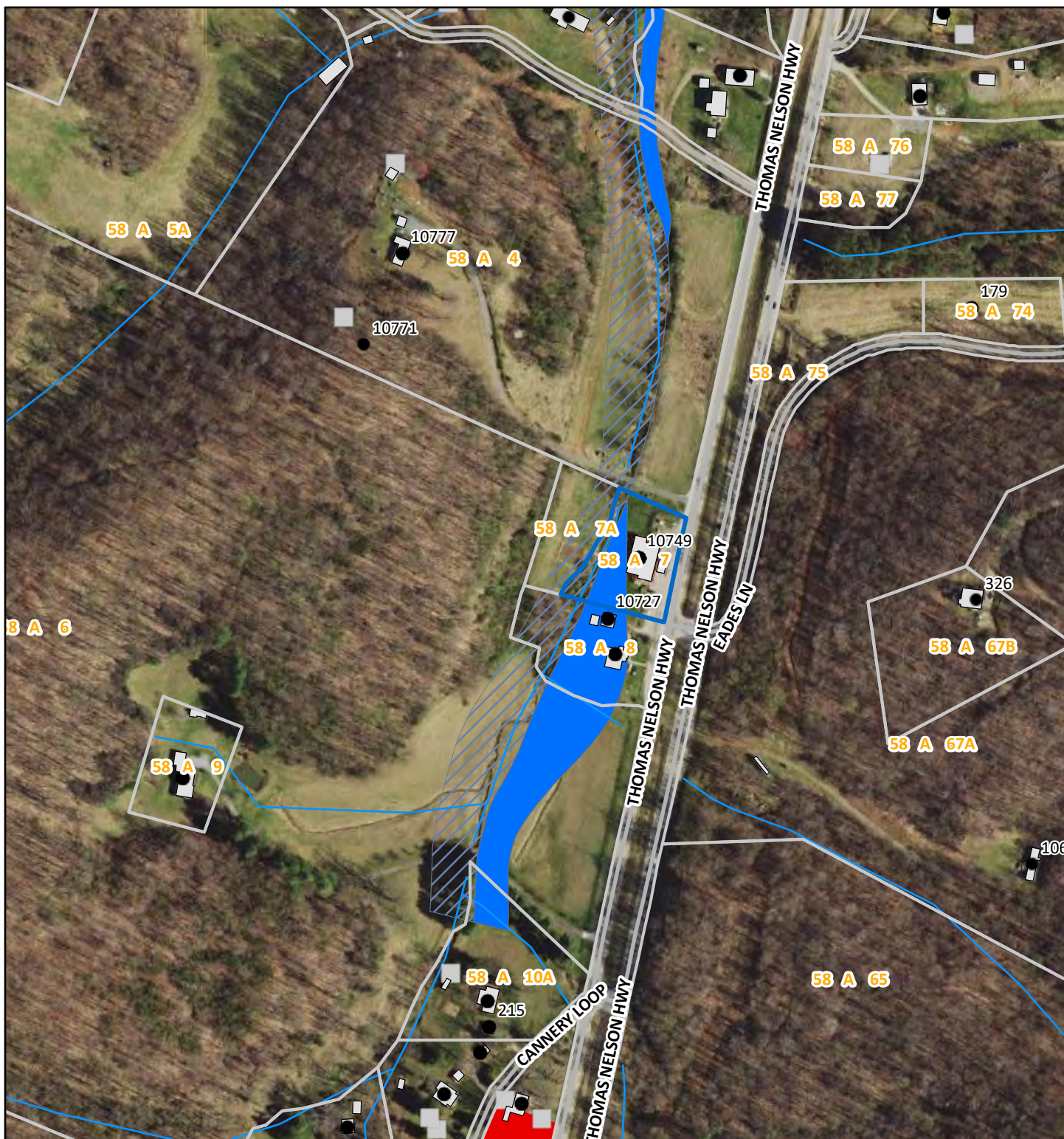
Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

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

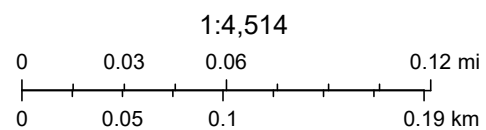
Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingston, Virginia 22949 | (Physical Address) 80 Front Street, Lovingston, Virginia 22949
(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | (Fax Number) 434 263-7086

<http://www.nelsoncounty-va.gov/departments/planning-zoning/>



December 18, 2024



Zoning Approval

Nelson County

80 Front Street - PO Box 558

Lovingsston, VA 22949

(434) 263-7090

Date Received: 08/22/2023



Project Location: 10761 THOMAS NELSON HWY

City,State,Zip: LOVINGSTON, VA 22949

Acres: .71

Zoning District: 2

Floodplain on Property: Yes

Structure in Floodplain: No

Front Setback: 5'

Rear Setback:

Min. Right Setback:

Min. Left Setback:

Accessory: 15' from all property lines: ☐

Description: HORSLEY-FLOYD DB 198/398

Applicant Name: Sara Montgomery

Address: 1990 Rockford St

City,State,Zip: Mount Airy, NC 27030

Phone: 336-789-3069

Email: sara@interstatesign.com

Owner: SS ROUNDTREE LLC

Address: 4630 MANOR GLEN WAY

City,State,Zip: GLEN ALLEN, VA 23059

Phone:

Email:

Conditions

Zoning Approval #1034. 4-1-14 permits Business Signs, up to fifty (50) sq ft in total area. Must obtain a Building Permit.

All other applicable local, state, and federal regulations shall be complied with.

Emily [Signature]
Planning & Zoning

08/28/2023

Date

48"H x 97"W Cabinet
8" tall red digits



$4' \times 8.0833' = 32.33$ sq ft for the Marathon, Fuel Price Sign





© 2023 Google

Public Hearing

Proposed Ordinance O2025-01

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

BOARD OF SUPERVISORS RESOLUTION R2024-82 ADOPTED DECEMBER 10, 2024
PUBLIC HEARING NOTICE PUBLISHED DECEMBER 26, 2024 AND JANUARY 2, 2025
VIRGINIA STATE CODE §46.2-1300 A (4)

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

The Governing body of any county, city, or town may by ordinance authorize its Chief Administrative Officer to :

- ❖ Reduce the speed limit to either 15 MPH or 20 MPH on any highway within its boundaries that is located within a business district or residence district where the posted speed limit is 25 MPH, and
- ❖ Restore a speed limit that has been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, and
- ❖ Provided that such reduced or restored speed limit is indicated by lawfully placed signs, and
- ❖ Written notice of the speed limit change must be provided to the Commissioner of Highways at least 30 days prior to changing the speed limit.

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

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

Proposed Ordinance:O2025-01

Amends Nelson County Code

Chapter 7 – Motor Vehicles and Traffic

Article IX. – LOCAL AUTHORITY TO REDUCE SPEED LIMITS

Sec. 7-149. Provisions.

Following public hearing and consent by resolution of the Board of Supervisors, the County Administrator is authorized to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within the County that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs.

Sec. 7-150. Notice to Commissioner of Highways.

At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this section, the County Administrator shall provide written notice of the change to the Commissioner of Highways.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon enactment.

Q/A & Staff Recommendation

❖ Questions/Discussion

❖ Staff recommends adoption of Ordinance
O2025-01 as presented

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

ORDINANCE O2025-01
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 7, MOTOR VEHICLES AND TRAFFIC
ARTICLE IX, LOCAL AUTHORITY TO REDUCE SPEED LIMITS

WHEREAS, the governing bodies of counties are authorized by Virginia Code Section 46.2-1300 to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs. At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this subdivision, the governing body shall provide written notice of the change to the Commissioner of Highways.

WHEREAS, it is the sense of this Board that an ordinance should be enacted authorizing the County Administrator to exercise the authority above-described after receiving consent of the Board following a public hearing.

NOW, THEREFORE BE IT ORDAINED that the following ordinance be enacted:

New

Article IX. – LOCAL AUTHORITY TO REDUCE SPEED LIMITS

Sec. 7-149. Provisions.

Following public hearing and consent by resolution of the Board of Supervisors, the County Administrator is authorized to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within the County that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs.

Sec. 7-150. Notice to Commissioner of Highways.

At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this section, the County Administrator shall provide written notice of the change to the Commissioner of Highways.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon enactment.

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2024-82
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 7, MOTOR VEHICLES AND TRAFFIC

BE IT RESOLVED, that pursuant to §15.2-1427 and §15.2-2204, of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **January 14, 2025 at 7:00 PM** in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to include language to authorize Nelson County as allowed by §46.2-1300 to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour.

Approved: December 10, 2024

Attest: *Candice W. McGarry*, Clerk
Nelson County Board of Supervisors

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

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

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

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

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

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

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

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

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

Nelson County Planning & Zoning

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: December 10, 2024

Re: SUP #24-0014 – Wild Rose Solar Project, LLC – Gladstone

BACKGROUND: This is a request for a special use permit for a large solar energy system on property zoned A-1 Agriculture.

Public Hearings Scheduled: PC – June 26; BOS – December 10

Location / Election District: Gladstone / South District

Owners / Tax Map Numbers / Acreage:

Weyerhaeuser Company	4646.8 acres	#97-1-9
Joe & Bobby Hickey	47.4 acres	#97-A-29
Total of Subject Parcels	4694.2 acres	
Area Under Site Control	2470 acres	
Construction Area	550 acres	
Area Under Panels	470 acres	

Applicant Contact Information: Wild Rose Solar Project, LLC, a subsidiary of Savion, LLC
Attn: Jeannine Johnson
422 Admiral Blvd, Kansas City, MO 64106
(816) 421-9599
jjohnson@savionenergy.com

Comments: This request is Nelson County's first application for a large solar energy system, governed by Article 22A of the Zoning Ordinance and defined as, "an energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one (1) acre or more of total land area. Also known as solar energy arrays or solar energy farms."

The applicant is proposing to install a 90 megawatt (utility scale) solar energy farm on land in active timber use. The remaining land is planned to remain in silvicultural use during the life of the project, which is proposed at a length of 35-40 years. The electricity generated by the panels is sent to inverters, which converts it to a current where collection lines can then transfer it to the project substation. From there, it is transferred by overhead transmission line to the Gladstone substation, then fed into AEP's power grid for distribution. The application indicates that above ground lines are necessary for connection into the power grid.

The applicants facilitated public outreach, including two meetings at the Nelson Heritage Center (one for property owners adjacent to the project boundaries, and one for those within a one-mile radius). The County then hosted the applicant for a Community Open House at the Gladstone Fire Department where mailers were sent out to almost 300 residents. The applicant has also presented the proposed project to both the Planning Commission and Board of Supervisors.

To ensure adequate notification, County staff send adjoining owner notices for the special use permit public hearings to those within a one-mile radius of the project site.

Local zoning approval is one of the first steps in a lengthy review process for utility scale solar projects. Should the special use permit be ultimately approved, the applicants are then required to proceed with DEQ's Permit By Rule process (PBR) which requires that any impacts be avoided, minimized, or mitigated. This includes the submittal of studies, and review and approval by agencies such as Department of Historic Resources (DHR), Department of Wildlife Resources (DWR), and Department of Conservation and Recreation (DCR). If applicable, permits will be required from the Army Corps of Engineers (USACE), Virginia Water Protection (VWP), and Virginia Marine Resources Commission (VMRC). The applicants hired a third party consulting firm (Stantec Consulting Services, Inc.) to complete historical and cultural resources studies, wildlife and endangered species studies, topographical, wetlands, and soils surveys, glare hazard study, traffic study, and decommissioning plan, copies of which were submitted with the application. Should the special use permit be approved, a Major Site Plan will be required, and to accommodate for the additional review time the applicants are requesting a period of 5 years to secure building permits from the date of approval. The current expected commercial operation date is 2027. A table of contents of the application is provided below for clarity. Those items in **bold** should be closely reviewed.

Project Narrative

Appendix A: Project Location Map

Appendix B: Special Use Permit

- Proposed Conditions

Appendix C: Minor Site Plan

Appendix D: Site Plan Associated Mapping

Appendix E: Comprehensive Plan Review

Appendix F: Conceptual Landscaping Planting Plan

Appendix G: Photo Renderings

Appendix H: Decommissioning Plan

Appendix I: Context Map

Appendix J: Cultural Resources Desktop Analysis

Appendix K: Desktop Wetland Review

Appendix L: Desktop Threatened and Endangered Species Review

Appendix M: Glare Hazard Analysis

Appendix N: Preliminary Equipment Specifications Sheet

Appendix O: Traffic Study

The applicant has indicated a partnership with Shine, the Solar Hands-on Instructional Network of Excellence, which provides a mobile lab to facilitate local workforce job training. The construction is proposed to generate up to 250 temporary jobs and 2-5 permanent positions. The acreage being removed from Land Use taxation relief will require rollback tax payment of approximately \$132,000. The applicant has also submitted a Siting Agreement, which proposes additional funds above tax obligations to be utilized by the County.

Utility scale solar projects can be taxed as Machinery and Tools (M&T), or through "Revenue Share," which provides for up to \$1,400 per megawatt. The siting agreement proposes a "greater of" option, where the higher amount of the two options in each year is calculated to be the payment obligation. Other terms of the siting agreement include \$112,000 payment within 60 days of approval of the Siting Agreement, \$1 million within 60 days of the Site Plan approval, and \$1 million within 60 days of issuance of all building permits. The Siting Agreement also proposes a total of \$5 million in equal yearly installments over the first 7 years after the site is in commercial operation. The total amount paid to the County over the life of the project is estimated at \$16 million. The developer would also be responsible to pay for all third-party inspections by a firm approved by the County Building Official.

An update to the proposed conditions includes, "13. Agricultural use within Project Site. The Applicant will deploy agricultural uses within the Project Site (i.e. Agrivoltaics). The Applicant will develop and submit as part of the Final Site Plan review process a Farming Plan for such agricultural uses."

DISCUSSION:

Land Use / Floodplain: This area is primarily silvicultural and residential in nature. Zoning in the vicinity is A-1 Agriculture. This property is located close to the Amherst County border, northwest of the Gladstone community along Route 60 and bisected by Tye River Road. There are no floodplains located on the property.

Access / Traffic / Parking: The site is proposed to be served by a network of access roads, utilizing existing logging roads where feasible. Entrances will be located on Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane. A traffic study has been submitted and requires approval from VDOT.

Erosion & Sediment Control / Stormwater: Per DEQ, all areas under panels are considered impermeable, and factor into the calculation for land disturbance. As such, both an Erosion and Sediment Control Plan and Stormwater Management Plan will be required to be approved by the Building Inspections Department and DEQ, respectively.

Visual / Environmental Impacts: The project is proposed to be screened utilizing existing vegetation as much as possible. Where plantings are required, native, pollinator-friendly species will be utilized. The applicant has proposed at least a 125' buffer zone, and 200' in areas adjacent to residential structures. Wetlands buffers are proposed as well as wildlife crossing corridors. Approximately 7,500 acres of surrounding land will continue to remain active timber. Photo renderings from various locations along adjacent roadways were submitted with the application as well (Appendix G). The height of the panels shall not exceed 15' when at maximum tilt. Additionally, the panels will be anti-glare with anti-reflective coating, and are considered not hazardous to air, soil, or water per the Environmental Protection Agency's standards

Decommissioning: Appendix H contains the proposed Decommissioning Plan and associated bond for the project.

Comprehensive Plan: This property is located in a Rural Area on the County's Future Land Use Map, which should ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses. One of the Rural Area's primary land use types is solar installations (contingent on site conditions), and a planning guideline is that solar development should be sited to have minimal impacts to scenic viewsheds and natural resources. It is the duty of all localities in Virginia to plan for alternative energy sources, and Nelson must work with developers to help accommodate alternative energy sources as much as is feasible. According to Comprehensive Plan maps, the subject properties are not located within areas of steep slopes (over 20%) or areas of high conservation value.

Rural Areas



Description

The aspect of Nelson County valued most by the people who live and visit here is its rural character. Rural Areas comprise the majority of the County, aiming to protect rural character by maintaining natural areas and agricultural uses while allowing low density residential development that fits into the landscape. Rural Areas typify the historic and natural landscape of Nelson County that includes prime agricultural areas, forested mountains, and rural homesteads. The area also currently includes some low-density single-family subdivisions. Alterations and retrofits to these developments to enhance resiliency and conform to current health, environmental, zoning and subdivision standards is appropriate and encouraged; however, expanded, or new subdivisions is not the primary intent of this planning area. Any new residential development must be carefully planned for, taking into account slope, soil, and septic suitability, viewshed protection, resource impact, and other factors.

Core Concept

Ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses.

Primary Land Use Types

- Farms, agriculture, forestry
- Agritourism uses
- Institutional uses
- Solar installations (contingent on-site conditions)
- Single-family detached residential
- Single-family attached residential
- Manufactured homes
- Accessory dwelling units
- Parks, recreation, and trails

Planning Guidelines

- Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources.
- Setback, screen, or locate development located along primary routes to minimize impact to views from these corridors.
- Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection.
- Buffer residences from more intense farming, forestry, or extraction-based uses.
- Discourage development of areas with prime agricultural soils.
- Solar development should be sited to have minimal impact to scenic viewsheds and natural resources.



Substantially In Accordance Provision: VA Code 15.2-2232 requires that the Planning Commission review solar facilities for substantial accord with the Comprehensive Plan.

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

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

The motions from the Planning Commission at their meeting on June 26, 2024 are below:

1. Voted (4-1) that proposed SUP #24-0014, Wild Rose Solar Project, LLC large solar energy system ***is not*** deemed to be in substantial accord with the Nelson 2042 Comprehensive Plan per Section 15.2-2232 of the Code of Virginia.

(Note: The applicant submitted an appeal of this determination on July 8, 2024.)

2. Voted (5-0) to recommend ***denial*** of proposed SUP #24-0014, Wild Rose Solar Project, LLC large solar energy system to the Board of Supervisors.

Attachments:
Application Package
Siting Agreement
Petition for Appeal
Public Comments

WILD ROSE

SOLAR PROJECT

December 20, 2023

Dylan Bishop
Director, Nelson County Planning and Zoning Department
80 Front Street
P.O. Box 558
Lovingston, VA

**Re: Wild Rose Solar Project
Nelson County, Virginia**

Dear Ms. Bishop,

Wild Rose Solar Project, LLC is proposing to develop the Wild Rose Solar Project, a 90-megawatt large solar energy system and associated facilities in Nelson County, Virginia. In accordance with Article 12-3-4(a) of the Nelson County Zoning Ordinance, Wild Rose Solar Project, LLC is an authorized applicant and submits the enclosed application and supporting documents for a Special Use Permit for the Project.

The \$200 Special Use Permit filing fee has been paid to Nelson County via credit card. 10 hard copies of the application have been provided, along with four copies of full-size plans. If additional copies are needed, please let me know. Representatives of the Project can be available at your convenience to discuss any questions during your review.

If you have any questions, please feel free to contact the following Project contacts:

Jeannine Johnson
Development Manager
Email: jjohnson@savionenergy.com
Phone: (816) 509-4953

Lauren Devine
Permitting & Environmental Manager
Email: ldevine@savionenergy.com
Phone: (816) 421-9599

Thank you in advance for your cooperation.

