

**Virginia:**

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

Present: 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  
Dylan M. Bishop, Director of Planning and Zoning

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. Rutherford led the Pledge of Allegiance.

**II. PUBLIC COMMENTS**

*Marta Keane and Judith Selzer- JABA*

Ms. Marta Keane, former CEO of the Jefferson Area Board of Aging (JABA), addressed the Board and introduced JABA’s new CEO, Judith Selzer.

JABA CEO Judith Selzer announced that JABA is celebrating its 50th anniversary this year. She expressed gratitude to the Board of Supervisors and the wider community for their ongoing support of the aging community and those with disabilities. Ms. Selzer reminded the Board that 50 years ago, several Central Virginia counties, including Nelson, joined together to create JABA. She stated it is their mission to ensure no one is left isolated or without meals or essential care.

Ms. Selzer noted that she had provided booklets to the Board which outlined program outcomes from this past year and current impacts mid-year with current funding. She shared a success story of one of JABA’s aging services coordinators who helped a couple in their 70’s needing nutritional support and home cleaning services. She noted that the coordinator was able to visit the couple and discovered that they were both disabled and unable to drive, and were now confined to their first floor and struggling with hoarding. She said the coordinator registered them for home delivered meals—specifically, Mom’s Meals—and connected them with the local Rotary Club for home cleaning assistance. She emphasized that JABA not only provides direct services but also serves as a referral network for meaningful connections with organizations like Rotary. Ms. Selzer reiterated her commitment to service and encouraged Board members to reach out with community needs.

*Stephen Bayne – Nellysford, VA*

Mr. Bayne said he was before them regarding a memo from the Berkeley Group included in the agenda and packet for this meeting. He read from that memo: “Berkeley Group requests that the Nelson County Board determine the new districts to be drafted.” Mr. Bayne said this made perfect sense as the Board is the ultimate decision maker for Nelson County. He commented that the consultants could have done this sooner, such as before the joint work session on December 18, 2024.

He urged the Board to not limit their decision of new zoning districts to three as directed by the consultants. He commented that the cost per new district drafted is negligible. He said it is highly cost effective and far more efficient for the consultants to draft all new districts needed by the County. He emphasized that this is far too important a decision, and they did not want to be penny wise and pound foolish. He concluded by urging the Board to direct the consultants to draft all new districts needed by the County.

*Grace Puskas – Blue Ridge Medical Center*



Ms. Puskas with Blue Ridge Medical Center (BRMC) stated that she was previously their community health worker and she had planned the 2023 Nelson Community Health Fair at the Heritage Center. She said she is now the director of their new AmeriCorps program. She explained that AmeriCorps is a federal agency for national service and volunteerism with the mission to improve lives, strengthen communities, and foster civic engagement through service and volunteering.

Ms. Puskas said at BRMC, they have a public health AmeriCorps program with a mission to advance more equitable health outcomes for underserved communities and provide people the opportunity to gain onsite experience for future careers in public health. She said they currently have four members serving with BRMC, who are focusing on conducting social determinant of health (SDOH) screenings with patients, connecting patients to community resources, managing the food pharmacy, and completing data collection. She said that BRMC has summertime positions open, and starting in September, they will have a year-long opportunity for anyone to serve with them. She noted that anyone who is 18 years and older, and is an American citizen is eligible to apply for the program. She said that AmeriCorps members receive a living allowance and an education award to put towards tuition or student loans. She commented that this provides hands-on experience in the medical, public health, data analytics and psychology fields, and helps members stand out from other applicants, with both volunteer and field experience. She said that AmeriCorps alumni are more highly recognized for federal government positions, and locally, they will get to work with an interprofessional team at BRMC while making a great impact in their community through service. She reported that they were currently accepting applications for all three positions.

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. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation (4–0), and the following resolutions were adopted:

#### **A. Resolution – R2025-12 Minutes for Approval**

#### **RESOLUTION R2025-12 NELSON COUNTY BOARD OF SUPERVISORS APPROVAL OF MINUTES (September 19, 2024)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **September 19, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

#### **B. Resolution – R2025-13 FY25 Budget Amendment**



**RESOLUTION R2025-13**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET**  
**March 11, 2025**

<b>I. Appropriation of Funds (General Fund)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	1,787.50	3-100-001901-0032	4-100-031020-3038
\$	9,404.94	3-100-002404-0017	4-100-021060-3164
\$	9,354.00	3-100-002404-0017	4-100-021060-3164
\$	338.00	3-100-002404-0034	4-100-031020-1014
\$	352.83	3-100-003303-0107	4-100-031020-1013
\$	2,300.00	3-100-002404-0018	4-100-021010-1009
\$	112,000.00	3-100-001899-0050	4-100-999000-9905
\$	271,000.00	3-100-004105-0101	4-100-012100-3002
\$	406,537.27		
<b>II. Supplemental Appropriation of Funds (School Fund)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	154,000.00	3-205-002402-0076	4-205-068000-9306
\$	154,000.00		
<b>III. Appropriation of Funds (Piney River Fund)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	25,000.00	3-501-004105-0001	4-501-042040-5407
\$	25,000.00		
<b>IV. Transfer of Funds (General Fund Contingency)</b>			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	2,500.00	4-100-999000-9905	4-100-091030-5622
\$	25,000.00	4-100-999000-9901	4-100-093100-9207
\$	27,500.00		
<b>V. Transfer of Funds (Capital Fund)</b>			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	419,730.00	4-110-999000-9903	4-110-094200-8390
\$	355,297.00	4-110-094200-8320	4-110-094200-8390
\$	4,652.50	4-110-094200-8320	4-110-094200-8390
\$	779,679.50		

C. Resolution – R2025-14 FY26 Creative Communities Partnership Grant

**RESOLUTION R2025-14**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**VIRGINIA COMMISSION OF THE ARTS**  
**FY25-26 CREATIVE COMMUNITIES PARTNERSHIP GRANT**

**BE IT RESOLVED**, by the Nelson County Board of Supervisors that said Board endorses the County’s submission of an application to the Virginia Commission of the Arts for 2025-2026 Creative Communities Partnership Grant funding (formerly Local Government Challenge Grant).

**BE IT FURTHER RESOLVED**, said application includes a local match of \$4,500.00 to be confirmed upon formal adoption of Nelson County’s Fiscal Year 2025-2026 Budget by the Board of Supervisors.

**IV. PROCLAMATION – American Red Cross Month (P2025-01)**

Mr. Rutherford moved to adopt **Proclamation P2025-01** recognizing American Red Cross Month. Dr. Ligon seconded the motion, which passed by unanimous voice vote (4–0) and the following proclamation was adopted:



**PROCLAMATION 2025-01  
NELSON COUNTY BOARD OF SUPERVISORS  
AMERICAN RED CROSS MONTH, MARCH 2025**

**WHEREAS**, this March, we celebrate American Red Cross Month by recognizing the compassionate acts of people in Central Virginia and by renewing our commitment to lend a helping hand to our neighbors in need. Since Clara Barton founded the American Red Cross more than 140 years ago, generation after generation has stepped up to deliver relief and care across our country and around the world, bringing out the best of humanity in times of crisis. Advancing this noble mission, the volunteers, blood and platelet donors, and supporters who now give back through the American Red Cross, Central Virginia Chapter remain unwavering in their commitment to prevent and alleviate human suffering in the face of today's emergencies.

**WHEREAS**, their voluntary and generous contributions shine a beacon of hope in people's darkest hours — whether it's delivering shelter, food and comfort during disasters; providing critical blood donations for hospital patients; supporting service members, veterans and their families; saving lives with first aid, CPR, AED and other skills; or delivering international aid and reconnecting loved ones separated by global crises.

**WHEREAS**, this work to uplift our community is truly made possible by those who selflessly answer the call to help, whenever and wherever it's needed. We hereby recognize this month of March in honor of their remarkable service, and we ask everyone to join in their commitment to care for one another.

**NOW, THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors do hereby proclaim March 2025 as Red Cross Month. We encourage all citizens of Nelson County to reach out and support its humanitarian mission.

**V. PRESENTATIONS**

**A. VDOT Report**

Mr. Robert Brown of VDOT reported that they were experiencing a tremendous amount of potholes and winter breakup on their roads, continuously patching potholes and trying to arrest them as quickly as possible. He said this is an ongoing process that hopefully would slow down with the warmer weather. Mr. Brown said they are very fortunate to have a tremendous amount of new pavement on Route 29 over the last two years, which is making things bearable, but there are still some sections on Route 29 to be done.

Mr. Brown said he had received a request from Mr. Rutherford to consider a crosswalk on Front Street and pedestrian crossings on Front Street and Main Street. He stated that VDOT did not realize there were no crosswalks in Lovingsston, so they are going to look at installing some on Front Street and Main Street. He noted that they will need to do some work to determine where to locate the ADA curb cut ramps, and while there are some out there, they did not appear to be in the right place, so they were looking at how to improve that. Mr. Brown stated that he received a concern about a pipe on Laurel Road, and he did not know if that pipe has been opened; it is draining, but it does need to be replaced.

Mr. Brown said he saw some people doing street sweeping in Lovingsston, but VDOT has not started that yet and usually they complete street sweeping in April. Mr. Brown said they would have to do it with state forces, whereas they previously hired a contractor for street sweeping, but maintenance funding is strapped right now because of all the hurricanes and winter weather. He said they are really holding back on maintenance expenditures and are not doing anything that can be held off for now. He indicated that they would certainly address any safety-sensitive issues just as they always do. Mr. Brown said he hopes the financial picture would improve when they get their new funding in July.

Supervisors then reported the following VDOT issues:

Mr. Parr:

Mr. Parr said he had mentioned the driveway on Lowesville Road where the culvert had been replaced, and it is apparently not quite big enough for the amount of water that comes through, as it washed out again five or six weeks ago when they had a big rain. He said that Jeremy Mays was considering cleaning up the area above the driveway, going through all the scrub pines to see if that helps. Mr. Brown stated that they would take a look at it and perhaps do some work on the inlet and outlet ends where it reaches its maximum hydraulic capacity, to ensure that the debris does not get stopped up in the culvert. Mr. Parr commented that the resident was having to drive across boards over the culvert. Mr. Brown indicated that VDOT would make some temporary repairs.



Dr. Ligon:

Dr. Ligon said she had received some emails about the flooding in Gladstone from the first storm, not the second storm. She noted that due to the water, residents could not park their cars along the street. Mr. Brown responded that he did not know what VDOT could do about that, as all the drainage goes under the railroad. He said they did open one of those culverts a few years ago, but VDOT cannot help anything until the railroad restores their drainage across that whole lot. He added that the railroad put that drainage in but he did not think it was not in the right-of-way. He noted that VDOT went in last year to try to open it up as much as possible, but it has to go across railroad property. He said that VDOT has worked with their railroad division before and has been able to get CSX to clean that out. Mr. Brown said that they would work on it.

