



BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR.  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**AGENDA  
NELSON COUNTY BOARD OF SUPERVISORS  
MAY 14, 2024**

**THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE  
GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON**

- I. CALL TO ORDER**
  - A. Moment of Silence
  - B. Pledge of Allegiance
- II. PUBLIC COMMENTS**
- III. CONSENT AGENDA**
  - A. Resolution – R2024-34 Minutes for Approval
  - B. Resolution – R2024-35 Budget Amendment
  - C. Resolution – R2024-36 Opposition to Appalachian Power Company
- IV. PROCLAMATION – MAY IS OLDER AMERICANS MONTH (P2024-02)**
- V. PRESENTATIONS**
  - A. VDOT Report
  - B. Comprehensive Economic Development Plan (CEDS) – TJPDC
  - C. FY23 Audit Report – Robinson, Farmer, Cox Associates
  - D. Nelson Heritage Center Updates – Johnette Burdette
- VI. NEW & UNFINISHED BUSINESS (AS MAY BE PRESENTED)**
  - A. FCCLA National Leadership Conference Funding Request
  - B. Concurrence of Nelson County Broadband Authority Dissolution (R2024-37)
- VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
  - A. Reports
    1. County Administrator’s Report
    2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives
- VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(1) & (A)(3)**
- IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM**

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

**I. CALL TO ORDER**

**II. PUBLIC COMMENTS**

**III. PUBLIC HEARING**

**A. FY25-30 Secondary Six-Year Road Plan (R2024-38)**

The purpose of the public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2025 through 2030 in Nelson County and on the proposed Secondary Road System Improvement Priority List for Fiscal Year 2025.

**IV. APPROVAL OF THE RURAL RUSTIC DESIGN STANDARD FOR FY25-30 NELSON COUNTY SECONDARY ROAD SIX YEAR IMPROVEMENT PLAN (R2024-39)**

**V. OTHER BUSINESS (AS PRESENTED)**

**VI. ADJOURN AND CONTINUE TO JUNE 4, 2024 AT 7 P.M. FOR THE FY25 BUDGET PUBLIC HEARING.**



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**RESOLUTION R2024-34  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(February 13, 2024)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **February 13, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: May 14, 2024

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

February 13, 2024

**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: J. David Parr, West District Supervisor – Chair  
Ernie Q. Reed, Central District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
Jesse N. Rutherford, East District Supervisor  
Dr. Jessica L. Ligon, South District Supervisor  
Candice W. McGarry, County Administrator  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk  
Linda K. Staton, Director of Finance and Human Resources  
Maureen Kelley, Director of Tourism and Economic Development  
Jerry West, Director of Parks and Recreation  
Dylan M. Bishop, Director of Planning and Zoning

**I. CALL TO ORDER**

Mr. Parr called the meeting to order at 2:00 p.m. with five (5) Supervisors present to establish a quorum.

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

**II. PUBLIC COMMENTS**

*Robert Gubisch - Faber, VA*

Mr. Gubisch commented that he had with him, a 400-page report on vaccinations, which he thought was good food for thought. He explained that there was a statement by the person who put the report together to sum up the report. He quoted the statement which read in part, “vaccination is the biggest medical fraud in history.” He noted that he also had a more current report written by a retired Lieutenant Colonel Green Beret, which described the COVID story as a premeditated war on human beings, and stated that the vaccinations distributed to help people, were the contrary. Mr. Gubisch stated that he shared that information so that they would be more educated on things like vaccinations and pandemics, so in the future, they might have more truth to back them up.

*Anjana Gigi Radhakrishnan - Norwood, VA*

Ms. Radhakrishnan commented that in the month and a half since she had moved to Nelson, she had spoken to many people across the County. She reported that she had heard two main issues, the need for economic investment, and an equal need for a workforce to meet those business needs. She noted those problems were not unique to Nelson County. She commented that Nelson County had an opportunity to create a competitive advantage to set themselves apart from the counties in the region and encourage investment. She suggested that Nelson County could develop a reliable workforce that was distinct from those around it, by creating a database of all individuals willing and able to work, the hours they were able to work, their availability during the week, and their skills, along with current their career interests. She noted that would be a commodity that businesses and industries across the country were looking to find. She indicated that there was no other county currently doing that work. Ms. Radhakrishnan proposed that the Board invest in a strategic workforce development plan, which would involve doing an inventory of workforce, including the skills, but also creating a workforce training program for those who were interested in participating. She commented that workforce training would attract businesses outside of the County to invest in the area.



February 13, 2024

She commented that another concern from people across the County that they wanted to maintain the rural and natural beauty of the area. She noted that if they had a commodity like a robust workforce available for industry, they would be able to pick and choose what industries came into the County. She explained that provided power and leverage. Ms. Radhakrishnan provided a proposal with a budget and timeline to develop a localized workforce strategy. She noted that she was most recently an Associate Director for workforce insights and research at the Manufacturing Institute, where she spent a lot of time speaking with manufacturing leaders and workforce members across the country on this issue. She stated that she loved Nelson County and would love to contribute to the community.

*Elwood Waterfield, Nelson County resident*

Mr. Waterfield commented that he was homeless because he was a whistleblower, and a victim of a malicious SLAPP campaign by the County. He noted that he had four (4) things to address. Mr. Waterfield asked the Board to pass a resolution to make the County a bill of rights sanctuary. He asked the Board to bring back Keep Nelson Beautiful, noting it was beyond him as to why they would get rid of it. He then asked the Board to appoint a board of citizens to oversee the actions of the Board of Supervisors and every other department in the County. Mr. Waterfield noted for any media present that he had three (3) very important documents to share. He commented that the world will know what had been done to him. Mr. Waterfield noted that he would return that evening and he would think of the fourth thing that he wanted to bring up to the Board. He did note that there were some heroes in the County: Rev. Rose, Deedee Green, and Lynn Carson. He commented that there were a lot of good people in Nelson County. He stated that the Board was ruining rural character of the County.

*Tish Blackwell – Jefferson Area Board for Aging (JABA)*

Ms. Blackwell spoke on behalf of JABA to thank the Board for another year of support and collaboration. She noted that their partnership made critical services for seniors and adults with disabilities available to everyone. She reported that in Nelson County, 38.2 percent of the population was over the age of 60. She noted that of that population, 10.5 percent were in poverty, and 11.4 percent lived alone. She reported that during fiscal year 2023, JABA served 766 individuals in Nelson County. She explained that some of that support included provided over 5,700 hours of activity to older adults at the Nelson Community Center, and serving over 1,000 nutritious hot meals approved by a registered dietician. She noted that JABA's home delivered meals program distributed over 8,700 meals last year to 45 individuals in the county. She also reported that new staff had come in. She noted that LaRhonda Gray became the new manager of the Nelson Community Center in October. She reported that Ms. Gray had increased the center membership since starting her job at JABA. She noted that Lizzie Lewis was hired as a Health Educator for JABA. Ms. Blackwell reported that Ms. Lewis was a certified CPR trainer and Healthy Steps instructor, noting that Ms. Lewis worked with both groups and individuals to teach them how to live a healthy lifestyle. Ms. Blackwell shared the story of an 86-year-old Nelson County resident, who was the only caregiver for his 81-year-old wife who suffered from multiple sclerosis, a stroke and was confined to a wheelchair. She noted that in the past year, the husband had called EMS 45 times to assist with moving his wife. Ms. Blackwell reported that JABA's aging services coordinator was able to meet with the couple, and determined that the couple had a long term care insurance policy and it was determined that the wife was eligible for up to six (6) months of in home care, or financial assistance for an assisted living facility. She noted that the couple decided to use in home care to help keep the wife at home and the coordinator was also able to sign the couple up for home delivered meals. Ms. Blackwell noted that the husband and wife extremely happy with services provided by JABA. She reiterated JABA's appreciation for the support and partnership of Nelson County. She noted that funding from the County enabled JABA to provide support and programs to the people who live here in Nelson. She indicated that JABA's fiscal year 2025 budget request had been submitted and she appreciated the Board's consideration and support.

**III. CONSENT AGENDA**

Mr. Rutherford moved to adopt the Consent Agenda as presented and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolutions were adopted:

A. Resolution – **R2024-06** Minutes for Approval

**RESOLUTION R2024-06  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(June 29, 2023, August 2, 2023, August 8, 2023, August 23, 2023,  
September 12, 2023 and September 28, 2023)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **June 29, 2023, August 2, 2023, August 8, 2023, August 23, 2023, September 12, 2023 and September 28, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2024-07** Budget Amendment

**RESOLUTION R2024-07  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET  
February 13, 2024**

**I. Transfer of Funds (General Fund Non-Recurring Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 9,416.00	4-100-999000-9905	4-100-021060-7041
\$ 29,250.00	4-100-999000-9905	4-100-013010-1010
\$ 1,109.00	4-100-999000-9905	4-100-013010-2001
\$ 205.00	4-100-999000-9905	4-100-013010-3007
\$ 2,500.00	4-100-999000-9905	4-100-013010-5201
\$ 6,000.00	4-100-999000-9905	4-100-013010-5401
\$ 6,000.00	4-100-999000-9905	4-100-013010-5413
\$ 1,600.00	4-100-999000-9905	4-100-013010-5501
\$ 350.00	4-100-999000-9905	4-100-013010-5503
\$ 5,800.00	4-100-999000-9905	4-100-013020-1002
\$ 444.00	4-100-999000-9905	4-100-013020-2001
\$ 205.00	4-100-999000-9905	4-100-013020-3007
\$ 132.00	4-100-999000-9905	4-100-013020-5201
\$ 200.00	4-100-999000-9905	4-100-013020-5401
<u>\$ 75.00</u>	4-100-999000-9905	4-100-013020-5503

**\$ 63,286.00**

**II. Transfer of Funds (Employee Benefits & Departmental)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 3,372.00	4-100-091030-5616	4-100-011010-2005
<b>\$ 3,372.00</b>		
\$ 16,304.00	4-100-091030-5616	4-100-012010-1001
\$ 1,350.00	4-100-091030-5616	4-100-012010-1002
\$ 1,350.00	4-100-091030-5616	4-100-012010-2001
\$ 1,870.00	4-100-091030-5616	4-100-012010-2002
\$ 16,823.00	4-100-091030-5616	4-100-012010-2005
\$ 218.00	4-100-091030-5616	4-100-012010-2006
\$ 139.00	4-100-091030-5616	4-100-012010-2009
<b>\$ 38,054.00</b>		

DRAFT

**II. Transfer of Funds (Employee Benefits & Departmental)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 13,458.00	4-100-091030-5616	4-100-012090-1001
\$ 2,457.00	4-100-091030-5616	4-100-012090-1003
\$ 1,217.00	4-100-091030-5616	4-100-012090-2001
\$ 1,544.00	4-100-091030-5616	4-100-012090-2002
\$ 1,850.00	4-100-091030-5616	4-100-012090-2005
\$ 180.00	4-100-091030-5616	4-100-012090-2006
\$ 114.00	4-100-091030-5616	4-100-012090-2009
<b>\$ 20,820.00</b>		
\$ 13,872.00	4-100-091030-5616	4-100-012130-1001
\$ 1,061.00	4-100-091030-5616	4-100-012130-2001
\$ 1,591.00	4-100-091030-5616	4-100-012130-2002
\$ 4,008.00	4-100-091030-5616	4-100-012130-2005
\$ 186.00	4-100-091030-5616	4-100-012130-2006
\$ 118.00	4-100-091030-5616	4-100-012130-2009
<b>\$ 20,836.00</b>		
\$ 13,274.00	4-100-091030-5616	4-100-012150-1001
\$ 1,015.00	4-100-091030-5616	4-100-012150-2001
\$ 1,523.00	4-100-091030-5616	4-100-012150-2002
\$ 570.00	4-100-091030-5616	4-100-012150-2005
\$ 178.00	4-100-091030-5616	4-100-012150-2006
\$ 113.00	4-100-091030-5616	4-100-012150-2009
<b>\$ 16,673.00</b>		
\$ 2,509.00	4-100-091030-5616	4-100-012180-1001
\$ 192.00	4-100-012180-2005	4-100-012180-2001
\$ 288.00	4-100-012180-2005	4-100-012180-2002
\$ 34.00	4-100-012180-2005	4-100-012180-2006
\$ 21.00	4-100-012180-2005	4-100-012180-2009
<b>\$ 3,044.00</b>		
\$ 485.00	4-100-013020-1004	4-100-013020-2002
\$ 12,100.00	4-100-013020-1004	4-100-013020-2005
\$ 2,240.00	4-100-091030-5616	4-100-013020-2005
\$ 1,020.00	4-100-013020-1004	4-100-013020-2006
\$ 612.00	4-100-013020-1004	4-100-013020-2009
<b>\$ 16,457.00</b>		
\$ 2,918.00	4-100-091030-5616	4-100-021010-1001
\$ 223.00	4-100-091030-5616	4-100-021010-2001
\$ 912.00	4-100-091030-5616	4-100-021010-2005
\$ 39.00	4-100-091030-5616	4-100-021010-2006
\$ 25.00	4-100-091030-5616	4-100-021010-2009
\$ 335.00	4-100-091030-5616	4-100-021010-2013
<b>\$ 4,452.00</b>		

**II. Transfer of Funds (Employee Benefits & Departmental)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 24,897.00	4-100-091030-5616	4-100-021060-1001
\$ 1,905.00	4-100-091030-5616	4-100-021060-2001
\$ 2,856.00	4-100-091030-5616	4-100-021060-2002
\$ 7,596.00	4-100-091030-5616	4-100-021060-2005
\$ 334.00	4-100-091030-5616	4-100-021060-2006
<u>\$ 212.00</u>	4-100-091030-5616	4-100-021060-2009
<b>\$ 37,800.00</b>		
\$ 78,794.00	4-100-091030-5616	4-100-031020-1001
\$ 8,376.00	4-100-091030-5616	4-100-031020-2001
\$ 12,559.00	4-100-031020-2005	4-100-031020-2002
\$ 1,467.00	4-100-031020-2005	4-100-031020-2006
<u>\$ 931.00</u>	4-100-031020-2005	4-100-031020-2009
<b>\$102,127.00</b>		
\$ 36,000.00	4-100-091030-5616	4-100-032010-1003
<u>\$ 2,500.00</u>	4-100-091030-5616	4-100-032010-2001
<b>\$ 38,500.00</b>		
\$ 5,140.00	4-100-091030-5616	4-100-032030-1001
\$ 393.00	4-100-091030-5616	4-100-032030-2001
\$ 590.00	4-100-091030-5616	4-100-032030-2002
\$ 912.00	4-100-091030-5616	4-100-032030-2005
<u>\$ 69.00</u>	4-100-091030-5616	4-100-032030-2006
<b>\$ 7,104.00</b>		
\$ 822.00	4-100-091030-5616	4-100-035010-2005
<u>\$ 735.00</u>	4-100-091030-5616	4-100-035010-2011
<b>\$ 1,557.00</b>		
\$ 13,374.00	4-100-091030-5616	4-100-042030-1001
\$ 16,526.00	4-100-091030-5616	4-100-042030-1003
\$ 3,155.00	4-100-091030-5616	4-100-042030-2001
\$ 885.00	4-100-091030-5616	4-100-042030-2002
\$ 4,883.00	4-100-091030-5616	4-100-042030-2005
\$ 103.00	4-100-091030-5616	4-100-042030-2006
<u>\$ 66.00</u>	4-100-091030-5616	4-100-042030-2009
<b>\$ 38,992.00</b>		
\$ 32,424.00	4-100-091030-5616	4-100-043020-1001
<u>\$ 2,481.00</u>	4-100-091030-5616	4-100-043020-2001
<b>\$ 34,905.00</b>		
\$ 7,283.00	4-100-091030-5616	4-100-071020-1001
\$ 557.00	4-100-091030-5616	4-100-071020-2001
\$ 835.00	4-100-091030-5616	4-100-071020-2002
\$ 1,656.00	4-100-091030-5616	4-100-071020-2005

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\$ 98.00	4-100-091030-5616	4-100-071020-2006
<u>\$ 62.00</u>	4-100-091030-5616	4-100-071020-2009
<b>\$ 10,491.00</b>		

**II. Transfer of Funds (Employee Benefits & Departmental)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 22,000.00	4-100-091030-5616	4-100-081010-1001
\$ 1,683.00	4-100-091030-5616	4-100-081010-2001
\$ 2,504.00	4-100-091030-5616	4-100-081010-2002
\$ 2,520.00	4-100-091030-5616	4-100-081010-2005
\$ 293.00	4-100-091030-5616	4-100-081010-2006
<u>\$ 186.00</u>	4-100-091030-5616	4-100-081010-2009
<b>\$ 29,186.00</b>		
\$ 9,400.00	4-100-091030-5616	4-100-081020-1001
\$ 8,000.00	4-100-091030-5616	4-100-081020-1003
\$ 1,331.00	4-100-091030-5616	4-100-081020-2001
\$ 1,078.00	4-100-091030-5616	4-100-081020-2002
\$ 1,824.00	4-100-091030-5616	4-100-081020-2005
<u>\$ 126.00</u>	4-100-091030-5616	4-100-081020-2006
<b>\$ 21,759.00</b>		

**\$446,129.00 Total Employee Benefits & Departmental Transfers**

**IV. PRESENTATIONS**

**A. VDOT Report**

Robert Brown of VDOT was present to report the following:

Mr. Brown reported on the new traffic count that had been requested by the Board for 151. He noted that the raw data had been completed, but VDOT had not released it yet. He explained that after the raw data had been completed, VDOT interpreted it to come up with the final report. He noted that the final report would be coming soon.

Mr. Brown also reported that VDOT was conducting a pedestrian study on Route 29, just north of the traffic signal, to determine if any improvements were needed for the pedestrian crossing. He noted that there were currently pedestrian crossing signs in place. He indicated that the traffic engineers were looking at that to determine if additional measures were needed to make that movement safer.

Mr. Brown reported that Route 674 (Jenny's Creek Road) was closed a few weeks earlier due to a failed pipe culvert. He noted they would be purchasing a pipe within the next week. He estimated that it would

take 4 to 8 weeks to fabricate the pipe, and once received, the installation would be complete within a few weeks.

Mr. Brown reported that state forces were cutting the bushes (boom axing) on Route 151 from Bryant to Route 250. He indicated that would make a big difference in sight distance along that highway. He noted that boom axing was also taking place on Route 29 from the Amherst line to the Albemarle line. He reported that inmates from the prison camp in Rustburg had been cutting the median in Nelson.

Mr. Brown noted that a county wide litter pickup was being planned starting April 1st with contractors on Route 29, all primary routes, and some of the major secondary routes.

Mr. Brown reported that VDOT would be participating in Career Day at Nelson County High School on March 28th. He noted that VDOT would set up a booth there to try and hire some Nelson County people for engineering and other positions. He commented that VDOT had attended Career Day last year and it was an enjoyable event.

Mr. Rutherford:

Mr. Rutherford thanked Mr. Brown for the work that had been happening to clean up the ditches.

Mr. Harvey:

Mr. Harvey had no VDOT issues to report.

Mr. Reed:

Mr. Reed thanked Mr. Brown for the report on the 151 traffic count. He asked when the data may be available. Mr. Brown noted that he did not have a date yet, but he hoped it would be within the next two weeks.

Dr. Ligon:

Dr. Ligon had no VDOT issues to report.

Mr. Parr:

Mr. Parr had no VDOT issues to report.

#### B. Comprehensive Safety Action Plan Goals – TJPDC (**R2024-08**)

Curtis Scarpignato, Planner with the Thomas Jefferson Planning District Commission (TJPDC), was present to discuss Comprehensive Safety Action Plan being developed by the TJPDC in partnership with their jurisdictions which included Nelson County. He noted that Sandy Shackelford and Christine Jacobs of the TJPDC were also present. He indicated that his goal was to provide some background information on the Safe Streets and Roads for All (SS4A) Grant Program, and to seek a resolution of support from Nelson County to support efforts to reduce roadway related fatalities and serious injuries.

Mr. Scarpignato explained that SS4A was a grant program that was established with the passage of the Bipartisan Infrastructure Law in 2021 and it provided funding for planning efforts and implementation efforts. He explained that the implementation efforts were basically where they went from construction to

actual activities that would work to reduce deaths and serious injuries on the roads. He noted that the TJPDC had applied for funding for a safety action plan, and they were awarded that funding with support from the County. He explained the importance of developing the safety action plan, noting that by the developing the Comprehensive Safety Action Plan, they would render Nelson County, and the region, eligible to receive funding for implementation projects through SS4A. He commented that it potentially opened a new pot of money for projects in the future. He noted that the process was being managed regionally by the TJPDC, but they wanted the process to be locally driven. He explained that the TJPDC would be working closely with County staff to ensure that the plan was not just a regional plan, but also a local, and hyper-local plan.

Mr. Scarpignato showed a slide with the overall benefits of a Comprehensive Safety Action Plan:

- Comprehensive understanding of crash locations and contributing factors, including identification of systemic or recurring factors
- Considers safety for all users (roadway, bike/ped, transit)
- Multi-faceted strategies to reduce/eliminate roadway fatalities and serious injuries
- Creates a pipeline of identified projects to leverage implementation funding beyond SMART SCALE:
  - SS4A Discretionary Grant Program for implementation
  - Transportation Alternatives Program
  - Revenue Sharing
  - Highway Safety Improvement Program

He noted that the goal was to use the process to identify implementation projects that would improve roadway safety for all types of users. He indicated that could include infrastructure improvements, they would also consider opportunities to improve roadway safety through traffic safety enforcement, education and emergency services. He noted that another major benefit of the planning effort was that it would allow each locality to develop a pipeline of projects that could be implemented through a wide array of funding sources, in addition to SMART SCALE funding.

Mr. Scarpignato explained that one of the required components of a Comprehensive Safety Action Plan, was a leadership commitment to supporting the reduction of deaths and serious injuries on the roads. He noted that the plan was also required to be data driven and it needed to incorporate a robust public engagement process, with special attention to inclusive and representative planning processes. He explained that the TJPDC would use its established transportation programs to provide the ongoing oversight, monitoring, and reporting necessary to meet the grant requirements. He noted that he was present for the leadership commitment component and indicated that they needed a commitment from the Board to support efforts to reduce deaths and serious injuries on the roads in Nelson County. He noted that was one of the requirements of the Comprehensive Safety Action Plan to be eligible to receive implementation funding in the future.

Mr. Scarpignato provided data on roadway related crashes in Nelson County.



<b>NELSON COUNTY</b>			
<b>Year</b>	<b>Serious Injuries</b>	<b>Fatalities</b>	<b>Total</b>
2018	25	8	33
2019	23	4	27
2020	35	5	40
2021	36	10	46
2022	22	5	27
<b>Total</b>	<b>141</b>	<b>32</b>	<b>173</b>

Mr. Scarpignato noted that from 2018 to 2022, there were 173 serious injuries or fatalities on the roads in Nelson County. He explained that the commitment must include a goal and timeline for eliminating those roadway fatalities and serious injuries, which may be accomplished through an ambitious percentage reduction goal by a specific timeline. He recommended that Nelson County adopt the same goal as outline by Virginia’s Strategic Highway Safety Plan, which establishes a goal of reducing roadway fatalities and serious injuries by 50 percent by 2045. He explained that the resolution was not just a commitment to the reduction efforts, but it was also a commitment to Nelson County participating actively in the planning process and prioritizing recommendations identified as part of the planning process.

Mr. Scarpignato asked for the Board’s commitment with the adoption of Resolution R2024-08, which was included in their packet.

Mr. Rutherford noted the 32 fatalities referenced in the data from 2018 to 2022. He asked if they could find out where those fatalities took place in Nelson. Mr. Scarpignato indicated he did not have that information on hand but he could provide it after the meeting. Dr. Ligon noted there may be a map in the Comprehensive Plan with that information.

The Board had no other questions.

Mr. Reed moved to adopt **Resolution R2024-08** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-08**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION OF COMMITMENT TO ROADWAY SAFETY GOALS**

**WHEREAS**, 173 people were killed or seriously injured in crashes that took place in Nelson County from 2018 to 2022 and have lasting impacts on victims, loved ones, and communities at large; and

**WHEREAS**, achieving the goal of providing a safe and secure transportation system in Nelson County will require collaboration among Nelson residents and other jurisdictions, as well as regional, state, and federal

organizations; and

**WHEREAS**, the Bipartisan Infrastructure Law established the Safe Streets and Roads for All (SS4A) discretionary program and funds regional, local, and Tribal initiatives through grants to prevent roadway fatalities and serious injuries; and

**WHEREAS**, Move Safely Blue Ridge—the safety action plan for the Thomas Jefferson Planning District Commission (TJPDC) —will identify and prioritize roadway safety improvements in the region; and

**WHEREAS**, the federal grant received by the TJPDC requires that this safety action plan contain an official public commitment to an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries; and

**WHEREAS**, Nelson County is committed to the Virginia Strategic Highway Safety Plan (SHSP)'s vision of zero deaths and serious injuries and its goal to reduce roadway fatalities and serious injuries by half by 2045;

**NOW, THEREFORE, BE IT RESOLVED**, by the Nelson County Board of Supervisors that the County supports Move Safely Blue Ridge, will actively participate in the planning process, and will prioritize implementation of the recommended safety countermeasures, all with the eventual goal of zero roadway fatalities and serious injuries.

