

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 Lovingsston, 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
Grace E. Mawyer, 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 – Attendees observed a moment of silence.
- B. Pledge of Allegiance – Mr. Parr led the Pledge of Allegiance.

Mr. Parr recognized retiring Director of Finance and Human Resources, Linda Staton. He then read a recognition of the retirement of Ms. Staton, who began her career in Nelson County with the School Board in September of 1995, worked as an accounting clerk and accounting assistant through March of 2006 until she took a position with the County in the Finance Department as accounts payable finance technician, working in this capacity until she retired from the County on July 1, 2014. He said she then returned to serve as a part-time finance technician in July 2016 then joined the County Administrator’s office full time in November 2016. In February of 2017, he said, Ms. Staton returned to the Finance Department as the payroll finance technician and was appointed Director of Finance and Human Resources in August 2022, serving until the present. The Board expressed its gratitude for Ms. Staton for her service and wished her luck.

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

Ms. McGarry introduced the annual reorganization of the Board. She noted that this was comprised of the election of Chair and Vice Chair for the upcoming year, 2025. She indicated that this also included consideration of a resolution to set the meeting dates for the regular Board meetings, and some Board appointments.

Ms. McGarry asked if the Board would like to hear these items separately or together. The Board agreed to hear them together.

Ms. McGarry stated that this is pursuant to the applicable code provisions of §15.2-1416 of the Code of Virginia and also Chapter 2, Article 2 of the Code of Nelson County, and this prescribes that this happens at the first meeting in January of each year. Ms. McGarry invited nominations or Chair and Vice Chair for Calendar Year 2025.

Mr. Rutherford moved to appoint Ernie Reed as Chair and Jessica Ligon as Vice Chair of the Nelson County Board of Supervisors for Calendar Year 2025. Mr. Parr seconded the motion. There were no additional nominations and the floor for nominations was closed. Ms. McGarry asked for a roll call vote to appoint Mr. Reed as Chair and Dr. Ligon as Vice Chair. Supervisors approved the motion unanimously (4-0) by roll call vote.

Ms. McGarry stated the current Resolution R2025-01 paralleled the current regular meeting schedule, with Board meetings to be conducted in calendar year 2025 in the General District Courtroom located in the courthouse, on the second Tuesday of each month beginning at 2 p.m. and reconvening thereafter at 7 p.m. She said that should the regular meetings fall on any legal holiday; the meeting shall be held on the next following regular business day without any action of any kind by the Board unless otherwise canceled. She said it also states that 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’s hazardous for members to attend regular meetings, the

January 14, 2025

meetings will be continued on the following Tuesday. She said that such findings shall be communicated to members, staff, and the press as promptly as possible.

Ms. McGarry stated that the provision provides that hearings and other matters previously advertised shall be conducted at the continued meetings and no further advertisement is required. She said it also states that special meetings of the Board of Supervisors may be convened from time to time as determined by the Board in accordance with the applicable provisions of the Code of Virginia and Code of Nelson County. She said it also states that in accordance with the Code of the County of Nelson, Virginia, Robert's Rules of Order shall be observed as the rules for conducting business of the Board of Supervisors and the agenda for all meetings of the Board shall be established by the Clerk of the Board in consultation with the chair.

She asked if the Board wished to make any changes to its regular meeting schedule or any of the housekeeping items. The Board agreed that the schedule was fine as it is.

Ms. McGarry said that also included in their annual meeting resolution is consideration of appointments as presented, with the second page of the resolution including names for their consideration.

Mr. Rutherford said that he was willing to continue serving on the Planning District Commission.

Dr. Ligon stated that she was willing to serve on the Planning Commission.

Ms. Parr said that he would like to continue serving on Social Services and EMS. He asked for clarification that they were not necessarily tying the Director of Emergency Services to the EMS Council. Ms. McGarry confirmed that they were not, and the Board could make a separate appointment for that. Mr. Parr said he would continue serving unless Mr. Reed wanted to start doing that. Mr. Reed responded that it made sense for Mr. Parr to continue serving on the EMS Council.

Mr. Rutherford asked if Dr. Ligon wanted to stay on Career Works. Dr. Ligon responded that she would. She noted that the Albemarle County Regional Jail Board was not on here. Ms. McGarry stated that the reason it was missing is because they just started it in July, but they can make it an annual appointment if needed. Dr. Ligon said she wanted to serve the County as much as possible but preferred to do that after work hours, and those meetings required a day to go to Charlottesville.

Mr. Rutherford agreed to serve on the Albemarle County Regional Jail Board.

Mr. Reed stated that he was happy to continue serving on TJPDC.

Mr. Parr moved to approve **Resolution R2025-01**, Nelson County Board of Supervisors Annual Meeting, as amended. Dr. Ligon seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**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 Lovingston, 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.

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

Thomas Jefferson Planning District Commission:	Jesse N. Rutherford
Thomas Jefferson Planning District Commission:	Ernie Q. Reed
Director of Emergency Services:	Board of Supervisors Chair
Emergency Services Coordinator:	John Adkins
Virginia Career Works Piedmont Council:	Jessica Ligon
Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Deputy Clerk to the Nelson County Board of Supervisors:	Amanda B. Spivey
Zoning Administrator:	Dylan M. Bishop
Hazardous Materials Coordinator:	John Adkins
Thomas Jefferson EMS Council:	John Adkins
Nelson County EMS Council:	J. David Parr
Thomas Jefferson Community Criminal Justice Board:	Daniel L. Rutherford
Nelson County Social Services Board:	J. David Parr
Nelson County Planning Commission:	Jessica Ligon
Albemarle-Charlottesville Regional Jail Authority Board	Jesse N. Rutherford

Ms. McGarry turned the meeting over to the new chair, Supervisor Ernie Reed.

Mr. Reed thanked Mr. Parr for all of his work as Chair over the last year. Mr. Reed then commented that the absence of Mr. Harvey was something the Board took very seriously and very sympathetically, stating they knew that Mr. Harvey would love to be able to actively serve out his term. Mr. Reed said that in Mr. Harvey's absence, it has necessitated that the Board work more as a team and pull together.

III. PUBLIC COMMENTS

Mr. Reed read the rules for both public comments and public hearings.

Ms. Valdrie Walker - Norwood, Virginia

Ms. Walker said she is speaking in reference to Special Use Permit #24-0014, for a large solar energy system proposed to be installed in Gladstone, South District, zoned A-1 agricultural, with 4,646.8 acres and a project footprint covering approximately 550 acres. She said the Wild Rose Solar Project has been an item of discussion since June 2024, when it was presented to the public. She said this was not an easy decision for the Board, and the changing of regulations from one thing to another creates real problems—including the governance of the Board itself.

Ms. Walker said for the Board to act in favor of an exemption to a special permit, it undermines the power of the law itself, its regulation, its security for its citizens, and its protection that maintains order, direction, and structure—all the things that a society must have and its citizens to recognize where they are, what they're doing, what is theirs, what is not. She said that anything else such as proffers, which are offered to sweeten the package for an exemption to occur, amounts to no more than bribes. She said this particular large solar energy system as proposed does not bring to the Gladstone community other than a large industrial operation sitting in the midst of an agricultural land and family homes.

She stated that the money proffered is dangled before the Board, and it speaks only too loud of how this entire situation undermines the Board of Supervisors itself, the County, and the citizens. She asked if they were so easily bought, and whether laws that have been established over periods of time are so manipulated that the Board thinks needs are greater than respect of the law. She emphasized that this is a door they don't want or need to open. Ms. Walker encouraged respect, faith, and current zoning needs to go forward, cautioning that approval of this project could set a precedent.

Stephen Bayne, Nellysford, Virginia

Mr. Bayne stated that he was also speaking regarding the review of the SUP application for the Wild Rose Solar Project scheduled for the evening session. He said he hoped that the Board of Supervisors would follow the sentiment of County residents, particularly those in the Gladstone District. Mr. Bayne said the jobs created, both temporary and permanent, would not likely benefit Nelson County residents, noting that the estimated 2 to 5 permanent jobs were underwhelming and certainly would not benefit Nelson County residents.

Mr. Bayne said the efficiency of the energy produced, emphasizing that its cost per kilowatt hour was not guaranteed or likely, to be as advertised. He stated that the energy produced would almost certainly not benefit Nelson County or its residents. He also expressed concern that the solar farm was not in substantial accord with the County's Comprehensive plan. Mr. Bayne referenced the term sheets in the meeting packet, which were the draft terms and conditions from the developer, and said they suggested terms the County would likely be accepting and hoped that would not be the case. Mr. Bayne stated that the consideration paid to Nelson County beyond taxes must be negotiated to reach at least the greatest level realized by other peer counties, and this information was well-known and should be leveraged. He said that Nelson County should not accept community economic benefits that were merely above average, and the County must reap benefits that are excellent or outstanding—best of breed.

Mr. Bayne noted that the term sheets allowed the developer to assign its responsibilities to any other entity with unilateral notice, a condition he believed must instead involve a bilateral agreement with Nelson County. He said there was no evidence that County staff had performed a background check on the developer, adding that such due diligence was a critical step. Mr. Bayne said Nelson County should secure the best possible deal for the County and its residents, pointing out that there would be continued growing demand to locate a solar farm in Nelson County, and this particular opportunity appeared to be a stretch.

Mr. William Percy, Lovington, Virginia

Mr. Percy congratulated Mr. Reed and Dr. Ligon on their appointments. Mr. Percy said he stood in favor of Nelson County Resolution 2025-04, which was the Blue Ridge Rising Strategic Plan. He stated that he had encouraged Mr. Kevin Brandt to include advocating for the Blue Ridge Safety Act within their agenda. He said this bill, still pending passage in the U.S. Senate, would allow the Wintergreen Resort to build the exit road connecting to the Blue Ridge Parkway. Mr. Percy stated his support for NC 2025-01 through 03, which had already passed. He said that fewer than five meeting minutes should be included in one packet because the packets were becoming too thick and hard to carry. He stated he appreciated the number of issues being addressed.

Mr. Percy said there were serious concerns relative to the CHA report included in the packet. He stated that he believed CHA owed Nelson County one more meeting or report on the Larkin property and he hoped for a town hall format with Q&A, allowing the public to speak directly to CHA representatives. He said there were questions that Mr. Parr had asked in earlier meetings that had not yet been addressed by CHA. He stated his support for Nelson County requesting RFPs from Blue Ridge Solutions and Altumint LLC regarding the school zone speed control projects. Mr. Percy said he opposed tearing down the recently purchased property on Tanbark Plaza for the DSS. He stated that he favored requesting VDOT to initiate a study and include the six-year improvement plan and Smart Scale evaluation for the proposed design of an overpass at Highway 29 and Callohill Drive.

There being no further public comments, Mr. Reed closed the public hearing.

IV. CONSENT AGENDA

Mr. Rutherford moved to approve the Consent Agenda as presented. Mr. Parr seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolutions were adopted:

A. Resolution – R2025-02 Minutes for Approval

**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.

B. Resolution – R2025-03 Budget Amendment

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

C. Resolution – R2025-04 Support for Repairs and Strategic Plan Implementation Funding for the Blue Ridge Parkway

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.

D. Resolution – R2025-06 Budget Amendment

RESOLUTION R2025-06
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
January 14, 2025

I. Appropriation of Funds (General Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	3,835.00	3-100-001901-0032	4-100-031020-3038
\$	8,278.92	3-100-003303-0107	4-100-031020-1013
\$	3,519.81	3-100-003303-0008	4-100-031020-3032
\$	10,000.00	3-100-002404-0060	4-100-999000-9905
\$	20,000.00	3-100-002404-0060	4-100-999000-9905
\$	45,633.73		
II. Appropriation of Funds (School Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	138,000.00	3-205-003302-0027	4-205-061100-9304
\$	138,000.00		

V. PRESENTATIONS

A. VDOT Report

VDOT Residency Administrator Robert Brown recognized the great effort from VDOT during the recent snow and ice storms, and he commended the team for their dedication. He said his team worked closely with the Nelson County school system to address trouble spots, ensuring road conditions to allow students to return to school yesterday, even though it was delayed. He noted that there had been a directive from the Governor for VDOT to do everything possible to get the students back to school. Mr. Brown reported that the transportation operations director from Nelson County Schools, Taylor Ashley, had been instrumental in providing information and fostering collaboration. He stated that the partnership had been productive and he praised those involved for their efforts.

Mr. Brown said that Nelson County’s primary headquarters had welcomed a new maintenance superintendent, Nelson native Jeremy Mays, and also announced the appointment of a new supervisor, Zach Gunter. Mr. Brown stated that he was pleased with filling these positions and said there would continue to

be great work coming from that area. Mr. Brown reported that the FY25 VDOT maintenance budget would remain lean until the end of June due to the additional costs incurred from tropical storm damages in Nelson County. He stated that safety-sensitive issues would be prioritized, but other projects would see delays until the new budget cycle begins on July 1, 2025.