Mr. Rutherford:

Mr. Rutherford said he had recently interacted with some of the surrounding boards of supervisors, who have indicated that some rules were changing related to Smart Scale. He asked Mr. Brown to look into those details and report back. Mr. Brown explained that they have changed the rules every year since Smart Scale came on, as it has become the avenue for localities requesting construction projects. He indicated that he would find out specifically what the changes are and report back. Mr. Rutherford said it sounds like it was largely monetary related, where there might be some requirements for local participation if any Smart Scale projects come to fruition. Mr. Brown said he has not heard that they were going to require a match, but local funding such as what Lynchburg does, makes the cost-benefit ratio more attractive and the project scores better.

Mr. Rutherford also thanked Mr. Brown for taking care of Laurel Road.

Dr. Ligon mentioned the road conditions on the unpaved road Lonesome Pine, which connects to Craigtown Road and Naked Mountain, stating that the road has lots of potholes.

Mr. Reed:

Mr. Reed had no VDOT issues to report.

B. VDOT Secondary Six Year Plan Work Session (R2025-15)

Mr. Brown said this is the time of year when the Board revises the secondary road six-year construction improvement plan (SSYP). He noted that they would be conducting a work session. Mr. Brown stated that this year, the allocations appear to be decreasing, and funding is being reduced for unpaved road funds. He said the programming and funding for the first two years of the plan would really determine what will be built in terms of hard surfacing unpaved roads. He reported that the projected allocation for FY26 is \$454,996. Mr. Brown noted that this figure remains the same for the first four years. He noted that sometimes when the actual allocations arrive, the total is a little less. Mr. Brown indicated that they had not received allocations for the last year of the plan, FY31, but he hoped it will be similar.

Mr. Brown reviewed the previous year allocations, noting that was money programmed for priority projects last year in FY25 that had accumulated. Mr. Brown reviewed the first three projects in the plan: Route 623 (Davis Creek), Route 646 (Hunting Lodge Road), and Route 674 (Jennys Creek). Mr. Brown stated these projects are scheduled to be reconstructed and hard surfaced this year and should remain unchanged. He said that Hunting Lodge and Jennys Creek are not completely funded through previous allocations, so in FY26, funding on those two projects will be finished.

Mr. Brown said that also in FY26, funding will begin for Wheelers Cove Road; based on the allocation, \$59,401 will be put on Wheelers Cove Road this year, and funding will be completed in FY27. Mr. Brown said this will be the only unpaved road to be built in CY26 unless there are changes. Mr. Brown stated that Fork Mountain Road may receive funding in FY27, and it might be possible to do that in FY26 after July 1. Mr. Brown said the funding scenarios include Fork Mountain Road and Berry Hill Road.

Mr. Brown stated that the number seven priority, Gullysville Lane, was discussed last year, and the priority was changed to a lower position due to questions about its necessity. He said that five or six years ago, there were serious drainage complaints in that area. He indicated that VDOT completed drainage work, including hard surfacing part of the road. Mr. Brown said Gullysville Lane is 1.27 miles in length, with about six-tenths of a mile already hard surfaced after doing the drainage improvements, so the only section remaining is the section beyond the houses, extending back to farmland. He stated that the Board can decide whether to continue the project, as there are not many houses in that section, but his recommendation is to move that project down and allocate the funds to projects with higher traffic counts and are more critical. Mr. Rutherford said that was a valid assessment, as Gullysville really didn't have that many people on it. Mr. Brown confirmed that they had hard surfaced past the last paved driveway on Gullysville.



Mr. Brown said that Buffalo Station Road and Walk Around Lane are both good projects. He noted that they had the remainder of Green Field Drive, which would complete that road. He indicated that Eagle Mountain was added most recently. He reported that VDOT had not programmed any of the FY31 funds. He stated that for the rural rustic priority list, the Board could choose to keep the priorities set last year, or they could add roads and change priorities. He said if their rural rustic allocation for FY31 ends up around \$400,000, they could pull a few projects from the unpaved roads list such as Tom's Lane and Spring Valley Road, and get them in the plan, and that would be according to the priority that they set last year.

Mr. Brown said when they first started getting secondary road construction money, they were getting \$800,000 or \$900,000 and doing seven or eight miles of these roads a year—but that has changed, so now they were looking at getting about two miles done. He asked if the Board wanted to make any changes to the following list of unpaved roads:

1. Toms Lane
2. Spring Valley Road
3. Pigeon Hill Road
4. South Powells Island Road

Mr. Rutherford said he agreed with Dr. Ligon that Lonesome Pine has a fairly dense population, so he thought that was one to consider. He said two other roads that were important to consider were Quarry Hill Lane off of Route 800 in Schuyler, and Warminster. He noted that while Warminster did not have a huge population it was a pretty high traffic area. He said he would like to see Warminster done after Hunting Lodge, which connects to Cabell, as Warminster would be a good connector over the next several years after that.

Mr. Brown asked if Findlay Gap Road was still a priority. Dr. Ligon said she was interested in the money it would take, given the potential development of County land there. She commented that there would be a substantial amount of work that would have to be done. Mr. Brown said they had previously discussed coming off of Keys Church Road and doing that section of Findlay Gap down to the prospective outdoor park location, and he asked if the Board was still considering this. Mr. Reed confirmed that it was still going to happen, and the County was looking to have a survey completed within the next year and then making some decisions on how to move forward.

Mr. Brown asked for some direction on how to prioritize those, as they had Pigeon Hill and South Powells Island, noting that Toms Lane and Spring Valley were requested last year.

Mr. Brown indicated that they did not have to program anything for FY31, but they could prioritize the first two or three. Mr. Reed agreed with Dr. Ligon on prioritizing Findlay Gap and at least starting to do some piecemeal on it. Mr. Brown commented that on the new plan, Findlay Gap would be six years out, so they may need to consider the timeframe on the park project. Mr. Reed suggested that they may decide to move it on the list next year. Mr. Brown suggested that it could be the first priority on the unpaved road list.

Dr. Ligon said she would like to see South Powells Island still remain a priority, as there is tourism activity there.

Mr. Brown said they did not have to program anything this year, they could show a balance for FY31, and then get into it next year. He agreed to look into Lonesome Pine, Quarry Hill, and Warminster. He noted that they must have 50 vehicles per day to be eligible for unpaved road funding. Dr. Ligon said that Findlay Gap would likely fall off, except during hunting season.

Board members suggested moving Gullysville back and putting in either Pigeon Hill or South Powell Island, as well as considering Buffalo Station. Mr. Brown agreed that Buffalo Station was a good project.

Mr. Brown noted that they did the first half mile of Green Field and had gotten it down to the last house, and it was a two-mile project at \$450,000. Mr. Reed noted there was not much going on in his district. He commented that they had Berry Hill on the list and moving Gullysville down the list was fine with him. Mr. Rutherford wanted to see about moving Lonesome Pine, Warminster or Quarry Hill into the list if possible. Dr. Ligon and Mr. Rutherford both thought Lonesome Pine would cover a lot of homes. Mr. Brown asked for direction on whether Lonesome Pine should go on the priority list or the unpaved roads list.

Mr. Brown mentioned that Walk Around Lane had been requested by citizens and had been on the list for a while. He commented that in the past, they have not pushed back on roads once they were requested by residents. Mr. Parr pointed out that it's a small section and not a big budget, and at its current state, Walk



Around requires a lot of maintenance with grading work due to washouts—which getting some surface treatment would solve.

Mr. Brown noted that Eagle Mountain is only a half-mile road. Mr. Rutherford responded that it is an extremely trafficked area. Mr. Brown asked if the Board had gotten a lot of feedback on Green Field. Dr. Ligon noted that she heard more on Buffalo Station than Green Field.

The Board agreed to drop Gullysville Lane down in the plan and perhaps put it in 2030. Mr. Brown said they could move Gullysville and Greenfield down to the bottom of the list, move the roads requested by citizens up into those slots, then put in Lonesome Pine. Mr. Brown noted that they did need to be thinking about Findlay Gap because these were about five or six years out from being done. Mr. Reed said he did not mind any of those adjustments but he would like to get Findlay Gap on the list.

Ms. McGarry stated that the County had received some citizen emails asking about Green Creek Road and Carter Road. Mr. Rutherford mentioned that Green Creek is in Faber and runs into Albemarle, and if Albemarle is planning to pave their portion of that, it would make sense to connect that dot. Mr. Brown noted that it was only about a half mile in Albemarle, and he said he would talk about this with Carrie Shepherd, the resident engineer in Charlottesville. Mr. Rutherford noted he did not think many people lived on Carter Road, but he suggested they could get the traffic count for informational purposes.

Mr. Brown summarized that they were moving Gullysville and Green Field down to the bottom of the plan; Buffalo Station, Walk Around, and Eagle Mountain would move up and fall in ahead of those two projects; they would interject Lonesome Pine and Findlay Gap below that. He said if Lonesome Pine and Findlay Gap can go into the plan, they would get them into the plan, and if not, they would go on the top of the unpaved road list just below Toms Lane and Spring Valley Road. The Board was in agreement on the list of priority.

Rural Rustic Priority List

1. Davis Creek
2. Hunting Lodge Road
3. Jennys Creek Road
4. Buffalo Station
5. Fork Mountain Road
6. Berry Hill Road
7. Wheelers Cove Road
8. Walk Around Lane
9. Eagle Mountain Drive
10. Gullysville Road
11. Green Field Drive

Mr. Brown stated that the six-year plan has to have public comment.

Mr. Rutherford moved to approve **Resolution R2025-15** as amended and revisited today. Mr. Parr seconded the motion, which passed unanimously (4–0) by roll call vote, and the following resolution was adopted:

**RESOLUTION R2025-15  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION FOR PUBLIC HEARING  
FY26-FY31 SECONDARY SIX-YEAR ROAD PLAN  
AND CONSTRUCTION PRIORITY LIST**

**WHEREAS**, The Virginia Department of Transportation and the Board of Supervisors of Nelson County, in accordance with Sections 33.2-331 and 33.2-332 of the Code of Virginia, are required to conduct a public hearing to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2026 through 2031 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2026,

**NOW THEREFORE BE IT RESOLVED**, that a public hearing will be held for this purpose in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingson, Virginia at **7:00 pm on Tuesday, April 8, 2025**.

Mr. Brown mentioned that the revenue-sharing application deadline was May 31. He noted that for any revenue sharing projects or Smart Scale projects, the Board needed to make sure that the Comprehensive Plan covered anything they were asking for. Mr. Rutherford asked about Smart Scale. Mr. Brown noted that they needed to start thinking about Smart Scale projects and talking with Rick Youngblood. He indicated that any Smart Scale submission needed to be supported by the appropriate studies. Mr. Rutherford suggested that they keep



pursuing safer alternatives for the stoplight in Lovington. Mr. Brown commented that one of the ideas that came out of the 29 Corridor Safety meeting, was to reroute the northbound 29 traffic traveling on Route 6 by using Tidbit. He noted that he felt that would improve safety as much as they could improve it. Mr. Rutherford agreed that something needed to be done differently at that intersection.