**RESOLVED**, that Nelson County commits to undertake efforts to one day eliminate roadway fatalities and serious injuries; and

**RESOLVED**, that Nelson County commits to undertake efforts to reduce the combined number of roadway fatalities and serious injuries in the County by 50 percent by 2045.

#### C. Nelson County Department of Social Services 2023 Annual Financial Statement

Brad Burdette, Director of Nelson County Department of Social Services, was present to report on the 2023 Annual Financial Statement for Social Services. He noted that the Board had been provided a synopsis of Social Services' program expenditures which have been provided to the citizens in various programs that the Department of Social Services administers. He reported that the largest expense in their budget was reflected in budget lines 849, 851 and 855 (budget lines related to staff, administrative and operational overhead costs). He noted that the total number reflected Virginia Department of Social Services (VDSS) accounting and what was reimbursed to the State and locality in relation to the programs that they had administered. He indicated that VDSS reported about \$1.1 million in staff and operation reimbursable expenditures. He noted that their allocation for fiscal year 2023 (FY23) for budget lines 849, 851 and 855, was about \$1.2 million. He indicated that the variance in the budget was due to low staffing in FY23. He noted that as they on boarded more staff for this year, he anticipated that variance to decrease and give a better picture of their staffing.

Mr. Burdette then discussed the benefit payments to clients. He noted the benefit payments were a mix of federal and state funding. He reported that the only program in that category with a local match was the Auxiliary Grant, which provided payments to seniors and citizens who met the category for assisted living. He noted that budget lines 811, 812, 814 and 817 were the budget lines used to fund Foster Care and Adoptive Services for children currently in Nelson DSS care and custody. He reported that those budget lines reflected payments made for Foster Care maintenance, including the payments made to Foster Care parents, payments to adoptive parents with children that have been approved for adoption subsidy and for

Fostering Futures, which provided payments to foster children over the age of 18 to provide them some financial stability.

Mr. Burdette then explained that budget lines 829 through 898 reflected the goods and services purchased on behalf of clients, which could include paying for a one-time assessment for the client, or purchasing good such as food, clothing, emergency one-time assistance. He shared that the adult population continued to grow in the County. He noted with age, there was a greater need for community based services and community based care, as well as home health and home medical services.

Mr. Burdette discussed the state wide benefit payments and noted the amounts reflected were the amounts that had been spent on citizens. He reported that the Medicaid program spent about \$41 million on Medicaid benefits to citizens in Nelson County. He noted that included payments to doctors, hospitals, community based services for seniors and counseling and other services for children and families. He reported that in the SNAP program, commonly called food stamps, they were able to generate about \$5 million in SNAP benefits. He explained that the SNAP program only allowed for food purchases, so the \$5 million reflected food purchased at the grocery store, convenience store, and local farmers market that accepts EBT benefits.

Mr. Burdette reported that their allocation total in FY23 was almost \$2 million and from that allocation, through federal and state they were able to draw down about \$52 million in total program spending and administrative costs. He noted that translated into real dollars for professionals providing services to the community, staff, businesses providing good and services, citizens who are able to maintain independence in their homes, and families who are thriving with some supportive services.

Mr. Rutherford asked how many kids were currently in foster care. Mr. Burdette reported that there were currently 17 kids in foster care. He indicated that those numbers had been trending down. He noted that COVID had created some roadblocks for adoptions but they had gotten those numbers down. He commented that they had not had a lot of kids in care currently, so that was a good thing.

The Board had no other questions for Mr. Burdette. Mr. Parr commented that as a member of the DSS Board, it had been a pleasure working with Mr. Burdette. He thanked Mr. Burdette for all of his work.

**V. NEW & UNFINISHED BUSINESS**

**A. Project Financing for County and School Projects**

Ms. McGarry reported the following:

**County DSS Office Building and Schools High School Renovation**

The County and Schools are both at the point where we will start to incur significant Architectural and Engineering (AE) costs associated with the schematic designs for these projects - \$1.1 M for County and around \$2 M for Schools. The financing strategy is being presented by Davenport to both Boards at their February meetings (2/8 NCSB and 2/13 BOS), which is to secure temporary financing by a Bond Anticipation Note (BAN) for both entities through a Request for Proposals (RFP) process. The temporary financing is proposed to occur sometime in March/April and would cover the AE costs of the projects until such time as final construction costs are known for a permanent financing. This is the same strategy being utilized for the Regional Jail renovation project. Construction costs are expected to be known around the end of the 2024 calendar year for the DSS building and early in the 2025 calendar year for schools. Davenport will also present

conceptual options to be considered for the permanent financings to cover AE fees and project construction. Paul Jacobson of Sands Anderson, the County's Bond Counsel, is proposing the County adopt reimbursement resolutions, one for each project in an amount just slightly over the anticipated project costs to cover the interim and future long-term financing. He advised that *"Adoption of a reimbursement resolution by the Board of Supervisors is not a commitment to borrow money and is not a commitment to borrow any certain amount. The purpose of a reimbursement resolution is to comply with federal tax regulations to allow reimbursement of certain expenses paid "up front" before the issuance of debt from the proceeds of that debt, once the debt is issued."*

This financing process does involve the Economic Development Authority (EDA) serving as the conduit for the financing in the same way as in the Larkin property purchase. Briefing of the EDA regarding these financing plans will take place on February 26th.

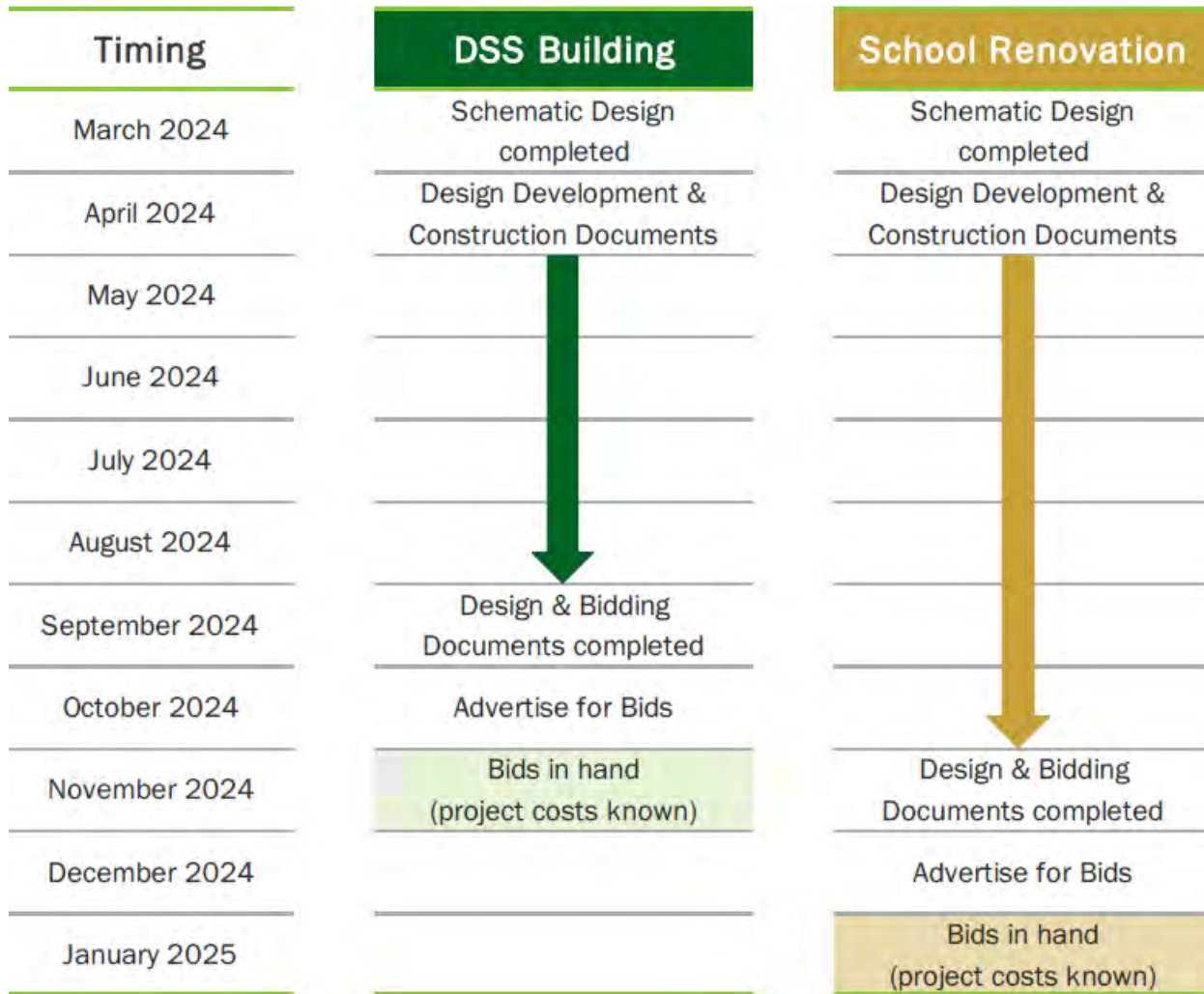
**Recommended Action:**

- (1) If amenable to the plan of finance presented, vote by motion and second to proceed with issuance of an RFP for interim financing in the form of a Bond Anticipation Note; for AE fees associated with the High School renovation and Department of Social Services building projects as presented; and
- (2) Adopt proposed **Resolutions R2024-09** and **R2024-10** as presented; providing for reimbursement of AE fee expenditures incurred in the previous 60 days as part of the anticipated Bond Anticipation Note financing.

Ms. McGarry introduced Ben Wilson of Davenport. Mr. Wilson reported that Davenport had been working on the Debt Capacity/Affordability Analysis for about a year and a half. He explained as part of that, they were looking at the County potentially issuing \$57 million worth of projects. He noted that as part of the \$57 million, they had assumed that the two projects referenced by Ms. McGarry, the DSS building and the High School renovation, were a part of that. Mr. Wilson explained that both projects were at the point of design where they would start incurring costs. He noted that they wanted to speak to the Board to talk through the financing plan. He explained that in the analysis, they had assumed both projects would be funded on a long term basis in a 25 to 30 year repayment, which he noted was very normal for projects of that nature.

Mr. Wilson explained that they were at the point with both projects, where they would start incurring costs over the next several months. He noted that in order to prevent the County from spending the cash they had in the bank, Davenport had come up with a plan to borrow on a short term basis with a bank loan that would only stay out for only as long the as the interim process was going on. He explained that when they went to get the 25 to 30 year financing, they would pay off the shorter term loan.

Mr. Wilson reviewed the anticipated timelines for both projects.



Mr. Wilson noted that the DSS building and High School renovation were both at the point where schematic design was nearly complete. He noted that the design process for the DSS building would be finished by early fall with bids going out in October and hopefully, they would have bids in hand by mid-November, and at that point, they would know the cost of the project. Mr. Wilson indicated that the School Renovation project was on a similar track, but it would take a little longer as it was a bigger project. He noted that they would expect to have bids in hand by next January.

Mr. Wilson explained that Davenport was recommending the interim financing approach because the County was starting to incur costs related to design. He noted that the interim financing would only be outstanding as long as the permanent financing was not in place. He indicated that they should wait until the actual costs of the projects were determined before entering into permanent financing. Mr. Wilson explained that since the short term note would only be for one to two years, it made the most sense to move forward with a bank for that. He noted that like the Larkin property financing, they would go out with a Request for Proposals (RFP) to banks. He indicated that Davenport had a comprehensive distribution list of banks to send the RFP to, which would include local, regional and national banks. He explained that the financing would be structured as a Lease Revenue Bond, issued by the Economic Development Authority (EDA). He noted that the EDA would be acting as a conduit issuer, they would not be making payments on anything, it would come back to the County to make payments. He indicated that the expectation was that a school facility would be used to secure the short term financing. Mr. Wilson noted that the School

Board had been informed of this plan last week at their meeting. He also noted that Davenport was planning to speak to the EDA on February 26th to ensure that they understand process and know what is going on. He indicated that Davenport would send the RFP out to banks with the proposals due around March 22nd. He noted that Davenport would work with staff and Bond Council to review the proposals and develop a recommendation for which bank to move forward with. He reported that Davenport would return to the Board on April 9th so they could make their decision on the bank to finance with. He noted that they would also speak with the EDA and School Board that same week to get their approval as well. Mr. Wilson noted that the School Board would need to approve the use of their school facility as collateral. He anticipated closing on the financing during the last week of April, and the County would then have the funding needed to move forward with the projects.

Dr. Ligon asked how much would be needed for the interim financing. Mr. Wilson noted that the design costs were expected in the \$3 million to \$4 million range. He explained that would be a piece of what the long term financing was going to be. He indicated that reinvestment rates were very favorable and the County would likely be able to reinvest whatever they borrow at pretty much the rate they borrowed it at. He noted that they would just get enough funds for the County to be able to cash flow through when the permanent financing was expected to occur. He indicated that the notes would be paid off when the permanent financing occurred.

Dr. Ligon asked whether the money the County had in reserve was making more percentage wise than the County was going to borrow. Mr. Wilson noted that was his understanding. He indicated that the County would have a tax-exempt financing, so it would be at a lower interest rate than what the County could invest at. He explained that instead of the County putting its money to work on the projects, they could invest those funds. He noted they would draw down the funds all at once, he commented that banks were not fond of the line of credit approach. He explained that the funds would most likely be put into an account at Virginia SNAP (state non-arbitrage program) to earn very favorable rates. He noted that they would be reinvesting the borrowed funds and their funds would also be invested on the General Fund side.

Mr. Reed asked about the \$57 million debt service and whether the borrowed amount would be deducted in the short term. Mr. Wilson noted that the \$3 million to \$4 million financed in the short term would become part of the \$57 million and it would be rolled into the permanent financing once they knew the total costs of the projects. Mr. Reed asked what the total financing would be for both projects (DSS and the High School renovation). Mr. Wilson indicated that it was about \$35 million. He noted that there was a \$2.5 million grant that the Schools had received, so the School renovation borrowing would be a little less than \$25 million. Mr. Wilson noted that the two projects were about \$35 million. He commented that the other projects discussed in the \$57 million capacity were a little vague and had not been defined so they were not at a point to go out and borrow funds for those.

Dr. Ligon asked if there were concerns about the number of banks that would respond, given the commercial real estate situation. Mr. Wilson commented that there were no concerns. He noted that this would be a one to two year loan and the County had very strong finances. He indicated that the fact that the County did have money in the bank would be one of the things lenders would be looking at. He noted that the County also had a fund balance in excess of what would be borrowed.

Mr. Wilson noted there were different options for the permanent financing. He noted that banks did not have much interest in financing 25 to 30 year loans. He noted there were three main options for Permanent Financing:

- The Virginia Resources Authority's (VRA) Pooled Financing Program
- The Virginia Public School Authority (VPSA) Pooled Bond Program

- The Public Issuance of County Public Facility Revenue Bonds

Mr. Wilson estimated that the long term financing would be in the 3.5 to 4 percent range. He noted that they had run VRA for another client recently and they were looking at a 30 year rate estimated at just under 4 percent. Mr. Rutherford noted that the County had recently had some debt service savings when they refinanced. He noted the County could refinance the debt in the future. Mr. Wilson noted that was right. He noted that they were not worried about refinancing the short term financing. He indicated that all three options for the long term financing would allow for refinancing. He noted that they would most likely have a ten year “no call” period on the long term bonds, but once they got past that point, there would still be another 15 to 20 years of debt outstanding that they could refinance.

Mr. Wilson discussed the VRA pooled programs. He noted that the County would enter in a loan through with VRA. He explained that VRA did pooled programs where localities and authorities in Virginia could apply to be a part of the pool and VRA would sell bonds on behalf of everyone to the public market. He noted that the County would get access to the public markets. He pointed out that there were administrative costs that added a little to the interest rate to pay for the costs incurred by VRA. He reported that there were three chances to issue with VRA during the year: May (Spring), August (Summer), and November (Fall). He noted that they had to apply to those pools three (3) months in advance, so the timing could influence the direction they went in. He noted that the Fall pool would price bonds and go out to the markets to see who wanted to buy them in late October. He commented that based on the timing of the DSS project, costs would likely not be known until November. He noted that they would need to discuss timing if it was decided to go with VRA for financing. Mr. Reed noted that VRA did not fund school projects. Mr. Wilson confirmed and noted that choosing VRA or VPSA would require two separate financings. He noted that VRA required collateral for the loan.

Mr. Wilson discussed the VPSA Pooled Bond Program. He noted they had two (2) issuances per year in spring and fall, and they only funded school projects. He explained that VPA allowed the County to issue General Obligation debt, noting that the security was essentially the County’s taxing power. He indicated that VPSA did not fund County projects. Mr. Wilson noted that there was a scenario where it made sense to go through VRA and VPSA.

Mr. Wilson indicated that the County could also consider a County public issuance, which involved going out and getting bond ratings, which even if they did not choose that route, he noted that it may be a good idea to still get a bond rating. He explained that having a bond rating might provide the County more financing opportunities, if they had other projects in the future. He noted that a bond rating could help the regional jail and other regional entities get funding as well. Mr. Wilson explained that with a County Public Issuance, there was a little more work on the front end for groups like Davenport and Bond Counsel, as there was more documentation to be done. He indicated that if the County were to go with VRA or VPSA, the people at VRA or VPSA would be handling the work and the cost would be built into the administration fee. He noted with County Public Issuance, the County would not pay an admin fee and Davenport would assist. He also indicated that there would be more work for County staff to do on the front end to get everything together to be able to do the issuance. He noted that there was plenty of flexibility with the timing of the County Public Issuance.

Mr. Rutherford asked if Davenport would walk the Board through the advantages of one option or the other. Mr. Wilson confirmed that they would. He noted that using VRA and VPSA provided a more streamlined approach for staff and it was something that VRA and VPSA did all the time. He explained that VPSA offered the benefit of being able to use General Obligation and not having to encumber an asset. He confirmed that Davenport’s job as the County’s fiduciary was to help the Board understand the options available and the considerations for each, and then help them proceed in whatever direction they chose.

Mr. Wilson reviewed the next steps in the interim financing process. He noted that Davenport would be working with staff to determine the preferred borrowing amount for the Interim Financing to ensure there was enough coverage until the Permanent Financing was in place. He indicated that Davenport would be ready to distribute the Bank RFP if the Board approved that approach. He noted that Davenport would come back to the Board in April with a recommendation of which way to move forward.

Mr. Wilson noted some other possible next steps, which included potentially implementing financial policies. He explained that it was a best practice in municipal finance to have financial policies in place. He indicated that the County was well managed, but noted that it was good to have policies in writing for future Boards and future staff. He noted that Davenport could work with staff to get those financial policies implemented.

Mr. Wilson indicated that if the Board was interested in obtaining a credit rating for the County, Davenport could work with staff on that. He explained that in obtaining a credit rating, they would meet with the rating agencies to provide a presentation on the County, the County's finances, the County's debt, as well as the County's future plans. He noted that the agencies would then provide an indicative rating to the County, and then the County could review the rating and decide whether to take the rating public and publish it. Mr. Wilson reported that Davenport had run some preliminary numbers and they thought the County would fall within the Aa category in the middle range. He explained that the estimated rating was based on demographics, the economy, the County's finances and debt, and the County's expected plans for debt in the next few years. Mr. Rutherford asked if the rating was based on the assumption that the County would be taking on the \$57 million in debt. Mr. Wilson confirmed that the rating was based on the assumption of the County taking on the added debt.

Mr. Wilson indicated that the presumptive rating was based on S&P because they provided specific ranges for the specific rating. Mr. Wilson noted that a Aa rating was very strong and he indicated that a lot of localities in Virginia were rated Aa. Mr. Wilson confirmed that the rating was assuming the County was issuing \$57 million in debt. Mr. Rutherford asked if the County would be Aaa currently before the debt. Mr. Wilson noted that he could not say for sure, but he would expect a high Aa rating.

The Board had no other questions.

Ms. McGarry reviewed next steps, noting if the Board was amenable to the plan of finance presented, they could authorize by a motion and second to proceed with the issuance of an RFP for interim financing in the form of a Bond Anticipation Note (BAN). She noted they could consider the reimbursement resolutions in a separate action.

Mr. Rutherford made a motion to proceed with the issuance of an RFP for interim financing as presented. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

1. Reimbursement Resolution for County Project (**R2024-09**)

Mr. Rutherford made a motion to approve **Resolution R2024-09** and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION 2024-09**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**DECLARATION OF INTENT TO REIMBURSE THE COUNTY FROM THE**  
**PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN**



February 13, 2024

**EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH A  
COUNTY FACILITIES AND OFFICE BUILDING CAPITAL PROJECT**

**WHEREAS**, the County of Nelson, Virginia (the “**Issuer**”) is a political subdivision organized and existing under the laws of the State of Virginia; and

**WHEREAS**, the Issuer has paid beginning no earlier than 60 days prior to the date of adoption of this resolution, and will pay, on and after the date hereof, certain expenditures (“**Expenditures**”) for the design, acquisition, construction, improvement, expansion, renovation and equipping of a County of Nelson facilities and office building project, further described on Exhibit A attached hereto (the “**Project**”); and

**WHEREAS**, the Board of Supervisors of the Issuer (the “**Board**”) has determined that those moneys previously advanced no earlier than 60 days prior to the date of adoption of this resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt financing (the “**Financing**”).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

Section 1. The Board hereby declares the Issuer’s intent to reimburse the Issuer with the proceeds of the Financing for the Expenditures with respect to the Project made on and after the date referenced above. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Financing expected to be issued for the Project is \$9,850,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer’s use of proceeds of the Financing to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

2. Reimbursement Resolution for School Renovation Project (**R2024-10**)

Mr. Rutherford made a motion to approve **Resolution R2024-10** and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the

February 13, 2024

following resolution was adopted:

**RESOLUTION R2024-10**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**DECLARATION OF INTENT TO REIMBURSE THE COUNTY FROM THE**  
**PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN**  
**EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH A**  
**COUNTY OF NELSON SCHOOL CAPITAL PROJECT**

WHEREAS, the County of Nelson, Virginia (**the “Issuer”**) is a political subdivision organized and existing under the laws of the State of Virginia; and

WHEREAS, the Issuer has paid beginning no earlier than 60 days prior to the date of adoption of this resolution, and will pay, on and after the date hereof, certain expenditures (**“Expenditures”**) for the design, acquisition, construction, improvement, expansion, renovation and equipping of a County of Nelson public school capital project, further described on Exhibit A attached hereto (**the “Project”**); and

WHEREAS, the Board of Supervisors of the Issuer (**the “Board”**) has determined that those moneys previously advanced no earlier than 60 days prior to the date of adoption of this resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt financing (**the “Financing”**).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

Section 1. The Board hereby declares the Issuer’s intent to reimburse the Issuer with the proceeds of the Financing for the Expenditures with respect to the Project made on and after the date referenced above. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Financing expected to be issued for the Project is \$25,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer’s use of proceeds of the Financing to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

B. CHA Proposal for Evaluation of Lovington Water and Wastewater System

Ms. McGarry introduced the CHA Proposal for Evaluation of Lovington Water and Wastewater System. She reported that the via Resolution R2023-54, the Board had authorized the County, in partnership with the Service Authority, to proceed with contracting an engineering firm to evaluate the Lovington water and wastewater systems. She reported that CHA was the contracted engineering firm through the Service Authority's term contract, and they would be presenting their proposal for the work. She noted that the cost of the Phase I proposal was a not to exceed amount of \$25,000 and it was expected to be completed within 60 days of receipt of the required data from the County and Service Authority. Ms. McGarry noted that if the Board was amenable to the proposal, a recommended action would be a motion, second and vote to proceed with the Phase I proposal as presented with funding of not to exceed \$25,000 to be provided to the Service Authority from the Non-Recurring Contingency budget line. She indicated that a subsequent action if approved, would be a transfer of these funds from Non-Recurring Contingency to an appropriate expenditure line of the budget, which would be included in the March FY24 Budget Amendment Resolution.

Ms. McGarry introduced Steven Steele of CHA. Mr. Steele noted he was an eight-year Chairman of the School Board in his county. He expressed his appreciation to the Board for their service to their community and the work they were partnering to do for the Schools.