Mr. Brown reported that there was additional flood damage to repair, as well as slope repairs on Route 151 toward 250, north of Bland Wade and across from Sunset. He noted that they would have contractors mobilize soon to fix the slope. He reported that the repairs had an estimated cost of \$700,000 to \$800,000. Mr. Brown stated that the repair was urgent and could not wait until the next fiscal year. He added that soil nailing would be implemented at the top and bottom to address the slope stabilization. Mr. Brown reported that temporary repairs had been made to structures on Rockfish River Road (Route 617) and Route 620, but full replacements were delayed until the next fiscal year due to funding constraints. He said delays would not pose significant issues and assured the Board that the roads were safe for use.

Mr. Brown stated that the focus for the remainder of the spring would be on low-cost maintenance activities that don't require purchasing a lot of materials, such as cutting brush and shoulders, building ditches, and running equipment. He said these tasks primarily involved fixed costs such as labor and equipment, allowing for continued progress despite budget limitations. Mr. Brown said VDOT still remained open to hearing about needs from the Board, noting that priority items would be addressed promptly and he would let them know if some requests had to wait.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford thanked Mr. Brown for getting him the information for Whippoorwill. Mr. Rutherford said he'd like to see an update for Warminster Road (645) in the Wingina area, noting that they had talked about putting it on the six-year plan. Dr. Ligon said they had already done part of it, and she recalled that it was near the top of the list. Mr. Brown noted he was unsure whether it was in the plan, or on the unpaved roads list. Mr. Rutherford asked Mr. Brown for a copy of the list, as some residents there had reached out to him. Ms. McGarry said she would provide it for him.

Mr. Rutherford reported that the Eddie Embrey Bridge at Route 6 and Route 29 North, there was a fairly sizable pothole, and a constituent told him they had gotten a flat tire because of it. He also asked Parks and Recreation Director Jerry West about the right-of-way at the canoe/kayak put-in and whether he needed anything else from VDOT. Mr. West responded that this was already in progress, and he had communicated with Daniel Brown the previous day. He confirmed for Mr. Brown that they were collaborating to get that resolved.

Mr. Parr:

Mr. Parr asked Mr. Brown if he had received his message a few weeks ago about that sign that was knocked down at 151/Avon and old 151 Route 6, as it looks like it got knocked off by a truck and was sitting in the grass on the other side of the guardrail. Mr. Parr indicated that it was the sign that said no big trucks. Mr. Brown indicated that they would get it taken care. Mr. Parr also asked about the guardrail at NEMS.

Ms. McGarry said that Mr. Brown could speak to that, but she had circulated the 2018 study that was done and the results from that.

Mr. Brown commented that nothing had changed since 2018, and he had sent Ms. McGarry some information that morning. He said that guardrails serve to protect motorists from hazards, not to protect private property, and people often misunderstand its purpose. He said he frequently received requests from people wanting guardrail for their property; it is not for houses but for motorists, and there are specific criteria for its installation. He said the location in question did not meet the necessary warrants for guardrail. Mr. Brown stated that installing unwarranted guardrail creates a fixed object, causing damage and injury. He said that if guardrail were installed where it was not warranted, it would add a hazard to the road, and this was why careful consideration was given to its placement. Mr. Brown said he had asked for another review but did not expect changes from the 2018 findings. He suggested that the County contact Makco company in Charlottesville, as they might install guardrail at the bottom of the hill in front of the building, which would be a parallel installation. He said they may do this pro bono, as they had done so in other cases such as churches. Mr. Brown stated that he did not think VDOT could do it, because it was not warranted and it would create a fixed object.

Mr. Parr thanked Mr. Brown and also recognized his recent positive staffing changes at the VDOT Headquarters in Bryant.

Dr. Ligon:

Dr. Ligon had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

B. 2026 General Reassessment – Gary Eanes

Mr. Gary Eanes of Wampler-Eanes Appraisal Group said that it was time again for the general reassessment, which Nelson County conducts every four (4) years. He stated that these reassessments are mandated by the state of Virginia, not by the Board of Supervisors or the Commissioner of Revenue's office. He said the state requires a reassessment every six (6) years, but recommended a four (4) year cycle.

Mr. Eanes stated that this was not a decision made by the Board of Supervisors, but rather a requirement under the Code of Virginia. He said this was the fourth time Wampler-Eanes Appraisal Group had conducted Nelson County's reassessment. He stated that his company had observed both lean and prosperous times in the real estate market and remarked that the market was still strong. He said the company had completed 162 reassessments across 54 localities in Virginia and North Carolina, covering about 2.7 million properties. Mr. Eanes stated that in December, Wampler-Eanes Appraisal Group had merged with Vision Government Solutions, a national company. He said this merger provided additional resources and strengthened both companies. He stated that the same group of employees from Wampler was working on the project without adding other individuals.

Mr. Eanes said that counties with populations under 50,000, such as Nelson County, could take as long as six years between reassessments, but others such as Roanoke County or the City of Lynchburg, reassessed annually. He stated that reassessment could also be triggered if a County's ratio dropped below 70%, which would reflect underestimation of values. He said Nelson County's properties were currently below this ratio, indicating increased values since the last reassessment.

Mr. Eanes explained that the reassessment process began by analyzing sales of vacant land and buildings in Nelson County, and he had provided a book of sales records Ms. McGarry for review, and his firm would keep these up throughout the process and would continue studying the housing market until the fall of 2025. He stated that notices would be sent out by November or December of this year and that reassessments would take effect in 2026, with hearings this fall to address citizens' concerns.

Mr. Eanes stated that the appraisers were currently studying the market without any preconceived ideas. He said there were five appraisers working across different areas of the County—including one in the Wintergreen/ Stoney Creek area, one in Afton, one at North Route 29 over to Schuyler, another one on South Route 29 going toward Montebello, and one in the Gladstone area. He concluded his presentation and asked if there were any questions.

Mr. Rutherford asked if Wampler represented other counties in the area currently. Mr. Eanes responded that the closest was probably Prince Edward County. Mr. Rutherford said he was curious about trends on a regional basis.

Mr. Eanes replied that it's all over the map, and notices for Alleghany County would go out this week—and while they have experienced a 50% increase in property values, that represented a six-year cycle. He also noted that Dinwiddie County had a 45% increase, and the real estate market is a good place to invest but perhaps not so good when it comes to paying taxes on it.

Mr. Eanes explained that reassessment was only part of the process; budgeting was the other part of it, and the Board would be looking at the tax rate once the reassessments were complete. He said that if property values went up 40%, for example, that didn't automatically mean taxpayers would be paying 40 percent more.

Dr. Ligon said that one of her constituents ran an assessor off of his property, and she asked how Wampler was educating their people on communicating who they are and why they are there.

Mr. Eanes pointed out that their employees have County IDs and their cars are marked "County Reassessment," as well as them wearing yellow vests that say "Real Estate Assessor" on the back. He said they do represent the County but they are contractors, and as soon as they walk onto a property, landowners associate them with a tax increase and consider them guilty. He stated that the contract with Nelson says they have to go on every property, but they do not climb gates or traverse barriers, and they also use aerial

photography. Mr. Eanes said they have to make an attempt to look at property, and it was only fair that they appraise what they see, so if property owners ask them to leave, employees are trained to apologize and leave the property—but people still get a fair assessment.

Dr. Ligon asked how long they were visiting properties for the reassessment process. Mr. Eanes responded that it would be a year, and they’re not remeasuring every house but instead walking around and looking at conditions and any changes made to the property, such as new decks, as well as structures like sheds that may have been torn down.

Mr. Rutherford suggested that interactions with the Sheriff’s department may help with their interactions, as they could help advertise on their social media. Mr. Eanes agreed and said that a lot of counties have a link directly from their website.

Mr. Parr asked how assessors deal with canine incidents on property. Mr. Eanes responded that they usually blow the horn to see if someone comes out to greet them, but they will not get out of the car if the situation looks dangerous.

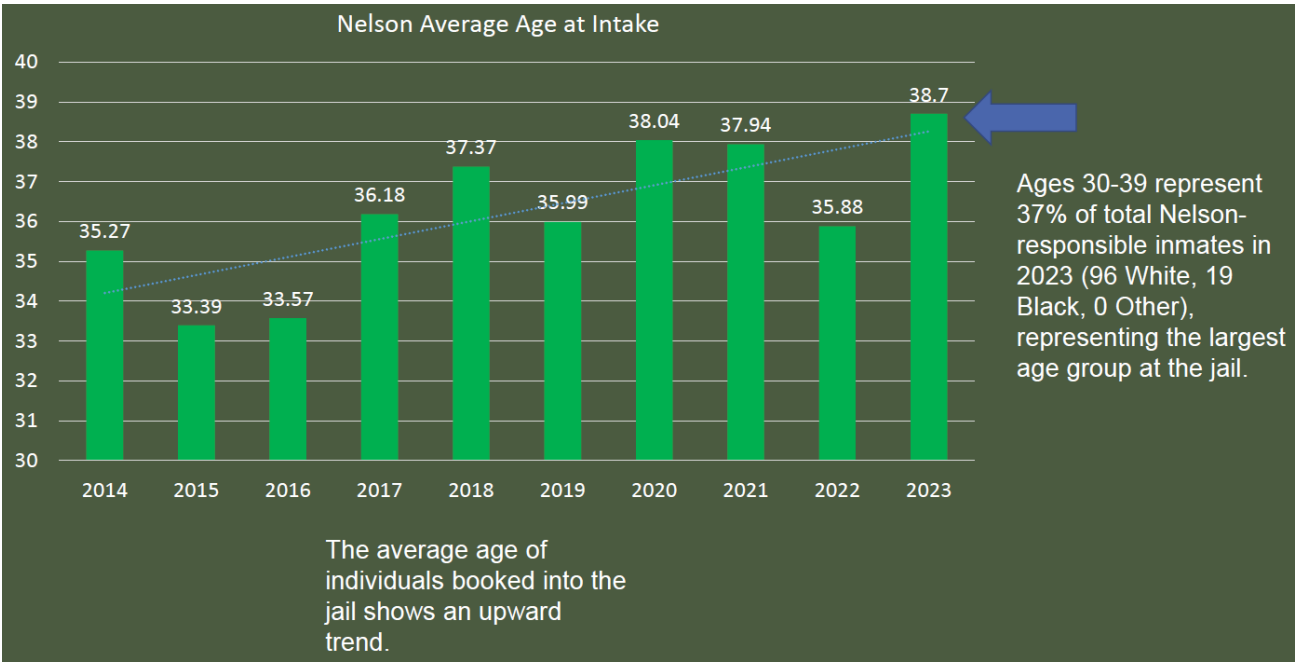
C. Nelson County Jail Utilization Report – Matthew Vitale, OAR

Mr. Matthew Vitale from Offender Aid and Restoration (OAR), representing Jefferson Area Community Corrections, addressed the Board and stated that he would provide a PowerPoint presentation.