Sincerely,



Jeannine Johnson
Development Manager
Savion, LLC



**WILD ROSE SOLAR PROJECT
NELSON COUNTY, VA**

Special Use Permit Application

December 20, 2023

Prepared for:
County of Nelson, Virginia
Department of Planning and Zoning
80 Front Street
P.O. Box 558
Lovington, VA 22949

Prepared by:
Stantec Consulting Services Inc.
5209 Center Street
Williamsburg, VA 23188

On behalf of:
Wild Rose Solar Project, LLC

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 Appendix B: Special Use Permit Application and Proposed Conditions
 Appendix C: Minor Site Plan
 Appendix D: Site Plan Associated Mapping
 Appendix E: Comprehensive Plan Review
 Appendix F: Conceptual Landscape Planting Plan
 Appendix G: Photo Renderings



Appendix H: Decommissioning Plan
 Appendix I: Context Map
 Appendix J: Cultural Resources Desktop Analysis
 Appendix K: Desktop Wetland Review
 Appendix L: Desktop Threatened and Endangered Species Review
 Appendix M: Glare Hazard Analysis
 Appendix N: Preliminary Equipment Specification Sheets
 Appendix O: Traffic Study

Acronyms / Abbreviations

A-1	Agricultural District
AC	Alternating Current
AEP	Appalachian Electric Power
Applicant	Wild Rose Solar Project, LLC
SUP	Special Use Permit
DC	Direct Current
DCR	Virginia Department of Conservation and Recreation
DEQ	Virginia Department of Environmental Quality
DHR	Virginia Department of Historic Resources
DWR	Virginia Department of Wildlife Resources
ESC	Erosion and Sediment Control
ESD	Environmental Site Design
FAA	Federal Aviation Administration
Gen-tie	Generation tie line
Module	Solar Panel
MET	meteorological
MV	Medium Voltage
MW	Megawatt
MW _{ac}	Megawatts Alternating Current
NHD	National Hydrographic Dataset
NWI	National Wetlands Inventory
PBR	Permit by Rule
Project	Wild Rose Solar Project
PV	Photovoltaic
Savion	Savion, LLC
SUP	Special Use Permit
SWM	Stormwater Management
TMDLs	Total Maximum Daily Loads
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
VCRIS	Virginia Cultural Resources Information System



VDOT	Virginia Department of Transportation
VGIN	Virginia Geographic Information Network
VMRC	Virginia Marine Resources Commission
VSMP	Virginia Stormwater Management Program
VWP	Virginia Water Protection



1 Project Narrative

1.1 Project Introduction

Wild Rose Solar Project, LLC (“Applicant”) seeks a Special Use Permit (“SUP”) to build and operate a 90-megawatt alternating current (“MW_{ac}”) large solar energy system and associated facilities (“Wild Rose Solar Project” or “the Project”) in Nelson County, Virginia, approximately 2 miles northwest of the community of Gladstone. The Project is located west of Norwood Road (Route 626), north of Piedmont Road (Route 601) and Buck Mountain Lane (Route 791) and is bisected by Tye River Road (Route 657), Twin Oaks Lane (Route 820), and Richmond Highway (Route 60) (a location map is included in **Appendix A**). Construction of the Project is scheduled to begin in the second quarter of 2026, with a projected Commercial Operation Date in early 2027. Once operational, the project is anticipated to operate for 35-40 years.

1.2 The Applicant

The Applicant is a wholly owned subsidiary of Savion, LLC (“Savion”). Savion, a Shell Group portfolio company operating on a stand-alone basis, is an industry-leading solar and energy storage organization built on a foundation of specialized experience and mastery in the craft of development. With a growing portfolio of more than 36.5 gigawatts, Savion is currently one of the country’s largest and most technologically advanced utility-scale solar and energy storage project development companies. Savion is committed to helping decarbonize the energy grid by replacing electric power generation with renewable sources and delivering cost-competitive electricity to the marketplace. Savion is a U.S. based company headquartered in Kansas City, Missouri, with projects in various phases of development, construction, and operation across 33 states.

1.3 Description of the Project

The six (6) Subject Parcels¹ included in this SUP application total 4,647 acres². The Project is sited on a portion of the Subject Parcels that totals approximately 2,470 acres (the “Project Limits”) (Figure D-1). Within the Project Limits, the footprint of the proposed infrastructure or “Project Footprint” will cover approximately 550 acres. A Minor Site Plan showing the overall location and components of the Project is included in **Appendix C**. The Applicant will be restricted to developing the Project within the approximately 2,470-acre Project Limits as depicted in this SUP application. Portions of the Subject Parcels that fall outside of the Project Footprint will largely remain under the control of the current landowner and are expected to continue to be utilized for silviculture. In compliance with Section 22A-6(1)(b) of the Nelson County Zoning Ordinance, the Applicant will be required to submit a Major Site Plan for approval prior to the issuance any building permit or other County issued permits required for the construction of the Project. The design depicted in the Minor Site Plan included in this SUP application is preliminary in nature and is expected to evolve as project due diligence continues. Any updates to project design will meet or exceed the commitments made throughout this SUP application and will be subject to review as part of the Site Development Plan approval.

The Project will utilize photovoltaic (“PV”) solar panels (“modules”) mounted on a single-axis tracking rack to maximize solar energy capture and electric generation of the Project. Per Section 22A-6(2)(b) of the Nelson County Zoning Ordinance, the modules shall not exceed fifteen (15) feet in height when oriented at maximum tilt. Electricity generated by the modules will be sent to inverters located throughout the array that will convert the electricity from direct current (“DC”) to alternating current (“AC”). A series of medium voltage (“MV”) collection lines will transfer the electricity from the inverters to the Project substation. From the Project substation, an overhead generation tie-line (“gen-tie”) will deliver electricity to the existing Gladstone substation, which will serve as the connection point between the Project and Appalachian Power’s (“AEP”) power grid. The preliminary design includes twelve distinct and separate module array areas that will be surrounded by chain link fence and appropriately screened to minimize

¹ Portions of parcels 97-1-9 and 97-A-29.

² Acreage of the Subject Parcels is based on surveys completed by the landowner which align with the Nelson County GIS database. This information does not correspond with information included in the Nelson County ProVal system, but the Applicant and the County discussed the discrepancy and the County approved using the 4,647 acres as described in the surveys and the County’s GIS database as the Subject Parcels for this SUP application.



Nelson County, VA

visual impacts. The array areas will be connected throughout the Project Limits by a network of access roads, which will utilize and improve existing logging roads, to the extent possible. The arrays will be accessed via entrances located along Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane.

AEP is part of PJM, the Regional Transmission Operator that coordinates the movement of wholesale electricity throughout 13 states and the District of Columbia in the Midwest and Mid-Atlantic, including Virginia. The Applicant submitted a transmission filing with PJM for the Project with a total capability of 90-MW_{ac} under Wild Rose Solar Project, LLC. At this time, the Project has received Feasibility Study and System Impact Study Reports. The Facilities Study is expected in Summer 2024 and an Interconnection Service Agreement is anticipated to be executed as soon as Q4 2024.

1.4 Impact Minimization

The Applicant has determined the Project Limits to be suitable for a large solar energy system based on the following factors: proximity to available transmission capacity, landowner interest, and evaluation of site suitability. The Project is also in line with Virginia's Clean Economy Act, which was passed in 2020, and increased the Commonwealth's Renewable Portfolio Standard from 15% by 2025 to 100% by 2045.

The Project has been intentionally sited to minimize impacts on the surrounding area. As described previously, the Project Footprint (550 ac) will utilize only a small portion of the total acreage of the Subject Parcels (4,647 ac) and the Project Limits (2,470 ac), which are predominantly used for silviculture. The general area surrounding the Project consists of approximately 7,500 acres of active timber land. The Project is unique in that it will be screened almost entirely by existing vegetation from the outset of construction, meaning with very limited exceptions, it will be obscured from view of adjacent property owners and the motoring public for its full operational lifetime. The Applicant has committed to maintaining a 125-foot buffer of existing vegetation in areas adjacent to any residential property line or roadway, which exceeds the 20-foot-wide requirement included in the Nelson County Zoning Ordinance (Section 22A-6(2)(e)). There are no residentially zoned properties adjacent to the Project, but the Applicant took a conservative approach and will maintain a buffer in areas adjacent to any parcel zoned A-1 that is believed to include a residential structure. In areas that are adjacent to properties with a residential structure or public roadways where the existing vegetation is insufficient, enhancement screening will be installed to ensure visual impacts are mitigated. The Applicant will retain site control of these buffer yard areas to ensure the vegetative buffer is maintained for the life of the Project. The current landowner will not be permitted to clear these buffer yard areas. Additional information regarding the Project's approach to screening is provided in **Section 5.1**. The Conceptual Landscape Planting Plan (**Appendix F**) denotes where the Applicant is meeting and exceeding the buffering requirements with existing vegetation and proposed enhancement screening. A Final Landscaping Plan will be submitted prior to or concurrent with the Final Site Plan (see **Appendix B** – Proposed Permit Conditions). This will ensure that the vegetative buffer has been updated to accommodate any changes in the status of existing vegetation (i.e., tree clearing by the landowner) and shifts in the Project design.

As demonstrated in the Conceptual Landscape Planting Plan, the Applicant has focused on ensuring the Project is adequately screened along Norwood Road, Route 60, Tye River Road, and Twin Oaks Lane. Additional existing vegetation will be maintained on the west side of the Project to eliminate visual impacts to the cluster of residential structures that are located off Route 60 and Twin Oaks Lane. A buffer will also be maintained around the module array that is south of Route 60.

The Applicant developed photo renderings (**Appendix G**) to demonstrate how the visual impact of the Project has been minimized through intentional siting and the utilization of existing vegetation. Photographs were taken at five (5) locations along roads adjacent to the Project, which were then rendered to produce visualizations of how the views would look in five (5) and 10 years. The photo renderings include the proposed buffers and show that from the five (5) locations, there will either be no view of the proposed Project under the current conditions or there are filtered views of the proposed Project under current conditions, which will quickly be screened by regenerative growth.

The Applicant has contracted Stantec Consulting Services, Inc. (an independent consulting firm) to perform desktop studies of the land with respect to historical and cultural resources, wildlife and endangered species, topography, wetlands, and soils. These studies are included as appendices in this SUP application and have been used to guide



Nelson County, VA

site development plans. As depicted in the Minor Site Plan, the Project has been sited to minimize impacts to natural resources identified within the Project Limits. The Applicant also took a proactive approach to incorporating stormwater management (“SWM”) and erosion and sediment control (“ESC”) into the Project design, which is explained in more detail in **Section 10** of this application.

As a renewable energy project of 150 MW or less, the Project is subject to Virginia Department of Environmental Quality’s (“DEQ”) Permit by Rule (“PBR”) process. Through the PBR, DEQ coordinates reviews from the Department of Historic Resources (“DHR”), the Department of Wildlife Resources (“DWR”), and the Department of Conservation and Recreation (“DCR”) to ensure potential impacts to cultural or threatened and endangered species are avoided or mitigated. In preparation for submitting a PBR application, the Applicant will complete field surveys for cultural and biological resources and develop mitigation plans, if necessary. Field surveys for the Project have been initiated and are anticipated to be completed in Q1 2024. State and federal wildlife agencies, including the United States Fish and Wildlife Service (“USFWS”), the DCR, and DWR, will be consulted to identify concerns about the Project’s potential impacts to wildlife resources. The Applicant will also complete a wetland delineation of the Project Limits and pursue a jurisdictional determination from the United States Army Corps of Engineers (“USACE”). Although it is not anticipated, if impacts to wetland or waterbody features are necessary based on the Project’s final design, the appropriate permits and approvals will be obtained from the USACE, the DEQ Virginia Water Protection (“VWP”) Program, and Virginia Marine Resources Commission (“VMRC”), as applicable.

The Applicant is committed to developing the Project with minimal impacts to both natural resources and the surrounding community. This process started with the responsible siting of the Project and will continue with thorough due diligence to identify potential impacts to be avoided or minimized as design is finalized. Best management practices during construction and operation will further minimize the Project’s impact. Once operational, the Project will quietly generate clean, local energy and tax revenue for Nelson County, and preserve the land for future generations.

1.5 Development Sequence

Construction of the Project is scheduled to begin in Q2 2026, with a projected Commercial Operation Date in early 2027. Construction will take place in several phases over the nine (9) to 12-month period.

Construction will begin after the necessary stormwater and building permits are received and the interconnection process is finalized with PJM. Project construction will begin with workforce mobilization and the initial site preparation work including grading, placement of erosion control measures, and any necessary vegetation and tree removal. The current property owners (a timber and paper company) are expected to remove harvestable timber within the Project Footprint prior to the commencement of ground disturbance. ESC measures implemented will be defined in the Erosion and Sediment Control Plan. The plan will include design elements that filter sedimentation and manage surface runoff created by ground disturbance during construction. Several measures may also be implemented after ground disturbance begins – including temporary seeding immediately following grading to stabilize topsoil. SWM measures will also be defined as part of the stormwater management plan as necessary for the DEQ stormwater permit. Stormwater design considerations reduce the volume of runoff and related sedimentation following heavy rainfall during and after construction.

Next, general site improvements will be made such as access improvements and preparation of the construction laydown area. The Project components (racking system, modules, inverters, meteorological (“MET”) towers, and collection system) will be installed next, along with access roads. The Project substation and associated gen-tie will be installed concurrently with the module arrays. More detail on each major Project component is provided below:

- **PV modules:** The modules are an assembly of connected solar cells that absorb sunlight as an energy source to generate electricity. The Project will utilize modules with anti-glare technology and anti-reflective coatings. The current Project design includes approximately 234,012 modules.
- **Racking system:** The modules will be installed on a tracking system with a tilting movement from a horizontal position. This tilting movement (+/-60 degrees from horizontal) enables a greater exposure of the module to the sun throughout the day. The trackers are installed on steel piles that are typically 10 to 15 feet long and would be driven approximately 8 to 10 feet below grade, depending on soil conditions. Piles are



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primarily installed by pile drivers. Modules are supported on the posts with the help of a racking mechanism. Forklifts are used to deliver the steel frame required for the racking structures. Once the piles are driven into the ground, racking mechanisms are installed primarily by hand and modules are then bolted to the frame.

- MET towers: The Project is proposing to include three (3) to seven (7) permanent MET towers in the design. At a minimum, the quantity of the measurements at the Project will meet or exceed the Class A system requirements in IEC 61724-1.² The MET towers will be approximately 14 feet tall and installed on a concrete base adjacent to inverters. MET stations consist of a pyranometer to measure the solar irradiance, an anemometer to measure the wind speed and direction, and a thermometer. The location of the MET towers will be determined during development of the Project's final design.
- Collection system: There are two types of collection systems (also called collection lines) for a solar project: AC collection and DC collection. The current Project design includes approximately 69,500 feet of collection cable.
 - DC collection lines connect the modules to the inverter electrically. Modules are connected at the end of each row. Collection lines are trenched underground or hung over the racking systems by using a cable system which feeds to the combiner box. The DC collection from the combiner boxes to the inverters is typically run underground. DC collection cables are often congregated into common trenches and run adjacent to one another within and adjacent to the array areas to connect to the inverters.
 - AC collection lines will connect the inverters to the Project substation. The number and loading of circuits are determined by electrical, geotechnical, and equipment parameters. The AC collection system will be installed underground via open cut trench or plowed methods. Horizontal directional drilling may be utilized to minimize impacts to environmental features.
- Inverters: As DC electrical output is generated, it is transmitted via the DC collection lines to central inverters to undergo the DC-to-AC conversion process. The current Project design includes 28 inverters. The number of inverters is subject to change as Project design evolves and is finalized. Operational sound at the Project will result from the inverters (only during hours of sunlight) so they have intentionally been sited internally within the arrays. The Applicant will maintain a minimum of 300 feet between inverters and the neighboring property lines.
- Project substation/gen-tie: The Project will require a Project substation to step up incoming MV electricity to match the 138kV high-voltage AEP network. The substation will have a footprint of approximately two (2) acres. A common control enclosure will be installed at the Project substation that will house the protection, communication, and supervisory control and data acquisition (SCADA) equipment necessary to safely operate the substation. The Project substation will be fenced and protected according to the National Electrical Safety Code. One over-head 138kV gen-tie line will be constructed by the Applicant to deliver electricity from the Project substation to the existing AEP Gladstone substation. The gen-tie is located entirely on the Subject Parcels included in this SUP application. The gen-tie line will be hung on steel monopole structures that will be approximately 90- to 110-feet above the ground.
- Access Roads: The Project will be accessed via entrances located along Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane. The array areas will be connected throughout the Project Limits by approximately 41,875 feet of access roads, which have been sited on existing logging roads to the extent possible. Gravel roads will be constructed or enhanced with all-weather gravel and will range between 12 and 16 feet in width, except for the road to the Project substation, which is expected to be 20 to 24 feet. Access roads will be designed to have the appropriate turning radii and will be constructed to support the weight of vehicle traffic on site. The access roads will also be designed to be sufficient for use by emergency vehicles.

² International Electrotechnical Commission. "IEC 61724-1 – International Standard," IEC 2021.



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Commissioning of electrical equipment will be conducted prior to the placement of the Project in service. As portions of the Project near completion, disturbed areas will be reseeded and re-vegetated consistent with the Erosion and Sediment Control Plan and Stormwater Pollution Prevention Plan. A ground cover consisting of native, herbaceous vegetation – including pollinator friendly species – will be established. This cover, in combination with ESC measures implemented during and post-construction, will prevent additional runoff and protect the wetland and stream resources which currently run through the Project, as well as improve wildlife habitat and encourage an increased population of pollinator species at the site. Once construction is complete, the access roads will be dressed as necessary to ensure their long-term function. Erosion control methods during and after construction will depend on the contours of the land, as well as requirements of relevant permits.

1.6 Beneficial Community Impact

The Project will benefit the community directly and indirectly. On a macro level, solar energy systems provide clean, reliable, emission-free energy to Virginians. Once the Project is built and operating, there are no ‘fuel costs’ associated with electricity generation as seen in other types of power generation. Because of no fuel costs and low operational expenses, solar energy systems stabilize energy rates in the region as they are not prone to fluctuation with changing market conditions.

Additionally, construction of the Project will create approximately 250 temporary jobs. The Applicant will prioritize local labor and contractors for the construction of the Project to maximize local benefits. This labor force will be a combination of skilled and unskilled labor, allowing all people the potential to gain experience in a rapidly growing industry. The Project intends to partner with a local technical college and/or high school to initiate a job training and solar education program to support the labor needs during the construction of the Project. Additionally, the Applicant will host at least two local job fairs to recruit the local labor force. The limited amount of labor force that comes in from outside of the immediate area will still stay in local hotels, eat at local restaurants, and patronize local businesses. During the operational phase, it is anticipated that the Project will provide the equivalent of two (2) to five (5) full-time jobs for members of Nelson County and adjoining communities.

Most directly, the Project will contribute significant tax revenue to Nelson County, without demands for public services or infrastructure associated with other types of development. The Project will pay Machinery and Tool Taxes on the Project’s equipment, assessed pursuant to local ordinance and state code. The estimated lifetime Machinery and Tool Tax Payments applicable to the Project are \$5 Million. The real estate within Project Footprint will be reassessed by Nelson County to account for the new use, and based on other reassessments of similarly situated projects, the reassessment should be between \$10,000 and \$15,000 per acre. At Nelson County’s current real estate tax rate, that will generate an additional approximately \$40,000 per year. The real estate tax revenue will increase approximately 13x compared to the current land use. Additionally, the Applicant has proposed a Siting Agreement which will provide for additional funds above and beyond the Project’s statutory tax obligation. These funds can be used for a wide variety of County and community needs.

