

Virginia:

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

Present:

Ernie Q. Reed, Central District Supervisor – Chair
Dr. Jessica L. Ligon, South District Supervisor – Vice Chair
Jesse N. Rutherford, East District Supervisor
J. David Parr, West District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Grace E. Mawyer, Director of Finance and Human Resources
Jerry West, Director of Parks and Recreation

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Reed 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.

II. PUBLIC COMMENTS

Edith Napier – Arrington, VA

Ms. Edith Napier extended appreciation to VDOT and County personnel on behalf of Nelson citizens for the road work they did during the snow.

Ms. Napier stated that she was present on behalf of the Nelson County Juneteenth Celebration Committee and asked the members of the committee who were present to please stand, expressing a special thanks to all committee members for their continued hard work and dedication. Ms. Napier said she had come to this meeting to request the Board's support on behalf of the citizens of Nelson County for the 2025 Juneteenth Celebration to take place on June 22, 2025, noting that she was requesting a donation of \$5,000. Ms. Napier stated that this year's celebration will focus on historical Black colleges and universities and the educational opportunities they offer to all students. She said she was thrilled to announce that the colleges would be able to offer on-the-spot admission for Nelson graduates. She stated that in collaboration with the high school, Nelson students would have the chance to be accepted into college at the day of the Juneteenth event.

She said that last year's celebration emphasized multi-generational entertainment and education, including private poetry, music, and other activities. Ms. Napier stated that it was a roaring success, lots of people enjoyed it, and it was a good time for all. Ms. Napier stated her gratitude to the Nelson Heritage Center for allowing the committee to host the function there once again. She said the Juneteenth Committee is composed of citizens of Nelson County and operates independently from the Nelson Heritage Center. She said they appreciated the support and partnership that the center provided in making this event possible. Ms. Napier stated that the Board's backing was crucial in making the event a success. She requested a timely response for planning purposes and said she was available to answer any questions.

Stephen Bayne – Nellysford, VA

Mr. Bayne said he was before them regarding information received from FOIA requests for Renaissance Ridge partner Nelson County Community Development Fund (NCCDF) as well as the Thomas Jefferson Planning District Commission (TJPDC) and its consortium organizations. He noted that NCCDF, which receives significant funding from Nelson County, refused to provide this information, so he was forced to go to HUD.

Mr. Bayne said from the agreement and marketing terms requested and received, he has confirmation that Renaissance Ridge and NCCDF are prioritizing many specialty groups exclusive to Charlottesville and Albemarle County instead of workforce housing for Nelson County first responders and teachers. He said this information confirms the fact that Renaissance Ridge and NCCDF, with TJPDC etc., are using Nelson County taxes and real estate for the benefit of Charlottesville and Albemarle County. He listed the following as exclusively Charlottesville and Albemarle County groups that are being prioritized in Renaissance Ridge:

Blue Ridge Area Coalition for the Homeless, The Haven, Piedmont Housing Alliance, Creciendo Juntos, Network to Work, City of Promise, and the International Rescue Committee. He also listed the following as Jefferson area community groups, of which Nelson County is a distinct minority, that are being prioritized in Renaissance Ridge: Offender Aid and Restoration, BRHD HOPWA Coordinator, and the Independence Resource Center.

Mr. Bayne said that Renaissance Ridge and NCCDF, with TJPDC etc., have unilaterally decided to expand these groups from Charlottesville and Albemarle into Nelson County real estate. He asked how this could be done ethically and morally without bilateral discussion with Nelson County and without at least transparently notifying Nelson County residents. Mr. Bayne stated that Nelson County must be prepared for extreme change to and increased cost of service delivery to residents from these changes. He said they have known that Renaissance Ridge is a poor excuse for a steward for Nelson County, and all that they care about are the grant funds. He said that unfortunately, this appears to also apply to NCCDF as a partner. He said he has suspected that TJPDC and its consortium organizations have aspired to expand exclusively Charlottesville-Albemarle County groups into Nelson County, and this provides confirmation of that.

He asked that the Board request and review these agreements and marketing terms, particularly from NCCDF, and that they protect County residents from external entities taking advantage of and usurping the needs of Nelson County.

Libby Whitley – Roseland, VA

Ms. Libby Whitley said she would like to associate herself with Steve Bayne's comments just now. She said that although she's lived in Nelson County now for 25 years, she only recently became aware of the consequences of Renaissance Ridge. She stated that she was gravely concerned about the impact on the County as a whole.

Ms. Whitley said that her attention to this was first drawn by the International Rescue Committee reference in the HUD documents. She stated that she has some personal experience with the IRC, which is paid by the federal government to house "client groups," which are drawn from countries all over the world. Ms. Whitley said the IRC is one of the principal nongovernmental organizations (NGOs) funneling people through the Darien Gap up through Mexico and into the U.S., which may have some pause given the current administration in Washington. She reiterated that she was concerned.

Ms. Whitley said that if the IRC is the principal outreach entity to house occupants at Renaissance Ridge, the County will see populations from all over the world. She stated that the impact on the school system, law enforcement, and social services will be extreme in the County, and she thinks the Board needs to understand that. Ms. Whitley said that despite living in Nelson County for 25 years, she was vaguely aware of a housing development under consideration in the Nellysford area. She stated that she does not believe the citizens of Nelson County are aware of what is being envisioned.

Ms. Whitley said that there have not been any public hearings that she is aware of on Renaissance Ridge aimed at the County as a whole. She stated that she urges the Board to undertake such a hearing and outreach to the community, because she thinks there will be considerable pushback. She said that even though she lives in the southern part of the County, not the northern part, she understands that if Renaissance Ridge goes through, there's discussion of similar developments in Lovingson and Piney River, which is her backyard.

Ms. Whitley stated that these communities already have developments like Ryan School, Town Creek, and Lovingson Ridge, which do not attract current Nelson residents rather they are pulling in people from out of the area, such as Charlottesville, Albemarle, Fluvanna. She said these developments do not address the homeless and housing challenges of current Nelson residents, and she thinks Renaissance Ridge would have the same effect. Ms. Whitley urged the Board to hold public hearings on this matter, because she thinks it reaches way beyond simply the Nellysford area.

Stu Armstrong – Nellysford, VA

Mr. Stu Armstrong said he had been living at his home in Nellysford for over 30 years and during that time, he had done about 20 years of public service—from the School Board to the Blue Ridge Medical Center—as well as serving on the Board of Directors of Wintergreen and a variety of other boards. He said on each of those boards, as others might experience, recruiting and retaining employees was a challenge. Mr. Armstrong said he saw that Mr. Sheets from the Wintergreen Fire Department was present. He said he had been told and asked about this issue, and he came out of retirement to work on the project for the workforce housing side because many of his contemporaries would ask where their kids were going to live if they didn't own land to build something for them on.

Mr. Armstrong said that this drove him to action, and while serving on the Economic Development Authority, he realized that businesses had a hard time recruiting and retaining employees. He stated that at the Piedmont Housing Alliance, where he was Executive Director for 17 years, they had helped over 750 families buy their first home. He said these families were not associated with homelessness or the myths and being circulated in the community, which he described as ridiculous and not based on logical math. He stated that a firefighter at Wintergreen started at \$48,000, almost \$20,000 less than the threshold needed to start helping people buy homes; sheriff's deputies earned around \$50,000 a year, which was \$18,000 less than the threshold.

Mr. Armstrong stated that the talk about affordable housing destroying or hurting the community was nonsense. He said he lived in Stoney Creek, and he would not do anything to lower his property values. He said he did not understand where the fearmongering was coming from, describing it as “fake news.” Mr. Armstrong said if anyone in the audience or community had questions, they could come talk to him, stating that he could give a PhD-level education on affordable housing.

Carlton Ballowe – Faber, VA

Mr. Ballowe said that the Board's responsibility was to make Nelson County more prosperous. He said that his opinion on how to do that is to go out and scour the countryside and bring good-paying jobs to the County—and if the Board were to succeed at that, the housing situation would take care of itself. He said he didn't think that they would make the County prosperous by going out into the surrounding areas, rounding up, and importing large numbers of their indigent populations. He said that Mr. Armstrong noted that these people were just on the border of being able to afford their own house. He said that using \$50,000 as an example for County deputies, if they have a working spouse, they are now able to afford a house. He said if they want working-class people here, all they need to do is to make affordable housing and good-paying jobs. He said they were already a bedroom community for Albemarle, Charlottesville, and other surrounding metropolitan areas, and asked if they want to become their tax-subsidized homeless shelters as well.

Paul Davis – Nellysford, VA

Mr. Paul Davis said he was present to talk about three agencies mentioned on Mr. Bayne's list: OAR, the Haven, and IRC. He said he has worked directly with these three agencies over his career, including OAR for five years after his initial retirement. He noted that OAR works with people that are currently in the criminal justice system, probation, pending court cases, drug court, and mental health docket; most are from low-income environments, and a lot have a lack of trust for those in authority—not just law enforcement, but also the counselors in Region Ten. He said that one of his roles was to conduct home visits for the drug court clients, and during his time, only a very small percentage of the clients lived with their family members, parents, or grandparents; most lived with their significant others at the time, or other state or local assisted housing. He noted that their addresses changed frequently.