Mr. Steele explained that the proposed work would be the beginning of a road map for the Service Authority and the County. He noted that it was timely that Davenport was talking about the future financing for the County. He indicated that the proposed study would collect all of the data he needed to put blocks together to see how much each plant count serve currently and when that would reach the 80 percent level, which was when the regulatory agencies would require an expansion of the facility. He noted that he would work with the Planning Department to look at the land use for what may be planned for the property, and what kind of water and sewer demand each of those different types of facilities would require. He then explained that they would see if the existing facilities could handle what may be put on the property, and at what point they would exceed the capacity of those water and sewer systems as they built the property out.

Mr. Steele reported that he would be working with staff to see what timelines they would be considering any investment to infrastructure upgrades, what the options might be, and what the property would be able to handle and how much acreage would be needed for storm water management. Mr. Steele explained that he proposed to do the work hourly, with a not to exceed amount, because he wanted to gain the confidence of the Board and staff, then provide an update on the findings from the initial work, so they could then track what they thought may be the next steps moving forward. He noted that he was not sure if both plants would need significant increases yet, but the first piece would let them know if that was something they would need to endeavor. He indicated that if they did not put stress on those plants that would require them to do anything, then that would be the last time the Board would see him regarding the current subject.

Dr. Ligon asked if the proposal was only demand generated for the Larkin property, not on the whole system through Lovington. Mr. Steele thought they had discussed another location with staff that may be developed that would cause an impact to both plant locations. He noted that they did not want to overlook anything that may impact the two plants in the Colleen area. Ms. McGarry indicated that it was meant to be a system wide study, taking into account the future development demands of the Larkin property and the new Social Services building in Lovington specifically. She noted that they did not know what other development may happen within that system area, but it was meant to look at the entire system over a 30 year period. Dr. Ligon asked if the study would give recommendations if a quantified number of houses were to go in, or something like that. Mr. Steele indicated that it would be a living document. Dr. Ligon asked how often they would circle back and get accurate numbers. Mr. Steele explained that if the baseline

development planning that they came up with and presented to the Board did not include things that the Board thought may be on the 30 year horizon, then CHA would catch that at that point. He noted that the document would be developed in a way that if a property were to come available and the land use plan changed, they would be able to insert those numbers and determine what impact that may have on the plants and how soon they would have to upgrade. Mr. Steele indicated that he wanted to be mindful of the County's Comprehensive Plan and what the County had zoned for different types of development so they were not short sighted. He noted they were really focusing on the Larkin property because it had been lined up to be the next available property for development in that area. Mr. Reed asked whether the study would include Phase 2 of the Callohill property. Ms. McGarry noted that it could.

Ms. McGarry explained that in the Master Planning process of the Larkin property, the Board was interested in determining the feasibility of a water impoundment/ reservoir there along Dillard's Creek, as well as a treatment plant. She noted that they thought the first steps in determining that feasibility would be to examine the current capacities and how that measured up to what was in the plans for the Lovington systems. Dr. Ligon commented that she had heard of projects being stopped because it was going to max out the Service Authority's capacity. Mr. Rutherford asked if Dr. Ligon was referencing the potential development in Lovington. Dr. Ligon confirmed that she was. Mr. Rutherford noted that he thought the information that had been received from the Service Authority was that if the development took place, it would max out the capacity. Dr. Ligon asked what the point of the study was. Mr. Rutherford indicated that the point was to find out where the capacity really was and what the future could look like. Dr. Ligon said it sounded like the study was focusing on Larkin and Social Services. Ms. McGarry noted that those were the known development areas currently that could impact the water capacity. Dr. Ligon said it sounded like they were maxed out. Ms. McGarry explained that the potential Lovington development was a particularly large development for the area and for that system, and the reason it was stopped was because the seller did not want to proceed with a contract for that project. Dr. Ligon noted that the information was put out there that the development would max it out. Ms. McGarry commented that it seemed pretty likely that it would have, but they did not have the analysis that they would have now, to say what things would get them to the 80 percent capacity. She commented that the study would provide much more solid data for the Board to base decisions on.

Dr. Ligon asked if the study would also determine if and when they would max out the capacity, and what to do next. Ms. McGarry and Mr. Steele confirmed that it would. Dr. Ligon asked if the water impoundment would be part of the study. Ms. McGarry noted that a water impoundment would be one of the options explored as means to expand the system capacity. Mr. Steele indicated that he did not plan on using the entire \$25,000 at this point. He noted that he really needed to work with the Planners to determine the land uses planned to calculate the demands on the plants and how it would affect the capacities. He explained that they would review three years of data at the water and wastewater plants to determine the actual amount of water that could be pulled out of that raw water source, what the plants could actually handle currently, and what the County had planned that would utilize those plants. He noted if all of that was under the 80 percent capacity, then they were done. He commented that he was sure that would not be the case, so they would determine when and what types of development would push them to that capacity and how quickly that would happen. He indicated that following that, they could work to determine what it would take to have a detailed cost estimate of what would be done at the plants, and what capital or revenue generation would be needed for either a phase one expansion of the plants to get the next ten years' worth of development planned, or whether a total replacement of the plant would be needed.

Mr. Reed asked for clarification on whether the proposed study would include an engineering study for the possible capacity of the development of a Dillard Creek impoundment, or whether it would signal a preliminary step for the Board to decide whether they wanted to do an engineering study on that. Ms.

McGarry noted that the engineering study would be the phase two study after they got the phase one study back. Dr. Ligon commented that she was hoping for a Dillard Creek impoundment. Ms. McGarry noted that they wanted to be mindful of exploring all of the options, with that being one of the options.

Mr. Reed commented that the cost for what was proposed, was realistic. Mr. Steele commented that the proposal was worked to provide a milestone so that they could determine where to go next. Dr. Ligon noted that she understood, she commented that she just was frustrated with the studies when it seemed for years, people had been saying that a water impoundment was needed, but let's do another study. Mr. Steele noted that with the study, and a subsequent study, they could determine whether an impoundment was actually needed, or just a small upgrade to a plant.

Mr. Rutherford made a motion to approve CHA's Phase I proposal as presented with funding of not to exceed \$25,000. Mr. Harvey seconded the motion. Mr. Reed asked for the timeframe for completion. Ms. McGarry indicated that it would take 60 days from when CHA received all of the required data from County staff and Service Authority staff. She noted that staff would work to get all of the information to CHA in a timely manner. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

Ms. McGarry noted they would include the transfer of funds in the March FY24 budget amendment. She noted that the County and the Service Authority would both be signatories on the proposal. She indicated that the Service Authority would be considering the proposal at their Board meeting later that week.

#### C. Faber Volunteer Fire Department 80/20 Program Truck Order Request (**R2024-11**)

Ms. McGarry reported the following:

Faber Volunteer Fire Department is requesting funding for a new equipped tanker under the County's 80/20 program for fire and EMS vehicles. The request was endorsed by the Emergency Services Council as noted in the provided letter from the Council President. Three quotes were solicited; with only 2 responding, and Fesco Emergency Sales being the lowest proposal at \$414,438, is the preferred vendor. Delivery of the tanker is estimated to be 400-565 calendar days from order, with payment due upon delivery. Due to the lengthy delivery time, the Department is seeking the Board's authorization to place the order and have staff include a funding request of \$331,551 (80% of cost) in the FY25 proposed budget being developed. Funding approval would not be final until adoption of the FY25 budget with this funding included.

Ms. McGarry noted that Faber Volunteer Fire Department's portion was \$82,887. She indicated that typically, fire departments would choose to fund their 20 percent through the Interest Free Loan Fund. She reported that Faber currently did not have any outstanding loans.

Jeff Fletcher, Assistant Chief of the Faber Volunteer Fire Department was present. He commented that if approved the chassis would be ordered for delivery in October. He asked if the Board could approve an early draw of \$119,000, noting that it would actually save \$9,200 off the total cost of the truck. He reported that they were replacing a 1988 tanker, which was costing them more and more in maintenance. He noted that it was time to upgrade for the safety and protection of their service area.

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Mr. Rutherford made a motion to approve **Resolution R2024-11** and Dr. Ligon seconded the motion.

Mr. Parr asked about the \$9,200 savings and when the \$119,000 would be needed. Mr. Fletcher noted it would be needed sometime in the fall, around September/October. Ms. McGarry indicated that would be during the FY25 budget, so that would be fine. Dr. Ligon asked what would happen to the old truck. Mr. Fletcher noted that they may try to sell it.

There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was approved:

**RESOLUTION R2024-11  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF 80/20 TRUCK ORDER REQUEST FOR  
FABER VOLUNTEER FIRE DEPARTMENT**

**BE IT RESOLVED**, that the Nelson County Board of Supervisors hereby authorizes Faber Volunteer Fire Department to place an order for an equipped Anchor-Richey Tanker with Fesco Emergency Sales.

**BE IT FURTHER RESOLVED**, that staff is hereby directed to include a funding request of \$331,511 (80% of the truck cost) in the FY25 proposed budget; with the understanding that final funding approval is pending adoption of the FY25 budget including these funds.

D. Lovington Revitalization (Branding)

Ms. McGarry reported the following:

The Board of Supervisors previously provided funding for a Brand Compass analysis for Lovington; completed through the Central Virginia Small Business Development Center and contracted consultants, the spill team, along with Lovington stakeholders. The results of this work will be presented by Maureen Kelley and includes two branding options for the Board to consider, for use in the cohesive marketing of Lovington going forward.

Ms. McGarry noted that if the Board was amenable to the branding concepts, the recommended action was that they choose one of the presented options for implementation.

Ms. Maureen Kelley explained that the branding was part of the large scale revitalization of Lovington. She noted that they had been working on this process since the early 2000's, starting with the Historic District and then moving through economic restructuring plans and streetscape improvement plans. She reported that they worked with a company called spill team. Ms. Kelley explained that the program of work occurred in November 2023 and included Lovington stakeholders comprised of businesses and residents. She noted at the end of the second day, the convener asked the group what their highlight was. Ms. Kelley shared Sarah Holman's comment which she said she drove through Lovington with new eyes. She explained that using the recommendations, they moved onto the actual brand and brand compass. She noted that the brand compass was the overarching message or voice, that defines who they are, so that they stay true and authentic to their brand.

Ms. Kelley indicated that they shared the information with a graphic designer who has done work for Bold Rock products and other national brands. She noted that spill team came back with three (3) identifiable monikers for Lovington, which resonated throughout the work done to date: art, history and nature.

Ms. Kelley showed System 1:



She explained that branding was an overarching goal that guides and drives all communications. She noted that they did not want to move away or color too far outside the lines.

Ms. Kelley then showed System 2:



She noted that System 2 had more incorporation of historic units. She explained that while they could not mix the two systems, they could incorporate Virginia or 1807. She noted that overall, the two systems were completely different. She explained that following the completion of branding work, they went out and spoke with different groups as well as small focus groups and spill team, which led to the tweaking of both systems. Ms. Kelley reported that she also spoke with the Nelson 29 Craft Beverage Trail producers, the Nelson County Historical Society, Wintergreen marketing team, the Small Business Development Center's marketing group, and small focus groups throughout the community. She noted that they got input from other Nelson communities as well. Ms. Kelley reported that she met with the Lovingston Village Association and the Lovingston Beautification group. She noted that they were there to talk with the Board about moving forward. Dr. Ligon asked Ms. Kelley if she felt if it had been properly circulated and commented on. Ms. Kelley commented that she felt pretty good about it. She estimated over 100 people, not more than 150, had seen the options. Dr. Ligon asked what the feeling from the people had been. Ms. Kelley noted that both systems had their advantages, which was why she was speaking to the Board. She indicated that she was there to ask the Board to choose. Mr. Parr asked which system was the favorite of the Lovingston Village Association. Ms. Kelley indicated that the Lovingston Village Association liked system 1.

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Mr. Rutherford, Mr. Parr and Dr. Ligon indicated that they liked system 1. Mr. Rutherford thanked the stakeholders for their participation.

Ms. Kelley noted that next steps would be to work towards ordering banners. Mr. Rutherford suggested that they could place banners on the telephone poles in Lovingston. Ms. Kelley indicated that she had spoken with AEP, and the pole attachment agreement could be changed for banners.

Mr. Rutherford made a motion to approve C8 (System 1) as the brand for Lovingston. Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the brand below was adopted:



The Board took a brief recess.

Introduction of new reporter

Mr. Parr introduced and welcomed the new reporter for the Nelson County Times, Emily Barber.

E. Fourth of July Event Proposal and Funding Request

Ms. McGarry introduced the Fourth of July event promoter, Kenneth Venter. She noted that Maureen Kelley and Jerry West were also present, along with Jade Bunner of the Lovingston Volunteer Fire Department.

Ms. McGarry reported the following:

County staff have been working with event promoter Mr. Kenneth Venter on a three-day family oriented, agri-centric event proposal called Stars 'n SPURS @ Oak Ridge that would take place July 4-6 2024 at Oak Ridge in Arrington. There would be scheduled events throughout each day as well as continuous activities. A music concert and free fire-works display coordinated by the Lovingston Volunteer Fire Department (pending funding approval) would be held on Thursday, the 4<sup>th</sup>, a Monster Truck show on Friday, the 5<sup>th</sup>, and a professional Rodeo on Saturday the 6<sup>th</sup>. This event is being planned as a Category 2 Temporary Event, for which admission is charged and goods sold for an anticipated 5,000-7,000 people (500 – 9,999 attendees allowed- see County Code Article 24). *Category 2 Temporary Events do not require Board of Supervisors approval but must comply with Article 24 of County Code.*

Funding requests for this event include: **\$10,000** in County Event sponsorship and a not to exceed amount of **\$11,000** to be donated to the Lovingston Volunteer Fire Department for the free fireworks display.



**Recommended Action:** If amenable to the funding requests, vote by motion and second to approve the event funding requests as presented (\$10,000 for the event sponsorship and up to \$11,000 for fireworks) using available Non-Recurring Contingency funds.

**Subsequent Action:** If approved, transfer of these funds from Non-Recurring Contingency to an appropriate expenditure line of the budget would be included in the March FY24 Budget Amendment Resolution.

Mr. Venter introduced Stars & Spurs at Oak Ridge as a family oriented event, noting that the most important thing was getting families together in a fun environment, thus promoting local businesses in Nelson County. He noted that it was a three-day event, that would start on Thursday, July 4<sup>th</sup> with a music concert. He explained that as part of the music concert, starting around 10am, there would be a soundstage with local music artists to be onstage for jam sessions. He noted the soundstage would also happen on Friday and Saturday.

Mr. Venter reported that Friday's big event would be a monster truck show in the evening. He noted that during the day Friday there would be a construction machine competition where the machines would play Jenga. He noted that the local FFA Chapter would have livestock showings on Friday and Saturday, along with 4-H. He reported that he met with Dr. Hester from the School Board and she was happy to assist in involving some of the clubs from the schools. Mr. Venter noted they may have art students displaying their work while also working on their art at the event. He also commented that the color guard from the elementary school may work with the high school marching band to perform during the either the rodeo, or the monster truck show. He indicated that there would be a lot of things happening that focused on family. He reported that there would be food trucks, along with local craft beverages in the beer garden. He noted that there would also be local market stalls. He stated that they wanted to keep the admission prices as low as possible and he noted they were looking at a \$20 per person admission fee.

Mr. Venter indicated that the fireworks display, if approved, would happen at Oak Ridge. He explained that people coming to the event would come in at Gate 1 and Gate 5 where they would pay their admission and enter the event. He noted that they planned to admit people only attending the fireworks at Gate 6 where the Oak Tree is. He reported that food vendors present at that entrance also. He assured that those watching the fireworks and those attending the event would have equal vantage points to view the fireworks that evening.

Mr. Venter also reported that the local Volunteer fire departments would have a firemen's competition during the event. He noted that there would be a children's firefighting program as well.

Mr. Reed asked where the general admissions proceeds would go. Mr. Venter reported that the proceeds would go to the event organizer. Mr. Reed commented that while the event would promote many things in Nelson County, it would be put on privately in hopes that the private company would make money. Mr. Venter noted that yes, in hopes it would, but with an inaugural event, it was doubtful.

Mr. Reed stated that he had a problem with the change of the event for fireworks. Mr. Reed noted the past there had been no charge for the fireworks, and he understood that Mr. Venter was proposing an opportunity for people to see the fireworks without having to pay for it, but it did fall into a promotion of the event at the same time. Mr. Reed expressed concerns about moving the fireworks from something that was truly community focused, to one that was more focused on an event. He noted that he had a conflict in his head on whether that should be approved or not. He commented that the County had been supportive of the fireworks in the past, which he had been supportive of. He noted that it seemed like a \$21,000 investment in an event and fireworks did not have the same community impact.

Mr. Venter noted the would involve the community and create opportunities for small businesses and for the youth. He reported that the rodeo purse would bring riders from across the country to Nelson. He noted that they were focused on family, and indicated that more sponsorships would allow for the ticket prices to be cheaper which meant they would accommodate more families at the event. He explained that the pricing for the food vendors and market vendors was way below the normal market price. Mr. Venter noted they were not looking to make a million dollars and roll in the money. He indicated that they were trying to make it an annual event and get the County out there.

Dr. Ligon commented that she realized it did muddy the waters some. She noted that she did not know there were fireworks last year until the day of. She suggested that with the increased promotion and signage from the event company, it was possible that more of the community would be involved. She was excited that it would be in the South District. She commented that she had spoken with lots of older citizens who remembering fireworks and Nelson County Day being at Oak Ridge. She noted that she understood where Mr. Reed was coming from.

Mr. Venter stated that he was the promoter and he would have a rodeo person contracted. Mr. Parr noted there were lots of logistics involved in these types of events. He asked what Mr. Venter's background was in putting on events. Mr. Venter noted that he had experience planning events in South Africa. Mr. Parr asked who would have logistics like parking cars, particularly with the free fireworks parking areas and the paid attendee parking. Mr. Venter indicated that he was contracting with a security firm that the rodeo used. He noted that the security firm would manage the parking and security. Mr. Parr asked if Mr. Venter had spoken with the local FFA leaders. Mr. Venter noted that he had and they were on board. Mr. Parr asked if any thought had been given in making a donation to a local charity or organization. Mr. Venter indicated that there was a donkey sanctuary that would be part of the event. He explained that they would have an adopt a donkey promotion and donkey cart rides. He noted that there would be specific sponsors each focusing on a specific part of the program. He indicated that he would be soliciting corporate sponsors. Mr. Parr asked if that corporate sponsorship money would have the opportunity to be funneled back into the community, not just into the event organizer's pocket. Mr. Venter indicated that was correct.

Mr. Parr commented that he liked the idea of having something going on, leading up to a fireworks display. He thought it was nice to not have to leave and go somewhere else to see the fireworks. He commented that he liked how the event tied in not as just a community day, but a community weekend.

Mr. Rutherford suggested asking the fire department come up to discuss their funding request for the fireworks. Ms. McGarry explained that they would be separate asks, \$10,000 for the event sponsorship and \$11,000 to the fire department for fireworks.

Dr. Ligon asked Mr. Venter if he felt there would be a profit made in year one. Mr. Venter noted he did not, he noted there were infrastructure needs that were not there. He indicated that there would be a huge expense to get the water and electricity going. He explained they were discussing options to invest in permanent infrastructure on site.

Mr. Reed noted that he was all in favor of Oak Ridge events, and the promotion of the County and bringing people together. He commented that he did not think piggybacking 4th of July fireworks onto a private event was a good plan. He said that he wanted to see them separate because he thought there were many people in the County would not choose to participate in the type of event being presented. He commented that a fireworks event for the 4<sup>th</sup> of July was truly for everybody, but a big event at Oak Ridge was not for everybody. He stated that muddying the waters between a national celebration for the independence of our country and using that as a promotion for the event was a poor plan.

Dr. Ligon asked if money were to be slated for infrastructure for future events, would the \$10,000 be a recurring ask each year. Mr. Venter commented if possible. Dr. Ligon asked Mr. Reed if he would feel better about if the money went towards facility rental, or if he was not in favor of any funding at all. Mr. Reed stated that he did not like the message of the County supporting a private event. Dr. Ligon disagreed with Mr. Reed, noting she was happy about the possibility of kids having fun with firefighters. She noted that this could be a place for families to congregate and enjoy themselves. She commented that that was the point of the Larkin property and the request was a much smaller ask. She noted that they would possibly be able to see how the community engages and enjoys it.

Mr. Venter commented that Nelson County would be promoted in the marketing and advertisement of the event.

Mr. Parr commented that they had all heard from the residents of the County that there were not things for the children to do. He noted that he saw this as an opportunity to kick start something. Mr. Parr stated that he did not think the County needed to assist in funding the event indefinitely, noting that he would like to see the event get up and running and become self-sufficient. He commented that he supported helping to kick start the event. Mr. Parr stated that he did not see it as the County paying a private company for their fireworks display and excluding anyone, rather he thought it provided an opportunity to include more people who would be there doing something with their families. He noted that if someone did not want to pay \$20 to go to the event, there was an additional opportunity to see the fireworks just like everyone else. He commented that he thought it was a great venue for it, and he was excited about the possibility. Mr. Parr agreed with Mr. Rutherford that he wanted to hear from the fire department first.

Ms. Jade Bunner of the Lovington Volunteer Fire Department presented the fire department's request. She reported that for last year's fireworks show, they used Mike Durbin with Virginia Skypainters. She noted that they intended to use Mr. Durbin's services again for the upcoming show. She commented that the fire department felt that Mr. Durbin put on a phenomenal show for those who were there. She agreed that they did not promote the fireworks event enough last year. She noted that the request in May last year did not allow enough time for more advertising. She indicated that they were asking for a maximum allowance of \$11,000, which was to account for inflation. She noted they did not yet have a final cost. She reported that last year's show was about \$9,500. Ms. Bunner noted that they were anticipating some inflation in cost, but they also wanted to add in a few more 6 inch mortars for the show so that it was not the same as last year. She commented that the show would still be 15 to 20 minutes long. She indicated that the fire department was in support of whatever the Board decided, and she noted that the fire department enjoyed putting the show on last year and she thought they were capable of doing so this year. She assured that they would keep things safe, noting that they would have a truck next to the launch and also have trucks available to go into the woods if something were to happen.

Mr. Rutherford commented that in his mind, the fireworks and the event were separate. He noted that some logistics still needed to be worked out related to the fireworks, included the location where they would launch the fireworks. He asked if that had been worked out. Ms. Bunner indicated that the fireworks location had not yet been determined. Mr. Rutherford suggested that the Board could provide the funding for the fireworks so that the fire department could procure the contractor for the fireworks, with the location to be determined. He noted that he was glad they were considering it in February because last year there were a lot of logistics that were unforeseen. Mr. Rutherford noted that he viewed it as two different things, with the fireworks TBD as the launch site has not been confirmed. He explained that when they had originally first tried it, Oak Ridge was the first choice in their minds. He noted that it was not a geographical thing, Oak Ridge was the intended place at that time. He commented that was still a logistic that needed to be overcome. Mr. Rutherford suggested that they make one motion to approve funding for the fireworks with the location to be determined, and a separate motion related to \$10,000 for the event. Dr. Ligon was

fine with splitting the items up in the motions. Mr. Rutherford noted that they would have a few months to finalize the fireworks location. Ms. Bunner indicated that the launch site depended on having permission from Infinity Downs to launch. She explained that the fireworks needed to be a certain distance from any person or vehicle. She noted that if they were planning to use the Gate 6 for the free parking for fireworks attendees, the launch site would shift to behind the racetrack into Infinity Downs.

Mr. Rutherford made a motion to approve funding up to \$11,000 to the Lovingson Volunteer Fire Department for Fourth of July fireworks. Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion, with Mr. Reed voting no.

Mr. Rutherford asked Mr. Venter, if the Board were to approve the request, when the funds would be needed. Mr. Venter noted that the funds would be needed three months prior to event, and they would be used as part of the site rental to Oak Ridge. Mr. Rutherford suggested a reimbursement option. Dr. Ligon asked if the County could pay Oak Ridge as part of the rental payment. Mr. Parr noted the potential concern was that if Mr. Venter was there today and gone the next, what would happen to the \$10,000. Mr. Parr commented that if the event did not happen, and the money was paid directly to Oak Ridge, they knew the money would come back to the County. Dr. Ligon suggested seeing the signed contract with Oak Ridge and then send the money to Oak Ridge. Mr. Rutherford asked if there were any procurement issues to think about. Ms. McGarry noted it would be a sole source type of arrangement for procurement. She indicated that it would be cleaner to do a donation to Oak Ridge, rather than require a reimbursement process.