1.7 Proposed Permit Conditions

The Applicant acknowledges that although utility-scale solar development has become increasingly popular in the Commonwealth of Virginia over the past 7 to 8 years, this is the first SUP application submitted to Nelson County for a large solar energy system. Taking this into consideration, the Applicant is proactively offering a number of commitments above and beyond what is required by the Nelson County Zoning Ordinance to ensure the impacts to the surrounding area are minimized, the Project implements “best practices” learned from other projects in Virginia, and the community can reap the benefits of the Project’s successful development. The Applicant has memorialized these voluntary initiatives in the Proposed Permit Conditions included in this SUP application (**Appendix B**). The commitments in the proposed conditions include, but are not limited to:

- Providing the following studies and plans prior to or concurrent with the Final Site Plan:
 - Construction Management Plan
 - Construction Traffic Management Plan/Road Repair Plan
 - Final Landscaping Plan



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- Emergency Management Plan
 - Updated Ocular Impact Study
- Providing a Payment for Third Party Expert and Consultant Review of Final Site Plan and supplemental studies and plans
- Designating a Project Liaison for the County during construction

The Applicant also commits to responsible procurement of equipment for the Project. The modules utilized for the Project will be procured from a Tier 1 module supplier. Tier I modules are from well-respected manufacturers and are understood to be of high quality, predictable performance, durability, and content. The Tier 1 designation comes from BloombergNEF and indicates a supplier that a bank is likely to offer debt financing for.⁴ Modules will also have passed the U.S. Environmental Protection Agency's toxicity characteristic leaching procedure ("TCLP") test. Modules that pass the TCLP test are considered not hazardous to air, soil, or water.⁵ U.S. law (and Uighur Forced Labor Prevention Act) prohibits the importation of goods made using forced labor. The Applicant will continue to comply with the law. Equipment for the Project has not yet been procured, but preliminary equipment specification sheets for modules, trackers, and inverters representative of what will be utilized for the Project have been provided as **Appendix N**.

1.8 Public Outreach

The Applicant has worked to engage landowners, local officials, the community, and other stakeholders to socialize the Project and collect feedback. Two in-person meetings were held at the Nelson Heritage Center on September 6, 2023 and November 9, 2023. The neighborhood meeting held on September 6th was intended for landowners directly adjacent to the Project. Landowners within 1 mile of the Project were mailed directly for the community meeting held on November 9th and it was advertised on the Project's Facebook page in an effort to engage a larger audience. The Applicant also helped support a Community Open House that was hosted by Nelson County on February 27, 2024. The meeting was held at the Gladstone Fire Department and landowners within 1 mile of the Project were invited to attend via a direct mailer.

1.9 Applicant Requests

The Applicant respectfully requests that the Nelson County Planning Commission and Board of Supervisors:

- (1) Approve the Special Use Permit for the Project as proposed herein, sited on the Subject Parcels as identified in Figure D-1; subject to the specific conditions with this Application, including those set forth in **Appendix B – Proposed Conditions**.
- (2) Find the Project to be "Substantially in Accord" with the Nelson County Comprehensive Plan pursuant to Va. Code 15.2-2232.
- (3) Once negotiations are complete, the Board of Supervisors approve the Siting Agreement proposed by the Applicant.

2 Special Use Permit Application

Pursuant to the Nelson County Code of Ordinances Article 22A-6, large solar energy systems are permitted in districts zoned A-1 Agricultural, C-1 Conservation District, M-1 Limited Industrial, B-1 Business District, and B-2 Business District with a SUP. A SUP application form has been completed for the Wild Rose Solar Project and is included in **Appendix B**.

⁴ BloombergNEF, "BloombergNEF PV Module Tier 1 List Methodology," Bloomberg, 2020, Accessed December 2023, Available at: <https://data.bloomberglp.com/professional/sites/24/BNEF-PV-Module-Tier-1-List-Methodology.pdf>.

⁵ U.S. Environmental Protection Agency (U.S. EPA), "Solar Panel Frequent Questions" U.S. EPA, 2023, Accessed December 2023, Available at: <https://www.epa.gov/hw/solar-panel-frequent-questions>.



Per Section 12-3 of the Nelson County Zoning Ordinance, the following SUP application requirements have been addressed⁵ for the Project:

12-3-2 General Standards and Criteria for Special Use Permit Review. All applications for Special Use Permits shall be reviewed using the following criteria:

- a. **The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;**

All adjacent parcels are zoned A-1 Agricultural ("A-1"). Surrounding land uses immediately around the Project include silviculture and pastureland with very low development intensity. The Project will not disrupt the rural character or established pattern of development in the surrounding area. The Applicant will be limited to developing the Project within the Project Limits as depicted in this SUP application and the portions of the Subject Parcels that fall outside of the Project Footprint will likely remain in silviculture. The Project has been sited intentionally to minimize impacts to the surrounding community. Existing vegetation will be utilized to screen the Project from the start of construction, and enhancement screening will be installed where necessary to ensure visual impacts are mitigated. Installation of large solar energy systems encourages open space retention by placing a hold on additional development within the Project Limits, which prevents permanent changes to the land and promotes the rural character of the County.

- b. **The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;**

The A-1 district is designed to accommodate farming, forestry, and limited residential use. The Project will have little to no impact on farming, forestry, or residential uses at nearby properties. Similarly, the uses permitted by right on the neighboring properties will not have a negative impact on the Project. The Applicant will be limited to developing the Project within the Project Limits as depicted in this SUP application and the portions of the Subject Parcels that fall outside of the Project Footprint will likely remain in silviculture. The Project is a low-impact and passive use of land that will not cause permanent soil degradation, as is typical with most other development that often converts agricultural land to residential or industrial. The Project will meet all applicable noise requirements for the zoning district, is designed to minimize the potential for glare, meets and often exceeds setback requirements, and provides for buffering and screening to increase compatibility with adjacent land uses and minimize the potential for incompatibility with offsite uses. The Project is designed to avoid impacts to natural resources and mitigate the community impacts to the surrounding area. The low visual profile and quiet operations preserve the rural character of the area, while at the end of the Project's life, the land may be returned to agricultural and silvicultural use.

- c. **The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and**

The Project requires very few public or private services and has been sited so that there is adequate access from public roads. As an unmanned Project that generates electricity, it will not place new pressure on other public services during operations, such as water, sewer, or gas infrastructure. The Applicant has committed to coordinating with the County on an Emergency Management Plan, as memorialized in the Proposed Permit Conditions (**Appendix B**).

- d. **The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic, or historic importance.**

⁵ Each requirement is listed in **bold**, and the Applicant's response is listed below each requirement.



The Project will be required to obtain a PBR from the DEQ. Through the PBR, the DEQ coordinates reviews from the DHR, the DWR, and the DCR to ensure potential significant impacts to cultural or threatened and endangered species are avoided or mitigated. The Project is not expected to have any impact on scenic features, as detailed in **Section 6.1** of this application.

- 12-3-3 Special Conditions. The Board of Supervisors may grant or deny the application either in part or in full and may impose such modifications, regulations, or restrictions, including a limitation of the time for which the permit shall be valid, which such Board in its discretion may determine necessary or requisite in order that the general objectives and purpose of this ordinance shall be complied with.**

The Applicant has provided Proposed Permit Conditions as part of **Appendix B** of this SUP application. These conditions correspond to the Nelson County Zoning Ordinance and are supplemental to it. They reflect industry best practices and provide for responsible development and operation of the Project.

12-3-4 Application Requirements for Special Use Permits.

- a. An Application for a Special Use Permit shall be made by all property owners, a contract purchaser with the owners' written consent, or the owners' agent. The application shall be submitted to the Planning and Zoning Director, and shall be accompanied by the required filing fee.**

The SUP application form has been completed for the Project and is included in **Appendix B**. The Applicant has obtained Real Property Option Agreements for the parcels of land which will be leased or purchased for the development of the Project. These documents have been provided in **Appendix B**. The Applicant has also provided agent authorization forms, which authorize the Applicant to submit the SUP application on behalf of the property owners (**Appendix B**). The filing fee for the SUP application has been paid to Nelson County via credit card.

- b. If the request for a Special Use Permit has been denied by the Board of Supervisors, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.**

The Applicant acknowledges this restriction for reapplication.

- c. The Application shall include the following information:**

- 1. A Minor Site Plan in accordance with Article 13 of the Nelson County Zoning Ordinance;**

A Minor Site Plan is included in **Appendix C**. The Minor site plan has been provided at a scale of one (1) inch equals 200 feet, which is an appropriate scale to depict the Project. It should be noted that this site plan is preliminary in nature, and a Final Site Plan will be produced and approved by the County prior to construction. The Final Site Plan will adhere to the requirements found in Article 13 of the Nelson County Zoning Ordinance.

- 2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees or patrons;**

A full description of the Project is included in **Section 1**.

- 3. A written statement of proposed project compatibility with the following:**

- i. The Comprehensive Plan.**

Evidence that the proposed Project is compatible with the goals and principles of Nelson County's Comprehensive Plan is included in **Appendix E**.



ii. The applicable zoning district;

Large solar energy systems can be approved as a SUP on land zoned A-1. A “large solar energy system” is defined in the zoning ordinance as an “energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one (1) acre or more of total land area.”⁶ The Project meets the large solar energy system definition because the Project will be a solar energy conversation system that will operate as the principal land use and consist of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware that occupies more than one acre of land. Additionally, the Project’s primary use is electrical generation to be sold to the wholesale electricity markets.⁷ The Applicant’s SUP form is provided in **Appendix B** and all necessary documentation is provided within this application.

iii. The surrounding properties.

All adjacent parcels are zoned A-1. Surrounding land uses immediately around the Project include silviculture and pastureland with very low development intensity. The Applicant will be limited to developing the Project within the Project Limits as depicted in this SUP application and the portions of the Subject Parcels that fall outside of the Project Footprint will likely remain in silviculture. This allows the Project to be intentionally sited to utilize existing vegetation to screen the Project from surrounding properties. According to the Nelson County GIS, there are very few building footprints surrounding the Project. Although there are no residentially zoned properties adjacent to the Project, the Applicant will implement a 200-foot setback where structures are present. The operation of the Project will meet all applicable noise requirements for the zoning district, is designed to minimize the potential for glare, meets and often exceeds setback requirements, and provides for buffering and screening above and beyond what is required in the Nelson County Zoning Ordinance in an effort to increase compatibility with adjacent land uses and minimize the potential for incompatibility with offsite uses.

iv. Current and future neighborhood conditions.

According to the Nelson County Comprehensive Plan and Nelson County GIS, the Four Forks, Five Forks, and Gladstone neighborhoods have low-to-moderate density development. As of 2002, the Comprehensive Plan did not show Gladstone, Five Forks, or Four Forks as falling within an existing water sewer service area. The absence of existing water and sewer service areas limits high density development. The proposed Project is compatible with existing low-density land use in the vicinity.

The Gladstone, Four Forks, and Five Forks neighborhoods were not designated as future land use areas in the Comprehensive Plan and are intended to stay rural. Future neighborhood conditions can be expected to follow the same pattern of development experienced in the past. A large solar energy system should be considered a temporary land use that does not degrade the future resources of the site. After decommissioning, long-term goals to develop the property for other uses, such as agriculture, can still be achieved. As noted above, landscape screening will be used where existing vegetation is not adequate to provide a buffer between the Project and the surrounding area. With intentional placement of enhancement screening, the rural character and heritage unique to Nelson County can be preserved during the lifetime of the Project.

v. Traffic patterns, on-site and off-site;

A traffic study is included in **Appendix O** and summarized in **Section 7**. Once operational, traffic resulting from the Project will be less than that of one single family home.

⁶ Nelson County Zoning Ordinance § 22A-3.

⁷ Nelson County Zoning Ordinance § 22A-6(1).



4. When requested by the Planning and Zoning Director, the Commission, or the Board of Supervisors, the following information shall be provided by the applicant:

i. The architectural elevations and floor plans of proposed buildings.

The Applicant is not proposing to construct any buildings as part of the Project. An accessory operations and maintenance trailer may be utilized. The Applicant will obtain the necessary permits for the operations and maintenance trailer from Nelson County prior to installation.

ii. Traffic impact analysis.

A traffic study is included in **Appendix O**. Once construction is complete, operation of the Project will not negatively impact or burden the transportation network in Nelson County. Traffic resulting from the operation of the Project will be less than that of one single family home. Access to the Project will be coordinated with the VDOT and Nelson County. The Applicant has proposed to develop a Construction Traffic Management Plan/Traffic Mitigation Plan, as memorialized in the Proposed Permit Conditions (**Appendix B**).

iii. Fiscal impact analysis.

The Project will have a positive economic benefit on the local community during both construction and operation. During construction the economic benefit will be in the form of approximately 250 temporary jobs that will be sourced locally to the extent practical and increased business to hotels, restaurants, gas stations, grocery stores, print shops, supply stores, and other local businesses. During operations, it is anticipated that the Project will provide the equivalent of two (2) to five (5) full-time jobs and increase the local tax base, which will provide additional funds that could be used to support local schools and infrastructure. If the land is used as a large solar energy system, it will generate tax revenue 13 times greater than the current land use. This revenue can be used to support core county services and local infrastructure improvements. Additional information pertaining to the economic benefits of the Project is included in **Section 1.6**.

iv. Parking and site circulation analysis.

Internal circulation will be limited to on-site personnel, but the roads will be adequate to facilitate any emergency access, if necessary. The only parking requirements would be associated with the accessory operations and maintenance trailer. Sufficient parking will be provided. During construction, the Project will require temporary construction parking that will be internal to the Project site.

v. Photographs of property and surrounding area.

Photographs of the property and the surrounding area are included in the visual impact analysis completed for the Project (**Appendix G**). Photographs were taken of the current condition from locations surrounding the Project. Those photographs were then rendered by graphic designers to produce visualizations of how the views would look in five (5) and 10 years. The renderings demonstrate that, as a result of maintaining existing vegetation and the implementation of enhancement screening, the Project will be properly screened. The setbacks are represented on the Minor Site Plan (**Appendix C**) and a Conceptual Landscape Planting Plan (**Appendix F**) has been provided to denote where buffer requirements are being met and voluntarily exceeded.

vi. Environmental Impact Statement.

Stantec Consulting Services, Inc. (an independent consulting firm) has performed studies of the land with respect to historical and cultural resources, wildlife and endangered species, topography, wetlands, and soils. A summary of the findings is included in **Section 6**.



12-3-7 Major Site Plan.

Upon approval of the application by the Board of Supervisors, a Preliminary and Final Site Plan, if required shall be filed with the Planning and Zoning Director and reviewed by the Planning Commission pursuant to Section 13-5 of this Chapter.

Prior to construction, the Applicant will submit a Major Site Plan for approval. The design depicted in the Minor Site Plan included in this SUP application is preliminary in nature and is expected to evolve as project due diligence continues. Any updates to project design will meet or exceed the commitments made throughout this SUP application and will be subject to review as part of the Site Development Plan approval.

12-3-8 Renewal of SUP with Time Limits, Expiration, Revocation.

b. Expiration.

- 1. Whenever a Special Use Permit is approved by the Board of Supervisors, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the Board of Supervisors may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit.**

In the Proposed Permit Conditions (**Appendix B**), the Applicant has requested that the duration of the SUP be extended to five (5) years from approval, unless extended by written agreement between the County and the Applicant. This will allow the Applicant to work through the utility interconnection process and required state permitting.

12-3-11 A Special Use Permit becomes void if the permit is not utilized within twelve (12) months after approval or in the event the use has been discontinued for a consecutive twelve-month period.

As noted above, the Applicant has requested that the duration of the SUP be extended to five (5) years from approval, unless extended by written agreement between the County and the Applicant (**Appendix B**).

3 Compliance with the Nelson County Solar Ordinance

Per Section 22A of the Nelson County Zoning Ordinance, the following provisions applicable to Solar Energy have been addressed:⁸

22A-4 General Provisions shall be addressed for all large solar energy systems, and for small solar energy systems as applicable.

1. Safety and Construction.

- a. Design. The applicant shall submit documentation that the design of any buildings and structures associated with or part of the solar energy project complies with applicable sections of the Virginia Uniform Statewide Building Code (USBC) (13VAC5-63). This requirement includes all electrical components of the solar energy project.**

The Project will be designed to comply with applicable sections of the Virginia Uniform Statewide Building Code (USBC)(13VAC5-63) as well as all federal and state statutes, codes, regulations, and ordinances.

⁸ Each requirement is listed in **bold**, and the Applicant's response is listed below each requirement.



- b. **Construction and installation.** In the construction and installation of a large solar energy system, the owner or operator shall install all electrical wires associated with the large solar energy system underground unless the applicant can demonstrate the necessity for aboveground installations as determined by the Board of Supervisors.

Aboveground electrical wires are necessary for the gen-tie and connection to the power grid, as depicted on the Minor Site Plan (**Appendix C**).

- c. **Noise.** Solar energy systems shall comply with Chapter 8, Article II, Noise Control, of the Nelson County Code.

The Project will comply with Chapter 8, Article II, Noise Control, of the Nelson County Code. Noise generated by the Project will not exceed 70 dBA (measured at the Project property line). Once operational, sound producing components only do so during the day when the sun is shining and the Project is generating electricity, and do not generate sound at night. Per Section 8-37 of the Nelson County Zoning Ordinance, sound generated by construction between the hours of 7:00 a.m. and 9:00 p.m. are exempt from coverage of this article.

- d. **Ocular impact study.** When required by the FAA, an ocular impact study shall be performed for airports within five (5) miles of the project site, for public roads within sight of the system, and from scenic highways and overlooks. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.

Based on the Federal Aviation Administration ("FAA") Notice of Criteria Tool results, the Project does not exceed Notice Criteria. No conflicts with airport operations are anticipated. The Project will utilize solar panels that have anti-glare properties (anti-reflective coatings) to reduce potential glare that may come from the Project. Based on a glare hazard analysis performed by Stantec Consulting Services Inc., glare is not predicted for roadways, structures, or pilots approaching nearby airstrips. The full analysis is included in **Appendix M**. The Applicant has evaluated the potential impact to the scenic vistas included in the County's Comprehensive Plan. Based on the distance and topography between the proposed Project and the scenic vistas, no impact is expected.

- 2. **Bonding.** Prior to the issuance of a Building Permit for a solar energy system, the applicant shall:
 - a. **Submit to the Planning and Zoning Director an itemized cost estimate of the work to be done to completely remove the entire solar energy system plus twenty-five (25) percent of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.**
 - b. **Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate plus twenty-five (25) percent as approved by the Planning and Zoning Director which shall:**
 - 1. **Secure the cost of removing the system and restoring the site to its original condition to the extent reasonably possible; and**
 - 2. **Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.**
 - c. **The applicant will ensure the bond, irrevocable Letter of Credit, or other surety shall remain in full force and effect until the Planning and Zoning Department has inspected the site and verified that the solar energy system has been removed. At which time, the Planning and Zoning Department shall promptly release the bond, irrevocable Letter of Credit, or other surety.**

The Applicant will comply with Nelson County's bonding requirements. In the Proposed Permit Conditions (**Appendix B**), the Applicant is proposing to update the decommissioning plan and bond every five years from the original Commercial Operation Date as the cost adjustment mechanism.



3. **Decommissioning.**
- a. **Decommissioning plan.** As part of the project application, the applicant shall submit a decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars; (3) how said estimate was determined; (4) the method of ensuring that funds will be available for decommissioning and restoration; (5) the method that the decommissioning cost will be kept current; and (6) the manner in which the project will be decommissioned and the site restored.

The Applicant has included a Decommissioning Plan as part of this SUP Application (see **Section 8** and **Appendix H**).