Ms. Bishop said she is the County's representative on the Rural Transportation Advisory Committee at TJPDC. She stated that they meet bimonthly, so they were already beginning to have conversations about Smart Scale, and Rick Youngblood is involved in that as well. Ms. Bishop said they just adopted their new Comprehensive Plan in April, and they had priority transportation projects identified in the plan as well. She stated that they look at that and at VDOT safety and corridor studies so they can address this.

Ms. Bishop said the scoring criteria is the primary change for this upcoming round, with those applications starting in April of next year. She said if there are projects that the Board is interested in pursuing through Smart Scale, they should reach out to her or Rick Youngblood. She said some of the changes they made to the scoring criteria was to make it easier for rural localities that do not have as established zoning and land use regulations along these corridors, to score higher and potentially get more funding, because the funding tends to go to a lot of metropolitan areas.

Ms. McGarry added that Mr. Youngblood typically comes and does a work session with the Board on Smart Scale projects they want to prioritize.

Mr. Reed mentioned that they received a response from VDOT about possible traffic restrictions on 151 and Route 6. Ms. McGarry said that email had come from Mr. Brown, and VDOT had done a review of the potential restrictions on 151 and Route 6 and it was confirmed that those would not be feasible.

#### C. FY26 Draft General Fund Budget Introduction (Rescheduled for March 18, 2025)

Mr. Reed said this item had been rescheduled to March 18, 2025.

## **VI. NEW & UNFINISHED BUSINESS**

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

Ms. McGarry stated that the proposed appointment of a Wintergreen Fire Marshal was considered at the Board's last meeting in February and deferred until today. She said the Board was going to follow up with any individual questions as needed to the people who would be able to answer those questions. She noted that staff and Chief Sheets were present and available to answer any additional questions to help the Board further consider the appointment.

Mr. Rutherford stated that the County's counsel has indicated that this can happen, and fire code is one of the mechanisms used that a fire marshal can utilize. He indicated that Nelson County does not have a fire code. He said he was trying to understand bridging the gap of what mechanism they are able to enforce without the County having a fire code.

Ms. McGarry said that her understanding is that it is allowed by the Code of Virginia under regular code statutes outside of the statewide fire prevention code. Mr. Rutherford asked what they would be enforcing if the County did not have a fire code. Ms. McGarry said it would be everything in the resolution that is allowed by Section 27-30 of the Code of Virginia.

Mr. Rutherford said he wanted to make sure that Nelson County is not taking on obligation for public safety that may affect their litigious position, and he asked how the law could be enforced if Nelson did not have a fire code and what the fire marshal would be enforcing.

Ms. McGarry said he would be enforcing the state laws under Section 27-30, and the resolution was written and vetted by Mr. Payne, the County Attorney. She noted that it was Chapter 3, Local Fire Marshals, and Title 27 of Fire Protection, which is not the same as the statewide fire prevention code.

She stated that the stakeholders group, consisting of herself, Chief Sheets, Chief Russell from Wintergreen, County Attorney Phillip Payne, Commonwealth Attorney Daniel Rutherford, Sheriff Mark Embry, Major Bradley Metje, met and hashed through all of these details, and everyone left that meeting feeling completely satisfied and was on board with making this appointment.

Mr. Rutherford said that one of the conversations he had with his brother, Commonwealth Attorney Daniel Rutherford, is that Commonwealth Attorney Rutherford was still concerned about the balance allowing for this exception if they did not have the fire code piece that enforces it. Mr. Rutherford said he wants to



support this so that they have a safer community and implement one more mechanism toward that, but he is still trying to connect these dots.

Mr. Reed said that a discussion that Mr. Rutherford has had with his brother is different than anything that Commonwealth Attorney Rutherford has brought to the group, as he has not raised any issues with them when he has had time to do so.

Mr. Rutherford responded that Board also had not interacted with him or asked for a direct comment from Commonwealth Attorney Rutherford other than one meeting. Mr. Rutherford said he had inquired to Commonwealth Attorney Rutherford directly. Mr. Rutherford also indicated that he had emailed the State Fire Marshal of Virginia, but he had not yet received a response back. He said his biggest concern was what authority the fire marshal would have. He asked whether chimney inspection is an option within this code.

Ms. McGarry said they certainly want the Board to feel completely comfortable with this, and staff could bring back any information the Board felt was needed.

Lovington Volunteer Fire Department Chief Daniel Johnson said the building inspector has already enforced the fire code to an extent, with all construction, sprinkler systems, etc. falling under that. He commented that the sprinkler system for El Mariachi before they moved was horrible—yet the County had nobody that could go out there and tell them it was not safe, and there was no enforcement. He said that some of the enforcement is already being done through the building inspector, it was just not on the level that this would provide.

Dr. Ligon said this is not going to help the County as a whole, as she was under the impression that this is staying at Wintergreen and Wintergreen only, so that example did not even apply here. Chief Johnson said technically that is true, but he felt that eventually there would be a resource here.

Dr. Ligon said they cannot use an example that is outside of this resolution to pass this resolution.

Dr. Ligon suggested that they wait for the fire marshal to email Mr. Rutherford back. Mr. Rutherford said the state fire marshal contact is Billy Hux. Ms. McGarry confirmed that was the office the County was coordinating with, in conjunction with the Building Inspections office.

Chief Sheets said that Mr. Hux is who primarily has trained Deputy Dean to this point, and in conversations with the Sheriff and the Commonwealth Attorney and others, they discussed extreme situations such as a fatality or an obvious arson where there was going to be a delay from State Police or from the Fire Marshal's office. Chief Sheets said that through the mutual aid agreement between the Sheriff's Office and Wintergreen Police Department, this would be at least an in-County tool, but they had stated very clearly that they really did not want to be the enforcement mechanism for anything off the Wintergreen Master Plan.

Chief Sheets emphasized that this is essentially the community of Wintergreen asking for the Board to help Wintergreen create a safer community there, using only Wintergreen dollars. He said when you blow it up bigger than that, it starts to lose its perspective—but this is no different than what the Wintergreen Police Department is already doing; it is just going to reach over into fire code a little bit.

Chief Sheets stated that the Commonwealth Attorney was very clear that he does not want to ever see tickets and will not prosecute tickets for people who are burning in fire pits on days that we say are classified as a no-burn day, for example. Chief Sheets said that would be something they would have to handle administratively using WPOA tools and enforcement.

Chief Sheets suggested having Mr. Hux attend a meeting. The Board and Ms. McGarry were in agreement that it would be helpful and important for Mr. Hux to attend a meeting. Chief Sheets indicated that there was no rush as they would have to wait another year. Mr. Rutherford noted that the full Board did not need to meet with Mr. Hux and he suggested that possibly one or two Board members could meet with Mr. Hux and Chief Sheets. Mr. Rutherford commented that he would also like to meet Josh Bean. Ms. McGarry suggested that it would be helpful to the Board and the public to have Mr. Hux attend a Board meeting.

Mr. Rutherford asked Sheriff Embrey if the Virginia State Police had a fire marshal-type arson team. Sheriff Embrey responded that they have a bomb arson investigator, which would pertain to deliberately set fires.

#### B. FY26 County Health Insurance Renewal Authorization (R2025-16)

Ms. McGarry reported that the County had to submit its annual health insurance renewal to The Local Choice by April 1<sup>st</sup> each year. She stated that this year, the County was fortunate to have a zero percent



increase in premiums, and their premium income at the current rates equaled the anticipated income requirement through June 30, 2026. Ms. McGarry stated that there was also no change to the recommended plan offerings, and they would continue to offer Key Advantage 250 (comprehensive and preventative), Key Advantage 500 (comprehensive and preventative), and a high-deductible health plan with a health savings account. She noted that these plans were for active employees and retirees not eligible for Medicare. She stated that they also offered a retiree Medicare plan called Advantage 65, which included dental and vision.

Ms. McGarry reviewed the County’s health insurance renewal analysis from the local choice. She stated that the analysis detailed the income at current rates, with \$1.6 million reflecting all the expected expenses for the year, which also equaled \$1.6 million, resulting in a zero percent adjustment. She said their rates were based on the current plan enrollment and stated that they covered County employees, Department of Social Services employees, and Service Authority employees. Ms. McGarry said the breakdown presented showed who was on each plan under single, dual, and family coverage.

CURRENT PLAN ENROLLMENT  
INCLUDING SOCIAL SERVICES  
&  
SERVICE AUTHORITY EMPLOYEES

RATES ARE BASED ON THE FOLLOWING PLAN ENROLLMENT:

	SINGLE	DUAL	FAMILY	TOTAL
Key Advantage 250	66	15	10	91
Key Advantage 500	23	2	1	26
High Deductible Health Plan	0	1	1	2
TOTAL	89	18	12	119

- As of 3/10/25:
- Employees eligible for coverage: 151
- Total participation: 117
- Participation Rate: 77%

She stated there were 119 individuals considered in the rate renewal. She added that as of March 10th, there were 151 eligible employees for coverage, with total participation of 117, resulting in a 77% participation rate.

Ms. McGarry said the rate tables included in the resolution remained unchanged from FY25. She stated the retiree Medicare plan rate was \$218, and reiterated that plan rates were the same for retirees not eligible for Medicare as for active employees. Ms. McGarry added that for those eligible for Medicare, the premium would be \$218. She said she was happy to answer any questions, and stated that their staff recommendation was the adoption of Resolution R2025-16, Nelson County Board of Supervisors FY26 Health Insurance Renewal and Establishment of Rates, as presented.

Dr. Ligon asked Ms. McGarry why the adoption of the high-deductible plan was so low.

Ms. McGarry responded that she thought it scared people, as they are not used to having a health savings account in conjunction with that and how it works, so perhaps a bit more education would help. She added that it is possible there may not be enough differential between the rates of the high-deductible plan and the next lowest plan.