Dr. Ligon made a motion to pay Oak Ridge the \$10,000, once a signed contract was confirmed between the event organizer and Oak Ridge for the Stars & Spurs event. Mr. Rutherford seconded the motion. Ms. McGarry asked if the Board would be comfortable with staff verifying the signed contract. Dr. Ligon asked for two staff members to verify. The Board was in agreement to having staff verify the contract. There was no further discussion and Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Reed voting no.

Mr. Parr thanked Mr. Venter and Ms. Kelley for their work and noted he was looking forward to the event.

#### F. Sheriff's Department Vehicle Funding Request (R2024-12)

Sheriff Mark Embrey reported that he was present to request additional vehicles for the Sheriff's fleet. He noted that the request was being made independently from any future requests that would be associated with the FY24/25 fiscal budget.

Sheriff Embrey explained that when he took office on January 1, 2024, the Nelson County Sheriff's Office and the County of Nelson presently owned two (2) canine assets. He reported that the department had four (4) total canines, with two (2) of those owned by the County. He explained that the first canine asset was Canine Bane. He reported that Canine Bane's handler vacated the position in December and when that took place, Bane was transferred to the Nelson County Animal Shelter, where he was still currently located. He then noted the second canine asset was Canine Xombie. He explained that Canine Xombie returned to the Sheriff's Office on January 1, 2024 upon the appointment of Deputy Johnson, handler for Canine Xombie. Sheriff Embrey reported that Canine Xombie and Deputy Johnson were assigned to one patrol vehicle that was allotted and dressed out in full canine attire. He noted that the only vehicle equipped with canine equipment was a Chevrolet Tahoe that had about 139,000 miles on it. Sheriff Embrey explained that Canine Bane resided at the Animal Shelter because they were in the process of selecting a second canine handler. He noted that they had two candidates in mind that were working with Bane on a regular basis. He indicated that they hoped to have Bane's handler selected by March 1<sup>st</sup>.

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Sheriff Embrey indicated that the Chevy Tahoe was high mileage and had been experiencing lots of maintenance issues, overheating and transmission issues. He noted it was beyond its lifespan. He indicated that his intention was to purchase two (2) canine vehicles from Amherst County's Sheriff Ayers. Sheriff Embrey explained that Sheriff Ayers had two fully equipped canine patrol vehicles available for purchase, both being 2023 Dodge Durangos. He noted that one Durango had 9,000 miles and the other had 23,000 miles. He reported that he and other staff members had evaluated both vehicles and they were very nice vehicles that would handle the needs of the agency immediately. He noted it was his intention to purchase both vehicles.

Sheriff Embrey explained that there were enough funds in the Sheriff's Office Asset Forfeiture line to purchase one of the vehicles. He reported that the vehicle prices were negotiated and determined based on the Kelly Blue Book value of each as well as the equipment included. He indicated that the costs for each vehicle were \$55,000 (Durango with 23,000 miles) and \$60,000 (Durango with 9,000 miles). Sheriff Embrey noted that his office would use Asset Forfeiture funds to cover the entire cost of the \$55,000 vehicle. He explained that the second vehicle at \$60,000 would be paid for using a combination of funds, which he noted Ms. McGarry would be able to further elaborate on. Sheriff Embrey indicated that the Chevy Tahoe would remain in the fleet. He noted they were hurting for vehicles and stressed the need for more, particularly since the department was nearly fully staffed, and would be fully staffed on March 1<sup>st</sup>. He indicated that the Chevy Tahoe would be utilized as a spare vehicle.

Sheriff Embrey requested \$45,000 for a third patrol unit. He explained that the vehicle would be utilized as an administrative vehicle. He noted that the VSA (Virginia Sheriff's Association) Contract they had previously utilized Sheehy Ford with showed a base price just under \$40,000. He explained that the additional money would be used for a standard emergency blue lights system. He noted that the vehicle would not be outfitted for pursuit. Sheriff Embrey noted that he selected this particular vehicle to save the County money. He further noted that it would be a standard sport utility vehicle with the basic necessities and used solely as administrative. He stressed that the vehicle choice was to save money. He reported that he would be asking for more in FY25 budget to help alleviate the burden that they had with vehicles. Sheriff Embrey explained that he was looking for authorization for purchasing two out of the three vehicles, noting that he was going to purchase one out of Asset Forfeiture Funds. He noted that the addition of the three vehicles would alleviate the current burden until the FY25 budget could be addressed. Sheriff Embrey discussed the four canine assets in his department further. He explained that two of the canines were owned by a deputy appointed by him on January 1<sup>st</sup>, one of the canines being trained for arson/bombs and the other trained for narcotics. He noted that Canines Xombie and Bane were search and narcotics trained, and both owned by the County. He reported that Xombie had performed well in the last month and a half with narcotics seizures. He noted that he planned to put all assets to use and commented that the Asset Forfeiture funds would continue to build based on the amount of arrests moving forward.

Dr. Ligon asked how much it would cost to purchase a new canine unit would cost and how long it would take for delivery of the unit. Sheriff Embrey did not have current pricing for vehicles. Ms. McGarry estimated that it would probably take a year to get a new vehicle and then have it equipped. She commented that the supply chain issues seemed to be getting a little better for new vehicles. She noted in the last fiscal year, the County waited two years to receive two Maintenance trucks, which was similar to Sheriff's vehicles as well. Ms. McGarry indicated that dealerships were starting to get more stock on the lot, so vehicles were a little easier to get. She noted that these particular vehicles were specialized vehicles with specialized equipment so they would probably take longer than a regular vehicle to get. Sheriff Embrey reiterated that the need was immediate. He noted that Canine Bane was being cared for by Animal Control and the two handler candidates were getting him out for exercise, but he really wanted to get him assigned to a handler as soon as possible.

Ms. McGarry reviewed the following information:

The vehicles are proposed to be funded as follows and **require additional local funding from the sale of salvage vehicles of \$30,864 and budgeted Non-Recurring Contingency of \$30,990:**

**Vehicle Costs:** \$55,000 K-9 Unit (23,000 miles)  
\$60,000 K-9 Unit (9,000 miles)  
\$45,000 Patrol Unit  
Total: \$160,000

**Proposed Vehicle Funding:** \$55,000 Budgeted FY24 Sheriff's Dept. Asset Forfeiture Funds  
\$43,146 Balance of FY24 Budgeted Sheriff's Vehicle Funding  
\$30,864 Appropriated from FY24 Salvage Vehicle Sales  
\$30,990 Transferred from Non-Recurring Contingency  
Total: \$160,000

Staff has prepared Resolution **R2024-12** Amendment of FY24 Budget which would provide immediate funding availability for the proposed vehicle purchases. *\$55,000 for 1 K-9 Unit will be charged directly to the FY24 budgeted Sheriff's Department Asset forfeiture expenditure line and does not require Board approval.*

**Recommended Action:**

- (1) If amenable to the request, vote by motion and second to approve the Sheriff's funding request for vehicles as presented; and
- (2) Adopt Resolution **R2024-12** Amendment of Fiscal Year 2023-2024 Budget to provide immediate funding. **R2024-12** amends the FY24 budget to appropriate unbudgeted funds of \$30,864 in salvage vehicle sale revenue to the Sheriff's Vehicle funding account line of the budget and transfer of \$30,990 in Non-Recurring Contingency funds to the Sheriff's Vehicle funding account line of the budget; providing total additional funds in the Sheriff's Vehicle funding account line of \$61,854 and providing a new total balance available of \$105,000.

Mr. Parr commented that he almost wished he did not know that Officer Bane had been in lock up since December. He noted that it hurt his heart. Ms. McGarry commented that they all had heartburn over it, but there was really no other option at the time. Mr. Parr commented that he was confident that Officer Wright and his staff were taking care of him, but it was heartbreaking to have a dog trained to do that type of work and have it just sit there. Ms. McGarry noted that Sheriff Embrey's officers had been out there working with Bane frequently.

Mr. Reed asked how the proposed vehicle funding affected the balance that would be remaining in the asset forfeiture fund and salvaged vehicle funds. Ms. McGarry estimated that there would be about \$45,000 to \$47,000 in the Sheriff's Asset Forfeiture line after using the \$55,000. She noted that once the vehicle purchases were made, there would be a \$0 balance in the budgeted Sheriff's Vehicle Funding. She reported that all of the Salvaged Vehicle funding (\$30,864) would be used. She indicated that she could provide an update on the Non-Recurring contingency once the Board had made all of its decisions for the day. Mr. Reed commented that there was enough funding in Asset Forfeiture Funding to cover the entire funding instead of transferring from Contingency balance. Ms. McGarry confirmed that there was enough funding

in Asset Forfeiture. Dr. Ligon asked what else the Asset Forfeiture funding would be used on. Sheriff Embrey noted it was more of a rainy day fund for unknown expenses that may come up.

Dr. Ligon asked what the ideal mileage limit was for police vehicles before retirement. Sheriff noted 100,000 miles. She pointed out that they had about 12 vehicles beyond that maximum mileage. Sheriff Embrey explained that their staffing included 27 sworn patrol deputies to be fully staffed. He reported that they were currently at 24 deputies. He noted that they were going to appoint two more officers as investigators, one general investigator and one narcotics investigator, which would bring them to 26 deputies. Sheriff Embrey indicated that they did not know what vehicles they would put those people in. He commented that was a good problem to have and a terrible problem to have, noting they had great people but they had equipment issues that would take time and money to get caught up.

Dr. Ligon asked if any vehicles were on order. Sheriff Embrey explained that they currently had three (3) vehicles in possession that had been purchased in the FY23 budget but were not yet outfitted. He noted that the equipment had been purchased and they were working to try and get an installation date scheduled. He explained that the new vehicle he was requesting as an administrative vehicle would become his vehicle, and the pursuit rated vehicle would go to a patrol deputy. Dr. Ligon asked what it would take to make the administrative vehicle pursuit rated. Sheriff Embrey noted it was the type of chassis and more money. Dr. Ligon asked why they would purchase an administrative vehicle when they had other needs. Sheriff Embrey explained that that it was to save money and he did not need a pursuit rated vehicle. Mr. Reed suggested that it would make more sense for Sheriff Embrey to use funds from Asset Forfeiture to cover the purchase. Ms. McGarry confirmed that \$47,812 would be left in the budget for Asset Forfeiture. Dr. Ligon noted she saw a need for 9 more vehicles very soon. Sheriff Embrey indicated that he did not request that many in the budget request.

Dr. Ligon asked how long it would take to generate Asset Forfeiture funds. Sheriff Embrey explained that it went through the legal process and sometimes it could take years to get through the process.

Mr. Rutherford made a motion to approve the Sheriff's vehicle funding request as presented. Dr. Ligon seconded the motion.

Mr. Reed offered an amendment that instead of taking the \$30,990 from the Non-Recurring County contingency, they use the Sheriff's Asset forfeiture funds. Mr. Rutherford noted that the County did not have the authority to touch the Asset Forfeiture money. Ms. McGarry indicated that the Sheriff would need to be agreeable to use his Asset Forfeiture funds for the purpose. The original motion remained in place.

Dr. Ligon commented that she felt with the increased policing the County had, and a new Sheriff, hopefully they would have more funds coming in. She suggested that they support the Sheriff and his needs.

There being no further discussion, Supervisors vote (4-1) to approve the motion with Mr. Reed voting no.

Mr. Parr noted that the Board needed to adopted Resolution R2024-12, Amendment of Fiscal Year 2023-2024, to provide immediate funding for the funding request just approved.

Mr. Rutherford made a motion to adopt **Resolution R2024-12** as presented and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion (4-1) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-12**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET**

February 13, 2024

February 13, 2024

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$30,864.00	3-100-001502-0005	4-100-091050-7078
<b>\$30,864.00</b>		

**II. Transfer of Funds (Non-Recurring Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$30,990.00	4-100-999000-9905	4-100-091050-7078
<b>\$30,990.00</b>		

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

A. Reports

1. County Administrator's Report

Ms. McGarry provided an update on the balance of the Non-Recurring Contingency after the funding approvals from the meeting. She reported that they started with \$228,280 after the day's budget amendment and after the five (5) funding approvals, they had \$151,290 in Non-Recurring Contingency. She noted that they still had \$500,000 in Recurring Contingency.

Ms. McGarry provided the following report:

- A. Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). The Planning Commission held its public hearing on January 31<sup>st</sup> and now they will review comments and make a recommendation on the Plan to the Board of Supervisors at their regular meeting on February 28<sup>th</sup>. The Board of Supervisors will then review the Planning Commission's recommendation at their regular meeting on March 12<sup>th</sup>, prior to their public hearing on March 20<sup>th</sup>. Final adoption of the Plan is not scheduled until at least the Board's regular meeting on April 9, 2024.
- B. DSS Building:** The work group met with PMA staff on January 16<sup>th</sup> and participated in exercises geared toward identifying preliminary building interior and exterior design and general layout functionality preferences. The next work group meeting on February 15<sup>th</sup> will entail review of a preliminary building plan and concept, followed by site design and engineering concepts review in March; culminating with a presentation of a proposed schematic design and budget to the Board at the April 9<sup>th</sup> regular meeting. The next phase will entail working on building interior and exterior design and furniture.
- C. FY24-25 Budget - Schools and General Assembly Action:** The School Division has prepared their budget based upon the Governor's introduced biennium budget; incorporating a higher Local Composite Index of .6645, up from .5888 and expected student enrollment of 1,430. The current proposed budget shortfall is considered worst case at approximately \$2.4 M and a School Board public hearing on this budget was held on February 8<sup>th</sup>. Draft budget documents have been provided to the Board by email.



The Governor's budget is considered a worst case scenario and does not include any Grocery or Re-benchmarking Hold Harmless funds or All-in Per Pupil funding, which may be restored in proposed Senate and House budget bills, currently being developed. Should these items be included in the final State budget; State funding to localities would increase, which would lessen the local impact of the Governor's budget; partially reducing the shortfall amount. In FY23-24 these items totaled \$943,015.

Key Upcoming School Division Budget Calendar Dates:

- **February 22<sup>nd</sup>:** Budget Work Session
- **March 14<sup>th</sup>:** Approval of the 2024-2025 School Budget
- **March 18<sup>th</sup>:** Approved and Requested 2024-2025 Budget Presented to Board of Supervisors

Key Upcoming General Assembly Dates:

- **February 13<sup>th</sup>:** "Crossover", deadline for the House and Senate to each complete work on legislation originating in that Chamber (except for budget bills)
- **February 18<sup>th</sup>:** "Budget Sunday", deadline for the "money committees" to report their respective budgets by midnight.
- **February 22<sup>nd</sup>:** Deadline for House and Senate to each complete consideration of their budget bills.
- **February 28<sup>th</sup>:** Deadline for House and Senate to each complete consideration of the other chamber's budget bill and revenue bills.
- **March 4<sup>th</sup>:** Deadline for committee consideration of legislation, by midnight.
- **March 9<sup>th</sup>:** Scheduled General Assembly adjournment.
- **April 17<sup>th</sup>:** Reconvened General Assembly session for consideration of Governor's amendments and vetoes.

Ms. McGarry indicated that County staff was working towards a budget introduction of the General Fund budget at the Board's regular meeting in March.

**D. Route 151 Corridor Study Update:** VDOT's online public survey on the updated plan concluded on January 2, 2024 and the results document has been posted on the County's website under News and Announcements. Rick Youngblood is scheduled to report to the Board at the March 12<sup>th</sup> Board Meeting with the goal of getting the Board's input on projects for the next round of Smart Scale pre-applications. Next steps include refining project alternatives, selecting project(s) to advance for Smart Scale applications, producing detailed concept sketches and estimates and finalizing the study report.

**E. Route 151 Through Truck Restriction:** Staff is working on getting the required information together for the Board's consideration of authorizing a public hearing on a Route 151 through truck restriction. Some questions regarding the process have been submitted to VDOT; specifically, I have asked if the Board can request that VDOT perform an assessment of Route 151 for the through truck restriction prior to holding a public hearing on the matter. I have also asked if the beginning termini of the route to be restricted can start at the intersection of Route 250 and Route 151 in Albemarle County or if it has to begin and end in Nelson County. I am awaiting their guidance on this before I can establish the proposed beginning and ending termini of the route to be restricted, which is a requirement for the public hearing notices.

- F. Regional Jail Renovation Update:** The project webpage is <https://www.acrj.org/renovationproject>. ACRJ and Mosely Architects have been conducting public forums throughout January/February to get input on three incremental levels of renovation of the facility. Three forums are being held in Charlottesville with virtual attendance options and one was held in Nelson at the Nelson Center on February 7<sup>th</sup>. The Regional Jail Board will consider this input and come to a decision on the preferred option to proceed with at their March 14<sup>th</sup> meeting. The following is the current project schedule:
- Schematic Design (March – May 2024)
  - Design Development (May – August 2024)
  - Construction Documents Developed (September – December 2024)
  - Building Permit Review (December –January 2025)
  - Bidding and Award (January – April 2025)
  - NTP and Construction (April –July 2026)
- G. 24-Hour Library Kiosk in Nellysford:** Library staff advised that the 24-hour library kiosk to be located in Nellysford has been delivered. Library staff are working with the vendor on configuration and testing with a ribbon cutting ceremony to be scheduled in the coming weeks.
- H. Line of Duty Act Bill Update:** Senate Bill 466, which would make changes to the Line of Duty Act (LODA) to permit officers employed by private police departments, such as Wintergreen, to access the benefits available under LODA, was unanimously approved in committee and will head to the Senate floor. The bill will include an amendment that likely will stipulate that the new participating employers under the bill will cover the costs of an anticipated \$35,000 fiscal impact for implementation. A House subcommittee early in the session defeated an identical measure, HB 232 in part due to concerns about the fiscal impact. Thank you to Supervisors Rutherford and Parr for their tenacious work on this legislation!
- I. Hat and Black Creek Community Engagement Meetings:** The meeting on January 10<sup>th</sup> regarding the water quality study of Hat and Black Creek, centered around discussion of reducing the phosphorus levels in Black Creek. Participants discussed the sources of the phosphorous, addressing sewage treatment plant phosphorus loads, shifting from a Total Maximum Daily Load (TMDL) to a Watershed Plan alternative, phosphorus reduction scenarios, implementation timelines, funding discussion, selection of a reduction scenario and next steps. The work group chose to focus on a uniform reduction from all of the different sources and move forward with development of a Watershed Plan. A summary document of the meeting is available upon request. The next meeting is scheduled for **February 27, 2024 from 3:00 – 4:30 pm at the Nelson Memorial Library (8521 Thomas Nelson Hwy, Lovingson, VA)**. In the event of inclement weather, the meeting will be held on March 4<sup>th</sup> at the same time and location.
- J. Piney River Solar, LLC Special Exception 2023-369 – Amherst County: NO CHANGE** This matter has been further deferred until February 20<sup>th</sup>.
- K. Savion/Wild Rose Solar Community Meeting:** Savion/Wild Rose Solar is conducting a community meeting in Gladstone at the Gladstone Fire and Rescue Squad building from 5-7pm on February 27<sup>th</sup>, to discuss and answer questions about their proposed project intended to be sited in the area.
- L. Staff Reports:** Department and office reports for January/February have been provided.

## 2. Board Reports

### Mr. Rutherford:

Mr. Rutherford reported that he attended the TJPDC meeting, and noted there was not much on the agenda. He indicated that Sandy Shackelford would be departing soon. Mr. Reed noted she would be working for VDOT. Mr. Rutherford discussed Line of Duty Benefits (LODA) work, noting it had taken a lot of his time. He thanked Senator Deeds and Senator Obenshain for acting as patrons for the bill. He reported that it passed in the Senate and would go back to the original House subcommittee on Public Safety where the bill failed. He explained that on the House side, they had omitted further fiscal impacts. He noted that private police departments had volunteered to figure out those costs amongst themselves. Mr. Rutherford asked people to advocate and email their representatives. He reported that he attended the Chairman's retreat but noted he had to leave early on Saturday when they had a speaker who did a great job. He noted it was good to have Ms. Ligon join them.

### Mr. Harvey:

Mr. Harvey had nothing to report.

### Mr. Reed:

Mr. Reed reported that he had met with Christine Jacobs at TJPDC, noting that she used to run a land bank. He indicated they had discussed if, how and why a land bank might be something that the County would be interested in. He noted that they had only had preliminary discussions so far. He indicated that he was happy to get together and discuss it with anyone interested.

Dr. Ligon asked where they could learn about land banks. Mr. Reed commented that he could send some links online that they could look at. Mr. Reed and Mr. Rutherford suggested that Keith Smith was a good resource. Mr. Rutherford also suggested that Christine Jacobs would be a good person to talk with. Mr. Reed noted that Ms. Jacobs had provided a few suggested people to speak with. Ms. McGarry noted that staff could certainly schedule for any of those people to provide a presentation to the Board. Mr. Reed suggested that they see what the intentions are in the community before they schedule anything.

### Dr. Ligon:

Dr. Ligon had nothing to report.

### Mr. Parr:

Mr. Parr noted that EMS council did not meet. He echoed Mr. Rutherford's comments on the Board session attended. He noted that the Saturday speaker was fantastic.

## B. Appointments

Ms. Spivey noted that they were advertising for the MACAA Board of Directors as Mr. Sandquist did not wish to serve another term. She noted it had been advertised online and in the newspaper. She asked that the Board send any interested persons to staff.

Ms. Spivey reported that they currently had a vacancy on the Economic Development Authority (EDA).

She noted that staff had been notified that Natt Hall had passed away in the fall, and they were not notified until the last few weeks.

C. Correspondence

Mr. Rutherford reported that he had a lot of interactions not with solar entities, but with those referencing the change in legislation that was happening in the House. He noted that he was not aware of the status of the bill. He indicated that the County needed to continue to monitor it. He noted concerns with the possibility of having local discretion removed and the impacts from that.

D. Directives

The Board had no directives.

**VII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM**

At 5:12 p.m., Mr. Rutherford made a motion to adjourn and reconvene at 7:00 P.M. and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

**I. CALL TO ORDER**

Mr. Parr called the meeting back to order at 7 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey absent.

**II. PUBLIC COMMENTS**

*David White - Roseland, VA*

Mr. White noted that Mr. Bell wished to give him his time, so he would speak for 5 minutes and Mr. Bell would not be speaking if that was okay. Mr. Parr indicated that they would make that work. Mr. White stated that he was born in New Jersey and at age 12, his family started going to Massachusetts for summer vacation. He noted that about halfway there, they would stop the car and have to clean the windshield of bugs. He stated that last July, they drove by car to Central Minnesota for a family funeral. He noted that they drove 2,500 miles there and back, and not one bug hit the windshield. He commented that over the last 60 years or so, there had been a disappearance of flying insects and crawling insects. He noted that scientists who were aware, were putting it out that there was a problem but they were not telling why. Mr. White commented that after World War III, the United States government started weather modification, climate engineering, solar radiation management, and stratospheric aerosol injection. He then commented that they were spraying the atmosphere with aluminum and other nano particles that are so tiny, they do not come under government regulations. He noted that in May 1978, the United States Senate Committee on Commerce, Science and Transportation did a nearly 800 page report where at the beginning of Chapter 5, they said the federal government has been involved for over 30 years in a number of aspects of weather modification. He noted he had provided the Board with folders that included the information and they could take time to review it at home. He commented that the report went on to say that Defense Department

aircraft worked weather patterns in the Mid-Atlantic area. He stated that they admitted that the United States was doing this and noted that the report discussed damages in in the mid-Atlantic region. He commented that the subject had been covered up for almost a half century. He stated that a growing number of people were concerned that our climate is being devastated by this activity. He noted that he did an aluminum sample in a lab, and there was a lot of aluminum the sky in this County. He stated that the lab would not allow him to tell everyone how much.

Mr. Bell – Mr. Parr noted that Mr. Bell had deferred his time to Mr. White. Mr. Bell confirmed.

*Elwood Waterfield - Nelson County resident*

Mr. Waterfield stated that he was homeless because the County stole his land from him, to silence him about the corruption in the County. He noted he was back to bring up the fourth item that he had forgotten earlier. He asked the Board to do the following: pass a resolution to make Nelson County a bill of rights sanctuary; appoint an oversight board for the Sheriff and for the Board; bring back Keep Nelson Beautiful, in addition to public comments at the beginning of the meetings, add a public comments section at the end of the meeting. He commented that he filed an anti-SLAPP motion 8 months ago and every one of the Board should be in jail. He stated that by law, the anti-SLAPP motion was supposed to be heard in court within one month of filing.

### III. PUBLIC HEARINGS

#### A. Special Use Permit #1044 – Campground

Consideration of a Special Use Permit application requesting County approval to allow a Campground (two sites) on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #41-A-31 in Tyro. The subject property is 0.828 acres and is owned by John H. Jr. and Roberta Fitzgerald.

