

Virginia:

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

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

Joanne Clarkson - Piney River, Virginia

Ms. Clarkson stated that there is a code section that allows the Board to petition the court to have their GIS information taken off the internet. She stated that she would like her property address and ownership information to be taken down because she had important data stolen and illegally used. She commented that we live in a dangerous world and we needed to think about what information people could find on the internet. She asked the Board to consider allowing people to have an option as to whether their information is publicly posted online. She noted that she would also be making her request in writing. Ms. Clarkson commented that the Board did not give the public enough time to state all of their concerns, noting she had other concerns about the County.

Bill Thompson - Piney River, Virginia

Mr. Thompson stated that he was present to speak about the water and sewer issue in Piney River, noting that the water was put in about 12 or 13 years ago through a grant, likely because the water and sewer in the area were substandard. He commented that he understood things changed and it costs more to maintain things. He said that himself and many others in the area lived on a fixed income. He noted that he had heard that in six years, the water rate would be double. He commented that \$150 per month was \$2,000 per year, plus taxes. He asked if they could look at subsidizing the cost, noting the connections fees that were waived for the apartments going in on St. James. He asked if they would receive more services or more water if the rates were to increase. Mr. Thompson said that maintenance is also an issue, as there is no way to locate the lines from the main highway to individual homes, and the pipes installed at that time were not the thick PSI pipes, so that would be a maintenance issue that would be passed down to the customers. He asked who would oversee the system once it was turned over and who would determine how high the rates would go. He also asked if he had to stay hooked up to the system. He noted that he had hooked up to the system when it came through because he thought it was a good idea. He said he previously had good water and sewer. He asked if they were now stuck with this. He asked the Board to evaluate the system further before they make any decisions.

Wisteria Johnson – Shipman, Virginia

Ms. Johnson expressed concern over the manner in which the dissolution of the Social Services Board was executed. She said the process used faulty and incomplete information that was full of half-truths and untruths, that was publicly cited on a group of people could not push back because of their duty to client and employee confidentiality. She stated that it was disastrous when political people serving together for a long time lose their sense of integrity and they seem to think that they do not require valid or honest reasoning for their actions. She stated that it was deemed unnecessary to provide valid investigative reports and critical statistics, or avoid social media while the investigation was in process. She purported that this was potentially done with ulterior motives in mind.

Ms. Johnson said that with the dissolution of the DSS board, the people of Nelson County lost in one day approximately 120 accumulative years of civic wisdom in just three women alone—including a DSS employee of 42 years who worked night and day to provide protection to seniors and children as well as providing DSS services to all eligible families. She said the second woman served the community for 45 years, sat on past school boards, built the middle school, renovated the high school, and supported the building of two elementary schools. Ms. Johnson said this person had also been seated on a community board and led the drive for a third community center. She stated that the third woman taught for 25 years and had advocated and received the first full-time art program for Nelson schools and sat with the Board of Supervisors at their request to work with the blueprints on the school system. She emphasized that these were women that helped build Nelson, not tear it down.

Carla Quenneville – Arrington, Virginia

Ms. Quenneville stated that she is here on behalf of the Lovington Merchants Association (LMA), a newly formed organization focused on growth in the village itself and the surrounding 29 Corridor and other local businesses. She read the association’s mission statement: “The Lovington Merchants Association is committed to fostering economic growth by promoting collaboration among local businesses and driving tourism through our village's rich history, vibrant art scene, and natural beauty while celebrating the unique culture of our community.” She said she wanted that collaboration to shape the future of this village and the area with tourism, signage, infrastructure, revitalization of the village, events, and long-term growth. She introduced the LMA Board, which included Treasurer Robert Brown, Vice President Leslie Brock, and Secretary Abby Rice.

Robert Johnson – Nellysford, Virginia

Mr. Johnson said that the Lovington Merchants Association (LMA) was seeking \$5,000 in support from the County to help them with everything from incorporation costs and legal fees, insurances, and filing a 501 (c)6 nonprofit organization application with the IRS so they can apply for grants, and website/marketing efforts to publicize their activities.

There were no others wishing to speak during Public Comments.

Mr. Rutherford noted that he would bring up LMA’s funding request later during Correspondence or Directives. Mr. Reed agreed that this would be the appropriate time.

III. CONSENT AGENDA

- A. Resolution – R2025-71 Minutes for Approval
- B. Resolution – R2025-72 FY26 Budget Amendment
- C. Resolution – R2025-73 Middle James 2 RPU Regional Water Supply Plan Participation
- D. Resolution – R2025-74 Recognition of Officer of Election Connie Turner Clark

Mr. Parr moved to approve the Consent Agenda as presented. Dr. Ligon seconded the motion.

Mr. Rutherford said he was not able to attend the September meetings and would prefer to abstain from Item A.

Mr. Parr moved to approve **Item A. Resolution R2025-71 Minutes for Approval** as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by roll call vote (3–0-1), with Mr. Rutherford abstaining as he was not in attendance at the meetings for which the minutes were drafted, and the following resolution was adopted:

**RESOLUTION R2025-71
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(February 18, 2025 and September 9, 2025)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on February 18, 2025 and September 9, 2025 be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

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

- B. Resolution – R2025-72 FY26 Budget Amendment

RESOLUTION R2025-72
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2025-2026 BUDGET
October 14, 2025

I. Appropriation of Funds (General Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 2,563.45	3-100-003303-0008	4-100-999000-9905
	\$ 7,406.78	3-100-003303-0008	4-100-999000-9905
	\$ 2,596.17	3-100-003303-0008	4-100-999000-9905
	\$ 2,797.41	3-100-003303-0008	4-100-999000-9905
	\$ 13,147.00	3-100-001803-0001	4-100-999000-9905
	\$ 1,377.00	3-100-003303-0107	4-100-031020-1013
	\$ 9,404.94	3-100-009999-0001	4-100-021060-3164
	\$ 9,354.00	3-100-009999-0001	4-100-021060-3164
	\$ 2,500.00	3-100-002404-0060	4-100-081020-7072
	\$ 0.62	3-100-009999-0001	4-100-022010-5419
	\$ 10,000.00	3-100-001901-0034	4-100-031020-3040
	\$ 98,850.00	3-100-009999-0001	4-100-091050-7033
	\$ 7,800.00	3-100-009999-0001	4-100-091050-7135
	\$ 151,477.33	3-100-009999-0001	4-100-091050-7166
	\$ 196,000.00	3-100-009999-0001	4-100-091050-7093
	\$ 29,827.88	3-100-009999-0001	4-100-091050-7023
	\$ 1,239.10	3-100-001401-0002	4-100-031020-7017
	\$ 1,536.00	3-100-001401-0002	4-100-031020-7017
	\$ 9,236.89	3-100-001899-0017	4-100-031020-5803
	<u>\$ 557,114.57</u>		
 II. Transfer of Funds (General Fund Departmental)			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
	\$ 3,072.00	3-100-001401-0002	3-100-001401-0001
	<u>\$ 3,072.00</u>		

C. Resolution – R2025-73 Middle James 2 RPU Regional Water Supply Plan Participation

RESOLUTION R2025-73
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION REGARDING LOCAL AND REGIONAL WATER SUPPLY PLANNING
AND APPLICATION FOR A FY2026 WATER SUPPLY PLANNING GRANT

WHEREAS, the Virginia General Assembly has mandated the development of regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

WHEREAS, based upon these regulations Nelson County is required to contribute towards a regional water supply plan that fulfills the regulations by deadlines established in 9VAC25-780-50.A, specifically:

“Each locality in a regional planning area shall assist its regional planning unit in developing and submitting a single jointly produced regional water supply plan to the Department within **five years from October 9th, 2024**”

WHEREAS, regional planning areas are designated by 9VAC25-780-45.B, and a local government may request that the Department change its designated regional planning area to an adjoining planning area in accordance with 9VAC25-780-45.C.

WHEREAS, the following elements must be included in regional water supply plans in accordance with 9VAC25-780:

- A description of existing water sources in accordance with the requirements of 9VAC25-780-70;
- A description of existing water use in accordance with the requirements of 9VAC25-780-80;

- A description of existing water resource conditions in accordance with the requirements of 9VAC25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9VAC25-780-100;
- A statement of need for the regional planning unit in accordance with the requirements of 9VAC25-780-100;
- An alternatives analysis to address projected deficits in water supplies in accordance with the requirements of 9VAC25-780-100;
- A description of water management actions in accordance with the requirements of 9VAC25-780-110 and 9VAC25-780-120;
- A description of drought response and contingency plans for each local government in the RPU, in accordance with the requirements of 9VAC25-780-120;
- An identification of water supply risks and regional strategies to address identified risks in accordance with the requirements of 9VAC25-780-125; and
- A map identifying important elements discussed in the water supply plan that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources, and

WHEREAS, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist Regional Planning Units and offset some of the costs related to the development of these Plans and are encouraging RPUs to submit applications for grant funds; and

WHEREAS, for purposes of this DEQ water supply grant fund program, Nelson County will participate within the Middle James River 2 Regional Planning Unit, and

WHEREAS, the Regional Planning Unit, through the lead agent wishes to apply for and secure DEQ grant funds to help offset the cost of regional water supply plan development.

NOW, THEREFORE BE IT RESOLVED that Nelson County agrees to participate with all local governments and water authorities within the Middle James River 2 Regional Planning Unit in the development of a regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the lead agent is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that the lead agent agrees to manage all grant funds received and allocate these shared funds towards the tasks and deliverables proposed in the grant application for the benefit of the entire Regional Planning Unit, and

BE IT FINALLY RESOLVED that the Central Virginia Planning District Commission is authorized to sign the DEQ contract and other appropriate documents related to the water supply planning grant and the regional water supply plan.

D. Resolution – R2025-74 Recognition of Officer of Election Connie Turner Clark

**RESOLUTION R2025-74
NELSON COUNTY BOARD OF SUPERVISORS
RECOGNITION OF CONNIE TURNER CLARK
FOR HER SERVICE AS AN OFFICER OF ELECTION**

WHEREAS, the conduct of fair, transparent, accurate, and verifiable elections is an essential thread in the fabric of our nation and, as such, part of the mission statement of the Nelson County Office of Elections; and

WHEREAS, the Nelson County Office of Elections relies on trusted members of the community to faithfully and impartially serve their neighbors as Officers of Election in support of this ideal; and

WHEREAS, Connie Turner Clark, a lifetime resident of Nelson County, Virginia and a registered voter since 1975, has served this community as an Officer of Election for more than thirty years; and

WHEREAS, during those years, Connie Turner Clark has participated at nearly every level of election service, bringing her friendly, knowledgeable, calm, and always-pleasant demeanor to each element of the process; and

WHEREAS, Connie Turner Clark is truly an asset to this community, and one who exemplifies public service in a manner which should inspire each of us to do the same,

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors, jointly with the Nelson County Electoral Board and General Registrar, do hereby officially recognize Connie Turner Clark, and respectfully ask all citizens alike to join in expressing their sincere gratitude and appreciation for her many years of outstanding service to our community she has most generously given.

IV. PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH (P2025-05)

Dr. Ligon read aloud **Proclamation P2025-05** and moved to approve it. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion (4-0) by roll call vote, and the following proclamation was adopted:

**PROCLAMATION P2025-05
NELSON COUNTY BOARD OF SUPERVISORS
OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

WHEREAS, the Shelter for Help in Emergency and the Nelson County Victim/Witness Program have led the way in the County of Nelson in addressing domestic violence by providing 24-hour hot line services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

WHEREAS, the Shelter for Help in Emergency commemorates its 46th year of providing unparalleled services to women, children and men who have been victimized by domestic violence; and

WHEREAS, the Nelson County Victim/Witness Program currently provides victim advocates and a support group for those seeking relief from domestic violence in Nelson County;

NOW THEREFORE, BE IT RESOLVED, in recognition of the important work being done by the Shelter for Help in Emergency and the Nelson County Victim/Witness Program, the Nelson County Board of Supervisors do hereby proclaim the month of October 2025 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the elimination of personal and institutional violence against women, children and men.

V. PRESENTATIONS

A. VDOT Report

Robert Brown, VDOT Residency Administrator, was present to report on some of the projects they have been discussing over the last few months. He reported that the structure replacement on Rockfish River Road /Route 617 was completed about one week earlier. He then indicated that VDOT was currently working on the Rural Rustic project on Davis Creek which included the installation of some large pipes there. He said it had been quite an undertaking getting the structures and it would cost more than what would normally be spent on the road.

Mr. Brown reported that Route 6 on Afton Mountain has been repaved by a VDOT contractor who did an outstanding job. He indicated that they were they are now paving the lower part of Route 56 near Wingina, which was a section that had been pulled off of the paving schedule seven or eight years ago and they were finally able to get it back on the schedule. He noted that VDOT is undertaking a major initiative to replace bad road pipes on secondary roads in the Shipman area. Mr. Brown reported that the road had been fixed in Arrington where it was cut to install a new pipe. He also indicated that some damage that had been done to the pavement on Keys Church Road when VDOT did some ditching, has been fixed.

Supervisors reported the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford thanked Mr. Brown for VDOT's work in getting Rockfish River Road back open. He mentioned there is a culvert pipe on Peavine Lane that is beginning to fail. He noted that there have been complaints about brush along Rockfish River Road in Schuyler. He said there were other concerns raised at the Sheriff's town hall meeting that he would work to send to Mr. Brown via email.