Mr. Davis said it was not unusual for police to contact him about involvement with the clients that occurred well after normal business hours. He stated that OAR is a great organization for what they offer. He said he did see a change in people's lives—not because of their addresses, but because they wanted a different life. He said the process, which could take one to two years, was done with intense assistance. He said he is a believer in OAR and what it can offer their clients, but they were not in the business of partnering with housing developers for their clients. He said the Haven provides shelter, food, clothing, and direct basic services to the homeless in Charlottesville; some who are from across the country. He noted that individuals say they come here because, “everything's free,” including food, transportation, medical, and EBT cards. He noted that it's not unusual for clients from OAR to also frequent the Haven.

Mr. Davis stated that the International Rescue Committee (IRC) brings in refugees from all over the globe and will find them housing—but other services are basically up to the locals once they are here. He noted that he asked at an IRC presentation to the police department who should be called after hours if there were issues, because of language barriers, cultural issues, etc. He said he was told to use a language line and determine what services they needed.

Mr. Davis stated that all three organizations are currently based around the downtown Charlottesville area, as most of the services they provide are located within walking distance. He noted that most of the clients he worked with had no driver's license or their license had been suspended, and basic travel was difficult. He said all three agencies assist with getting people housing, but not building the units or partnering with developers, and all three agencies do good work and have good intentions. He noted that he was shocked when he learned about these organizations partnering with the developers for Renaissance Ridge, and most citizens would be shocked to learn this as well. Mr. Davis said he was not sure if this was a good fit and

questioned whether it would even be fair to the clients of these organizations living in that development, as it was like setting some of them up for failure for the services they need.

Margaret Clair – Nelson County Community Development Foundation

Margaret Clair, Executive Director of the Nelson County Community Development Foundation, stated that there were no grants pending for Renaissance Ridge. She noted that the NCCDF had received some around 2021 but did not use them due to timing and scope issues. She said the information people were accessing was likely the marketing they had done for those grants in terms of defining outreach for the disenfranchised target population to inform them about the opportunity to buy a home in Renaissance Ridge.

Ms. Clair clarified that Renaissance Ridge is a home purchase opportunity, not a rental. She stated that, as required by law and the grant requests, outreach efforts were made to those organizations to market to potential homebuyers. She emphasized that there was no intention to import people into the County for rentals at Renaissance Ridge, and this information had been taken out of context, as Renaissance Ridge is a development company that could choose to sell the homes at market rate. She said because of the need for affordable housing and Mr. Armstrong's extensive experience in this area, they sought the help of NCCDF to find eligible buyers and secure funds to subsidize their purchases.

She mentioned that some of the supporting organizations such as the Piedmont Housing Alliance were regional in nature and provide housing counseling for Nelson residents. She clarified that Renaissance Ridge was not intended for rentals or homelessness, and although the County lacks homeless resources, they rely on Charlottesville's resources for such needs.

There being no further public comment, Mr. Reed closed the Public Comment portion of the agenda.

III. CONSENT AGENDA

Mr. Rutherford moved to approve the Consent Agenda as presented. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion unanimously by roll call vote (4–0), and the following resolutions were adopted:

A. Resolution – R2025-07 Minutes for Approval

**RESOLUTION R2025-07
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(September 10, 2024)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **September 10, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – R2025-08 Budget Amendment

RESOLUTION R2025-08
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
February 11, 2025

I. Appropriation of Funds (General Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 5,005.00	3-100-001901-0032	4-100-031020-3038
	\$ 1,559.88	3-100-003303-0107	4-100-031020-1013
	\$ 128.49	3-100-003303-0008	4-100-031020-3033
	\$ 95,321.42	3-100-002404-0042	4-100-071020-8004
	\$ 3,306.91	3-100-002404-0049	4-100-032010-5504
	\$ 75,721.00	3-100-002404-0015	4-100-032020-5648
	\$ 3,167.61	3-100-001899-0008	4-100-091030-5202
	\$ 1,850.00	3-100-002404-0018	4-100-021010-1009
	\$ 2,436.98	3-100-004101-0005	4-100-999000-9905
	\$ 8,864.00	3-100-002201-0003	4-100-999000-9905
	\$ 10,000.00	3-100-002404-0060	4-100-999000-9905
	<u>\$ 120,594.14</u>	3-100-001803-0020	4-100-999000-9905
	\$ 327,955.43		
II. Transfer of Funds (General Fund Contingency)			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
	\$ 15,000.00	4-100-999000-9905	4-100-021040-3020
	<u>\$ 15,000.00</u>		

IV. PRESENTATIONS

A. VDOT Report

Mr. Jeff Sayre of VDOT indicated that he was present in place of Robert Brown and noted that he would take any concerns that the Board had.

Supervisors discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford stated that there is a culvert pipe on Laurel Road about a half mile before Irish Road (Route 6) has a history of clogging up, especially with snow events. He said there was another culvert pipe on Glade that he will email VDOT about, but he did not have that exact address at the moment.

Dr. Ligon:

Dr. Ligon said that the Snow Hill turn on Findlay Gap Road is currently so muddy and slimy that people are avoiding it and driving on the wrong side of the road in the turn. She stated that Lonesome Pine Road in the gravel portion off of Naked Mountain toward Craigtown Road is in bad shape. She said that before the snow, there was a decent amount of flooding in Gladstone, and the residents there cannot even park their cars on the road there because of the conditions.

Mr. Parr:

Mr. Parr thanked VDOT for all the work employees have done. He said there was a driveway on Lowesville Road in Piney River between the Dollar General and the firehouse, and because of the drainage there, it floods Lowesville Road. He said that Mr. Brown had arranged for VDOT to go in and do the work if the landowner provided the culvert, but the culvert was undersized, and the flooding has now washed out this person's driveway in addition to flooding the main road. He stated that a larger pipe is needed, in addition to any water diversion.

Mr. Reed:

Mr. Reed said that when making a left-hand turn onto Adial Road recently, another car was coming toward him and they ended up in a collision in which Mr. Reed's vehicle was totaled. He said that fortunately, there were

no injuries, but a speed limit of 55 coming into an intersection over a hill can be dangerous—and had there been a 45 mph limit, he would have probably yielded to the other driver. He said there are speed limit issues on River Road which Mr. Brown is well aware of, and perhaps some signage going eastbound would help slow people down. He said the lighted arrows at Old Roberts Mountain Road on River Road have been really effective in decreasing the accidents there. He said he did not know what the accident rate was at the intersection where he had his crash, but he would appreciate if VDOT would look at that intersection. He also thanked VDOT for their work this winter in keeping the roads clear.

Mr. Sayre stated that he would send out a traffic engineer to look at it.

B. Virginia State Police H.E.A.T. Program Grant

Sheriff Mark Embrey stated that in October 2024, his office had put in for a grant through the Virginia State Police Help Eliminate Auto Theft (HEAT) program. He said within several days of submitting their application, the Sheriff's Office received grant funding in the amount of \$12,500. He explained that the money was to be allocated to help eliminate any kind of auto theft or the prevention of auto theft in Nelson County. He said he had reached out to constituents in Albemarle County, Amherst County, and other localities that had also gotten grants like this and invested in a camera system by Flock Safety. He explained that Flock Safety is a state vendor through procurement that provides a camera system with license plate readers (LPRs).

Sheriff Embrey said that the Sheriff's Office is looking to use the \$12,500 grant funds to purchase three cameras from Flock Safety and strategically place them on public highways to get the maximum increased value or efficiency in the detection and recovery of stolen vehicles—which includes any vehicle that would be traveling along a public highway in Nelson County. He said that two of those cameras would be placed on the Route 29 corridor, and they have located and identified private property on 29 southbound at the Albemarle County line. He said the property owner has granted consent for a camera to go there that would help detect any kind of any motor vehicle coming south into Nelson. He presented an initial plan that he said was discussed with Flock the previous Thursday, stating that they cannot afford four cameras but they could afford three: one coming north out of Amherst, one coming south out of Albemarle, and a third on River Road (Route 6) that would catch any vehicles coming off the 151 corridor onto Route 29 and vice versa.

Sheriff Embrey explained that the license plate readers detect and are constantly scanning license plates from motor vehicles that are entering the beam of travel; they detect if that vehicle's license plate has been entered as stolen, then that information automatically goes to the Sheriff's Office and the deputy's terminal with an automatic picture of that vehicle. He thanked the Board again for funding a traffic position back in October, which will formalize on May 1st once the school system is let out. He reported that they would have a unit dedicated to the 29 corridor and the 151 corridor to help respond to these detected vehicles.

