

Virginia:

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

Present: Ernie Q. Reed, Central District Supervisor – Chair
Jesse N. Rutherford, East District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
J. David Parr, West District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Stephen A. Carter, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources
Robert Brown, VDOT Residency Administrator
Dylan Bishop, Director of Planning and Zoning

I. CALL TO ORDER

Mr. Reed called the meeting to order at 2:01 p.m., with five (5) Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance – Mr. Parr led in the Pledge of Allegiance.

II. PUBLIC COMMENTS

- 1. Al Ponton, Lovingston, VA

Mr. Ponton had concerns about the increase in assessments. He noted an increase of 34% at his home and his sister’s home. He said he had spoken with the assessor’s office and they could not give him a good reason for the increase. He understood that real estate was increasing across the country. He felt that the Board needed to address the increase, noting that it was difficult for people living on fixed incomes to handle an increase. Additionally, Mr. Ponton asked the Board to create a committee to deal with drug abuse in the County, noting that it was a major issue and he had been trying to help his son who had a drug problem. He had seen that the agenda included the topic of drug treatment and he was going to stay to listen.

- 2. Thomas Nelson, Roseland, VA

Mr. Nelson had received his assessment and spoken with the assessor’s office. He noted there had been increases on all costs and asked the Board to consider equalizing to neutral and if an increase was needed, to let people know what to expect and what those funds would be used for.

- 3. Dr. Martha Eagle, Nelson County Public Schools Superintendent

Dr. Eagle spoke to remind the Board of the School’s \$7 million grant funding and addressed the approved uses of funding for things like Covid-10 mitigation, addressing learning loss and emotional stress caused by the pandemic. She encouraged the Board to reach out with questions so they may have a good understanding. She noted that \$3 million of the \$7 million had already been allocated for capital expenditures. Additionally, she pointed out that the Local Composite Index (LCI) from .5064 to .5888, which meant the schools would receive less state funding for its regular operational budget. She noted issues with inflation and a severe labor shortage. Dr. Eagle introduced Dr. Joe Cox as acting interim School Superintendent during her upcoming medical leave.

- 4. Dr. Joe Cox, Nelson County Public Schools Interim Superintendent

Dr. Cox greeted the Board and noted that he looked forward to being in Nelson.

II. CONSENT AGENDA

Mr. Rutherford moved to approve the Consent Agenda as presented and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution – **R2021-64** Budget Amendment:

**RESOLUTION R2021-64
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2021-2022 BUDGET**

**NELSON COUNTY, VA
December 14, 2021**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 32,387.39	3-100-003303-0041	4-100-091030-5614
\$ 2,484.00	3-100-002404-0007	4-100-082050-6008
\$ 5,828.00	3-100-002404-0007	4-100-999000-9905
<u>\$ 544,664.00</u>	3-100-009999-0001	4-100-999000-9905
\$ 585,363.39		

II. Transfer of Funds (General Fund Within Treasurer’s Office Budget)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 2,523.50	4-100-012130-1001	4-100-012130-1002
\$ 697.00	4-100-012130-2005	4-100-012130-1002
\$ 33.82	4-100-012130-2006	4-100-012130-1002
\$ 20.95	4-100-012130-2009	4-100-012130-1002
\$ 303.84	4-100-012130-2013	4-100-012130-1002
<u>\$ 188.50</u>	4-100-012130-2001	4-100-012130-1002
\$ 3,767.61		

III. Transfer of Funds (General Fund Contingencies)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 594,231.00	4-100-999000-9901	4-100-999000-9905
\$ 191,256.42	4-100-999000-9905	4-100-091050-7092

B. Resolution – **R2021-65** Minutes for Approval:

**RESOLUTION R2021-65
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(October 12, 2021)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **October 12, 2021** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

C. Resolution – **R2021-66** Amendment to Recreation Fee Schedule:

**RESOLUTION R2021-66
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FEES FOR
NELSON COUNTY PARKS AND RECREATION**

WHEREAS, the Code of Nelson County, Virginia Chapter 2, Administration, Article VII gives the Board of Supervisors the authority to establish by resolution, fees for the operation and regulation of the County’s parks, recreation facilities, and playgrounds;

WHEREAS, on October 12, 2021, the Nelson County Board of Supervisors did approve Resolution R2021-56 for the establishment of fees for Nelson County Parks and Recreation;

WHEREAS, in order to cover the costs to maintain the Montreal Park and Shelter, Nelson County Parks and Recreation wishes to amend the established fees to include a rental fee for use of the site;

BE IT HEREBY RESOLVED, by the Nelson County Board of Supervisors that the fees listed in “Exhibit A,” as attached are hereby amended to include Facility Rentals as part of the Nelson County Parks and

Recreation programs and services.

Nelson County Parks and Recreation Fees

Amended to add: Shelter Rentals December 2021

SPORTS / PROGRAMMING	
Youth Spring Soccer	\$40 Regular Registration \$50 Late Registration \$10 sibling discount (for families with 2+ children)
Youth Fall Soccer	\$40 Regular Registration \$50 Late Registration \$10 sibling discount (for families with 2+ children)
Youth Baseball Spring	\$55 Regular Registration \$65 Late Registration \$10 sibling discount (for families with 2+ children)
Youth Baseball Fall	\$25 Tball, \$55 Regular Registration \$65 Late Registration \$10 sibling discount (for families with 2+ children)
Youth Basketball	\$40 Regular Registration \$50 Late Registration \$10 sibling discount (for families with 2+ children)
Youth Cheerleading	\$40 Regular Registration \$50 Late Registration
Youth Flag Football	\$45 Regular Registration \$55 Late Registration
Individual Youth Sponsorships	\$40 per child/sponsorship
Adult Kickball	\$150 per team
Adult Softball	\$350 max per team
Adult Volleyball	\$150 per team
Adult Ultimate Frisbee	\$125 per team
Adult Flag Football	\$150 per team
Adult Basketball	\$275 per team
Sports Team Sponsorship (youth and adult)	\$150 per team
*Scholarships for Youth	NCPR offers scholarships to youth participants in need of financial support. A completed application by a guardian is required along with proof of income/need. The fee is then based on a sliding scale depending on household size and eligibility.
Summer Youth Sports Camps	\$45 Regular Registration per week \$55 Late Registration per week
SPECIAL EVENTS / RECREATIONAL PROGRAMS	
Special Events (i.e. Piney River Triathlon, Nelson Downriver Race, Greatest Adventure Race) General Recreation Programs (gymnastics, fitness classes, cooking classes, etc)	Varies Individual Expense (Instructor Fee + Supplies needed per person, etc.) Plus 20%. Example: Instructor wants \$20 per participant. NCPR charges \$24 for registration.
COUNTY MERCHANDISE	
Merchandise	Product Cost + 25%
COMERCIAL USE PERMITS (ALL PROPERTIES)	
Filming at BRT	Per Recommendation of County Administrator and Director of Parks and Recreation based on length of closure and exact needs of the group.
For-profit Tours	
Private Events	

FACILITY RENTALS	
Montreal Park & Shelter	\$40 per day. Full daily rate ONLY.