Dr. Ligon:

Dr. Ligon said she was impressed with how quickly VDOT had gotten to the roads mentioned at the last meeting.

Mr. Parr:

Mr. Parr said he had a follow-up from a conversation regarding a concern with grass being kicked into the road on Jack's Hill near Dickie Brothers, but that has been resolved.

Mr. Reed:

Mr. Reed stated that residents had mentioned a need for a crosswalk in Nellysford that would connect Adial Road, or Belties, or that general area with the west side of 151 and Village Green, as there was a lot of foot traffic there now. Mr. Brown asked if they were asking for a painted, pavement marking crosswalk. Mr. Reed noted that most had said they wanted to have a crosswalk, but they did not discuss details. He suggested that a crosswalk with some signage would be the safest option.

Mr. Brown asked if there was a specific preferred place where people seemed to cross over, as there must be an identified location with proper access, even on a road with just shoulders. He indicated that a highway with curb and gutter would require proper ADA entrances. He noted they could evaluate it. Mr. Reed suggested that they meet onsite and noted he would send some suggested dates to Mr. Brown.

Mr. Reed also said he had contacted Mr. Brown about the jake brakes on Routes 6 and 151 and learned that those are regulated by the DMV, and a measure before the General Assembly five years ago did not pass at that time. He noted that he could work with other rural counties through the Virginia Association of Counties (VACo) and see if some regulation on jake brakes would be a good thing to do. Mr. Brown stated that the biggest issue with passing any legislation is how to enforce it.

Mr. Reed stated that on Edgehill Way, some of the residents were not happy with the resurfacing of the road with asphalt and stone. He asked if there might be another option to get it upgraded. Mr. Brown responded that there was really not. He noted that the road received the same surface treatment as it has in the past, but perhaps next time they could possibly do something slightly better such as a micro-surface and a latex. He said no one particularly likes surface treatment (tar and gravel) in subdivisions, but VDOT had to use it because it was so cost-effective.

Mr. Reed said they had also talked about GPS routing in rural areas, particularly on Hill Hollow Lane where a large tractor-trailer with lumber had recently flipped on its side there. Mr. Brown indicated that he had received a call about it. He noted that he was going to have a traffic engineer look at it to see about posting something on Hill Hollow, Old Roberts Mountain, and Duncan Hollow regarding truck restrictions. He noted that even with the truck restrictions posted, the trucks would still probably end up going through there.

Mr. Reed asked what options were available to localities that would like to see a more seamless connection between GPS routing and VDOT, in terms of what vehicles can travel on roadways.

Mr. Brown responded that the best avenue would likely be the Virginia Truckers Association, as they have at least as much input into GPS routing as VDOT does. He added that they have one person at VDOT who focuses on GPS that would be taking a look at the matter. Mr. Reed noted that he would be talking with some people at the VACo Conference in November, and he asked if there was anything that he might be able to bring up to

them that would help further the cause. Mr. Brown indicated that Jeremy Bennett on VACo's Transportation Committee would also be a helpful resource.

Mr. Reed mentioned the collapsed culvert south of Route 629. Mr. Brown responded that the VDOT policy on existing private entrances is that if an entrance pipe needs to be replaced, if the property owner were to purchase the pipe, VDOT would install the pipe. He noted that a permit would not be needed. He confirmed that VDOT does not furnish the pipe for private entrances. He indicated that the pipe size is a 60-inch diameter pipe. Mr. Rutherford noted that the cost for that is about \$8,000-\$9,000. Mr. Brown said he asked his superintendent, David Beasley, and the understanding is that they have an alternate way out. Mr. Reed noted that there were two residences using that private entrance and to his knowledge, they did not have an alternate access. Mr. Brown indicated that there was a live stream in that pipe. He noted that he would proceed with getting the DEQ permits as quickly as possible, and hopefully the property owners could get a pipe. He indicated that once the pipe was obtained and VDOT had the needed permits, VDOT would move to get the pipe installed as immediately as possible. Mr. Reed asked if there was any opportunity for relief to the property owners to help with the cost. Mr. Brown replied that there really isn't through VDOT, and hopefully the landowners can get a pipe, and he would work as quickly as possible to get permits such as environmental and water quality. He added that the problem with this is the same situation as the culvert pipe Mr. Parr had previously brought forth in terms of VDOT setting a precedent for replacement they cannot fulfill or maintain.

B. Larkin Phase 1 Well Evaluation & Dillard Creek Flow Evaluation - CHA

Mr. Stephen Steele of CHA reported that they had been working to identify demand and develop options for additional water sources based on the property's location. He reported that the initial evaluation focused on whether the Authority could provide water and sewer services for full buildout without major investment, considering comprehensive plan overlays and anticipated developments. He said plans were not final but water availability would remain constant, with two possible sources: Dillard Creek, the largest but costliest; and drilling wells. He said he would clarify the volume and work needed for each, and future Boards could make decisions with this data. He said evaluating Dillard Creek involved estimating flows, identifying potential intake locations, reviewing for endangered species, identifying potential Virginia Water Protection permit conditions, and estimating permitting costs as well as capital and operational costs. He said initial costs would cover development, permitting, and assets, with annual operating expenses for operators, power, chemicals, and other requirements. He noted that he had worked on the planning and budgeting needs for a recreational facility in Abingdon and no one had any idea about operational costs for staff or water needs.

Mr. Steele explained that water withdrawal from a stream is determined by the nearest rain gauge data, and due to the absence of a USGS gauge on Dillard Creek, they used data from the nearest sewer shed and calculated a proportional estimate. He said the Tye River drainage area is 93 square miles, while Dillard Creek's is 7.3 square miles (about 8% of Tye River), forming the basis for their calculations, which would be approved by the DEQ. He stated that Virginia water protection regulations allow withdrawal of only 10% of stream flow, with 90% required to continue downstream, irrespective of stream size or location. Mr. Steele noted that the average daily flow in Dillard Creek was estimated at 8.3 million gallons per day, which he found surprisingly high and had his team verify. He stated that the creek appears narrow near the road but is significantly wider upstream, holding considerable water with a median flow of 5 million gallons per day.

Mr. Steele said that under average flow conditions, a 10% withdrawal would yield 830,000 gallons per day, sufficient to meet the County's projected 30-year buildout demand of 80,000 gallons per day. Mr. Steele stated that while this volume seemed impressive, it was essential to analyze daily withdrawal rules, which require operators to check the previous day's flow and adjust the current day's withdrawal accordingly, under penalty of regulatory violation. He reported that withdrawal calculations are not averaged monthly but instead are determined daily. He said that historical low-flow months—July, August, and October—were analyzed over 25 years, revealing that even in those periods, the source could still supply more than the necessary 82,000 gallons (0.082 million gallons per day (MGD)) per day. He commented that they looked at drought conditions over the last 25 years, and there were approximately 6.7 percent of the days where the average daily flow would not reach the 82,000 gallons per day.

Mr. Steele explained that during severe droughts such as in 2002, there were stretches where the creek could not supply the required volume: specifically, for 30% of the days during that historic drought, the stream's flow was too low. He reported that from 10/2/2023 to 11/8/2023, there were 38 consecutive days when withdrawing 82,000 gallons per day was not possible, and during a 50-day period from 10/2/2023 to 11/20/2023, there was only one day that would have allowed for 82,000 gallons per day withdrawal. Mr. Steele said these findings illustrated the risks of relying solely on daily withdrawals, especially during drought periods, but he indicated that these could be mitigated by using storage tanks and managing demand to bridge low-flow periods and ensure reliable supply.

Dr. Ligon asked if a physical device mounted in the creek is measuring the flow, or if it is a person.

Mr. Steele responded that if they decided to move forward with this, they would likely get a stream gauge installed so that individuals would not even have to go down to it. He said at the treatment facility or wherever they were monitoring it from, first thing in the morning, they would read how many cubic feet went through that area the previous 24 hours, then they would set their withdrawal pumping rate to equal 10% of that amount. He added that they could pull it fast and get to 10% in two hours, or they could slowly draw it off over a 12-hour period of time; the pump is cycled at that withdrawal station based on how much can be pulled and how quickly it should be pushed through whatever treatment process is in place.

Dr. Ligon asked if, in the case of flash flooding or high sediment, there would be days they could not pull from it just based on water quality too. Mr. Steele responded that this would be addressed on the treatment side; because it was going to be flashy—with a change in color due to turbidity which was sediment in the water—you could not use some treatment technologies such as membranes. He said it may be a conventional treatment process where there is enough time for those particulates to settle out, but that would not prevent water from being drawn; the treatment would be the critical path at that point.

Mr. Steele said there are significant permitting requirements when you pull water off of a stream, and DEQ issues a Virginia Water Protection Permit for construction of withdrawals, and the U.S. Army Corps of Engineers issues a permit for construction activities—with each agency having the opportunity to review. He emphasized that they follow every single rule to ensure regulatory compliance. He said the permit includes the construction requirements, water withdrawal operations and reporting requirements, and a limitation on withdrawals based on the previous day's flows, requirements for intake screen size, and face velocity. He noted that there is a water intake with screens based on the type of existing aquatic life, based on technology, and based on what can pass through those screens so they are not pulling in small turtles, salamanders, and other animal species. Mr. Steele indicated that the screen size was based on the amount of flow they were pulling through, so if a lot more flow was needed, then the screen face would need to be a lot bigger, because they would need a lot of small holes to pull flow through.

Mr. Steele said the sections within that permit are: authorized activities, the term of the permit that must be renewed every few years to ensure ongoing compliance, standard project conditions, stream modifications that include intake and outflow structure design, water service withdrawals, water withdrawal monitoring, recordation and reporting, construction monitoring and submittals, and general conditions. He added that there is significant environmental reporting required, and the desktop study in this area shows three possible mussel species, which will likely warrant a mussel study and possible relocation or measures to limit disturbance. Mr. Steele emphasized that this should happen before money is spent on a project, particularly the cost of entry into permitting and the need for ongoing mitigation.

Mr. Rutherford asked about level of difficulty, as he was accustomed to the construction version of this. Mr. Steele responded that in terms of permitting requirements, intakes were probably the highest in terms of complexity and difficulty, as there is a lot more work involved than just putting a pipe in. He said because of how wide and shallow the creek is in certain places, there may be a need for a low-water dam that does not stop water flow, it just makes the water deeper right where the intake is—although 90% would still be flowing over the rest of the dam.

Mr. Steele reviewed preliminary cost estimates. He indicated that the withdrawal permitting would cost around \$40,000 to \$50,000. He noted that if they needed a low-water dam, the low-water dam installation permitting would be less than \$100,000, while special studies would be about \$10,000 to \$25,000 each. He said that some comparable projects run about \$6.5 million, but the price of entry is not linear nor is it directly proportional, and operational and maintenance costs with reasonable chemicals range from about \$150,000 to \$250,000 annually.

Mr. Rutherford asked what the usage would look like for an 800,000-gallon per day water flow, noting that the County was trying to design what the Village of Lovingsston and the 29 Corridor would look like. Mr. Steele responded that the original study had all the peak usages for Lovingsston, Stoney Creek, etc., but he did not have those in front of him. He noted that when they were in the original meetings with the Authority and the County, it was clear that if additional water and sewer were needed, it would require additional sources—and the facilities treating water now may need significant upgrades, which required contemplation of whether it was better to upgrade or build something new.

Dr. Ligon asked if the \$6.5 million estimate was just to pump the water into the system to be sent to Black Creek for treatment. Mr. Steele explained that the \$6.5 million was inclusive of everything – the intake, pump station and water treatment system engineering and construction. He noted that estimate did not include a water storage tank because it was dependent upon need. Dr. Ligon commented that the \$6.5 million estimate was cheaper than the number discussed to increase Black Creek's treatment capacity.

Ms. McGarry asked Mr. Steele about the timeline for permitting water withdrawal, and she asked him to speak to the water impoundment concept and why that did not seem feasible. Mr. Steele said the permitting would

take about a year, much of that being DEQ time and not all of it spent on permitting work. He stated that an impoundment is not done very often. He stated that he is currently working in an area where an impoundment was thought to be a great idea, but nobody considered the requirements for an annual inspection of the impoundment structure or the fact that an emergency evacuation plan would be required. He said an enormous amount of work is needed in this particular location, and they are only using it occasionally for emergency backup. Mr. Steele said they have to put \$3.5 million into it or get rid of it, the latter costing \$2 million.

Mr. Steele said that an impoundment was a “life choice” for whoever had to take care of it and deal with the emergency requirements because if there is an impoundment with that much water behind it, anything below must be studied for impact if the dam wall were to breach. Mr. Steele said he did not consider the impoundment in his scope because he did not think \$6.5 million would touch the impoundment process, which he estimated to be a two-year process. He explained that impoundments are much more invasive to any species present—with no filter pass-through. He said they can continue to look into that if desired, but he was trying to come up with options that would hit the mark and provide results in the short term. He commented that an impoundment with a lake that would have dual purposes sounded fantastic, but there would be a lot more of them around if it were a simple process.

Mr. Steele said he would address several key groundwater topics, including well yield targets and site geology, resistivity analysis results, well development costs, and next steps if they chose to proceed. He stated that his focus was on the actual yield a well provides during water extraction and explained the importance of analyzing site geology and resistivity data to identify optimal well locations. He explained that the 81,000 gallon per day figure was drawn directly from a prior report, representing full buildout demand for recreation, housing, and commercial uses. He noted that the 81,000 gallons per day was the additional water needed beyond what the Service Authority could provide. He emphasized that this total was not required immediately but instead the amount needed to supplement existing Authority resources if complete development occurred over an estimated 30-year period.