Sheriff Embrey said that in speaking with other jurisdictions, they have success rates in locating vehicles that are stolen outside of other states, in addition to Virginia. He said that this is 100% funded, and they are not asking anything from the County. He said this is a two-year contract; outside of contract, year number one is \$12,500, and year two would be \$11,000. He said that Virginia State Police would open the HEAT program back up with a grant effective July 1, and his office would submit for this same grant that they were awarded to pay for year one. He said that if awarded, the grant would pay year two; if there is no funding available or they are not elected to get that grant, this program will go for one year and they will turn the camera equipment back over. He emphasized that he was not asking anything from this County or this Board to fund anything with the program.

Sheriff Embrey said for the northbound 29 corridor coming out of Amherst, his office has identified several businesses, but he has yet to approach those owners about having the cameras put there. He said the issues with the 29 corridor come down to VDOT right-of-way, and they are having statewide issues with VDOT and lawsuits that have been pending statewide with the Flock system throughout the Commonwealth of Virginia, and he wants to avoid all that. He reiterated that this costs the County nothing except the up-front amount reimbursed by May 31. He noted that they would apply for year two, and he would follow up with the Board in writing to notify them whether or not the Sheriff's Office is awarded for year two. Sheriff Embrey noted that this was just technology used to find these stolen vehicles that other jurisdiction had found success with. He stated that along the 29 corridor, there are vehicles coming in and out from the Carolinas going all the way to D.C.—not just locating stolen vehicles, but possibly aiding with many other issues as well, such as human trafficking, the methamphetamine trade, and fentanyl transport.

Mr. Rutherford asked if this was an action item.

Ms. McGarry responded that there was no fiscal obligation by the County and she thought Sheriff Embrey could just sign off on this.

Dr. Ligon asked what the cost would be if they did not get the grant next year. Sheriff Embrey responded that it would be \$11,000 for year two.

Ms. McGarry said the main consideration would be whether the Board would fund this in the future, if the Sheriff were not able to secure the grant funds for subsequent years.

Sheriff Embrey stated that he would let them know what the success rate is—what they’ve identified and recovered, and what other cases this has led to. He said that as of now, it looks as though this funding would be appropriated for year two.

Mr. Parr asked who was monitoring the LPR system. Sheriff Embrey responded that it is a database, so it would be the State Police. He said there was a lot of legislation in the General Assembly currently as to how long that information stays within a database, but at this point, the information would simply be used by his office when there is a vehicle flagged.

Mr. Parr asked what the timeline was from that vehicle going past a camera to a deputy being notified that the car is going through Nelson. Sheriff Embrey responded that it was about 30 seconds or less.

Mr. Rutherford asked if the State Police already had this infrastructure around the Commonwealth. Sheriff Embrey confirmed that they do, stating that many vehicle in-car cameras at this point have licensed plate readers. He said that those systems are very expensive, and this LPR system was the only way he felt comfortable asking for it.

Dr. Ligon asked if the annual cost of \$11,000 per year would cover the cost of replacement equipment, or whether that would be a separate cost. Sheriff Embrey noted that it would include that cost. He reiterated that the \$11,000 cost would be for year two.

Mr. Reed asked if the data was stored with the state at this point, although the legislation had not passed yet. Sheriff Embrey responded that the information will be sent to his office via VCIN and CIC, both of which are controlled and housed by the Virginia State Police.

Mr. Reed asked if there would be a need for the 29 corridor if both Albemarle and Amherst already have the technology. Sheriff Embrey explained that most of Amherst’s technology is focused on the Madison Heights area, but he was not sure aware of monitoring along the 29 Bypass. He said he did not know where Albemarle’s system was set up, so they would be looking for any vehicles traveling the I-64 corridor, getting off at Exit 118 outside of Charlottesville, and then traveling south into Nelson County. He said without this, they would be relying solely upon notification from jurisdictions either north or south, and this narrows it down to Nelson as a specific jurisdiction and eliminates mitigation factors such as cross-jurisdiction communication.

Mr. Rutherford said that just anecdotally, seeing the traffic on Route 6 turning onto 29, there is a remarkable number of out-of-state license plates coming through there. He said that he read something on the Flock system identifying missing persons and being able to hunt down license plates involved in that.

Sheriff Embrey agreed, stating that this technology allows them to go back and review a “vehicle of interest” to help identify a time, date, route, etc. and possibly even prevent a further crime.

Mr. Reed asked if he had any concerns about the pending legislation in Richmond concerning the LPRs.

Sheriff Embrey stated that he is aware of the issues with the LPRs but he would wait and see what happened in Richmond and evaluate it with the Commonwealth’s Attorney. He agreed with Mr. Reed that it would be prudent to wait prior to making a purchase, noting that he had plenty of time to do that. Sheriff Embrey also agreed to follow up with the Board and provide an update on the legislation and its impacts.

V. NEW & UNFINISHED BUSINESS

A. VPSA Financing for High School Renovation Project (R2025-09)

Ms. McGarry stated that the school division has proceeded with their renovation project and has issued the invitation for bids, with the next step being to secure financing. She said they are seeking financing through the VPSA, which would be pooled bond financing in the 2025 spring pool sale. She said that the resolution before the Board would authorize the County to proceed with the application for the VPSA spring pool bond sale. She said as part of this financing, they would be authorizing a public hearing on issuing the bonds, which is proposed to be held on March 11, 2025. She said Section 15.2-2606 is the state authorizing code section to hold a public hearing on this financing.

Ms. McGarry stated that the invitation for construction bids went out on January 27th and that they are expected to be back by February 27th. She stated that the Board is considering adopting the initial resolution for VPSA financing today. She said the School Board will hold a budget work session later this evening and would also consider a resolution authorizing the application, requesting the bond issue, and consenting to the issuance of bonds. She stated that VPSA financing applications are due to VPSA by February 24th. She indicated that on March 11th, the Board would hold a public hearing on financing; and the VPSA bond sale would occur on April 22nd, with the tentative closing set for May 13th. She confirmed that the public hearing would be March 11th at the Board's regular 7 p.m. meeting.

Mr. Rutherford asked if there was a committee in place for this that included staff in addition to School Board members. Ms. McGarry responded that the School Board was working on the renovation project, and the County has gotten involved to facilitate the financing side of it. She added that she was not sure how they would be involved once the project got going in terms of County and School Board staff.

Mr. Rutherford moved to approve **Resolution R2025-09**. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2025-09
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION AUTHORIZING APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
REGARDING COUNTY OF NELSON GENERAL OBLIGATION BONDS TO FINANCE THE
ACQUISITION, CONSTRUCTION AND EQUIPPING OF A SCHOOL CONSTRUCTION PROJECT
AND ACTIONS RELATED THERETO

WHEREAS, the Board of Supervisors (**the "Board of Supervisors"**) of the County of Nelson, Virginia (**the "County"**) has previously expressed its support for the design, improvement, renovation, construction and equipping of public school facilities, including electrical, mechanical, plumbing, fire safety, roadway and parking lot, security and other upgrades and renovations at Nelson County High School (**together, the "School Project"**); and

WHEREAS, the Board of Supervisors has previously stated its intent to obtain financing of the School Project to pay costs related to the financing and completion of the School Project, and the Board of Supervisors now desires to submit an application (**the "Application"**) to the Virginia Public School Authority (**the "VPSA"**) to participate in the VPSA's 2025 Spring Pooled Bond Sale through the issuance of County general obligation bonds to be sold to the VPSA (**the "Local School Bonds"**) to finance the School Project, interest costs during construction of the School Project and costs of issuance of the Local School Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON, VIRGINIA:

1. The County Administrator, County Attorney, the County's financial advisor and the County's bond counsel are authorized and directed to submit the Application to the VPSA for the purchase of the Local School Bonds by the VPSA as part of its 2025 Spring Pooled Bond Sale, such Application to describe Local School Bonds in the maximum principal amount of \$25,000,000 and to include proceeds requested of up to \$22,000,000 plus, if and as needed, an amount needed to finance closing costs and capitalized interest, all for the purposes described above.
2. The same employees and representatives of the County are hereby authorized and directed to take such further action deemed necessary or desirable to facilitate consideration of the proposed Local School Bonds involving a general obligation of the County, including but not limited to the publication of notice of a public hearing as required by law, to be held on March 11, 2025 at or about 7:00 p.m.
3. All actions of the County's officers, employees and agents in furtherance of the purposes of this Resolution, including preliminary actions related to the Application, are hereby approved and ratified.
4. This Resolution shall take effect immediately.

B. Proposed Appointment of Wintergreen Fire Marshal (R2025-10)

Ms. McGarry stated that Wintergreen Fire Department is formally requesting the appointment of a fire marshal for the Wintergreen Fire Department in Nelson County, pursuant to Code of Virginia 27-30 and would be specific to the Wintergreen Master Plan area. She said it would function within the Wintergreen Police Department law enforcement area, and the request is being made to enhance their ability to respond to fire-related incidents with a more comprehensive, organized approach, particularly in terms of fire

investigations and enforcement of fire safety regulations. She said that State Code Section 27-30 provides for a local fire marshal to be appointed and can be given authority under the state code without adopting the statewide fire prevention code.