IV. PRESENTATIONS

A. Drug Treatment Court

Mr. Daniel Rutherford, Commonwealth Attorney for Nelson County, introduced Mr. Neal Goodloe, Dr. Stephanie Martin, Ms. Susan Moro, and Nelson County’s new Assistant Commonwealth Attorney, Mr. Will Flory. Mr. Rutherford began the presentation by discussing crime trends for Nelson County. He stated that Nelson County had seen increases in the number of charges that were taken out and the number of people who were incarcerated. He reported that from 2011 through 2020, narcotics charges had increased by 553% and probation violations had increased by 414%. He pointed out that those numbers would continue to grow unless mitigation efforts changed.

Mr. Rutherford indicated that methamphetamines were the biggest problem in Nelson. He stated that meth not only was seen in the court system, but it affected the school system, families. Mr. Rutherford then showed that Nelson County’s share of Albemarle Charlottesville Regional Jail bed day expenditures had increased by 67%. He included the booking volume at the jail, where Nelson County accounted for 13.7% of the bookings.

Mr. Rutherford turned the presentation over to Mr. Flory. Mr. Flory noted that the war on drugs began in 1971 and in that time, they have learned that prosecution is only one tool. He pointed out that you cannot prosecute people out of using drugs. He then listed societal impacts of addiction: 1) adolescent exposure; direct or indirect, 2) associated criminal activity by users, 3) increased health care and emergency services costs, and 4) increased criminal justice service costs.

Mr. Flory presented one possible solution to help with the drug problem; addressing the demand for drugs through the implementation of a Drug Court program. He introduced Drug Court as a diversion program designed to help reduce addition and drug dependency; reduce recidivism; reduce drug-related court workloads; increase accountability amount offenders; and promote effective planning and use of resources amount the criminal justice system and community agencies.

Mr. Flory explained that in order to have a drug court in Nelson County, the Commonwealth Attorney’s office would need to write and submit an application to the Supreme Court of Virginia. He noted that the office had also applied for training for a Drug Court team and was working with partner agencies to write the application. Mr. Flory indicated that he would be handling the submission of the application for drug court with the goal to have the application submitted by May 2022. He noted they would then seek grant funding to help fund positions on the treatment team and help alleviate the cost burden to Nelson County.

Mr. Rutherford took back over the presentation to discuss the costs of drug court. Mr. Rutherford noted that it would cost \$255,000 per year to fully fund a drug court for Nelson County. Mr. Rutherford requested a \$7,500 to supplement Mr. Flory's salary for work related to the application for drug court.

Mr. Reed asked what the incentive would be for participation in the program. Mr. Flory explained that most program use charge reduction or dismissal of a charge as incentive, which would be evaluated on a case by case basis. Mr. Flory presented two program options: Pre-conviction, which could help avoid charges; or post-conviction, which would give the option of jail or drug court. He noted pre-conviction was preferred because it had a higher success rate.

Mr. Barton noted that drug addiction was a real health problem and thanked the Commonwealth Attorney’s office for looking at the issue from another perspective. He asked what was wanted at the moment from the Board. Mr. Rutherford stated he was looking to supplement Mr. Flory’s salary through the end of June as he worked on the application submission, scheduled training and started work on grant writing. Mr. Flory asked the Board to keep the \$255,000 amount in mind because the Commonwealth Attorney’s office would possibly need to come back before the Board for additional funding if they did not receive the grant money necessary to cover the costs to run the program. Mr. Rutherford noted that they would probably return to provide an update in May on application process.

Mr. Harvey asked what a full year’s supplement would look like. Mr. Rutherford answered that a full year to supplement Mr. Flory’s salary would be \$15,000. Mr. Reed asked if the salary supplement would be a recurring cost. Mr. Rutherford stated that it would be recurring if the Supreme Court approved the drug court application.

Mr. Barton made a motion to fund Mr. Rutherford's request for \$7,500. Mr. Harvey seconded the motion. Mr. Parr asked to clarify if the \$7,500 would be funding the grant writing process and application. Mr. Rutherford and Mr. Flory answered that the funding would help pay for the time involved in making the application, obtaining training, creating the program and applying for grant funding. Mr. Reed noted that in

working with the Nelson County Community Wellness Alliance and Social Services, Ms. Martin and Ms. Rose were committed to their portion of the work in coordination of services. Mr. Rutherford confirmed that they would be working hand in hand with other agencies to complete the job. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. VDOT Report

Mr. Brown gave the following report:

Mr. Brown reported that the bus stop warning ahead sign on Adial Road at Lakeland had been installed. He provided an update on the 151 traffic counts, noting that the raw data had not been converted to usable data, but it would be forthcoming that week.

Mr. Brown reported that they were working on widening Firehouse Road as requested by Mr. Parr. He noted that the project was still ongoing. They had some issues with the weather and a major COVID outbreak, which had stopped the project for a while.

Mr. Brown noted that they would be starting a Rural Rustic hard surfacing project on Wilson Road in early spring. He reported that he had driven through Route 6 at Woods Mill, noting that the bridge had opened back up. He said crews were scheduled return in the spring to put down an epoxy overlay, which would take about two days to complete.

Mr. Brown reported that Route 250 and 151 roundabout construction project had started. He noted that he had sent the construction phases to Mr. Carter via email. He felt that the project would go smoothly.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford had none.

Mr. Parr:

Mr. Parr asked if the construction at Route 6 and 29 had any impacts on trucks using 151 all the way to the south end of the County. He noted that he had received concerns from constituents over the increased volume in truck traffic. Mr. Brown said it could have made an impact, but with the restrictions on Brents Mountain, he did not believe long trucks would have made it over the mountain.

Mr. Brown noted a request from the Board to review signage for truck traffic on 151. He indicated that they were looking to start the review process. Mr. Parr asked if that was only for the northern end of the County. Mr. Brown clarified that it was looking at the Northern end. Mr. Parr felt that the issues with truck traffic were trickling south. Mr. Parr explained that he had recently followed a large road tractor from Piney River over Brents Mountain, all the way up Beech Grove and over Reeds gap to 64. Mr. Parr also noted that during the planning session on December 7th at Devils Backbone, the meeting room provided views of both 151 and Beech Grove. He noted that he and Mr. Rutherford counted at least three trucks traveling north on 151 coming over Brents Mountain and then turning left onto Beech Grove and continuing up the mountain. Mr. Brown noted that they would continue to review the signs but also noted that the truck traffic was an enforcement issue.

Mr. Harvey:

Mr. Harvey had none.

Mr. Barton:

Mr. Barton said he was still looking for the sharp turn sign at Williamstown. Mr. Brown thought that had been looked at but noted he would check on it again. Mr. Barton also noted that Variety Mills road had two sharp turns, one that was really dangerous.

Mr. Reed:

Mr. Reed thanked Mr. Brown for the bus stop sign on Adial. Mr. Reed said it was curious that the signage was placed westbound but not eastbound. Mr. Brown noted that sight distance was the deciding factor for sign placement.