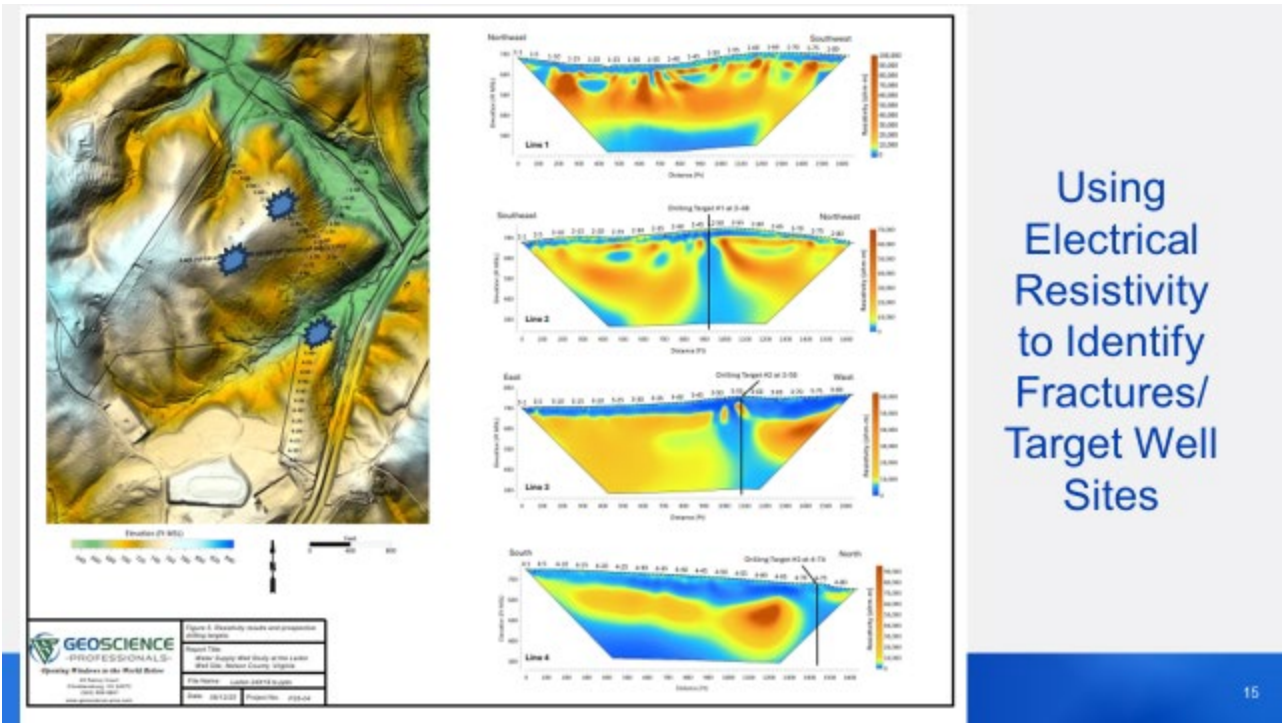
Mr. Steele stated that according to Virginia Department of Health (VDH) safety requirements, only 55% of a well’s potential yield may be used to prevent excessive drawdown. He clarified that this restriction was set by VDH, not CHA, and said that the goal was to find a well or group of wells capable of delivering 110 gallons per minute, since 55% of that would meet the 60 gallons per minute threshold required for development. He explained that it is common for confusion to arise; for example, a well producing 30 gallons per minute would only provide 55% of that for use.

Mr. Steele reviewed the site geology, noting that the area consisted largely of bedrock with low porosity, and groundwater flow was through weathered rock and fractures. He explained that nearby well yields currently ranged from 7.5 to 88 gallons per minute, listing examples such as a well producing 88 gallons per minute and others at 28 and 20 gallons per minute. He noted the presence of many inactive wells, though reasons for inactivity were not investigated. Mr. Steele stated that records from VDH confirm these figures and summarized that while achieving the target yield of 110 gallons per minute from a single well is possible, it may require multiple wells to reliably meet demand based on current local data.

Mr. Rutherford said that the area from Lake Nelson to Lovington was a large spread, and some of the homes he had built in Stevens Cove and Fortunes Cove have been productive wells—none drawing less 10 gallons per minute. Dr. Ligon pointed out that there are also a lot of complaints about water at certain times of the year. Mr. Rutherford suggested that they could probably pull health permits to find out more relating to timeframe when drilled.

Mr. Steele explained that their method for determining the best chance for water uses electrical resistivity, a technique they have relied on for decades. He stated that this process requires driving rods into the ground and running resistivity electricity along a line between the rods, allowing them to identify areas without vents, which are considered rock. He explained that when the current encounters a void, it typically indicates the presence of water, and noted that longer vertical shafts on the readings suggest fractures or trace intersections—these are the locations most likely to yield water. He said that if there are no such intersections, as visible in some readings, there would be no place for water to collect. He noted that the depth measurements, although somewhat difficult to read, help estimate how deep they might need to drill to reach water.

Mr. Steele explained that the area of study on the Larkin property was to the north of the high school track and the west of 29, which helped orient the location of the possible well sites. Mr. Steele stated that three locations were identified as the best prospects for wells, based on their findings, and that these were marked on the map: two on top of the ridge line and one in the bottom area. He explained that the logging for the school likely occurred near one of these sites. Mr. Steele stated that even if the well sites on the ridge were ideal, accessing them would be difficult due to the inability to bring in equipment by helicopter, which makes site access and water transportation important considerations. He explained the site closest to the school is the most accessible and the easiest to reach.



Mr. Steele said the well depicted at the bottom closest to the school would require the least amount of site entrance work, the least amount of tree cutting, and other measures. He said the next steps would be to drill and develop a well, and that would entail the driller drilling a test well and completing a 48-hour drawdown test, which is required by the VDH. He noted that if you pull water out of that well every minute of 48 hours and you do not get the level to drop, that is the amount that is going to be sustained. He added that if there are other wells in the area, they also monitor those to ensure they are not stealing from the aquifer.

Dr. Ligon asked how far he was measuring, such as if there was a well a mile away. Mr. Steele responded that this was not the magnitude they were considering here. Mr. Rutherford commented that the aquifers are very different here, with a vertical angle. Mr. Steele said if the school had a well, he would probably consider checking that. He said it was good to know all your data, even if something happened 10 years from now. He commented that if there was a well on the school property that failed in the future, the data would show that the tests were performed and confirmed that the wells did not intersect.

Mr. Steele reviewed the costs for the next steps related to the well sites.

Cost for Next Steps		
Total Estimated Costs	\$158,000-\$192,500	\$109,000-\$149,000
Cost Breakdown By Task	Range of Costs: Public Potable Water	Range of Costs- Non Potable Water
Well Site Preparation	\$20,500-\$40,000	\$20,500-\$40,000
Well Site Local Approval and VDH Approval for Drilling Locations	\$5,000	\$3,500
Drilling Well for Target 1	\$15,000-\$20,000	\$15,000-\$20,000
Drilling Well for Target 2	\$15,000-\$20,000	\$15,000-\$20,000
Drilling Well for Target 3	\$15,000-\$20,000	\$15,000-\$20,000

Mr. Steele reported that the total costs presented in the top of the chart were inclusive of the items listed below it. He noted the well site preparation cost estimate of \$20,500 to \$40,000, and he estimated that the well site closest to the school property would likely cost \$10,000 or less for prep work to access the site. He indicated that well site approval was minimal. He reported that drilling the well at each location for testing would cost \$15,000 to \$25,000, and the driller would not grout the well and get it all the way to VDH standard if it did not produce the amount of water desired. He reiterated that cost was not for a fully developed well. He confirmed

that clearing the way to drill the well is \$20,000 to \$40,000, with drilling the well at \$15,000. Mr. Steele suggested that it was possible they could offset some of the costs with logging, but he noted that he could also get the well driller to determine the minimum required to get the rig on top of the hill, rather than building a road for access to a well that may not be a large producer. He noted that there was a little more legwork to do, and once he got direction, he could sharpen some of those numbers.

Mr. Reed clarified that the range would apply to the one well site recommended but not the other two. Mr. Steele confirmed this. He added that his goal today was to provide some context on the cost required to develop each of the sources. He also mentioned that grant monies were available for source development such as SERCAP funds and VDH funding.

Dr. Ligon asked Mr. Steele if he would do the drawdown testing. Mr. Steele responded that his firm would coordinate that to keep the County from having to get multiple quotes. Mr. Reed asked why the range of cost is different for non-potable water versus potable water. Mr. Steele explained that the big difference is VDH involvement for potable water. He noted that if the water were only to be used to irrigate athletic fields, then VDH would be less involved on the development of the well in regards to grouting, casing and operations.

Mr. Reed asked to confirm that these were just the costs for the test wells. He then asked if there would be more to be done to have potable water. Mr. Steele confirmed that was correct, and the difference was VDH involvement for potable water versus no VDH involvement. Dr. Ligon asked what it would cost to have three wells and then pipe the water back to the treatment plant at Black Creek. Mr. Steele indicated that if they were drilling wells, he would not send the water to the treatment facility rather he would treat the water onsite. Dr. Ligon asked if they would have to build a treatment facility either way. Mr. Steele explained that a treatment facility for a well was completely different. He also said that if the geologist feels the water is not influenced by surface water, they may only have to chlorinate—which involves a little building with a chlorine tank and a pump that injects chlorine as needed to meet VDH requirements. He said that water then gets pumped wherever they want it to go on the Larkin property. He noted that they would run a panel of tests to determine influence of surface water, with drinking water requiring further investigation. Mr. Steele noted that Ms. McGarry had suggested that they look further at this information during a work session, and he noted that would give him time to have more polished numbers once he had a little more direction from the Board. Mr. Steele emphasized that he would not recommending pumping the water to one of the facilities the Authority already runs and then have to pump it back. Dr. Ligon said she was under the impression that the Service Authority's facility could not handle the additional capacity, but she suggested that perhaps taking the pressure off that facility would mean they would not need all the upgrades they wanted.

Mr. Steele stated that this is a County decision on how they move forward that will sustain them for the next 30 years, and all the data must happen before they can make an informed decision. He said if they are going to develop a new source, they need to decide whether they want to get into the water treatment process business—but his goal was to ensure the decision made is the most efficient way to develop the source for all ratepayers.

Mr. Reed said Ms. McGarry is looking ahead to a capital improvement working meeting to evaluate priorities. Mr. Steele asked what information the Board would want him to have for that meeting. The Board was in agreement that they did not need any additional information at this time.

Dr. Ligon asked if it cost more to do one test well and then eventually do the others. Mr. Steele replied that this would depend on identifying grant money to do the first well, but there are economies of scale savings in doing all three at one time. He commented that the amount of work needed to access each well site made him question whether doing all three wells at once was the best option. Dr. Ligon asked for confirmation that no special credentials were needed for the drillers. He added that he would not use any driller that he could not stand up in front of them and defend.

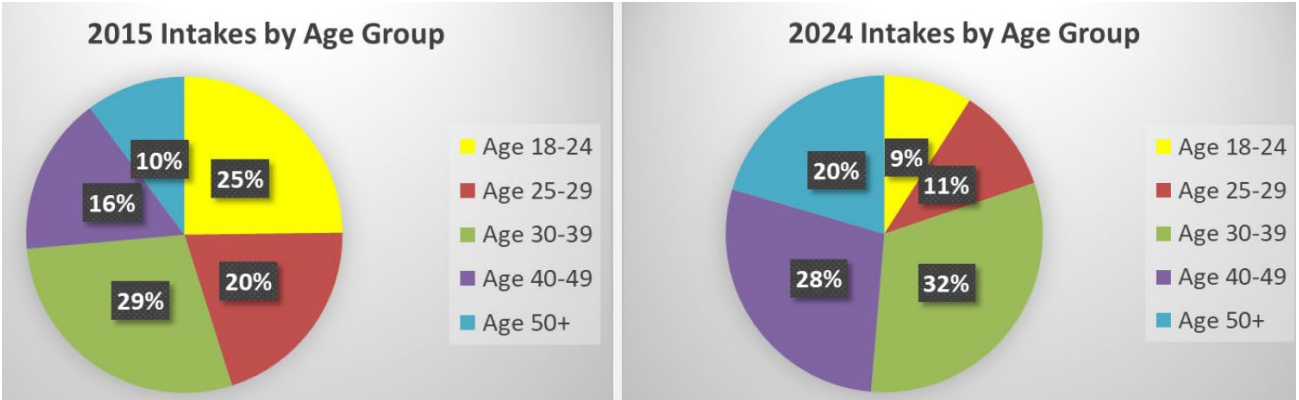
C. Nelson County Jail Utilization Report – Matthew Vitale, OAR

Mr. Matthew Vitale of OAR stated that each year, data is collected from ACRJ, the Albemarle-Charlottesville Regional Jail, and a time series analysis is conducted spanning 10 years to assess booking and release trends. He reported that 3,206 Nelson County responsible inmates were taken into jail during this period.