She said the proposed resolution was asking the Board to appoint Joshua A. Bean as fire marshal to serve at the pleasure of the Board, whose authority is limited to the geographical area encompassed by the Wintergreen Master Plan. She indicated that the appointee would also be an employee of and compensated by Wintergreen Property Owners Association and supervised by the Wintergreen Police Department.

Ms. McGarry said the resolution would give the following authority and duties within those limits:

- He shall make an investigation into the origin and cause of every fire and explosion occurring within the limits for which he is appointed, which is the Wintergreen Master Plan area. He may issue a summons directed to the sheriff, commanding the officer to summon witnesses to attend before him at such time and place as directed.
- He would have the authority to arrest, procure, serve warrants of arrest, and issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances.
- He would be authorized the same police powers as a sheriff, police officer, or law enforcement officer.
- He would be responsible for the investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, and possession and manufacture of explosive devices, substances, and fire bombs.
- He would also have the authority to order immediate compliance with law, etc., or prohibit use of building or equipment.
- The appointee's authority would commence upon completion of training as required by the Department of Criminal Justice Services and the Wintergreen Police Department and after the administration of an oath to faithfully discharge these duties.

Ms. McGarry said Chief Curtis Sheets was present to help answer any questions, as well as Mr. Payne to address any procedural code-related questions.

Wintergreen Fire & Rescue Chief Curtis Sheets stated that a lot of this was being driven by insurance regulations, and they are inspected every 10 years. He said their current inspection caused them to backslide a bit, so they are in a 12-month improvement window. He said one of the areas they had already identified as a weakness that they had been working on for about a year and a half is the fire marshal's position, which would not be creating a new job but would be a dual task of an existing captain. He said they do not investigate fires at Wintergreen, as the insurance company sends their investigators to do that. He explained that sometimes if it is not a high-value loss, it is not a priority for the insurance company investigators. He said because of that, they lose the ability to pick up on trending data and inspection points such as fireplace inspections that may mask existing problems. He said that having a fire marshal would allow them to do that type of inspection, which the department currently does not do. Chief Sheets said that as Ms. McGarry noted, it would be limited to the master plan. He said that anything that gets into the realm of law enforcement must go through the Wintergreen Chief of Police, whose power is extracted through the Nelson County Sheriff's Office, which has oversight.

Dr. Ligon said when she saw the ISO reference, it made her think back on a few months when she requested a survey of the fire and emergency services, and she commented that Chief Sheets had squashed the man who wrote the report. She said she had wanted to bring ISO scores to the Board's attention for Nelson County in general, not just Wintergreen, and she found it funny that this is what Chief Sheets cares about now. Chief Sheets apologized for not knowing what Dr. Ligon was referencing. Dr. Ligon stated that she does not really have a lot of trust that Chief Sheets has the best interest of Nelson County currently. She said she had also spoken to a few professional firefighter friends, and they all had questions about how legal this actually is and whether the County will be liable for something this person in the fire marshal position does. She commented that she thought they needed more time for due diligence.

Chief Sheets stated that he did not understand the reference she was making to a report. Dr. Ligon said there was a report in 2019 that surveyed all fire departments' response times.

Chief Sheets noted that was the Fire Services Board Review that was sanctioned by the Board of Supervisors at that time. He explained that review looked at both fire and EMS. He noted that they interviewed the leadership of every organization in Nelson County, and the report came back to the Nelson County Emergency Services Board—not just to him but to the full Board. He stated that they reviewed the documents and found many egregious, substantial errors, and they had clearly just used boilerplate

language. He stated that the Nelson County Emergency Services Council Board, which he has never been an officer of, decided that they needed to go through the report and rebut the factual errors, which they did. He said they submitted the corrected version to the Board of Supervisors, which then voted to reject the Fire Services Board study outright. He said he was not part of that, nor did he request that study. He said he was simply one person who was interviewed out of a panel of probably a dozen.

Dr. Ligon said that she was interested in the ISO score of all of Nelson. She asked if they were to allow the appointment of a local fire marshal, how it would affect the rest of the County. She noted that there were some litigious questions that had not been answered. Chief Sheets explained that his department has been meeting and discussing this for a while now with the Sheriff's Office, with the Commonwealth's Attorney's office, with the State Fire Marshal's office, and with other agencies—and he felt like they had gotten through that. He said the County should be able to get all their questions answered through Mr. Payne or others. He noted that because the position was restricted to the master plan, the only way the County would be able to benefit from it, or potentially have some liability, would be if the resource was requested through the mutual aid agreement for the fire marshal to actually leave the master plan area.

He stated that if the Sheriff's Office called for a Wintergreen investigator to come and figure out why a fire started in the courthouse, there would be an odd interface there—and that would be something that they aspire to avoid. He said they would like to just do their work under the master plan, which is not indifferent from the way they have done community policing since the beginning of time at Wintergreen.

Mr. Rutherford noted State Code Section 27-30 and asked if there was any reason why this person could not be a sworn officer at Wintergreen and be called a local arson investigator, and utilize that instead of the term fire marshal and going through the County.

Chief Sheets said the fire marshal would be a sworn officer, noting that Mr. Bean would have to complete the basic law enforcement academy, just like all police department employees do.

Mr. Rutherford asked if there was any reason why they just could not pick a guy through their police department. He said there may be a mechanism that already exists that Wintergreen already has the ability to do, because they have a police department and it already allows the usage of that authority.

Ms. McGarry said the term “fire marshal” used in this chapter may include the local fire official and local arson investigator when appointed pursuant to this section, so that would still mean a Board appointment.

Mr. Rutherford said he would be curious if that still exists even though they already have a private police department in use, and asked if they could also find out whether other resort communities like Massanutten have a fire marshal. Chief Sheets responded that they did not, and Lake Monticello goes through Fluvanna County.

Mr. Rutherford suggested that they table this for a month, get their questions out of the way, and then bring it back in March.

Chief Sheets said as far as the ISO countywide issues raised, he's not an insurance person, but ISO is really only applicable and can only be fixed for people who live within five miles of a fire station or a pressurized fire hydrant. He said for most of Nelson County, the ISO score is always going to end up being about the same. He said that Wintergreen and a small section in the central business district, and perhaps a couple of other places where there were pressurized hydrants, where ISO scores could affect property hazard premiums. He said for most of the County, it was not going to matter much. Dr. Ligon responded that it affects mortgages and how many banks are going to give money to people who would like to live there.

Chief Sheets said if you were not within a certain number of miles of pressurized water, the ISO score is always going to go to nine, which is typically the worst. He said what they look at what the hazard is related to your proximity to water. He also said that not everybody uses ISO, and some use an all-hazard approach where they look at where you live and factors such as tornadoes, fires, theft, floods, and things that factor into your comprehensive insurance package—not just your fire department risk.

Mr. Reed asked what Chief Sheets would bring back the following month to discuss the fire marshal subject further. Chief Sheets noted that between now and the next meeting, he would need to receive questions from the Board and he would then work on getting answers. Chief Sheets added that he would recommend for the Board to get with Danny Johnson to answer questions about that report, which he did not quash. He said that he was just one part of it. Mr. Parr noted that the EMS Council was meeting that evening.

C. Proposed Recreation Foundation

Nelson County Parks and Recreation Director Jerry West indicated that he was there to present the proposal for the Nelson County Recreation Foundation.

Mr. West said the Nelson County Recreation Foundation was something they had been talking about periodically over the last year, and he had met with Ms. McGarry and other staff on several occasions. He said the Nelson County Recreation Foundation would be a foundation to help support the Parks and Recreation Department for alternative funding. Mr. West said he was bringing the idea to the Board's attention to get feedback, suggestions, and questions, and then proceed with the next steps. He said the purpose of the foundation would be to support the Nelson County Parks and Recreation department by seeking and accepting funds, grants, gifts, and donations from organizations, governmental units, and the general public. He said the funds would be an approved 501(c)3 tax-deductible giving opportunity, which would help offset some of the costs within their department given some alternative funding sources.

Mr. West said the intended uses for the foundation would be accepting tax-deductible donations to enhance department offerings and amenities, such as future parks and recreation facilities and projects. He said one of the big topics with this led to the former discussions on the future of Larkin property. He noted that the foundation would be an amazing opportunity to capital fundraise a lot of the funds that would go into the creation of that property. Along with that, he stated, they would look at scholarship offerings for their youth athletics, such as \$500 for youth soccer and youth flag football, that could provide scholarships to people who might not normally be able to afford to participate in their activities.