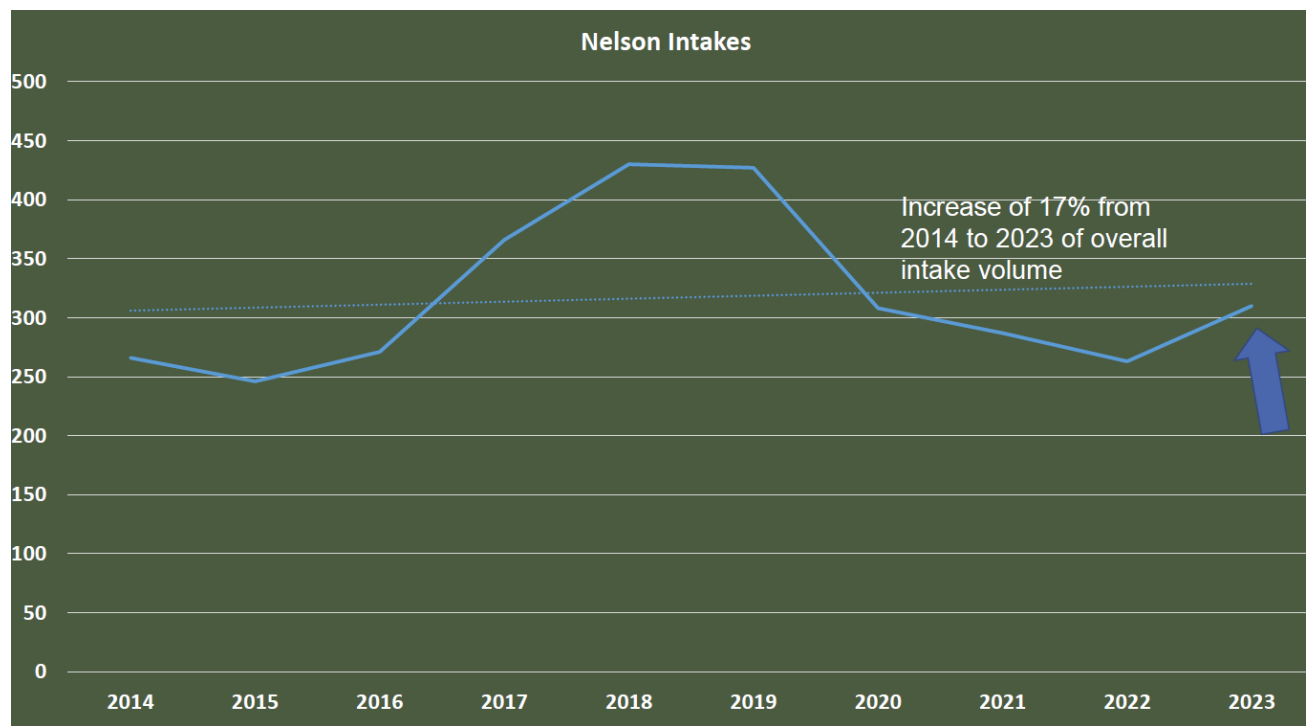
Mr. Vitale stated that the report spans 2014 through 2023, providing a clear view of 10-year trends. He said that the report consisted of six (6) parts and mentioned he had sent it to the participants, noting that they might not cover all sections but he would focus on highlights. He stated that the COVID-19 pandemic significantly impacted some charts and emphasized that reported crime incidents, sourced from the National Incident-Based Reporting System, increased by 25% in Nelson County, with the largest reported increase occurring in the crimes against persons category, which were assault-type charges.

Mr. Vitale stated that bookings of Nelson-responsible inmates increased by 17% between 2014 and 2023, despite population estimates declining, and added that individuals serving weekend sentences had been removed due to the jail management system’s tendency to double-count weekend bookings and releases, affecting only 178 individuals in the past decade. He stated that he represents the Jefferson Area Community Criminal Justice Board and succeeded Neil Goodloe, who retired in 2023.

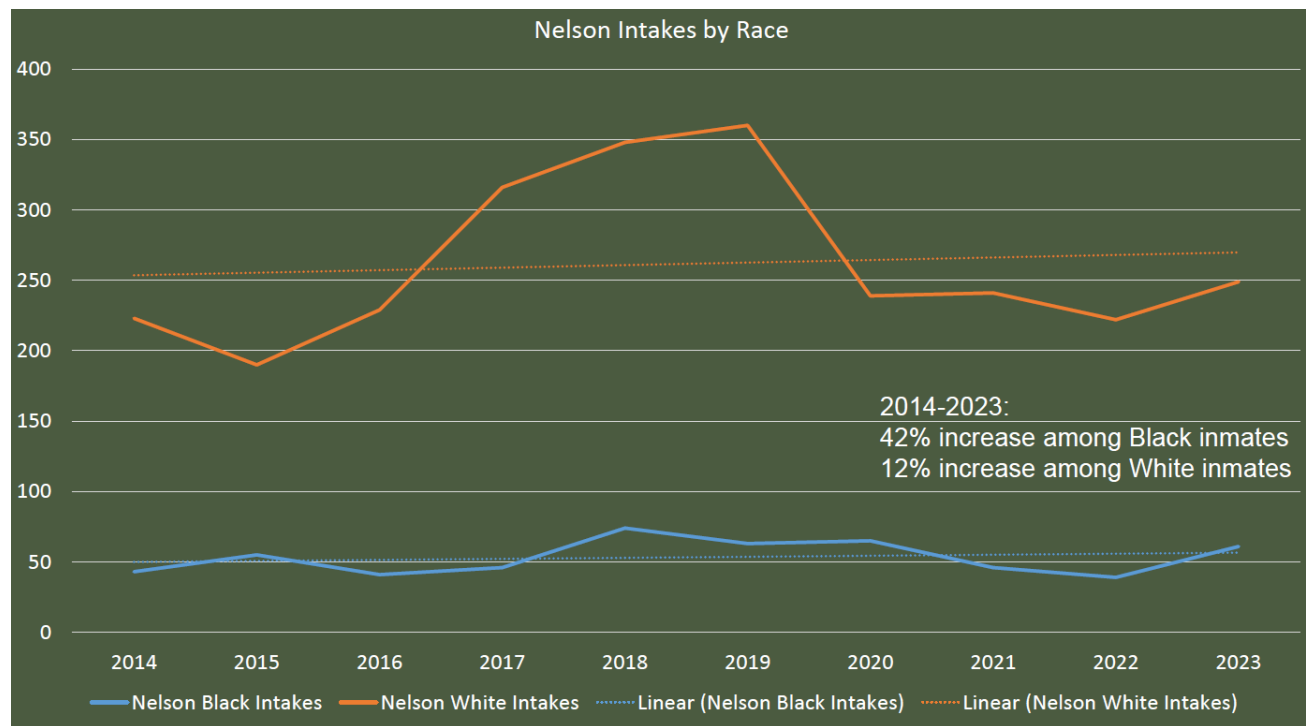
He said the overall intake rate was 21 per 1,000 individuals and noted the average age of inmates entering the jail had risen, correlating to demographic shifts in the Jefferson region, with fewer 18-29 year-olds and more 30-40 year-olds. Mr. Vitale stated that the average inmate age was now 38.7 years, explaining this demographic change while referencing various slides.



He said the number of intakes increased 17% from 2014 to 2023, and the average age fluctuated over the years.

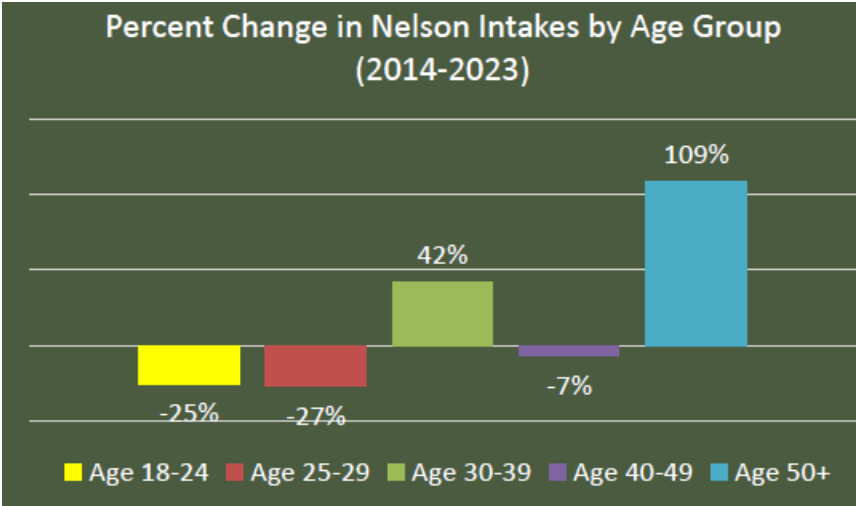


He clarified that the average referred to mathematical mean and stated that intakes by race revealed a 42% increase in black inmates booked, with a spike from 2016 to 2020 and a decline during COVID-19.

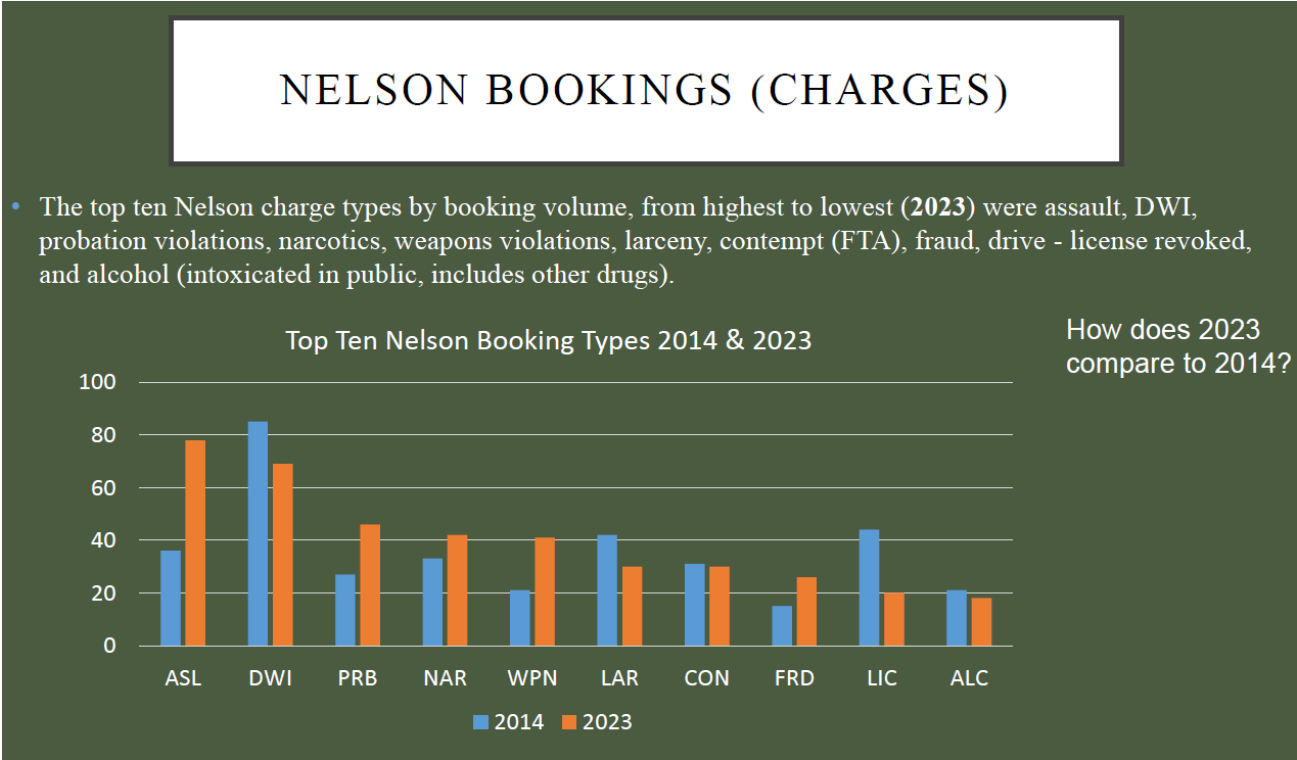


Mr. Vitale stated that population and jail intake demographics showed minimal differences compared to other localities, noting that in 2023, there were 310 jail intakes, including 61 black and 249 white individuals, with Hispanic individuals categorized under white due to jail management limitations. He said black individuals were 1.93 times more likely to be booked compared to white individuals, a lower likelihood ratio than the national average. He stated that the data lacked context on criminal history and the severity of crimes committed, which could be explored further.

He reported that female inmates increased by 100% but clarified that the total number was just above 50 in 2023. Mr. Vitale stated that younger individuals entering the jail decreased, with the 18-24 age group declining by 25% and the 50-plus age group increasing by 109%. He said diversion programs, increased mental health and substance abuse treatments, and specialty dockets might have contributed to this shift.



Mr. Vitale outlined trends in charge types, stating that narcotics bookings in 2023 represented 11% of total annual bookings. He said Virginia’s incarceration rate was 679 per 100,000 people, above the national rate and far above the U.K. rate. He stated felony bookings increased by 65% since 2014, while misdemeanor bookings decreased by 6%, noting this shift toward more serious crimes entering the system. He said assault charges in 2023 doubled compared to 2014, and DWIs declined by 19%.



Mr. Vitale said probation violations rose 70%, and assault charges increased by 117%.

- 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%

He stated that in 2023, 41 weapons charges were associated with 18 individuals, indicating some received multiple charges. He said the average length of stay rose during COVID-19 and has since begun to decrease, although data can be skewed by long stays among certain demographics. He stated that bed day expenditures increased by 34%, with specific demographic changes in usage, including a 62% decline among the 18-24 age group and increases among 30-39 and 50-plus age groups.

Mr. Vitale said most bed days in 2023 were used by male inmates, with 46% used by the 30-39 cohort. He noted that the number of bed days for 18-24 age group had decreased significantly. He stated the use of home electronic incarceration (HEI), such as ankle monitors, increased during COVID-19 and continued afterward due to favorable outcomes, including a 12.2% lower return to custody rate compared to traditional custody. He stated that HEI reduced costs on the jail for individuals who have a high level of medical care as they could receive that care while at home. Mr. Vitale stated that studies showed black individuals on HEI experienced a 19.35% reduction in return to custody rates, and the top HEI charges included DUIs, probation violations, and drug possession. He concluded with potential next steps and a list of sources used in the report.