Mr. Vitale said that Group A crime offenses increased by 24% over the past decade, comparing 2024 to 2015. He stated that reported arrests, which only compare to 2023 since 2024 data was unavailable, have risen by 197% in that same timeframe. He reported that the crime rate per 100,000 people is up 26% in the past decade. Mr. Vitale said that as a result, more inmates from Nelson County have entered ACRJ, with a 21% increase when comparing 2024 to 2015. He stated that each individual is booked for an average of two charges per intake, with each charge recorded separately during jail intake. He reported that for example, a person could be booked for breaking and entering and assault and battery in one intake.

Mr. Vitale stated that the top four booking charge categories by volume for 2024 are narcotics, DWI, contempt, and assault type charges. He reported an interesting statistic that one in five releases return to custody to serve a sentence within three years of release, indicating a 20% recidivism rate. Mr. Vitale said that Nelson County typically does not have a statistically significant number of weekenders. He stated that intakes increased by 21%, spiking in 2018 and 2019 before decreasing slightly after COVID. He reported that year over year, comparing 2023 to 2024, there was a 4% decrease in intakes.

Mr. Vitale stated that ACRJ statistics do not effectively capture Hispanic data, resulting in those individuals being included with the white category. He reported that female inmate intakes increased by 5.36% in the last decade, while male inmate intakes rose by just 1.5%. He reported that Albemarle intakes had increased by 5%, while Charlottesville intakes had decreased by 9% and Nelson intakes were down 4%. Mr. Vitale said that intake volumes among younger people were significantly down, with the age 18-24 cohort decreasing by 56% and the age 25-29 group by 36%. He stated that older individuals have actually increased in intake numbers, suggesting a theory that some may be aging within the system and recidivating into higher age groups.



Mr. Vitale reported that in 2015, 25% of jail intakes were from the 18-24 age group, but by 2024, that dropped to 9%. He stated that overall jail intakes have decreased, with younger people declining at a faster rate. He said that for community recidivism at ACRJ, Nelson County data excludes individuals released to federal or Department of Corrections custody, focusing only on those sentenced from the local jurisdiction. He reported that using criteria for individuals who returned and served a sentence within one, two, or three years, there were 624 unique individuals with 150 returned custody events, resulting in about a 19.25% recidivism rate. He stated that the data only tracks Nelson County recidivism at ACRJ and does not include recidivism at other facilities due to data limitations. He reported that the overall recidivism rate for ACRJ is 25%, Central Virginia Regional Jail is at 23%, and Albemarle County stands at approximately 20%.

Dr. Ligon asked if Albemarle included the program where people have been released with ankle monitors. Mr. Vitale responded that it does not include the home electronic incarceration (HEI), and the statistic only reflects people found guilty of a new sentence.

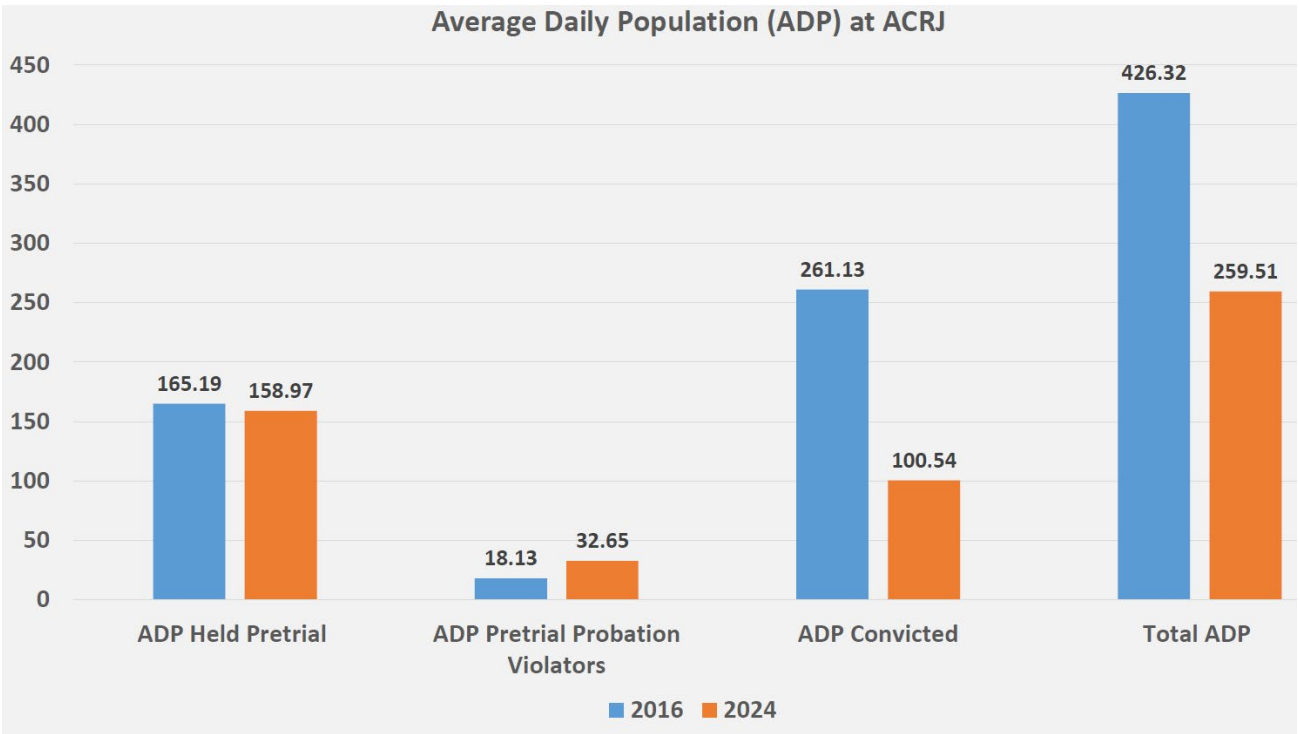
Mr. Vitale stated that the six-month return window for recidivism represents the highest bracket, with most individuals recidivating within that period. He reported that after the six-month mark, the rate of recidivism drops, though there is a spike at two years, and nearly half recidivate at three years. Mr. Vitale said that keeping individuals out of the system for as long as possible seems beneficial. He stated that bookings refer to charges and differ from individuals, as a person is counted once during intake but charges may be counted multiple times. Mr. Vitale reported that misdemeanors have increased by 17% over the last decade, while felonies have risen by 53%. He said this trend does not necessarily reflect a rise in crime and could indicate that more serious offenses are being booked into jail, with fewer misdemeanor-type crimes processed in this manner.

Mr. Vitale stated that felony bookings surpass misdemeanor bookings, which may be positive, as lower-level crimes are either not being booked or are diverted through alternative programs. He reported that the average booking-to-intake ratio is two charges per individual, meaning most bookings involve multiple offenses. Mr. Vitale said that in 2024, the top charge category was narcotics with nearly 80 charges booked, followed by DWI with a little over 50 charges, and then contempt, assault, probation violations (PRV), larceny, weapons, fraud, alcohol/obstruction, and license-related charges. He stated that alcohol/obstruction includes offenses such as drunk in public, and license-related charges cover driving without a license or with a suspended license. Mr. Vitale reported that combining narcotics, DWI, and contempt accounted for 45% of all bookings last year. He said that substituting assault for contempt still yields 45% of bookings, which he described as significant but not unusual compared to other regions. Mr. Vitale stated that narcotics, DWI, assault, and probation violations are common issues across the Jefferson area. He reported that narcotics charges increased by 16% over the last decade, while DWI charges dropped by almost 50% in the same period. Mr. Vitale said that Albemarle County experienced an 18% increase in assault charges over the past decade.

Mr. Rutherford asked if contempt of court was becoming more common as a trend. Mr. Vitale responded that it was, along with probation violations and assault—and those three categories were almost identical across the regions.

Mr. Vitale reported that a study conducted with UVA focused on individuals termed high utilizers of the justice system, defined as those booked into jail four or more times within a year. He stated that common charges for these high utilizers included assault, DWI, and narcotics. He reported that high utilizers accounted for only about 7% of people booked into jail but represented nearly 30% of the charges, indicating significant resource use. He said the study found no meaningful differences in race or gender among high utilizers and noted that common statutes for this group were similar to the top charge types in the Jefferson area, such as probation violations, assault, DWI, and narcotics.

Mr. Vitale stated that another important metric was the average daily population of sentenced and pre-trial individuals, emphasizing that people should not be held pre-trial longer than necessary for community safety. He reported that average daily population data for pre-trial detainees was only available starting in 2016, when the Virginia Compensation Board began publishing it. Mr. Vitale said that the pre-trial population from about 10 years ago was represented in blue, and the 2024 data in orange, showing that the total average daily population at ACRJ had significantly decreased, with current numbers typically between 250 and 300 people per day. He stated that out of 259 people, about 100 were convicted, and the remaining 160 were held pre-trial, including probation violators.



Mr. Vitale said that while average length of stay can be misleading due to outliers, it remains roughly the same, with a spike in 2020 and 2021 that has since declined. Mr. Vitale reported that long stays by a few individuals could cause spikes in the data, and the information was also broken down by race and gender, showing that males typically stayed longer in jail. He stated that in 2024, 37% of individuals stayed between 0 and 3 days, while only 2% stayed over 91 days. He said that 66% of pretrial releases were within 0 to 3 days, indicating that most individuals from Nelson left jail quickly. He reported that bed day expenditures increased by 36% in the past decade and explained that Nelson County’s bed days expended rate was 910 per 1,000 people, compared to Albemarle’s 336 and Charlottesville’s 773.

Mr. Vitale stated that the oldest cohort, age 50 plus, contributed significantly to the increase in bed day expenditures. He said that most bed day expenditures involved white males, with females accounting for a smaller proportion. Mr. Vitale stated that the 18 to 24 age group spent less time in jail, while older groups spent more time in jail. He concluded that targeted reentry programs could be beneficial and noted that ACRJ provides an annual data download for further analysis.

Mr. Vitale concluded by stating that he is staff to the Jefferson Area Community Criminal Justice Board, of which Nelson County is a member, and he said he was available any time the Board reached out with questions.

The Board took a brief recess.

VI. NEW & UNFINISHED BUSINESS

A. BRVGS Sister Cities Update – Brayden Murphy and Odin Clark-Cearley

Mr. Clark-Cearley reported that over the last month, he and Mr. Murphy have built a committee, researched locations that they thought were a good match, and they have pulled ideas from others—including some of the Supervisors. He said they have voted on these and come to a consensus on their prioritization.

Mr. Clark-Cearley stated that the Blue Ridge Virtual Governor's School (BRVGS) is a selective four-year high school program beginning in ninth grade, where applicants interview and take a test in 8th grade for one of 18 available spots. He said that students collaborate across counties—including Fluvanna, Louisa, Madison, Goochland, Greene, and Orange—and participate in various projects such as world history in their freshman year, AP Biology as sophomores, and online courses with PVCC and UVA in their junior and senior years.

Mr. Clark-Cearley reported that each student undertakes a community-based individual project, and his project with Mr. Murphy focuses on identifying a sister city for Nelson County. He stated that as presented to their committee, their information includes small statistics, brief descriptions, economic bases, and primary values for each candidate city. He stated that the first choice for a sister county is Arrondissement de Florac in south central France, noting its similar population, area in square mileage, and economic base to Nelson County. He explained that this is a small wine region known for natural tourism, outdoor recreation, and as a gateway to a national park. He noted that Arrondissement de Florac also has a rich medieval history, including two castles from the 13th and 16th centuries, and shares community values and natural beauty similar to Nelson County.

Mr. Clark-Cearley then stated that the Cafayate department in northern Argentina was another promising region, widely recognized for winemaking and tourism, as well as its traditional agriculture. He said the region values its history and is diverse in economics and demographics, with traditions such as wine-growing shaping its community. He reported that counties they considered were Baza, Granada in southern Spain—a beautiful city with rich culture and a long history of Roman, Visigoth, Moorish and Catholic influences, and likened its longstanding service to its region to Nelson County.

Mr. Murphy noted that Baza, Granada is also the only region on this presentation that already has a pre-existing sister city in Germany, the advantage being that they would plug into a system of a pre-existing sister city.

Mr. Clark-Cearley stated that they also considered looking at a more localized area, such as Lovington, as it provides the services for all of Nelson County; and their potential partner selected was Gavi Hills in the Piedmont region of northern Italy. Mr. Murphy said a lot of their statistics did not match up, but one of the reasons they considered it was the parallel of having one centralized town and a few unincorporated communities and municipalities around it.

Mr. Clark-Cearley said a second option was Uchaux, another medieval town in southern France that is very proud of its winemaking, has tourism in its medieval areas, with some hiking but on a lesser scale. He noted that it was still a beautiful provincial area.

He stated that the last area selected was Riquewihr, an architecturally beautiful town in northeastern France near Germany. He said the area was untouched through World War II and was the location where *Beauty and the Beast* was based on. He said this region is also surrounded by a large wine-producing region.

Mr. Rutherford asked if they would interact through an entity that would communicate with these locations, and what action is required from the Board today.

Mr. Clark-Cearley responded that there is an option to apply for membership through Sister Cities International, but his team has been approaching it differently—through direct communication.

Mr. Murphy stated that there is a letter in the Board's email today that the Board would sign to authorize the team to reach out to these international communities on behalf of Nelson County.

Mr. Reed asked when they were considering sister cities for Lovington, if they had considered that Lovington has governmental oversight to the rest of the County. Mr. Clark-Cearley noted that they had considered that. He indicated that Uchaux and Riquewihr were the capitals of their communes, so they served as the seat for their local government.