Ms. Bishop presented the following:

**BACKGROUND:** This is a request for a special use permit for a campground use on property zoned A-1 Agriculture.

*Public Hearings Scheduled:* P/C – October 25; Board – February 13

*Location / Election District:* Crabtree Falls Hwy / West District

*Tax Map Number(s) / Total Acreage:* 41-A-31 / 0.828 +/- total

*Applicant/Owner Contact Information:* John H. Jr. and Roberta Fitzgerald, 266 Big Rock Road, Tyro, VA 22976, 434-277-8044, thinpine@aol.com / rhfitz9701@aol.com

*Comments:* This property is currently vacant and located within the Regulatory Floodway. The owners currently use the lot for tent camping and fishing, and are proposing to rent out two portable tiny homes on wheels for short-term lodging. Section 10-13(D)2 of the Floodplain Ordinance allows public and private recreational uses and activities in the Floodway. The applicants received a special use permit (#764) on December 13, 2022 for two sites on the adjoining parcel that remains active.

#### **DISCUSSION:**

*Land Use / Floodplain:* This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. The property is entirely located within the Floodway.

*Access / Traffic / Parking:* The property is accessed by an existing entrance on Crabtree Falls Hwy. VDOT comments indicate they have no concerns, and that the entrance would align with a low volume or moderate volume commercial entrance.

*Utilities:* The applicant has existing electric service to the property and existing septic permitted by VDH. The Health Department has no additional comments or concerns.

*Comprehensive Plan:* This property is located in an area designated Rural and Farming in the current Comprehensive Plan, which would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. It would permit small scale industrial and service uses that complement agriculture and protection of usable farmland shall be encouraged.

*Recommendation:* At their meeting on October 25, 2023, the Planning Commission voted (4-1) to recommend approval of SUP #1044 for a campground with the following conditions:

1. There shall be no more than 2 sites, and the 2 units shall be provided by the property owner.
2. The sites shall be serviced by adequate water and septic facilities to be occupied.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Applicants J.H. Fitzgerald and Roberta Fitzgerald were present but did not have anything to add.

Mr. Parr opened public hearing.

*Jeri Lloyd – Afton, VA*

Ms. Lloyd commented that she knew the Planning Commission had recommended approval, but she still thought it was a bad idea. She noted that there were already two units in that area. She asked why they continued putting those tiny campgrounds on tiny pieces of land. She commented that at one point, she thought the individual said it would help with housing. She noted that it did nothing for housing in Nelson County. She indicated that she could not personally put a mobile home on 0.828 acres because it was not allowed, but they were wanting to put two campsites that were mobile in a floodplain. Ms. Lloyd noted that would make four sites in a very small area. She commented that she hoped the Board did not approve

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it because it was just one after the other, and it was getting very frustrating to see what was happening to Nelson County through Special Use Permits.

There were no others wishing to speak and the public hearing was closed.

Dr. Ligon commented that she had been pleased over the last year or so, watching the use of the two tiny home sites that were located there, and how clean it has stayed. She noted that there were plenty of things that had happened along Route 56 to Montebello that made her cringe, and this was not one of them. She thanked the applicants for keeping that area clean and for representing Nelson County the way that they had.

Mr. Reed commented that it was a little more problematic than it would normally be, because not long ago, the same party came before the Board for two sites that were approved. He commented that if the applicants had come before the Board then with an application for two sites on one parcel, and then two sites on another, he would not have thought very positively about it, because that concentration seemed to be a little much, given the range of SUP's while they were waiting for a new Comprehensive Plan. He noted that he was surprised that there had not been significant discussion on it from the public, given the questions in his mind. He commented that he had hoped to make up his mind based on the Public Comments, but there was only one and it was not positive. He indicated that he wanted to see what the rest of the Board thought.

Mr. Rutherford noted that he did visit the site. He commented that he appreciated that the applicant had asked to do two previously and had a good proof of product. He noted that he thought it was a good benefit to that part of the community and created some income for some individuals. He commented that he did not see it as being a major hamper. He noted that he was willing to make a motion when the time came to do so.

Mr. Parr commented that he did not have much to add, he noted as West District representative, there had been no concerns shared with him about the project. He reported that he had only received positive feedback from the two existing sites, noting that they were well maintained. He indicated that he was prepared to entertain a motion.

Mr. Rutherford made a motion to approve **Special Use Permit #1044** with the Planning Commission's recommended conditions – 1) There shall be no more than two (2) sites, and the two (2) units shall be provided by the property owner; and 2) the sites shall be serviced by adequate water and septic facilities to be occupied. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion (3-1) by roll call vote with Mr. Reed voting no.

#### **B. Special Use Permit #1085 - Campground**

Consideration of a Special Use Permit application requesting County approval to allow a Campground (two sites) on two adjacent properties zoned A-1 Agricultural. The subject properties are located at Tax Map Parcels #22-A-59 (2.001 acres) and #22-A-59D (2 acres) at 5032 Rockfish Valley Hwy in Nellysford. The subject properties total 4.001 acres and are owned by Kelly A. Kahle.

Ms. Bishop introduced the following:

**BACKGROUND:** This is a request for a special use permit on property zoned A-1 Agriculture for a campground use for two (2) sites on two (2) adjacent parcels.

Public Hearings Scheduled: P/C – January 24; Board – February 13

Location / Election District: Rockfish Valley Hwy, Faber / North Election District

Tax Map Number(s) / Total acreage: 22-A-59, 59D / 2.001, 2.00 acres +/-

Applicant/Owner Contact Information: Kelly A. Kahle, P.O. Box 448, Sherman, NY 14781, 434-262-2639, kellyakahle@gmail.com

Comments: These two adjacent properties are primarily wooded. A third adjacent parcel also owned by the applicant contains an existing cabin that the owner intends to secure a certificate of occupancy for and utilize as their primary dwelling.

The owner is proposing to establish two campsites – one on each lot. Lot 59D would contain a “yome” or “yurt home”, and a teepee style tent on Lot 59. These short term lodging options that are not offered within an approved dwelling are classified as a campground use and require a special use permit. According to the narrative and site plan, there is a shared parking area for both of the sites, and guests will access the individual sites by foot along the south property lines. The narrative indicates that they intend to hire out for property maintenance, lawn maintenance, and property management.

#### **DISCUSSION:**

**Land Use / Floodplain:** This area is agricultural and residential in nature, and is adjacent to Rockfish Presbyterian Church. These properties are located south of the Route 6 / Route 151 intersection, and north of the Wintergreen development on the east side of Route 151. There are no floodplains located on the property. This property is also located within the South Rockfish Valley Rural Historic District, although there are no County regulations or implications associated with this fact.

**Access and Parking:** The property is accessed by an existing commercial entrance on Route 151 that is shared with Rockfish Presbyterian Church. According to the application, guests will use the existing entrance to the property where a shared parking area would provide sufficient parking for the proposed use. An abandoned right-of-way along a utility easement along the southern property boundaries to access the sites is currently grass. VDOT indicated that they do not have any comments; that utilizing the existing commercial entrance will have no impact to Route 151.

**Utilities:** The narrative provided indicates that each site will have a camping toilet and self-contained sink station. Comments from the Health Department indicate that with two (2) sites, there is no VDH requirement for permanent sewage disposal or water supply. The applicant informed the Health Department that they plan to contract with a local company to provide and service a portable toilet and hand wash station, and to provide commercially available drinking water. The Zoning Ordinance definition for a campground use requires the provision of potable water and sanitary facilities.

**Comprehensive Plan:** In the 2002 Comprehensive Plan, this area is designated as Rural and Farming on the Future Land Use Map. This district would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged.



**RECOMMENDATION:** The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

At their meeting on January 24, 2024, the Planning Commission voted (4-1) to recommend denial of SUP #1085 to the Board of Supervisors.

Ms. Bishop indicated that there had been a handful of new comments since the Planning Commission meeting and they were included in the Board packets. She noted that the handouts provided to the Board were going to be speakers during the Public Hearing from the church.

Applicant Kelly Kahle was present. Ms. Kahle indicated that she had owned the property since 2004 and had the opportunity to raise her family in Nelson County. She noted that some things had happened in the past few years which caused her to be out of the area for personal health reasons. She indicated that she was now in the position where she could come home and be with her children and grandchildren. Ms. Kahle noted that she was disabled, and this was something that she would be able to employ four (4) individuals through the project and allow opportunity for economic development. She reported that she would be residing there. She noted that her building application was currently being reviewed, and the well and septic permits had already been approved. She noted that she was planning to reside in her former business, Kelly's Garden Center and Florist. Ms. Kahle reported that her business operated from 2006 to 2011. She noted that the business grew onsite, but people also came with their Girl Scouts to meet and receive merit badges. She commented prior to cell phones, people stopped to take pictures of each other with the mountains as the backdrop, and the flowers. She stated that her property was also recognized both nationally, and state, which she noted that she had submitted for review.

Ms. Kahle explained that she was partnering with two (2) non-profits. She noted that Crossing the Bar Ministries was founded by Phyllis and Rob Primrose. She explained that Mr. Primrose was a Desert Storm vet, and their Christian ministries worked with Veterans and other individuals suffering from PTSD (Post-Traumatic Stress Disorder). She explained that the second non-profit was founded by veterans from Waynesboro, Kathy and Russ Myers. She noted they were military veterans working with families and ministries that needed training and respite due to the burnout rate in leadership. She commented that without those ministries, she would not have made it through the time when she really needed leadership. She stated that she wanted to share the beauty that was hers because it was historical. She noted that there was not a building that made it beautiful, it was what she looked out and saw every day. She commented that people had a right to share what was theirs. She noted that it was not about the traffic. She said she was glad that there was going to be a turnaround at Route 6 as it would only make things better.

Ms. Kahle noted it was great that they had a wood ministry, but when the pile was larger than the garden, that said something. She commented that if they were concerned someone would steal water, burn something down or vandalize it, that showed that they automatically felt like everyone was a criminal. She asked the Board to not allow fear mongering and the fear of change to allow them to dictate their decision. She noted that she had been there for 20 years and they had hunted their land and eaten the food. She commented that they had taught their girls to shoot and protect themselves, and that was no louder than a firecracker. She noted that they had bonfires and burned their owned wood, and no one had bothered them. Ms. Kahle commented that it had not changed the character of their neighborhood. She commented that, even if fires were allowed, or if they were to build homes on either of the lots, she was not asking for anything out of the usual. She reported that the driveway that so many of the petitioners were saying belonged to the church, did not. She noted that the fence being requested on the Southside of the property had nothing to do with a teepee or yome because they were all the way up on the hill, 65 feet from the property line. Ms. Kahle addressed noise concerns, noting that it was the country, and people on Lodebar hunted and fished. She asked why she should be denied the right to her only income available by an organization that was asking special favors from a state organization.

Dr. Ligon asked the name of the second non-profit. Ms. Kahle noted that the non-profits were Crossing the Bar and Heaven's Gate.

Mr. Parr opened the public hearing.

*Phyllis Savides - Afton, VA*

Ms. Savides stated that she resided in Afton and was also an Elder of Rockfish Presbyterian Church. She noted that from the perspective of the Comprehensive Plan, the application should be denied because it would be premature to approve a Special Use Permit before the new Comprehensive Plan was approved and implemented in the Zoning Ordinance. She explained that the Comprehensive Plan was the guiding policy for the future of the County. She noted that a special use permit was permission to use land in a new way and was a permanent approval for an additional use. She stated that review of the application now for new short term rentals would be based on an outdated Plan and Zoning Ordinance, while the new draft Plan specifically recommended addressing the many concerns about short term rentals on a county-wide basis. She noted that the new proposed Plan said that “short term rentals can impact neighborhood character and quality of life – with issues such as parking, traffic and noise. The County should consider defining short term rentals and specifying performance standards in the Zoning Ordinance to help mitigate negative impacts.” Ms. Savides commented that the application for short term rentals should not be approved on the cusp of new regulations to address the negative impacts many had experienced. She suggested that there should be performance standards or regulations, as recommended, to help prevent or minimize problems. She reported that their church was recognized as historic by the State of Virginia and the US Government. She noted that this was a key consideration of the fourth special use permit criterion in the current Comprehensive Plan as well as the draft Comprehensive Plan. She noted that the new plan also included several statements regarding the key importance of historic resources to Nelson County. She noted that protecting natural and historic resources is a top priority for the community. She stated that there was language calling for working with partners to “Identify, Protect and Celebrate historic properties”. She noted that the church had already been identified and it should not be protected. Ms. Savides noted that the next statement called for “sustainably protecting natural and historic resources for future generations”. She indicated that the church housed many documents, books and photographs reflecting the history of the County. She noted that the proposed use did not protect the historic resource, the church and its contents, it threatened it. She asked the Board to deny the special use permit, because an approval now, would be based on an outdated plan, and that was inappropriate, especially since the new plan recommended regulating short term rentals differently. She stated that the application did not meeting any of the four required criteria for approval of a special use permit.

*Mary Hopkins - Roseland, VA*

Ms. Hopkins stated that she was a property owner and resident of Nelson County, as well as a member and Elder of Rockfish Presbyterian Church, which abutted the property being discussed. She noted that a historic marker placed in front of the church, stated its roots date back to 1746, which was 278 years ago. She commented that within the South Rockfish Historic District, their Church was a specifically recognized as a contributing factor to the District, and it was listed in the National Register of Historic Places. Ms. Hopkins stated that their congregation has worshipped in the same sanctuary for 171 years. She noted that the church housed significant documents and it contributed to Nelson County with its missions. She stated that they feared approval of the permit would put the historic church and its many community activities at increased risk particularly from fire. Ms. Hopkins noted that there was no fire suppression or sprinkler system in the historic church because it was too expensive. She stated that damage or loss of the building would cause irreparable harm and would be a devastating blow to the congregation, and to Nelson County, as hundreds benefit from their missions. She noted that the applicant stated that campfires would not be permitted, but often times visitors to Nelson County on vacation could be lax in following rules. She noted that it was unreasonable to expect that all campers would honor the restriction at an unsupervised campground, as campfires are a typical feature of camping for warmth, cooking or ambiance. Ms. Hopkins stated that any fire could get out of control if left unattended, and without running water, there would not be enough water available to extinguish it. She noted that any fire could spread quickly across the field to the church. She asked whether fireworks, smoking, propane lanterns or cooktops would be prohibited and who would enforce the rules. Ms. Hopkins indicated that they had experienced fires and fireworks on adjacent properties with short term renters, and had even found it necessary to call 911. She noted that one of the mandatory criteria the Board must consider is that the “use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.” She stated that the draft of the new Comprehensive Plan specifically recommended identifying, protecting and celebrating historic and culturally significant properties. She noted that the proposed use did not protect, and could adversely impact their historic church. Ms. Hopkins stated that the applicant had not satisfied the criterion, nor the goals and objectives of the new Comprehensive Plan. She asked that the Board deny the application.

*Jeri Lloyd - Afton, VA*

Ms. Lloyd stated as a former member of the American Camping Association (ACA), the application did not constitute what it was asking for. She noted that what was being requested in the special use permit, constituted primitive camping. She stated that primitive camping was not what should be placed on the two pieces of property. She noted there was not enough land to be able to do that. She indicated that there were no sanitary facilities, which went along with primitive camping. She noted that the applicant had said there would be facilities provided. Ms. Lloyd asked how often people would come to clean the facilities. She explained that even in primitive camping, there were rules and regulations for getting rid of waste, i.e. how far away from homes, rivers and streams. She reported that after the Planning Commission meeting, she went and did her own research. She noted that the applicant claimed the property was on the historic register. Ms. Lloyd indicated that she was unable to find any information. She noted that she was able to locate the information for the church, but nothing for the property. Ms. Lloyd pointed out that there was no guarantee that fires would not be there, noting that those who do primitive camping do have fires. She noted that there was no access to water, but the application mentioned a water pipe. Ms. Lloyd asked how big the water pipe was, and how water would be transported if there were a fire. Ms. Lloyd commented that there was no guarantee of persons coming to the property. She stated that if the applicant wished to use the property as a ministry, primitive camping was not the way, and she would need to apply under a different SUP to be able to use the property for a ministry. She asked the Board to deny the special use permit.

*Harris Luscomb - Nellysford, VA*

Mr. Luscomb stated that he was a property owner and resident of Nelson County, as well as a Trustee of Rockfish Presbyterian Church. He stated that the risk of lack of enforcement was another issue that created a substantial risk to the church and neighborhood. He noted that the applicant has promised many things and there have been many conditions proposed if the special use permit was to be issued. He asked how those conditions would be enforced. He commented that the applicant has said one thing, and then said another with respect to many concerns. He noted that she has said that she would advertise the campground on Airbnb as not appropriate for children due to the risk of unattended children climbing around the church's Wood Ministry woodpile or playing on the church's playground. He commented that the applicant could not prevent renters from showing up with children. He noted that during other times, the applicant has asserted that children should be allowed to play on the playground, claiming the church was a public building. Mr. Luscomb commented that the Planning staff had recommended requiring fencing along the property line, but the applicant did not want to pay for it, even though the need was due to her request for a special use. He noted that while the applicant has said she would forbid campfires and other fire risks, they all knew that campers in the woods expected to build campfires, use camp stoves and camping lanterns. He noted that the church had responded from the beginning with the need for 24/7 onsite management and active enforcement. He indicated that the applicant had made conflicting statements on that, changing her proposed plan several times, and stating at the last hearing that she would be living onsite and therefore would manage enforcement herself, despite having initially stated that she was hiring someone because she was unable to do it herself. He noted that the applicant was now claiming to the Board that she would be hiring someone would be available on 30 minutes' notice. He commented that 30 minutes could be too late for an injured child or for an out of control campfire. He asked if the church and other neighbors were expected to establish 24/7 360-degree surveillance of activity on the applicant's property in order to provide notice to such person who may or may not respond or be available in time. Mr. Luscomb noted that since the applicant had declined to recognize their concerns, they were not reassured that any of her rules would be enforced. He commented that the County did not have the manpower required to enforce all of the conditions if the permit were to be approved. He noted that approval of a special use permit was a permanent change that ran with the land.

*David Hopkins - Roseland, VA*

Mr. Hopkins noted that he attended the Planning Commission meeting to listen to the applicant's information and then listened to the Church's response. He commented that he thought the church has some valid, reasonable, maybe sometimes, conservative views of the risks. He noted that he respected as a property owner, the ability to do as desired with the land, in compliance with the regulations. He commented that what he heard from the applicant during the Planning Commission meeting, echoes what Mr. Luscomb said. He noted that the responses to concerns seemed to be very fluid from the applicant. He commented that when a specific concern was brought up, the applicant had a response but it was not written down and it was not made any part of the special use permit. He expressed concern that if the special use permit were to be granted, it seemed like there was latitude to allow the applicant to do whatever they wanted to do. He stated that if the special use permit were to be granted, it needed to have some compliance and restrictions embedded because it did run with the land.

*Paul Davis - Nellysford, VA*

Mr. Davis noted that he attended the Planning Commission meeting. He expressed concerns on compliance and who enforced compliance. He noted that he spoke with Planning to ask who enforced it. He noted that he was told that they did not have the staff, and people would have to call it in. He asked if there was a way for someone to look up Special Use Permits to see the stipulations. He asked if they were to call the

Sheriff regarding compliance, noting that he did not think that was who they should be calling about a Special Use Permit. He noted that the Comprehensive Plan update was coming up. He referenced the applicant's comment regarding fear of change. He noted that for him, it was not a fear of change. He reiterated his concern that if approved, who would enforce it, how would it be enforced and how would someone know the stipulations. He noted when he heard campground at the Planning Commission, he immediately thought of fire. He commented that this would be a campground with no fire. He asked who would be called to enforce that. Mr. Davis stated that they needed to think about special use permits as they stayed with the property, not the owner. He noted the Comprehensive Plan and asked the Board to put it on backburner if they were even entertaining it.

*Susan Luscomb - Nellysford, VA*

Ms. Luscomb noted she was a resident and property owner in Nelson County. She noted she would not take much time as they had already presented many issues before the Board. She asked that those people present in opposition to the application to stand.

Many in attendance stood in opposition.

Ms. Kahle reminded the Board of the Planning Commission's vote of 4-1 to recommend denial, noting that two (2) of those votes were not easy no's. She stated that it was not short term rental and had nothing to do with that. She commented that whether they were talking two (2) cars on the weekend, on a shared driveway, not going anywhere. She noted that if it were not used for two (2) years, the special use permit would expire. Ms. Kahle indicated that she had carried liability insurance for \$1 million for years, because right next door was an Airbnb, by-right.

Ms. Kahle commented that Steve Kephardt, who owned all of the property around the church and her property, had no problem with the proposed project. She noted that her neighbors developed a task force and approached all of her neighbors to garner more support to put it down. She indicated that Amy Malone supported the project and had no problem with it. She also noted that Jerry Uejio who owned the property next door had no problem with it. She commented that the yurt/yome would still go up and would for ministry, it would just be gone about in different ways but God's work would still be done.

There were no others wishing to speak and the public hearing was closed.

Mr. Rutherford asked to confirm where applicant resided on the property. Ms. Bishop explained that applicant currently resided in New York and she had just applied for a change of use to convert from a business to a dwelling. Mr. Rutherford asked if the vacant lots were all A-1 zoning. Ms. Bishop confirmed that was correct. Dr. Ligon commented that she was at the Planning Commission, noting it would be gold standard to have the meeting minutes. She noted the reference to the fluid nature of answers, and indicated that it still remained quite fluid. Dr. Ligon commented that a lot of things said at the Planning Commission were either not said at the Board meeting that evening, or were completely different. Dr. Ligon indicated that she was not comfortable voting for the special use permit until all of the permits were completed and applicant was residing onsite. She noted that the applicant mentioned that she had them all at the Planning Commission, but now they were still in the works. Dr. Ligon commented that the basis for a lot of the candor at the Planning Commission meeting was based on the applicant being there on site and dealing with issues as they came up, and that was not the situation they had at hand currently.

Mr. Reed noted that it had been documented that the Planning Commission did vote 4-1 to recommend denial of the special use permit. He commented that a lot of the reasons given for that, had been given by some of the folks there that evening. He commented that the thing that stood out to him was the fact that

the Virginia Department of Health (VDH) did not require permanent sewage disposal or a water supply. He noted that gave him a vote of low confidence in the Virginia Department of Health. He noted to have any level of camping without those two items, was asking for trouble. Mr. Reed commented that it was impossible to have a warm meal without some kind of flame. He noted that the fire concerns for any kind of camping without a water supply. He commented that two (2) primitive camping sites, glamping or not, would certainly change the character of the area. Mr. Reed noted that he was not in favor.

Mr. Reed made a motion to deny **Special Use Permit #1085** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion for denial.

**C. Special Use Permit # 1101 - Amendment to Condition of Approved Multifamily Dwelling**

Consideration of an application requesting an amendment to a condition regarding fencing requirements of previously approved Special Use Permit #716 for a Multifamily Dwelling use on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcels #6-A-131 and 6-A-163D at 9485 Rockfish Valley Hwy in Afton. The subject properties total 10.94 acres and are owned by Quakeela Teasley.

Ms. Bishop presented the following:

**BACKGROUND:** This is a request for an amendment to a condition of a previously approved special use permit for a multifamily dwelling use on property zoned A-1 Agriculture.