V. NEW & UNFINISHED BUSINESS

A. Comprehensive Plan Update (Consultant Selection)

Ms. Bishop updated the Board on the consultant selection for the Comprehensive Plan. She noted that the current comprehensive plan was adopted in 2002 with a few updates over the years. She explained that state code requires that each locality adopt a 20-year plan, to be updated every 5 years. She noted that typically, the comprehensive plan should guide development in the County, not as a regulatory document, but a visionary document for the next 20 years. She pointed out that currently, the County's zoning ordinance has been guiding development, rather than the comprehensive plan. Ms. Bishop explained that when done correctly, the comprehensive plan can be used as an economic development tool, often as a reference for grant applications. She noted that the comprehensive plan would update the County's demographics and inventory of infrastructure.

Ms. Bishop reported that the Board had authorized a Request for Proposals (RFP) for both the Comprehensive Plan and Zoning and Subdivision ordinance updates, which was advertised on October 7th with a deadline of November 5th. Ms. Bishop indicated that she had received three proposals, two of which qualified and were interviewed on December 8th. She noted that the Selection Committee had recommended awarding the contract to Berkley Group, located in Bridgewater, Virginia. Ms. Bishop explained that the project team was composed of individuals who had previously work in a local government setting, noting that the team's plan focused on people, place and performance. She noted that Berkley's method allowed for the County to take ownership of the process and the final document.

Ms. Bishop explained that the process included a diagnostic review of the County's existing Comprehensive Plan based on state code requirements and best practices from the American Planning Association. She noted that they would work on a thorough public engagement plan, and it had been suggested by Berkley to hold a joint work session of the Planning Commission and Board of Supervisors to kick off the project, identify key issues and encourage constituent involvement. Ms. Bishop indicated that following the kickoff meeting, they would start the website and branding, issue a community survey, hold public workshops and stakeholder listening sessions. She said that Berkley's recommendations for direction and best practices would be based on the findings of their investigation. She noted that there would be time for public review and refinement prior to plan adoption, followed by a review of the zoning and subdivision ordinances, and recommendations to make them both consistent with the new comprehensive plan.

Ms. Bishop provided an estimated total cost of about \$160,000 and reminded the Board that they had previously allocated \$50,000 in funding for the current fiscal year. She noted that the final cost would be determined in partnership with County staff to align the project scope with available funding. She pointed out that the timeline showed the earliest the plan would be completed was the end of 2023.

Ms. Bishop noted that was what currently needed was for the Board to award the contract to Berkley so that the County may notify the consultant and schedule a kickoff meeting.

Mr. Harvey made a motion to approve the Berkley Group as consultant for the Comprehensive Plan. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

The Board took a five-minute recess.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Mr. Carter gave the following report:

D. County Office Facility (DSS & VDH): Following several email messages, County staff were able to speak on 12-9 with the new state Department of General Services coordinator on the status of the office location for the local VA Department of Health unit. The DGS coordinator responded in the afternoon of 12-13 to advise that, per discussion with staff of Blue Ridge Medical Center, the local VDH unit has a termination date of 12-31-22 to be relocated from BRMC. With specificity, BRMC advised the DGS coordinator that the Center has grant funding to complete renovation to their facility and have a deadline to do so or the grant funding will be lost. Additionally, County staff conferred with staff of Architectural Partners on updating information for a combined VDH/DSS office facility to be constructed on local EDA property located on the west side of Rt. 29 in Lovingson. AP responded to advise they would have updated information to the County by the a.m. on 12-14 for subsequent consideration by the BOS. A decision on this subject by the BOS on 12-14 is necessary, as, should the Board decide to proceed with a joint DSS/VDH facility the 12-month window to do so (e.g. new construction) is a question mark.

Mr. Carter presented a joint Health Department and Social Services facility plan on County owned property at Callohill Drive in Lovingson. He noted that both facilities in the rendering had 6500 square feet each and about 110 parking spaces to share. Mr. Carter explained that the plans submitted by the Heritage

Center to the building department, showed 4200 square feet proposed for the Health Department. He noted that he had spoken with Dr. Bonds regarding the amount of space in the Heritage center plans and she confirmed that amount of space would be adequate. Mr. Carter said that the proposed space in the County facility could potentially be reduced, and noted that Dr. Bonds had indicated that the Health Department may be able to share communal space with Social Services and the footprint of the building could be further reduced. Mr. Carter provided an updated cost estimate of \$4.4 million. Mr. Carter showed a timeline for the building and pointed out that the Health Department could be in the space by October if they Board decided to move forward. Mr. Carter noted he had also spoke with Roland Kooch about costs and pointed out that the cost estimate was within the County's ability of \$18 million without making any changes to taxes.

Mr. Parr asked what the state contribution would be for a facility like the one being proposed. Mr. Carter answered that was to be determined. He noted they could negotiate a square foot cost for the lease. He explained that the County also received income from the Department of Social Services for services provided by the County which during the last 4-5 years had averaged around \$60-65,000.

Mr. Barton noted they could potentially look at locating Social Services with other offices like Planning or Recreation. He said the community had gotten involved in trying to place the Health Department at the Heritage Center, which would benefit that community. He believed it would be cheaper and quicker to put the Health Department at the Heritage Center.

Mr. Carter noted they had about a year until the Health Department needed to relocate. He pointed out that with the plans submitted by the Heritage Center to the Building department, the Building official had indicated that the use group would change for the space, which would potentially mean adding a sprinkler system and fire doors. He noted those additions could make the costs increase for the renovations. Mr. Carter noted that he was not privy to what the cost estimates were.

Mr. Rutherford noted that Social Services really needed to move and the Health Department was on a timeline. He appreciated the Heritage Center and wanted them to be successful. He felt that the Health Department needed to be located in Lovington.

Mr. Reed was concerned with decision to move forward on the proposal. He noted that he was aware of the time and energy that the Heritage Center had put in when they stepped forward to help. Mr. Carter reiterated that the County staff had worked on Health Department issue for the last two years and Board had not acted. Mr. Carter He noted that it was up to the Board to make the decision. He pointed out that locating the Health Department southern portion of the County did not benefit someone who lived in Afton. Mr. Rutherford stated that he was looking at helping his constituents, while also supporting the Heritage Center.

Mr. Harvey spoke for his constituents at the top of Afton, noting it would be terrible for them to travel from one end of the County to the other. Mr. Barton thought it was remarkable that people were concerned with the movement of people to a health center where they would go once or twice a year, when they were also talking about moving children every day from Afton down to Tye River in an effort to consolidate and save money.

Mr. Parr noted that the facility was located in the West District in the Southern end of the County. He stated that if the location was good enough to serve its purpose when the building was built, then it was good enough today. He reminded the Board that the subject of the Health Department location was on the agenda during his first meeting on the Board, and at that time, the cost to build a building was about \$3 million. He asked where the health department wanted to be. He said he had asked the Heritage Center for the cost estimates to renovate the facility, and he had not received anything. He noted that he like the look of the proposal but did acknowledge that they had a group who had come forward to help. He felt that the Health Department being located at the Heritage Center could anchor the space for more development and pointed out that they also had the gym there. He suggested the Board wait a month to see what Heritage Center says. He pointed out that Blue Ridge is not going to keep pushing the deadline for the Health Department to move.