Mr. Rutherford read the emailed letter into the record, which would authorize Mr. Clark-Cearley and Mr. Murphy to reach out to the prospective sister cities on the County's behalf. He said he had no problem taking action on this as presented, adding that he is a "pro-Lovington guy."

Mr. Parr commented that he likes the idea of it being a larger area, as it represents the larger, more diverse community. He said he was drawn to Baza, Granada for several reasons.

Mr. Reed asked them to speak to the language barrier, which was one of the questions the team raised.

Mr. Clark-Cearley said they would have a language barrier when dealing with an international community, and Spanish is already present in the local community, with French totally lacking. He emphasized that a step to address this would be to ensure the Sister City language was represented in high school, with another option being a language tutor program in the County.

Mr. Reed mentioned that he, Dr. Ligon and Mr. Rutherford were at an anniversary reception for PVCC recently, and in attendance was a woman from Nelson who teaches French at PVCC. He suggested that could be an avenue to explore. He also indicated that there was a UVA student from Nelson who has extensive overseas experience that includes an area of France. He added that in France, most or all high school students learn English—so they would likely have less of a language barrier.

Mr. Clark-Cearley said they felt a little bad reaching out to an area and asking them to speak our language, but perhaps they as a County could prepare and learn their language.

Dr. Ligon agreed with Mr. Parr that the County as a whole seems more amiable than just Lovingsston.

Mr. Reed clarified that the team has Board consensus on the draft letter provided, which he would sign, and he asked what the next steps might be after that.

Mr. Clark-Cearley stated that they reach out to the potential Sister Cities as a first step, then would gauge their responses and pose the idea of setting up a partnership.

The Board thanked Mr. Clark-Cearley and Mr. Murphy complimented them on their work.

B. Friends of Gladstone Depot Relocation and Restoration Proposal

Ms. Joanne Absher, President of Friends of Gladstone Depot, was present to address the Board. She stated that Friends of Gladstone Depot was organized in 2017 and has negotiated with CSX, VDOT, Nelson County Board of Supervisors, and many other organizations to save and preserve the Gladstone Depot. She thanked the Board and noted that former Supervisor Larry Saunders had worked to provide \$15,000 from the County to purchase property to move the depot onto.

She reported that this project started back in the early 1980's when Cliff Wood started the difficult process of placing the Gladstone Depot on the National Register of Historic Places, providing the historical documentation to complete the application. Ms. Absher reported that the C&O Railroad, now known as CSX, blocked this application process and will not allow the building be put on the register because then they would then be unable to tear the building down if in the future they wanted to do so. She said the community and County would both benefit from this project because it is a historical site.

Ms. Absher said she had sent the Board a proposal for the project at a cost of \$3.2 million, which can be done in phases. She commented that she knew there had been discussion that some of the solar farm funding was going to be set aside for the depot but she did not know how much. She asked if the County was going to provide any funding for the depot project. She said Ms. McGarry gave her information to apply for some grants, but costs are rising and there are not many grants that would give the organization that kind of money. Ms. Absher said she was asking the County and the Board to vote in favor of providing this funding starting in 2027. She indicated that she could provide a proposal to the County for the project to be done in phases.

Mr. Rutherford recalled that Ms. McGarry had indicated they were successful in securing VTAP money.

Ms. Absher explained that she had gotten the first phase approved in 2023; however, when they reapplied, the rules had changed with the grant and they would no longer move the building. She said VDOT would do other things but they indicated that Friends of Depot did not fulfill the first requirements of the VTAP grant, which she had four years to do under the original grant.

Ms. McGarry said they ended up canceling the grant and taking the money back because the Federal Highway Administration reviewed the project and determined most of it was not eligible. She explained that the major portion of solar fund money expected was \$1 million at final site plan approval and \$1 million at building permit issuance, expected to arrive around January 2027. She noted that the County has already received the \$112,000 due at siting agreement approval, so they have set those funds aside for the Board to decide on allocating.

Mr. Rutherford suggested that Ms. Absher and Dr. Ligon discuss this since it was in her district, adding that he was unsure of what other grants might be available.

Ms. Absher said she was going to apply for the grants as suggested by Ms. McGarry, and there would be some cost savings in terms of volunteers doing landscaping and painting, etc.

Mr. Reed commented that was difficult for him to conceptualize what different phases might entail and what would need to be committed for each phase. He said he could not help but think of this at the same time they are considering other capital expenditures requiring significant funding that are beyond their reach. He added that he was not sure the Board has an answer right now, and it was not clear they could follow through on a commitment.

Ms. Absher stated that there was no need for her to apply for a \$100,000 grant if she could not come up with the other money—and she needed ideas and help. She said she was not going to give up on the project. Mr. Reed responded that it was going to take a team of people to put their heads together and answer the question she is asking, and the more resources going into it, the better chance of achieving the desired outcome.

Dr. Ligon said she would like to know the cost to move it, as she felt that was the first priority. Ms. Absher explained that the first priority is for the foundation to be built; noting that the building has to be raised 5–7 feet and moved onto that foundation. She indicated that was the most expensive part of the project.

Dr. Ligon mentioned that Gladstone was going to be on the list to be an historic district, but that process takes a while. She echoed Mr. Reed's interest in seeing the phases and timeline, adding that while the project would have support of the Board, it would be challenging for them to look at \$3 million. Ms. Absher said the project estimate in 2017 was under \$300,000, and it has not gotten any cheaper.

Mr. Rutherford asked what the amount of the VTAP grant award was. Ms. McGarry confirmed that it was \$2.5 million. She asked Ms. Absher if they had secured an extension to move the depot. Ms. Absher responded that CSX was not pushing them to move the depot by a certain deadline like they originally were.

Dr. Ligon said she would like to know the cost for the foundation and moving the building. Ms. Absher replied that she would email the Board that information.

Mr. Parr stated that they have been focused on identified capital improvement projects for several years, and it did not include the Gladstone Depot—but since then, there has been a major change in finances due to recent activity in the Gladstone area. He said that he has been on board with Dr. Ligon and others in full support of putting that money into the community, and he supports this project 100%.

Ms. McGarry noted that while the Gladstone solar project is moving in the direction of construction, there could still be something to derail the project, so those funds were not quite guaranteed as of yet.

C. Authorization for Public Hearing – Battery Energy Storage Siting Agreements (R2025-75)

Ms. Gabby Mayer of Lightshift Energy stated that her team was before the Board today to talk about the siting agreement portion of the battery energy storage system projects with CVEC. Ms. Mayer stated that there are two battery storage projects currently underway with CVEC—one at the Colleen substation and the other at Piney River. She said that both projects are standalone battery installations. Ms. Mayer reported that each project is four megawatts (4MW) and utilizes a peak shaving system. She stated that CVEC has contracted with Lightshift Energy to build these projects from a peak-shaving perspective.

Ms. Mayer explained that since CVEC purchases its power from AEP, transmission charges have dramatically increased year over year. She said these battery systems are designed to charge when demand and energy prices are low, and discharge when demand and prices are high. Ms. Mayer stated that this approach allows CVEC to purchase less energy from AEP, resulting in cost savings. She noted that the cost savings ultimately benefit CVEC members. She said that in addition to cost savings, these batteries also enhance the resiliency of the community's grid.

Ms. Mayer stated that the Colleen project will be built at CVEC's Colleen substation and will occupy less than a tenth of an acre. She said that both the Colleen and Piney River projects have already received minor site plan approval from Dylan Bishop at Planning and Zoning, and they have completed all required permits and due diligence needed. Ms. Mayer reported that the next steps involve obtaining building permits and beginning construction. She stated that the Piney River project, located off the Piney River substation on Tye Brook Highway, uses the same system and client as the Colleen project. She explained that while the site layout differs, the operation will be the same.

Regarding the siting agreement, Ms. Mayer said Virginia Code requires the developer or applicant to enter into or negotiate such an agreement specifically for these projects. She reported that this is a voluntary agreement

between the applicant and the County, with the main purpose being to ensure the projects are in substantial accord with the County's comprehensive plan and to provide additional funds for the County. She said that two siting agreements exist—one for Colleen and one for Piney River—with identical language for both. She said the agreements include a one-time payment of \$8,000 to the County, in addition to the taxes generated by the projects.

Ms. Mayer stated that the agreements also stipulate that Lightshift Energy will handle all necessary emergency response training and purchase specialized equipment as needed. She stated that the company will work with local authorities and the emergency response team to develop a comprehensive emergency response plan. She noted that a \$10,000 charitable donation will also be provided to a community or agency of choice, intended to reinforce Lightshift Energy's commitment as a partner to CVEC and the broader community. Ms. Mayer said the donation can be directed to an agency chosen by the County, or determined collaboratively. She confirmed that the \$8,000 and \$10,000 payments were per location.

Ms. Mayer explained that she was here today to request authorization for a public hearing on November 13 to ultimately be able to sign the siting agreement.

Ms. McGarry said that the battery energy storage site plans had been approved administratively as by-right accessory uses to a public utility, pursuant to Article 4 of the Code of Nelson County. She stated that the Code allows for the County to enter into signing agreements, and explained that the purpose of these agreements is so the applicant can make voluntary payments as previously discussed. She stated that this approach is a meaningful way for the applicant to be a community partner and mitigate any potential impacts of the project, pursuant to the relevant state code sections. Ms. McGarry explained that once the parties agree to the terms of the agreement, the host locality is required to schedule a public hearing to consider the signing agreements.

Ms. McGarry said she had provided a memo in the packet outlining some of the iterations with Lightshift, including ensuring the inclusion of decommissioning language in Article 1 and language in Article 3 related to emergency response training. She explained that Lightshift is working with the local fire department on the creation and implementation of an emergency response plan, which would define Lightshift's responsibilities, including reimbursement for extra man hours if the fire department must provide additional support beyond normal requirements due to deficiencies in Lightshift's response.

She stated that Lightshift is responsible for paying all costs associated with specialized training for the fire department. Ms. McGarry said that capital payments had already been discussed, and explained that Lightshift is working with the Commissioner of Revenue on local taxes, estimating the annual tax will average about \$8,000 to \$9,000 a year based on the machinery and tools tax rate.

Ms. McGarry explained that a proposed resolution, R2025-75, would authorize a public hearing for November 13th. She stated that this project is much smaller in scope compared to the Wild Rose Utility Solar Project, and said that, since the use is by right, no special use permit approval is required. Ms. McGarry explained that the project will benefit local CVEC customers by keeping rates down during peak usage periods. She confirmed that the Board's action is just to authorize the public hearing, which is necessary to consider approval of the siting agreements.

Dr. Ligon asked if the equipment and training were one-time purchases, annual, project lifetime, etc.

Ms. Mayer responded that they start before the project is fully constructed to make sure everyone knows what the plan is and how to operate it. She said the training happens as often as the fire department needs it, at their request. She said they have a team in Virginia and work with the SRG, a third party that oversees battery projects throughout the U.S. and they come out to do training, in addition to training done by Lightshift or another agency.

Dr. Ligon asks what other localities in Virginia Lightshift operates in. Ms. Mayer responded that they have a project operational in Danville and are building a second one there now; they also have a project in Salem and another in Meadow Creek.

Dr. Ligon asked if the County has called these localities to ensure Lightshift has been true to their word with training and so forth. Ms. McGarry responded that they had not but they could work on that between now and November. Ms. Mayer said she would provide contact information for Jason Grey from Danville, noting that he had gone through the training already.