- b. **Discontinuation, Abandonment, or Expiration of the Project.**
1. **Thirty (30) days prior to such time that a solar energy system is scheduled to be abandoned or discontinued, the owner or operator shall notify the Director of Planning and Zoning by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Any solar project that has been inoperable or unutilized for a period of twelve (12) consecutive months shall be deemed abandoned and subject to the requirements of this section.**
2. **Within three hundred sixty-five (365) days of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended once (up to twelve (12) months) at the request of the owner or operator, upon approval of the Board of Supervisors.**
3. **Decommissioning of discontinued or abandoned solar energy systems shall include the following:**
- A. **Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the Board of Supervisors that such roads remain.**
- B. **Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.**
- C. **Compacted soils shall be decompacted as agreed to by the landowner.**
- D. **Restoration of the topography of the project site to its pre-existing condition using non-invasive plant species and pollinator-friendly and wild-life friendly native plants, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the Board of Supervisors.**
- E. **Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.**

The Applicant will comply with the County's decommissioning requirements. Supplemental conditions pertaining to decommissioning and the decommissioning plan are included in the Proposed Permit Conditions (**Appendix B**).

4. **A zoning permit issued pursuant to this article shall expire if the solar energy system is not installed and functioning within twenty-four months from the date this permit is issued.**

The Applicant acknowledges the timing restriction associated with the zoning permit. The Applicant has coordinated with County Staff and has confirmed that a zoning permit would not be obtained until building permits are issued.

5. **The Planning and Zoning Director may issue a Notice of Abandonment to the owner of a small solar energy system that is deemed to have been abandoned. The owner shall have**



the right to respond to the Notice of Abandonment within thirty (30) days from notice receipt date. The Planning and Zoning Director shall withdraw the Notice of Abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

The Applicant acknowledges this process for curing a Notice of Abandonment.

22A-6 Large Solar Energy Systems.

- 1. Use.** A large solar energy system shall be permitted by a Special Use Permit in A-1, C-1, M-1, B-1, and B-2, and by-right in M-2, provided that:

The primary use of the system is electrical generation to be sold to the wholesale electricity markets and not used primarily for the onsite consumption of energy by a dwelling or commercial building.

In addition to the requirements of a Major Site Plan in Article 13, "Site Development Plan," and Article 12, "General Provisions," applications for a large solar energy system shall include the following information:

- a. Project description.** A narrative identifying the applicant and describing the proposed solar energy system, including an overview of the project and its location; approximate rated capacity of the solar energy system; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.

A full description of the Project is included in **Section 1**.

- b. Site plan.** The site plan shall conform to the preparation and submittal requirements of Article 13, "Site Development Plan," including supplemental plans and submissions, and shall include the following information:
 - 1. Property lines and setbacks.**
 - 2. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.**
 - 3. Existing and proposed access roads, drives, turnout locations, and parking.**
 - 4. Locations of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.**
 - 5. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.**

The Applicant has provided a site plan that meets the Minor Site Plan requirements established in Article 12 and Article 13 of the Nelson County Zoning Ordinance (see **Appendix C**).

- 6. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.**

The Applicant has obtained Real Property Option Agreements for the parcels of land which will be leased or purchased for the development of the Project. These documents have been provided as **Appendix B**. The Applicant has also provided agent authorization forms, which authorize the Applicant to submit the SUP application on behalf of the property owners (**Appendix B**).



7. **The application shall include a decommissioning plan and other documents required by Section 22A-4 of this article.**

The Applicant has included a Decommissioning Plan as part of this SUP Application (see **Section 8** and **Appendix H**). See above for demonstrated compliance with Section 22A-4 of the ordinance.

2. **Location, Appearance and Operation of a Project Site.**

- a. **Visual impacts. The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor.**

The Applicant has implemented the appropriate setbacks and vegetative buffers to mitigate visual impacts on the local community from the Project. A visual impact analysis was completed for the Project using photo renderings from locations along roads adjacent to the Project. The renderings demonstrate that as a result of maintaining existing vegetation and, where necessary, implementing enhancement buffer, the Project will be properly screened. The setbacks are represented on the Minor Site Plan (**Appendix C**) and a Conceptual Landscape Planting Plan (**Appendix F**) has been provided to denote where buffer requirements are being met and voluntarily exceeded. The Applicant has evaluated the potential impact to the scenic vistas included in the County's Comprehensive Plan. Based on the distance and topography between the proposed Project and the scenic vistas, no impact is expected.

- b. **Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.**

The height of structures and arrays (except for poles and aboveground electrical lines associated with the gen-tie and connection to the power grid) will be ground mounted and not exceed 15 feet in height as measured from grade at the base of the structure to the apex of the structure.

- c. **Signage. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a state or federal agency; and (d) signs that provide a twenty-four-hour emergency contact phone number.**

The Applicant will comply with the requirements for signage at the Project.

- d. **Setbacks. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least one hundred (100) feet from all property lines and at least two hundred (200) feet from any residentially zoned properties; unless the Board of Supervisors is satisfied that different setbacks are adequate to protect neighboring properties.**
 1. **Setbacks shall be kept free of all structures and parking lots.**
 2. **Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.**

The Applicant has incorporated a setback of 125 feet from all property lines and at least two hundred feet from any residentially zoned properties into the Project design (**Appendix C**). Although no properties are zoned residential, the Project will implement a 200-foot setback where residential structures are present. All setbacks will be kept free of all structures and parking lots.



- e. **Buffering.** A twenty-foot-wide vegetative buffer yard for the purpose of screening shall be provided and maintained adjacent to any residential property line or roadway. If able to demonstrate that existing vegetation can meet this requirement, existing vegetation can be used to satisfy buffer requirements. The buffer location must be indicated on the site plan.
1. **Visual impacts.** This buffer should be made up of plant materials at least three (3) feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight (8) feet within three (3) years.
2. **Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer.**
3. **The buffer must be maintained for the life of the facility.**

The Applicant is proposing to exceed the buffering requirements for the Project. The Applicant will be limited to developing the Project within the Project Limits as depicted in this SUP application and the portions of the Subject Parcels that fall outside of the Project Footprint will likely remain in silviculture. This allows the Project to be intentionally sited to utilize existing vegetation to screen the Project from surrounding properties. The Project is unique in that it will be screened almost entirely by existing vegetation from the outset of construction, meaning with very limited exceptions, it will be obscured from view of adjacent property owners and the motoring public for its full operational lifetime. The Applicant has committed to maintaining a 125-foot buffer of existing vegetation in areas adjacent to any residential property line or roadway, which exceeds the 20-foot-wide requirement included in this section of the zoning ordinance. There are no residentially zoned properties adjacent to the Project, but the Applicant took a conservative approach and will maintain a buffer in areas adjacent to any parcel zoned A-1 that is believed to include a residential structure. In areas that are adjacent to properties with a residential structure or public roadways where the existing vegetation is insufficient, enhancement screening will be installed to ensure visual impacts are mitigated. The enhancement screening will be made up of plant materials at least three to four feet tall at the time of planting and maximum mature height of 25-feet. The vegetative buffer will be maintained for the life of the Project. Additional information regarding the Project's approach to screening is provided in **Section 5.1**.

4 Comprehensive Plan Review

The Comprehensive Plan for Nelson County is intended to serve as a blueprint for how the County will deal with change and future growth. The Applicant has provided an Analysis of the Project's conformity with the Nelson County Comprehensive Plan as part of this SUP Application (**Appendix E**).

5 Visual Impact Analysis

5.1 Project Screening Plan

The Applicant has implemented a comprehensive approach to minimizing the visual impact of the Project on the surrounding community. The Project has been located within Project Limits that lie within a larger subject parcel area that is largely utilized for silviculture. This allows the Project to be intentionally sited to utilize existing vegetation and favorable topography to screen the Project from surrounding properties. The Applicant has committed to maintaining a 125-foot buffer of existing vegetation in areas adjacent to any residential property line or roadway, which exceeds the 20-foot-wide requirement included in the zoning ordinance (Section 22A-6(2)(e)). In areas that are adjacent to properties with a residential structure or public roadways where the existing vegetation is insufficient, enhancement screening will be installed to ensure visual impacts are mitigated.



Nelson County, VA

The Applicant has focused on ensuring the Project is adequately screened along Norwood Road, Route 60, Tye River Road, and Twin Oaks Lane. Additional existing vegetation will be maintained on the west side of the Project to eliminate visual impacts to the cluster of residential structures that are located off Route 60 and Twin Oaks Lane. A buffer will also be maintained around the module array that is south of Route 60.

The gen-tie associated with the Project is sited entirely on Subject Parcels included in this SUP application, and the Applicant will be purchasing the Parcel where the gen-tie crosses over Bluck Mountain Lane. The Applicant is proposing that the gen-tie is comparable to other electrical infrastructure in the surrounding area and does not require screening similar to the rest of the Project. A representative photo of the proposed gen-tie is included in **Appendix G**.

The Conceptual Landscape Planting Plan (**Appendix F**) depicts where existing vegetation will be utilized to screen the Project and where enhancement screening will be installed.

Where existing vegetation will be maintained, these natural areas will be left intact with the exception of the possible removal of any dead, dying, or diseased specimens that are deemed to pose a hazard to people or property. The Applicant also reserves the right to selectively remove any trees that are determined to be negatively affecting the production of the Project based upon shading, so long as such management does not compromise the effective visual screen for the Project. Standing dead trees that do not present a threat to the Project or adjoining roads and properties will be left in place to provide roosting opportunities for avian species.

In areas where enhancement screening is proposed, at a minimum, a double row of evergreen trees/shrubs capable of achieving a height of at least eight feet within five to eight years will be planted. Occasional native dogwood trees will be incorporated into the planting to help blend the new plantings into the existing natural areas. It is anticipated that these plants will be installed on approximately 15-foot centers, but the final layout will be determined by the selected plants' growth capabilities. Similarly, the installed size of the plant material will be determined based on the growth rate of the selected plant material. It is anticipated that the minimum height for initial installation will be three to four feet. These planted buffers will be allowed to naturally flourish, so minimal maintenance is anticipated. Should, at any point during the life of the Project, mortality of the planted woody material cause gaps in the buffer that negatively affects the views from adjacent properties or roadways, the Applicant will replace those trees with plantings that comply with the Nelson County Zoning Ordinance. A plant list containing potential plant material choices for the enhancement screening is provided in **Appendix F**. The plant list contains plant materials native to Nelson County, although landscape cultivars may be substituted for some of the true native species to obtain the desired screening effect.

The Conceptual Landscape Planting Plan is located in **Appendix F**. The Applicant is proposing to provide a Final Landscaping Plan prior to or concurrent with the submission of the Final Site Plan, as memorialized in the Proposed Permit Conditions (**Appendix B**). The Landscaping Plan will show where the Project will be screened with existing or proposed vegetation. This iterative approach to developing the screening plan for the Project ensures that the vegetative buffer has been updated to accommodate any changes in the status of existing vegetation (i.e., tree clearing by the landowner) and shifts in the Project design.

5.2 Photo Renderings

The Applicant has prepared a visual impact analysis for the Project (**Appendix G**). The visual impact analysis was completed using photo renderings for five (5) locations along roads adjacent to the Project Limits. Photographs were taken of the current condition at each of the chosen locations. Those photographs were then rendered by graphic designers to produce visualizations of how the views would look in 5 and 10 years. Location 1 and 3 showed no views of the proposed Project under current conditions and as the current vegetation matures, the screening will become denser. Locations 2 and 4 would provide filtered views of the Project under current conditions, however regenerative growth will quickly screen Project components. One of the selected views (Location 5) would not change. The photographs are included in **Appendix G**.



5.3 Glare Hazard Analysis

The Applicant performed a glare hazard analysis for the Project (see **Appendix M**). Based on the current design, glare is not predicted for pilots approaching nearby airstrips or residents. Additionally, glare is not predicted for drivers on Tye River Road, Twin Oaks Lane, Route 60, Norwood Road, or Buck Mountain Lane.

Based on the FAA Notice of Criteria Tool results, the Project does not exceed Notice Criteria. FAA identified the closest airport as Falwell Airport. It is located approximately 18 miles southwest of the Project. No conflicts with airport operations are anticipated. Although the FAA Circle Search for Airports Tool did not identify any airports within 5-miles of the Project, AirNav suggests there are two private use turf airstrips within 5-miles of the Project. Both private use turf airstrips were included in the glare hazard analysis.

6 Environmental and Cultural Impacts

The Applicant has evaluated the Project's potential impacts on environmental and cultural resources, and sensitive resources in close proximity to the Project.

6.1 Sensitive Resources

The Project is not located within five miles of a designated national scenic byway, Virginia Byway, or any of the five scenic vistas addressed in the Nelson County Comprehensive Plan. Additionally, the Project is not near the section of Route 29 from Woods Mill, Virginia to the Albemarle County line or Route 664. These roads were addressed as prospective scenic designations in the Comprehensive Plan. Based on the distance and topography between any of these scenic resources and the Project, it has been determined that the Project will not be visible. The nearest state designated scenic river, Tye River, is approximately two miles north of the Project Limits. The James River is approximately one mile east of the Project Limits, and this section of the James River is considered to have potential to become a state scenic river. The Project will not be visible from the Tye River or the James River. There are no national parks or forests located within 5-miles of the Project Limits. There are five conservation areas associated with James River State Park and six Virginia Outdoor Foundation conservation easements within a five-mile radius of the Project Limits, but they are all located outside of the Subject Parcels. There is one Virginia Department of Forestry conservation easement located approximately four miles northwest of the Project Limits and a Land Trust of Virginia conservation easement located approximately five miles away to the north. Route 60 bisects the southern portion of the Project. According to the Nelson County GIS, there are very few building footprints surrounding the Project that would have views of the Project Limits boundary. The nearest sensitive receptor, Second Mineral Baptist Church, is approximately 300-feet away from the eastern edge of the Project Limits and approximately 800-feet away from the nearest solar array. The nearest densely populated residential area is Amherst.

A desktop database review was conducted to determine if any national or state forests, national or state parks, wildlife management areas or conservation easements were identified within five (5) miles of the Project Limits. Searches of the DCR inventory of managed conservation lands (Federal Wildlife Management Areas, Reservoirs, State Parks, and Conservation Easements), National Park Service inventory of National Parks, Virginia Geographic Information Network (VGIN) inventory of Virginia Town/City Limits, Ventyx, ESRI USA institutions, Virginia Cultural Resources Information System (VCRIS) historic resources, National Hydrologic Dataset and National Wetlands Inventory of wetlands and waterways were conducted. The location and identification of the resources in the vicinity of the proposed Project are shown on the context map included in **Appendix I**.

6.2 Cultural Resources

An analysis of cultural resources in the vicinity of the Project is provided in **Appendix J**. The analysis identified one previously recorded archaeological site and one previously identified architectural resource within the Project Limits. Neither resource has been formally evaluated for potential National Register of Historic Places eligibility. As part of the PBR process, the Applicant is required to complete Phase I Cultural Resource surveys in coordination with the DHR. Any impacts to cultural resources will be avoided, minimized, or mitigated.



6.3 Wetlands and Water of the U.S.

An analysis of Wetlands and Waters of the U.S. is included in **Appendix K**. As part of the PBR process, a wetland delineation will be required of the Project Limits to determine the extent of jurisdictional waters present on site.

The Project intends to avoid impacts to wetland and waterbody features to the maximum extent practicable during the design and construction of the Project. Any potential impacts to jurisdictional waters that cannot be avoided will be permitted through the appropriate regulatory agencies, including the USACE, the DEQ VMP, and the VMRC, as necessary.

6.4 Wildlife

A desktop analysis of potential threatened & endangered species habitat is included in **Appendix L**. Based on the database searches, the federally endangered and state threatened northern long-eared bat (*Myotis septentrionalis*), federally proposed and state endangered tricolored bat (*Perimyotis subflavus*), and monarch butterfly (*Danaus plexippus*), which is a candidate species, have the potential to occur within the Project Limits. The nearest bald eagle nest is greater than 10-miles away. Additionally, the federally and state endangered James spiny mussel (*Parvaspina collina*), state threatened green floater (*Lasmigona subviridis*) and state endangered little brown bat (*Myotis lucifugus*) as having potential to occur in the vicinity of the Project.

The Project will be designed and operated in ways that help protect wildlife and promote biodiversity. Here are some ways in which the Project can contribute to wildlife protection:

1. **Wildlife Corridors:** Wildlife corridors are pathways that allow animals to move freely between habitats, aiding in their migration, breeding, and overall survival. Several wildlife corridors have been implemented in the Project design and are shown on the Minor Site Plan (**Appendix C**).
2. **Project Vegetation and Screening:** Native grasses, pollinators, and wildflowers will be incorporated in the seed mixes to be installed in and around the solar arrays (see **Section 9**). Native vegetation supports local wildlife by providing food sources, shelter, and habitat for various species. Utilizing native plants also helps maintain ecosystem balance and supports pollinator populations, such as bees and butterflies, crucial for plant reproduction. Additionally, existing and planted vegetative screening can provide habitat for wildlife and nesting sites for birds.
3. **Wetland Buffers:** A 50-foot setback will be established between the Project Footprint and all wetlands and jurisdictional waters to protect the sensitive ecosystems in these areas and provide space for wildlife to thrive. These setbacks will also help to reduce runoff pollution, prevent erosion, and safeguard water quality. Additionally, these areas will provide an opportunity to establish wildlife corridors for larger mammals (deer, fox, etc.) to travel through the site.

Field surveys for the Project have been initiated and are anticipated to be completed in Q1 2024. The Applicant will complete a threatened & endangered species habitat assessment to evaluate the likelihood that the above listed species are present within the Project Limits. State and federal wildlife agencies, including the USFWS, the DCR, and DWR, will be consulted, and impacts will be avoided, minimized, or mitigated.

7 Traffic Study

A traffic study is included as **Appendix O**. The traffic study estimated that heavy truck traffic generated by the site development and construction will average 25 trucks a day during site preparation, 17 trucks a day during panel and electrical installation, and would decrease to 15 trucks a day during site clean-up and commissioning. Total truck traffic is expected to be less than 100 trucks per day. The key roadways identified in the study can accommodate the increased traffic due to construction and no geometric improvements are anticipated. Once operational, traffic resulting from the Project will be less than that of one single family home.



8 Decommissioning Plan and Surety

The Applicant has prepared a preliminary decommissioning plan for the Project (see **Appendix H**). This decommissioning plan provides a description of the decommissioning and restoration phase of the Project. The Applicant will remove the Project after the end of its useful life and restore the Project for agricultural and silvicultural uses or other permitted uses as desired by the landowner. The decommissioning phase is assumed to include the removal of Project facilities as depicted in the Minor Site Plan (**Appendix C**).

This Plan includes an overview of the primary decommissioning activities, including the dismantling and removal of facilities, and subsequent restoration of land. A summary of estimated costs and revenues associated with decommissioning the Project are included in **Appendix H**. The summary statistics and estimates provided are based on a 90-MW_{ac} Project design.

The Applicant will provide an updated decommissioning plan and detailed surety information at Final Site Plan approval, as described in this SUP Application and the Proposed Permit Conditions (**Appendix B**). The surety will remain in place for the life of the Project to ensure the County is protected from any default by the Applicant.

9 Vegetation Maintenance Plan

The vegetative cover at the Project currently consists of uneven aged stands of managed pine forest. The forest land is in active silvicultural management and predominantly consists of Loblolly Pine with some volunteer forest species typically found in and around the Project such as Sweetgum, Red Maple, and Tulip Poplar.

In order to construct the proposed Project, some clearing of existing forest will be necessary; however, wherever possible, portions of the existing forest will be preserved on the perimeter of the site as well as in sensitive areas such as wetlands. These untouched natural areas will provide valuable wildlife habitat. The mature hardwood trees located in the site's riparian corridors will provide mast (hard seeds such as acorns) for food, while the pines and other evergreens will provide winter cover. They will also provide travel corridors to allow animals to safely move from area to area.