The Board had no questions for Mr. Vitale.

VI. NEW & UNFINISHED BUSINESS

A. Ambulance Transport Billing Rates (R2025-05)

Ms. McGarry reported that the Board had asked for a review of ambulance transport rates and requested a presentation on it. She stated that the authorizing statutes included Code of Virginia 32.1-111.14 and 38.2-347.9, as well as the 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.

Ms. McGarry said that the current ambulance transport rates, which have been in effect since March 22, 2012, reflect a basic life support rate of \$470 per trip, advanced life support 1 of \$550, and advanced life support 2 of \$775.

**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

She also said that mileage at all service levels was \$13 per loaded mile. She stated that they had received the updated 2025 Medicare rate analysis from the County’s billing company, EMS/MC, along with some recommendations. Ms. McGarry said that a chart was included to show the 2025 Medicare allowable charges for a rural area compared to the current charges. She further stated that the chart illustrated the recommended

rates at 150%, 200%, and a mid-range of 170% of the Medicare allowable. Finally, she said that there was a significant difference in these values because the rates had not been changed since 2012.

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

Prepared by: EMSIMC

Dr. Ligon asked what the standard was for Virginia. Ms. McGarry responded that it was up to each locality, and she provided some comparison information for some that use the same billing company. She stated that the billing company provided estimates of annual revenue gains based on rate increase options for 150% of the Medicare allowable. She stated that at a 60% confidence collection rate, the estimate showed around \$30,000 in new revenue, while an 80% collection rate could reach approximately \$40,000. She said that for a 170% Medicare allowable rate, a 60% collection rate would likely bring \$48,000, whereas an 80% rate could provide \$63,000. Ms. McGarry reported that at 200% of the Medicare allowable, the projections indicated \$74,000 for a 60% collection rate and nearly \$99,000 for an 80% rate.

Ms. McGarry shared statistics from January 2024 through September 2024, which revealed net collection rates ranging from 63.2% to 92.6%, noting that payment collections typically took about 90 days from the date of service to realize collection. Ms. McGarry pointed out that in the FY25 budget, the transport billing revenue had been budgeted at \$781,000, which helped offset budgeted EMS council expenditures of \$628,279 for volunteer fire and EMS agency contributions and \$1.6 million for career EMS expenditures.

Ms. McGarry referenced a chart showing EMS/MC billing agency rates compared Nelson County. She noted that the chart included rates for Appomattox County, Greene County, and Washington Volunteer. She added that it remained unclear what level of Medicare allowable these rates represented, as the timing of their most recent rate increases was unknown.

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

Ms. McGarry reported that under their transport billing collection policy, no one would ever be denied necessary medical transport services due to either the inability to pay or lack of insurance. She stated that if a person was not covered by insurance, billing to the consumer occurred within 30 days of the date of service. Ms. McGarry said that the billing company sent past due notices after 30 days, 60 days, and 90 days overdue. She stated that after 120 days, the account was considered uncollectible and was written off. She said that financial hardship waivers were available, and the established financial hardship waiver of fees guidelines were used to evaluate such requests, with Nelson using 200% of the U.S. Department of Health and Human Services federal poverty levels table.

Ms. McGarry reported that the billing company was authorized to establish payment plans of \$50 a month, with a minimum monthly payment of \$25 per month. She stated that the County up to this point had only authorized soft billing up to this point, and no debt collection agency recovery was authorized without express authorization from the County Administrator or their designee. She stated that the 2024 200% of federal poverty level table included the number of persons in the household along with the 200% threshold.

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</u> <u>or Household</u>	<u>2024</u> <u>200% of Federal Poverty</u> <u>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	

She said that beyond eight people, the guideline added an additional \$10,760 for each additional person. She stated that the applicant or responsible party submitting a financial hardship waiver request form qualified for a 100% waiver fee after insurance if the guidelines were met.

Ms. McGarry provided statistics from January 2024 through December 2024, as included in their packets, which showed a total trip count of 1,348, with gross charges of \$1.2 million. She stated that contract allowance amounts deducted were \$349,478, and net charges after those contracted allowances totaled \$912,037. She said that revenue adjustments amounted to \$32.99, and total payments received were \$544,425. She stated that write-offs amounted to only \$21,000, refunds were \$518, and the accounts receivable balance due totaled \$347,000. She said the net collection percentage was 59.6%, and the billing company retained 5.29% of the receipts as payment for their services.

Ms. McGarry stated that from January 2024 to September 2024, net collection rates ranged from 63.2% to 92.6%, and payment collection took about 90 days from the service date. She said the patient data transfer issue had negatively impacted these statistics but would reverse and positively affect them once payments entered the collection cycle. She said that 86% of transport payments came from private insurance, Medicare, or Medicaid, and 14% came from individuals and other sources. She said that statistics showed primary payer mix percentages, with Medicare paying for 30% of trips, Medicare Advantage for 27%, insurance for 11%, Medicaid for 1%, Medicaid MCO for 17%, patient-paid for 13%, and other government payers for 1%.

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%

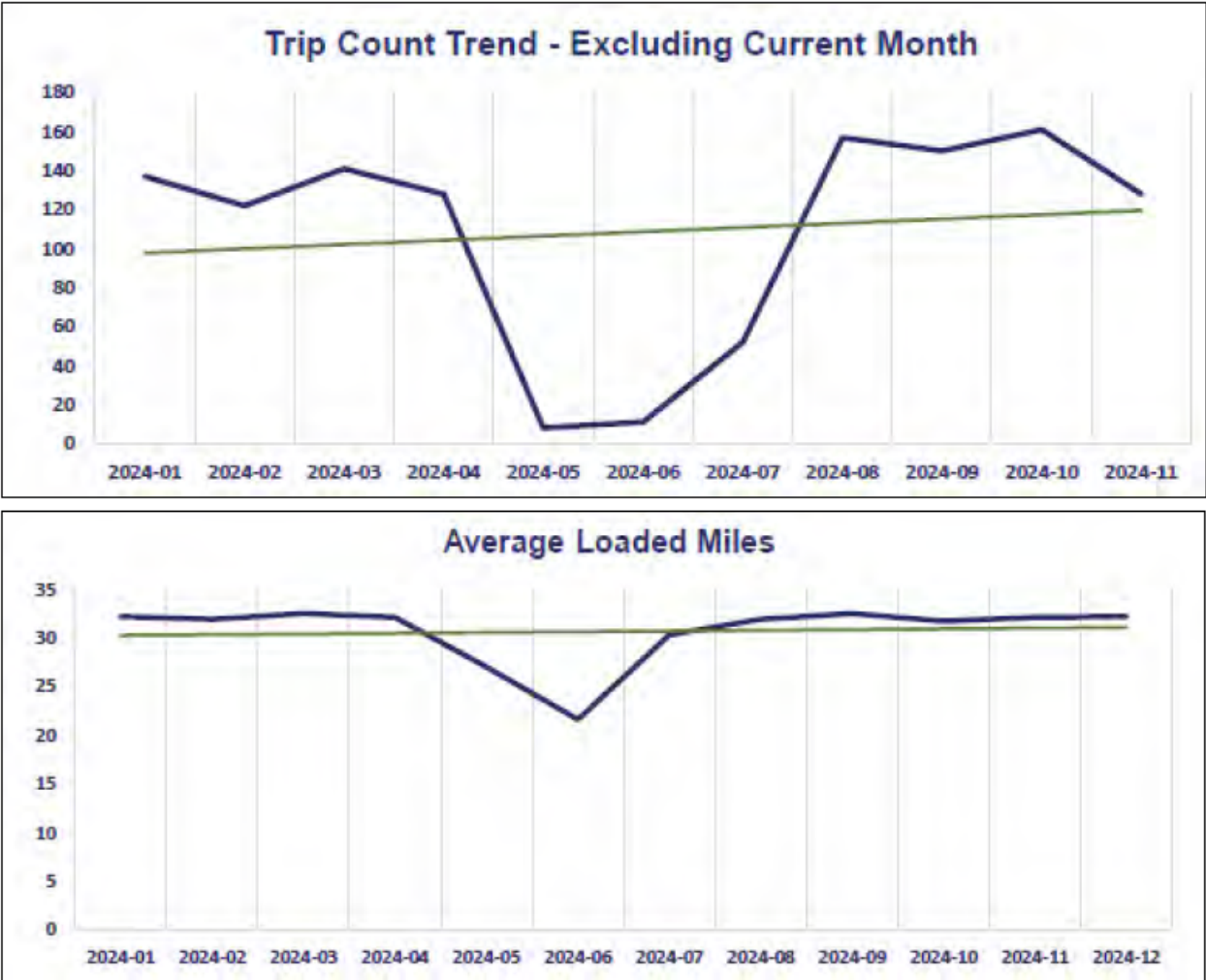
Net Collection Percentages
6-12 Month Mature Average

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

Ms. McGarry stated that the graphics shown illustrated the dip in data service and the number of trips, attributing the dip to issues with billing company data downloads. She said that this issue was being resolved and predicted an uptick in payments received over the next few months.

January 2024 - December 2024
Date of Service Statistics



Ms. McGarry said staff would request that the Board consider a rate increase option of either 150% of the Medicare allowable or 170% of the Medicare allowable, rounded to the nearest dollar and effective January 1. She stated that if they would like to make a rate change, they could adopt Resolution R2025-05. She said they had included two options in the resolution, so they would need to choose either option A or B—with Option A being 150% of Medicare allowable and Option B being 107% of Medicare allowable.

Dr. Ligon said this had been a long time coming, and she supported going to the 170%.

Ms. McGarry said they could also consider the 200%; staff just didn’t include that as an option in this presentation. Dr. Ligon suggested that they revisit the rates every year or two. Mr. Rutherford said he felt that would be a healthy practice, noting that there were many things like this in the County that were one-offs, and this was something that probably needed to be revisited often. He said they have talked about this just about every budget, but this did not necessarily have to be part of the budget process. He said they are providing more services in general. He emphasized that with the light mechanism of billing, if people could not afford it, there were metrics included for the bills to be forgiven. He noted that this was not going to show up in their credit report if they cannot pay it. He added that insurance companies already have this built into their algorithm, so this was not necessarily a fee increase on the person. He said he would support the 170%. Mr. Reed and Mr. Parr agreed, and Mr. Reed asked for a motion on this item.

Dr. Ligon moved to adopt **Resolution R2025-05** with the 170% increase. Mr. Reed noted that this would be Option B as presented. Mr. Parr seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**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.

<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.

Ms. McGarry mentioned that Nelson County’s policy as a benefit for volunteers that are members of the County’s EMS system, or their immediate family members who live in the same household, receive an administrative write-off of the amount due after insurance is billed for services received.

Dr. Ligon asked when the last time was that the County shopped around other companies that provide this service and checked rates to make sure they are comparable, as well as equal quality.

Ms. McGarry responded that they had started out with a company out of Virginia Beach when first starting the program and then went to EMS/MC, but it had been a while since they had done an RFP for these services. She said it was something staff could look into if the Board were interested, noting that the current company had been good to work with thus far.

Dr. Ligon commented that sometimes thing get cheaper as they become digitized.

B. Rockfish Valley Community Center Funding Request

Ms. McGarry stated that RVCC was developing two (2) dedicated pickleball courts on their campus as well as the completion of their partially built 0.3-mile walking and exercise path encircling the recreation fields. She noted that RVCC had stated that the project would enhance recreational and physical fitness opportunities for all County residents and they were requesting a contribution from the Board in the amount of \$25,000 to complete their fundraising effort. She said the completed walking path would include a multifunction exercise station, enabling the community to focus on both cardio and strength conditioning.

Ms. McGarry stated that the path would also serve others by providing a safe, car-free venue for activities such as running, rollerblading, biking, longboarding, scooter riding, and kids' ride-on cars. She said the project budget demonstrated that pledges totaling over \$55,000 had been received from organizations. She further stated that, in addition to this fundraising, they launched a direct appeal campaign in October targeting their membership and local residents with the goal of raising \$50,000 from that effort. She said that as of the writing of their request, they had raised \$33,000.

Ms. McGarry said that RVCC is requesting a \$25,000 contribution to enhance the project, which would provide the amount needed to cover all expenditures related to the pickleball courts and the path project.