Dr. Ligon moved to adopt **Resolution R2025-16**, Nelson County Board of Supervisors FY26 Health Insurance Renewal and Establishment of Rates as presented. Mr. Parr seconded the motion, which passed unanimously (4–0) by roll call vote, and the following resolution was adopted:

RESOLUTION R2025-16

NELSON COUNTY BOARD OF SUPERVISORS

FY26 HEALTH INSURANCE RENEWAL AND ESTABLISHMENT OF RATES

**WHEREAS**, Nelson County participates in the Local Choice Health Benefits Program and the renewal deadline for the next plan year of July 1, 2025-June 30, 2026 is April 1, 2025, and

**WHEREAS**, premiums for the next plan year will remain the same for the current Anthem Blue Cross Blue



Shield plan offerings;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors that Nelson County’s 2025-2026 health insurance plan year renewal rates be hereby established for active employees and retirees as follows and submitted to Local Choice by the renewal deadline of April 1, 2025:

Active Employees	FY26 (July 1, 2025-June 30, 2026)		
<u>Key Advantage 250</u>	Employee	County	Total
Single, Comprehensive	\$ 94.00	\$ 845.00	\$ 939.00
Dual, Comprehensive	\$ 616.00	\$ 1,122.00	\$1,738.00
Family, Comprehensive	\$ 1,167.00	\$1,369.00	\$2,536.00
Single, Preventative	\$ 92.00	\$ 826.00	\$ 918.00
Dual, Preventative	\$ 602.00	\$ 1,097.00	\$ 1,699.00
Family, Preventative	\$ 1,141.00	\$ 1,339.00	\$ 2,480.00

<u>Key Advantage 500</u>	Employee	County	Total
Single, Comprehensive	\$ 85.00	\$ 765.00	\$ 850.00
Dual, Comprehensive	\$ 557.00	\$ 1,015.00	\$ 1,572.00
Family, Comprehensive	\$ 1,056.00	\$ 1,239.00	\$ 2,295.00
Single, Preventative	\$ 83.00	\$ 746.00	\$ 829.00
Dual, Preventative	\$ 544.00	\$ 990.00	\$ 1,534.00
Family, Preventative	\$ 1,031.00	\$ 1,209.00	\$ 2,240.00

<u>High Deductible Health Plan</u>	Employee	County	Total
Single, Comprehensive	-	\$ 686.00	\$ 686.00
Dual, Comprehensive	\$ 402.00	\$ 867.00	\$ 1,269.00
Family, Comprehensive	\$ 803.00	\$ 1,047.00	\$ 1,850.00
Single, Preventative	-	\$ 665.00	\$ 665.00
Dual, Preventative	\$ 390.00	\$ 840.00	\$ 1,230.00
Family, Preventative	\$ 780.00	\$ 1,016.00	\$ 1,796.00

Retirees Not Eligible For Medicare (Before County Supplement)	
<u>Key Advantage 250</u>	Retiree
Single, Comprehensive	\$ 939.00
Dual, Comprehensive	\$1,738.00
Family, Comprehensive	\$2,536.00
Single, Preventative	\$ 918.00
Dual, Preventative	\$ 1,699.00
Family, Preventative	\$ 2,480.00

<u>Key Advantage 500</u>	Retiree
Single, Comprehensive	\$ 850.00
Dual, Comprehensive	\$ 1,572.00
Family, Comprehensive	\$ 2,295.00
Single, Preventative	\$ 829.00
Dual, Preventative	\$ 1,534.00
Family, Preventative	\$ 2,240.00

<u>High Deductible Health Plan</u>	Retiree
Single, Comprehensive	\$ 686.00
Dual, Comprehensive	\$ 1,269.00
Family, Comprehensive	\$ 1,850.00



Single, Preventative	\$ 665.00
Dual, Preventative	\$ 1,230.00
Family, Preventative	\$ 1,796.00

<b>Retiree Medicare Plans (Before County Supplement)</b>	
Advantage 65 (Dental & Vision)	\$218.00

C. Proposed Amendments to Chapter 2, Article IV, Section 2-125 Elections, Terms, Vacancies R2025-17

Ms. McGarry reported that the proposed amendments to Chapter 2 were a housekeeping matter to bring County code in line with state code. She said it changed just three words to align it with the state code. She explained that under the deadline for filing declarations and petitions for a general election, it should read the third Tuesday in June instead of the second Tuesday in June; under the deadline for a special election held to fill a vacancy, it should read 81 days before the election instead of 74 days; and under the special election section, it should be the third Tuesday in June instead of the second Tuesday in June.

Mr. Reed noted that they would need to authorize a public hearing to move this forward. Ms. McGarry noted that the public hearing would be held on April 8, 2025 at 7 p.m.

Mr. Rutherford moved to adopt **Resolution R2025-17** as presented to move the item to public hearing. Mr. Parr seconded the motion, which passed unanimously (4–0) by roll call vote, and the following resolution was adopted:

**RESOLUTION R2025-17**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING**  
**AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 2, ADMINISTRATION, ARTICLE IV SCHOOL BOARD**

**BE IT RESOLVED**, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **April 8, 2025 at 7:00 PM** in the General District Courtroom in the Courthouse in Lovingsston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 2, Administration, Article IV, School Board, Division 2, Election of Members, Sec. 2-125(k) Election, terms, vacancies. Proposed amendments to Sec. 2-125(k) would align the County Code with Code of Virginia §24.2-506 and §24.2-507, which outline the number of qualified voters needed on candidate petitions and the relevant filing deadlines. §24.2-507 was updated in 2021 when primary elections in Virginia were changed from the second Tuesday in June, to the third Tuesday in June. These changes in the Code of Virginia had not been incorporated in the County Code and need to be updated prior to June 2025.

D. Zoning and Subdivision Ordinance Update - Zoning District Drafting

Ms. Bishop reported that on February 26, there was a joint work session with the Board of Supervisors and the Planning Commission as part of the zoning and subdivision ordinance update project. She stated that there were some time constraints due to the Planning Commission meeting being scheduled right after that, so some of the planned discussion could not take place.

Ms. Bishop said that the Berkeley Group is now seeking direction for drafting new zoning districts for the County, which would be the focus of their April work session. She stated that staff has been asked to discuss with the Board which three out of five potential new zoning districts they would like to see drafted:

- Residential (R-3)
- Mountain Ridge Overlay (MRO)
- Village Overlay (VO)
- Route 29 Corridor Overlay (CO29)
- Route 151 Corridor Overlay (CO151)

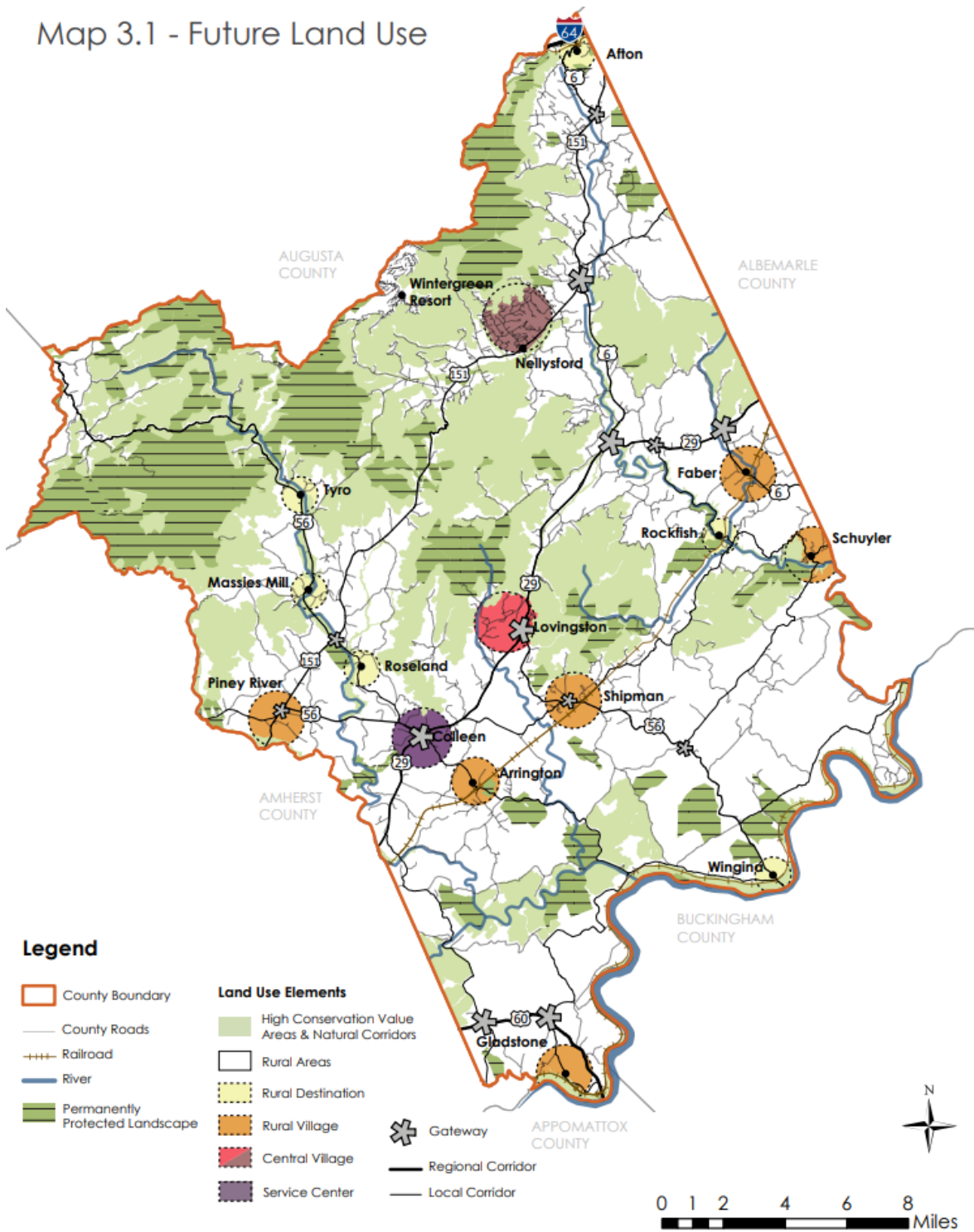
Ms. Bishop said this effort includes establishing ways to implement new zoning districts, serving different land use objectives, calling out strategies from the comprehensive plan, and evaluating current zoning district densities to allow for additional housing in appropriate areas. She stated that other objectives are discouraging ridgeline development to protect standing few sheds and continuing to support the tourism industry while being mindful of over-tourism, as well as diversifying tourism assets across the County to distribute traffic and prevent negative impacts to local quality of life.



Ms. Bishop said the first of the potential drafts is a Residential R-3 district, which is intended to address the need for increased housing availability and diversity in areas identified in the Comprehensive Plan as suitable for higher-density development. She stated that it would provide opportunities for a larger mix of housing types, including single family homes, townhomes, condos, and multifamily dwellings, to better accommodate residents at different income levels and life stages. Ms. Bishop said that the R-3 district would allow higher density allowances, smaller lot sizes, and permit taller and larger structures. She stated that development standards could be tailored to promote walkability, connectivity, and access to other infrastructure. Ms. Bishop said that implementing this district would help meet the Comprehensive Plan's housing strategies and direct residential growth in areas where the infrastructure can support it.

Ms. Bishop said that there are also potential Overlay Districts, with the first being a Mountain Ridge Overlay (MRO) designed to protect vital and vulnerable natural assets, including steep slopes, ridgelines, and ecologically sensitive areas. She stated that this district would include strict district and use standards to preserve natural landscapes, prevent erosion and deforestation, and protect view sheds. Ms. Bishop said that given the County's reliance on scenic tourism, outdoor recreation, and conservation efforts, this overlay would serve as a critical tool in balancing development with environmental stewardship and would help meet goals outlined in the Comprehensive Plan.

Ms. Bishop said that there is also a Village Overlay district (VO) intended to formally integrate the guidelines for the County's rural villages—including Arrington, Faber, Lovington, Piney River, Schuyler, and Shipman, as shown on the County's future land use map.