*Public Hearings Scheduled:* P/C – January 24; Board – February 13

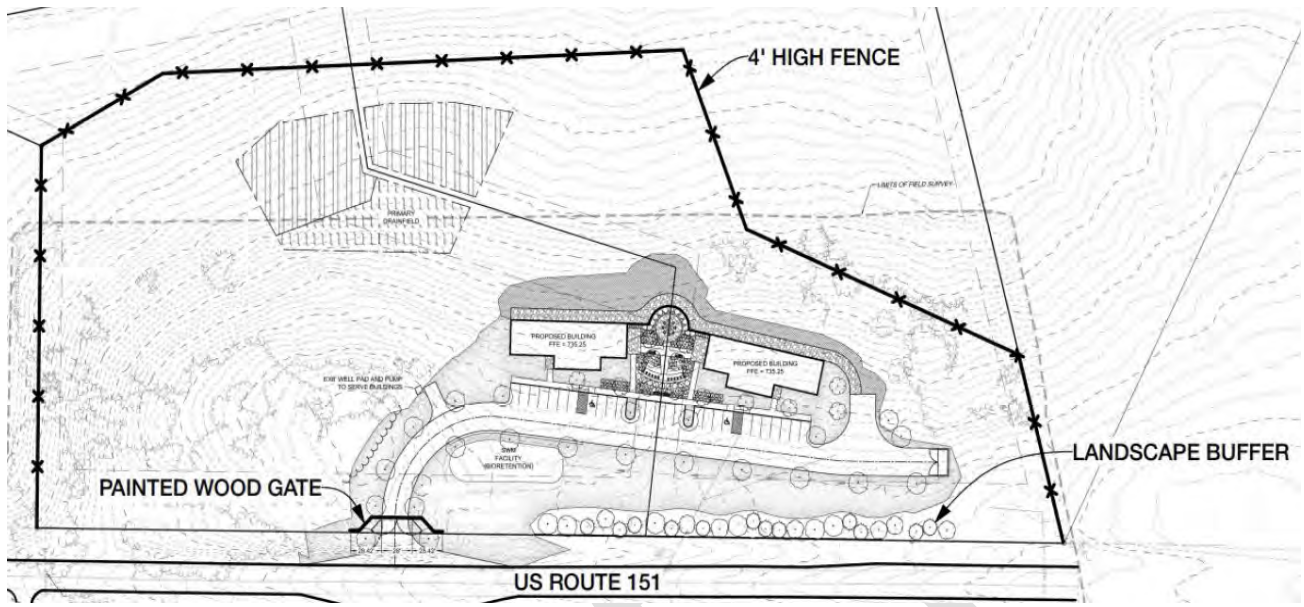
*Location / Election District:* 9485 Rockfish Valley Hwy / North District

*Tax Map Number(s) / Total Acreage:* 6-A-131 & 163D / 8.13 & 2.81 respectively, +/- total

*Applicant Contact Information:* Charles Meade & Quakeela Teasley (Owner), 4804 Craigs Mill Court, Glen Allen, VA 23060, 804-916-9545 / 804-564-4138, cmeade2261@gmail.com / quateasley3@yahoo.com

*Comments:* SUP #716 for multifamily dwellings was approved by the Board of Supervisors on October 11, 2022 with conditions (attached). The Major Site Plan has been submitted and is currently in the review phase with various agencies including Health Department, VDOT, Erosion & Sediment Control, and DEQ for stormwater management. The final site plan will come to the Planning Commission for administrative review when approvals are near finalization.

As more formal plans and details were developed, the applicants noted the scale of the required fencing, and are requesting an amendment to condition #6. The condition as approved states, "A fence 6' (feet) in height lined with evergreen vegetation shall be installed along all property boundaries." Instead of fencing the entire property along the boundaries (approximately 11 acres), the applicants are proposing to fence the area around the usable community only (approximately 3-4 acres). They are also requesting a reduction in the height requirement from 6 feet to 4 feet. The final amendment they are requesting is to require only evergreen vegetation along Route 151 (per condition #5) with no fencing. This is shown on the attached site plan dated December 8, 2023. Existing vegetation would be left in place where appropriate.



Conditions: Approved by the Board of Supervisors on October 11, 2022:

1. Dwelling units shall only be rented to those individuals 55+ years of age.
2. The maximum number of units shall not exceed 12 units, and each of the two buildings shall not exceed 5,000 square feet each.
3. All existing structures on the property shall be removed prior to the start of construction.
4. The existing boundary lines shall be reconfigured to comply with density requirements in Section 4-10, prior to the issuance of a building permit.
5. A landscape buffer along Route 151 is required, as shown on the site plan dated September 14, 2022.
- 6. A fence 6' in height lined with evergreen vegetation shall be installed along all property boundaries.**
7. All lighting shall be directional and glare shielded to prevent light pollution onto adjoining properties, roadways, and the dark night sky.
8. The units shall not be utilized for short-term rental purposes.
9. Construction shall begin within 2 years of the approval date (October 11, 2022).

At their meeting on January 24, 2024, the Planning Commission voted (5-0) to recommend approval of SUP #1101 for an amendment to condition #6 with the following language:

6. A fence 4' in height shall be installed along the boundary of the community as shown on the site plan dated December 8, 2023. Existing vegetation shall be left in place where

feasible.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Ms. Bishop noted that the applicants were present. Ms. Teasley and Mr. Meade commented that they did not have anything to add, unless there were questions.

Mr. Parr opened the public hearing.

*Jeri Lloyd - Afton, VA*

Ms. Lloyd stated that she was concerned about what kind of fence it was going to be. She noted that her property was the only other property around the applicants' property. She commented that she did not have an issue with it changing, she just wanted to know what kind of fence it would be.

There were no others wishing to speak and the public hearing was closed.

Mr. Reed noted he was absent from the Planning Commission meeting when this was presented. He asked why they wanted to change the permit. Ms. Teasley indicated that the change was for budgeting and aesthetic purposes. She noted they were trying to cut some costs, so they wanted to reduce the height and the number of borders. She explained that the fence was proposed to only be on three sides of the property and moved in closer, instead of fencing in the entire 11 acres. She noted that they thought it looked better. Mr. Meade noted they had not found a 6 foot fence anywhere along 151. He indicated that most fences were a farm type fence or a deer fence. He noted that they decided to go with the landscape buffer for the integrity and it would provide a nice buffer. Ms. Teasley showed the Board a picture of the proposed three board fence. Dr. Ligon asked what the primary reason was for the fence. Ms. Teasley noted that the neighbors had requested the fence in the original Special Use Permit. Mr. Rutherford noted that Rockfish Orchard had requested the fence. Board noted that it was a nice three board fence proposed in the picture.

Dr. Ligon asked what the point of the gate was if there was no fence on 151. Ms. Teasley noted it was for aesthetic purposes.

Mr. Parr asked how the timeline was coming. Mr. Meade and Ms. Teasley reported that they were working to find a lender for the financing.

Mr. Rutherford made a motion to approve **Special Use Permit #1101** for an amendment to condition #6 as recommended by the Planning Commission.



6. A fence 4; in height shall be installed along the boundary of the community as shown on the site plan dated December 8, 2023. Existing vegetation shall be left in place where feasible.

Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

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

Mr. Rutherford commented that he was curious about the number of completed Special Use Permits that had been approved in last 4 to 8 years. Ms. Bishop noted they could get that information pretty easily as they had been doing annual reports for the last few years. Mr. Rutherford noted that he brought that question up because when large financings were involved, it took more than one year to complete the process for that, followed by an additional year or more in acquiring a contractor. He indicated that the Board had to vote on SUP's multiple times because of the timeframe. Ms. Bishop noted that over the last few years, Planning and Zoning had done a better job in communicating the full extent of what the process looked like and the timing, so that the applicants were not getting permits that were expiring. Ms. Bishop confirmed that staff would get the completed Special Use Permit numbers together.

Mr. Reed commended Planning and Zoning on their quarterly report and noted that it was especially informative.

#### **V. ADJOURNMENT**

At 8:14 p.m., Mr. Rutherford made a motion to adjourn the meeting. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.



BOARD OF SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-35  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET  
May 14, 2024**

<b>I. Appropriation of Funds (General Fund)</b>			
\$	495.00	3-100-001899-0040	4-100-031020-5419
\$	33,020.76	3-100-001899-0008	4-100-091030-5202
\$	3,460.85	3-100-001899-0008	4-100-091030-5202
\$	<b>36,976.61</b>		
<b>II. Appropriation of Funds (within the General Fund)</b>			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	149,336.92	3-100-009999-0001	4-100-093100-9203
\$	<b>149,336.92</b>		
<b>III. Reappropriation of Funds (School Fund)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	149,336.92	3-205-004105-0001	4-205-063100-9303
\$	<b>149,336.92</b>		
<b>IV. Transfer of Funds (From General Fund Non-Recurring Contingency)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	21,000.00	4-100-999000-9905	4-100-013010-1010
\$	1,072.00	4-100-999000-9905	4-100-013010-2001
\$	100.00	4-100-999000-9905	4-100-013010-3007
\$	2,500.00	4-100-999000-9905	4-100-013010-5201
\$	6,000.00	4-100-999000-9905	4-100-013010-5401
\$	6,000.00	4-100-999000-9905	4-100-013010-5413
\$	1,000.00	4-100-999000-9905	4-100-013010-5501
\$	100.00	4-100-999000-9905	4-100-013010-5503
\$	7,300.00	4-100-999000-9905	4-100-013020-1002
\$	562.00	4-100-999000-9905	4-100-013020-2001
\$	150.00	4-100-999000-9905	4-100-013020-5201
\$	500.00	4-100-999000-9905	4-100-013020-5401
\$	<b>46,284.00</b>		

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

## EXPLANATION OF BUDGET AMENDMENT

- I. Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line. The General Fund Appropriations of \$36,976.61** reflect requests of (1) \$495.00 appropriation request for FY24 Sheriff's Department Non-DCJS Asset Forfeiture funds received; (2)(3) \$33,020.76 + \$3,460.85 for a total appropriation request of \$36,481.61 in FY24 National Opioid Settlement payments received. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$767,120.59 for May.*
- II. Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line. The School Fund Supplemental Appropriation of \$149,336.92** is requested as the remainder of the reappropriation of FY23 Environmental Protection Agency (EPA) Grant funds received in FY23 for the purchase of two (2) electric school buses, charging stations, and radios received and purchased in FY24. Of this total, \$100,336.92 is from FY23 School funds unspent and reverted to County General Fund on June 30, 2023. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$767,120.59 for May.*
- III. Reappropriated funds are those unexpended in a prior fiscal year, then appropriated for use in the current fiscal year budget. A School Fund Reappropriation request from the General Fund to the School Fund in the amount of \$149,336.92 is requested** to reappropriate EPA Grant funds received in FY23 for the purchase of two (2) electric school buses, charging stations, and radios purchased in FY24. *Reappropriation amounts of prior year funds received are not duplicated and do not affect the monthly 1% allowance limit when included in total appropriations for the period.*
- IV. Transfers represent funds that are already appropriated in the budget but are moved from one line item to another. Transfers do not affect the bottom line of the budget. A Transfer from General Fund Non-Recurring Contingency in the amount of \$46,284.00** is requested to cover costs associated with the dual June 2024 primary for the Electoral Board and Registrar as follows: (1) \$21,000 for wages for the Board and Pollworkers during early voting and the primary election; (2) \$1,072 for employer taxes on wages; (3) \$100 for advertising costs; (4) \$2,500 for postage for ballots and certified mailings; (5) \$6,000 is for materials/supplies (ballots, envelopes, instructions, labels, election forms, training manuals, etc.); (6) \$6,000 for programming, testing, calibrating, and USBs for voting machines; (7) \$1,000 for Electoral Board Officer mileage; (8) \$100 for Electoral Board Officer meals/refreshments; (9) \$7,300 requested for additional staff overtime wages anticipated during early voting and the dual primary election in June 2024; (10) \$562 is requested for employer taxes on wages; (11) \$150 is requested to cover postal services for voter communications; (12) \$500 is requested for additional office supplies and administrative materials required. *Following approval of these expenditures, the balance of Non-Recurring Contingency would be \$117,441.77.*

**Linda Staton**

---

**From:** Neely Hull  
**Sent:** Monday, April 29, 2024 8:29 AM  
**To:** Linda Staton  
**Subject:** EDI question

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning, I just wanted to confirm this code would be FALQCS,

Thank you,  
Neely

**Total Amount:** 495.00

**Deposit Date:** 04/30/2024

**Trace Number:** 82359522

---

Agy No	Amount	CDS Offset Amount	TOP Offset Amount	Invoice Number	Invoice Date	Customer Number	Voucher Number	Description
156	495.00	0.00	0.00	17-24321	03/06/2024		3144401	SHERIFF'

Tot 156:495.00

FALQCS (Nm-DCJS-Sheriff)  
3-100-001899-0040  
4-100-031020-5419 (D)

Neely Hull  
Chief Deputy Treasurer  
PO BOX 100 Lovingsston VA 22949  
(P) 434 263 7060  
(F) 434 263 7064

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Linda Staton

From: Angela F Hicks  
Sent: Monday, April 15, 2024 10:33 AM  
To: Candy McGarry  
Cc: Linda Staton; Neely Hull  
Subject: RE: Opioid settlements update

TR Code: OPIOID  
3-100-001899-0008  
4-100-091030-5222

Hi Candy,  
It appears we received the 6 payments shown below, today. They will be posted to TR code OPIOID.

Operating Account - [REDACTED]

Post Date	Reference	Additional Reference	Description	Debit	Credit	Calculated Balance
04/15/2024 10:29 AM (ET)			INCOMING MONEY TRANSFER WIRE/IN ORG:NATIONAL OPIOIDS TRUST CVS		\$2,894.84	
04/15/2024 10:29 AM (ET)			INCOMING MONEY TRANSFER WIRE/IN ORG:NATIONAL OPIOIDS TRUST TEVA		\$2,075.53	
04/15/2024 10:29 AM (ET)			INCOMING MONEY TRANSFER WIRE/IN ORG:NATIONAL OPIOIDS TRUST WALGR		\$2,197.84	
04/15/2024 10:29 AM (ET)			INCOMING MONEY TRANSFER WIRE/IN ORG:NATIONAL OPIOIDS TRUST WALGR		\$3,329.72	
04/15/2024 10:29 AM (ET)			INCOMING MONEY TRANSFER WIRE/IN ORG:NATIONAL OPIOIDS TRUST ALLER		\$2,296.57	

Post Date	Reference	Additional Reference	Description	Debit	Credit	Calculated Balance
04/15/2024 10:29 AM (ET)			INCOMING MONEY TRANSFER WIRE/IN ORG:NATIONAL OPIOIDS TRUST WALMA		\$20,226.26	
04/15/2024	Totals			\$0.00	\$33,020.76	

Showing 1 - 1 of 1

Angela F Hicks, MGT  
 Nelson County Treasurer  
 84 Courthouse Sq  
 PO Box 100  
 Lovingston VA 22949  
 (P) 434-263-7060  
 (F) 434-263-7064

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From: Candy McGarry  
 Sent: Monday, April 15, 2024 10:25 AM  
 To: Angela F Hicks <AHicks@nelsoncounty.org>  
 Cc: Linda Staton <lstaton@nelsoncounty.org>  
 Subject: FW: Opioid settlements update

Angi,

See below, the payments shown below may be received today – sounds like 7 separate wires. Let me know if you need anything from us on these, thanks!

From: Beshere, Thomas M. [mailto:TBeshere@oag.state.va.us]  
 Sent: Thursday, April 11, 2024 4:19 PM

Linda Staton

**From:** Angela F Hicks  
**Sent:** Monday, April 15, 2024 3:12 PM  
**To:** Candy McGarry; Holly Henderson  
**CC:** Linda Staton; Neely Hull  
**Subject:** RE: National Opioid Settlements – Payment – Nelson County

**Operating Account**

Post Date	Reference	Additional Reference	Description	Debit	Credit	Calculated Balance
04/15/2024 03:11 PM (ET)		<b>OPIOID</b>	INCOMING MONEY TRANSFER WIRE/IN ORG:NATIONAL OPIOIDS SETTLMNT FU		\$3,460.85	
04/15/2024	Totals			\$0.00	\$3,460.85	

Showing 1 - 1 of 1

Angela F Hicks, MGT  
Nelson County Treasurer  
84 Courthouse Sq  
PO Box 100  
Lovingston VA 22949  
(P) 434-263-7060  
(F) 434-263-7064

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TR Code: OPIOID  
3-100-001899-0008  
4-100-091030-5202 (4)

Mrs. Shannon Powell, Chair  
West District

Mrs. Janet Turner-Giles, Trustee  
North District

Mrs. Margaret Clair, Trustee  
Central District



Mr. Censor Perkins, Vice  
South District

Mr. George Cheape,  
East District

Dr. Amanda C. Hester  
Division Superintendent

## Nelson County Public Schools

March 14, 2024

Nelson County Board of Supervisors  
84 Courthouse Square  
Lovingston, VA 22949

RE: Request for Supplemental Appropriation

Hello,

I am writing to request a supplemental appropriation for items ordered last fiscal year but were received and paid for this fiscal year due to supply chain issues. I am requesting \$770,292 for the purchase of 2 electric buses, \$108,610 for the electric charging stations and \$11,434.92 for portable radios and chargers. These items were ordered with the understanding that they would be paid for with a combination of grant funds and local match requirements. Funds were received from the EPA for the Electric Buses and the VDOE for the school security equipment grant last year and reverted to the County on June 30, 2023.

Attached are copies of the invoices for the purchases for your review. Please advise if you have any questions or concerns.

Respectfully,

A handwritten signature in black ink that reads 'Shannon T. Irvin'.

Shannon T. Irvin, Assistant Superintendent



William H. Smith  
Electoral Board Chairman

Lorna M. Ballowe  
Electoral Board Vice Chairman

Susan B. Greene  
Electoral Board Secretary



Jacqueline C. Britt  
Director of Elections

Jacquelynne C. Harris  
Chief Deputy Registrar

Rachael A. Snapp  
Deputy Registrar

April 4, 2024

Mrs. Candy McGarry  
Administrator  
County of Nelson  
PO Box 226  
Lovingsston, VA 22949

Dear Mrs. McGarry,

I am requesting on behalf of the Nelson County Electoral Board and the Registrar's Office that the Board of Supervisors amend their budget and appropriate additional funds to enable the Electoral Board to hold the June 18, 2024 Dual Primary Election. Attached is the projected of the cost of the primary elections that was not included in the original budgets for this fiscal year.

The Department of Elections does not reimburse local governments for the cost for the June 18, 2024 Primary.

Sincerely,

Jacqueline Britt  
Director of Elections and General Registrar

Cc: Linda Staton



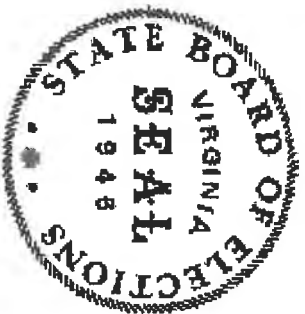
# COMMONWEALTH of VIRGINIA

To the Secretary of the Electoral Board:

WHEREAS a notice in proper form has been received from the appropriate authority requesting the calling of a Primary Election for the purpose of nominating a candidate for the Democratic and Republican Parties for the offices of Member, United States Senate, Member, House of Representatives and local offices. This certificate serves to notify you of said primaries which are attached for all localities. Should only one candidate qualify for the primary ballot in any office, no primary for that office will be held.

THEREFORE, you are, in the name of the Commonwealth and pursuant to § 24.2-517 of the Code of Virginia, ordered to cause a Primary Election to be held in your county or city on Tuesday, June 18, 2024, for the purpose aforesaid. You are further ordered to post a copy of this order on the official website of the county or city, at not less than 10 public places in the county or city, or have the order published at least once in a newspaper of general circulation in your locality.

Witness the following official Signature and the Seal of the Board  
at Richmond, this 6<sup>th</sup> day of March, 2024.



A handwritten signature in cursive script, appearing to read "Susan J. Beals".

Susan J. Beals  
Commissioner, Department of Elections



BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR.  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-36  
NELSON COUNTY BOARD OF SUPERVISORS  
OBJECTION TO APPALACHIAN POWER COMPANY RATE INCREASE**

**WHEREAS**, Appalachian Power Company, a subsidiary of American Electric Power, hereinafter referred to as “AEP”, has filed a request with the State Corporation Commission seeking an increase in its rates that would have significant financial impacts on the citizens of Nelson County; and,

**WHEREAS**, the State Corporation Commission found as recently as this past November 2023 that Appalachian Power Company was seeking an excessive base rate increase of \$25.03 per 1,000 kilowatt-hours but still permitted a 10% increase in rates of \$16.03 per 1,000 kilowatt-hours for residential customers; the new rates took effect 60 days from the date of the order, which was January 29, 2024. The development follows a recent SCC report that said an average Appalachian customer’s monthly bill rose by about \$35 just between July 2022 and July 2023; The SCC’s approval allows Appalachian to, among other things, increase its annual revenue by \$127.3 million and pursue a return on equity of 9.5%, up from its current state-authorized ROE of 9.2%; and

**WHEREAS**, Appalachian Power Company had previously received approval of a fuel factor rate increase from the SCC on February 10, 2023 that increased the average residential customer’s monthly bill by \$3.00; this increase was on top of two other increases from last year resulting in an \$11 increase to the average monthly bill for transmission costs and \$2.37 per month to pay for costs generated by requirements of the Clean Economy Act; and

**WHEREAS**, Appalachian Power Company, gave notice to the Clerk of the SCC on February 1, 2024 of its intent to file no earlier than April 1, 2024, a request for the Commission’s approval of one or more rate adjustment clauses pursuant to Va. Code section 56-585.5; to collect projected and actual costs associated with complying with the mandatory Renewal Energy Portfolio Standard Program established by section 56-585.5; Subsequently, Appalachian Power Company gave notice to the Clerk of the SCC on April 2, 2024 that no earlier than June 3, 2024, Appalachian Power Company plans to file an application to seek the Commission’s approval of a rate adjustment clause pursuant to Va. Code section 56-585.1 (A)(4) to recover costs related to transmission services; and

**WHEREAS**, this substantial increase is being requested during difficult economic times; and,

**WHEREAS**, the businesses, industries and citizens of Nelson County, should not be adversely impacted because of the utility’s desire to further increase profits or seek additional revenues; and,

**WHEREAS**, this substantial increase may induce serious financial implications on Nelson County businesses, industries and our citizens, and may cause additional financial strain when times are exceedingly difficult due to increases in inflation, cost of living and may other indices; and,

**WHEREAS**, the proposed rate increase should not be considered as AEP's solution and furthermore, it should not be considered by the SCC nor AEP at this time.

**NOW, THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby oppose the large utility rate increase requested by AEP, and shall file this Resolution with the State Corporation Commission to demonstrate our opposition for the proposed action.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that a copy of this Resolution representing the official position of the Nelson County Board of Supervisors be shared with our state legislators and will all affected counties within the AEP service area of the Commonwealth for their consideration and concurrence.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR.  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**PROCLAMATION P2024-02**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**MAY 2024 IS OLDER AMERICANS MONTH**

**WHEREAS**, May is Older Americans Month, a time for us to recognize and honor the many older adults in Nelson County, and their immeasurable influence on every facet of American society; and,

**WHEREAS**, Nelson County recognizes how, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and,

**WHEREAS**, Nelson County recognizes that older Americans improve our community through intergenerational relationships, community service, civic engagement, and many other activities; and,

**WHEREAS**, Nelson County benefits when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and,

**WHEREAS**, Nelson County must ensure that older Americans have the resources and support needed to stay involved in their communities, reflecting our commitment to inclusivity, connectedness;

**NOW, THEREFORE, BE IT RESOLVED**, on this 14th day of May, 2024, the Nelson County Board of Supervisors does hereby proclaim May 2024 to be Older Americans Month. We call upon all residents to recognize the profound impact of meaningful interactions and social connections on the well-being and health of older adults in our community.