Mr. Rutherford suggested putting the subject on agenda for January and try to get some information from the Heritage Center and see if the Health Department could attend. Mr. Carter noted that the Heritage Center may be restrained in what they can relate as they may be in negotiations with Department of Real Estate Services. Mr. Rutherford suggested to begin action with Social Services piece, with the potential of adding in the Health Department side. Mr. Reed was not in favor of that. Mr. Carter indicated that they could wait until January and County staff would have time to get additional information. The Board agreed by consensus to wait until the next meeting and possibly ask the Heritage Center to attend.

A. Covid-19 (Coronavirus): Current VDH data for Nelson County, as of December 10th was six (6) new cases of the Covid-19 virus and a seven (7) day average of new daily cases of eight (8). The average number of daily cased from 12-1 to 12-10 is 7.3 cases.

Since the report for November 9th, the current cumulative case count in the County is 1,525 from the previously reports 1,393 cases, an increase of 132. Hospitalizations as of 12-10 are 61 an increase of 5 from the 56 reported on 11-9. Deaths attributed to the virus are 23 and increase of 5 from the 18 reported on 11-9.

The CDC lists Virginia and Nelson County as areas of high transmission and recommends that everyone should wear a mask indoors in public settings, adding that mask requirements may vary from place to place. The County continues to have an honor system with respect to the wearing of masks.

B. 2022 General Reassessment of Real Estate: Wampler- Eanes is currently conducting its Assessor Hearings and is scheduled to submit the certified 2022 General Reassessment of Real Estate by 12-31-21. The ensuing requirements include: 1) appointment of the local Board of Equalization and the BOE’s conduct of its hearings and report to the Board of Supervisors; 2) the Board of Supervisors conducting a public hearing, as required by state law, to consider equalizing the real estate tax rate and, thereafter, setting the real estate tax rate for Fiscal Year 22-23.

C. Compensation Study: In follow up to the discussion at the 11-9 regular session, an inquiry was submitted to the VA Institute of Government (Nelson County is a member of the VIG) to request information from other member jurisdictions on this subject. VIG staff responded and provided information from four localities (Bedford, Dinwiddie and Rockingham counties and Roanoke City). County staff also contacted administrative staff of the Albemarle-Charlottesville Regional Jail, which is currently in process with a compensation study, based on Frederic County’s 2021 contract with Management Advisory Group International, Inc., an agreement Nelson County can also utilize, if so decided. Dependent upon their respective scopes of work, the following were project costs for each of the entities referenced herein, except for Roanoke City, which did not respond,

Locality	Year Study Completed	Cost
Bedford Co.	2021	\$46,000
Dinwiddie Co.	2019	\$45,000
Rockingham Co.	2017	\$38,500
Frederic Co.	2021 (In Process)	\$82,500
ACRJ	2012 (In Process)	\$23,500

County staff have contacted MAGI, Inc. to request a cost quotation based upon Frederic County’s contact document, which included “cooperative procurement” language affording other localities the ability to utilize Frederic’s agreement to retain MAGI, Inc. (Frederic County’s contract had several options the County elected to accept which drove the base price of the compensation study up from the base price of \$49,500).

County staff have requested a cost proposal from MAGI, Inc., which was received on 12-13. The total cost proposal for the completion of a compensation study is **\$24,500**, excluding options.

Additionally, as instructed by the Board at the 11-9 regular session, a letter was sent to Gov. Northam with copies to the State Compensation Board (Robyn DeSocio, Secretary), Sen. Deeds and Delegates Avoli and Fariss. The letter, which was also copied to the Board of Supervisors, requested the state to address the issue of compensation for state supported local employees (Constitutional Offices, DSS, etc.).

2. Board Reports

Mr. Harvey:

Mr. Harvey had no report.

Mr. Barton:

Mr. Barton reported that he had been to the Social Services Board meeting and Ms. Rose had commented that Drug Court would be a good idea and had a very positive impact.

Mr. Rutherford:

Mr. Rutherford reported that the TJPDC had some great discussions regarding affordable housing and they were making plans for a conference in the fall to talk about how to implement affordable housing in the comprehensive plan. He was absent from the Service Authority meeting. He had been to the Firefly event the day before in which they had announced \$79 million received from their VATI grant application.

Mr. Barton commented that he thought Firefly was crossing the railroad tracks in Shipman.

Mr. Parr:

Mr. Parr had no report.

Mr. Reed:

Mr. Reed had no report.

B. Appointments

Ms. Spivey reviewed the following table:

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
JABA Council on Aging	12/31/2021	2 years/ No term limit	Robert Alpers	N	
Board of Equalization		1 year/No term limit			Thomas Nelson, Jr. Evan Phillips Courtney Cook
(2) Existing Vacancies:					
Board/Commission	Terms Expired				

JABA Council on Aging

Ms. Spivey noted that Mr. Alpers’ term would be expiring at the end of the month and they had not received any applicants yet. She noted they had advertised the vacancy on the County website and in the newspaper.

Board of Equalization

Mr. Rutherford asked when the Board of Equalization needed to be appointed by. He noted there were only three applicants and asked for more applicants. Ms. Spivey suggested waiting until January to receive more applicants. She indicated that they needed a minimum of three members and not more than five members, and pointed out that 30% of the Board needed a relevant background in real estate, construction or finance. Mr. Reed asked if any prior members had applied. Ms. Spivey responded that Mr. Thomas Nelson had served on the last Board and he had applied. Mr. Carter noted that County staff had reached out to all prior members to gauge their interest in serving again.

C. Correspondence

Mr. Rutherford noted he had received a lot of complaints about the reassessment. He pointed out that the tax rate had not been set yet, and the Board may equalize some.

D. Directives

Mr. Rutherford noted that Curtis Sheets had provided information on the current EMS needs. He asked if they could get updates and possibly put the subject on the agenda for January to discuss some of the difficulties on the EMS level and any potential improvements or equipment that might be needed. Mr. Carter suggested that the Board wait until they began discussing the budget and work on it from there. He noted that Wintergreen had suggested increasing the workforce and increasing compensation. He reported that Wintergreen was in the process of constructing a fire training facility over in Nellysford. Mr. Carter did note that the County had received a request from the paid program for a training trailer.

Mr. Carter reported that the ambulance billing company had made a recommendation for billing increases and County staff would be bringing that forward for consideration. He indicated that the billing had not been updated for about 9 years. He then explained that the EMS billing had recommended increasing the Medicare billing by 130-150%, but even with that increase, it would not be sufficient to offset the total operational increase in costs.

Mr. Carter confirmed that County staff would be looking at the need for more EMS personnel and salaries. He thought he had an email from Curtis Sheets that it had been suggested that the volunteer EMS agencies would stop and be a part of the paid program. Mr. Harvey said he would not agree to that and he had not heard one word regarding that suggestion. Mr. Carter recommended that County staff collect information from Mr. Sheets and bring it up during the budget planning. Mr. Parr asked whether it had been previously discussed to add another 24-hour shift. Mr. Carter noted that the Emergency Services Coordinator was also evaluating call volume and the need for another paid crew. Mr. Parr asked when that information may be

available and Mr. Carter said he would follow up on that.

Mr. Parr asked if job description for Emergency Services Coordinator would include an expectation to visit the local departments once per year, possibly during one of their meetings. He noted that it would be nice to have a visible show of support from that position.