Mr. Stu Mills of RVCC was present. He expressed his appreciation to the Board for their consideration of entering into a quasi-NGO government collaboration that had been discussed previously between County government and the local community centers, including RVCC. He said pickleball had recently gained significant attention, noting that he was not yet old enough to play but was considering taking it up. He stated that there was substantial interest among members and the community in developing facilities for pickleball, and Ken Schultz, a member of their board and a representative of the Nelson County Pickleball Association, was present and could address any questions about the sport's growth.

Mr. Mills stated that while pickleball was important, completing their walking path was equally significant. He stated that currently, there was no uninterrupted paved walking path in Nelson where pedestrians could walk safely without avoiding cars. Mr. Mills said they hoped to complete the loop around the entire recreational field to enable circuit training rather than linear training. He stated that the first half of the walking path was almost incidental, added as part of their skate park expansion project a few years prior, and it had since become highly utilized. Mr. Mills said they aimed to finish the path and noted the fundraising efforts for the project had been successful.

Mr. Mills said they had raised \$35,000 of their \$50,000 target from individuals and local businesses, though they still needed support to reach their goal. He stated that this process had been challenging because they tried not to let project-specific fundraising interfere with their annual campaigns, but timing made that impossible this time. Mr. Mills said this recreational project was among their largest undertakings, with costs exceeding six figures, making it only the third of its kind in their history. He stated that they were competing with themselves to obtain the necessary funds. He said they appreciated the Board's consideration and remarked that any contribution would help. Mr. Mills stated that a \$25,000 contribution from the County would put them over the top and allow them to meet their goal.

Mr. Rutherford asked if their target was \$50,000 total. Mr. Mills responded that the \$50,000 target was from individual contributions, and they were requesting \$25,000 on top of that. He said they had received \$55,000 from foundations and businesses, but they had exhausted their foundation resources now. He noted that they are at a total right now of committed funds of \$90,000 and they had a grant from the Perry Foundation of \$30,000, and as of today, they had matched it dollar for dollar and were guaranteed those funds.

Dr. Ligon commented that she grew up playing soccer when Rockfish was just an abandoned soccer field that they just kept mowing. She said she drove past there every day and it made her happy, and she was happy to support this, as this was a true community center.

Mr. Reed agreed, stating that RVCC was near and dear to his heart for a lot of reasons. He said that their support of community centers was paramount for a healthy and vibrant community.

Mr. Mills said that they are truly pleased with the collaboration with Jerry West, Director of Nelson County Parks and Recreation, and have a great relationship with the department overall. He added that they may even be having lacrosse played at RVCC soon.

Ms. McGarry noted that in terms of where these funds might come from, the County has some forest sustainability fund monies on hand, which come from the state and assist localities with providing a portion of foregone revenue that's due to forest use value taxation. She said these funds must be used for solely public education generally or for projects related to outdoor recreation or forest conservation, and these funds would be appropriate to use in this case if the Board were so inclined to do that.

Dr. Ligon asked how much was available. Ms. McGarry confirmed that they had \$41,389 in hand and just yesterday, they had received \$95,321, for a total of \$136,710. She said if they devoted this \$25,000, they'd have a balance of \$111,710.

Mr. Parr moved to approve the allocation of \$25,000 to the Rockfish Valley Community Center. Dr. Ligon seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry provided the following report:

A. DSS Building: The underground storage tank has been removed and the associated testing showed no adverse environmental impacts; closing on the property purchase is being finalized by the County Attorney. PMA is working on the building construction design documents and furniture sampling with DSS staff. Timmons, the geotechnical subcontractor, has submitted both the stormwater management plan to DEQ, and the major site plan for review by County Planning and Zoning, Building Inspections, VDH, VDOT, and DEQ. Finance and Administration staff are working with PMA and Davenport to develop an integrated timeline of construction and permanent financing for the project.

B. Region 2000 Solid Waste Authority: The Region 2000 landfill expansion rezoning and special use permit application was denied on a 4-3 vote by the Campbell County Board of Supervisors on January 7, 2025. Staff will begin looking at the feasibility of other disposal options for when the landfill is anticipated to reach capacity in 2028/2029.

Mr. Rutherford asked if this would go to RFP. Ms. McGarry responded that this would probably be the best approach.

C. FY26 Budget: Staff is collecting departmental capital improvement plan (CIP) requests and entering submitted departmental budget data with a draft preliminary budget calendar forthcoming. Staff's goal is to begin work sessions in late January, with the review of FY26 CIP requests to be considered as they are building the general fund budget. A challenge in budgeting FY26 real estate revenues will be estimating CY25 real estate values and CY26 (including reassessment values) because FY26 will be based upon half of CY25 and half of CY26. A preliminary budget calendar is forthcoming so the Board could start thinking about budget work sessions.

D. General Assembly 2025 Session Dates:

- January 17th – Final bill introduction deadline
- February 2nd – House and Senate money committees release their budget amendments
- February 4th – “Crossover Day” deadline for bills to be considered in their originating chambers
- February 6th – Deadline for each chamber to complete budget bills
- February 12th – Deadline for each chamber to complete consideration of the other chamber's budget and revenue bills
- February 17th – Deadline for committee action on legislation by midnight
- February 22nd – Scheduled adjournment
- April 12th – Reconvened session for Governor's amendments and vetoes VACo Summary of Governor's proposed amendments to 2024-2026 biennium budget

Ms. McGarry stated that she also provided the VACo summary in their packets, which included a summary of the governor's proposed amendments to the 24-26 biennium budget. and it was rather lengthy.

E. Dog Licenses: The FY24 cost of issuing dog/kennel licenses was \$2,614, not including the unknown postage costs to mail a tag/license back to the citizen. Revenues collected were \$14,821 for an approximate net gain of \$12,207. As of November 2024, 564 annual licenses, Sixteen 10-dog kennel licenses, Six 20-dog kennel licenses, and three 50-dog kennel licenses have been sold. Additionally, 1,039 lifetime licenses have been sold since its implementation on July 13, 2021. State code requires dog licensing and imposing a fee for such licensing in the sections below, which is incorporated into the Code of Nelson County, Chapter 3 Animals, Article II Dogs and Cats Sec. 3-26 and Sec. 3-28.

§ 3.2-6524. Unlicensed dogs prohibited; ordinances for licensing cats.

- Under Virginia Code §3.2-6524, it shall be unlawful for any person other than a releasing agency that has registered as such annually with local animal control to own a dog four months old or older in the Commonwealth unless such dog is licensed, as required by the provisions of this article.

- Under Virginia Code §3.2-6528, the governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction.

F. FEMA/Virginia Department of Emergency Management Grant Award: Ms. McGarry congratulated John Adkins on his submittal of a successful grant application and thanked all the volunteer fire EMS agencies that worked with Mr. Adkins on the application. The County has been awarded a \$275,100 grant to provide backup generators at seven local fire and EMS locations, which are designated as emergency shelters in the County's Emergency Operations Plan: Montebello Fire Department, Nelson EMS (NEMS building on 29), Roseland Rescue Squad, Piney River Volunteer Fire Department, Faber Volunteer Fire Department, Lovingson Volunteer Fire Department, and Rockfish Valley Volunteer Fire Department. The grant funds are comprised of \$209,600 federal, \$52,400 state, \$13,100 local (in-kind and/or cash match). The County intends to meet its match obligation through in-kind services provided by County staff in implementing the project. The period of project performance expires on March 11, 2026, and there will be a grant kickoff meeting with a VDEM representative within the next week or so.

G. Schuyler Boat Take Out: Jerry West is working with VDOT staff and the property owner to finalize and submit the required land use permit to VDOT. The property owner must be the permit applicant and County Parks and Recreation can be their agent in the application process.

H. Guardrail Request at NEMS Building: A request for installation of guardrail on Route 29 beside the Nelson EMS (NEMS) building was made to VDOT following the December Board meeting; a response is pending.

I. Meals and Lodging Tax Collection & Lodging Entity Tracking: As shown in the charts provided, the number of lodging units increased from 802 to 806 since the last report.

J. Staff Reports: Department and office reports for December/January have been provided.

Mr. Parr asked if the generators were replacing existing generators. Ms. McGarry confirmed that they were. Mr. Rutherford asked if they would be selling the old ones. Ms. McGarry responded that they could look into doing that, as most of them are still functional. She said they have used govdeals in the past, which is an online auction. Mr. Rutherford asked if they could join the sheriff's office in their sales to expand the audience. Ms. McGarry responded that they could.

Ms. McGarry also personally recognized Linda Staton for her service to the County for many years and congratulated her on her retirement.

Ms. McGarry informed the Board that she had just heard from Stephen Steele at CHA, with a request broken down into two different areas: Dillard Creek Water Source Evaluation; for about \$15,000, Mr. Steele would use the U.S. Geologic Survey flow gauge data and historical drought data to determine existing flows in Dillard Creek. She said this would determine how much water could be taken from the creek, and they would also evaluate permitting requirements associated with withdrawing water from the creek. She said a summary of all findings and an estimated cost of developing a creek withdrawal system would be prepared, and they would present the findings to the Board of Supervisors.

Ms. McGarry said that secondly, they would perform a Phase I well evaluation for a cost of \$18,000, which would be subsurface investigations that would allow them to map the geologic conditions on the Larkin property. She said the information would be utilized to identify favorable well sites based on geologic conditions, and they would prepare a proposed well site drawing and provide estimate costs to drill test wells and perform draw-down tests to determine how much water can be withdrawn from the wells. Ms. McGarry noted that she had just received the information earlier that day.

Mr. Rutherford asked for confirmation of the amounts. Ms. McGarry responded that it was \$15,000 and \$18,000, for a total of \$33,000.

Mr. Rutherford said that doing an evaluation is one thing—but drilling a well and doing a draw-down test did not cost \$18,000. He said he would like to know how many wells were included in the \$18,000 price, as he did not think wells should cost more than \$6,000–\$7,000 each.

Ms. McGarry noted that it said “test wells,” plural. She said her understanding was that a good portion of it was the subsurface investigation using resistivity testing. She commented that one benefit may be that they could overlay the mapped out preferable well locations with the Larkin site map for the recreation areas.

Dr. Ligon said these wells were ultimately for the Service Authority, and she asked what permits and information would be required. She asked if they were to call a well driller on their own, whether they would be able to collect the information needed to push forward with whatever the Service Authority needs to actually use this situation. Ms. McGarry responded that she was not sure it would involve the Service Authority unless it was going to be connected to their system.

Dr. Ligon recalled that the whole point of this was to determine whether they have enough water to develop Lovington and accomplish what they had previously discussed, and this was secondary to that report—so the Service Authority was involved.

Ms. McGarry said yes, if it was more than just looking at the water supply on the Larkin property, but she thought Mr. Steele's understanding was for it to be localized to that particular piece of property, maybe not necessarily the entire system. Dr. Ligon said she did not agree with that.

Mr. Reed stated that if it were going to be incorporated into the Service Authority, it would be a whole different valuation—not in terms of volume but in terms of responsibility and engineering. He commented that there would be more engineering than just would be required to do this. Mr. Reed noted that he would like to have more information on the well evaluation in regards to what they would be doing, and the information provided as a result. He said the water source evaluation is pretty clear in terms of flow projections and those kind of things, so he hoped they would get something similar for their money.

Dr. Ligon said that she needed more clarity, she commented that she thought they did the water study in terms of how much the Service Authority could handle providing—which transitioned into this next step, which is whether they can get water from this situation. She asked how those could not be connected.

Mr. Rutherford responded that they were interested in expansion, given Lovington's limitations. He said the Dillard Creek discussion addressed the retention aspect of the creek, then there were the well-drilling options, so this was just a compounding ask for expansion of Lovington's needs in light of its limited capacity.

Mr. Reed stated the options the Service Authority already has for increasing capacity outside of Dillard Creek is drilling more wells that would serve the current system, so there was certainly a relationship there but he did not see an issue or problem.

Dr. Ligon said the issue for her is they have two entities spending the same amount of money in two different locations, and it doesn't sound like they're talking to each other. She noted that her second issue is that if this is already going to the Service Authority to use and that's the path the County's going to take, she wondered if they were shooting themselves in the foot by not doing it with this engineer. Mr. Reed agreed that using CHA might be the best alternative.

Dr. Ligon agreed with Mr. Rutherford's point about this covering more than one well, adding that the Board didn't sound like they were on the same page with some of this.

Mr. Rutherford asked Mr. Reed what his last discussion was at the Service Authority related to Dillard Creek.

Mr. Reed said the only conclusion was that it's a possibility, and it would be great to have information about what the flow data would be since the Service Authority is responsible for providing the Lovington system. He said that historically, the Service Authority does not, in and of itself, provide the direction for what it's going to do in terms of expanding its capacity—the County does that, and then the Service Authority implements that or provides the water.