Adopted: May 14, 2024

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

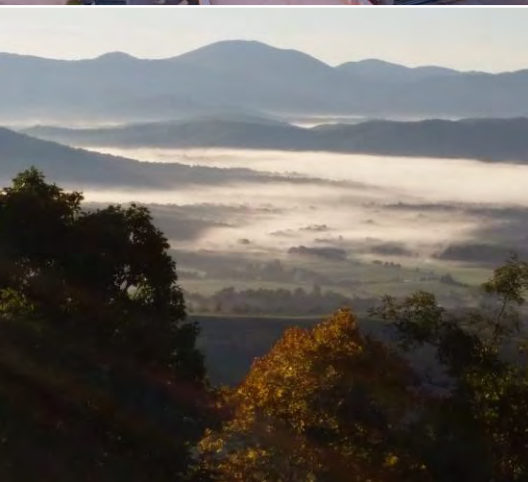
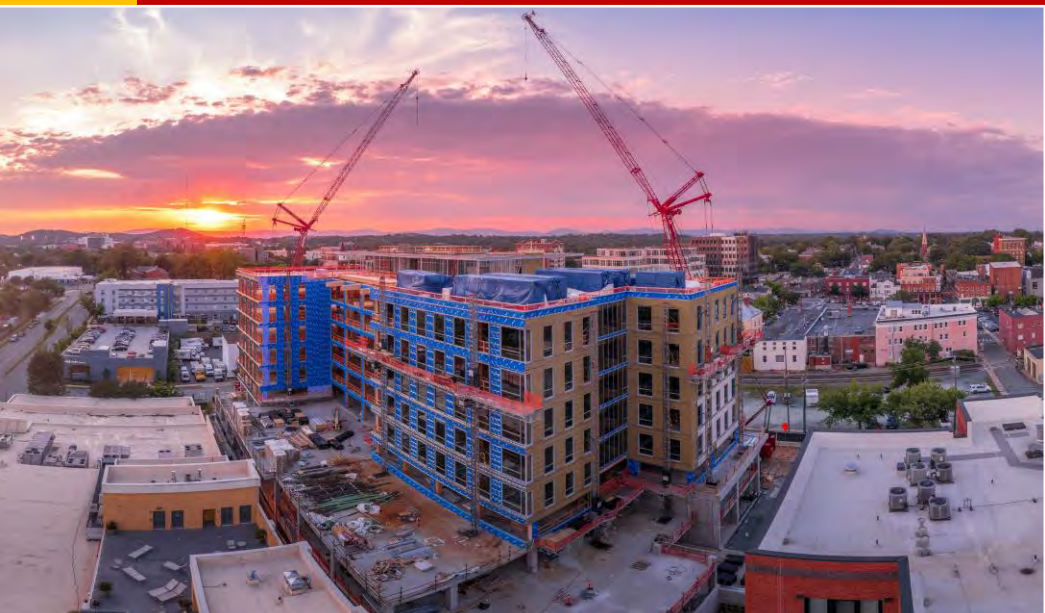




V B

# Comprehensive Economic Development Strategy

Thomas Jefferson Planning District Commission  
In partnership with GO Virginia Region 9



2024

May 14, 2024





# AGENDA

I. Setting the Context

II. Components of the Plan

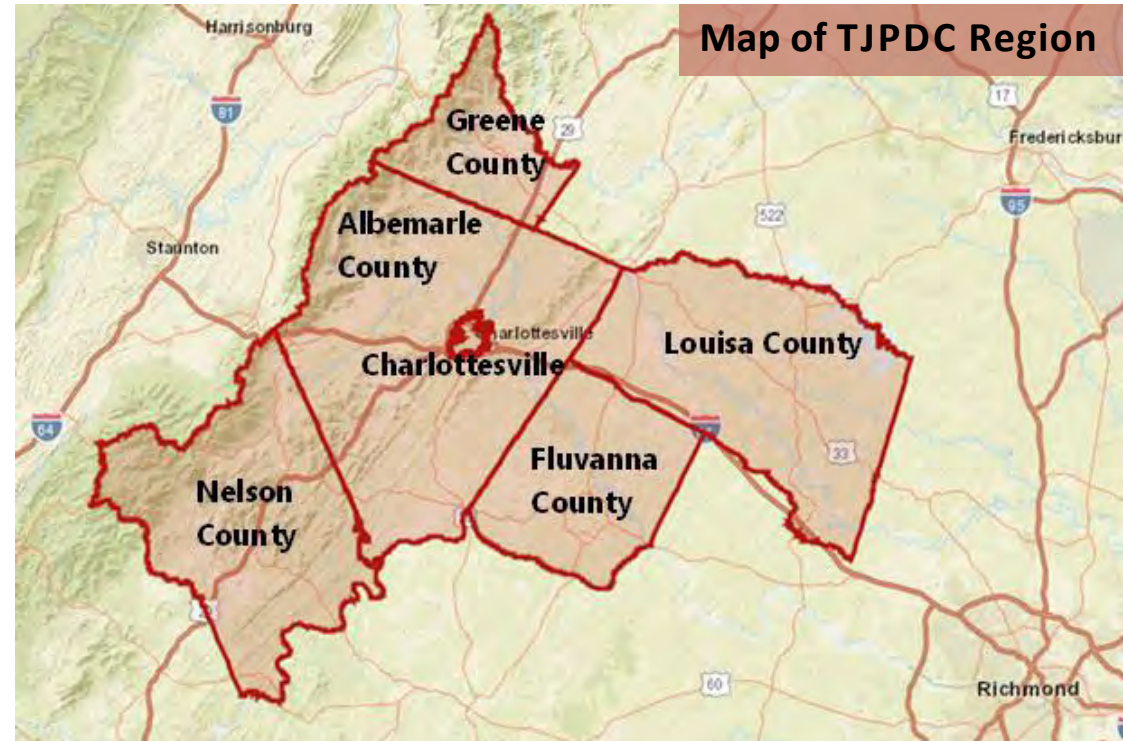
III. Implementation

IV. Next steps



# What is a CEDS?

- CEDS present the collective, coordinated actions that entities and organizations agree to take to create economic prosperity in their region.
- Actions are grounded in economic realities supported by data, information, and intelligence.



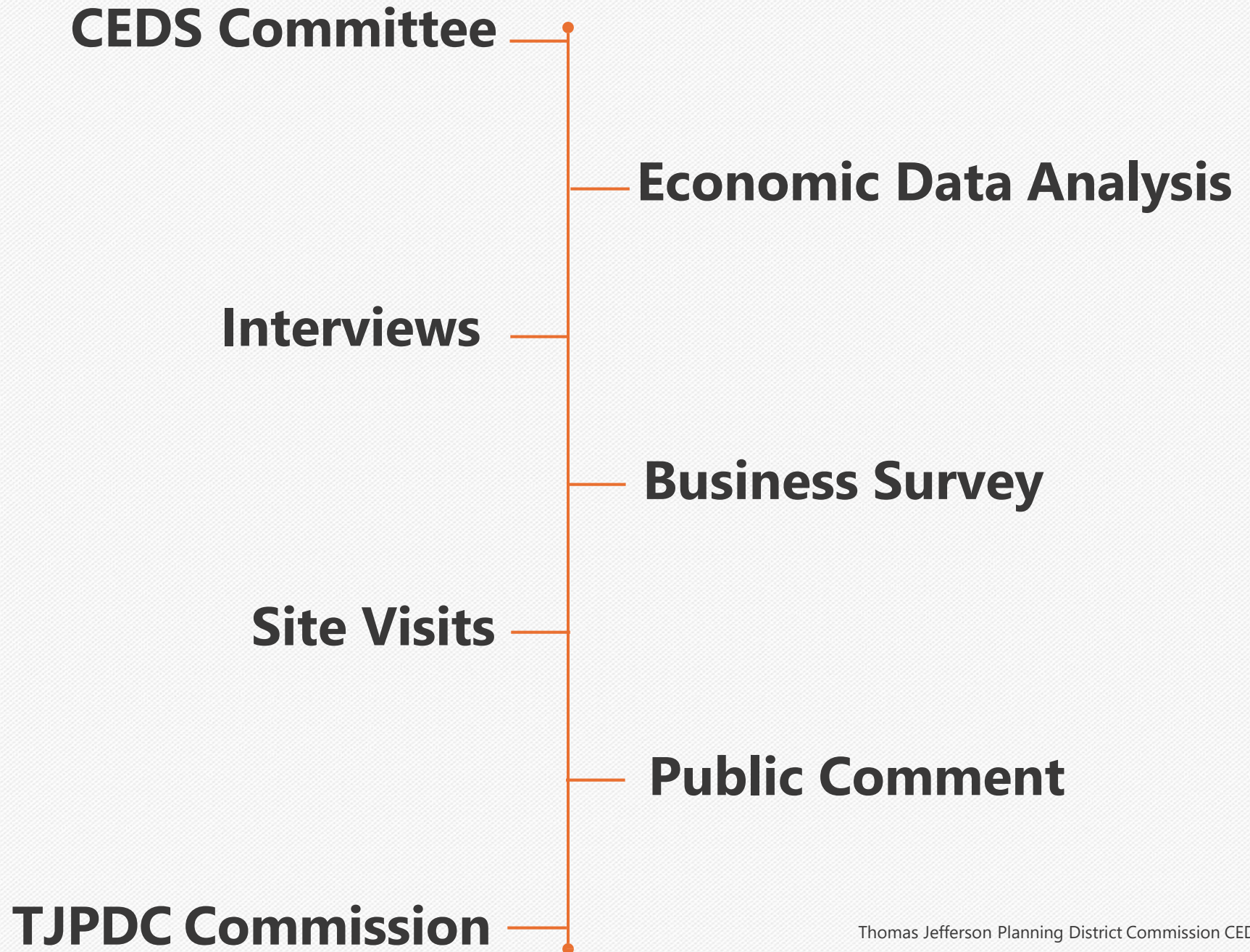
# Opportunities with the CEDS

- Set a regional vision for shared economic development goals.
- Leverage the assets that are important components of local economies.
- Grow emerging industries by supporting entrepreneurs and research and development.
- Showcase where large-scale investment will have the greatest impact on various communities.
- Help localities and the region pursue funding opportunities based on the priorities established in the strategies.



# COMPONENTS OF THE PLAN

Timeline: February 2023 – May 2024









# Five Key Takeaways from the data

---

1. From 2010 to 2020, the TJPDC region's population growth (12.3%) outpaced both Virginia (8.7%) and the US (7.3%).
2. The public sector is a strong component of the economy, while other industries – *Transportation & Warehousing*, *Professional Scientific Technical Services*, and *Manufacturing* – show emerging strengths.
3. While the public sector leads in GRP contributions, the top three GRP growth sectors from 2017-2021 were Wholesale Trade, Management of Companies, and Finance & Insurance.
4. The top occupations that workers are traveling into the region for are Postsecondary teachers, Registered Nurses, and Office Clerks, General.
5. Strong demand for warehouse and distribution space has drawn vacancies in the industrial sector down to nearly 1%.

# SWOT Analysis – Regional

Economic Topic	TJPDC Region
<b>State of the local economy</b> (Includes: business vitality, tax revenue, strength of primary industries etc.)	
<b>Industry diversity</b> (Includes: mix of businesses and amenities, etc.)	
<b>Risks to economy – economic and environmental</b> (Includes: supply chains, resilience, growth issues/pressures, natural hazards, etc.)	
<b>Infrastructure availability</b> (Includes: ease of access, condition of, major systems, energy needs, broadband, etc.)	
<b>Environmental</b> (Includes: natural resources, development balance, etc.)	
<b>Collaboration</b> (Includes: In/external dynamics, level of collaboration among partners across workforce, education, private sector etc.)	

## LEGEND

-  High perceived need and/or opportunity to develop strategies for economic growth
-  Moderate perceived need and/or opportunity to develop strategies for economic growth
-  Lower perceived need and/or opportunity to develop strategies for economic growth



# Summary of Goal Areas + Strategies

The goals and initiatives are summarized below, and specific actions related to each initiative are detailed in the report.

---

## GOAL 1

**Support economic growth within existing industries while leveraging emerging market opportunities to expand economic potential in the region.**

- A. Advance the region's leading industries and seek opportunities to fill unique niches in the regional economy.
- B. Invest in resources that will elevate the region's capabilities in hosting and growing life science startups and second-stage companies.
- C. Evaluate needs for visitation-related businesses as the sector evolves.

## GOAL 2

**Implement or adapt industry-focused initiatives that draw on cross-sector collaboration for talent retention, advancement, and attraction.**

- A. Capitalize on labor market data and real-time employer feedback to deploy workforce resources.
- B. Innovate ways to involve the private sector in workforce training programs.

## GOAL 3

**Promote elements of community placemaking that create a public realm that is attract to both businesses and residents.**

- A. Invest in commercial centers and downtowns as economic and community hubs.
- B. Advance housing options across the region in connection with market demand.
- C. Improve transportation connections among commercial and residential hubs.

## GOAL 4

**Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.**

- A. Increase the number of site-ready development parcels throughout the region.
- B. Proactively prepare the business community for economic and environmental crises.



# Implementation Readiness

---



## Emergent Strategy

**Status:**

Needs additional conceptualization and planning.

These actions represent opportunities to chart new territory and develop breakthrough strategies and leadership capabilities.

Since this is a new endeavor, there is room for developing innovative approaches, frameworks, and leadership paradigms.

These strategies are likely to be resource intensive to startup.



## Evolving Strategy

**Status:**

Needs a clear leader and/or resource allocation.

These actions represent initiatives that build on or re-purpose resources or partners that are currently in the economic development system.

Resource allocation, leadership, and approaches may need to be adjusted or enhanced to implement these strategies. These strategies have moderate resource needs.



## Launch-Ready Strategy

**Status:**

Ready to be executed.

These actions represent items that can be accomplished within the current economic development system.

These strategies have a clear leader and dedicated resources. They can always benefit from growing partnerships.



# Implementation

→ Implementation Committee

→ CEDS Committee Meeting

→ Metrics

→ Identifying funding sources to leverage

## Partners in Action

**434 Accelerator:** Central VA long-format accelerator

**BEAD:** Broadband Equity Access and Deployment Program

**CA-MPO:** Charlottesville-Albemarle Metropolitan Planning Organization

**CACVB:** Charlottesville Albemarle Convention and Visitors Bureau

**CAT:** Charlottesville Area Transit

**CIC:** Community Investment Collaborative

**CNE:** Center for Nonprofit Excellence

**CRCC:** Charlottesville Regional Chamber of Commerce

**CVPED:** Central Virginia Partnership for Economic Development

**CvilleREA:** Charlottesville Renewable Energy Alliance

**DHCD:** Virginia Department of Housing and Community Development

**GO Virginia:** Growth and Opportunity Council – Region 9

**iLab:** W.L. Lyons Brown III Innovation Laboratory

**iTHRIVE:** Integrated Translational Health Research Institute of Virginia

**PEC:** Piedmont Environmental Council

**PVCC:** Piedmont Valley Community College

**RRRC:** Rappahannock-Rapidan Regional Commission

**SBDC:** Small Business Development Center (Central Virginia)

**TJPDC:** Thomas Jefferson Planning District Commission

**UVA:** University of Virginia

**UVA LVG:** University of Virginia Licensing and Venture Group

**VATI:** Virginia Telecommunication Initiative

**VBRSP:** Virginia Business Ready Site Program

**VC:** Venture Central

**VCW:** Virginia Career Works (Piedmont Region)

**VDOT:** Virginia Department of Transportation

**VDOE:** Virginia Department of Education

**VEDP:** Virginia Economic Development Partnership

**VTC:** Virginia Tourism Corporation



# Metrics

---

## GOAL 1

**Support economic growth within existing industries while leveraging emerging market opportunities to expand economic potential in the region.**

- Industry growth by number and percentage for identified emerging industries, target industries, and overall economy (all industries)
- Average wage of new jobs compared to living wage (*MIT Living Wage Calculator*)
- Business dynamism (business entries vs. business exits)

## GOAL 2

**Implement or adapt industry-focused initiatives that draw on cross-sector collaboration for talent retention, advancement, and attraction.**

- Labor force participation rate
- Job placement rates by program at VCW
- Number and variety of private sector businesses participating in round tables

## GOAL 3

**Promote elements of community placemaking that create a public realm that is attractive to both businesses and residents.**

- Residential building permits by locality
- Increased visitation and financial support of events
- Ridership on public transit/bicycle and pedestrian network

## GOAL 4

**Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.**

- Number of sites that advanced a level on the VBRSP (by locality)
- Number of units (residential/commercial) with new or faster access to broadband
- Employers per acre

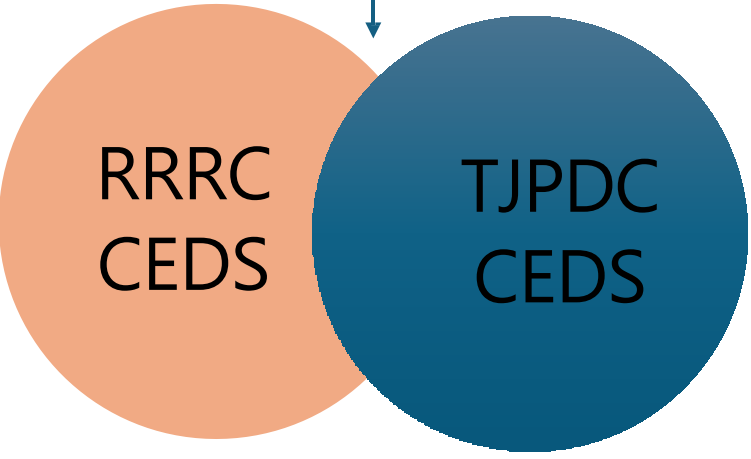
# A Novel Approach to Working Across Regions

## GO Virginia Region 9

TJPDC Localities      RRRC Localities



## GO Virginia Super Regional Strategies



# Super Regional Goal Areas

---

**GOAL 1** → Expand economic opportunities in the Food and Beverage industry

**GOAL 2** → Leverage Virginia's clean tech assets to establish an expanded hub for innovation and Advanced Manufacturing

**GOAL 3** → Designate a Defense and Intelligence industry corridor

**GOAL 4** → Optimize the economic impact of the Information Technology and Digital Communications sectors

**GOAL 5** → Expand tourism-based product development and marketing

**GOAL 6** → Advance recommendations for a regional housing approach

**GOAL 7** → Assess cooperative infrastructure development models to enhance site readiness initiatives

**GOAL 8** → Reimagine the employer-led talent pipeline

# **Where do we go from here?**

## **Activating the Plan(s)**

- TJPDC adopted the Comprehensive Economic Development Strategy – May 2
- Final meeting of the Strategy Committee – May 15
- RRRC 30-day public comment period – May 22
- RRRC Commission Meeting – June 26
- Present Super Regional strategies to GO VA Region 9 – June 27
- Move forward with partners, CVPED – August meeting
- Annual reporting to EDA



# Comprehensive Economic Development Strategy

Thomas Jefferson Planning District Commission  
In partnership with GO Virginia Region 9

## Executive Summary



2024

May 2, 2024



VIRGINIA INITIATIVE FOR  
GROWTH &  
OPPORTUNITY  
IN EACH REGION



# ACKNOWLEDGEMENTS

We would like to thank the following individuals and organizations for their support in the preparation of the Thomas Jefferson Planning District Commission CEDS.

## CEDS Committee

### Agency

Albemarle County Office of Economic Development  
Center for Nonprofit Excellence  
Central Virginia Partnership for Economic Development  
Central Virginia Small Business Development Center  
Charlottesville Albemarle Convention and Visitors Bureau  
Charlottesville Office of Economic Development  
Charlottesville Regional Chamber of Commerce  
Devils Backbone Brewing Company  
Economic Development and Tourism Office, Greene County  
Economic Development Office, Nelson County  
Fluvanna County Office of Economic Development  
GO Virginia Region 9 Council  
Greene County Chamber of Commerce  
Louisa Chamber of Commerce  
Louisa County Office of Economic Development  
Nest Realty  
Piedmont Virginia Community College  
Rappahannock Rapidan Regional Commission  
Town of Louisa  
Town of Mineral  
Town of Scottsville  
Town of Stanardsville  
University of Virginia Foundation  
University of Virginia, Economic Development  
Virginia Career Works - Piedmont Region

### Name

Jonathon Newberry  
Amel Gorani  
Helen Cauthen  
Rebecca Haydock  
Courtney Cacation  
Chris Engel  
Andrea Copeland  
Heidi Crandall  
Alan Yost  
Maureen Kelley  
Jennifer Schmack  
Shannon Holland  
Ashley Artale  
Tracy Hale Clark  
Andy Wade  
Megan Perry  
Jean Runyon  
Patrick Mauney  
Liz Nelson  
Ed Jarvis  
Matt Lawless  
Michael Payne  
Deborah van Eersel  
Pace Lochte  
Sarah Morton

### Title

Assistant Director  
Deputy Director, Strategy, Equity, Impact  
President & CEO  
Director  
Executive Director  
Director  
Interim President, Community Engagement Director  
Co-founder  
Director  
Director  
Director  
President  
Executive Director  
Director  
President  
Executive Director  
Town Manager  
Mayor  
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# ACKNOWLEDGEMENTS

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Camoin Associates provided analytics, stakeholder engagement, and report production services and facilitated the strategic planning process.

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## Appendix

I: Regional Background Report

II: Emerging Industry Profiles

III: Resilience Report

IV: Super Regional Strategies

V: Public Comment



# 1 INTRODUCTION

## Regional Planning for Regional Success

This endeavor is the first of its kind for this region. The process of planning and engagement during the Comprehensive Economic Development Strategy (CEDS) brought together each corner of the region and illuminated similarities and distinct factors in the jurisdictions that make up the Thomas Jefferson Planning District Commission (TJPDC).

A CEDS enables the region to look at the economy from a holistic vantage point and consider physical infrastructure, partnerships, networks, programs, and policies that contribute to overall prosperity.

The TJPDC CEDS will act as a guiding document for the TJPDC and its network of regional partners, allowing them to act cohesively and collaboratively to achieve their economic and community development goals. In the face of economic or environmental uncertainty, the CEDS provides a framework for the region to understand where actions will have the greatest impact and where resources can be leveraged.

Over the course of the 18-month planning process, the CEDS Committee and those involved in engagement laid the groundwork for continued collaboration, frequent feedback sessions, and openness in rethinking how to break through siloed work.

The strategies within this document aim to:

- Maximize the region's economic activity through ambitious initiatives.
- Build on the existing values and goals of partners in the region.
- Leverage the assets that are being strengthened by economic developers in their localities.
- Grow emerging industries by supporting entrepreneurs and research and development.
- Showcase where large-scale investment will have the greatest impact on a range of communities.
- Help localities and the region pursue funding opportunities based on the priorities established in the strategies.

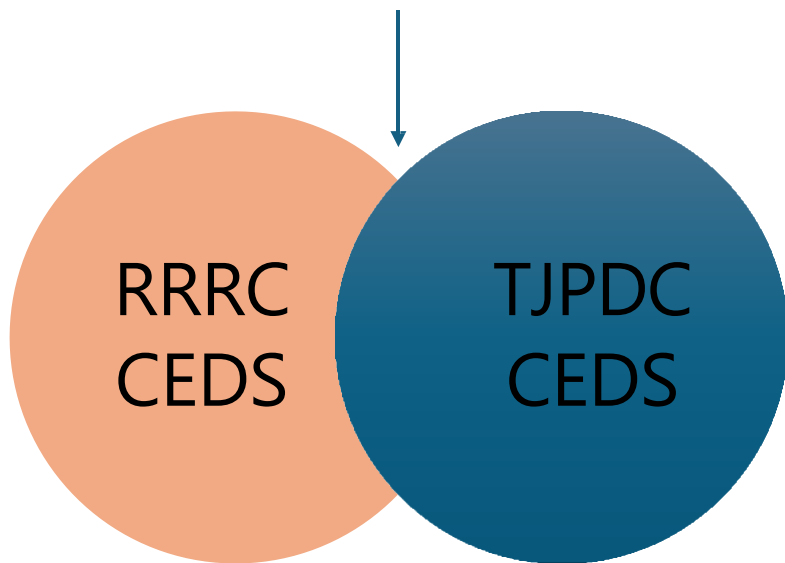


# A Novel Approach to Working Across Regions

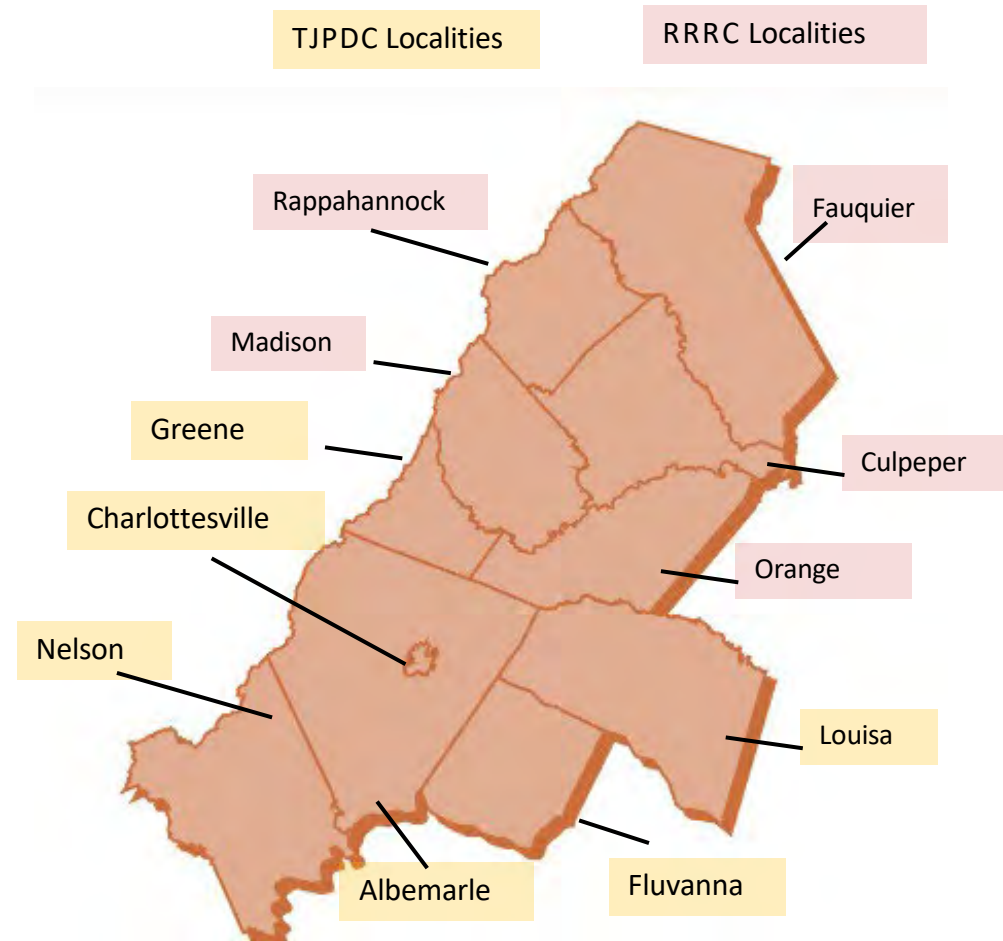
The TJPDC CEDS was completed in partnership with two other concurrent processes. The bordering planning district commission, Rappahannock-Rapidan Regional Commission (RRRC), also went through a planning process to prepare a CEDS. The two planning district commissions coordinated these efforts to work together and address opportunities for cross-border opportunities. This cross-jurisdictional collaboration was facilitated by funding from the statewide GO Virginia initiative. Together, the RRRC and the TJPDC make up Region 9 in GO Virginia. GO Virginia’s objective is to create high-paying jobs through increased partnerships between businesses, education, local government, and workforce entities.