VII. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7 PM

At 4:30 p.m., Mr. Rutherford moved to adjourn and reconvene at 7:00 p.m. and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.

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

I. CALL TO ORDER

Mr. Reed called the meeting to order at 7:01 p.m., with five (5) Supervisors present to establish a quorum.

II. PUBLIC COMMENTS

There were no persons wishing to be recognized for public comments.

III. PUBLIC HEARINGS

A. Rezoning #454 – A-1 to B-1

Consideration of a Rezoning application requesting County approval to rezone property from A-1 Agricultural to B-1 Business. The subject property is located at Tax Map Parcel #31-A-48 at 725 Beech Grove Rd in Roseland. The subject property is 4.093 acres and owned by Tectonics II.

Ms. Bishop provided the following report:

BACKGROUND: This is a request to rezone property from A-1 Agriculture to B-1 Business to allow the existing office use to continue, and allow opportunity for other commercial uses on the property.

Public Hearings Scheduled: P/C – November 17 / Board – December 14

Location / Election District: 725 Beech Grove Road (Roseland) / West Election District

Tax Map Number / Total acreage: 31-A-48 / 4.09 acres +/- total

Applicant/Owner Contact Information: Tectonics II (Justin Crandall), 13513 Patrick Henry Hwy, Roseland, VA / (434) 361-2525 / justin@tectonics2.com

Comments: The subject parcel is zoned A-1 Agricultural. Existing zoning in the vicinity is B-1 and A-1, and is adjacent to Devil's Backbone Campground. This area is mixed use in nature, with a combination of agricultural, residential, and commercial uses.

DISCUSSION:

Land Use / Floodplain: The property received a Special Use Permit for retail in 1984, which has since expired. The property has been primarily utilized for commercial office uses over the years, and is currently home to the Tectonics II office. There are no development plans as part of this proposal.

Access and Parking: This property is accessed by an existing entrance on Beech Grove Road. Future expansions or development will require review of the existing entrance. No upgrades or modifications are required at this time.

Utilities: The property is served by existing utilities.

Proffers: There are no proffers submitted with this application.

At their meeting on November 17, the Planning Commission voted (4-0) to recommend approval of this application to the Board of Supervisors.

RECOMMENDATION: The approval of requests should be based on one or more of the following factors:

1. Good Zoning Practice
2. Public Necessity
3. General Welfare
4. Convenience

Mr. Reed then invited the applicant, Mr. Justin Crandall, to come up and speak.

Mr. Crandall noted that this property had been owned for a long period of time and the business had more recently moved to that location. He explained that the plan was to remain operating out of that location permanently. He felt it was better to rezone to B-1, rather than obtain another Special Use Permit. He pointed out that the property had businesses operating out of it forever. Mr. Crandall said that Wintergreen Nature Foundation was still using the greenhouse on the property. He noted Tectonics had been utilizing that location for about a year, and they were currently using the storage barn for the staging of equipment. He explained that he wanted to rezone to B-1 because he did not know what his future needs would be for additional storage or office space. He felt that it could be complicated having to bring back a special use permit to update if additional space was needed.

Mr. Reed then opened public hearing.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Parr made a motion to approve **Rezoning #454 – A-1 to B-1** at 725 Beech Grove Road and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. Amendment to Code of Nelson County, Chapter 2, Administration

Proposed ordinance O2021-10 to amend to the Code of Nelson County regarding the voting district boundary lines and the names, but not locations, of certain polling places. In order to correct population deviations in the election districts as determined by the 2020 decennial census, some lines in the Woods Mill area are proposed to be adjusted, moving voters from the Central District to the East District.

Mr. Carter introduced the proposed election district map and Ordinance O2021-10 as follows:

DRAFT
ORDINANCE O2021-10
NELSON COUNTY BOARD OF SUPERVISORS
REDISTRICTING PLAN 2021
TO RE-APPORTION LOCAL ELECTION DISTRICTS, ESTABLISH BOUNDARY LINES OF
THE ELECTION DISTRICTS AND TO ESTABLISH PRECINCTS AND POLLING PLACES
WITHIN EACH ELECTION DISTRICT

WHEREAS, the Board of Supervisors of Nelson County, Virginia has established in accordance with state and federal requirements a Redistricting Plan for 2021; and,

WHEREAS, the Redistricting Plan for 2021 provides for the re-apportionment of election districts, establishes boundary lines for each election district and establishes precincts and polling places therein within each election district; and,

WHEREAS, in accordance with state law a public hearing was duly advertised and conducted on _____; and,

WHEREAS, state law requires that Nelson County’s Redistricting Plan for 2021 be adopted by ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Nelson County, Virginia that

the Sections 2-27, 2-28, and 2-29 Code of the County of Nelson, Virginia be and hereby is amended as follows:

Sec. 2-27. Districts.

- (a) There shall be five (5) election districts in the county: East, West, North, South and Central, and each such district shall be entitled to elect one (1) member to the board of supervisors.
- (b) The election district boundaries shall be as follows:

North District. Beginning at the most northerly point of Nelson County which is also the common junction of the boundaries of the counties of Augusta, Albemarle and Nelson;

thence, in a southwesterly direction along the boundary line between the counties of Augusta and Nelson to the bench mark on Humpback Mountain;

thence, by a straight line in a southerly direction to the headwaters of Paul's Creek;

thence, in a southeasterly direction along the centerline of Paul's Creek to an elevation of 800 feet;

thence, by a straight line in a southeasterly direction to its intersection with Rockfish Valley Highway/State Route 151;

thence, in a southwesterly direction along the centerline of Rockfish Valley Highway/State Route 151 to its intersection with Allen Creek;

thence, in a southeasterly direction along the centerline of Allen Creek to its confluence with the South Fork of the Rockfish River;

thence, down the South Fork of the Rockfish River to its intersection with an unnamed tributary of the South fork of the Rockfish river;

thence, in a southwesterly direction along the unnamed tributary to its headwaters;

thence, by a straight line in an easterly direction to the headwaters of an unnamed stream;

thence, in a southeasterly direction along the centerline of the unnamed stream to its confluence with an unnamed tributary of the Rockfish River;

thence, in a southeasterly direction along the centerline of the unnamed tributary to its confluence with the Rockfish River;

thence, in a northerly direction along the centerline of the Rockfish River to its intersection with the Rockfish Magisterial District boundary;

thence, in an easterly direction along the Rockfish Magisterial District boundary as it crosses Pilot and Archer Mountains to its intersection with the county line;

thence, in a northwesterly direction along the county line to the point of beginning.