All cleared areas on the interior of the Project will be seeded with a native grass, wildflower, and non-invasive turf grass mix. The seed mix will stabilize the site and prevent erosion and sediment transport as well as create habitat for small mammals and ground nesting birds. The inclusion of wildflowers will also establish pollinator habitat which has been determined to be rapidly disappearing. The use of native plant material will reduce the watering and fertilizer requirements because the plants are well adapted to the environment they will be in. Repairs to the modules may dictate the timing of some mowing to provide access; however, the intention is to mow the site no more than two to three times a year to promote the establishment, self-seeding and spread of the native grasses and pollinators. This should be sufficient to maintain the grasses and discourage woody species from becoming established within the array areas. To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted, and on-site field inspections will be conducted prior to mowing to ensure that the site is able to withstand the activity.

The Project's final seed mix will be determined closer to the start of construction, prior to the submission of the Final Site Plan. However, the list below contains some possible species native to Nelson County that will likely be used in the Project's seed mix.

- Common Yarrow (*Achillea millefolium*)
- Autumn Bentgrass (*Agrostis perennans*)
- Butterfly Milkweed (*Asclepias tuberosa*)
- Partridge Pea (*Chamaecrista fasciculata*)
- Virginia Wild Rye (*Elymus virginicus*)
- Smooth Panic Grass (*Panicum dichotomiflorum*)
- Blackeyed Susan (*Rudbeckia hirta*)



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- Little Bluestem (*Schizachyrium scoparium*)
- Wild Senna (*Senna hebecarpa*)
- Early Goldenrod (*Solidago juncea*)

Prior to construction, the Applicant will develop a Vegetation Management Plan that details vegetative management protocols during construction and operation of the Project.

10 Stormwater Management and Erosion and Sediment Control

The Project is implementing an integrated environmental site design (“ESD”) and SWM approach. The Project is being developed with a focus on early identification and avoidance of key environmental features, which will lead to a more streamlined design development process and benefit local water quality, while reducing the upfront impact of the development.

The ESD planning approach is core to the integrated stormwater strategy, which includes the following key components:

1. Maintaining forested wetland/stream buffers to the greatest extent practicable.
2. Limiting the disturbance footprint where at all practicable. Disturbance shall be limited where practicable to maintenance access paths and solar array foundation footprints, as well as temporary and permanent stormwater management conveyances intended to protect downstream resources.
3. Use of noninvasive turfgrasses incorporated with native grasses and wildflowers, as applicable for limited maintenance and the overall improvement of site hydrology to the extent practicable.

As the Project’s final design is developed, a comprehensive stormwater management plan will be prepared, with detailed routings and calculations demonstrating consistency with the Virginia Stormwater Management Program (“VSMP”) Regulations Part IIB Technical Criteria and associated requirements for water quality and water quantity. To date, the Applicant has performed a preliminary SWM concept assessment of the proposed Project Footprint, which includes cursory location and foot-printing of likely dry detention basins to address VSMP water quantity control requirements.

The Applicant has also taken a proactive approach of incorporating ESC planning and design into early-stage Project development.

The ESC strategy for the site will be integrated into the general ESD and SWM approach. Principally, this will focus on the following:

1. The initial identification of key resources (wetlands/waters, soils, slopes, etc) that may be vulnerable, and that may require additional protection / management strategies, during construction. This strategy includes the buffering of certain key resources during and post-construction.
2. The paramount phasing of the initial installation of and conversion of temporary sediment basins to dry detention basin structures to be utilized as permanent stormwater features during post-construction.. This phasing includes ensuring that the basins themselves and the conveyances to these basins are constructed as a first step in land-disturbing activity and are made functional prior to upslope land disturbance.
3. Phasing of the installation of key perimeter controls prior to upslope land disturbance.
4. Early site stabilization measures, particularly on downstream grading / slopes. Establishing stabilization on earthen structures such as dams, dikes and diversions immediately after installation.
5. Utilizing clean water diversions, where feasible, to limit construction site “run on” from offsite areas, seeking to discharge these clean water diversions as sheet flow, as applicable.
6. Providing micro phasing (facility level) steps for these temporary ESC measures, as needed, for successful transition to permanent controls post-construction, limiting contamination and erosion/sedimentation risk with



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successive reworking / regrading of features. Where applicable this phasing of permanent features will be tied to the postconstruction SWM record drawings to provide additional field contractor / quality control.

7. Daily management techniques to ensure continued functionality of ESC measures. As part of the management approach, specific maintenance of individual ESC components will be required. This strategy includes the documentation and completion of corrective actions.
8. Optimizing soil balance on site by minimizing and targeting site grading.
9. The stockpiling and reapplication of topsoil following necessary grading.
10. Utilizing construction techniques and practices that avoid compaction of soils except as required to meet engineering specifications (i.e. berms and sub-compaction of fill material).

The Applicant's implementation of an integrated ESD and SWM approach throughout early-stage development will ensure that the Project adequately addresses stormwater runoff and erosion control and will be prepared to obtain the associated state-level permits that will be necessary to construct the Project.

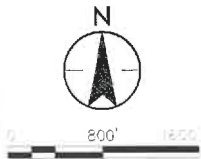


Appendix A: Project Location Map





LEGEND - LANDSCAPE PLAN	
DESCRIPTION	
ENHANCEMENT SCREENING	
EXISTING VEGETATION MAINTAINED (REQUIRED SCREENING)	
EXISTING VEGETATION MAINTAINED (VOLUNTARY BUFFER)	
MANAGED PINE PLANTATION	
LEGEND - GENERAL	
SITE BOUNDARY	
SECURITY FENCE	
SOLAR ARRAYS	
EXISTING CEMETERY	
SITE ACCESS	
OVERHEAD TRANSMISSION LINE	
PROPOSED INVERTER	
UTILITY EASEMENT	
AC FEEDER LINE	
AREA FOR SUBSTATION	
PROPOSED STORMWATER FACILITY	
PROPOSED LAYDOWN YARD	
WEYERHAEUSER PROPERTY	



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Revision

By Appd. YYMMDD

Issued

By Appd. YYMMDD

Consultants



5209 Center Street
Williamsburg, VA
www.stantec.com

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Client/Project

WILD ROSE SOLAR PROJECT, LLC
WILD ROSE SOLAR PROJECT

NELSON COUNTY, VIRGINIA

File Name: WILD ROSE PLANTING PLANDWG

SMS

Dwn.

JLO

Chkd.

DLM

Dsgn.

23.12.13

YYMMDD

Title

CONCEPTUAL LANDSCAPE
SCREENING LAYOUT PLAN

Project No.
203402299

DRAWING NO.

Scale
1"=800'

Sheet

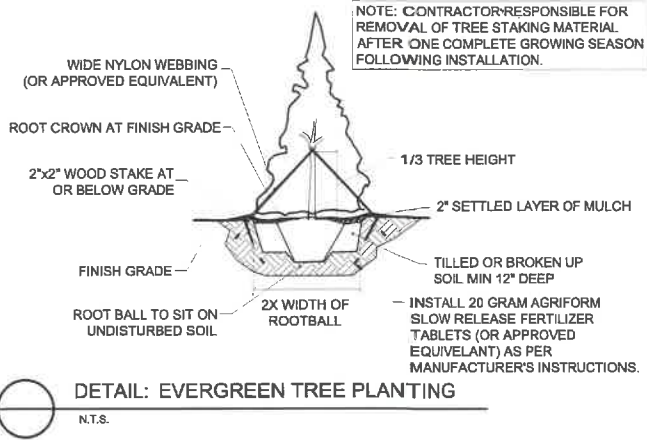
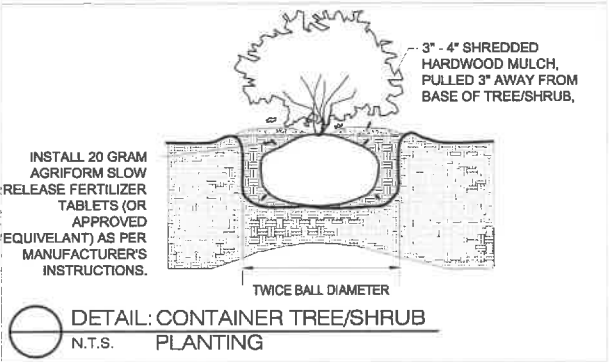
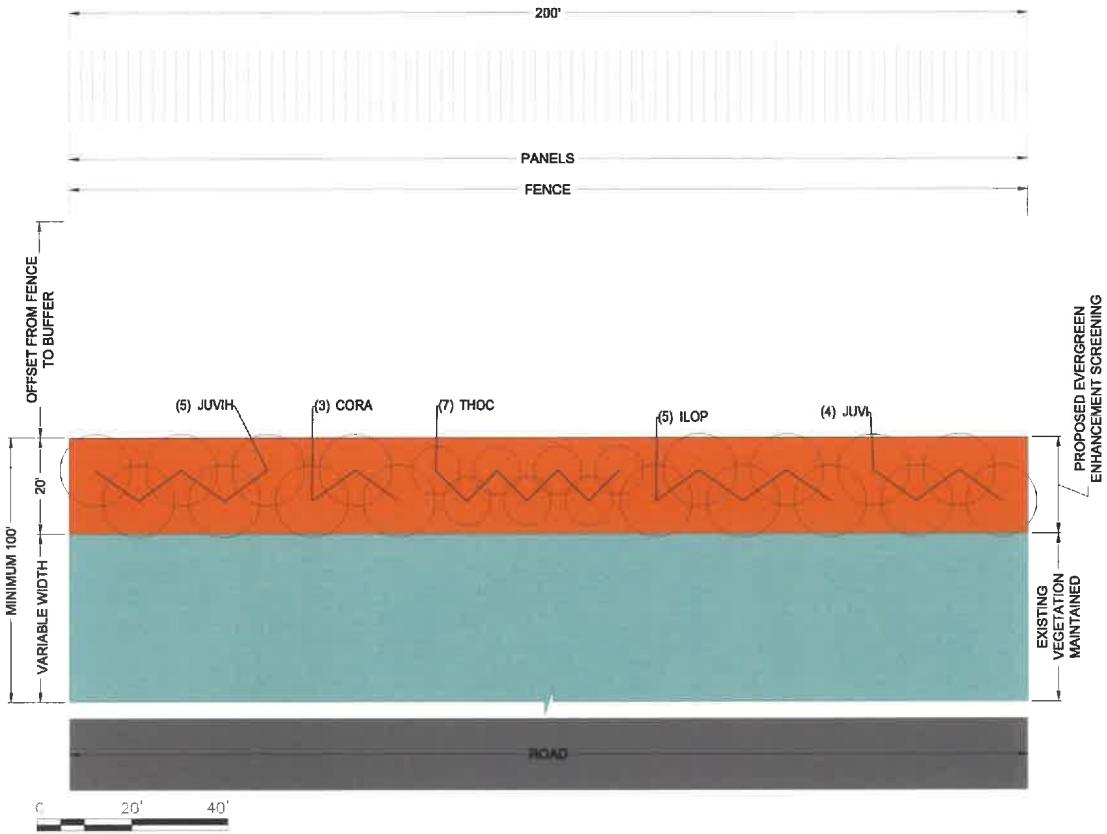
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1 of 2

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ORIGINAL SHEET - AND D

PLAN OF TYPICAL 200' SECTION OF SCREENING ENHANCEMENT PLANTING



WILD ROSE SOLAR SITE: CONCEPTUAL PLANT PALETTE

ENHANCEMENT SCREENING: +/- 5130 LF									
SYMBOL	BOTANICAL NAME	COMMON NAME	APPROXIMATE MATURE HEIGHT	APPROXIMATE MATURE SPREAD	CONTAINER TYPE	SPECIFICATION	QUANTITY PER 200' SEGMENT	ESTIMATED TOTAL QUANTITY	NOTES
CORA	CORNUS RACEMOSA	GRAY DOGWOOD	15'	15'	CONTAINER/B&B	MINIMUM 3'	3	78	-SPACE PLANTS IN DOUBLE STAGGERED ROW AS SHOWN.
ILOP	ILEX OPACA 'GREENLEAF'	GREENLEAF AMERICAN HOLLY	25'	15'	CONTAINER/B&B	MINIMUM 4'	5	130	-INTENT IS TO LET THE CANOPIES GROW TOGETHER AND ENHANCE EXISTING VEGETATION SCREEN.
JUVI	JUNIPERUS VIRGINIANA 'BRODIE'	BRODIE EASTERN RED CEDAR	15'	15'	CONTAINER/B&B	MINIMUM 4'	9	234	
THOC	THUJA OCCIDENTALIS 'TECHNY'	TECHNY ARBORVITAE	15'	10'	CONTAINER/B&B	MINIMUM 4'	7	182	
							TOTAL QUANTITY	624	

VEGETATIVE SCREENING NOTES:
SHRUB AND TREE INSTALLATION

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LAYOUT OF ALL WORK COVERED UNDER THESE PLANS.
2. ALL PLANT MATERIAL, UNLESS OTHERWISE SPECIFIED, SHALL BE UNIFORMLY BRANCHED AND HAVE A VIGOROUS ROOT SYSTEM. PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE FROM DEFECTS, DECAY, DISEASES, INSECT PEST EGGS, AND ALL FORMS OF INFESTATION. ALL PLANT MATERIAL SHALL BE FRESH, FREE FROM TRANSPLANT SHOCK OR VISIBLE WILT. PLANTS DEEMED UNHEALTHY SHALL BE REJECTED.
3. ALL PLANT MATERIAL SHALL MEET THE MINIMUM SPECIFICATIONS AND STANDARDS DESCRIBED IN THE CURRENT ISSUE OF "THE AMERICAN STANDARD FOR NURSERY STOCK," PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, 1250 I STREET, N.W., SUITE 500, WASHINGTON, D.C. 20005.
4. ALL CONTAINER STOCK SHALL HAVE BEEN PROPAGATED IN A CONTAINER LONG ENOUGH FOR THE ROOT SYSTEM TO HAVE DEVELOPED SUFFICIENTLY TO HOLD ITS SOIL. CONTAINER STOCK WITH POORLY DEVELOPED ROOT SYSTEMS SHALL NOT BE ACCEPTED.
5. PLANTS SHALL BE PREPARED FOR SHIPMENT IN A MANNER THAT SHALL NOT CAUSE DAMAGE TO THE BARK, BUDS, BRANCHES, STEMS, OR OVERALL SHAPE OF THE STOCK. CONTAINER GROWN PLANTS SHALL BE TRANSPORTED IN THE CONTAINERS IN WHICH THEY HAVE BEEN GROWN.
6. PLANTS NOT INSTALLED ON THE DAY OF ARRIVAL AT THE SITE SHALL BE STORED AND PROTECTED BY THE CONTRACTOR. OUTSIDE STORAGE AREAS SHALL BE SHADED AND PROTECTED FROM THE WIND AND SUN. PLANTS STORED ON SITE SHALL BE PROTECTED FROM ANY DRYING AT ALL TIMES BY COVERING THE BALLS OR ROOTS WITH MOIST SAWDUST, WET BURLAP, WOOD CHIPS, SHREDDED BARK, PEAT MOSS, OR OTHER SIMILAR MULCHING MATERIAL.
7. PLANT SUBSTITUTIONS MAY BE MADE BASED ON AVAILABILITY BUT MUST BE OF SIMILAR SIZE AND LANDSCAPE (SCREENING) VALUE. ALL SUBSTITUTIONS MUST BE APPROVED BY THE OWNER OR OWNER'S REPRESENTATIVE.
8. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD.
9. NO PLANTING SHALL OCCUR WHEN THE SOIL IS FROZEN.
10. IN AREAS OF WETLANDS, CONTRACTOR SHALL USE CORNUS RACEMOSA. GAPS SHALL BE LEFT FREE OF PLANTS WHERE SCREENING BUFFERS CROSS SWALES OR STREAM CHANNELS.

PLANTING SEQUENCE

1. DIG THE PLANTING HOLE A MINIMUM OF 2x WIDTH OF ROOTBALL FOR AT LEAST THE FIRST 12 INCHES OF DEPTH. BELOW 12 INCHES, DIG HOLE WIDE ENOUGH TO PERMIT ADJUSTING. DO NOT DIG THE HOLE DEEPER THAN ROOT BALL DEPTH.
2. HOLES FOR INDIVIDUAL PLANTINGS SHALL BE EXCAVATED TO PRODUCE VERTICAL SIDES AND FLAT BOTTOMS. ALL PLANTING HOLES SHALL HAVE ROUGHED, SCARIFIED SIDES AND BOTTOMS.
3. THE CONTRACTOR SHALL APPLY AGRIFORM FOREST STARTER TABLETS, OR EQUIVALENT PRODUCT, TO EACH PLANT AS PER MANUFACTURER'S DIRECTIONS ON LABEL AT TIME OF PLANTING.
4. LIFT AND SET THE TREE BY ROOT BALL ONLY. DO NOT LIFT USING THE TREE TRUNK AND DO NOT USE TREE TRUNK AS A LEVER.
5. SET THE TOP OF THE ROOT BALL LEVEL WITH THE SOIL SURFACE OR SLIGHTLY HIGHER IF THE SOIL IS PRONE TO SETTLING.
6. BACKFILL WITH EXISTING SOIL THAT HAS BEEN WELL-TILLED OR BROKEN UP.
7. PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
8. REMOVE ANY TRUNK WRAP REMAINING AT TIME OF PLANTING. NO WRAPS SHALL BE PLACED ON TRUNK.
9. THE CONTRACTOR SHALL RESTORE AREAS DISTURBED BY THE INSTALLATION OF SHRUBS AND TREES.

U:\2024\22299\WLD_Rose\0405\Planting\Wild Rose Planting Plan.dwg
2023/12/13 5:43 AM By: S. Roper, S. Roper

Consultants



5209 Center Street
Williamsburg, VA
www.stantec.com

The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay. The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

Client/Project

WILD ROSE SOLAR PROJECT, LLC
WILD ROSE SOLAR PROJECT

NELSON COUNTY, VIRGINIA

File Name: WILD ROSE PLANTING PLANDWG

SMS

Dwn.

JLO

Chkd.

DLM

Dsgn.

23.12.13

YY.MM.DD

Title

CONCEPTUAL LANDSCAPE
NOTES & DETAILS

Project No.
203402299

DRAWING NO.

Scale

AS SHOWN

Sheet

Revision

2 of 2

0

Appendix B: Special Use Permit Application and Proposed Conditions



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

3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):

Please see attached Table 1

b. Official tax map number: Please see attached Table 1

c. Acreage of property: Please see attached Table 1

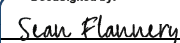
d. Present use: Please see attached Table 1

e. Present zoning classification: Please see attached Table 1

f. Zoning classification of surrounding properties: A-1

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

Signature:  Printed Name: Drew Gibbons

Signature:  Printed Name: Sean Flannery

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

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

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

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

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

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

Nelson County Planning & Zoning Department


(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | (Physical Address) 80 Front Street, Lovingson, Virginia 22949

(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | (Fax Number) 434 263-7086

<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

2. Applicant(s) and Property Owner(s): Cont'd.

☐ Applicant

☒  Property Owner

Name: Georgiana and Bobby Hickey

Mailing Address: 2111 Cortland Street, Waynesboro, VA 22980

Telephone #: (540) 233-2152

Email Address: gmillerhickey@yahoo.com

Relationship (if applicable): Property Owner

3. Location and Characteristics of Subject Property:

Table 1 Property Details						
Mailing Address	Parcel ID	Acres	Owner	Present Use	Zone	Zoning of Surrounding Properties
205 PERRY LAND ROAD, BRUNSWICK, GA 31525	97 1 9	4599.4	WEYERHAEUSER COMPANY	Silviculture	Agricultural District A-1	Agricultural District A-1
171 BUCK MOUNTAIN LN, GLADSTONE, VA 24553	97 A 29	47.4	HICKEY BOBBY JOE &	Silviculture	Agricultural District A-1	Agricultural District A-1

WILD ROSE SOLAR PROJECT, LLC
PROPOSED CONDITIONS

SUP #
Proposed _____, 2024

Wild Rose Solar Project, LLC (the “Applicant”) has applied (the “Application”) for a Special Use Permit (“SUP”) from Nelson County, Virginia (the “County”) to construct a large solar energy system as defined and permitted by Article 22A of the Zoning Ordinance for Nelson County, Virginia (the “Ordinance”).