Mr. West said they would be able to get back into team sponsorships as well, which the department had done in the past but did not have enough sponsorships for all the teams they were creating. He also stated that the team sponsorships were not tax-deductible for businesses, so those funds just went into the general fund. He said a foundation approach would allow businesses and individuals to provide tax-deductible sponsorships to the department. He stated they could also use some of these funds for community special events, enhancing the department's offerings.

Mr. West stated that the Nelson County Recreation Foundation would increase community interactions and support, helping to build that base. He said once they developed a foundation board, it would bring the community together, involving people not normally associated with each other for the same purpose of improving recreation within the County. He said the foundation would not be an advisory board but a revenue fundraising avenue for the department that would also help with volunteer recruitment.

Mr. West stated that they could develop new community events, such as a recreation foundation golf tournament, which would bring the community together and help raise funds. He mentioned that they had a nice golf course at Stoney Creek, and this would be a good opportunity to promote future events. He said this would also help with event permit streamlining and get over some hurdles when planning events. Mr. West stated that their annual Tunnel After Dark event, which supports the Nelson County Food Pantry, could also be managed through the foundation, streamlining proceeds to the organization instead of running it through his department budget line.

Mr. West reported that the next steps would include establishing a 501(c)3 non-profit through the IRS. He noted that they would need to create bylaws and articles of incorporation, which they already had drafted. He said he and Ms. McGarry were working on developing those bylaws, and once they had a solid initial Foundation Board, they would do a final review before submitting to the IRS for approval. Mr. West said they were looking at a maximum of 11 members for the Foundation Board, initially establishing five to seven members. He mentioned that the members would include himself or the Director of Parks and Recreation, the County's Director of Finance as the treasurer, and potentially a Board of Supervisors representative. He also suggested having a representative from the school division and a few community members. He said they were looking at four to five community members from Nelson County as a whole, not necessarily by district, noting that he was open to suggestions from the Board. He said once everything was established, they would need to set up a foundation banking account and secure canopy insurance for the foundation.

Mr. Rutherford said he was excited to hear about the sponsorship piece and recalled how limited that was when he was playing soccer. He said that he refereed at age 13, and it was important to have recreation to get the community together. He said that COVID was a huge detriment to the consistency of Parks and Rec, along with a population shift, but this had the potential to be a really good thing.

Mr. West pointed out that their team sponsorship numbers never really went down, and he said that soccer participation has continued to have the biggest increase. He said when he got here three and a half years ago, there were around 150 to 170 kids participating, and now they had almost 240 kids. Mr. West noted that the largest group for soccer was the U11 age group.

Mr. Parr asked what Mr. West might need from the Board. Mr. West asked the Board for their opinions, suggestions, and any questions they may have. He said if they had any suggestions for initial establishment of board members for the foundation, he would be happy to take those recommendations as well.

Ms. McGarry suggested that the Board provide feedback on the establishment of the Board, and whether they want it to be an official board where the Supervisors make the appointments, such as a lot of their other boards and commissions, or if they would just be willing to let Mr. West and staff get that board assembled if they provide consensus.

Mr. Parr commented that this is something long overdue, and he would support it 100%. He noted that “Cover the Caboose” project could have benefitted from having this foundation and prevented the hurdles they had to go through.

Dr. Ligon asked if they had an accountant to establish the 501(c)3, noting that it was very important how that was established and how they proceeded later. Mr. West said that was something they would be working on with staff as well. He noted that they were looking at the history and development of the Blue Ridge Tunnel Foundation as well.

Mr. Reed said he was really excited about it, especially since there were people in the community who have wanted to put money towards something like this. He said this gives the foundation an opportunity to create an incentive for them to be able to take action on things they might not be able to do otherwise.

Dr. Ligon commented that she would perhaps like to see representation from each district on the foundation board. Mr. Rutherford suggested they start with that approach, and if that model does not work, they can adjust.

Mr. West said they could take this up to a maximum level of 11 members, but starting out with an initial board of less than that gives them room to build.

Ms. McGarry noted that Mr. West had spearheaded this idea and brought it to staff, and she commended him for the foresight to get this going.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

Ms. McGarry provided the following report:

A. DSS Building Project: She said the final schematic design and building specifications were nearing completion, with a planned presentation to the Board at their March 11th meeting, which would entail a request to authorize the project to go out to bid. She said the closing date for the property transfer would be February 21, with an item for them to consider under Other Business that would be an acceptance of conveyance of that property. She presented an integrated project and financing schedule through August 2025 that included these key dates:

- March 11th – BOS considers authorization to bid the project
- Late April – Construction bids received
- May 1st – VRA financing application is due
- May 13th – BOS considers approval of construction contract and Davenport presents VRA Summer Pool plan of finance
- By June 1st – Construction contract in place
- June 10th – BOS considers approval of financing resolution and documents
- July 23rd – VRA bond sale
- August 6th – Tentative VRA closing

B. High School Renovation Project: Ms. McGarry said an invitation to bid for construction of the project was issued on January 27th and a pre-bid conference was held on February 3rd, with construction bids due February 17th. She said that an integrated project and financing schedule through May 2025 has been provided with Agenda Item V. A. and included these key dates:

- February 11th – BOS considers initial resolution authorizing Virginia Public School Authority (VPSA) financing and a public hearing for March 11th
- February 20th – School Board considers resolution authorizing VPSA financing application and request and consent to issue bonds

- February 24th – VPSA financing application is due
- February 25th – Construction bids received
- By March 11th – School Board approves construction contractor
- March 11th – BOS holds public hearing on financing and considers resolution approving financing and documents
- April 22nd – VPSA bond sale
- May 6th – Executed closing documents due to VPSA
- May 13th – Tentative VPSA closing

C. Transfer Station Tipping Floor Replacement Project: Ms. McGarry said the project was ready to go out to bid, but in developing the specs and speaking with the architects, it did not appear they would be able to continue Transfer Station operations while the project was occurring. She said they would indeed need to close the Transfer Station to commercial trash collection and would be able to accept limited household trash at the site for up to 30 days. She said this was due primarily to the poured concrete slab needing a cure period of 14 to 28 days, depending on how fast the concrete reaches the specified design strengths. She said with this new information, staff decided it would be best to take a pause, as they need to provide ample notification of the anticipated closure to our commercial account holders and users of the Transfer Station, and get our alternate plans in place for disposing of household waste collected from the convenience centers. She said this plan would involve direct hauling of trash compactors to Region 2000 unless they can work out a disposal option with Amherst to use the open landfill; that option will require authorization from the Regional Authority Board and the Amherst Board of Supervisors, which could take a few months. She said the cost of direct hauling will be offset by a pause in costs related to Thompson Trucking hauling our waste from the Transfer Station to Region 2000. She added that based on when it appears the closure will be least disruptive with the least amount of trash moving, they are planning for late summer/early fall—with September being the best month based on previous numbers and providing a better cure time.

Mr. Rutherford said this was a big deal, and contractors needed a heads-up, as the next possible haul site was not a close drive. He also suggested that Ms. McGarry send a letter to the homebuilders' association so they can start talking with contractors.

Ms. McGarry said they would also hand out flyers at the Transfer Station and send direct letters to all of their commercial account holders and the homebuilders' association, and she encouraged other suggestions.

D. FY26 Budget: Ms. McGarry said there would be a work session to review the draft capital improvements Plan and agency budget requests after this meeting. She said they would look at a preliminary budget calendar, with the goal of setting some ensuing budget work sessions following the general fund budget introduction planned for the March 11th Board meeting.

E. Remaining 2025 General Assembly Session Dates:

- 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

F. Flood Insurance Rate Maps and Floodplain Ordinance Amendment: Ms. McGarry reported that the Flood Insurance Rate Maps (FIRMS) have been finalized and will become effective August 5, 2025, and it will be incumbent upon the County to amend their floodplain ordinance before this effective date in order to remain in the National Flood Insurance Program (NFIP). She said this process includes: DCR first reviewing the County's draft amended floodplain ordinance for compliance with NFIP requirements, conduct of public hearings on the ordinance amendment and adoption by the Board no later than July 4th, with a final review of the adopted ordinance by DCR by August 5th. She said that Dylan Bishop had submitted the current ordinance to DCR for the NFIP compliance review, and any needed amendments will follow the customary process of going through the Planning Commission for public hearing and then to the Board for public hearing and adoption.

Mr. Rutherford asked what they would amend in the Floodplain ordinance and whether the County had any discretion on the amendments. Ms. McGarry noted that they primarily be amending the ordinance to be in compliance with the state code language and add the new map date. She noted they would not be changing anything discretionary, but they would still be required to go through the public hearing process in order to amend the ordinance.

G. 2026 Reassessment Webpage: She said a link to the 2026 Reassessment webpage has been established on the County's website and is located in the blue banner at the top of the homepage, next to the ACRJ Renovation link. She said the page contains some general information about reassessments, including state

code provisions, assessors contact information, and pictures of the field staff working within the County. She said staff would make periodic updates as necessary for the duration of the reassessment, which would include through the conclusion of the Board of Equalization's work in March 2026.