East District. Beginning at a point at the intersection of the Schuyler and Lovingston Magisterial boundaries;

thence, in an easterly direction along the Schuyler Magisterial District boundary as it crosses High Top and Woods Mountains to its intersection with Davis Creek Lane/State Route 623;

thence, in a southerly direction along Davis Creek Lane/State Route 623, to its intersection with Thomas Nelson Highway/State Route 29;

thence in a northeasterly direction along Thomas Nelson Highway/State Route 29 to its intersection with the Rockfish River;

thence in a southeasterly direction along the Rockfish River to its intersection with the Norfolk Southern Railway; ~~crossing Thomas Nelson Highway, and continuing along Myndus Road/State Route 623 to its intersection with Stagebridge Road/State Route 623;~~

~~thence, in a northeasterly direction along Stagebridge Road/State Route 623 to its intersection with Rockfish River Road/State Route 617;~~

~~thence, in a southeasterly direction along Rockfish River Road/State Route 617 to its intersection with the Norfolk Southern Railway;~~

thence, in a northeasterly direction along the Norfolk Southern Railway to its intersection with the county line;

thence, in a southeasterly direction along the county line to its intersection with the James River;

thence, in a southwesterly direction along the James River to its intersection with James River Road/State Route 56;

December 14, 2021

thence, in a northwesterly direction along James River Road/State Route 56 to its intersection with Eagle Mountain Drive/State Route 648;

thence, in a northerly direction along Eagle Mountain Drive/State Route 648 to its intersection with Brownings Cove/State Route 719;

thence, in a northerly direction along Brownings Cove/State Route 719 to its intersection with the American Electric Power Company power line;

thence in a west southwesterly direction along the American Electric Power Company power line to its intersection with the centerline of the north bound lane of Thomas Nelson Highway/State Route 29;

thence, in a southwesterly direction along the centerline of the north bound lane of Thomas Nelson Highway/State Route 29 to its intersection with Freshwater Cove Lane/State Route 653;

thence, in a northwesterly direction along Freshwater Cove Lane/State Route 653 to its intersection with an unimproved road leading to Becknor's Ridge;

thence, in an easterly direction along the unimproved road leading to Becknor's Ridge to its intersection with the benchmark thereon;

thence, in a north-northwesterly direction following the ridge line of Becknor's Ridge and continuing along the ridge line to the top of Pat's Knob;

thence, in a northerly direction along the Lovingson Magisterial District boundary to the point of beginning.

South District. Beginning at a point at the intersection of Freshwater Cove Lane/State Route 653 and Thomas Nelson Highway/State Route 29;

thence, in a southwesterly direction along Thomas Nelson Highway/State Route 29 to its intersection with the county line;

thence, in a southeasterly direction along the county line to the James River;

thence, in a northeasterly direction along the James River to its intersection with James River Road/State Route 56;

thence, in a northwesterly direction along James River Road/State Route 56 to its intersection with Eagle Mountain Drive/State Route 648;

thence, in a northerly direction along Eagle Mountain Drive/State Route 648 to its intersection with Brownings Cove/State Route 719;

thence, in a northerly direction along Brownings Cove/State Route 719 to its intersection with the American Electric Power Company power line;

thence, in a west southwesterly direction along the American Electric Power Company power line to its intersection with the centerline of the north bound lane of Thomas Nelson Highway/State Route 29;

thence, in a southwesterly direction along the centerline of Thomas Nelson Highway/State Route 29 to the point of beginning.

West District. Beginning at a point on the northwest boundary of the county at its intersection with Beech Grove Road/State Route 664;

thence, in an easterly direction along the centerline of Beech Grove Road/State Route 664 to its intersection with Patrick Henry Highway/State Route 151;

thence, in a southerly direction along the centerline of Patrick Henry Highway/State Route 151 to that point on Patrick Henry Highway/State Route 151 which is due west of the bench mark at Brent's Gap;

thence, along a straight line in an east-northeasterly direction to its intersection with the Massies Mill Magisterial District boundary on a peak of Horseshoe Mountain;

thence, in a southerly direction along the Massies Mill Magisterial District boundary to the top of Pat's Knob;

thence, in a south-southeasterly direction following the ridge line that becomes Becknor's Ridge and along such ridge to a bench mark thereon;

thence, in a southwesterly direction from the bench mark along an unimproved road to its intersection with Freshwater Cove Lane/State Route 653;

thence, in a southwesterly direction along Freshwater Cove Lane/State Route 653 to its intersection with the centerline of the north bound lane of Thomas Nelson Highway/State Route 29;

thence, in a southwesterly direction along the centerline of the north bound lane of Thomas Nelson Highway/State Route 29 to its intersection with the county line;

thence, in a general northerly direction along the county line to the point of beginning.

Central District. Beginning at a point on the northwest boundary of the county at its intersection with Beech Grove Road/State Route 664;

thence, in an easterly direction along the centerline of Beech Grove Road/State Route 664 to its intersection with Patrick Henry Highway/State Route 151;

thence, in a southerly direction along the centerline of Patrick Henry Highway/State Route 151 to that point on Patrick Henry Highway/State Route 151 which is due west of the bench mark at Brent's Gap;

thence, along a straight line in an east-northeasterly direction to its intersection with the Massies Mill Magisterial District boundary on a peak of Horseshoe Mountain;

thence, in a southerly direction along the Massies Mill Magisterial District boundary until its intersection with the Schuyler Magisterial District boundary;

thence, in an easterly direction along the Schuyler Magisterial District boundary as it crosses High Top and Woods Mountains to its intersection with Davis Creek Lane/State Route 623;

thence, in a southerly direction along Davis Creek Lane/State Route 623 to its intersection with Thomas Nelson Highway/State Route 29;

thence in a northeasterly direction along Thomas Nelson Highway/State Route 29 to its intersection with the Rockfish River;

thence in a southeasterly direction along the Rockfish River to its intersection with the Norfolk Southern Railway; ~~crossing Thomas Nelson Highway, and continuing along Myndus Road/State Route 623 to its intersection with Stagebridge Road/State Route 623;~~

~~thence, in an easterly direction along Stagebridge Road/State Route 623 to its intersection with Rockfish River Road/State Route 617;~~

~~thence, in a southeasterly direction along Rockfish River Road/State Route 617 to its intersection with the Norfolk Southern Railway;~~

thence, in a northeasterly direction along the Norfolk Southern Railway to its intersection with the county line;

thence, in a northwesterly direction along the county line to its intersection with the Rockfish Magisterial District boundary;

thence, in a westerly direction along the Rockfish Magisterial District boundary as it crosses Pilot and Archer Mountains to its intersection with the Rockfish River;

thence, in a southerly direction along the centerline of the Rockfish River to its confluence with an unnamed tributary of the Rockfish River;

thence, in a northwesterly direction along the unnamed tributary, crossing Berry Hill Road/State Route 613, and continuing to its confluence with an unnamed stream;

thence, in a northwesterly direction along the centerline of the unnamed stream to its headwaters;

thence, by a straight line in a westerly direction to the headwaters of an unnamed stream;

thence, in a northeasterly direction along the unnamed stream to its confluence with the South Fork of the Rockfish River;

thence, up the South Fork of the Rockfish River to its confluence with Allen Creek;

thence, in a westerly direction along the centerline of Allen Creek to its intersection with Rockfish Valley Highway/State Route 151;

thence, in a northeasterly direction along the centerline of Rockfish Valley Highway/State Route 151 to a point approximately 400 feet northeast of the intersection of Rockfish Valley Highway/State Route 151 and Lodebar Estate/State Route 613;

thence, by a straight line in a northwesterly direction along to its intersection with Paul's Creek;

thence, in a northwesterly direction along the centerline of Paul's Creek to its headwaters;

thence, by a straight line in a northerly direction to the bench mark on Humpback Mountain;

thence, in a southwesterly direction along the county line to the point of beginning.