Pursuant to the Application, the Applicant proposes the following Special Use Permit conditions (the “Conditions”) which are in concert with and supplementary to the Ordinance. Upon approval of the Special Use Permit, the Conditions shall be in full force and effect and binding on any successor or assign of (i) the Applicant and (ii) owners of the Project Parcels (defined below). All terms and phrases used and not otherwise defined herein shall have the meanings ascribed to them in the Ordinance.

1. Limitation of Use of the Site for the Project. The use of the Project Site, as defined herein, shall be limited to a 90-megawatt alternating current (MWac) ground-mounted solar photovoltaic electric generating facility (the “Project”). The project site (the “Project Site”) shall consist of portions of six (6) parcels of land identified as Nelson County Tax Map Parcels 96-A-1, 97-1, 97-1-9, 97-A-2, 97-A-28, and 97-A-29 (the “Project Parcels”) consisting of approximately 2,470 acres zoned A-1 Agricultural will be utilized for the Project. Areas of the Project Parcels outside the Project Site may continue to be used for agricultural and silvicultural purposes if designated in the final site plan (the “Final Site Plan”). The Project will be developed in substantial conformity with the Preliminary Site Plan as revised and dated [REDACTED], 2023 (the “Preliminary Site Plan”). The Project Site shall include the areas shown on Preliminary Site Plan and as may be shown on the Final Site Plan containing racking, panels, inverters, transformers, cabling, substation, switchyard, and supporting infrastructure (collectively, the “Solar Facilities” or the “Solar Facility”), including all stormwater management areas.
2. Duration of Use and Permit. The Solar Facilities shall constitute the use approved pursuant to the SUP. The SUP shall run with the land and bind all owners of the Project Parcels and their successors, heirs, and assigns. References to the Applicant in this SUP shall also include the owners of the Project Parcels, and their successors, heirs, and assigns. The SUP shall expire if the Project fails to obtain building permits within five (5) years from the approval of this SUP unless extended by written agreement between the County and the Applicant.
3. Studies and Plans. Prior to or concurrent with the submission of the Final Site Plan, the Applicant will submit to the County the studies and plans as set forth in this Section 3, which shall be submitted in accordance with the requirements of the appropriate authority.

- a. Construction Management Plan (the “Construction Management Plan”). Applicant will submit the Construction Management Plan, including the following items:
 - i. Proposed construction schedule and hours of operation;
 - ii. Project access planning for each entry to the Project and any required road improvements;
 - iii. Project security measures to be implemented prior to the commencement of construction of the Solar Facilities;
 - iv. Dust mitigation and any burning operations; and
 - v. Handling of construction complaints via a project liaison (the “Liaison”).
- b. Construction Traffic Management Plan/Traffic Mitigation Plan (the “CTMP”) and Road Repair Plan (the “Road Repair Plan”). The Applicant shall:
 - i. Develop the CTMP in consultation with the County Planning Staff, the Virginia Department of Transportation (“VDOT”), the Nelson County Sheriff’s Office, and the Virginia State Police to identify and expeditiously resolve or mitigate traffic issues that arise during the construction or decommissioning of the Solar Facilities, including but not limited to (A) lane closures, (B) signage, and (C) flagging procedures. Employee and delivery traffic shall be scheduled and managed so as to minimize conflicts with local traffic. Permanent access roads and parking areas will be stabilized with gravel, asphalt or concrete to minimize dust and impacts to adjacent properties. Traffic control methods shall be coordinated with VDOT prior to initiation of construction. The CTMP will identify on-site areas suitable for parking for construction workers and for trucks to be unloaded and to turn around without having to back onto public roadways during construction and decommissioning.
 - ii. Develop the Road Repair Plan in consultation with VDOT to provide for repair of damage to public roads occurring within five hundred (500) feet of any entrance to the Project. The Road Repair Plan shall provide that such repair to the roads be at least comparable to their conditions before the commencement of construction or decommissioning.
- c. Landscaping Plan (the “Landscaping Plan”). The Applicant shall submit the Landscaping Plan showing the Solar Facilities and the Project, including the security fence, screened from public rights-of-way and adjacent residential properties with existing or proposed vegetation, including the vegetative buffer. The vegetative buffer provided in the Landscaping Plan shall conform to the following requirements:
 - i. Existing vegetation will be maintained where possible and supplemented, as necessary; The vegetative buffer will be regularly inspected and supplemented with additional plantings as necessary to replace dead trees and shrubs.
 - ii. The Applicant shall submit renderings along with the Final Site Plan describing the buffer areas, specifically delineating the areas where existing vegetation is

to be maintained or supplemented and areas where the vegetative buffer will be established;

- d. Erosion and Sediment Control Plan. The Applicant shall construct, maintain and operate the Project in compliance with the approved plan, posting an Erosion and Sediment Control bond (or other security) for the construction portion of the Project as required by the County or DEQ, as applicable.
- e. Stormwater Management Plan. The Applicant shall construct, maintain and operate the Project in compliance with the approved stormwater management plan as approved by DEQ.
- f. Emergency Management Plan. Prior to final approval of the Final Site Plan, an Emergency Management Plan (the “EMP”) shall be prepared to address situations that may require response from Nelson County or local volunteer public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
 - i. Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan;
 - ii. Provide a mutually agreed upon schedule of communication and training sessions for Nelson County and local volunteer public safety personnel relative to possible emergency response situations at the Project Site.
 - iii. Provide emergency contact information of the operators of the Project Site to County safety personnel; and
 - iv. Provide that all emergency contact information pursuant to (iii) will be posted on all Project Site access gates.
- g. Ocular Impact Study. The Applicant shall submit an ocular impact study addressing the impact to public roads and structures within sight of the Project. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.
- h. Payment for Third Party Experts and Consultants. Upon submission of an application for Final Site Plan Approval, Applicant agrees to pay the County Twenty-Five Thousand Dollars (\$25,000) to defray costs associated with the provision and/or employment of outside experts and consultants necessary to review specific technical issues related to the Project outside the County’s expertise or for which the County has inadequate full-time staff.
- i. Third Party Inspections. Applicant agrees to procure necessary third party building, electrical, erosion and sediment control, and stormwater management inspection services during the construction, operation and decommissioning of the Project, at Applicant’s expense. The County Building Official will approve the selected inspectors. All third party inspections will reviewed and approved by the County Building Official.

4. Limited Access to the Project. The Project will be accessed from public roads and rights of ways at those points shown may have the access as shown on the Final Site Plan. All access points from public roads will be reviewed and approved by VDOT pursuant to the CTMP.
5. Lighting. During construction of the Solar Facilities, any temporary construction lighting shall be positioned downward, inward, and shielded to minimize glare from all adjacent properties. Emergency and safety lighting shall be exempt from this construction lighting condition. Any onsite lighting provided for the operational phase of the Project shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
6. Access and Inspections. The Applicant will allow designated County representatives or employees access to the facility at any time for inspection purposes, with at least forty-eight (48) hours advance notice to the Owner or Operator of the Project and subject to reasonable site safety and security requirements to ensure safe inspection by the County. The Project may be inspected by the County Building Official on an annual basis to ensure compliance with applicable State Building and Electrical Codes. Additional inspections shall be conducted if desired by County officials or as necessary in the event of complaints and shall not replace the inspections specified in this section.
7. Compliance. The Project shall be designed, constructed, and tested to meet all relevant local, state, and federal standards as applicable.
8. Solar Hands-on Instructional Network of Excellence (“SHINE”). Through the Applicant’s partnership with the SHINE organization, SHINE will provide its solar installation training program on-site.
9. Project Components and Design. The Solar Facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and associated technologies for solar photovoltaic projects. The solar panels shall be made of or coated with anti-reflective materials to prevent glare. The Project shall be constructed in compliance with the requirements of the most current Virginia Building and Electrical Codes in effect upon issuance of the building permit. The total height of the Solar Facilities shall not exceed 15 feet above the ground when orientated at maximum tilt. This height limitation shall not apply to the power poles, transformers, substation equipment and the connections to the existing transmission lines on the Property. In the construction and installation of a large solar energy system, the owner or operator shall install all electrical wires associated with the large solar energy system underground unless otherwise depicted in the Preliminary Site Plan attached as **Exhibit X**, the approximate location of which is approved by issuance of this SUP.
10. Decommissioning and Decommissioning Plan. The Applicant has submitted a preliminary decommissioning plan (the “Preliminary Decommissioning Plan”) to the County along with this SUP application, including a the form of a written agreement that details the

method, and estimated cost for the performance of decommissioning. The final decommissioning plan (“Final Decommissioning Plan”), prepared by a Virginia Licensed Professional Engineer shall be submitted with the Final Site Plan Application and must in the form of a written agreement acceptable to the County Attorney and in compliance with Virginia Code Section 15.2-2241.2, as amended, and the Zoning Ordinance, and shall set forth the joint and several responsibilities of the Applicant and all the successors and assigns of the Applicant. The purpose of the Decommissioning Plan is to specify the procedure by which the Applicant would remove the Solar Facility after the end of its useful life and restore the property for agricultural and silvicultural uses or other permitted uses as desired by the landowner, except in no case shall any electrical components, support structures, poles, racking, panels, inverters, transformers, or collector stations of the Project remain on the Property. The Applicant shall update the Decommissioning Plan and associated estimate of cost of decommissioning every five (5) years from the original Commercial Operation Date.

- a. Deactivation of Facility Due to Technical Failure. In the event any technical or physical failure of the Project or any component thereof causes the Project to cease commercial operation, Applicant shall notify the Zoning Administrator of such failure and provide a written report of available details on the Project’s anticipated return to commercial operation. In the event that more than twelve (12) months are required to return the Project to commercial operation as required by the Zoning Ordinance, upon request of the Applicant, the Zoning Administrator shall approve an extension of the Applicant’s obligation to decommission the Project. In no case shall such extension be granted for a period where the Project would be inoperable for greater than twenty-four (24) consecutive months.
 - b. Disposal of Project Components. All components of the Project which are removed from service due to damage during construction and operation will be collected and stored onsite in dry waste containers and either recycled or disposed of offsite in accordance with applicable manufacturer and the local, state and federal solid waste regulations.
 - c. Partial Decommissioning. If decommissioning is triggered for a portion of the Solar Facilities, then the Applicant or its successor or assigns shall commence and complete decommissioning, in accordance with the Decommissioning Plan, for the applicable portion of the Solar Facilities; the remaining portion of the Solar Facilities would continue to be subject to the Decommissioning Plan. In the event of a partial decommissioning, the Decommissioning Security shall be reduced in direct proportion to the proportion of the Project being decommissioned. Any reference to decommissioning the Solar Facilities shall include the obligation to decommission all or a portion of the Solar Facilities whichever is applicable with respect to a particular situation.
11. Project Liaison. The Applicant will designate at least one public liaison (the “Liaison”), will publicize a toll-free phone number and email address for communication with the Liaison during construction, and will post such information on a temporary sign at each

major access point to the Solar Facilities and provide such contact information to the Zoning Administrator. The Liaison shall act as a point of contact between citizens and construction crews. The Liaison shall be available by phone and email during active construction hours and shall respond to any questions related to the Solar Facilities or the Project within 72 hours. The Liaison role shall commence at the start of construction.

12. Insurance. Prior to commencement of construction of the Project, Applicant shall provide the County with proof of adequate liability insurance.
13. Agricultural use within Project Site. The Applicant will deploy agricultural uses within the Project Site (i.e. Agrivoltaics). The Applicant will develop and submit as part of the Final Site Plan review process a Farming Plan for such agricultural uses.
14. Compliance with Laws. All operations pursuant to this special use permit shall be conducted in compliance with the SUP and all applicable federal, state and local laws, regulations and ordinances. In the event of a conflict between the Nelson County Zoning Ordinance and the SUP Conditions, the SUP Conditions shall control.
15. Violations and Revocation.
 - a. Stop Work Orders. A violation of any type of the Nelson County Zoning Ordinance, this SUP, any Studies or Plans required by this SUP or any Solar Facility Siting Agreement may result in a Stop Work Order. Stop Work Orders may be issued 72 hours after delivery of a written notice of violation (“Pending Stop Work Order Notice”) by the Zoning Administrator to Applicant via email or written notice to the Liaison. Upon issuance of a Stop Work Order or Pending Stop Work Order Notice, Applicant shall meet and/or communicate with the County and determine a process for remedying the violation. Implementation of the remedial process to the County’s satisfaction shall result in revocation of the Pending Stop Work Order Notice or the Stop Work Order, as applicable.
 - b. Extended Violations, SUP Revocation. Any violation of any type of the Nelson County Zoning Ordinance, this SUP, any Studies or Plans required by this SUP or any Solar Facility Siting Agreement continuing for 60 days from the date a written notice of violation (“NOV”) is mailed to the Applicant’s point of contact, as set forth in the notice provision of the Siting Agreement, may result in revocation of this SUP if the Operator has (i) failed to correct the violation cited in the NOV; (ii) failed to meet with the Zoning Administrator and submit a plan to address the violations cited in the NOV; or (iii) has failed to comply with such a plan. With respect to any road repairs necessitated by the Operator’s use of the roads during construction, any such repairs shall be made within a reasonable period of time after obtaining approval from VDOT. Failure to comply with any and all conditions as approved by the Board of Supervisors may result in this SUP being revoked after a public hearing by the Board.

16. Successors and Assigns. The SUP and the Conditions shall apply to the Applicant and any successors or assigns of the Applicant. The County shall be noticed if Wild Rose Solar Project, LLC assigns its responsibilities under this SUP to any other entity.



January 10, 2024

The Honorable J. David Parr, Chair
Nelson County Board of Supervisors
P.O. Box 336
Lovingston, VA 22949
434-263-7000 | 888-662-9400

Dear Mr. Parr,

I write in response to local concerns regarding the proposed Wild Rose Solar Facility. As Director of The Virginia Tech Renewable Energy Facilities Siting Project (VT-REFS), we assist Virginian's in understanding siting processes for renewable energy facilities, particularly for large-scale solar PV project proposals, and seek to improve the quality of the public engagement, projects, and local permits proposed in the Commonwealth. It has been our pleasure to be invited to consult with local Boards of Supervisors, Planning Commissions, and a range of industry actors, NGO's, and citizens.

We have been asked to help clarify what the role of VT is regarding solar. I cannot speak for all of VT, but VT-REFS supports the development of high-quality large-scale solar PV projects in the Commonwealth through our research and engagement. *We support efforts to identify if, and if so, under what conditions in a local permit, a proposed facility should be sited in a community.* We appreciate that not all proposed facilities are suitable where they are proposed, or in the content of the facility proposal. However, we also appreciate that well-designed facilities with significant community benefits, environmental protection, and responsiveness to community concerns can be a valuable asset to communities and advance the goals of the Virginia Clean Economy Act.

We recently completed a study of 48 local permits issued by local governments in Virginia

([https://data.lib.vt.edu/articles/dataset/VT_Study -
Virginia UTILITY Scale Solar Projects Locally Approved 2015-2022 - Permit documents zip/27849018](https://data.lib.vt.edu/articles/dataset/VT_Study_-_Virginia_UTILITY_Scale_Solar_Projects_Locally_Approved_2015-2022_-_Permit_documents_zip/27849018)).

We evaluated 106 potential permit conditions that may be of interest to communities, finding that, "There were 70 possible local permit conditions not related to required taxes. Of these 70, the number of permit conditions ranged from zero (three projects) to 45, with an average of 18, and median of 17." We also found that, "The range of local direct economic benefits to local governments varied tremendously due in part to highly incomplete documentation of those benefits. They ranged from \$33 per MW per year of local economic benefits Keydet Solar B (formerly Skipjack) which was approved in March 2019, to at least \$2,676

per MW per year for Apple Grove Solar, which was approved in April 2020. The average benefits documented were \$873/MW with a median of \$486/MW per year.” These benefits included all those in a local siting agreement.

In reviewing Savion’s application, and the public record, for the Wild Rose Solar Facility, I noted that the community economic benefits are significantly above average, the visual impacts appear to be quite low, and that Savion has adjusted the site plan in response to community concerns. We encourage localities to work with developers to identify important local institutions and priorities that could be supported through a project proposal. This includes consideration of the value of providing solar PV to power a local school or community facility, thus reducing the long-term energy costs of that facility, enabling them to maintain or expand services.

VT-REFS is familiar with the need to maintain the rural agricultural character and economy throughout the Commonwealth, and works closely with our College of Agriculture and Life Sciences to conduct research and outreach regarding Agriphotovoltaics. The proposal to have the site grazed by sheep, by a Virginia farmer, is in keeping with my recommendations for how to balance agricultural and energy needs. I note that the land is presently used for commercial timber production, but will be converted to use for animal livestock production and energy production, significantly increasing the value of the land for local economic and agricultural activity.

If you have any questions, or wish to consult with me further, please feel free to reach out to me at rbmeyers@vt.edu, or 540-570-9535.

Regards,



Ron Meyers, Ph.D.

Director, VT Renewable Energy Facilities Siting Project
Associate Professor of Practice

Hello

My name is James Hagar pastor of Second Mineral Baptist Church at 404 Norwood Rd. Gladstone VA. I am writing to express my support for the Wild Rose Solar project. The Savior team has been involved in discussions with myself, have answered all of my questions and have offered to provide support for our church. I know this project will be a quiet and respectful neighbor to our congregation of 25. Although it will not be a huge reduction, the project will reduce the number of logging trucks that speed up and down our community roads. Please vote to approve the Wild Rose Solar Project.

James Hagar

Amanda Spivey

From: Abbie Gates <gates1011@gmail.com>
Sent: Tuesday, December 10, 2024 3:48 PM
To: Amanda Spivey
Subject: Wild Rose solar project



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
gates1011@gmail.com

Hello!

I am unable to attend the BOS meeting tonight, but am viscerally opposed to the Wild Rose solar Project moving forward in Gladstone.

We cannot settle on selling our land for profit. Nelson is too good for this. The people, the land, all of it. We are uninterested in the guaranteed destruction of natural resources surrounding this land...especially when this will only benefit a massive company that has likely never set foot in Nelson. These Solar Plants are incredibly hard on the ecosystems, the soil, and the water. I am hopeful that the Board of Supervisors is able to look beyond the paycheck, and realize how devastating this move would be for the beauty of Nelson, both presently and in the future.

This is not what we are about. This is not what we want for the County.

Come on.

Abbie Gates

Please submit this for the record as minutes.

From: [James Gates](#)
To: [Amanda Spivey](#)
Subject: The Gladstone Solar Project
Date: Tuesday, December 10, 2024 8:24:14 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender jpginc@aol.com

Hello,

This project provides absolutely no benefit to the people living in Nelson County! It is no different than the Dominion Pipeline. Why would the County Administrators allow this to happen?

If county residents want solar on their property then they can go for it. Don't force this on everyone.

Please put this in the meeting minutes.