Mr. Rutherford said they've learned over the last several years that capacity is very much limited, and they are limited in certain things happening in Lovington unless capacity is changed—and Dillard Creek is a piece of that puzzle.

Mr. Reed said that having information allows them to chart a course, and they don't have a course pre-charted for this at all.

Dr. Ligon said it sounds like the people who have a path for more wells should come talk to the Board.

Mr. Reed emphasized that they are trying to get as much information as possible and he didn't see that trying to get information and having an agenda were the same thing, because they can't make a decision or have an agenda unless they have the information. He added that this would be valuable for anyone who's concerned about water resources in the County.

Dr. Ligon said it sounds like they were going to take it upon themselves to deal with the water on Larkin—to supply Larkin but not include the Service Authority.

Mr. Rutherford said he did not think they had the intention of not including the Service Authority, and there might be a breakdown in communication there. He asked what the interactions have been between the County and the Service Authority, whether it was related to the water retention or the wells. Ms. McGarry said it had been a while since there had been any communication as they had decided to work with CHA through the Service Authority's term contract to get more information about the water and sewer capacity.

Mr. Parr asked if this was the same guy they've been waiting to hear from for six months. Ms. McGarry confirmed that it was, and her whole reason to bring this up today, so she could get some direction from the Board. She said Mr. Steele could develop a more detailed proposal to bring back, and she was not necessarily asking for any decisions today.

Mr. Parr stated that it was at their July 9 Board meeting when they discussed this, and it sounds like they are ready to move forward with the Dillard Creek water source evaluation and need more information on the well evaluation. Ms. McGarry mentioned that there had been some issues with the company itself, including the loss of one of their primary engineers, so they have been slow getting back with information for the County.

Mr. Rutherford said an evaluation still makes sense, but he does think a stronger dialogue between the Service Authority and the Board would be helpful.

Mr. Parr stated that regardless of whether there was enough water on the property to service Lovington or the Service Authority in whatever capacity, there were still going to be water needs on the Larkin property. He said they had talked about the Dillard Creek water source evaluation and whether they could turn that into some sort of recreational use or not, as well as what's going on with well water and whether there's enough to send some to Lovington—but if not, they're still going to need it at Larkin.

Mr. Rutherford commented that he was fine moving forward with the evaluation and getting further details out of him for the well portion.

Ms. McGarry asked for confirmation that she could sign a more formal proposal for the Dillard Creek water source evaluation, and then just bring back the other phase one evaluation.

The Board agreed to move forward with the Dillard Creek water source evaluation for \$15,000. The matter as to the well evaluation on the Larkin property was tabled until more information is available about the well evaluation and after consultation with the Water Service Authority.

Mr. Reed suggested that perhaps a joint meeting would be a good idea if they felt there needed to be additional or enhanced communication.

2. Board Reports

Dr. Ligon:

Dr. Ligon reported that things are progressing with the Jail Board, and she was very impressed with the people who have been hired to find contractors. She said the timing was good, as they would be getting their financing around the same time they were financing the DSS building. She also noted that the amount they would be paying next year would be higher because their incarceration rate was higher.

Mr. Parr:

Mr. Parr reported that the EMS Council had not met in December but would be meeting the following week. Mr. Parr said that while they have heard a lot about the DSS building, he encouraged his fellow Board members to take a minute to thank DSS Director Brad Burdette and his staff for the work they do, as it can be emotionally strenuous. He said that Mr. Burdette has put together a great team that works well together.

Mr. Rutherford:

Mr. Rutherford reported that they had a chance to take a look at the property in question in Gladstone, which gave him an angle into Gladstone he had never seen.

Mr. Reed:

Mr. Reed reported the Service Authority met. He also reported that the Wintergreen Wastewater Plant was operational, and there would be something community wide to hang their hat on when the weather changed a bit. He noted that this would be the completion of a longstanding, costly, and important project.

B. Appointments

Thomas Jefferson Community Criminal Justice Board

Mr. Reed said they had two applicants for the Criminal Justice Board: Mark Stapleton and Steven Poff. Mr. Rutherford said that Mr. Poff was from Roanoke, and Mr. Stapleton has served on the Planning Commission and was a local resident. Mr. Rutherford moved to appoint Mark Stapleton to the CCJB position. Mr. Parr seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote.

C. Correspondence

Dr. Ligon said she was batting about 50% for people who want the solar project and those who do not, and that was the majority of the correspondence she had been getting over the last two weeks.

Mr. Rutherford concurred with this in terms of the solar farm correspondence he had been receiving. He also said that he had received communication about snow on the sidewalks, which is not a VDOT responsibility to clear. He stated that he is working with constituents to see if there's a community solution, and possibly a network of contractors who might be willing to shovel at a lower rate.

D. Directives

Mr. Rutherford said he has been interacting with AEP to get an idea of the cost of lighting coming up Main Street to Court Street, as that passageway gets really dark. He asked if the current lights on Main Street were County funded or resident specific. Ms. McGarry responded that the actual streetlights were County funded. Mr. Rutherford said he would connect once he heard back from AEP.

VIII. OTHER BUSINESS (AS PRESENTED)

There was no other business.

IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 4:15 p.m., Mr. Reed adjourned the meeting until 7:00 p.m.

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

I. CALL TO ORDER

Mr. Reed called the meeting to order at 7:00 p.m., with four (4) Supervisors present to establish a quorum and Mr. Harvey was absent.

II. PUBLIC COMMENTS

Mr. Reed read the guidelines for the public comment portion of the agenda and noted that Dr. Ligon would serve as timekeeper.

Denise Tusso, Afton, VA

Ms. Tusso said she learned that Savion has a good neighbor program that would provide rooftop solar systems to the two homeowners in the project area who request this system. She said the Virginia Solar Renewable Energy Credits for those rooftop installations would belong to the homeowners and not Savion, and the same is true for any rooftop solar installation in the County. She noted that the renewable energy credits belong to the system owner, which is normally the homeowner, and renewable energy credit pricing is related to the total amount of solar power generation in Virginia.

Ms. Tuso said that denying a large-scale solar installation in the County has no effect on the pricing of renewable energy credits because an equivalent solar installation is sure to occur in another county. She said that Savion has recently updated their site plan proposal with additional funds for the County of a total of \$20 million and also would award a \$10,000 scholarship every year to students from the Southern District of the County. She stated that Savion is doing their best to be a good neighbor and share as much of the project income as possible, and there are many ways the County could use the income from this project, such as more support for our schools or adding solar installations at the high school campus and other County buildings. She said that if approved, she hoped Nelson County and Savion would work together to make the project a showcase of best practices, especially for the stormwater controls, erosion management, and agrivoltaic possibilities.

Michael Tuso – Afton, Virginia

Mr. Tuso said at the December 10th public hearing for the large-scale solar project, several of the negative public comments included some incorrect claims, and he would present three of those. He said for the assertion that Savion solar panels made by a USA manufacturer for solar would poison the environment, the metal layer in these thin-fill panels is 1/30th the thickness of a human hair and is encapsulated by glass layers on both sides. He said the glass is so strong that running over a panel with a 50-ton compactor leaves the encapsulation intact. He stated that researchers at Virginia Tech published a report on these first solar panels and found that the panels are not toxic—even when damaged by hurricanes, tornadoes, or fires.

He said that second, regarding the claim that leaving the 500-acre site as a tree plantation is the best way to limit atmospheric CO₂ pollution, the purpose of the solar farm is to reduce CO₂ pollution by displacing fossil fuel energy. He said a 90-megawatt solar farm would produce about 200 gigawatt hours of energy per year with a CO₂ footprint, mostly from the panel manufacturing of about 5,000 tons per year. He stated that gas fire generation with the same energy production would have a CO₂ footprint of at least 100,000 tons per year—so the solar farm prevents 95,000 tons a year of CO₂ emissions that would have come from gas-fired power, compared to the 3,000 tons per year of CO₂ sequestered by a 500-acre pine forest. Mr. Tuso noted that solar power is going to keep 30 times as much CO₂ out of the atmosphere as that 500-acre forest.

Mr. Tuso said that regarding the third claim that approving the Savion project would automatically open the door for additional projects, the County's comprehensive plan and zoning ordinances are very clear: Every large-scale solar project has its own special use permit, and each project is evaluated only on its own merits, not the outcome of previous SUP requests. He said that one more claim made is that the total amount of solar needed in Virginia would cover 3,329 square miles; the best information he has found, which is from several sources, says they need about 16 gigawatts of solar in the next 20 to 30 years, which takes up about 251 square miles when figuring 10 acres per megawatt.

Mr. Tuso concluded by stating that he is fine with the Savion project, and the Gladstone location may be the only one that works. He concluded by stating that he hoped the Board would base its votes on facts and not incorrect information.

Ann Mische - Nellysford, Virginia

Ms. Ann Mische said she had spent her Christmas vacation researching solar farms and the needs for electricity in Virginia. She stated that after everything she had read and seen, she had decided that she could handle having a solar farm nearby, given its contributions to Virginia. Ms. Mische said Virginia was facing an energy crisis, as was much of America, and acknowledged that the demand for power was driven by modern conveniences like data processing and data farms.

She said that unless people were willing to give up essential technologies such as cell phones, online banking, and credit cards, the demand for energy would persist, leading to a power shortage. Ms. Mische said she viewed the solar farm as akin to a victory garden during wartime—while it would not solve the energy crisis, it would play an important role in addressing it. She said her research support that solar farms were environmentally neutral and would not cause runoff issues that concerned other residents.

Ms. Mische said the major flaw of solar farms was their appearance, but those things were subjective, and solar farms contributed to sustaining the lifestyles that society has deemed essential. Ms. Mische said she considered the solar farm realistic and important and encouraged her representative, Mr. Reed, to vote in favor of the proposal. She added that she spoke solely as an individual and not on behalf of any organization she was affiliated with.

Edward McCann – Massies Mill, Virginia

Mr. McCann said he appreciated the comments of several constituents from the County and their pro-advocacy for the solar farm, but he has also done some research and called Virginia Tech. He said he has talked with people associated with the biosystems engineering program at Virginia Tech and found it very interesting. He noted that some of the things he learned about agrivoltaics were not very positive.

He urged the Board to be careful in the decisions they make tonight, regardless of the opinion of some of the people who have spoken previously, and once this is approved, they've opened the door for any solar farm that wants to come into the County. He said although it may not ultimately hold up, it will bring litigation costs to the County, which he's not sure they were prepared for. He stated that many of his fellow Farm Bureau board members could not be here tonight because they had a very important Beef Cattle Producers Association meeting, but he shared their concerns also.

James Bibb – Arrington, Virginia

Mr. Bibb said he lives not too far from the project site and is on the Tye River. Mr. Bibb said that Savion wanted the Board to believe that by allowing them to build their industrial solar installations on forest lands in Gladstone, they would produce enough energy to power all of Nelson's homes—but they could not guarantee this. He stated that following the last meeting, a press release confirmed an approved data center project in Appomattox by Aveo Digital, with a supply of 500 megawatts of power from CVEC and its suppliers.

Mr. Bibb said it was reasonable to assume the electricity generated by Savion's proposal would be used in the data center, since its energy is sold back to providers where CVEC obtains its electricity. Mr. Bibb stated that 300 megawatts would be more than sufficient to power 100,000 homes, but the proposal would not meet the demand for the new data center. He said Richmond had 112,000 homes within its city limits, providing perspective on the scale of the demand.

Mr. Bibb stated that the press release about the data center approval was withheld from the public until after the previous Board meeting, which Savion hoped would result in an approval vote. He said it was probable that Savion had prior knowledge of the data center project and played a role in the timing of the release, as it was counterproductive to their consistent messaging. He stated Savion had hired lobbyists and influenced Virginia Senate and House legislators to vote in favor of legislation to create the Virginia Energy Facility Review Board, which would create an appeals process and possibly undermine the Board's authority.

Mr. Bibb stated this could lead to eminent domain, a power already present in many states. He said the Board should question the ethics of working with Savion, given their practices of undermining constitutional authority. He asked what other information Savion might be withholding. He stated that the Wild Rose project and other energy developments were linked to the data center issues causing burdens on Virginia utility customers. Mr. Bibb said Nelson County residents would not benefit from the Wild Rose project or the Appomattox data center. He stated utility bills would continue to rise as demand exceeded supply—and on a massive scale. He said that southern Nelson communities should not be responsible for any fallout from this project.

Mr. Bibb concluded by encouraging the Board to vote against the project and stated that Savion had no interest in the people, environment, or culture of Nelson County.