(c) The magisterial district boundaries remain unchanged.

(Ord. of 5-17-01; Res. No. R2009-45, 5-28-09; Ord. No. O2011-02, 4-12-11)

State law reference(s)—Code of Virginia, 24.2-304.3, 24.2-304.1, 24.2-311.

Sec. 2-28. Precincts and polling places.

The precincts and their polling places are established as follows:

North District:

Rockfish Precinct

Polling place: Rockfish Valley Volunteer Fire and Rescue Building Department, 11100 Rockfish Valley Highway, Afton, VA 22920

All that area comprising the North Election District as set forth in section 2-27 above.

East District:

Lovingston Precinct

Polling place: Lovingston Volunteer Fire Department, 53 Baker Lane, Lovingston, VA 22949

All that portion of the East District as set forth in section 2-27 above lying north and west of a line beginning at a point on the East District boundary at the confluence of the James River and Swan Creek and continuing in a northwesterly direction along Swan Creek to its intersection with Cabell Road/State Route 626;

thence, northeast along Cabell Road/State Route 626 to its intersection with Warminster Drive/ State Route 604;

thence, northwest along Warminster Drive/State Route 604 to its intersection with Hunting Lodge Road/State Route 646;

thence, northeast along Hunting Lodge Road/State Route 646 to its intersection with Virginia Lee Drive;

thence in a straight line from such intersection to the confluence of Beaver Creek and Buffalo Creek;

thence, west along Beaver Creek to its intersection with Glade Road/State Route 722;

thence, southwest along Glade Road/State Route 722 to its intersection with the Lovingston Magisterial District boundary;

thence, northwest along the Lovingston Magisterial District boundary to its intersection with the Norfolk Southern Railway;

thence, in a northeasterly direction along the Norfolk Southern Railway to its intersection with Rockfish River Road/State Route 617.

Schuyler Precinct

Polling place: Walton's Mountain Museum Community Center, 6484 Rockfish River Road, Schuyler, VA 22969

All that portion of the East District as set forth in section 2-27 above lying southeast of the line established for the Lovingston Precinct.

South District:

Shipman Precinct

Polling place: Carriage House at Oak Ridge Estate, 2383 Oak Ridge Road, Shipman, VA 22971

All that portion of the South District as set forth in section 2-27 above lying north of a line beginning at a point on the south bank of the James River opposite the mouth of Owens Creek, thence along the centerline of Owens Creek to the centerline of State Route 626, thence in a southwesterly direction along the centerline of State Route 626 to its intersection with State Route 721;

thence, due north along a straight line to the Tye River;

thence, up the Tye River to the confluence of the Buffalo River and the Tye River;

thence, up the Buffalo River to the Nelson County line.

Gladstone Precinct

Polling place: Gladstone Rescue Squad Building, 8834 Richmond Highway, Gladstone, VA 24553

All that portion of the South District as set forth in section 2-27 above lying south of the line established for the Shipman Precinct.

West District:

Roseland Precinct

Polling Place: Massies Mill Ruritan Club, 5439 Patrick Henry Highway, Roseland, VA 22967

All that portion of the West District as set forth in section 2-27 above lying south and east of a line beginning at a point on the Nelson County line where a line drawn due south will intersect with the end of the State Route 684;

thence, along a straight line to the confluence of Pannels Creek with the North Fork of the Tye River;
thence, along a straight line to the top of the De Priest Mountain;
thence, along a straight line to the junction of the county lines of Rockbridge, Amherst and Nelson.

Montebello Precinct

Polling Place: ~~Montebello Volunteer Fire and Rescue Building~~ *Department, 119 Fork Mountain Lane, Montebello, VA 24464*

All that portion of the West District as set forth in section 2-27 above lying west and north of the line established for the Roseland Precinct.

Central District:

Nellysford Precinct

Polling place: ~~Tuckahoe Clubhouse~~ *Community Center, 37 Stone Orchard Drive, Nellysford, VA 22958*

All that portion of the Central District as set forth in section 2-27 above lying northwest of a line beginning at a point on the Central District boundary at the intersection of the Massies Mill Magisterial District boundary and the Schuyler Magisterial District boundary and continuing along the Schuyler Magisterial District boundary to its intersection with the stream which feeds the lake on the east side of Gullysville Road/State Route 629;

thence, east along said creek to its intersection with the Rockfish River;

thence, in a northerly direction along the centerline of the Rockfish River to its confluence with an unnamed tributary of the Rockfish River located south of Truslow's Lane/State Route 788.

Faber Precinct:

Polling place: ~~Nelson Rescue Squad Building~~ *Faber Volunteer Fire Department, Station 2, 8301 Irish Road, Faber, VA 22938*

All that portion of the Central District as set forth in section 2-27 above lying southeast of the line established for the Nellysford Precinct.

Central Absentee Voter Precinct:

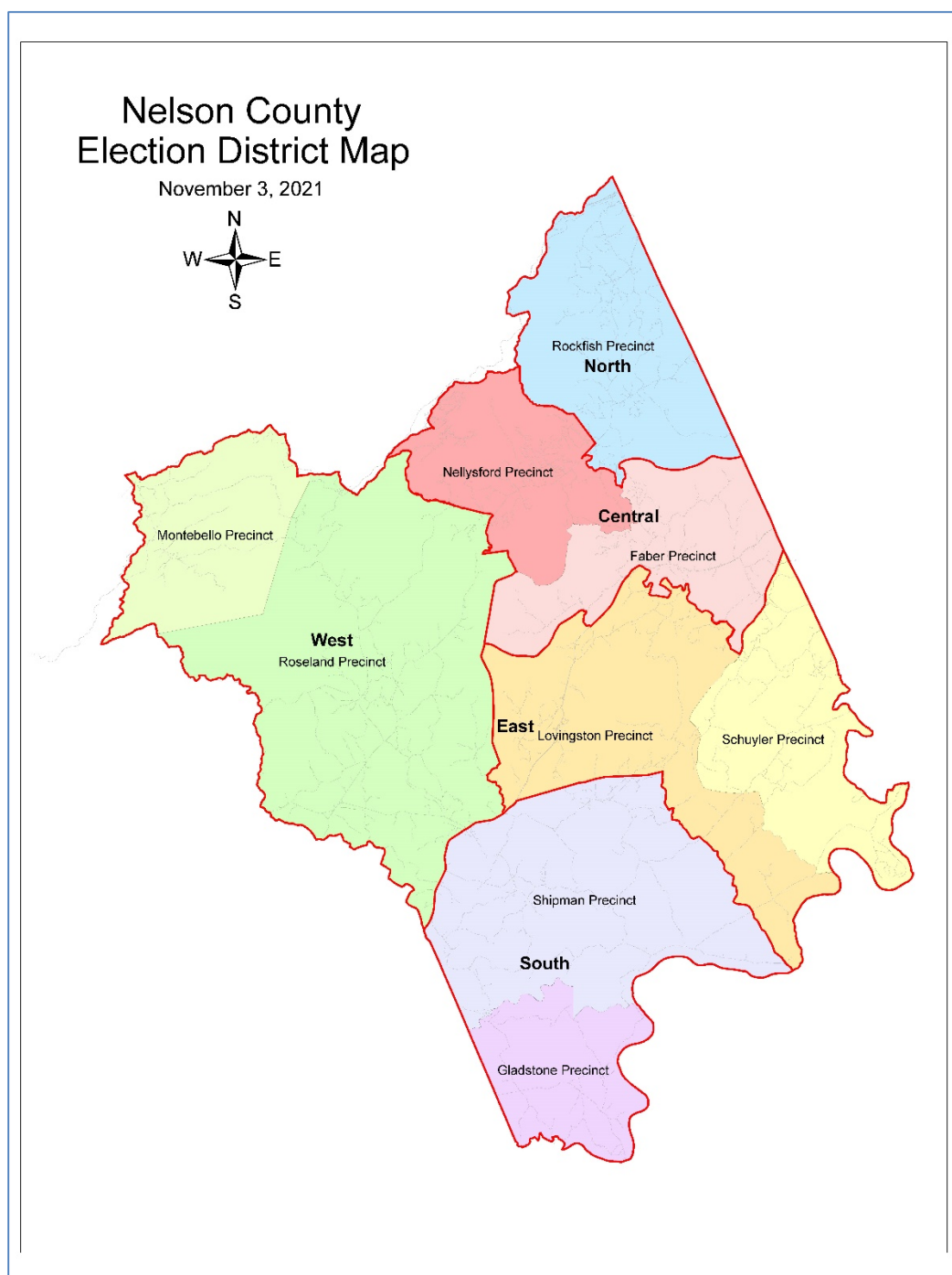
Polling place: Nelson Memorial Library, 8521 Thomas Nelson Highway, Lovingson, VA 22949-0321