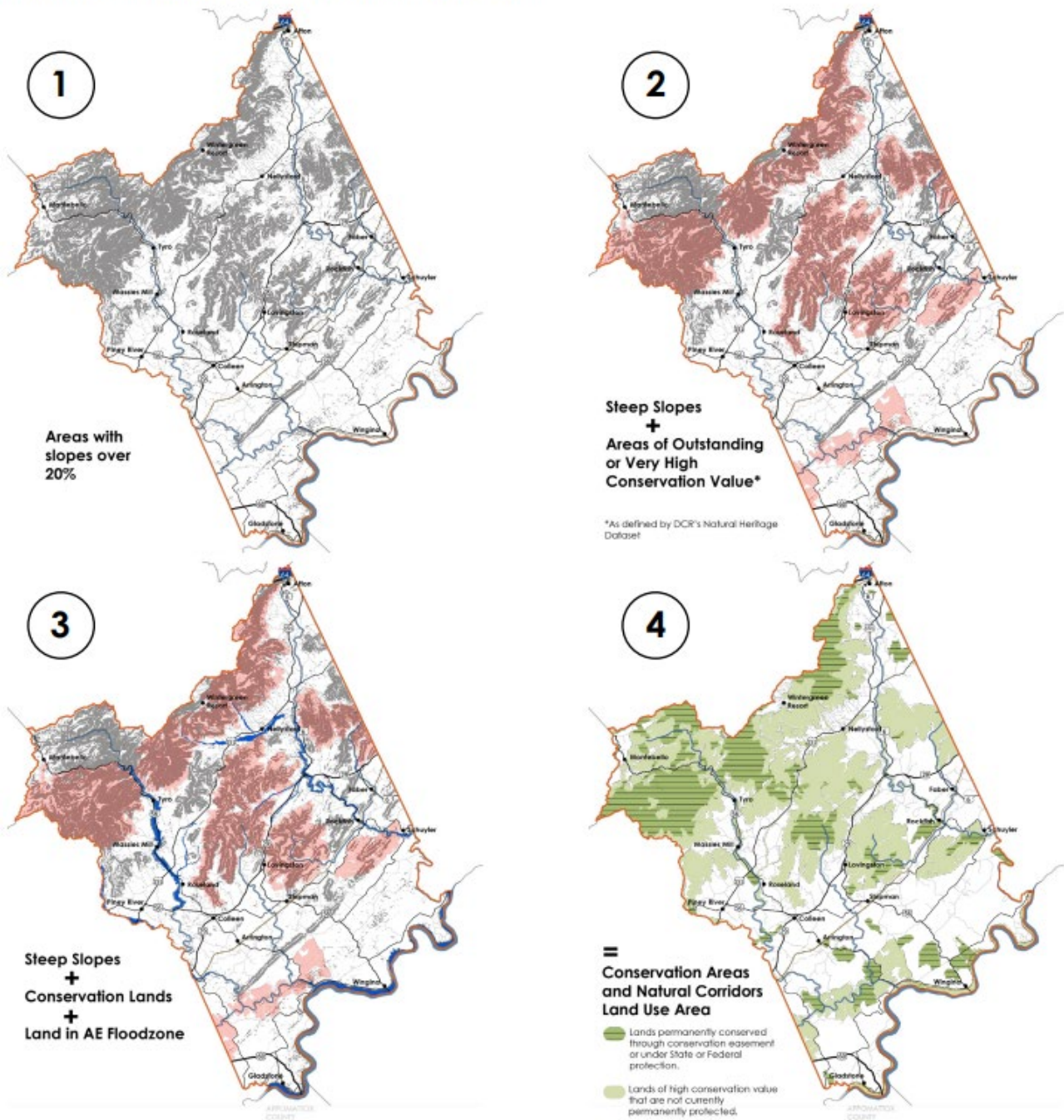
Ms. Bishop stated that Lovington has its own category. She said that the Village Overlay district would establish zoning regulations tailored to the distinct character and development needs of these village areas, differentiating them from A-1 and R-1, which currently encompass most of these areas. She stated that it would allow a broader range of uses, increase density for housing, provide village-specific design standards, and promote context-sensitive growth that preserves the historic and rural character of the communities. Ms. Bishop said that considerations could include mixed-use development, small-scale commercial uses to support local needs, and design guidelines that enhance walkability and maintain that village aesthetic.

Mr. Rutherford asked if, regarding village-specific design standards, they were proposing an architectural review board or similar body. Ms. Bishop said they could if they wanted, but the intent of this as presented is just to ensure that infill redevelopment and future development fit in with the character of the area, so perhaps decreasing setbacks where they are already closer to the road.

Ms. Bishop said the County’s future land use map highlights designated village areas, with Lovington, Colleen, and Nellysford having their own designations, while Piney River, Gladstone, Schuyler, Shipman, Faber, and Arrington are under the general village designation.

Ms. Bishop reviewed the maps below:

Land Not Suitable for Further Development



She stated that the first category on the map indicates slopes over 20%, with the second adding high conservation value areas, the third including flood zones, and the fourth covering conservation areas and



natural corridors land use areas. She pointed out steep slope locations and noted that the Wintergreen area is not regulated by the rest of the zoning ordinance, so this would apply to the other areas.

Ms. Bishop stated that other corridor overlay district options include Route 29, which is a major gateway corridor focused on tourism-related development and preventing overdevelopment elsewhere. She said that this overlay could streamline tourism-related business by lowering entry barriers, could include designating tourism uses as by-right within the overlay, allowing greater lot coverage, and providing flexibility in development standards to support businesses that align with the County's goals. She stated that the introduction of design and landscaping standards would maintain rural character, creating a visually cohesive environment and a strong impression for visitors, while protecting natural aesthetics.

She said topography and infrastructure are significant challenges. Ms. Bishop stated the Route 151 corridor overlay district would also manage development, but unlike Route 29, would the Route 151 Corridor Overlay District would emphasize preservation and stricter land-use controls to mitigate impacts. She said Route 151 already hosts many businesses, particularly those relating to tourism and agritourism, and new regulations could limit uses, reduce lot coverage and building footprints, and increase setbacks and requirements.

She stated these measures would ensure future growth aligns with the County's long-term vision, balancing economic activity with conservation. Ms. Bishop said that in 2023, the County received a \$100,000 Growth and Accessibility Planning Technical Assistance (GAP-TA) Grant from the Office of Intermodal Planning and Investment to develop the Nellysford Area Growth Management Plan (NAGMAP), which included public engagement. She stated community pushback forced the County to withdraw from the award, but staff would like to reapply for the grant this fall for a dedicated planning process for the Nellysford area.

Ms. Bishop said the Berkley Group, after public and staff input, recommends R-3 and Mountain Ridge Overlay districts. She noted that the Board needed to choose three of the five overlays to be drafted. She stated staff's recommendation is R-3, Village overlay, and the Mountain Ridge overlay. She said that once the Board decides, the plan will go to the Planning Commission meeting on March 26th for input and consent. She stated that the Berkeley Group will then draft the overlays and present them at the next joint work session on April 23<sup>rd</sup> at 5pm.

Ms. Bishop said their first work sessions yielded R-3, Village overlay, and Mountain Ridge overlay, but if the Board wanted to pursue additional districts, staff could get a work order amendment to add more districts. She also confirmed that the ordinance would address both steep slopes at 20% and critical slopes at 35%. She noted that the Mountain Ridge Overlay District is only for ridge lines with an elevation of 2,000 feet or greater. She said that basically, it is either the crest or the series of crests over 2,000 feet and 500 feet below that to the adjacent valley, so it was 100 feet from that top of the ridge line. Dr. Ligon asked if any of the maps showed Mountain Ridge Overlay. Ms. Bishop noted that the maps showed steep slopes but she was not able to obtain a ridgeline map prior to the meeting.

Mr. Rutherford was in agreement to do the R-3 and Village Overlay districts. Mr. Reed noted that he was in favor of the Mountain Ridge Overlay. He asked how the Route 151 Corridor Overlay would play into the Nellysford Area Growth Management Plan that Ms. Bishop was proposing. Ms. Bishop explained that if they were to pursue the Nellysford Area Growth Management Plan through the GAP-TA program, then the 151 corridor would not be an overlay district that would need to be drafted at this time. She noted that they would get through the area plan, which would generate recommendations that would then be incorporated into the ordinance, with separate public hearings, after the area plan is adopted. She confirmed that the aspects of a 151 Corridor overlay could be incorporated into that growth management plan.

Mr. Reed commented that it would make sense that if the County were to qualify for the GAP-TA grant again like they did previously, that they could focus their energy specifically on the Nellysford/151 Corridor area, and they would not have to pay for Berkely Group to do it. Dr. Ligon asked what the public pushback was in regards to the Nellysford grant. Ms. Bishop explained that the state code used the term "urban development area," and it was a bad term because that was not the intent of the code when it was initially adopted into the state code. She commented that the initial intent was for more urban development areas to promote growth, and over the years as the legislation changed, they changed the purpose of it. She indicated that they could call the districts whatever they wanted to, growth area or Nellysford Area Growth Management Plan, but the technical term in the state code was a UDA or "urban development area". She noted that once the term "urban development area" got out into the community, it understandably scared a lot of people and staff were unable to obtain public buy-in before the grant was issued. She commented that in conjunction with the grant issuer, they had said to make sure to get the public involved, even though the process has its own public engagement aspect, then it could be revisited. She noted that the plan was already drafted and ready to go, it was just a matter of reapplying. Mr. Reed commented that it was a planning grant, so whatever came out of that could be incorporated into the ordinances. Ms. Bishop



confirmed that was correct. She noted that it was delineated from Glenthorne Loop up to Tuckahoe Antiques, within a certain distance on either side of the 151 corridor.

Dr. Ligon asked for a map to show the Mountain Overlay District and the percentage of the County that would encompass. Ms. Bishop indicated that she could work on getting that information. She commented that if the district were under or over a certain percentage, they could potentially look at the Route 29 Corridor overlay. She reminded the Board that a work order amendment could also be done to add an overlay district. Ms. McGarry asked Ms. Bishop if there was a determine cost per additional district. Ms. Bishop reported that it would cost \$2,500 per each additional district.

Mr. Rutherford asked if they were to do the 151 overlay and not the 29 overlay, would they just be kicking the can down the road to do something when they did the zoning remapping for Nelson. Ms. Bishop said that would be a countywide effort, and the overlay would be delineated through the zoning map update process. She said they would have the ordinance in place, then delineate those areas when they did the map update. Mr. Rutherford said if 151 gets an overlay, 29 needs an overlay.

Ms. Bishop noted that the intent is for Route 151 to be incorporated later after they get the full area plan, and that would be her recommendation. Mr. Reed commented that he thought 29 could use an overlay. Ms. Bishop commented that there was the thought that if they did a Route 29 corridor incentive overlay, it effectively would dis-incentivize the Nellysford/Route 151 area.