Mary Kathryn Allen – Gladstone, Virginia

Ms. Allen said she has never heard the word Gladstone mentioned so much as over the last three months. Ms. Allen said she lived within a mile of the proposed project and asked the Board to vote no. She stated that she had previously expressed her opposition, both during the Planning Commission discussions and in conversations with individual Board members. Ms. Allen said that any project requiring extensive work, favors, proffers, and promises would only be as trustworthy as the paper it was written on. She stated that her parents had always told her that if something was too good to believe, she could bet it was.

Ms. Allen said that this project was not what the County needed, nor what her home district needed. She stated that five years from now, she did not think people would not feel grateful if the project were approved, as it was unlikely Savion or Wild Rose would still own it. She said she believed the project would be sold and that the 90 megawatts produced would not significantly impact the Appomattox Data Center. Ms. Allen stated her firm opposition to this proposal, asking the Board to vote no and take her concerns into consideration. She said that individuals were welcome to install solar panels on their own homes but emphasized that she did not want the installations in her backyard.

Paul Davis – Nellysford, VA

Mr. Davis said that some of the concerns he had were ones that others had already spoken about. He stated that the data center was one of his worries, mentioning that he had attended the meeting in December and found it suspicious that certain details were omitted during the presentation. He said it felt strange that information about the project only surfaced the next day, raising his suspicions about the company. He stated that other people had voiced similar doubts and added that he was particularly concerned about potential litigation costs. He said these companies often have lobbyists and legal teams at their disposal, giving them the resources to advance their agendas. He stated that his experience with special use permits made him skeptical of the County's enforcement capabilities. He said that individuals often had to uncover violations themselves because enforcement mechanisms were weak.

Mr. Davis said that he had observed companies offering money to the County during special use permit hearings, unlike private citizens who simply laid out their plans. He stated that this raised further concerns about equity and fairness. He said that special use permits, according to state code, are tied to the property, not the company, which created risks if the property changed hands. He stated his worry that a new owner might not honor financial promises made by the original company, leaving the County vulnerable. He said these were significant concerns that could arise if the permit was approved. He stated that these permits remained with the property indefinitely, which could negatively impact residents in areas like Gladstone. He said that he understood why no one would want such a project in their backyard and noted that the project, aside from temporary construction jobs, would create fewer than ten full-time positions.

Mr. Davis said the project would not attract visitors and questioned whether it would be worth approving if the monetary aspect were removed. He stated that in his experience, deals that seemed too good to be true usually were.

Valdrie Walker – Norwood, Virginia

Ms. Walker said that her concern was not about Savion or solar systems, but rather about the potential destabilization of zoning integrity in the County. She stated that if land had been designated as A-1 since the beginning of governance, it should not be altered for companies, organizations, or individuals seeking special permits. She said that the issue with special permits lay in their favor-driven nature, which often disregarded rationality, benefit, or fairness. She stated that these decisions frequently prioritized power, money, and influence over the best interests of all parties.

Ms. Walker expressed concern about A-1 zoning in the South District, leaving it vulnerable to further encroachments—with the County putting effort into other areas. Ms. Walker said that the South District had consistently faced critique compared to other areas in the County, and this situation exacerbated those frustrations. Ms. Walker stated that such zoning changes would harm those who had lived in the area for centuries. She said that those holding power and resources were often favored, while long-term residents were overlooked. She stated her disappointment in the County's direction and emphasized that maintaining the current zoning was in their best interest. Ms. Walker said they were willing to tolerate the County's shortcomings if it meant preserving the integrity of A-1 zoning.

There being no further public comments, Mr. Reed closed this portion of the agenda.

III. PUBLIC HEARINGS

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

Ms. Bishop presented a request was to rezone property from A-1 agriculture to B-1 business to align the zoning designation with its current use and to permit additional signage area. She said the property in question was located at 10761 Thomas Nelson Highway in the East District, commonly referred to as the Sunny Mountain Store, which operates as a convenience store, gas station, and the Indian Oven restaurant. She said that all of these were legally vested, non-conforming uses that were grandfathered in due to their longstanding existence.

Ms. Bishop said that the owners were proposing the rezoning to business in order to align the zoning and to expand their signage. She explained that under the A-1 district, whereby only 50 square feet of signage was permitted for businesses; while B-1 zoning designation would allow up to 150 square feet of sign area. She said that in 2023, the owners had replaced the freestanding sign for the Marathon gas station, which approached the 50 square foot limit. She added that the owners wanted to expand the signage on this existing sign for additional advertisement of the business. Ms. Bishop stated that the property was surrounded by other A1 agricultural zoning and included flood zones that restricted development under the flood ordinance. She said that no additional uses or construction were proposed on the site. Ms. Bishop said that the property was accessed via Thomas Nelson Highway and that the Virginia Department of Transportation (VDOT) would review the proposed signage when the owners applied for it.

Ms. Bishop stated that the property fell within the Lovington designation on the future land use map, where the core concept prioritized regional-scale development, redevelopment, and infill while protecting the rural landscape. She said these priorities also aimed to ensure efficient and effective community services, bolster economic development, and improve quality of life. Ms. Bishop stated that primary land use types in this area included retail, shopping, dining, business, and employment. She said that one planning guideline was to preserve existing structures and traditional patterns of development while allowing mixed uses.

Ms. Bishop stated that the approval of rezoning requests should be based on these factors 1) good zoning practices, 2) public necessity, 3) general welfare, and 4) convenience. She concluded by saying that at their December meeting, the Planning Commission had voted unanimously to recommend approval of this rezoning to the Board.

Mr. Reed opened the public hearing. There being no public speakers, he closed the public hearing.

Mr. Rutherford asked if any conditions had been added. Ms. Bishop responded that there were not, since this is a rezoning.

Mr. Rutherford stated that Sunny Mountain has been there his whole life and generations before him, and it has been an integral part of a lot of people's commutes. He stated that he would like to support everything they're doing there.

Mr. Rutherford moved to approve Rezoning #24-0289 as presented. Dr. Ligon seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote.

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

Ms. McGarry stated that this ordinance, O2025-01, would provide local authority to reduce 25 mile per hour speed limits in a business or resident district. She said the public hearing was authorized by the Board, with the adoption of Resolution R2024-82 on December 10, 2024. She said their public hearing notice was published December 26, 2024 and January 2, 2025 and was authorized by Virginia State Code 46.2-1384.

Ms. McGarry reported that the provisions of this state statute provide that the governing body of any county, city, or town may by ordinance authorize its chief administrative officer to reduce the speed limits either 15 miles per hour or 20 miles per hour on any highway within its boundaries that is located within a business district or residence district where the posted speed limit is 25 miles per hour; and also restore a speed limit that has been reduced pursuant to the 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 a 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.

Ms. McGarry said that State Code 46.2-100 defines the business district and residence districts as shown on the slide presented.

- ❖ **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.

She explained that the proposed ordinance O2025-01 amends Nelson County Code Chapter 7, Motor Vehicles and Traffic, adding Article 9 - Local Authority to Reduce Speed Limits. She noted that Section 7-149 provides the provisions of this local authority which would be granted following a public hearing and consent by resolution of the Board of Supervisors; and Section 7-150 provides for notifying the

Commissioner of Highways of a priority changing a speed limit at least 30 days beforehand and the ordinance also is effective upon enactments as presented.

Ms. McGarry offered to answer questions or engage in discussion from the Board and said that otherwise, staff recommends adoption of ordinance O2025-01 as presented.

Mr. Rutherford asked if they had to do a public hearing every time the County authorized reducing the speed limits to either 15 or 20 miles an hour. Ms. McGarry responded that the way the current ordinance is proposed, yes.

Mr. Reed opened the public hearing. There being no public comment, he closed the public hearing.

Dr. Ligon said that this originated in her district but applies everywhere, and it is more of an organizational item than a specific project approval.

Dr. Ligon moved to approve **Ordinance O2025-01**, Amendment to Chapter 7, Motor Vehicles and Traffic, Article IX, Local Authority to Reduce Speed Limits, as presented. Mr. Rutherford seconded the motion. Supervisors approved the motion (3-1) by roll call vote, with Mr. Parr voting no, and the following ordinance was adopted:

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.

IV. OTHER BUSINESS (AS PRESENTED)

A. Special Use Permit #24-0014 – Large Solar Energy System, Wild Rose Solar

Ms. Bishop reported that this is a special use permit request for a large solar energy system, and the total property area is approximately 4,600 acres, with the area under panels at about 470 acres. She said the project is entitled the Wild Rose Solar project, and this is Nelson County's first request for a solar project of this scale.

Ms. Bishop stated that it is a 90 megawatt or utility-scale solar project. She said the land is in active timber use, and the remaining land is planned to remain in silvicultural use during the life of the project, which is 40 years. She explained that electricity is generated, sent to inverters, converted to a current where collection line can transfer it to the substation—then it's transferred through overhead transmission line to the Gladstone substation, then into AEP's power grid for distribution.

Ms. Bishop said that local zoning approval currently is one of the first steps in a lengthy review process. She stated that should the special use permit be approved, the applicants then are required to proceed with DEQ's permit by rule process, which requires that any impacts be avoided, minimized, or mitigated; there are various reviews that the state requires for that process.

Ms. McGarry reported that the County had received a revised siting agreement from Savion, which is pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia, Siting of Solar Projects, Energy Storage Projects. She said this provides that the applicant and County may enter into a siting agreement for such facilities, so the first part of the siting agreement is such recitals. She noted that Article 1 overviews some project features, conditions, and mitigations. She indicated that Article 3 contained miscellaneous terms related to the siting agreement, and then there are exhibits, and the siting agreement makes the special-use permit a part of this particular document. She said that Exhibit B is an illustrative schedule of payments, and this is where the compensation factor comes in. She said the changes to the siting agreement are mostly related to Exhibit B, where in Column E, Additional Voluntary Payments, Operational Years 1 through 40; there's an additional voluntary payment of \$230,000 per year for 40 years, which would total \$9,200,000. She reported that this was an additional \$4,000,000 from the previous siting agreement proposal. She said that a reference was also added on Page 3 in Article 2, Payments, to add an annual \$10,000 scholarship fund for 40 years, or for \$400,000 in total, payable to a student from the South District of the County.

Mr. Eric Miarka with Savion Renewable Energy addressed the Board and said that his presentation would be brief. Mr. Miarka stated that he had no knowledge of the Appomattox data center and had just learned about it the previous week, so there was no intent for Savion to time it with the announcement of that data center. He also noted that they could not sell power directly to that data center; the only entity that could sell power directly to a residential or commercial/industrial customer was the utility. He explained that the utility holds the sole right to provide generation or provide electricity to everyone within its service territory. He said Savion would be tying into the AEP grid, and the Gladstone substation is actually where the grids change—but they are not on the CVEC side of the substation and have no business interaction with the CVEC.

Mr. Miarka said that another statement had been made regarding the signing agreement and concerns about it being potentially too good to be true. He stated that such skepticism was understandable but noted that siting agreements were standard business practice for renewable energy projects in the Commonwealth. He said there were various reasons for this. He stated that a state law passed several years ago had significantly reduced property tax liability for renewable energy projects. He said that this reduction abated taxes to a level shown in the signing agreements column of the exhibit, specifically column B, labeled "estimated M&T." Mr. Miarka stated that this column represented the minimum taxes required by state law, while all other payments, amounting to a couple million dollars, were voluntary. He further said that siting agreements became prevalent because of this tax reduction. He noted that the amount of tax reduction at one time was appropriate when renewable energy technologies were more expensive. He said that, as technology became cheaper, the tax abatement level was no longer necessary.

Mr. Miarka stated that siting agreements now serve as a method for renewable energy companies to make voluntary tax payments to host communities. He said that whether or not people believed such agreements were too good to be true, the important factor was that they were legally binding contracts. He stated that these contracts were documented on paper with signatures from both the company and the County, ensuring accountability. He said the same applied to the conditions of the special use permit.

He stated that the company believed it was important to make a strong commitment to the County, which he said was demonstrated by their aggressive proposal for voluntary payments. He further said that this commitment included a \$10,000 scholarship contribution to the South District. Mr. Miarka stated that this initiative was inspired by feedback from Mr. Reed during the public hearing in December, where they heard

the importance of connecting with the education community. He said that while the company intended to explore further opportunities with the high school, they had not been able to finalize those plans in time for the meeting. He stated that the scholarship offered a way to support higher education and provide resources for high school students pursuing college opportunities.

Mr. Miarka thanked the Board and offered to answer questions.

Dr. Ligon said she has concerns about the special use permit running with the property and being with this land for life. She said she knows of at least one other special use permit in this County that has to come back around and be accepted again, so she was hoping they could discuss that today. She said that alternately, perhaps it could be limited to this company. Regardless, she said, she did not think it should be carte blanche and she would like to see the County limit it as much as possible.