(Ord. of 5-17-01; Ord. of 9-10-02; Ord. of 6-8-04; Res. No. R2009-45, 5-28-09; Ord. No. O2010-07, 7-22-10; Ord. No. O2011-02, 4-12-11; Ord. No. O2013-01, 1-8-13; Ord. No. O2013-05, 8-13-13; Ord. No. O2019-01, 4-9-19)

Sec. 2-29. Maps.

The map of the election districts and precincts which follows shall control in those instances where there is a discrepancy between the map and the description in section 2-27 or 2-28 above. The county administrator is directed to prepare enlarged detailed copies of the election map and to provide two (2) of such copies to the registrar.

(Ord. of 5-17-01; Res. No. R2009-45, 5-28-09; Ord. No. O2011-02, 4-12-11)



He reported to the Board that earlier in the week, County staff had initially thought that additional changes would need to be made to the districts based on the state's newly proposed map. He noted that Mr. Rutherford had interceded on the County's behalf with the appropriate people in Richmond and County staff believed that the Board could proceed with the reestablishment of the districts as previously determined.

Mr. Carter explained that they were in a public comment period for the proposed changes, but the Board was able to hold the public hearing that evening during the public comment period. He noted that the Board could not act on the ordinance until the January meeting. He reminded the Board that they were moving about 120 people from the Central District across 29 into the East District.

Mr. Rutherford noted that there were contradictions in how the Supreme Court and Nelson County were looking at the district lines. He reminded the Board that they were dealing with draft state maps that could still change. Mr. Rutherford instructed the Board as a group to proceed with County's adjustments and follow the law. He suggested Ms. Rorrer send a notice to the State regarding the County's proposed changes to the districts, and added that Ms. Britt should do the same. He noted that everything the Supreme Court was working on could still change and the Board needed to move forward.

Mr. Carter noted that the State's drawing was different than County's proposed map. Ms. Rorrer displayed Supreme Court of VA proposed house boundary. Mr. Carter suggested to the Board that they could continue with the proposed changes and if something did change, they could address it in January. Ms. Rorrer reiterated Mr. Rutherford's comment, noting that at present, the state's district maps were drafts and the County adopt the boundary lines as presented and the State would have to conform to the County's lines.

Mr. Reed asked if there was a scenario that would require the County to have another public hearing. Mr. Carter noted that was to be determined.

Mr. Reed then opened public hearing.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Reed ended the discussion noting that no action was to be taken.

C. Amendment to Code of Nelson County, Ordinance 2021-07

Proposed repeal of Ordinance O2021-07, Ordinance Approving the Formation of a Joint Entity to be Known as the Blue Ridge Cigarette Tax Board.

Mr. Carter presented ordinance O2021-11 to repeal O2021-07 which had established the regional cigarette tax board. He indicated that since the Board had disapproved the cigarette tax, the procedure was to repeal the previous ordinance.

Mr. Reed then opened the public hearing.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Parr then moved to approve Ordinance O2021-11, Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following ordinance was adopted:

ORDINANCE 2021-11 NELSON COUNTY BOARD OF SUPERVISORS REPEAL OF ORDINANCE O2021-07

WHEREAS, the Nelson County Board of Supervisors in session on September 14, 2021 enacted Ordinance O2021-07 providing said Board's approval of "The Formation Of A Joint Entity To Be Known As The Blue Ridge Cigarette Tax Board And Bestowing On Such Entity All Powers Necessary And Proper For the Performance Of Its Duties As Provided By Law"; and,

WHEREAS, the approval of Ordinance O2021-07 to provide for the establishment of the Blue Ridge Cigarette Tax Board included authorization for Nelson County's membership in said Board; and,

WHEREAS, subsequent to the enactment of Ordinance 2021-09, the Nelson County Board of Supervisors in session on November 9, 2021 conducted a public hearing to consider the enactment of Ordinance 2021-09, which provided for the "Amendment of the Code of Nelson County, Chapter 11, Taxation" to include Article X1. Cigarette Tax and provisions related thereto; and,

WHEREAS, the Nelson County Board of Supervisors unanimously decided in session on November 9, 2021 not to enact Ordinance 2021-09, the hereinabove referenced amendment of Chapter 11, Taxation of the Code of Nelson to include Article X1. Cigarette Tax instead said Board directed County staff to give the required notice to the Blue Ridge Cigarette Tax Board of Nelson County's withdrawal from said Board and County staff subsequently gave formal notice to the Blue Ridge Cigarette Tax Board of Nelson County's withdrawal from said Board; and,

WHEREAS, in its instructions to County staff on November 9, 2021, the Nelson County Board of Supervisors also directed the advertisement of a public hearing to repeal Ordinance O2021-07 to effectively conclude Nelson County's membership in the Blue Ridge Cigarette Tax Board and said advertisement has been publicized in accordance with the requirements of the Code of VA, including notice of the conduct of the public hearing for said Board's regular meeting on December 14, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Nelson County Board of Supervisors, having complied with all actions necessary and required to repeal Ordinance 2021-07, including the conduct of a public hearing on December 14, 2021, that Ordinance 2021-07 be and hereby is repealed, is null and void.

IV. OTHER BUSINESS (AS PRESENTED)

Mr. Parr asked about updates on the Verizon towers to be located in the West District in Piney River and Roseland. Mr. Carter related that the County staff would check. Mr. Parr thought that one tower had been postponed until the following year but was unsure which tower had been delayed. Mr. Harvey asked for a list of towers to be proposed within the next five years.

V. ADJOURNMENT

At 7:21 p.m., Mr. Rutherford moved to adjourn and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.