Mr. Parr moved to adopt **Resolution R2025-75**. Dr. Ligon seconded the motion. There being no further discussion, the motion passed unanimously (4-0) by roll-call vote and the following resolution was adopted:

RESOLUTION R2025-75
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON
BATTERY ENERGY STORAGE SITING AGREEMENTS

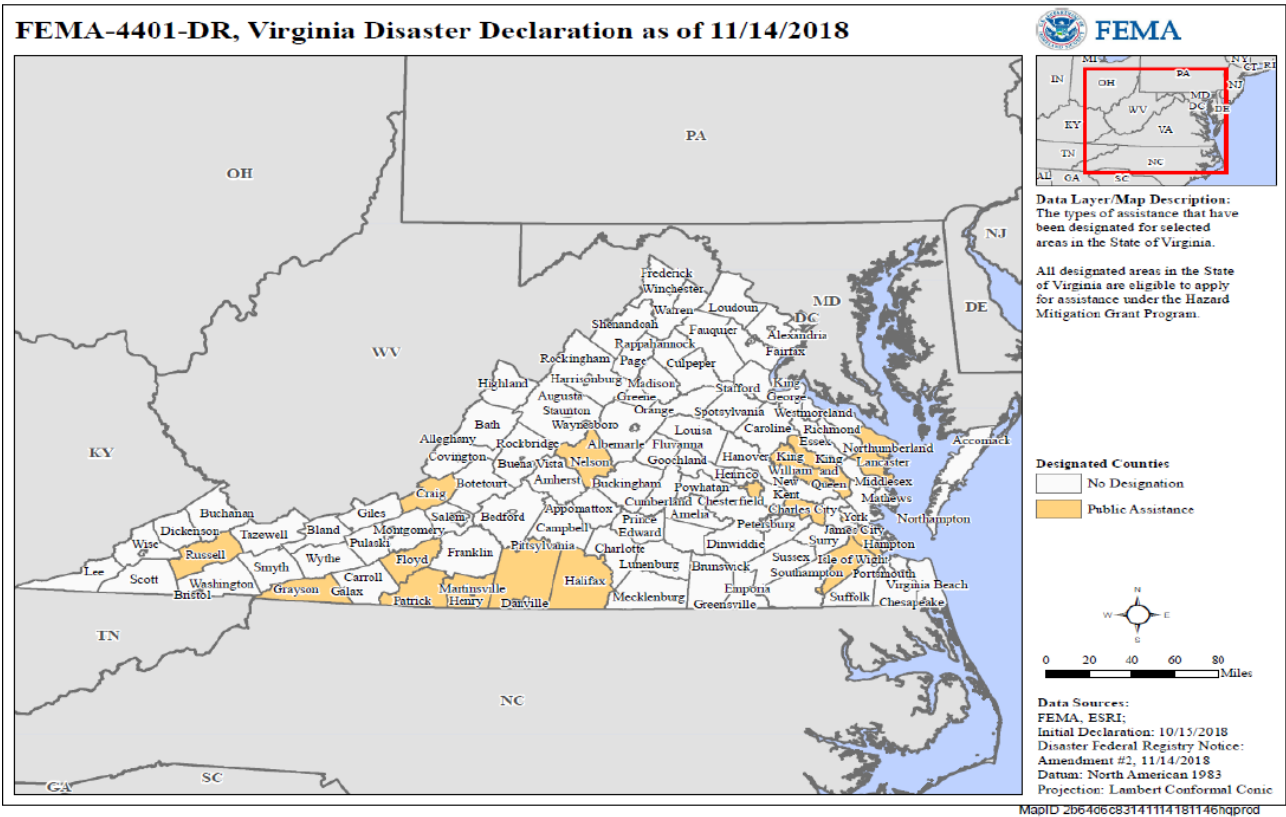
RESOLVED by the Nelson County Board of Supervisors pursuant to and in accordance with the provisions of §15.2-2204 and §15.2-2316.8 of the Code of Virginia, 1950 as amended, that the County Administrator be and is hereby authorized to advertise a public hearing notice for the conduct of a public hearing on Thursday, November 13, 2025 at 7:00 p.m. in the General District Courtroom of the Courthouse in Lovingston.

The purpose of the public hearing is to receive public input on two siting agreements, one with Piney River VA BESS 1, LLC, and one with Colleen VA BESS 1, LLC, for two (2) 4MW battery energy storage systems to be constructed at CVEC substations in Colleen and Piney River. The site plans were approved administratively as by right accessory uses to a public utility, so no special use permit approval is required. These battery energy storage systems will benefit local CVEC customers by keeping rates down during peak usage periods.

Mr. Reed noted that the date of the public hearing is November 13, 2025.

D. DHR Historic District Survey and Planning Grant

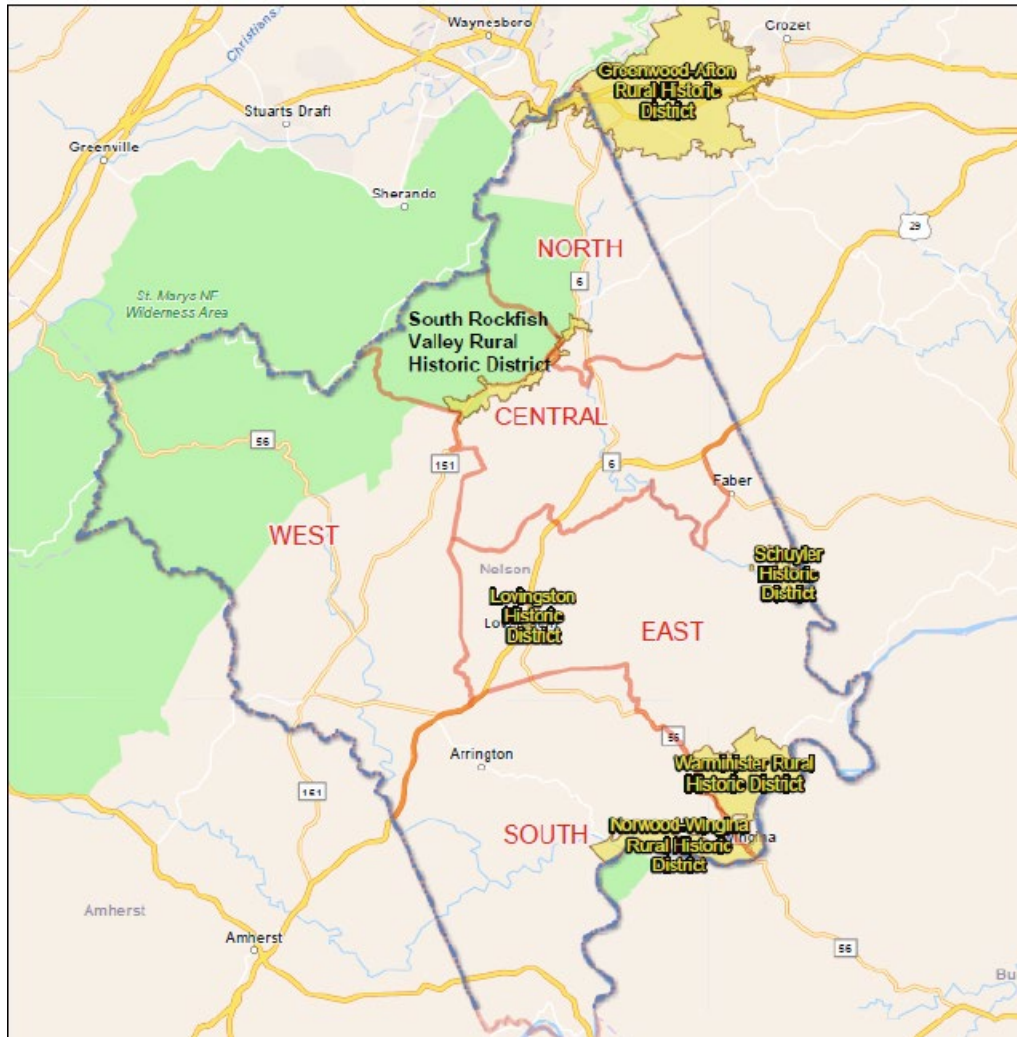
Ms. McGarry stated that the Department of Historic Resources offers a Historic District Survey and Planning Grant opportunity, supported by \$330,000 in emergency supplemental historic preservation funds linked to the 2018 Hurricanes Florence and Michael. She explained that the funding is available for survey and planning projects, but eligibility is limited to localities, tribal governments, or nonprofits. She said that the eligible areas include 52 counties and cities in Virginia identified under FEMA major declaration number 4401 for Hurricane Florence and 4411 for Hurricane Michael. Ms. McGarry stated that Nelson County qualifies for this funding under FEMA-4401, which was declared as of November 14th, 2018, specifically related to Hurricane Florence. She referenced a map available showing all eligible counties under this declaration, including Nelson.



Ms. McGarry explained that eligible activities and project priorities consist of survey and planning efforts, along with the protection of historic resources through identification, documentation, evaluation, National Register of Historic Places nominations or updates, and preservation planning activities aligned with responsible stewardship of historic resources. She stated that DHR will manage the project, oversee procurement and contract administration, and ensure project documentation meets state and federal requirements. Ms. McGarry explained that DHR will procure qualified professionals who meet the standards for professional qualifications as specified by the U.S. Secretary of the Interior. She said that selected projects will be fully funded by the ESHPF grant program, which differs from past grants that required a local match.

Ms. McGarry stated that the County, as the applicant, would be responsible for notifying local residents and property owners about the project, and arranging any necessary community meetings for the project. She explained that applications are due by 5 p.m. Eastern on November 7th, 2025, and projects must be completed

by March 2027. Ms. McGarry reported that there are currently seven established historic districts: Greenwood-Afton Rural Historic District, South Rockfish Valley Rural Historic District, Lovingson Historic District, Shipman Historic District (soon to be added to the GIS system), Schuyler Historic District, Warminster Rural Historic District, and Norwood-Wingina Rural Historic District.



Ms. McGarry stated that the Board’s requested action is to authorize staff to submit an application for funding under this program for survey and planning activities related to establishing the Gladstone Rural Historic District. She noted that a draft motion has been provided for consideration.

Dr. Ligon moved to authorize staff to submit an application for funding under the Emergency Supplemental Historic Preservation Fund (ESHPPF) grant program for survey and planning activities related to establishing a Gladstone Rural Historic District. Mr. Rutherford seconded the motion. There being no further discussion, the motion passed unanimously (4–0) by roll-call vote.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

Ms. McGarry provided the following report:

- A. DSS Building** – Coleman-Adams began hazardous material abatement the week of October 6th and demolition of the existing building is to occur mid-October to November, with site work to follow. Job site protections including fencing will be erected by Coleman-Adams to protect the site from foot traffic in the area during construction. This is an \$8.3 million project, including all-in costs. It will house about 24 employees at its onset, filling out to 30 positions in 10 years.
- B. Department of Social Services Agency Corrective Action Plan** – Ms. McGarry reported that agency’s CPS referral data for September is comparable to that of August:
 - They had 18 total CPS referrals, 13 of which were validated; 5 were screened out, giving a percentage validated of 72% and a percentage screened out of 28%. Of other referrals validated, 4 resulted in investigations, 8 resulted in family assessments, for a 31% result in investigations and 62% resulted in family assessments.

- The agency is continuing to work with VDSS and working through its corrective action plan. The last review on September 25 showed the agency making great progress in all programs per the VDSS practice consultants. The next review is scheduled for October 23.
- In terms of CPS, significant progress was shown in closing the older CPS referrals with 30 open as of September 22 and only 6 indicated as overdue. Staff is working through systems data entry challenges in their COMPASS and OASIS systems, which correlates case data measurement in the Safe Measure System, so that the case data entered can be accurately reflecting the case work that is occurring. More training will be provided by VDSS on that.
- Staff will be working to improve entry of safety assessment, entry timelines and coordination with the Sheriff's Department, Commonwealth Attorney's Office and MDT on cases that is now occurring as it should be.
- In terms of foster care and permanency service areas, as of September 22, there were 18 youth in foster care. Staff is working to increase system documentation of monthly worker visits in the child's current residence and as of September 22, 50% of the 18 have been documented in the system. The five youth in care that have a goal of reunification had 100% documentation, and 92.9% of those cases were current on their physical exams and only 35.7% current on dental exams, so they'll be working to increase that percentage.
- For in-home services, they had face-to-face contacts with in-home service cases and family support cases, and in-home service plan status data entry issues have caused data to be unreflective of visits and plans that have been done. Data entry corrections will be made so that that data can be pulled in accurately as well. Staff is working on increasing family partnership meetings for all programs.
- The County is currently recruiting a DSS director, with that process ongoing. VDSS staff are conducting the second level of applicant screenings now, which actually were completed the end of last week. And local recruitment for family service supervisor, foster care worker administrative coordinator too is in process. The new VDSS Piedmont Regional Director is Todd Viers, replacing Tracie Brewster, who has taken a new role in VDSS.
- As of today, Nelson's DSS serves 4,928 clients across their seven programs, or about 33.4% of the County's total population. In addition to those clients, there are 25 families or cases associated with CPS and in-home services. The County has advertised the local VDSS Advisory Board, and applications are being taken. Some received to date have been presented in the Board packet under Appointments. She noted that they were not necessarily seeking appointment at this time, but simply sharing the applications received to date.

C. Space Needs Follow-Up – Staff has obtained information on the 400 Front Street option and needs to have a follow-up conversation with the Nelson Center regarding requested information there. She will report back to the Board shortly.

D. Holiday Lights – Regarding the Christmas lights, Ms. Spivey and Jeff Brantley met with Galen Creekmore and Jay Palmer from CVEC on September 30th to discuss Christmas lights in Nellysford. CVEC is in the process of evaluating the 13 light poles to determine what is needed to upgrade the receptacles; needed replacements would be completed by CVEC. Staff is unsure if there's any cost associated with the work at this time; Mr. Palmer has assured the County that they will work to keep any costs down as much as possible. Ms. Spivey has also been in contact with Heather Marks of AEP regarding the lights in Lovington and Shipman, who is looking into a project for receptacle replacement, but she will need all of the pole numbers related to the light locations; maintenance staff is currently working to get a full list of pole numbers. Once submitted to AEP, they'll put together more information on the replacement. In the meantime, a work order has been issued to evaluate all of the Christmas lights for Lovington, Shipman, and Nellysford, with plans to replace any broken bulbs so the fixtures are ready when pole work is complete. Given current demands, adding additional locations is not feasible for this holiday season. Should any business or homeowner wish to purchase a light for installation on a street pole, the County recommends they work directly with their electricity provider, to discuss placement on a utility pole and any needed electrical service. Ms. McGarry noted that staff recommends the County take on the light project for this holiday season, given the timeframe left to work with, and then they could consider what options are available for future years and growing the light program to other areas.

E. Community Development Foundation Family Assistance Program and the Roseland Duplexes – Margaret Clair of NCCDF has reported that as of September 26, year to date, they've had 37 requests for \$17,350 in Family Assistance Program assistance and have made 15 assistance payments of \$6,717. The average payment is \$444.83, with an application limit of \$500. As of September 26, the wells have been dug for the Roseland duplex, footers have been inspected, and blocks for the foundation have been delivered. Buildings are expected to arrive at the end of October, and fundraising to complete the funding needed for the project is ongoing.