H. Additional Street Lighting in Lovington: Ms. McGarry said they have followed up on the additional street lighting in Lovington as requested by Supervisor Rutherford. She said that County staff and AEP staff have collaborated on the addition of two streetlights in Lovington; a request for new service has been submitted, an AEP work order has been issued, and Jeff Brantley will meet with an AEP technician to evaluate the poles. She said that according to AEP, there should be no charge for installation, and the monthly cost is minimal at \$6–\$12 per light.

I. Meals and Lodging Tax Collection and Lodging Entity Tracking: She reported that the number of lodging units is 815, up from 806 in the previous report.

J. Staff Reports: Department and office reports for May/June have been provided to the Board.

Dr. Ligon asked how the survey was going for the space needs in the Courthouse. Ms. McGarry noted that she had received some responses and was still waiting on others.

2. Board Reports

Mr. Parr:

Mr. Parr said the EMS Council meets tonight, and the Social Services Board had met that afternoon. He said they were going to be working on establishing a reduction in force policy, and the question that came up in that meeting was whether they would fall under the counties, and he checked with HR and determined they would not. He stated that Mr. Burdette would be looking into options and coming up with a reduction in force (RIF) policy just so they have something in place. He said while DSS did not fall under the state's policy, that was what they would mirror and reference.

Dr. Ligon:

Dr. Ligon reported that she had attended her first Planning Commission meeting last month; unfortunately, the Commission had lost two members, which she would follow up on a little later. She added that the general consensus was negative on communication from the Board of Supervisors to the Planning Commission, so her goal in her new role is to give the general flavor of the Board to the Planning Commission and not vote on Planning Commission issues, but wait to vote on the issues at the Board meeting. She noted that she was sad that they members on the Planning Commission, but she was excited because they had four new members on board, and they would be educated on their role as Commissioners. She said hopefully, with the increased communication, the Commission would feel that their vote and their voice were heard by the Board.

Dr. Ligon said she also went to the EDA meeting, and that sentiment seemed negative as well, unfortunately—with similar concerns that they were not being heard and that the communication was poor. She added that she truly believed a lot of the issues in Nelson County could be remedied with increased job numbers in the County—good jobs—and giving the EDA power and a voice and the ability to help create those jobs is huge. She stated that she was advocating to educate the EDA, empower them, and allow them to do what the state says they can do to generate money and help create jobs for the County.

Mr. Rutherford noted the EDA and asked if this was related to the directives the Board had made.

Dr. Ligon responded that at the EDA last meeting, they met and some roles of EDAs were defined. She said they were educated on the state vocabulary, what some successful EDAs do to draw in money, and places to start. She said the lawyer they spoke with does a lot of bond initiatives and works with a lot of EDAs, and he felt that a good place to start was funding EDA, with good communication between EDA and the Board of Supervisors.

Mr. Parr mentioned that EDA Board communication was the reason they moved the DSS facility from the original construction site to the new site in the village of Lovington, so that reflected positive communication between the two boards.

Mr. Rutherford:

Mr. Rutherford reported that they did not have a jail Board meeting this past month. He said he had several different meetings with constituents this month related to gravel roads, especially on the Buckingham side

of his district. He said a lot of gravel roads were not sustaining a lot of this water, and he needed to inquire with Robert Brown related to the six-year plan.

Mr. Rutherford said some of the discussions that have been happening with surrounding local governments and the PDC are related to the future of energy use in the Commonwealth as a result of data centers. He said if Virginia is not the number one state in the world to have data centers, they are definitely close to it. He said this is a pretty serious problem because as a result, the Commonwealth is importing a lot more electricity than it historically has ever done. He said that meant higher rates, with power coming from Ohio, Pennsylvania, West Virginia, down south, and out west. He said that local governments like Nelson were going to be finding themselves advocating for some of these. He said it's hard to argue when there are \$3 billion entities showing up and bringing in serious revenue for localities; for example, Amazon is looking at paying almost for the entirety of a new nuclear facility in Louisa just to supply the power needs of some of the data centers in their area. He said there is usually a four- or five-year lapse until the data center power is needed, but it's still a concern now.

Mr. Rutherford reported that they had an excellent Lovingson merchant meeting recently, with a lot of people in attendance. He said there were discussions about what kind of businesses they want to see and what they want the association to get involved with. He asked if there were any updates from VDOT on the sidewalk project. Ms. McGarry noted that she had not heard anything but staff could check.

Mr. Reed:

Mr. Reed reported that at the JABA Board meeting, new Executive Director Judith Selzer was introduced, and she would be meeting the Board in the near future. He added to the EDA meeting comments that there was a proposal for a joint meeting with the Board of Supervisors and the EDA to work on the communication issue, with the hopeful outcome being to work closely on projects.

Mr. Reed said he registered for the TJPDC Regional Housing Summit to be held March 13 at the Omni Hotel in Charlottesville. He mentioned that 78% percent of the funding that TJPDC gets is federal funding, and they are wondering what the future holds for the projects that they already have underway. He also said that one of the big sources of revenue for JABA was donor-advised funds, and there's some speculation that that may not hold the same value that it has now.

He said that he had met with John Adkins regarding Emergency Services, and while the Board of Supervisors chair becomes the Director of Emergency Services it is not always an active role. Mr. Reed noted that he has always deferred to Mr. Parr and Mr. Harvey on EMS items. He said he would be taking three days of trainings to learn more of the ins and outs of what might be required in that position, but also how all the pieces of EMS fit together. He stated that he had attended the Virginia Association of Counties (VACo) Chairperson's Institute in Richmond, consisting of two days of trainings there; regardless of whether supervisors have been, or will be chairing this Board, it was extremely valuable.

Mr. Rutherford reported that the Line of Duty Death Benefit Bill (LODA) passed both Chambers, the House and the Senate, and it was going to be signed by the Governor within the next month. He noted that there were plans to potentially hold a signing ceremony.

B. Appointments

Planning Commission

Ms. Spivey stated that there were two vacancies on the Planning Commission—one for the South District and one for the Central District—and they had received one application each. She said that Gary Scott submitted an application for the South District, and Richard Averitt submitted an application for the Central District. She noted that Mr. Averitt currently serves on the EDA, and he would be unable to serve in both capacities. She indicated that Mr. Averitt was interested in serving on the Planning Commission, and he was willing to resign from the EDA if the Board was also interested in appointing him to the Planning Commission.

Mr. Rutherford commented that he knows both men personally, and they are stalwarts in the community. He read from Mr. Averitt's application: "I will bring a balanced perspective prioritizing individual freedom and private rights along with a deep commitment to community and the desire to see Nelson County and all of its residents thrive, irrespective of economic status and influence."

Dr. Ligon moved to accept Gary Scott as South District representative and Richard Averitt as Central District representative on the Planning Commission, pending Mr. Averitt's resignation from the EDA.

Mr. Reed noted that the Central District term would expire June 30, 2026; the South District term would expire in 2028.

Mr. Rutherford seconded the motion, which passed unanimously (4-0) by roll call vote.

JABA Council on Aging

Mr. Parr moved to appoint Dr. William Iverson to the JABA Council on Aging for a two-year term through 2026. Mr. Rutherford seconded the motion, which passed unanimously (4-0) by roll call vote.

C. Correspondence

Mr. Parr thanked the Nelson County Juneteenth Celebration Committee and moved that they allocate \$5,000 for the Juneteenth celebration to take place June 22, 2025. Dr. Ligon seconded the motion, which passed unanimously (4-0) by roll call vote.

Mr. Rutherford thanked staff for coordinating the two new streetlights in Lovington.

Dr. Ligon asked when the Christmas lights were coming down. Ms. McGarry noted that she believed the lights remaining up were the ones handled by CVEC folks and they had been swamped with work. She indicated that staff would look into it.

D. Directives

There were none.

VIII. OTHER BUSINESS (AS PRESENTED)

Resolution R2025-11 Nelson County Board of Supervisors authorization for acceptance and conveyance of 37 Tanbark Drive, Lovington, for the Department of Social Services

Ms. McGarry stated that Resolution R2025-11 is for authorization for acceptance of conveyance of 37 Tanbark Drive, Lovington property for the Department of Social Services building project. She noted that the closing was scheduled for Friday that week and Mr. Payne needed the Board's authorization prior to the closing.

Mr. Rutherford moved to approve **Resolution R2025-11**, Nelson County Board of Supervisors authorization for acceptance and conveyance of 37 Tanbark Drive, Lovington, for the Department of Social Services. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2025-11
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
37 TANBARK DRIVE, LOVINGSTON FOR
DEPARTMENT OF SOCIAL SERVICES BUILDING PROJECT**

BE IT RESOLVED, the Nelson County Board of Supervisors does hereby approve and accept the conveyance of real estate at 37 Tanbark Drive, Lovington, from Joe Lee McClellan, Inc. for the planned location of the Department of Social Services building project; the parcel being Tax Map Numbers 58-A-36 and 58-A-37 and described as: "All that certain tract or parcel of land, with improvements thereon and appurtenances thereto belonging, situated in the Lovington Magisterial District of Nelson County, Virginia, containing One and twenty-six hundredths (1.26) acres, more or less; and

BE IT FURTHER RESOLVED, by the Nelson County Board of Supervisors that the County Attorney, Phillip D. Payne, IV, is hereby authorized to accept the deed of conveyance thereof in consideration of the sum of \$775,000.00.