Thank you,

Jim Gates

Amanda Spivey

From: Jeremy Swink <swinkjs1@gmail.com>
Sent: Tuesday, December 10, 2024 4:51 PM
To: Amanda Spivey
Subject: BOS Meeting Tonight 12/10



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender swinkjs1@gmail.com

Hello,

I cannot be in attendance for the Board of Supervisors meeting tonight but I would like this email to be recorded as minutes. As a resident of the county I would like to voice that I am opposed to the proposed solar farm in Gladstone due to its many negative environmental impacts and the lack of incentive for local people. It feels as though we are being exploited by the electric company if solar energy collected on our land is not directly impacting our own energy costs in the county.

Thank you,

Jeremy

Amanda Spivey

From: Sarah Phillips <sarahcarlin16@gmail.com>
Sent: Tuesday, December 10, 2024 5:04 PM
To: Amanda Spivey
Subject: For tonight's town hall <3



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
sarahcarlin16@gmail.com

****Please record as minutes****

Listen up you greedy boot lickers, I don't want Savion, whose parent company is the CORRUPT SHELL OIL, profiting on Nelson county land!!!

The construction of these solar plants is HARMFUL for surrounding wildlife, including water, soil, and land management.

STOP making decisions based on money and think about the future of our land and the generations to come.

Amanda Spivey

From: zach rorrer <zsrorrer14@gmail.com>
Sent: Tuesday, December 10, 2024 8:07 PM
To: Amanda Spivey
Subject: Wild rose solar



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
zsrorrer14@gmail.com

Wild rose solar project is the latest in a long line of attempted exploiters of Nelson county. While not profitable to our community, our river side lands in the hills of old harbor the health and biodiversity of our streams and promote the natural function of the great James River. In the events of natural floods natural land cover prevents excessive erosion. A solar farm not only removes protection but heightens disastrous effects by filling the stream with hazardous materials. Solar may be a large part of our future however the Gladstone location is an unacceptable location decided upon by big business on the basis of low budget buy in and land preparation. They can move along.

SOLAR FACILITY SITING AGREEMENT

This Solar Facility Siting Agreement (the “Agreement”), dated as of _____ (the “Effective Date”), is by and between Nelson County, Virginia, a political subdivision of the Commonwealth of Virginia (the “County”) and Wild Rose Solar Project, LLC, a Delaware limited liability company (the “Applicant”). The County and Applicant are herein each a “Party” and collectively, the “Parties”.

RECITALS

WHEREAS, Applicant intends to develop, install, build, and operate the solar project approved by the Nelson County Board of Supervisors (the “Board”) pursuant to Special Use Permit # _____ (the “Project”) on certain parcels of land identified as the County Tax Map Parcels listed on Exhibit A-1 attached hereto (collectively, the “Property”);

WHEREAS, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia (“Code”) titled “Siting of Solar Projects and Energy Storage Projects,” Applicant and the County may enter into a siting agreement for such facilities;

WHEREAS, pursuant to Code § 15.2-2316.7(B), said siting agreement may contain terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the Applicant in the deployment of broadband, as defined in § 56-585.1:9, in such locality;

WHEREAS, after negotiation between the County and the Applicant, the Parties desire to enter into this Agreement to provide said financial compensation to the County and to address impacts of the Project;

WHEREAS, pursuant to Code § 58.1-2636, the County may adopt an ordinance assessing a revenue share of (i) up to \$1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the Project (“Revenue Share Ordinance”).

WHEREAS, the County has not adopted a Revenue Share Ordinance, but may choose to do so at a later date;

WHEREAS, pursuant to Code § 58.1-3660, “certified pollution control equipment” is exempt from state and local taxation pursuant to Article X, Section 6(d) of the Constitution of Virginia;

WHEREAS, solar photovoltaic (electric energy) systems and energy storage systems are certified pollution control equipment, and therefore, subject to certain qualified tax exemptions as provided in Code § 58.1-3660;

WHEREAS, if the County adopts a Revenue Share Ordinance, such certified pollution control equipment exemption is 100% of the assessed value, pursuant to Code § 58.1-3660(D) (for solar photovoltaic (electric energy) projects);

WHEREAS, if the County does not adopt a Revenue Share Ordinance, such certified pollution control equipment exemption would be 80% of the assessed value, or in certain circumstances, the exemption would “step down” after five years of service to 70%, and then 60% for the remaining years of service, as provided by state law and local ordinances, including Code § 58.1-3660 (C), (D), and (F), commonly known as the Machinery and Tools Tax Stepdown (“M&T Taxes”);

WHEREAS, Applicant has agreed to the payments and financial terms contained herein, including payment of the M&T Taxes together with voluntary annual payments supplementing the M&T Taxes in amounts that would result in a total annual payment equal to the greater of the M&T Taxes or what would otherwise be due under a Revenue Share Ordinance, regardless of whether the County actually adopts a Revenue Share Ordinance; and

WHEREAS, pursuant to the requirement of Code § 15.2-2316.8(B), the County held a public hearing in accordance with subdivision A of Code § 15.2-2204 for the purpose of considering this Agreement, after which a majority of a quorum of the members of the Board approved this Agreement.

NOW, THEREFORE, intending to be legally bound hereby and in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the County and Applicant do hereby agree as follows:

Article I

Project Features, Conditions and Mitigation

1. Special Use Permit Conditions. Applicant acknowledges and agrees that it is subject to all the terms and conditions contained in the Special Use Permit (“SUP”) approved by the Board for the Project. The SUP approved by the Board on _____ is attached as **Exhibit A** and is hereby incorporated herein.

2. Violations/Enforcement. Violation by the Applicant or by any of Applicant’s agents, assigns, or successors in interest of any terms and conditions of the SUP shall constitute a violation of this Agreement. An uncured violation of this Agreement enables the County to suspend or revoke the SUP in accordance with Section ___ of the SUP.

Article II

Payments

1. Payment Structure. Except as provided in Section 2 below, the Applicant shall make payments to the County, in the amounts and at such times as set forth in **Exhibit B** (each a “Payment” and collectively, the “Payments”). Applicant’s obligation to make the Payments shall

be conditioned upon the Project commencing Commercial Operation. As used herein, “Commercial Operation” or “Commercial Operation Date” means the date on which the Project becomes fully operational and begins selling power under the terms of a power purchase or offtake agreement. Generation of test energy shall not be deemed Commercial Operation.

2. Voluntary Payments for Ministerial Permit Application Timing. The Applicant shall make the following voluntary payments to the County should the Applicant not submit applications for Final Site Plan approval and necessary County building permits within the time periods stated below. For avoidance of doubt, this voluntary payment shall be in addition to the voluntary payments in Exhibit B that are due at Final Site Plan approval and County building permit issuance:

a. If Applicant does not submit an application for Final Site Plan approval and the required County building permits within twenty-four (24) months of SUP approval, but submits such applications within thirty-six (36) months of SUP approval, Applicant shall make an additional voluntary payment of Fifty Thousand Dollars (\$50,000) upon the later of Final Site Plan approval or issuance of County building permits.

b. If Applicant does not submit an application for Final Site Plan approval and the required County building permits within thirty-six (36) months of SUP approval, but submits such applications within forty-eight (48) months of SUP approval, Applicant shall make an additional voluntary payment of One Hundred Thousand Dollars (\$100,000) upon the later of Final Site Plan approval or issuance of County building permits.

c. If Applicant does not submit an application for Final Site Plan approval and the required County building permits within forty-eight (48) months of SUP approval, Applicant shall make an additional voluntary payment of One Hundred Fifty Thousand Dollars (\$150,000) upon the later of Final Site Plan approval or issuance of County building permits.

3. County Building Permit Fees. The Applicant’s total payment for County building permit fees shall not exceed Fifty Thousand Dollars (\$50,000.00) for the Project.

4. Statutory Structure of Payments; Statement of Benefit. Applicant agrees that, by entering into this Agreement, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code, the Payments are authorized by statute, and Applicant acknowledges that it is bound by law to make the Payments in accordance with this Agreement. The Parties acknowledge that this Agreement is fair and mutually beneficial to both Parties. Applicant acknowledges that this Agreement provides for a reasonably predictable stream of future payments to the County in amounts fair to both Parties.

5. Use of Payments by the County. The Payments may be used for any lawful purpose.

Article III

Miscellaneous Terms

1. Term; Termination. This Agreement shall commence on the Effective Date and shall continue until completion of decommissioning of the Project in accordance with the decommissioning plan (“the Termination Date”). **Applicant shall have no obligation to make Payments after the Termination Date.** The Payment due for the year in which the Project or material part thereof is decommissioned shall be prorated as of the Termination Date.

2. Mutual Covenants. The Applicant covenants to the County that it will pay the County the amounts due hereunder when due in accordance with the terms of this Agreement, and will not seek to invalidate this Agreement, or otherwise take a position adverse to the purpose or validity of this Agreement. The County covenants to the Applicant that it will not seek to invalidate this Agreement or otherwise take a position adverse to the purpose or validity of this Agreement.

3. No Obligation to Develop. Applicant has no obligation to develop or construct the Project. It is understood that development of the Project by Applicant is contingent upon a number of factors including regulatory approvals, availability and cost of equipment and financing, and market demand for the Project’s energy. No election by Applicant to terminate, defer, suspend, or modify plans to develop the Project shall be deemed a default of Applicant under this Agreement.

4. Successors and Assigns. This Agreement shall be binding upon the successors or assigns of Applicant, and the obligations created hereunder shall be covenants running with the Property. If Applicant sells, transfers, leases, or assigns all or substantially all of its interests in the Project or the ownership of the Applicant (a “Transfer”), the Transfer agreement shall require this Agreement to be assumed by and be binding on the purchaser, transferee or assignee. Such Transfer, upon full execution of the Transfer agreement, shall relieve Applicant of all obligations and liabilities under this Agreement accruing from and after the date of such Transfer, and the purchaser or transferee shall become responsible under this Agreement. Applicant shall execute such documentation as reasonably requested by the County to memorialize the assignment and assumption by the purchaser or transferee.

5. Execution of Agreement Deems Project “Substantially In Accord” with County’s Comprehensive Plan. Pursuant to Code § 15.2- 2316.9(C), execution of this Agreement deems the Project to be substantially in accord with the County’s Comprehensive Plan in satisfaction of the requirements of Code § 15.2-2232.

6. Right of First Refusal and Decommissioning Notice. The County shall have a Right of First Refusal (“ROFR”) on the purchase of Project equipment owned by the Applicant at the time the Project is decommissioned. Pursuant to this ROFR, Applicant shall provide written notice to the County twelve (12) months prior to the anticipated date of commencement of decommissioning of the Project (“Decommissioning Notice”). The County shall respond in writing within twelve (12) months of the Decommissioning Notice with its intent to exercise its right of first refusal for the Project equipment owned by the Applicant.

7. Memorandum of Agreement. A memorandum of this Agreement, in a form substantially similar to that attached as **Exhibit C** hereto, shall be recorded in the land records of the Clerk's Office of the Circuit Court of Nelson County, Virginia. Such recordation shall be at Applicant's sole cost and expense and shall occur as soon as reasonably practicable after the Effective Date. If in Applicant's sole discretion, it chooses to not develop the Project, the County shall execute a release of the memorandum filed in the aforementioned Clerk's Office.

8. Notices. Except as otherwise provided herein, all notices required to be given or authorized to be given pursuant to this Agreement shall be in writing and shall be delivered or sent by registered or certified mail, postage prepaid, by recognized overnight courier, or by commercial messenger to:

If to the County:

Candice W. McGarry
County Administrator
84 Courthouse Square
P.O. Box 336
Lovingston, Virginia 22949

With a copy to:

Phillip Payne, Esq.
County Attorney
402 Court Street, 2nd Floor
Post Office Box 299
Lovingston, Virginia 22949

If to the Applicant:

Wild Rose Solar Project, LLC
c/o Savion, LLC
422 Admiral Blvd
Kansas City, Missouri 64106

With a copy to:

Scott Foster, Esq.
Gentry Locke Attorneys
PO Box 780
Richmond, Virginia 23218

The County and Applicant, by notice given hereunder, may designate any further or different persons or addresses to which subsequent notices shall be sent.

8. Governing Law; Jurisdiction; Venue. THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE COMMONWEALTH OF VIRGINIA, WITHOUT REGARD TO ANY OF ITS PRINCIPLES OF CONFLICTS OF LAWS OR OTHER LAWS WHICH WOULD RESULT IN THE APPLICATION OF THE LAWS OF ANOTHER JURISDICTION. THE PARTIES HERETO (A) AGREE THAT ANY SUIT, ACTION OR OTHER LEGAL PROCEEDING, AS BETWEEN THE PARTIES HERETO, ARISING OUT OF OR RELATING TO THIS AGREEMENT SHALL BE BROUGHT AND TRIED ONLY IN THE CIRCUIT COURT OF NELSON COUNTY, VIRGINIA, (B) CONSENT TO THE JURISDICTION OF SUCH COURT IN ANY SUCH SUIT, ACTION OR PROCEEDING, AND (C) WAIVE ANY OBJECTION WHICH ANY OF THEM MAY HAVE TO THE LAYING OF VENUE FOR ANY SUCH SUIT, ACTION, OR PROCEEDING IN SUCH COURT AND ANY CLAIM THAT ANY SUCH SUIT, ACTION, OR PROCEEDING HAS BEEN BROUGHT IN AN INCONVENIENT FORUM. THE PARTIES HERETO AGREE THAT A FINAL JUDGMENT IN ANY SUCH SUIT, ACTION, OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW.

9. Confidentiality. This Agreement, once placed on the docket for consideration by the County Board of Supervisors, is a public document, subject to production under the Virginia Freedom of Information Act (“FOIA”). The County understands and acknowledges the Applicant, and as applicable, its associates, contractors, partners and affiliates, utilize confidential and proprietary “state-of-the-art” information and data in their operations (“Confidential Information”), and that disclosure of any such information, including, but not limited to, disclosures of technical, financial or other information concerning the Applicant or any affiliated entity could result in substantial harm to them and could thereby have a significant detrimental impact on their employees and also upon the County. The County acknowledges that during the development and negotiation of this Agreement, certain Confidential Information may be, or may have been, shared with the County by the Applicant. Applicant agrees to clearly identify any information it deems to be Confidential Information and not subject to mandatory disclosure under FOIA or other applicable law as Confidential Information at the time it provides such information to the County. The County agrees that, except as required by law and pursuant to the County’s police powers, neither the County nor any employee, agent, or contractor of the County will knowingly or intentionally disclose or otherwise divulge any such Confidential Information to any person, firm, governmental body or agency, or any other entity unless a request for such Confidential Information is made and granted under an applicable provision of local, state or federal law. Upon receipt of such a request but before transmitting any documents or information which may contain Confidential Information to the requestor, the County shall contact Applicant to review the request for information and associated documents to determine if any Confidential Information is at risk of disclosure. If Confidential Information exists, Applicant may intervene on behalf of the County and defend against disclosure of the Confidential Information. The County agrees to cooperate in this defense and to the extent allowed by law, work to protect the Confidential Information of the Applicant.

10. Severability; Invalidity Clause. Any provision of this Agreement that conflicts with applicable law or is held to be void or unenforceable shall be ineffective to the extent of such conflict, voidness, or unenforceability without invalidating the remaining provisions hereof, which

remaining provisions shall be enforceable to the fullest extent permitted under applicable law. If, for any reason, including a change in applicable law, it is ever determined by any court or governmental authority of competent jurisdiction that this Agreement is invalid, then the Parties shall, subject to any necessary County meeting vote or procedures, undertake reasonable efforts to amend and or reauthorize this Agreement so as to render the invalid provisions herein lawful, valid, and enforceable. If the Parties are unable to do so, this Agreement shall terminate as of the date of such determination of invalidity, and the Property and Project will thereafter be assessed and taxed as though this Agreement did not exist. The Parties will cooperate with each other and use reasonable efforts to defend against and contest any challenge to this Agreement by a third party.

11. Entire Agreement. This Agreement and any exhibits or other attachments constitute the entire agreement and supersedes all other prior agreements and understandings, both written and oral, between the Parties hereto with respect to the subject matter hereof. No provision of this Agreement can be modified, altered or amended except in a writing executed by all Parties hereto.

12. Construction. This Agreement was drafted with input by the County and the Applicant, and no presumption shall exist against any Party. The headings contained in this Agreement are for the convenience of the Parties and for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

13. Force Majeure. Neither Party will be liable for any failure or delay in performing an obligation under this Agreement that is due to any of the following causes, to the extent beyond its reasonable control: acts of God, accident, riots, war, terrorist act, epidemic, pandemic, quarantine, civil commotion, breakdown of communication facilities, breakdown of web host, breakdown of internet service provider, natural catastrophes, governmental acts or omissions, changes in laws or regulations, national strikes, fire, explosion, generalized lack of availability of raw materials or energy. For the avoidance of doubt, Force Majeure shall not include (a) financial distress nor the inability of either party to make a profit or avoid a financial loss, (b) changes in market prices or conditions, or (c) a party's financial inability to perform its obligations hereunder.

14. No Third Party Beneficiaries. This Agreement is solely for the benefit of the Parties hereto and their respective successors and permitted assigns, and no other person shall have any right, benefit, priority, or interest in, under, or because of the existence of, this Agreement.

15. Counterparts; Electronic Signatures. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which shall constitute one and the same instrument. A signed copy of this Agreement delivered by e-mail/PDF or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[signature page follows]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the Effective Date by the authorized representatives whose names and titles appear below.

WILD ROSE SOLAR PROJECT, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: _____

NELSON COUNTY, VIRGINIA

By: _____
Name: J. David Parr
Title: Chairman, Board of Supervisors

By: _____
Name: Candice W. McGarry
Title: County Administrator

Approved as to form:

By: _____
County Attorney

EXHIBIT A
SPECIAL USE PERMIT

EXHIBIT A-1

TAX PARCELS

Nelson County Tax Map Parcels: UPDATE BASED ON NEW PARCEL DATA

EXHIBIT B

ILLUSTRATIVE SCHEDULE OF PAYMENTS

The following illustrative schedule of payments assumes an estimated Project nameplate capacity of 90 MWac, and all payments shall be adjusted proportionally if the nameplate capacity of the constructed Project differs from such estimate. **Exhibit B** lists payment amounts based on the following assumptions and calculations:

(A) **Revenue Share Equivalent.** The “Revenue Share Equivalent” is an annual payment amount determined by multiplying \$1,400 per MWac (the “Solar Revenue Share”) by an assumed nameplate capacity of 90 MWac.

(B) **Estimated M&T.** An estimate of the annual M&T Taxes (which will fluctuate in any given year, depending on the Project’s machinery and tools).

(C) **Supplemental Voluntary Payments.** In the years when the M&T Taxes are higher than the Revenue Share Equivalent, Applicant will pay only its annual M&T Taxes. In the years when the Revenue Share Equivalent is higher than the M&T Taxes, Applicant will pay its annual M&T Taxes plus a supplemental voluntary payment in order to provide the County a total annual payment that equates to the Revenue Share Equivalent, which shall be based on the Solar Revenue Share authorized under Special Session I in Chapters 49, 50 and 429, for the life of the Project, regardless of whether the County adopts a Solar Revenue Share Ordinance or not. The M&T Taxes shall be assessed pursuant to Chapters 35 and 36 of Title 58.1 of the Code of Virginia as applicable, and the County Ordinances in effect as of the date of this Agreement, for the life of the Project.