F. Wild Rose Solar Project – Wild Rose Solar is scheduled to provide a more in-depth project update at the Board's December 9 regular meeting but provided the following information: Their Certificate of Public Convenience and Necessity (CPCN) is in progress; it was filed in July, the notice will be published in the local newspaper before October 31, and a public comment period will be open until

December 5. This permit is limited to their road crossings, and they were approved by DEQ for their permit by rule; they've received Phase 3 interconnection results, with an interconnection agreement to be signed by the end of November. The current project schedule has not changed as anticipated, with anticipated construction start date of June 2027, with commercial operation September 2028.

- G. Finance Update** – Ms. Hull has provided a matrix of the County-invested funds, with \$23,258,237.10 currently invested, which varies depending on cyclical cash flows at the time. Cash flow will increase with the December property tax billing, increasing county funds invested. The County currently has about \$4.9 million invested in the Max Sweep (combined general operating and money market accounts) at a rate of 2.96%. The County has about \$49,000 in the Virginia Local Government Investment Pool at 4.44% and \$7.1 million invested in the VIP Stable Nav Liquidity Pool at 4.41%. The County has multi-bank securities, which are fixed income accounts and mostly CDs with different rates, ranging from 3.5% to 4.9%, with about \$3.2 million invested there, and another \$7.9 million at 4.48% with Virginia Municipal Investment Trust.
- H. FY26-27 Budget** – Finance staff is issuing FY26-27 budget forms to both external agencies and County departments for return by mid-November. This work includes updating the five-year CIP for consideration by the Board. Staff would like to schedule a work session with the Board for early December that could encompass review of updated debt capacity with Davenport, consideration of the proposed CIP, and pre-budget discussions, including a draft calendar for review. Ideally, a work session on the Larkin water studies would occur prior to discussion of the overall CIP if they wanted additional conversation with CHA on those studies.
- I. Meals and Lodging Tax** – A report on the meals and lodging tax collection is included, with the number of units going from 824 to 820.
- J. Miscellaneous** – Economic Development/Tourism, IT and Planning and Zoning staff are vetting short-term rental software platforms for purchase and are close to product selection, with Economic Development staff to be the primary users for tracking purposes.

Ms. McGarry noted that information on the Seven Stars Music Festival would be forthcoming.

Mr. Parr said they had received a slight update in September on the “Cover the Caboose” project in Piney River, but it was not included in the Parks & Rec report. He said he was aware there was a range of bids, but they had not received any specifics, and he asked Ms. McGarry to make sure there was a report in November on this.

Mr. Reed asked if the DSS fiscal year aligned with the County’s. Ms. McGarry responded that it ends in May.

Ms. McGarry asked if the Board would like to discuss a possible December budget work session to include CIP and capital projects. Mr. Reed said they had talked about a pre-budget meeting with the School Board and he wanted that perhaps to be part of the same discussion. Dr. Ligon said it would not be fair for the old board to make promises for the new board. Mr. Reed said they could talk about where they were going with the new board. Mr. Parr said that Ms. Irvin and Dr. Hester could provide staff with information, then they could have a joint meeting with the new School Board. Mr. Reed said they could discuss space needs at the same time. Dr. Ligon suggested that they finalize some thoughts before they involve the School Board on space needs and waste their time.

Mr. Parr agreed and said they needed to narrow their focus a bit more on what inventory the County was looking to utilize, noting that this was a bit different then their collaboration with DSS in building a new facility. Mr. Reed suggested discussing it in January when everyone is in place.

Ms. McGarry said it may be prudent to wait until January for the CIP and budget work sessions as well, and they would have the reassessment information and new local school composite index by the end of December. She asked if they wanted the space needs before that.

The Board agreed that they could have it in their mind for December as long as they collected some information.

2. Board Reports

Dr. Ligon:

Dr. Ligon stated that they had a delayed but productive Planning Commission meeting in which they made it through all the charts they had been provided. She reported that they also had a very productive conversation on short-term rentals. She said Ms. Bishop was looking into the short term rentals, as there were some questions on what was actually zoning and what would be the will of the Board in regulation, and that would be presented

at the joint Board-PC meeting. She emphasized that she was pleased with the direction it took and felt the Board would also be.

Mr. Parr:

Mr. Parr stated that there was a lot of emergency services planning for the event at Infinity Downs/Oak Ridge the previous weekend, which had paid off. He said that in speaking with law enforcement and EMS staff recently, they indicated that the number of transports was very low, and it was a “very calm” event. Mr. Parr said that it was important for the public to understand that those expenses, including traffic control, EMS and law enforcement, are borne by the promoter of the event. He noted that the reason state police were not onsite is because the promoters pay a flat fee to deputies from Nelson, Buckingham and other localities, and would not pay the rate state police demand—but they still patrol the area as they normally do.

Mr. Rutherford:

Mr. Rutherford reported that there had been a jail board meeting the previous week, in which they had discussed renovations, with a groundbreaking ceremony slated for December 11. He said they also modified their bylaws. He stated that he had also virtually attended the Planning District Commission meeting. Mr. Rutherford stated that he had attended the festival every day and had spoken with every government agency there, noting that it was a remarkably well-organized event. He said there was a slight issue with traffic on Thursday, but that was remedied quickly, and they would discuss noise issues in the future.

Mr. Reed:

Mr. Reed stated that although he was out of town for the event, his email, voicemail and text messages “lit up” regarding Friday night and the pulsing noise that could be heard as far as 12–15 miles away, which likely would not be covered by a noise ordinance and should possibly be addressed to mitigate any nuisance the County had to bear.

Mr. Reed said that in the TJPDC meeting, one report addressed rideshares and the lots used for commuters; the Roseland location was primarily interior to the County, and the Route 6 lot was mostly people who lived in the County that were going out of the County. He said the other report was on the Blue Ridge Cigarette Tax Board, which Nelson is not part of as they elected not to join it, but they had additional members join and a large increase in revenues overall. He noted that he was not lobbying to join, but rather wanted to provide data to note that the estimated revenues for Nelson could be \$100,000 to \$300,000 annually.

Mr. Reed mentioned his attendance at several local events: Domestic Violence Awareness at the courthouse; forums at the Homebuilders Association and the League of Women Voters. He reported that he also held three town halls at Faber Fire Station, Rockfish Valley Community Center, and the New Land Community off of Adial Road.

B. Appointments

Ms. Spivey quickly reviewed Appointments. She reported that Shelby Bruguire would like to serve on the Board of Zoning Appeals again after her term expires in November. She noted that applications for the DSS Advisory Board were included in the Board’s packets. She also noted that Board of Equalization applications have also been received, but they would like to get more.

Board of Zoning Appeals

Mr. Rutherford moved to **reappoint Shelby Bruguire to the Board of Zoning Appeals**. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by roll call vote (4–0).

The Board agreed to discuss the other upcoming appointments as more applications were received.

C. Correspondence

There was none.

D. Directives

Mr. Rutherford reported that he and Dr. Ligon had attended the Lovington Merchants Association meetings, and the Small Business Development Center has been assisting with some of the details on how to get the organization going. He said there has been a lot of excitement and energy, and they are seeking \$5,000 as seed money to get them off the ground, which he felt would be a boost of confidence for them.

Dr. Ligon said she didn't attend the last meeting but commented that Kate Zuckerman, who has facilitated their meetings, was the backbone of their situation but did cost money. Ms. Maureen Kelley noted she had worked with Kate Zuckerman. She indicated that there was a meeting next week to discuss Virginia Main Street status. She commented that they were at the beginning of a journey and Ms. Zuckerman would help with creating a foundation to build on. She noted that any business was invited to join Lovington Merchants Association even though it was Lovington centric. She commented that Ms. Zuckerman was a Nelson resident and had been donating her time.

Mr. Rutherford moved to give the Lovington Merchants Association \$5,000 for seed money, noting that the association would do a submission during the budget cycle in the future. Dr. Ligon seconded the motion, which passed unanimously (4-0) by roll call vote.

VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(5)

Dr. Ligon moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711(A)(5) - "Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community." Mr. Parr seconded the motion, which passed unanimously (4-0) by roll call vote.

Supervisors conducted the closed session and upon its conclusion, Mr. Parr 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, Dr. Ligon moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. 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 6:13 p.m., Mr. Reed adjourned the meeting until 7:00 p.m.

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

I. CALL TO ORDER

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

II. PUBLIC COMMENTS

Edward McCann - Massies Mill, Virginia

Mr. McCann stated that he wished to share good news and express gratitude to the Nelson County Board of Supervisors for their role in providing outstanding service through the Building Inspections Department. He said that on behalf of his wife Debbie, who was unable to attend due to illness, they sincerely appreciated the professionalism and kindness shown by the department's staff. Mr. McCann stated that he and his wife had experienced significant difficulties with a foundation repair contractor operating throughout Virginia and neighboring states. He said that during this process, the assistance of Mr. Jeremy Marrs and Mr. Morgan Barker from Building Inspections was especially commendable.

Mr. McCann said these inspectors worked diligently with each contractor crew over an extended period to ensure compliance with the Virginia Uniform Statewide Building Code. Mr. McCann said that due to multiple inspection failures, the inspectors took the time to clearly explain necessary corrections to the crews and to coordinate with the engineer to address structural concerns for the safety and longevity of the home. He noted that Mr. Marrs and Mr. Barker also took the time to explain to him and his wife the process along the way. He

stated that in his experience over forty years, he had not witnessed this level of polite and professional conduct from County building officials.

Mr. McCann said that what was originally projected as a two-to-three-day job ultimately required four months and involved nine different visits to fix the issues. He stated that the project coincided with extreme heat and humidity in June, during which the air conditioning system had to be dismantled to allow contractors to work under the house. He said that the building inspectors, recognizing the health risks, made after-hours visits to facilitate the restoration of the air conditioning system on two occasions.

Mr. McCann stated that a copy of his letter had been provided to the Board and expressed his sincere thanks. He said he knew they had a role in hiring those staff members and encouraged them to continue their good work.

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

III. PUBLIC HEARINGS

A. Ordinance O2025-09 – Amendment to Chapter 12, Utilities, Article III, Water and Wastewater, Division Ten.

Consideration of an ordinance proposed for passage to amend Chapter 12, Utilities, Article III, Water and Wastewater, Division Ten, Schedules of Rates, Fees, and Other Charges.

Ms. McGarry reported that the County's applicable statutes and authorization to make these changes is Volume 3A, Title 15.2, Counties, Cities, and Towns of the Code of Virginia in 1950 as amended, §15.2-1427, and applicable provisions of §15.2-2119, §15.2-2122, and §15.2-2143. She said the Board of Supervisors authorizes this public hearing via Resolution R2025-68 adopted on September 9, 2025. Ms. McGarry said that public notice was provided in the *Nelson County Times* on September 25 and October 2, and the public hearing was posted on the County website. Ms. McGarry said that letters were mailed by the United States Postal Service to 207 Piney River water sewer system customers on September 19, 2025.

Ms. McGarry stated that increases to rates, fees, and charges are being proposed to support the system's operational, maintenance, and capital investment costs. She stated that rates have not changed since 2013, while system maintenance and capital costs have increased, requiring supplemental funding from the General Fund. Ms. McGarry said that proposed incremental increases of base, service, and grinder pump fees over the next three and a half years would lessen the financial impact to system users. She stated that this is also to incrementally align the County owned Piney River Water and Sewer system rates with those of the Nelson County Service Authority. Ms. McGarry said that this is to promote the transition of the system ownership from the County to the Nelson County Service Authority, who is the entity established by the County for the purpose of providing public water and sewer service.

Ms. McGarry said that the proposed base, service, and grinder pump rates for the next three and a half years would be set by approval of the proposed ordinance amendment, with the first increase effective January 1, 2026, and increases thereafter from July 1, 2026 through July 1, 2028. She stated that proposed water and sewer connection fees and other fees and charges would be effective January 1, 2026. Ms. McGarry said that all revenues generated through system fees and charges remain within the Piney River Water and Sewer Fund, which is a proprietary governmental accounting fund. She stated that these revenues are not utilized within the general fund for other purposes.

Ms. McGarry said that within the proposed ordinance O2025-09, the County proposes to increase the connection fees, which are shown in Sec. 12-152, and these are shown by meter size. Referencing a slide presented, she stated that the existing rates are on the left, and the rates that would be effective January 1, 2026 are on the right.

PROPOSED ORDINANCE O2025-09

Amends Nelson County Code, Chapter 12, Utilities, Article III, Water and Wastewater, Division Ten, Schedules of Rates, Fees, and Other Charges as follows:

■ Sec. 12-152. Connection Fees

Water and Sewer Connection Fees - Each Service by Meter Size		
Meter Size	Existing	1/1/2026
Effective Date:		
5/8" to 3/4"	\$2,000	\$4,000
- Full 3/4" (3/4")	\$3,000	\$6,000
- One Inch (1")	\$5,000	\$10,000
- One & One Half (1 1/2")	\$8,000	\$17,500
- Two Inch (2")	\$16,000	\$32,000
- Three Inch (3")	\$32,000	\$64,000
- Four Inch (4")	\$50,000	\$100,000
- Six Inch (6")	\$100,000	\$200,000

Ms. McGarry said that these rates essentially double, noting that these are water and sewer connection fees by meter size.

She stated that the ordinance also proposes to increase the base service fees, which are shown in Sec. 12-153.