Dr. Ligon noted that she also liked the 29 Corridor overlay. Mr. Reed suggested that they pursue the 29 corridor, adding it instead of substituting or swapping out anything. Mr. Rutherford asked if there was a reason they had to choose three out of five overlay districts. Ms. Bishop explained that was what was they had scoped out in the original agreement. Ms. Bishop confirmed that if they were to add one more overlay district, it would cost an additional \$2,500. She noted that they could do R-3, Village Overlay, and the Route 29 Corridor. She noted that she could get a map going for the Mountain Ridge overlay, and then the Board could decide whether that was something they wanted to pursue. She suggested that they pick the three priorities, and the last one could be decided once they look at the map, or they could just ask for a work order amendment to add a fourth district. Mr. Rutherford commented that he would be interested in seeing what the Mountain Ridge would look like because the Planning Commission also needed to be cognizant of what percentage of acreage was being impacted by that. He noted that Shipman had a lot of mountains. Dr. Ligon suggested that a lot of Shipman may be in the Mountain Ridge overlay. Dr. Ligon indicated that she would like to see the map of the Mountain Ridge overlay.

Mr. Rutherford suggested that they do R-3, Village Overlay, and the Route 29 Corridor, and then they could consider the Mountain Overlay as an amendment. Ms. Bishop said she would take this to the Planning Commission. She indicated that she should be able to have an elevation map in time for the Planning Commission, which she would also send to the Board. She noted that the Board could then decide whether to pursue a work order amendment to add a fourth overlay district for the Mountain Ridge Overlay. Mr. Parr asked if there was a deadline to add that overlay. Ms. Bishop noted that it could be done at any time. She also clarified that the state code authorizes localities to regulate ridgeline development, and they have definitions for that, so it would have to be all over 2,000 with that 500.

The Board was in consensus for the three overlay districts to include: R-3, Village Overlay and Route 29.

The Board took a brief recess.

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

### **A. Reports**

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

Ms. McGarry provided the following report:

**A. DSS Building Project:** Ms. McGarry reported that the final schematic design and building specifications are nearing completion, with a March 26th meeting to review all of the design drawings with County staff and the design committee, then a planned presentation to the Board at their April 8th meeting with a request for authorization to allow the project to go out to bid. She said that closing on the property has been finalized. She presented an adjusted financing/bid schedule:

- April 8<sup>th</sup> Board Meeting– BOS considers authorization to bid the project
- May 1<sup>st</sup> – Virginia Resources Authority (VRA) financing application is due
- May 13<sup>th</sup> Board Meeting – Davenport presents VRA Summer Pool plan of finance



- Late May – Construction bids received
- By June 1<sup>st</sup> – Construction contract in place
- June 10<sup>th</sup> – BOS considers approval of construction contract and considers approval of financing resolution and documents
- July 23<sup>rd</sup> – VRA bond sale
- August 6<sup>th</sup> – Tentative VRA closing

**B. High School Renovation Project Key Dates:**

- March 11<sup>th</sup> Board Meeting – BOS holds public hearing on financing and considers resolution approving financing and associated documents
- April 22<sup>nd</sup> – VPSA bond sale
- May 6<sup>th</sup> – Executed closing documents due to VPSA
- May 13<sup>th</sup> – Tentative VPSA closing

**C. FY26 Budget:** Ms. McGarry stated that the general fund budget introduction is now planned for the March 18<sup>th</sup> budget work session, and staff is anticipating receipt of the FY26 School Division funding request on March 17<sup>th</sup>.

**D. Remaining 2025 General Assembly Session Dates:**

- April 2<sup>nd</sup> – Reconvened session for Governor’s amendments and vetoes

**E. Additional Street Lighting in Lovington:** Ms. McGarry reported that Jeff Brantley had met with an AEP technician, and three new lights will be installed in Lovington at corner of Front Street and Main Street; according to AEP, there should be no charge for installation, and the monthly cost is minimal at \$6-\$12 per light.

**F. Regional Water Supply Planning:** Ms. McGarry reported that a regional water supply planning kickoff meeting for the Middle James River 2 Regional Planning Unit (RPU) will be held in Altavista on March 24, 2025. She said that she and George Miller of the Service Authority are the County’s primary representatives, with Jennifer Fitzgerald and Amanda Spivey as designated alternates, respectively. She said that other localities in the RPU are Amherst, Appomattox, Campbell, Nelson, City of Lynchburg, Town of Amherst, Town of Appomattox, Town of Brookneal, and Town of Pamplin City. She noted that planning district commissions and member locality service authorities are additional participants, and regional water supply plans are due to be submitted to DEQ by October 10, 2029.

**G. CHA Proposal Follow-Up on Larkin Phase 1 Well Evaluation (\$18,000):** Ms. McGarry reported that the Board had requested follow-up work to CHA’s reported findings from the Phase I study results, including a Dillard Creek water source evaluation (authorized January 2025) and a Phase 1 well evaluation. She said the Board had questions regarding the provided proposal, for which CHA provided the following clarification: The Phase 1 well investigation uses resistivity imaging to map the geologic formations on the property. This will identify location(s) where well development is most likely to be successful. Based on the geology, this could be a single location or multiple locations. Regardless, the well sites will be ranked in order of favorability. CHA will prepare a “proposed well site” drawing and will provide estimated costs to drill test wells and perform drawdown tests. Based on the proposed well site drawing developed by CHA, the County can get proposals from local well-drillers to prepare a test well drilling plan that includes estimated costs for various depths of test wells, drawdown tests, and water quality testing, or alternatively, CHA could add this level of local pricing coordination to the proposed scope for an additional \$6,000. She said that once these cost proposals are obtained, the County can proceed with hiring a well-driller to establish the test wells and perform the drawdown and water quality testing according to the test well drilling plan, and the actual drawdown tests will determine how much water can be withdrawn from any identified well(s).

Ms. McGarry stated that this level of detail is needed to know whether or not any new volume produced on the Larkin property is sufficient to support planned development there and provide any additional Lovington system-wide water capacity. She said that Mr. Steele advised that typically, when a County identifies the need for additional water, they would work with the Authority to develop the additional water and then it gets turned over to the Authority for operation, maintenance, and maintaining regulatory compliance. She said the new source can support any area that is agreed upon by both parties, assuming it meets the details in any current agreements and produces enough volume to support multiple development areas.

Mr. Rutherford asked if the \$18,000 estimate was to look at the site to determine where to put the wells. Ms. McGarry explained that the resistivity testing would be used to identify where the aquifers are and where the water is located on the property, which would show where the likelihood of good wells would



be. Ms. McGarry noted for CHA to coordinate the well drilling process, it would cost another \$6,000. She indicated that County staff could also do the same.

Dr. Ligon asked if the Service Authority was aware of this, as communication has been an issue in the past. Mr. Reed responded that they do have good communication, and the Service Authority does not go out and create new service areas for itself—it was based on direction from the County to do that.

Ms. McGarry stated that there would be a lot more coordination with the Service Authority once the plan was identified to drill these wells, and it provided enough water beyond just serving the Larkin property, to increase capacity for the whole system. She said that typically localities develop the infrastructure, then the service authorities manage and operate them. She also confirmed that they would need the scientific data behind what they want to do in order to get certain grant funding or DEQ funding, etc.

Mr. Rutherford commented that he was prepared to proceed. He noted that he thought in his experience, the best science was always the guy with the stick locating the well location for free. He commented that they could probably get a few holes dug for \$18,000, depending on the depth. He noted he felt it was an extra unnecessary step to do the testing when they could drill a well. Dr. Ligon asked if they were to proceed and needed to find funding, would they need to have the report in hand. Ms. McGarry confirmed that they would need scientific data behind what they wanted to do, in order to get certain grant funding or DEQ funding. Ms. McGarry noted she understood where Mr. Rutherford was coming from and did not disagree, she commented that this was just the part of the process if they wanted to obtain other funding.

Mr. Rutherford moved to approve CHA Proposal Phase I well evaluation at \$18,000, with the additional \$6,000 for local pricing coordination to the proposed scope. Mr. Parr seconded the motion, which passed unanimously (4–0) by roll call vote.

**A. Meals and Lodging Tax Collection and Lodging Entity Tracking:** Ms. McGarry stated that the number of lodging units is 816, up from 815 in the previous report.

Mr. Rutherford asked if it would be possible to get this broken out by zip code. Ms. McGarry responded that it might take a bit of time, but staff could work on that.

**B. Staff Reports:** Department and office reports for February/March have been provided.

## 2. Board Reports

### Mr. Rutherford:

Mr. Rutherford reported that he had attended a TJPDC meeting recently and had a good discussion about data centers and what that future looks like. He said there were some concerns with the changeover of federal administrations and potential impact on funding mechanisms, but it appeared that nothing has been disrupted on the TJPDC side.

Mr. Rutherford noted that the Jail Board did not meet the previous month. He indicated that he would be unable to attend the next meeting on Thursday due to the Regional Housing Partnership.

Mr. Rutherford stated that he had gotten information recently on median household sales in Nelson County from the Charlottesville Area Association of Realtors (CAAR), and those benchmarks have been in the \$400's and \$500's. He said he is also getting data from the Lynchburg Association of Realtors to assess that part of the County and areas such as Arrington and Piney River.

Mr. Rutherford said he had met with constituents recently regarding the crosswalk in Lovington. He stated that the Lovington Merchants Association had met recently, with strong attendance, and some of those members would be meeting with Ms. Bishop soon to get an idea of what the village of Lovington would look like, and discuss how the association can support Lovington throughout the zoning process.

### Dr. Ligon:

Dr. Ligon reported that they had a Planning Commission meeting following the Board's joint session and held a public hearing for a special use permit, which would be coming before the Board in May. She said they also had a battery storage project presentation.

### Mr. Parr:



Mr. Parr reported that there was a fundraiser held the previous Friday night for the Fleetwood Community Center at the Massey's Mill Ruritan Club spaghetti dinner, which raised almost \$10,000. He noted that the event had been put together in just two weeks, and Jessica Fitzgerald was the organizer.

Mr. Parr stated that there had been a design committee meeting for the DSS building that included details such as colors and textures, and the Board would be seeing that presentation next month.

Mr. Parr said the EMS Council had met a few weeks earlier, and they are in support of the fire marshal position.

Mr. Parr said they also had the battery storage presentation at Central Virginia Electric Co-op, and the project they are working on is essentially a storage unit that can store energy at off-peak times at a cheaper price and then release it at high-peak times. Mr. Parr commented that he did not feel they needed to amend an ordinance for this, as it was just part of their regular work, and they should be allowed to proceed as part of their regular work, and allow it to be an accessory to the utility. He noted he had asked the Chair of the Planning Commission about this, and he was in agreement.

Mr. Reed noted that he and Ms. Bishop had discussed this and he thought Mr. Parr's suggestion was solid. Mr. Parr asked if the Board could direct the Planning Commission to not amend the ordinance as this would be within normal operations. Mr. Reed suggested that the Board could make a recommendation to the Planning Commission, and the Planning Commission could then make their decision. Ms. McGarry noted that it sounded like the Board could make a recommendation to the Planning Commission, but not direct them to stop something that they initiated. Dr. Ligon stated that she did not think they were wrong. She cited concerns with how many new people were on the Planning Commission. She commented that good education and communication would be a requirement to help them side step this. She stated that she did not know enough about this specific issue to weigh in one way or another. Mr. Parr indicated that he had met with the Planning Commission Chair to have a conversation about it prior to this meeting.