Ms. McGarry said the second item was also related to the DSS building project, and they essentially need to amend the PMA Architecture contract to include additional services to prepare a site inspection and report identifying lead paint and asbestos containing materials in the building. She said they would also prepare

removal specifications to be included in the project manual for construction bidding, and this would need to be done so that any abatement of any lead or asbestos is identified and specified within the bidding specifications so that the contractor will take care of that before the building is demolished.

Ms. McGarry said the amendment is for \$5,671, which is the amount proposed by Marine Chemist Service, Inc. of Newport News.

Mr. Rutherford said they did not really have any options as it relates to asbestos.

Mr. Rutherford moved to authorize staff to proceed with amendment in the amount of \$5,671 for asbestos identification and remediation for the DSS building, 37 Tanbark Drive, Lovingsston. Mr. Parr seconded the motion, which passed unanimously (4-0) by roll call vote.

Mr. Parr noted one last item from Correspondence. Mr. Parr recognized the FFA team, which the Board had allocated \$5,000 for at the end of last year, and the team attended the Western National Roundup in Denver, Colorado, and placed 15th in the nation. He congratulated the team, and their leaders, Margaret Seaman and Cole Ramsey.

Recess

The Board took a fifteen-minute recess.

VII. REVIEW FY26 CAPITAL IMPROVEMENT PLAN AND AGENCY REQUESTS

Ms. McGarry noted that they would be reviewing CIP and Agency requests today. She reviewed the proposed budget calendar, stating that the general fund budget would be introduced at the next regular Board meeting on March 11, 2025. She indicated that the School Board budget is expected to be received on March 17, 2025. She noted that they were waiting to hear back from the School Board on a date to hold a joint meeting. She noted that the Board had expressed interest in holding longer work sessions and fewer of them, instead of many short work sessions. The Board discussed options for work sessions and decided to hold a budget work session on March 18, 2025 from 10:00 a.m. to 4:00 p.m.

Ms. McGarry reported that the Board must decide on any tax increases by March 26, 2025 so the County can get the notices out in time to the paper for an April 10, 2025 public hearing. The Board decided on March 25, 2025 from 10 a.m. to 4 p.m. for a second budget work session, as well as a tentative work session on April 1, 2025 from 10 a.m. to 12 p.m.

The Board suggested March 20, 2025 as a potential joint meeting with the School Board with March 19th as a fallback. They also decided to have April 10, 2025 at 3p.m. as an additional budget work session if needed.

Ms. McGarry reviewed other dates of note. She indicated that they would plan to get the tax rates and personal property tax relief percentage to the Commissioner of Revenue by Friday, April 11th. She noted that the budget public hearing was scheduled for Tuesday, May 13th at the regular board meeting. She also indicated that the Treasurer would be sending the tax bills out the week of May 12th. She then noted that the FY26 budget adoption and appropriation would be scheduled for Tuesday, June 10th, which was a regular board meeting day. She indicated that the Board would have to wait at least seven days after the public hearing to adopt the budget. She noted that the Board could adopt the budget sooner than the June 10th meeting, she was just trying to line up the schedule with their regular meetings.

Mr. Reed noted that the Board would decide real estate and property taxes at the March 25th meeting.

Ms. McGarry presented the Capital Improvement Plan. Ms. Mawyer stated that she did not put any of the requests in priority order, she put these in order of department by number. Ms. McGarry noted that all of the requests had been submitted by staff but they had not been vetted yet. She added that there were still a few things they were waiting on pricing for.

Mr. Rutherford said the one that pays for itself and pays for more things is the short-term rental system, as online payment systems greatly improved payment timeliness. Mr. Reed noted that he had also flagged that item.

Ms. McGarry said that some of these items went in the capital outlay section of the budget and were not necessarily capital improvements, noting that they were likely going to have more non-recurring revenue than recurring at the moment.

Mr. Reed said the only other thing he wanted to bring up under Parks and Recreation was the survey for the Sturt Park property, because they needed to get a survey done. He noted that there was some forest money available. He asked if the Capital Improvement Plan was where the survey for Sturt should be included. Ms. McGarry clarified that they just needed to move ahead with the survey because that money is already in the budget. She noted that staff has already compiled a list of surveyors to get quotes from.

The Board discussed the Capital Improvement Plan. Mr. Parr clarified that the first two pages of the technology request were for FY26, and the last two pages were FY28–30. Ms. McGarry noted that vehicles were not included in the CIP.

Dr. Ligon asked about remote site switch replacements. Ms. Rorrer noted other switches had been replaced during previous and current budget cycles. Mr. Rutherford noted that there was a lot to look at for CIP.

Ms. McGarry said the total for FY26, with the exception of a few things they were waiting for quotes on, is \$1,093,689. She said those items pending quotes were related to the asphalt repair around the courthouse area and the convenience centers, and roof repairs at the courthouse. Mr. Rutherford stated that he was in support of a park area in Lovington. Ms. McGarry noted that some good points had been made in a staff meeting earlier in the day to indicate that the location next to Building Inspections may not be the best location due to the amount of foot traffic from Town Creek and hanging around the laundromat and surrounding areas. She noted another location that had been discussed for a park was the space behind the Nelson Center. Mr. Rutherford commented that another suggested location was behind the Hoover Stevens building. Ms. McGarry suggested that the Lovington park needed some more thought, in terms of location. She noted that the Forest Sustainability Funds could be used for outdoor recreation also.

Mr. Rutherford asked when the County would be on the hook for the \$3 million for the radio upgrade and the \$1.5 million radio tower site.

Ms. Rorrer noted that the radio upgrade was optional but they should start thinking about it. Ms. McGarry noted this was a proposed upgrade to move the radio system to a trunked system. Ms. Rorrer explained that a new tower site would improve radio communications coverage in the southern portion of the county. She indicated that the last radio upgrade was during 2015 to 2018. She noted that the trunked component would be built on existing infrastructure, and it would be an enhancement, not like starting completely from scratch.

Dr. Ligon asked about the \$1.5 million and what that would be cover. Ms. Rorrer explained that the site would be leased and the tower would be constructed. Dr. Ligon asked if annual tower lease was included in the annual operational costs. Ms. Rorrer indicated that Nelson could possibly partner with Buckingham for a shared use site. She noted that the \$43,000 annual cost did not include the lease of the site. Dr. Ligon asked if there were potential sites being considered. Ms. Rorrer noted a consultant or someone from Motorola would need to help County to determine locations once they were seriously considering a site. She indicated that a lot of the initial work would be done at no charge. She noted it would be a multi-year process. Dr. Ligon commented that a lot would be going on by 2027 in the southern portion of County and it would be good to have the evaluations started. Ms. Rorrer commented that they could get started on the process without expending any money and she noted she could check to confirm that there no initial expense.

Mr. Reed noted the County Facilities Study on the CIP for FY27. He asked if that would assess what the County has currently and determine future needs, or if it would be for repairs and servicing of what was currently in use. Ms. McGarry noted that it could be all of that. She noted that an architectural firm would likely do the study. She explained that the \$75,000 estimate was just a guess based on the Schools Facility Study which was about \$50,000. Mr. Reed asked if the FY27 Facilities Study would include the School Administration offices. Ms. McGarry noted that it could also include that. She noted that the School's facility study did not include the School Administration offices because that was something that came up much later in the study process.

Dr. Ligon expressed concerns on punting the issues on available space another two years down the road. She noted that the Commonwealth Attorney has been requesting more room for a while now. Ms. McGarry noted that it could be moved sooner in the CIP. She explained that the issue was a domino effect, someone would have to move out of the Courthouse to create office space for the Commonwealth Attorney. Mr. Parr noted it would be interesting to see what the School facility study says.

Mr. Reed asked for Mr. Parr's opinion on the shelter trailers for EMS. Mr. Parr noted there did not seem to be a choice as it was mandated. Ms. McGarry explained the one shelter trailer would have the equipment needed to setup the shelter for people. She explained that if there is a shelter for people, there would also be something

required for companion animals as well. She noted that they already had shelters established for an emergency, they just did not have the cots and other items needed.

Ms. McGarry noted that for some of the items in the CIP, there could be grant opportunities available. She indicated that the County would pursue any grant funding opportunities that they could.