PROPOSED ORDINANCE O2025-09

■ Sec. 12-153. Base service fees.

Proposed Rates and Fees – Monthly Service

Effective Date:	Existing	1/1/2026	7/1/2026	7/1/2027	7/1/2028
Water Usage - (4,000 gallons monthly minimum)	\$29.90	\$34.36	\$38.82	\$43.28	\$52.20
Water Usage - (per 1,000 gallons over monthly min)	\$6.10	\$7.36	\$8.61	\$9.87	\$12.38
Sewer Usage - (4,000 gallons monthly minimum)	\$29.60	\$39.22	\$48.85	\$58.47	\$77.72
Sewer Usage - (per 1,000 gallons over monthly min)	\$6.85	\$7.91	\$8.97	\$10.03	\$12.15

*Unmetered water or sewer residential customers will be charged for four thousand (4,000) gallons per month.

Ms. McGarry said this is for the proposed rates and fees for monthly service, and she stated that the existing rates are shown in the blue column under existing, and it shows a monthly minimum water usage for 4,000 gallons a month, and then it also shows the cost for additional water usage per 1,000 gallons over that 4,000 gallon minimum.

Ms. McGarry said it also shows the sewer usage base service fee for 4,000 gallons, and then the per 1,000 gallon over the monthly minimum for sewer usage. She stated that the existing rates for water usage, the monthly minimum are \$29.90 currently. Ms. McGarry said that on January 1, that would go to \$34.36. She stated that on July 1, 2026, it would go to \$38.82. Ms. McGarry said that on July 1, 2027, it would go to \$43.28, and then July 1, 2028, it would go to \$52.20. She stated the over-minimum rate would go from \$6.10 per 1,000 gallons over the minimum to \$7.36 in January 2026, \$8.61 in July 2026, \$9.87 in July 2027, and \$12.38 in July 2028.

Ms. McGarry said the sewer usage base fee for 4,000 gallon minimum is currently \$29.60 per month, which would go to \$39.22 in January 2026, then to \$48.85 in July 1, 2026, then to \$58.47 in July 2027, and then July 1, 2028 to \$77.72. She stated that the per 1,000 gallon over the monthly minimum currently is \$6.85. Ms. McGarry said that would go to \$7.91 in January 2026, \$8.97 in July 1, 2026, and \$10.03 in July 1, 2027, and \$12.15 in July 1, 2028. Ms. McGarry said any unmetered water or sewer residential customers will be charged for 4,000 gallons per month. She said that next, the yard hydrant fees would increase, and this is in Sec. 12-156.

Ms. McGarry said the base fee per month is currently \$7.50. She stated that it would go to \$48.30. Ms. McGarry said the base fee allows consumption of 1,500 gallons per month, which would change to a base 4,000 gallons per month. She stated that consumption over the minimum is charged at a rate specified in Section 12-153.

Ms. McGarry said the County would increase return check fees in Section 12-160. She stated that currently a fee of \$25 is assessed. Ms. McGarry said that would go to \$50 for any returned check, plus any actual bank charge.

She stated that Section 12-164 addresses unauthorized water and sewer use fees. Ms. McGarry said that the initial charge would remain at \$500, but there would be an additional daily charge that would change from \$500 to \$1,000.

She stated that Section 12-165 addresses a copy of the water and sewer ordinance, which would go from \$2.50 to \$10.

Ms. McGarry said Section 12-167 addresses inspection fees. She stated that the inspection fee for water/sewer service (for first service) would remain at \$25, and then for each additional service, the rate would be changed from \$20 to \$25, and that would be billed at the completion of the service.

Ms. McGarry said Section 12-169 addresses grinder pump fees. She stated that the existing grinder pump fee, which is charged per month, is \$9. Ms. McGarry said that on January 1, 2026, it would go to \$12.07. She stated that on July 1, 2026, it would go to \$15.14. Ms. McGarry said on July 1, 2027, it would go to \$18.20. She stated that on July 1, 2028, it would go to \$24.34.

■ **Sec. 12-169. Grinder pump fees.**

Proposed Grinder Pump Fees – Monthly Service

Effective Date:	Existing	1/1/2026	7/1/2026	7/1/2027	7/1/2028
Grinder Pump Fees	\$9.00	\$12.07	\$15.14	\$18.20	\$24.34

Ms. McGarry said the County is adding some new sections to conform with the Service Authority ordinance. She stated that Section 12-170, customer requested service fee, would now have a \$25 fee assessed for customer requested service for any service beyond the County’s responsibility. Ms. McGarry said this fee would be assessed for customer requested meter re-reads unless meter error is on the part of the County. She stated any customer requested service would be assessed an overtime fee if service is requested during the County observed holiday or after hours.

Ms. McGarry said Section 12-171 would be added, a new service opinion fee. She stated a \$50 fee will be assessed when the County is requested to give an opinion whether an undeveloped property has the water or sewer service currently installed. Ms. McGarry said if an opinion is not sufficient information, an additional fee of time and material will be charged if the service is physically located.

Ms. McGarry stated that Section 12-172, a misuse or damage fee, would be implemented. Ms. McGarry said the County would assess at minimum a fee of \$500 to any customer who misuses their water and/or sewer service causing damage to the County’s infrastructure. She stated these fees are designed to recoup the actual cost of damages to the County’s infrastructure.

Ms. McGarry said the Board of Supervisors has previously endorsed a long-term schedule for monthly usage and grinder pump fees through 2030 as follows:

PROPOSED LONG-TERM BASE SERVICE FEE SCHEDULE
JANUARY 1, 2026 – JULY 1, 2030

The Board of Supervisors has endorsed a long-term schedule for monthly usage and grinder pump fees through 2030 as follows. Rates shown for 7/1/2029 and 7/1/2030 will be set by future Ordinance, following a future public hearing and are not proposed to be set by Ordinance O2025-09 being considered tonight.

Service	Existing	1/1/2026	7/1/2026	7/1/2027	7/1/2028	7/1/2029	7/1/2030
Water Usage - (4,000 gallons monthly minimum)	\$29.90	\$34.36	\$38.82	\$43.28	\$52.20	\$61.12	\$70.04
Water Usage - (per 1,000 gallons > monthly min)	\$6.10	\$7.36	\$8.61	\$9.87	\$12.38	\$14.89	\$17.40
Sewer Usage - (4,000 gallons per month)	\$29.60	\$39.22	\$48.85	\$58.47	\$77.72	\$96.97	\$116.22
Sewer Usage - (per 1,000 gallons > monthly min)	\$6.85	\$7.91	\$8.97	\$10.03	\$12.15	\$14.27	\$16.39
Grinder Pump Fees	\$9.00	\$12.07	\$15.14	\$18.20	\$24.34	\$30.47	\$36.61

She stated the rates shown for July 1, 2029 and July 1, 2030 would be set by a future ordinance following a future public hearing and are not proposed to be set by ordinance O2025-09 being considered tonight.

Ms. McGarry said the next steps would be for the Board to conduct a public hearing and then consider adoption of O2025-09 which would amend the code of Nelson County, Virginia Chapter 12 Utilities Article 3 Water and Wastewater, Division 10, effective January 1, 2026 as proposed.

Mr. Parr clarified that this proposed ordinance applies only to Piney River water and sewer, not to the other sections of the County. Ms. McGarry confirmed this. Dr. Ligon added that the other sections of the County were already paying the increased rates. Ms. McGarry confirmed that was correct as the other areas were paying the rates set by the Service Authority.

Mr. Reed opened the public hearing.

Shawn Pannell – Piney River, Virginia

Mr. Pannell said the rates were set in 2013 before he bought his property. He commented that the hydrant fee increase from \$7 to \$48 seems like a significant increase, noting that he is a firefighter and understands that hydrants don't get a lot of water flowing through them regularly, so that seemed a little excessive. He stated that since moving to his property, their water has been out of state compliance—which he receives letters about regularly. He said the water department comes out and tests the water weekly, noting that they have had brown water, chlorine smell and cloudy water. He commented that there were a lot of bad wells on this side of the County. He said in 2015, his household size was 10 people, and their water was metered at that time and cost between \$100 and \$140 per month. He noted that when there were only three people in the home, the bill would be \$60.50. Mr. Pannell commented that looking at the bills during COVID it seemed the meters stopped being read, noting that he knew there had been a government order to not cut off utilities, but he also knew the County received government bailouts. He noted that people would be dealing with increased real estate tax assessments next year and that would increase people's mortgage payments, and now their water was going up about 120% in three years. He commented that people on limited budgets are barely able to pay now, and this is excessive.

Esther Page – Roseland, Virginia

Ms. Page said she was here on behalf of St. James Baptist Church; of which she was a member. She commented that they were where they are today because of St. James Baptist Church. She said they originally started with water and sewer when everyone in Piney River was still using outhouses, and there was no water or sewer system. She explained that people were relying on local farms for water. She noted that she had been part of an organization with Woody Greenberg that did a survey and a lot of research in the area to see what could be done. She noted that it was around the year 2000, and people in Piney River were still using outhouses because they did not have any type of water or sewer system. Ms. Page stated that in the area being served, people were living in poverty and they would not be able to afford this rate increase, especially in light of the government shutdown and the potential for people to lose their benefits and Medicaid. She added that the church is a small rural church and was glad to have water and sewer inside the church instead of having to use outside facilities, but this cost is high. She noted that church attendance was down also and there was less funding for churches,

making this increase not easy to afford. She asked the Board to reconsider the increase, or possibly consider granting exceptions. She asked if St. James was the only church on the system or if there were others. She also suggested that the Board possibly waiting another year.

Stephanie Evans – Piney River, Virginia

Ms. Evans stated that she is a single-person household, and these increases are unreasonably high. She commented that AEP and CVEC raise their rates at 3.8% and 4.6%. She said she is a state employee and got a 3% raise in July; Social Security got a 2.5% increase for cost of living. She stated that she cannot keep up with a 25% increase for January, then there will be another \$17 on top of that by July. She said by July 2026, she will be paying \$102.81, and she is not sure where that will come from. She stated that her expenses are reasonable, yet she will not be able to keep up, and she knows she's not alone in that. Ms. Evans commented that Albemarle's rate was increasing to \$70.23; Waynesboro is \$72.94; Charlottesville is \$83.45; and Greene County is highest at \$103. She commented that Greene was billing for 3,000 gallons per month, which she thought was substantial. She added that she does not use 4,000 gallons per month, nor do most people, and she asked the Board to at least try to align the rates for people who are not using that much water.

Georgia Brown – Roseland, Virginia

Ms. Brown stated that she is concerned about these extremely high prices. She said she lives off of Social Security but works a few days a week, and she is concerned for herself and for the other residents of the Piney River area. She noted that this increase was steep and very high for a senior to be able to cover. She said she hoped they would reconsider this and wondered what would happen to people who cannot pay their septic bills.

Roberta Brown – Roseland, Virginia

Ms. Brown stated that she and others are older residents in the community and many live on fixed incomes. She said she has lived here her entire life, has paid taxes, raised a family, and supported her neighbors. She said that adding utility increases on top of the skyrocketing cost of living was unfair, and many elderly neighbors are already choosing between keeping the heat on. She urged the Board to consider an alternative phased increase, income-based billing or perhaps seek state or federal grants to offset costs.

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

Mr. Parr thanked and commended the community, noting the presence of quite a few residents from the Piney River area here tonight. Mr. Parr noted that he remembered the work done by Ms. Page and Woody Greenberg in the early 2000's, as he had also helped to go and survey residents about their water usage and sewer needs. Mr. Parr stated that the reason that so much work went into this water and sewer system was not because they wanted a luxury of public water and sewer in Piney River—it was because they had a public safety issue. He said the land in Piney River does not perk, and many residents would have raw sewage floating on the ground when the drain fields were overloaded. He said this system cannot be compared to the other systems in the County as the residents needed it for the health and safety of the community.

Mr. Parr stated that he does not support the proposed rate increases but does support small incremental increases of 3 to 4 percent. He pointed out that they have kicked this can down the road—both, the previous Board and this Board—since 2013. He stated that they need to implement a regular increase of 3 to 5 percent rate increase and not try to catch up 15 years' worth of problems in six years. He emphasized that this system is not a for-profit, and he does not think they should look at this system as a for-profit business like the Service Authority looks at that system, because implementation of this system helped them thwart a public health crisis.

Mr. Parr stated that he wants the Board to reevaluate the options, as there is no requirement that says they have to turn this system over to the Nelson County Service Authority. He added that in fairness to the community, they should not do that because of the difference in the needs, but they should evaluate rate increases. He agreed that they also need to implement some sort of income-based rate structure, something to give relief to our elderly and fixed-income residents. Mr. Parr concluded by stating that the Board has more work to do on this, and he recommends that they take no action tonight and include this in budget discussions moving forward.

Mr. Rutherford noted that he agreed with Mr. Parr that they should have further discussion before taking any action. Mr. Reed commented that they were in agreement to take no action that evening.

Mr. Parr said he would communicate to residents when they would be discussing this again, including posting information on his Piney River Community Facebook page as he had done about this item on September 23.

IV. OTHER BUSINESS (AS PRESENTED)

There was no other business presented.

V. ADJOURN AND CONTINUE TO OCTOBER 22, 2025 AT 5:00 P.M. FOR A JOINT WORK SESSION WITH THE PLANNING COMMISSION.

At 7:42 p.m., Mr. Rutherford moved to adjourn the meeting. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by roll call vote (4–0).