Mr. Reed:

Mr. Reed reported that the previous Wednesday, they had held the final public meeting on the Hat and Black Creek DEQ-inspired TMDL study. He stated that the results of the study were presented, including funding opportunities and options for citizens living in those areas to help reduce sediment and phosphorus entering Hat and Black Creek. Mr. Reed said it was a great meeting and noted that a 25-day comment period was now underway. He stated that he was unsure there would be many comments, as attendees had stayed through to the end and had all their questions answered. Mr. Reed said that any comments submitted by the County or the community would be entered into the record.

Mr. Reed reported that the Drug Recovery Court Advisory Committee had also met, and he described the tone as positive and upbeat—about as much as one could expect in the Commonwealth Attorney's Office. He stated there had already been two graduations of participants who had completed the court's program. Mr. Reed said there were six current participants, with more graduations planned for April, August, and December. He stated that the average time for a participant to complete the program was about 18 months, underscoring the significant commitment involved from both participants and the supporting people and agencies. He said the positive outlook among all involved had made the experience very rewarding thus far.

**B. Appointments**

Ms. Spivey reported that there were two vacancies: one on the Economic Development Authority, as Mr. Averitt had stepped down from the EDA to serve on the Planning Commission, with advertising happening now for applicants; additionally, Mary Cunningham's term as alternate on the Board of Zoning Appeals expires at the end of March, and she has indicated that she does not wish to serve again, so that is also being advertised. She indicated that both positions were at large and not by district.

**C. Correspondence**

There was no correspondence.

**D. Directives**

There were no directives.

**VIII. CLOSED SESSION PURSUANT TO §2.2-3711(A)(7) REGION 2000 LANDFILL LITIGATION**



Mr. Rutherford moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711(A)(7) – “Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body” – Litigation pertaining to the Region 2000 Services Authority.” Mr. Parr seconded the motion, which passed unanimously (4-0) by roll call vote.

Supervisors conducted the closed session and upon its conclusion, Mr. Rutherford moved to reconvene in public session. Dr. Ligon seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Rutherford moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

## **IX. OTHER BUSINESS (AS PRESENTED)**

The Board had no other business to discuss.

## **X. ADJOURN CONTINUE - EVENING SESSION AT 7PM**

At 4:42 p.m. Mr. Reed continued the meeting to 7:00 p.m.

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

#### **I. CALL TO ORDER**

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

#### **II. PUBLIC COMMENTS**

There were no persons wishing to speak under Public Comments.

#### **III. PUBLIC HEARING**

##### **A. Proposed Bond Financing - High School Renovation Project (R2025-18)**

Consideration of a resolution authorizing the issuance of an estimated maximum of \$25,000,000 principal amount of general obligation school bonds of the County. The proposed uses for which more than ten percent of the Bond proceeds are expected to be used are the financing of 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, and also including costs of issuance of the Bonds, all of which constitute a capital project for public school purposes. The Bonds will be sold to the Virginia Public School Authority.

Ms. McGarry stated that tonight's public hearing is on the proposed bond financing for the high school renovation project, held pursuant to Virginia State Code Section 15.2-2606. She said the public hearing was authorized by the Board of Supervisors Resolution R2025-09, adopted February 18, and County notices were published on February 20 and February 27. Ms. McGarry stated that the Public Finance Act of 1991, Chapter 26 of Title 15.2, and the State of Virginia Constitution provide the authority to issue bonds without the approval of voters. She said §15.2-2638 says that voter approval is not required for a county (i) to contract debt or to issue bonds described in Article VII Section 10(a)(1) and (3) of the Constitution of Virginia, (ii) to issue refunding bonds, (iii) or issue bonds with the consent of the school board and the governing body of the county for capital projects for school purposes which are sold to the literary fund, the Virginia Retirement System, or other state agency prescribed by law.

Ms. McGarry stated that action that has been taken by the School Board and Board of Supervisors related to this bond issuance, pursuant to Code of Virginia §15.2-2640, noting that the School Board adopted a resolution requesting the Board of Supervisors to issue general obligation school bonds for school purposes and consenting to the issuance thereof on February 20, 2025.



Ms. McGarry stated that following the public hearing tonight, the Board will consider the adoption of Resolution R2025-18 authorizing the issuance of general obligation school bonds to be sold to VPSA in the Spring 2025 Pooled Bond Sale for the purpose of financing school capital projects, including but not limited to 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.

She said Resolution R2025-18 provides and authorizes the borrowing of the amount not to exceed \$25 million in general obligation school bonds for the purpose of financing school capital projects as outlined. Ms. McGarry stated that the bond proceeds will be used to repay bond anticipation note draws of \$1,025,962 and project costs not covered by the School Construction Assistance Program (SCAP) grant. She stated that the resolution authorizes the execution of the included form of bond sale agreement which indicates an amount to be funded of \$22,065,327 plus, if needed, an amount to finance closing costs and capitalized interest in the amount of the proceeds. She said VPSA requires that both a not to exceed amount, which is the \$25 million, and an anticipated amount to be borrowed to be specified in the resolution, which is \$ 22 million.

Ms. McGarry stated that the final amount to be borrowed will be provided to VPSA by April 4 2025, and no significant change, if any, is anticipated in that number. She stated the resolution also authorizes the sale of the bonds and details the parameters of the bond issuance. Ms. McGarry said the maximum principal is not to exceed \$25 million and the bonds may be sold for a purchase price no lower than 95% of the proceeds requested. She stated the resolution provides details of the school bond interest and principal payments. She said semi-annual interest payments begin January 15, 2026 and occur each January 15 and July 15; principal payments will begin July 15, 2028 and occur each July 15. Ms. McGarry said the annual interest rate is not to exceed 5.5 percent. She stated final maturity shall not exceed 30 years which is no later than July 15, 2054. She said redemption or prepayment is not allowed in whole or in part prior to July 15, 2035.

Ms. McGarry stated the resolution also provides that U.S. Bank Trust Company, NA of Richmond Virginia is the designated paying registrar and transfer agent. She said the County makes principal and interest payments to U.S. Bank, the paying agent, which assures that money is properly applied for the benefit of the holder of the local bond, which will be VPSA. Ms. McGarry stated that U.S. Bank also keeps track of the local bond ownership and assists with any ownership transfers, which is typically unlikely. She said the resolution also authorizes the County's participation in the State Non-Arbitrage Program (SNAP) through the included form of proceeds agreement. She stated SNAP receives, disperses, and invests the bond proceeds and investments authorized by Virginia law, also tracking the interest earnings. Ms. McGarry said SNAP also tracks withdrawals of project expenses and investment income allowing the County to be able to comply with federal tax regulations. She said interest earnings can be applied to eligible project costs once all principal is spent first. Ms. McGarry noted that participation in SNAP and the hiring of paying agent are both requirements of VPSA for participating localities in their bond sales.

Ms. McGarry stated that the resolution also directs that a certified copy of the resolution be filed with the clerk of the circuit court in compliance with the Public Finance Act of 1991 of the state code. Ms. McGarry said it authorizes the issuance of the local school bonds pursuant to the Public Finance Act of 1991 of the state code of Virginia, and also authorizes further action and ratifies previous action taken. Ms. McGarry said such actions to enter into and execute such documents, instruments and agreements as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the local school bond including execution of the paying agent, registrar transfer agent agreement with the bond registrar and paying agent for the local school bond and the redemption prepayment and refunding in full of the outstanding amount of the Economic Development Authority of Nelson County, Virginia \$2.5 million maximum principal amount lease revenue bond anticipation note Series 2024A utilizing the proceeds of the local school bond, other available funds, or both.

She said it also provides that all actions of the officers, employees and agents of the County or the School Board previously taken in furtherance of the purposes of this resolution including submitting a financing application to VPSA in connection with this local school bond (VPSA application) are hereby approved, confirmed and ratified. Ms. McGarry reported that the VPSA 2025 spring pool bond sale key dates noting that the VPSA will approve applicants and the issuance of bonds in the spring pool sale on March 13, 2025. She stated that the VPSA bond sale commitment date is April 4, 2025; which is when the County has to commit to the sale. Ms. McGarry said the bond sale is scheduled for April 22 and the interest rates are locked in at that point and then the tentative closing date is May 13, 2025.

Ms. McGarry stated that the annual debt service for this project is already incorporated into the County's \$35.1 million debt capacity strategy such that established debt service reserves and funds retained from declining debt balances cover this cost. Ms. McGarry said there are no new revenues from the General Fund required to cover this debt. She stated a debt service repayment schedule will be developed once the interest rate is locked in and the bonds are issued. Ms. McGarry presented a page from the County's last debt capacity analysis, stating that



it shows that this debt is already considered within the strategy, and the debt service is already within existing funds in the Debt Service Fund.

## Alternative Scenario | \$35,100,000 of Projects

### Overview

#### Summary Results

- Projects Funded with Debt (Total: \$35,100,000):
  - Land Purchase: \$2,600,000
  - DSS Building: \$10,000,000
  - School Renovation: \$22,500,000
- Recurring Debt Service:
  - \$2,480,000
  - Fully funded by the existing Budget for Debt Service and the balance currently held in the Debt Service Reserve.
- The County is able to fund all \$35,100,000 of projects that are currently in progress with the FY 2024 Budget for Debt Service of \$3,325,284 and approximately \$1,200,000 of the fund balance currently held in the Debt Service Fund.
  - Assuming all \$3,235,000 of the Debt Service Fund Balance at FYE 2023 is available for the County's capital plan, an additional \$11,350,000 of projects could be funded without the need for additional dedicated revenues.

#### Key Assumptions

- This analysis incorporates the following:
  - The County's FY 2024 Budget for Debt Service; and
  - The \$3,235,000 balance currently held in the Debt Service Reserve.

Use of Natural Affordability/Strategic Funding Approach	
1	
2	Recurring Revenues Available for Debt Service \$ 3,325,284
3	
4	Debt Service Fund Balance Utilized \$ 1,200,000
5	
6	Total Project Costs Funded \$35,100,000
7	Annual Debt Service to Fund Project Costs <sup>(1)</sup> \$ 2,480,000
8	
9	Additional Capacity for Projects \$11,375,000
10	Recurring Revenues Required -
11	Use of Available Debt Service Fund Balance 2,035,000
<small>(1) Assumes 5-Year BAN for initial Land Purchase; 25-30 year Long-term DS borrowing @ 5.0%.</small>	

She presented a page showing the current debt principal and interest payments and how when those payments take place, not including any new debt.