Dr. Ligon noted that they had discussed the trunking of the radio system during last year's budget process. She commented that it would fix the issues with Wintergreen's communication with the County. Ms. Rorrer noted that the issues with Wintergreen were related to the console in Dispatch and aging infrastructure. She explained that trunking would enable them to roll Wintergreen in on the communication side. She noted that the trunked system does not restrict County. She reported that the County currently had four frequencies (Fire and Rescue, Fire and Rescue backup, Sheriff, and Paging). She indicated that the trunk system would allow for the creation of many groups to where communications did not need to be heard by all. Dr. Ligon asked if Wintergreen could help pay for it, Ms. Rorrer noted she was not sure if they would be able to absorb some of the cost. She commented that she thought it was something they should proceed with, regardless of whether Wintergreen was able to contribute. Ms. McGarry noted there would also be about a \$400,000 increase in the annual operation cost if they moved to a trunked system. Dr. Ligon asked why the annual operations cost was high and whether that was related to the number of users. Ms. Rorrer noted it was a basic system cost that was not based on the number of users or groups on the system, rather the number of sites and equipment did affect the cost.

Mr. Rutherford commented that he liked the idea of a Recreation Master Plan but he was not sold on it yet. Mr. Reed noted that the Recreation Foundation would be able to help move that forward.

Mr. Rutherford noted it was hard to go through the CIP without knowing how much money they had.

Dr. Ligon noted Emergency Services had a request in FY26 for two Starlink Wanderer Pro units with a cost of \$9,190 and an annual cost of \$1,000. She noted that she had a Starlink and it did not cost that much. Mr. Rutherford noted that his did not cost that much either. Ms. McGarry noted that the two units would be geared towards disaster response. She indicated that they would check on the cost for the units. She also noted that there could be grant opportunities to pay for the units.

Mr. Reed asked to discuss what building renovations were needed at the Building Inspections office. Dr. Ligon noted that it was built on fill dirt and the building was settling. Ms. McGarry noted that they had an architectural evaluation done in the last few years. Mr. Rutherford noted that it was determined to likely cost around \$500,000 to fix. He commented that the best case scenario was to take the building down and rebuild on a better foundation. Ms. McGarry explained that due to zoning regulations regarding structures in the floodplain or floodway, they were limited to only make up to a certain value of improvements per year. Dr. Ligon noted the expense of building a new structure. Ms. McGarry noted that currently \$115,000 was half of the building's assessed value and that was the amount of major repairs that could be done per year due to the building being in a floodway. Dr. Ligon asked if a survey was done by Building Inspections regarding their space needs. Ms. McGarry noted they did not because PMA had already done a space needs study recently. Mr. Reed asked to seriously consider options, noting the impact of flooding in Asheville, NC. He asked about the possibility of the Nelson Center and moving Planning and Zoning and Building Inspections to that location. Ms. McGarry noted that it was a possibility. Dr. Ligon commented that would mean they were paying more rent.

The Board then discussed the telephone system upgrade. Dr. Ligon asked if an upgrade in 2026 would patch things together, noting that the lines recently went down. Ms. Rorrer explained that the issue was related to the provider, not the system. She indicated that the upgrade to the telecom would be because the phones had reached what the provider had determined to be their end of life and support would be limited. Dr. Ligon asked about going to internet for phones. Ms. Rorrer noted that with the organization's size, it would be best to keep the phone system as is.

The Board then decided to wait on discussing CIP further until more information on revenues was available.

The Board then reviewed the agency requests.

Mr. Rutherford noted that several of the agencies were not asking for an increase in funding for FY26. He commented that TJEMS Council did not request any funds for FY26.

Ms. McGarry reviewed the line-item budget requests, with several specific approvals as follows:

- Nelson County EMS Council: The Board was in agreement to fund at \$553,103 which was an increase of \$55,952 over FY25. Ms. McGarry noted that a majority of the increase was due to the new expenses. Mr. Parr noted that was due to the fact that a lot of departments were paying for the expenses out of pocket and not submitting those requests to the County. Dr. Ligon noted that she was concerned because the Fire Department was having to pay for more things. She asked if they

used a central ordering system for all agencies to use to get better discounts. Mr. Parr noted that for some things, they did pool their resources.

- Nelson County Health Department: The Board was in agreement to fund the Health Department's request of \$375,519 which was an increase of \$17,882. Ms. McGarry noted that they would have a full year of new rent coming up. She indicated that the new local share would be about \$10,000 more than the current local share. She explained that the Health Department had built in a 3% staff salary increase starting in July. She noted that there was a 6.3% increase to provide for salary increases and a portion of the community health worker supervisor's salary. She reported that the County's local share was 45% while the State's share was 55%.

Mr. Rutherford suggested that any agencies not seeking increases be kept as requested.

- Region Ten Community Services Board: Funded at \$150,000 for FY26.
- PVCC: Funded at \$2,124 for FY26, which was an increase of \$7 over FY25.
- Thomas Jefferson Soil and Water Conservation District: Funded at \$36,142 for FY26, which was a \$1,053 increase over FY25.
- Thomas Jefferson Planning District Commission: Funded at \$21,267 for FY26, which was a decrease of \$9,645 from FY25. Ms. McGarry explained that the reason for the decrease in the amount of funds requested was due to the fact that the current FY25 budget included a \$10,000 contribution for the Regional Housing Needs Assessment.
- Jefferson Madison Regional Library: Funded at \$413,914 for FY26, which was an increase of \$30,949 over FY25. Ms. Mawyer noted that the biggest part of the increase was due to insurance. Ms. McGarry noted that the Library fell under the same benefits as Charlottesville City. Dr. Ligon noted that the library did a great job with its programming. Ms. McGarry explained that the library had a 30.6% increase in health insurance.
- TJEMS Council: No funding requested for FY26.
- JABA: Funded at \$111,904 for FY26, no increase requested from FY25 budget.
- JAUNT: Funded at \$88,840 for FY26, which was a decrease in the FY25 amount requested by \$1,339. Dr. Ligon asked if they were decreasing services because that would affect JABA. Ms. McGarry noted there was no change in services provided. Mr. Rutherford suggested that JAUNT come present at a future meeting.
- MACAA: Requesting \$55,000 for FY26, which was an increase of \$19,000 in funding over FY25. Mr. Reed noted that they were not doing Headstart for FY26, but they had added an afterschool program. The Board requested a more detailed description of services and asked that MACAA attend a budget work session to explain what they are doing and what services would be provided before any funding decision could be made.
- Shelter for Help in Emergency: Funded at \$9,372 for FY26, which was an increase of \$446 over FY25.
- Foothills Child Advocacy Center: Funded at \$10,000 for FY26, which was an increase of \$745 over FY25.
- OAR/Community Corrections: Funded at \$15,366 for FY26 as requested, which was an increase of \$2,459 over FY25.
- Nelson County Economic Development Authority: Funded at \$8,100 for FY26 as requested, which was an increase of \$5,000 over FY25. Ms. McGarry explained that \$3,100 was their usual request. She noted that the \$5,000 was for a strategic planning study.
- Central Virginia Economic Development Partnership: Funded at \$10,000 for FY26 as requested, no changes from FY25.
- Nelson County Community Development Foundation: Funded at \$69,661 for FY26 with no increase from FY25, wait on the \$25,000 to be considered separately. Mr. Reed noted that the NCCDF was actually doing more than they had projected last year. He indicated that NCCDF was also taking over the high school house project since Habitat for Humanity was no longer doing it.

Ms. McGarry noted that they had relinquished the Regional Section 8 Housing Voucher management, so it had freed NCCDF up to focus on their mission. Mr. Reed noted that NCCDF had requested an additional \$25,000 to support the housing project. Board in agreement to keep the \$25,000 separate from the operational funding and have NCCDF at a future budget work session for more information.

- Community Investment Collaboration (CVSBDC): Funded at \$8,976 as requested for FY26, which was an increase of \$268 over FY25.
- CASA: Funded at \$3,500 for FY26 as requested, no increase from FY25.
- Gladstone Senior Meals: Funded at \$15,000 for FY26 as requested, no increase from FY25.
- Rockfish Senior Meals: Funded at \$12,367 for FY26 as requested, no increase from FY25.
- Virginia Institute of Government: Funded at \$1,000 for FY26, no increase from FY25.
- Virginia Career Works Piedmont: Funded at \$2,942 for FY26 as requested.
- Wintergreen Performing Arts – 50/50 Grant: Funded at \$9,000 for FY26 as requested, no increase from FY25.
- Habitat for Humanity – Piedmont Region: Funded at \$2,500 for FY26 as requested. Mr. Rutherford said the last time he spoke with Sam Parkins, Mr. Parkins noted that Habitat’s biggest hurdle was that they had utilized all their existing lots.

IX. ADJOURNMENT

At 5:43 p.m., Mr. Rutherford moved to adjourn their meeting and continue to February 26, 2025 at 6:00 p.m. for a joint work session with the Planning Commission.

Mr. Parr seconded the motion, which passed unanimously (4–0) by roll call vote and the meeting adjourned.