Ms. Bishop clarified that Dr. Ligon's suggestion was for a condition that the SUP would expire after the 40-year life of the project, so it couldn't automatically be rolled into another solar farm but instead would have to come back to the County after the 40-year period. She said staff would recommend that it be 40 years from the start date of commercial operations.

Mr. Reed asked if this applicant could reapply at that time. Ms. Bishop confirmed that they could, noting that her understanding is that first right of refusal in the contract goes to the County.

Dr. Ligon said that she and Mr. Parr had been designated to meet with the solar representatives to negotiate agreements and discuss matters, and they were likely the two most negative members of the Board regarding the project. She said she believed their skepticism ultimately benefitted the County, as they were prepared to reject almost any initial proposals. Dr. Ligon said their objections and actions during the negotiations likely prompted the higher monetary offers for the County—and no other locality had received such a substantial amount for a project of this size. She said the decision had caused her to lose a lot of sleep because she believed the County had gained a good deal through their negotiations, but it still left her feeling uneasy.

Dr. Ligon said erosion was a significant constituent concern that had been raised frequently. She stated that she shared this concern and emphasized the importance of trusting in the site plan and the DEQ's oversight. She said solar projects from 5 or 10 years ago were new and it took the government time to refine how they were dealing with them, but she believed there were now competent individuals in place to critically assess the site plan.

Dr. Ligon said that nothing was perfect, and replacing agriculture was another concern voiced, though less frequently. She said she loved agriculture, having grown up on a farm, but she also did not like monoculture, which is what pine land represented to her. She stated she struggled with the idea of replacing agriculture. Dr. Ligon said the aesthetic of solar projects was also a problem; she pointed out that she personally did not like their appearance. She said that while this specific project could be largely hidden if the site plan was followed, the foliage would require time to mature. She said she had wanted the Board to visualize a solar project she had often passed by in Bath County, noting that the low foliage there revealed much of the project's infrastructure.

Dr. Ligon said there were comments that highlighted public concerns about opening the way for future solar projects, and she had observed other counties approving solar projects in the past but later halting them. She said she has asked questions about this issue and has been told that each project required an individual approval process. She stated that she did not know how to fully address this concern but acknowledged it was frequently raised.

Mr. Parr stated that he did not like solar projects. He said that driving up Route 29 and seeing the solar project in Red Hill was unpleasant, describing it as ugly. He said the project's appearance, particularly its lack of alignment, detracted from its curb appeal. He agreed with Dr. Ligon's assessment that they were the most skeptical Board members. He stated that he had never lost as much sleep over a project or a vote as he had with this one, despite his 21 years of public service in Nelson County. He said that he had been up since early morning researching and reading, and described this decision as particularly challenging.

Mr. Parr stated that he recognized the aesthetic concerns surrounding solar farms, mentioning the unattractiveness of such projects and the visual impact on the landscape, with the viewsheds from this site being particularly attractive. He said that he visited the proposed site and reviewed the placement of panels, noting he was impressed with their location according to the site plan. However, he said, his primary concern was not the solar project itself but rather the financial implications and the potential loss of local control.

Mr. Parr said that proposals from state officials such as Creigh Deeds and other Democrats in Richmond would transfer decision-making power from local governments to Richmond—and the governor was standing on his own. Mr. Parr stated that if such legislation were passed, the locality could lose the ability to negotiate favorable terms for solar projects, which was a real concern if they did not approve this. He said that the originally proposed funding for the project increased from \$8 million to \$20.2 million, along with a \$10,000 annual scholarship for 40 years. He said his concern was tied to the potential loss of these funds if decision-making shifted away from local officials.

Mr. Parr stated that he did not want solar farms visible from local roads such as Route 151 or Route 56 near Montebello, nor did he want them in anyone's backyard. He said he worried about mandated state clean-energy goals, which could not be met without some solar projects like this one. He stated that local boards would likely oppose such projects, knowing their constituents' preferences to not want these in their own backyards. He said this was not necessarily about the special use permit, it was about removing control.

Mr. Parr said that while these funds would go into the General Fund, the money generated would benefit the community. He stated that the Board of Supervisors had discussed investing in areas such as Gladstone and emphasized community scholarships as a means to support local development. He said the financial boost could offset prior commitments, such as the \$10 million allocated to the school system for capital improvements. He expressed concern about risks such as hail damage to solar panels and runoff from stormwater, stating that trust in DEQ was critical to ensuring compliance with stormwater management practices. He said the timing of related announcements, particularly regarding data centers, complicated the decision further. Mr. Parr stated that power generated by solar farms goes into the grid rather than being directly supplied to specific facilities, and described this process as akin to dropping water into the ocean.

Mr. Parr concluded by saying this decision was a difficult one. He stated he might have more to contribute later but ended his remarks for the moment.

Mr. Rutherford said that governing on this matter was not a simple vote, as was noted by Dr. Ligon and Mr. Parr. He stated that he had grown up in a household where his father began exploring solar energy during the 1970's, specifically under the incentives provided during the Jimmy Carter era. He stated that he was proud of creating seasonally net-zero houses during his career as a home builder, enabling some degree of independence. He said solar concepts and technology were not unfamiliar to him and acknowledged their usage across the country. Mr. Rutherford stated that, moving forward, the County and community's goals for the future should be considered carefully.

Mr. Rutherford said he had supported numerous special use permits in the past and viewed them through the lens of communities like Lovington and Schuyler. Mr. Rutherford stated his belief that job creation is vital, particularly high-paying jobs, as the community has a significant need in this area. He said that while the project offered construction jobs temporarily, it lacked recurring benefits. Mr. Rutherford stated that recurring economic benefits were preferable to one-time incidents. He said the project did not reduce electric bills, protect farmland, or directly resolve many pivotal issues.

He stated that the \$20 million from the project, in his view, did not provide sufficient benefits to justify approval. Mr. Rutherford said his skepticism was reinforced by state maneuvers that could limit community advantages from such initiatives. He said solar energy might play a role in future energy solutions but emphasized its inability to meet the Commonwealth's substantial demand requirements. Mr. Rutherford said industrial data centers consumed vast amounts of electricity and noted that solar energy from such facilities would likely be directed toward cities and industrial areas rather than residential needs.

He said consumers faced pressures from state policies that increased energy costs. Mr. Rutherford stated that while the solar facility might prevent extreme energy costs, it would not offer substantial relief. He said the community's energy issues exceeded the scope of what the Board could resolve. He stated that the financial benefits of the project amounted to a modest \$300,000 to \$400,000 annually, which was insufficient for addressing broader community needs. Mr. Rutherford said his skepticism persisted regarding the long-term implications of this proposal, noting that he appreciated that his colleagues had approached the discussion with seriousness and dedication.

Mr. Rutherford expressed his gratitude for learning about technical limitations in Nelson County that restrict large solar projects to certain areas, and he was actually relieved that these limitations would remain in place should the state curtail local authority. Mr. Rutherford expressed his ongoing skepticism about energy solutions and what the community needs. He reiterated his commitment to high-paying jobs for the current and future generations, and checking that box was one of the most important factors to him on voting for a special use permit.

Mr. Reed thanked members of the public who had spoken on this, as they had informed everyone on the Board of the project's pros and the cons. He also thanked his colleagues, who he said have done the same and have articulated their thoughts and feelings really well.

Mr. Reed said he had started thinking about energy systems in 1979 when he and his wife designed their home off the grid. He said they took the approach that minimizing your energy needs was the most thoughtful way to build a home, as you get to use the energy that you have as, opposed to the energy that you have to pay for. He said they wanted to be responsible about where the energy came from and how much of it they used—and be effective and efficient in terms of what they did with their lives. He said that as a teacher, he always put that forth when he was teaching physics about energy that those things were very important. He said he was in a fortunate situation where he could speak directly to students doing energy audits in their homes and figuring out how much energy each of their appliances used and how much it cost them. He noted that it was always enlightening to the students and himself how everyone responded to that.

Mr. Reed said for people who say the system is rigged, he agreed that the current energy model is really bad, and his own actions felt like rebelling against what the normal "energy generation" was doing. He stated that the model they have today is one grid to serve everybody, with no redundancy, no opportunity for communities to generate energy on their own behalf, and little opportunity for communities to live within their own means to generate energy or focus on conservation in any way.

Mr. Reed stated that a lot of the responses they've received about this proposal reflects that they have a model that isn't good and doesn't serve individuals or the community in ways that it could and arguably should. He said if they were stuck with a bad model, the challenge was what to do when something like this came before them. He commented that to him a good model is one where individuals live within their ability to sustain themselves in a healthy and positive way, and for communities to generate and live within their own energy abilities. He said that was not one we have at this point. He said the closest they have is a net metering system allowed in Richmond, which does not really serve the homeowners and the people that do have the ability to generate energy on their own.

Mr. Reed said that the Board was in a position where they had to make a choice, and he emphasized that this opportunity required careful consideration. He stated that acknowledging the existence of a better model and the inevitability of change was essential, especially for the benefit of future generations who should not suffer under the current system. He said that the decisions made needed to reflect the best possible judgment under the circumstances.

Mr. Reed stated that this project was not a proxy for data centers and elaborated that data centers represented their own challenges, describing them as "black holes." He said that everyone was connected to these challenges in some way and paid the associated costs to enjoy the benefits they had become accustomed to. He acknowledged that people had little choice but to live with the realities of the time and the systems currently in place. He stated that decisions about reigning in data centers would need to be made by others, though he believed such measures might become necessary.

Mr. Reed said that the choices the Board made should focus on ensuring the County could live within its means and serve its residents effectively. He stated that the project's capacity of 90 megawatts could power the entire County with plenty left over, and this raised the idea of powering the County directly and serving its residents—whereas the current model did not allow such possibilities. He stated that the Board had to work within the constraints of the existing system, and communities would have to be more involved in both the generation and the use of the amount of energy that they have.

Mr. Reed said he supported having the right of first refusal on this project at the end of 40 years because in the event that would happen, that could possibly give the County an asset that could accommodate a good model should one exist at that time. He said the job to create that good model belonged to federal, state, and local government—in other words, all of us. He emphasized that making a decision on something didn't keep them from having to ever pay attention to it again, because if they approved this tonight, they will have to continue being responsible for establishing and sustaining a good model. He said they can do that as individuals, as groups they are a part of, as communities, with the Board, with the state, and at many different levels. He said when they make a decision, they have a responsibility to live that decision. He said if they are able to make a commitment to a better model and a better future, he could approve this despite all the costs involved with it. He added that this at least gives them something positive they can hang their hat on and work towards that can serve both the community and the individuals in it and beyond.

Mr. Reed concluded by inviting further comments or a motion from other Board members. He said that in the absence of anyone else making a motion, he would make one. He thanked his colleagues for all of the work they did on this and all the information they brought forward.

Ms. Bishop said that she has some language to add, amended to the conditions, if they want to limit the special use permit to expire on the 40th anniversary of the commercial operation date.

Mr. Reed moved to approve #24-0014 Large Solar Energy System, Wild Rose Solar, with the amendment that the SUP will expire on the 40th anniversary of the commercial operating date, unless otherwise extended by the Board of Supervisors. Dr. Ligon seconded the motion. Supervisors approved the motion (3–1) by roll call vote with Mr. Rutherford voting no.

B. Proposed Siting Agreement – Large Solar Energy System, Wild Rose Solar

Mr. Reed opened the siting agreement item for discussion.

Mr. Parr asked if there were any changes the Board has made that need to be reflected in the siting agreement. Staff confirmed that there were not.

Dr. Ligon asked how the scholarship provision is written in the event there is more than one recipient. Ms. McGarry confirmed that it says, “one or more students.”

Mr. Parr asked for clarification that the scholarship is awarded at the discretion of the County and Wild Rose Solar Project, LLC or their designee. He noted that they would have input as a locality.

Mr. Reed noted that there was not an established process, so they would have to figure it out.

Mr. Parr moved to approve the proposed siting agreement - Large Solar Energy System, Wild Rose Solar, as presented. Dr. Ligon seconded the motion. Supervisors approved the motion (3–1) by roll call vote with Mr. Rutherford voting no.

C. Wild Rose Solar Project Appeal of June 26, 2024 Planning Commission Substantial Accord Determination

Ms. Bishop indicated that by approving the special use permit, it automatically overturned the Planning Commission’s determination, so no action was needed.

V. ADJOURNMENT

Prior to adjourning, Mr. Rutherford said he had received information on the cost of the lights on Main Street: \$12 per month per light, with 2–3 lights needed, and he would email Ms. McGarry about it.

At 8:21 p.m., Mr. Rutherford moved to adjourn the Board meeting. Mr. Parr seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the meeting adjourned.