(D) **Additional Voluntary Payment(s).** Additional voluntary payments shall be made to the County as follows:

1. **Initial Payment:** One Hundred and Twelve Thousand Dollars (\$112,000) due within sixty (60) days of approval of this Agreement and approval of the SUP# _____.
2. **Final Site Plan Approval Payment:** One Million Dollars (\$1,000,000) due within sixty (60) days of the County’s approval of the Final Site Plan for the Project.
3. **Final Building Permit Payment:** One Million Dollars (\$1,000,000) due within sixty (60) days of the County’s issuance of all necessary building permits for the construction of the Project.
4. **Commercial Operation Payments:** Five Million Dollars (\$5,00,000.00) payable in installments as described below, commencing on the first anniversary of the Commercial Operation Date and continuing on each subsequent anniversary of the Commercial Operation Date thereafter for a period of seven (7) years:
 - a. **First Commercial Operation Payment:** Seven Hundred and Fifteen Thousand Dollars (\$715,000)
 - b. **Second Commercial Operation Payment:** Seven Hundred and Fifteen Thousand Dollars (\$715,000)

- c. **Third Commercial Operation Payment:** Seven Hundred and Fifteen Thousand Dollars (\$715,000)
- d. **Fourth Commercial Operation Payment:** Seven Hundred and Fifteen Thousand Dollars (\$715,000)
- e. **Fifth Commercial Operation Payment:** Seven Hundred and Fifteen Thousand Dollars (\$715,000)
- f. **Sixth Commercial Operation Payment:** Seven Hundred and Fifteen Thousand Dollars (\$715,000)
- g. **Seventh Commercial Operation Payment:** Seven Hundred and Ten Thousand Dollars (\$710,000).

YEAR	REVENUE SHARE EQUIVALENT (A)	ESTIMATED M&T (B)	ANNUAL PAYMENT (C) If A ≥ B, then C=A If B ≥ A, then C=B	<i>Supplemental payment amount</i> (If Revenue Share Equivalent is greater than Estimated M&T)	ADDITIONAL VOLUNTARY PAYMENT (D)	TOTAL REVENUE (C + D)
S.A. Approval					\$112,000	\$112,000
Final Site Plan Approval					\$1,000,000	\$1,000,000
Building Permit Issuance					\$1,000,000	\$1,000,000
1	\$ 138,600	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
2	\$ 138,600	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
3	\$ 138,600	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
4	\$ 138,600	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
5	\$ 152,460	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
6	\$ 152,460	\$205,924	\$205,924	\$0	\$715,000	\$ 920,924
7	\$ 152,460	\$205,924	\$205,924	\$0	\$710,000	\$ 915,924
8	\$ 152,460	\$205,924	\$205,924	\$0		\$ 205,924
9	\$ 152,460	\$205,215	\$205,215	\$0		\$ 205,215
10	\$ 167,706	\$201,737	\$201,737	\$0		\$ 201,737
11	\$ 167,706	\$264,071	\$264,071	\$0		\$ 264,071
12	\$ 167,706	\$258,885	\$258,885	\$0		\$ 258,885
13	\$ 167,706	\$253,394	\$253,394	\$0		\$ 253,394
14	\$ 167,706	\$247,536	\$247,536	\$0		\$ 247,536
15	\$ 184,477	\$241,343	\$241,343	\$0		\$ 241,343
16	\$ 184,477	\$234,784	\$234,784	\$0		\$ 234,784
17	\$ 184,477	\$227,828	\$227,828	\$0		\$ 227,828
18	\$ 184,477	\$220,476	\$220,476	\$0		\$ 220,476
19	\$ 184,477	\$212,636	\$212,636	\$0		\$ 212,636
20	\$ 202,924	\$204,368	\$202,924	\$0		\$ 202,924
21	\$ 202,924	\$195,582	\$202,924	\$7,342		\$ 202,924
22	\$ 202,924	\$186,277	\$202,924	\$16,647		\$ 202,924
23	\$ 202,924	\$176,424	\$202,924	\$26,500		\$ 202,924
24	\$ 202,924	\$165,960	\$202,924	\$36,964		\$ 202,924
25	\$ 223,217	\$154,885	\$223,217	\$68,332		\$ 223,217
26	\$ 223,217	\$143,110	\$223,217	\$80,107		\$ 223,217
27	\$ 223,217	\$130,663	\$223,217	\$92,554		\$ 223,217
28	\$ 223,217	\$117,453	\$223,217	\$105,764		\$ 223,217
29	\$ 223,217	\$103,481	\$223,217	\$119,736		\$ 223,217
30	\$ 245,538	\$88,624	\$245,538	\$156,914		\$ 245,538
31	\$ 245,538	\$72,912	\$245,538	\$172,626		\$ 245,538
32	\$ 245,538	\$56,255	\$245,538	\$189,283		\$ 245,538

33	\$ 245,538	\$38,592	\$245,538	\$206,946		\$ 245,538
34	\$ 245,538	\$30,507	\$245,538	\$215,031		\$ 245,538
35	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
36	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
37	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
38	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
39	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
40	\$ 297,101	\$30,507	\$297,101	\$266,594		\$ 297,101
TOTAL			\$8,888,048		\$7,112,000	\$16,000,048

EXHIBIT C
FORM OF MEMORANDUM

Full exhibit follows

PREPARED BY AND RETURN TO:

Wild Rose Solar Project, LLC
c/o Savion, LLC
422 Admiral Blvd
Kansas City, Missouri 64106

County Tax Map ID Nos.: [UPDATE]

[NOTE TO CLERK: NELSON COUNTY, VIRGINIA, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, IS A PARTY TO THIS INSTRUMENT WHICH, ACCORDINGLY, IS EXEMPT FROM RECORDATION TAX PURSUANT TO VA. CODE SEC. 58.1-811.A.3.]

MEMORANDUM OF SOLAR FACILITY
SITING AGREEMENT

This Memorandum of Solar Facility Siting Agreement (this “Memorandum”), dated and effective as of _____, is made by and between **Nelson County, Virginia**, a political subdivision of the Commonwealth of Virginia (the “County”) and **Wild Rose Solar Project, LLC**, a Delaware limited liability company (“Company”), with regard to the following:

1. Siting Agreement. The County and Company are parties to that Solar Facility Siting Agreement, dated _____ (the “Siting Agreement”), which describes the intent of Company to develop, install, build, and operate a solar facility (“Project”) on that certain parcel of land identified as County Tax Map Parcels [UPDATE] (the “Property”).
2. Authorization. The County’s execution of the Siting Agreement was authorized during that certain regular meeting of the Board of Supervisors of the County on _____.
3. Substantially in Accord. The Siting Agreement states, *inter alia*, that, pursuant to Virginia Code § 15.2-2316.9(C), by entering into the Siting Agreement, the County acknowledged that the Project is deemed to be substantially in accord with the County Comprehensive Plan under Virginia Code § 15.2-2232.
4. Obligations. The Siting Agreement sets forth, *inter alia*, certain obligations of Company to comply with the Special Use Permit approved by the County for the Project, and to make certain payments to the County.
5. Siting Agreement Controls. This Memorandum does not supersede, modify, amend or otherwise change the terms, conditions or covenants of the Siting Agreement, and the County and Company executed and are recording this Memorandum solely for the purpose of providing constructive notice of the Siting Agreement and the County’s and Company’s rights thereunder. The terms, conditions and covenants of the Siting Agreement are incorporated in this Memorandum by reference as though fully set forth herein.
6. Counterparts. This Memorandum may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

WITNESS the following signature and seal:

NELSON COUNTY, VIRGINIA:

Name: Candice W. McGarry
Title: County Administrator

COMMONWEALTH OF VIRGINIA,
COUNTY OF _____, to-wit:

The foregoing Memorandum was acknowledged before me this _____, _____
2024, by Candice W. McGarry, County Administrator of Nelson County, Virginia.

Notary Public

My Commission expires:

WITNESS the following signature and seal:

NELSON COUNTY, VIRGINIA:

Name: J. David Parr
Title: Chairman, Board of Supervisors

COMMONWEALTH OF VIRGINIA,
COUNTY OF _____, to-wit:

The foregoing Memorandum was acknowledged before me this _____, _____
2024, by J. David Parr, Chairman of the Board of Supervisors of Nelson County, Virginia.

Notary Public

My Commission expires:

WITNESS the following signature and seal:

WILD ROSE SOLAR PROJECT, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____ }
CITY/COUNTY OF _____ }

Before me, a notary public in and for the jurisdiction aforesaid, this ____ day of _____, 2024, appeared _____, who acknowledged that they executed the foregoing instrument in their capacity as _____ of Wild Rose Solar Project, LLC, a Delaware limited liability company, on behalf of said corporation.

Notary Public

My Commission expires:

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

§ 15.2-2316.7. Negotiations; siting agreement

A. Any applicant for a solar project or an energy storage project shall give to the host locality written notice of the applicant's intent to locate in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality.

B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1:9, in such locality.

2020, c. 802;2021, Sp. Sess. I, cc. 57, 58.

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

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

§ 15.2-2316.8. Powers of host localities

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

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

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

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

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



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July 8, 2024

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RE: Appeal of June 26, 2024 Planning Commission Substantial Accord Determination
(Wild Rose Solar Project)

Dear Chairman Parr and Members of the Board of Supervisors:

This firm represents Wild Rose Solar Project, LLC (“**Applicant**”). On June 26, 2024, Applicant appeared before the Planning Commission for a public facilities review (also known as a “2232 review”) for a proposed 90 MWac solar facility (the “**Project**”) to be located in the County on property owned by Weyerhaeuser Company and Joe and Bobby Hickey (the “**Landowners**”). The Commission voted 4-1 to find the Project not substantially in accord with the Comprehensive Plan. Applicant, on behalf of itself and the Landowners, hereby appeals to the Nelson County

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Board of Supervisors pursuant to Va. Code § 15.2-2232(B), to overrule the Planning Commission, for the reasons stated in the Petition for Appeal (**Exhibit A**, attached).¹

In the spirit of cooperation, and to allow sufficient time to meet, discuss and negotiate a siting agreement, Applicant is willing to waive the 60-day appeal hearing period. While the Applicant agrees to waive the 60-day appeal hearing period, the Applicant requests that the appeal be heard during the same Board of Supervisors meeting as the Special Use Permit and Siting Agreement.

Sincerely,

GENTRY LOCKE

/s/ Lindsey N. Rhoten

Lindsey N. Rhoten
Counsel for Applicant

Cc: Scott Foster, Esq. – via email only to sfoster@gentrylocke.com
Jeannine Johnson – via email only to jjohnson@savionenergy.com
Lauren Devine – via email only to ldevine@savionenergy.com

¹ Applicant incorporates herein all materials attached to this letter and all materials submitted to Staff and the Planning Commission in support of the application for the Project approval and reserves the right to supplement or amend this appeal and provide further support in advance of any hearing.

PETITION FOR APPEAL
(Va. Code § 15.2-2232(B))

PETITIONER, Wild Rose Solar Project, LLC (“*Applicant*”), on behalf of itself and Weyerhaeuser Company and Joe and Bobby Hickey (“*Landowners*”), respectfully requests the Board of Supervisors of Nelson County overrule the Planning Commission’s determination that Applicant’s proposed project is not substantially in accord with the Comprehensive Plan, for the following reasons:

1. Applicant has applied for a special use permit to develop an approximately 90 MW solar facility to be located in the County (the “*Project*”).

2. In addition to the Special Use Permit, Applicant must present the Project to the Planning Commission for a public facilities review under Virginia Code § 15.2-2232, pursuant to which the Planning Commission is to make a finding as to whether “the general location or approximate location, character, and extent” of the Project is “substantially in accord with the adopted comprehensive plan or part thereof.” *Id.* (also known as a “2232 review”).

3. On June 26, 2024, Applicant presented the Project to the Planning Commission for the 2232 review. For the reasons set forth herein and in Applicant’s submissions to date, the Project’s general or approximate location, character and extent is substantially in accord with the County’s Comprehensive Plan, including the “parts thereof” that directly address solar development. Chapter Three of the Comprehensive Plan “Shaping Community Character” directly addresses Alternative/Renewable Energy and states the following objective: “[i]t is the *duty* of all localities across the Commonwealth to plan for alternative energy sources, such as solar and wind facilities, and *Nelson County is no exception*... Nelson County must work with developers to help accommodate the generation of energy through alternative sources *as much as is feasible*.”¹ This

¹ Nelson County Comprehensive Plan, 33 (emphasis added).

section of the Comprehensive Plan makes it clear that facilitating solar development is a priority for the County, subject to the guidance of the remainder of the plan.

4. This Project is located in a Rural Area on the Future Land Use Map. The Rural Areas section of Comprehensive Plan identifies solar installations as a ***Primary Land Use Type***.² The Planning Guidelines for the Rural Areas section state that solar developments should be well-sited to minimize impacts on viewshed and natural resources.³ The Project fulfils that directive. The Applicant has voluntarily proposed numerous Special Use Permit conditions that significantly exceed the requirements of the Nelson County Zoning Ordinance, including increased setbacks and buffers and additional studies and plans that demonstrate a commitment to ensuring that any potential impacts on scenic viewsheds and natural resources are mitigated. In addition, in its Special Use Permit application and presentation to the Planning Commission, Applicant has demonstrated that the Special Use Permit conditions and Project site features and topography will have minimal if any impact on the viewshed surrounding the project and Nelson County natural resources.

5. In addition to satisfying these key Comprehensive Plan elements, the Project also aligns with the Comprehensive Plan's broader goals, including encouraging renewable energy, preserving agriculture, and encouraging growth in the designated growth areas. As these goals are to some degree conflicting, it is logically impossible to fully satisfy them all – instead, these competing goals can only be reconciled by striking an appropriate balance. Even if the policy goals were wholly consistent (which they are not), for the Commission to make a positive finding that the Project is in substantial accord with the Comprehensive Plan, it is not necessary for the proposal to ***wholly*** align with every stated goal, or even every element of the Comprehensive Plan's solar

² *Id.* at 39 (emphasis added).

³ *Id.*

policies. Rather, a positive finding of substantial accord requires only that the *general or approximate location, character and extent of the proposed public facility be substantially in accord with the Comprehensive Plan*. This Project easily meets this standard, satisfying numerous directives of the Comprehensive Plan, both general in nature and specific to solar development.⁴

6. Yet, the Planning Commission voted 4-1 to find the Project not substantially in accord with the Comprehensive Plan. Their decision, however, was fundamentally flawed due to Commissioners consideration of factors unrelated to the 2232 analysis, negative bias and disregard for the Project attributes.

7. Commissioner Hauschner briefly mentioned relevant considerations for the 2232 review, but in doing so, made a number of factually inaccurate statements about the Project. Applicant is not suggesting that his misstatements were intentional – the Commissioner may have misunderstood the facts. Despite evidence presented to the contrary, Commissioner Hauschner stated that the Project would negatively impact scenic viewsheds and natural resources. Applicant demonstrated that existing vegetation will be utilized to screen the Project from the start of construction, and enhancement screening will be installed where necessary to ensure visual impacts are mitigated. The Project application also included visual simulations of the Project before and after construction showing that there were no visual impacts. In fact, the visual simulations before and after construction were the same image because this Project is almost completely screened with existing vegetation from the start of construction. Applicant noted that they evaluated the distance and topography between the Project and the scenic vistas in the Comprehensive Plan and no impacts are expected. Lastly, the Application, Staff Report, and presentation included the list of environmental and historic studies that the Applicant is required

⁴ See Appendix E of Application.

to conduct during the Virginia Department of Environmental Quality's Permit by Rule process, the required stormwater management and erosion and sediment control permits, and the proposed conditions in order to mitigate impacts to natural resources. All of which seemed to be ignored during the Planning Commission's discussion.

8. Commissioner Hauschner seemed more focused on matters that were irrelevant to the 2232 review, such as one of the Landowner's timbering practices in a different state and the Applicant's parent company. He verbalized his negative bias against the Applicant's parent company by stating, "[a]nything attached to Shell coming into the County is fucking vile." Not only is this a wildly inappropriate and unprofessional statement for a Planning Commissioner to make in a public forum regarding an Applicant before him, this public display of negative bias is evidence that a decision made in this manner is wholly unrelated to the question presented in a 2232 review, unfair to the Applicant, and cannot stand.

9. Commissioner Amante stated that he felt as though he was viewing the Project through a "legal perspective" and that the Applicant's presentation was walking him through a checklist. He then stated that the Project does "meet the letter of the law." Despite the Project meeting the letter of the law, his reasons for voting against the Project did "not stem from anything written down." It is indeed the Planning Commission's statutory role in a 2232 review to make a legislative finding, which is inherently a legal and policy oriented analysis. As the Commissioner acknowledged, the Applicant clearly met its obligation to show that the Project is "substantially in accord with the adopted comprehensive plan or part thereof."⁵

10. During the Planning Commission discussion, Commissioner Amante stated that he does not trust the government entities that establish the regulations the Applicant has to abide by,

⁵ Va. Code § 15.2-2232.

such as the Environmental Protection Agency. In addition to this opinion, Commissioner Amante shared factual inaccuracies that not only tainted the process, but misled the public. Amante stated that “child labor” or “slave labor” was used to build the solar panels, which is false. Again, this justification for denial is completely unrelated the question presented to the Planning Commission in the 2232 review.

11. Commissioner Allen stated that it is “just my opinion” that the financial package of the Project does not outweigh the potential environmental harms that the Project *may* present to the surrounding area. Again, the Applicant presented to the Planning Commission the extensive studies and voluntary conditions that the Applicant would adhere to mitigate any potential environmental harms. She also stated that the financial package offered to the County would not directly impact Gladstone residents who live near the Project. While the allocation of the funds through the siting agreement is not within the Planning Commission’s purview and has no bearing on a 2232 review, Applicant intends to work with the Board to determine direct benefits to the Gladstone community that can be included in the siting agreement.

12. It is clear that this decision was made based on negative bias, opinions, and considerations outside the purview of the Planning Commission for the 2232 review and was not based on the factual information presented to the Planning Commission. The serious factual inaccuracies cited above are alone sufficient reasons to overrule the Planning Commission. Nevertheless, the Planning Commission’s determination also must be overruled because their actions violate the County’s Zoning Ordinance. The Nelson County Zoning Ordinance is the primary tool to implement the Comprehensive Plan, which expressly permits solar projects on A-1 zoned properties by Special Use Permit. In fact, the Zoning Ordinance *requires* that “a large solar energy system *shall* be permitted by a Special Use Permit in A-1” provided that the Project

meets the requirements in the Zoning Ordinance.⁶ As Commissioner Amante stated, this Project “meets the letter of the law” and therefore, the Special Use Permit and the 2232 review should have been approved.

13. The Comprehensive Plan favors new development in designated growth areas so that existing public infrastructure can be used more efficiently and rural lands will be protected from development, yet Planning Commission faulted Project for not fitting in with the surrounding character of the land because it will require clear cutting the land, even though the current land use of the parcels for silviculture requires continual clear cutting when the timber is harvested. The installation of large solar energy systems encourages open space retention by placing a hold on additional development within the Project limits, whereas as a residential housing developer could clear cut the land and forever alter the landscape. The Project will be decommissioned at the end of its useful life and the land can be used for whatever purpose the County may need at that time. Contrary to the Planning Commission’s decision, the Comprehensive Plan designates solar installations as a Primary Land Use in Rural Areas because solar projects do not utilize public infrastructure that is often lacking in rural areas and are a compatible land use with the surrounding areas, including agriculture and silviculture.

14. Despite all the evidence presented to the Planning Commission, they voted to find the Project not substantially in accord with the Comprehensive Plan based on the reasons stated above. The Project is substantially in accord with the Comprehensive Plan for the reasons stated above and provided throughout the Application, Presentation, and Staff Report. The Board of Supervisors should overrule the Planning Commission’s finding because the Planning

⁶ Nelson County Zoning Ordinance § 22A-6(1) (emphasis added).

Commission's decision was based on negative bias, opinions, and considerations outside the purview of the Planning Commission for the 2232 review.