## Section 7 | Debt (continued)

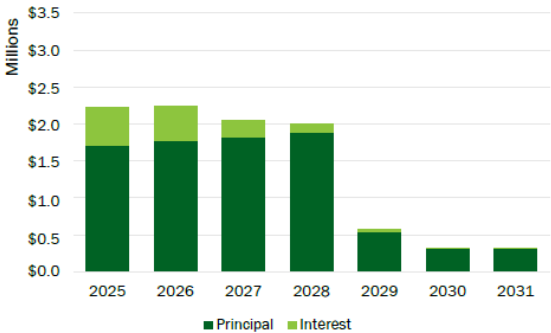
### Existing Tax-Supported Debt

#### Tax-Supported Debt Service

FY	Principal	Interest	Total
Total	\$ 8,354,000	\$ 1,380,866	\$ 9,734,866
2025	1,702,000	526,246	2,228,246
2026	1,767,000	469,311	2,236,311
2027	1,826,000	215,944	2,041,944
2028	1,879,000	116,584	1,995,584
2029	545,000	32,859	577,859
2030	315,000	14,922	329,922
2031	320,000	5,000	325,000

Note: the table above and graph to the right include the interest on the 2022 and 2024 Lines of Credit.

#### Tax-Supported Debt Service



#### Par Outstanding – Estimated as of 6/30/2024

Type	Par Amount
Existing Long-term Debt	\$8,354,000
Existing Lines of Credit <sup>(1)</sup>	6,800,000
Total	\$15,154,000

(1) Existing Lines of Credit are to be permanently financed over a longer period.

Ms. McGarry noted that Davenport representatives Ben Wilson and Gracie Caplice from Davenport are here for any financing and bond issuance, as well as Paul Jacobson from Sands Anderson, PC. Ms. McGarry stated that Sands Anderson is the County's legal bond counsel and they can answer any legal bond issuance. She noted that school division staff were present to answer any project questions.

Mr. Reed opened the public hearing.

Allen Dolleris - Afton, VA



Mr. Dolleris said he was a teacher at Rockfish Elementary School for 21 years and had just retired two years ago. He stated that the high school is a place that all the kids in this County go eventually—even those who may have gone to private schools such as North Branch—and the high school serves as a community hub. He said he knows that it is aging, as he subbed there a few times after retirement and could tell the different phases of renovations over time. He said that the maximum numbers are pretty well planned, but it might be hard to add that much money to an unknown project on an existing facility versus a new structure. He emphasized that they should actually make it right for the next generations. Mr. Dolleris noted separately that as a subscriber to the Nelson County Times, he had not received a paper this year, so if public notices were going out in the newspaper, he did not see them. He commented that he did not know this item was on the agenda for this evening until he had talked with a friend. He noted that he was there to advocate for the project.

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

Mr. Parr and Mr. Rutherford both noted that this was something that needed to be done.

Mr. Rutherford moved that the Board approve **Resolution R2025-18**. Mr. Parr seconded the motion, which passed unanimously (4–0) by roll call vote, and the following resolution was adopted:

**RESOLUTION R2025-18**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**A RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$25,000,000 MAXIMUM**  
**PRINCIPAL AMOUNT OF A GENERAL OBLIGATION SCHOOL BOND OF THE**  
**COUNTY OF NELSON, VIRGINIA TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL**  
**AUTHORITY FOR PURPOSES OF FINANCING THE DESIGN, IMPROVEMENT,**  
**RENOVATION, CONSTRUCTION, AND EQUIPPING OF PUBLIC SCHOOL**  
**FACILITIES AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

**WHEREAS**, the Board of Supervisors (the “Board of Supervisors”) of the County of Nelson, Virginia (the “County”), has determined that it is necessary and expedient to borrow an amount not to exceed \$25,000,000 and to issue its general obligation school bond (as more specifically defined below, the “Local School Bond”) for the purpose of financing school capital projects, including, but not limited to, 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 “Project”);

**WHEREAS**, the County held a public hearing, duly noticed, on March 11, 2025, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the “Virginia Code”);

**WHEREAS**, the School Board of the County (the “School Board”) has, by resolution, requested the Board of Supervisors to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond;

**WHEREAS**, Virginia Public School Authority (“VPSA”) has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the spring of 2025 (the “VPSA Bonds”);

**WHEREAS**, the Bond Sale Agreement (as defined below) shall indicate that \$22,065,327 plus, if and as needed, an amount needed to finance closing costs and capitalized interest is the amount of proceeds requested (the “Proceeds Requested”) from VPSA in connection with the sale of the Local School Bond;

**WHEREAS**, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the “VPSA Purchase Price Objective”), taking into consideration such factors as the amortization schedule the County has requested for the Local School Bond relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA from the sale of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

**WHEREAS**, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.



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

**1. Authorization of Bonds and Use of Proceeds.** The Board of Supervisors hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in an aggregate principal amount not to exceed \$25,000,000 (the "Local School Bond") for the purpose of financing the Project, which is for public school purposes of the County. The Board of Supervisors hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution.

**2. Sale of the Local School Bond.** The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount of the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price not lower than 95% of the Proceeds Requested. The Chairman or Vice-Chairman of the Board of Supervisors (together, the "Chairman"), the County Administrator, or any of them (each a "Delegate") and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board of Supervisors at this meeting, which form is hereby approved, with such completions, insertions, omissions and changes not inconsistent with this Resolution as may be approved by the County officer executing the Bond Sale Agreement.

**3. Details of the Local School Bond.** The Local School Bond shall be dated \_16 days prior to the date of its issuance and delivery or such other date designated by VPSA; shall be designated "General Obligation School Bond, Series 2025"; shall bear interest from its dated date payable semi-annually on each January 15 and July 15 beginning January 15, 2026 (each an "Interest Payment Date"), at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts acceptable to a Delegate (the "Principal Installments"), subject to the provisions of paragraph 4 of this Resolution.

**4. Interest Rates and Principal Installments.** Each Delegate is hereby authorized and directed to accept the interest rates on the Local School Bond established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, and provided further that the true interest cost of the Local School Bond does not exceed five and fifty one-hundredths percent (5.50%) per annum. The Interest Payment Dates, Principal Payment Dates and the Principal Installments are subject to change at the request of VPSA. Each Delegate is hereby authorized and directed to accept changes in the Interest Payment Dates, the Principal Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall not exceed [30] years from the date of the issuance and delivery of the Local School Bond. The execution and delivery of the Local School Bond as described in paragraph 8 hereof shall conclusively evidence the approval and acceptance of all of the details of the Local School Bond by the Delegate as authorized by this Resolution.

**5. Form of the Local School Bond.** The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

**6. Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Local School Bond:

(a) For as long as the VPSA is the registered owner of the Local School Bond, all payments of principal, premium, if any, and interest on the Local School Bond shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Local School Bond.

(c) U.S. Bank Trust Company, National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Local School Bond. The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar and



Paying Agent for the Local School Bond. The County shall give prompt notice to VPSA of the appointment of any successor Bond Registrar and Paying Agent.

**7. Redemption or Prepayment.** Unless otherwise directed by VPSA, the Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2035, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2035, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Local School Bond held by VPSA coming due on or after July 15, 2036, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2036, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2035, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Local School Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2035 through July 14, 2036	101%
July 15, 2036 through July 14, 2037	100½%
July 15, 2037 and thereafter	100%

Provided, however, that the Principal Installments of the Local School Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or other registered owner of the Local School Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption. If VPSA refunds the VPSA Bonds in the future and such refunding causes the Local School Bond to be deemed refunded, the prepayment or redemption of the Local School Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA Bonds issued in part to refund the Local School Bond.

**8. Execution of the Local School Bond.** The Chairman or Vice-Chairman and the Clerk or any Deputy Clerk of the Board of Supervisors are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

**9. Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Local School Bond as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

**10. Use of Proceeds Certificate and Tax Compliance Agreement.** The Chairman, the County Administrator and such other officer or officers of the County or the School Board as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the “Tax Compliance Agreement”) setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and applicable regulations relating to the exclusion from gross income of interest on the VPSA Bonds. The Board of Supervisors covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in such Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

**11. State Non-Arbitrage Program; Proceeds Agreement.** The Board of Supervisors hereby determines that it is in the best interests of the County to authorize and direct the County Finance Director or the County Administrator to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board of Supervisors, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA and the investment manager, substantially in the form submitted to the Board of Supervisors at this meeting, which form is hereby approved, and to take such other action as may be necessary for participation in the State Non-Arbitrage Program.



**12. Continuing Disclosure Agreement.** The Chairman of the Board of Supervisors, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix D to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 4 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Bond Sale Agreement).

**13. Refunding.** The Board of Supervisors hereby acknowledges that VPSA may issue refunding bonds to refund any bonds previously issued by VPSA, including the VPSA Bonds issued to purchase the Local School Bond, and that the purpose of such refunding bonds would be to enable VPSA to pass on annual debt service savings to the local issuers, including the County. Each of the Delegates is authorized to execute and deliver to VPSA such allonge to the Local School Bond, revised debt service schedule, IRS Form 8038-G or such other documents reasonably deemed necessary by VPSA and VPSA's bond counsel to be necessary to reflect and facilitate the refunding of the Local School Bond and the allocation of the annual debt service savings to the County by VPSA. The Clerk of Board of Supervisors is authorized to affix the County's seal on any such documents and attest or countersign the same.

**14. Effectiveness and Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Clerk of the Circuit Court of the County of Nelson, Virginia. The filing of this Resolution with the Clerk of the Circuit Court of the County of Nelson, Virginia shall be deemed to be the filing of an initial resolution or ordinance with such Court for all purposes of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code. Any resolutions inconsistent herewith previously adopted by the Board of Supervisors are amended to be consistent with this Resolution.

**15. Election to Proceed under Public Finance Act.** In accordance with Section 15.2-2601 of the Virginia Code, the Board of Supervisors elects to issue the Local School Bond under the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

**16. Further Actions and Ratification.** The members of the Board of Supervisors and all officers, employees and agents of the County are hereby authorized to take such action and enter into and execute such documents, instruments and agreements as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond, including execution of a Paying Agent, Registrar and Transfer Agent Agreement with the Bond Registrar and Paying Agent for the Local School Bond and the redemption, prepayment and refunding in full of the outstanding amount of the Economic Development Authority of Nelson County, Virginia \$2,500,000 Maximum Principal Amount Lease Revenue Bond Anticipation Note, Series 2024A utilizing proceeds of the Local School Bond, other available funds, or both. All actions of the officers, employees and agents of the County or the School Board of the County previously taken in furtherance of the purposes of this Resolution, including submitting a financing application to VPSA in connection with the Local School Bond (the "VPSA Application"), are hereby approved, confirmed and ratified.

**17. Effective Date.** This Resolution shall take effect immediately.

#### **IV. OTHER BUSINESS (AS PRESENTED)**

The Board had no other business to discuss.

#### **V. ADJOURN AND CONTINUE TO MARCH 18, 2025 AT 10 A.M. FOR A BUDGET WORK SESSION.**

At 7:17 p.m., Mr. Rutherford moved to adjourn and continue the meeting to March 18, 2025 at 10:00 a.m. Mr. Parr seconded the motion, which passed unanimously (4-0) by roll call vote, and the meeting adjourned.