The TJPDC and the RRRC will advance their own CEDS over the course of the next five years, while also working with GO Virginia Region 9 to advance super regional strategies that cover portions of both planning district commissions.

## GO Virginia Super Regional Strategies



## GO Virginia Region 9



Elements of the super regional Strategies can be found in Appendix IV.

# Principles of the CEDS

The CEDS aims to incorporate the community's values and align strategies with the group's principles. As part of the planning process, the CEDS Committee discussed the region's approach to equitable economic development. The Central Virginia Partnership for Economic Development (CVPED) previously enshrined how the region defines the concepts of diversity, equity, and inclusion, which is explained below. This definition was developed in partnership with CVPED's Board's Diversity Task Force, which is advised by the University of Virginia's Vice President for Diversity, Equity, Inclusion, and Community Partnerships, Dr. Kevin McDonald.

**Diversity** includes all the ways in which people differ, encompassing the characteristics that make one individual or group different from another. This includes, but is not limited to, race, color, gender expression, religion, sexual orientation, ethnicity, nationality, socioeconomic status, language(s), mental or physical ability, age, political perspective, veteran status, education, marital status, and learning styles. We recognize that many people identify with multiple characteristics.

**Equity** is the fair treatment, access, opportunity, and advancement for all people, while also striving to identify and eliminate barriers that have prevented the full participation of some individuals or groups. We believe this is attainable when it's built on RESPECT and it's a process that begins by acknowledging an unequal starting place and making a commitment to correct and address the imbalance. We will work together to identify and eliminate barriers that may prevent equality for everyone.

**Inclusion** is a sense of belonging and the outcome when everyone authentically feels welcomed, valued, supported, and able to fully participate so that they can do their best at work.

The Center for Nonprofit Excellence, located in Charlottesville, also offers an understanding of the concept of equity.

"The principle of equity acknowledges that there are historically underserved and underrepresented populations and that fairness regarding these unbalanced conditions is needed to assist equality in the provision of effective opportunities to all groups."

*-7 Actionable Principles for a Strong Social Sector, Center for Nonprofit Excellence*

## *What principles should anchor the CEDS?*

A selection of abbreviated responses from the CEDS Committee in February 2023.

*"Economic Resiliency for All not some"*

*"Access & engagement equity"*

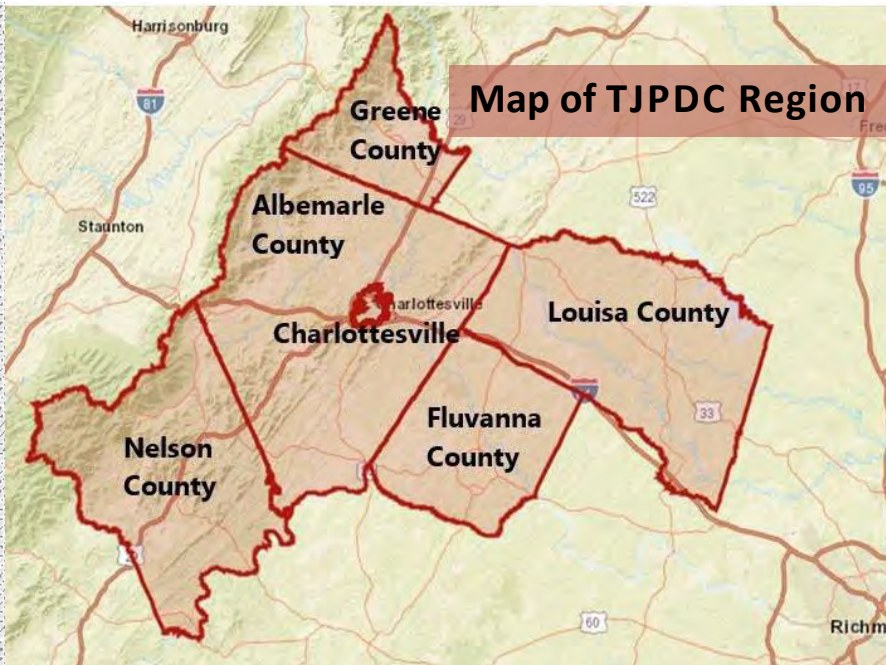
*"Balanced goals reflective of reality"*

*"[The] uniqueness of our area and why it's a great place to live and work"*



# 2 PLAN DEVELOPMENT

Spanning 2,140 square miles, the TJPDC region includes a wide range of geographies in Central Virginia. It covers six member governments: Albemarle County, Fluvanna County, Louisa County, the City of Charlottesville, Greene County, and Nelson County. See Appendix I, II, III for more data analysis.



## QUICK REGIONAL FACTS:

**Population:** 270,319

### Compound Annual Growth Rate - Population

- 2000-2010: 1.6%
- 2010-2020: 1.2%
- 2020-2022: 1.3%

**Household size:** 2.41

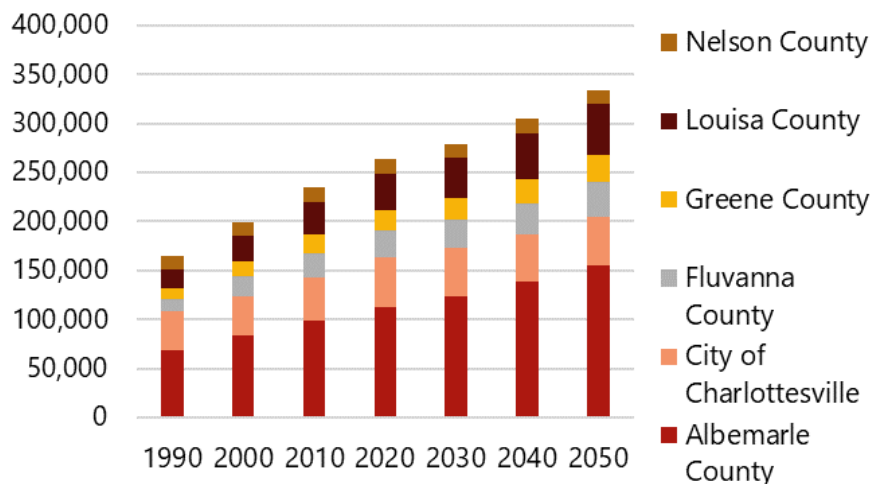
- **Household growth 2010-2020:** 12%

**Median Age:**

- **2010:** 37.6
- **2022:** 39.5

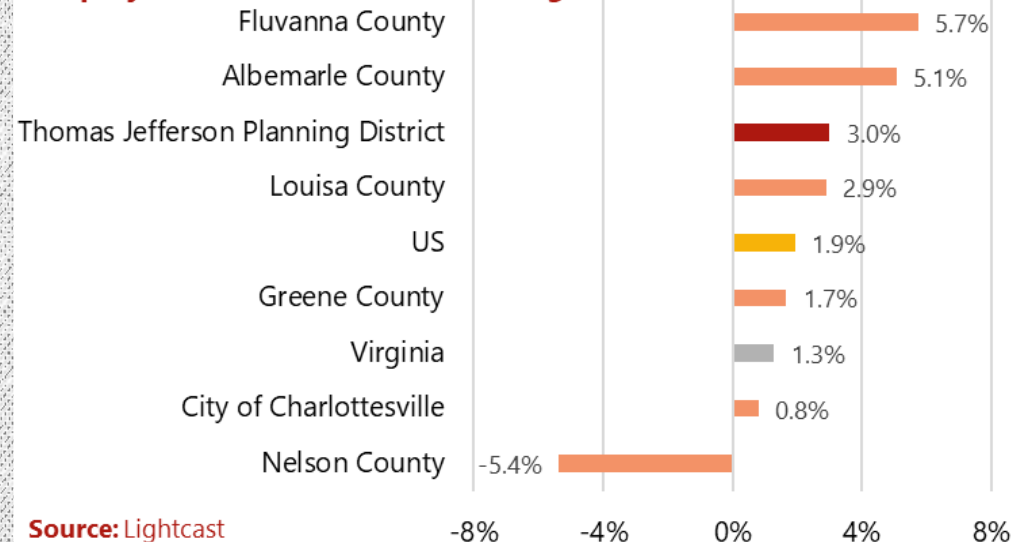
**Median Household Income:** \$81,318

## Total Population by Decade



Source: Weldon Cooper

## Employment Growth, Percent Change, 2017-2022



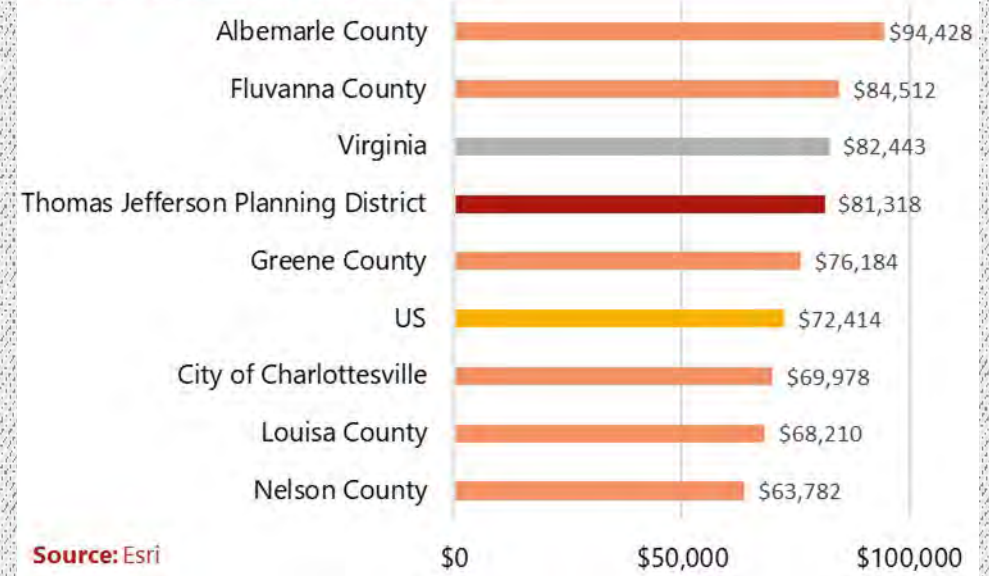
Source: Lightcast



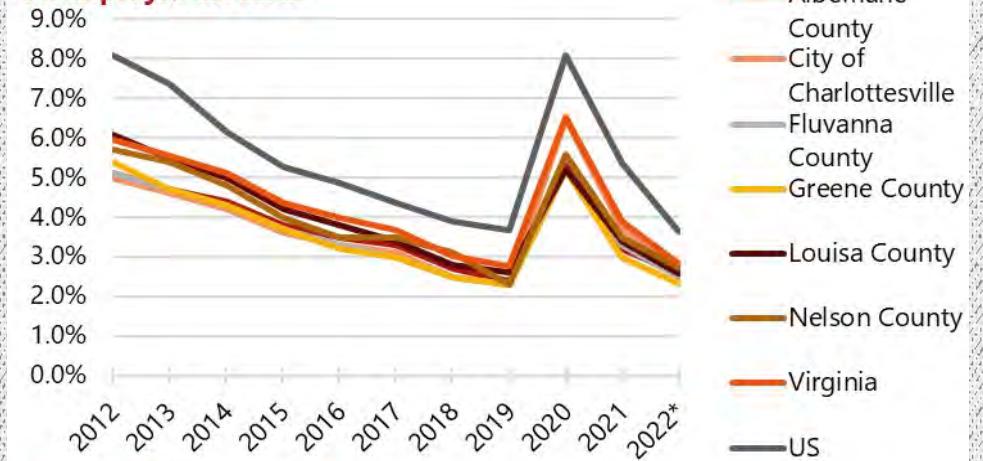
### QUICK REGIONAL FACTS:

- The TJPDC region is a net importer of workers. Sixty-eight percent (68%) of the population live and work in the region, and 39% of workers commute from outside the region.
- The region's average annual earnings for 2022 are significantly lower than the state and US. The average annual earnings for the TJPDC is \$69,173, in comparison to \$78,710 and \$77,767 for the state and US, respectively.
- From 2017-2022, the region's employment base grew by 3%, significantly outpacing both the state (1.3%) and nation (1.9%).
- The region increased the number of payroll business locations by 5% between 2017-2021. This did lag the state and nation, which saw increases of 10% and 11%, respectively. However, Fluvanna County and Louisa County saw bigger increases than the state and nation (13.1% and 11.7%, respectively).
- The region's unemployment rate steadily decreased from 2012 to 2019. During the pandemic, unemployment rates spiked to over 5.5% in some localities but have since rebounded to pre-pandemic rates.

### Median Household Income, 2022



### Unemployment Rate



# Methods of Engagement

A wide variety of voices helped identify assets, challenges, and opportunities in the TJPDC region.

## CEDS Committee

The committee represents a cross-section of activities in the region, drawing from the private, public, non-profit, and philanthropic communities. The CEDS Committee met regularly over the course of the planning process. They gave feedback digitally and in person.

## Economic Data Analysis

A thorough analysis of the region's economic condition informed the opportunities identified. This included demographic trends, labor market trends, opportunity sectors, workforce, as well as resilience indicators. This data can be found in Appendices II and III.

## Site Visits

Site visits to each of the TJPDC's localities helped provide on-the-ground context for nuances in the regional economy. In-person meetings with the CEDS Committee were prioritized during strategy development.

## Interviews

To gain intelligence directly from stakeholders on the ground, various one-on-one interviews and follow-ups were conducted to collect information, as well as vet strategies and next steps. Interviewees included business leaders, educational institutions, business support organizations, and non-profits.

## Business Survey

A business survey was promoted in the fall of 2023. Findings helped determine where the greatest needs were felt among a variety of types of industries.







Respondents indicated that the significant challenges facing them included retaining workers, recruiting workers, and unexpected changes in economic conditions. Businesses responded that they were confident they would see an increase in revenue over the next five years. Fifty percent (50%) of businesses were unsure of who to turn to when they faced challenges.

## Public Comment

The CEDS was released for a 30-day comment period and members of the public, along with existing stakeholders, were invited to provide feedback on elements of the CEDS.

# SWOT Analysis – Regional

Based on the elements of engagement, data analysis and additional stakeholder input, a variation of a SWOT analysis was developed to account for the unique factors in the different localities. The regional summary of the SWOT indicates where the greatest needs are, however, it is acknowledged that there is great variation among the region. Even if a subject is marked green, there is opportunity to improve or expand efforts in this category.

Economic Topic	TJPDC Region
<b>State of the local economy</b> (Includes: business vitality, tax revenue, strength of primary industries etc.)	
<b>Industry diversity</b> (Includes: mix of businesses and amenities, etc.)	
<b>Risks to economy – economic and environmental</b> (Includes: supply chains, resilience, growth issues/pressures, natural hazards, etc.)	
<b>Infrastructure availability</b> (Includes: ease of access, condition of, major systems, energy needs, broadband, etc.)	
<b>Environmental</b> (Includes: natural resources, development balance, etc.)	
<b>Collaboration</b> (Includes: In/external dynamics, level of collaboration among partners across workforce, education, private sector etc.)	


## LEGEND


-  High perceived need and/or opportunity to develop strategies for economic growth
-  Moderate perceived need and/or opportunity to develop strategies for economic growth
-  Lower perceived need and/or opportunity to develop strategies for economic growth




# SWOT Analysis – by Locality

Through qualitative stakeholder feedback and input from the CEDS Committee, a SWOT was developed to determine the localized status of each topic. These nuances were taken into consideration, along with data findings, in the strategy development process and will be important to document as the annual updates are drafted each year.

 High perceived need and/or opportunity to develop strategies for economic growth

 Moderate perceived need and/or opportunity to develop strategies for economic growth

 Lower perceived need and/or opportunity to develop strategies for economic growth

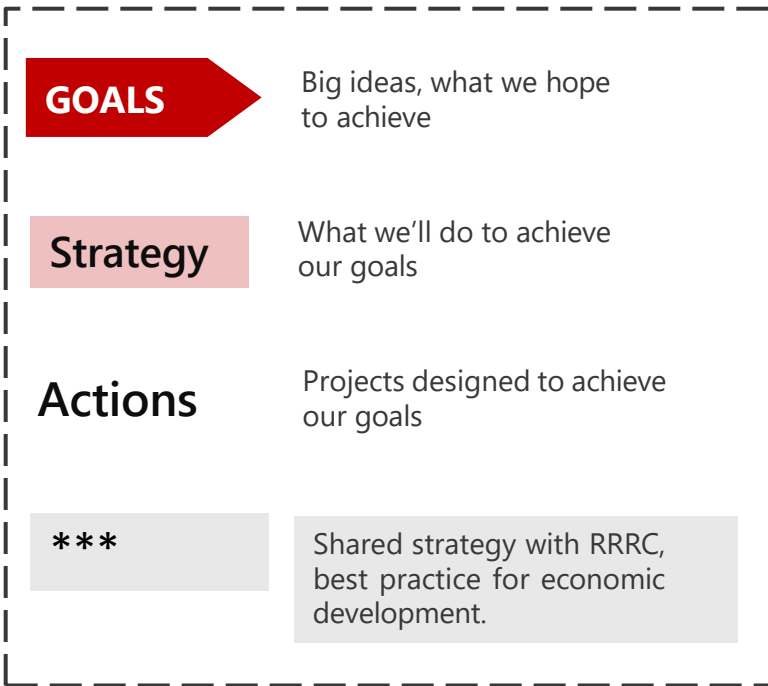
Economic Topic	Albemarle County	City of Charlottesville	Fluvanna County	Greene County	Louisa County	Nelson County
<b>State of the local economy</b> (Includes: business vitality, tax revenue, strength of primary industries etc.)	Green	Green	Yellow	Yellow	Yellow	Yellow
<b>Industry diversity</b> (Includes: mix of businesses and amenities, etc.)	Green	Green	Yellow	Yellow	Yellow	Yellow
<b>Risks to economy – economic and environmental</b> (Includes: supply chains, resilience, growth issues/pressures, natural hazards, etc.)	Yellow	Yellow	Orange	Yellow	Orange	Orange
<b>Infrastructure availability</b> (Includes: ease of access, condition of, major systems, energy needs, broadband, etc.)	Green	Green	Orange	Orange	Yellow	Orange
<b>Environmental</b> (Includes: natural resources, development balance, etc.)	Yellow	Yellow	Green	Yellow	Green	Green
<b>Collaboration</b> (Includes: In/external dynamics, level of collaboration among partners across workforce, education, private sector etc.)	Green	Green	Green	Green	Green	Green

# 3 STRATEGIC DIRECTION / ACTION PLAN

The following Action Plan Matrix highlights and emphasizes topics that hold the greatest opportunities for the region over the next five years. It serves as a roadmap, guiding resources and efforts toward areas where they can yield the most significant returns.

By identifying key strengths and existing initiatives within each locality, the strategy ensures that resources are allocated intentionally, amplifying the impact of ongoing work and fostering sustainable growth. It enables communities to leverage their existing assets and capitalize on emerging opportunities, ultimately driving progress and prosperity across the region.

## Legend



## Partners Legend

- 434 Accelerator:** Central VA long-format accelerator
- BEAD:** Broadband Equity Access and Deployment Program
- CA-MPO:** Charlottesville-Albemarle Metropolitan Planning Organization
- CACVB:** Charlottesville Albemarle Convention and Visitors Bureau
- CAT:** Charlottesville Area Transit
- CIC:** Community Investment Collaborative
- CNE:** Center for Nonprofit Excellence
- CRCC:** Charlottesville Regional Chamber of Commerce
- CVPED:** Central Virginia Partnership for Economic Development
- CvilleREA:** Charlottesville Renewable Energy Alliance
- DHCD:** Virginia Department of Housing and Community Development
- GO Virginia:** Growth and Opportunity Council – Region 9
- iLab:** W.L. Lyons Brown III Innovation Laboratory
- iTHRIVE:** Integrated Translational Health Research Institute of Virginia
- PEC:** Piedmont Environmental Council
- PVCC:** Piedmont Valley Community College
- RRRC:** Rappahannock-Rapidan Regional Commission
- SBDC:** Small Business Development Center (Central Virginia)
- TJPDC:** Thomas Jefferson Planning District Commission
- UVA:** University of Virginia
- UVA LVG:** University of Virginia Licensing and Venture Group
- VATI:** Virginia Telecommunication Initiative
- VBRSP:** Virginia Business Ready Site Program
- VC:** Venture Central
- VCW:** Virginia Career Works (Piedmont Region)
- VDOT:** Virginia Department of Transportation
- VDOE:** Virginia Department of Education
- VEDP:** Virginia Economic Development Partnership
- VTC:** Virginia Tourism Corporation



# Implementation Scale

Each of the strategies is evaluated on its level of implementation readiness. There are three different levels: emergent, evolving, and launch-ready. Where possible, leads and partners for each strategy are also documented.

This list of partners is not exhaustive, and we anticipate that partnerships will grow and evolve as the strategy is executed. Documenting the scale of readiness will help direct additional resources where needed and allow other strategies to surge ahead as the right stakeholders and resources come into place.



## Emergent Strategy

**Status:**

Needs additional conceptualization and planning.

These actions represent opportunities to chart new territory and develop breakthrough strategies and leadership capabilities.

Since this is a new endeavor, there is room for developing innovative approaches, frameworks, and leadership paradigms.

These strategies are likely to be resource intensive to startup.



## Evolving Strategy

**Status:**

Needs a clear leader and/or resource allocation.

These actions represent initiatives that build on or re-purpose resources or partners that are currently in the economic development system.

Resource allocation, leadership, and approaches may need to be adjusted or enhanced to implement these strategies. These strategies have moderate resource needs.



## Launch-Ready Strategy

**Status:**

Ready to be executed.

These actions represent items that can be accomplished within the current economic development system.

These strategies have a clear leader and dedicated resources. They can always benefit from growing partnerships.

# Summary of Goals & Initiatives

The goals and initiatives are summarized below, and specific actions related to each initiative are detailed in the following pages.

## GOAL 1

**Support economic growth within existing industries while leveraging emerging market opportunities to expand economic potential in the region.**

- A. Advance the region's leading industries and seek opportunities to fill unique niches in the regional economy.
- B. Invest in resources that will elevate the region's capabilities in hosting and growing life science startups and second-stage companies.
- C. Evaluate needs for visitation-related businesses as the sector evolves.

## GOAL 2

**Implement or adapt industry-focused initiatives that draw on cross-sector collaboration for talent retention, advancement, and attraction.**

- A. Capitalize on labor market data and real-time employer feedback to deploy workforce resources.
- B. Innovate ways to involve the private sector in workforce training programs.

## GOAL 3

**Promote elements of community placemaking that create a public realm that is attract to both businesses and residents.**

- A. Invest in commercial centers and downtowns as economic and community hubs.
- B. Advance housing options across the region in connection with market demand.
- C. Improve transportation connections among commercial and residential hubs.

## GOAL 4





**Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.**

- A. Increase the number of site-ready development parcels throughout the region.
- B. Proactively prepare the business community for economic and environmental crises.

# GOAL 1

Support economic growth within existing industries while leveraging emerging market opportunities to expand economic potential in the region.




Strategy 1.A) Advance the region’s leading industries and seek opportunities to fill unique niches in the regional economy.

Action	Description	Status	Partners
1.A.1 Coordinate business development initiatives across North Fork UVA Discovery Park, Greene County, and Rivanna Station (Albemarle County).	Collaborate to determine the correct mix of suitable industries and the unique role that each site will play in encouraging distinct cluster development. Success will be facilitated by growing industry participation in this process.		Greene County Albemarle County PVCC CRCC UVA  <b>Lead:</b> UVA Foundation
1.A.2 Develop programs to support the formation of new companies focused on clean technology.	A “pilot manufacturing” location could help support the development of these technologies in partnership with the Manufacturing Extension Partnership (MEP) and regional incubators. These industries can be further supported by specialized training within educational institutions, scholarships, and apprenticeships.		CvilleREA Private sector
1.A.3 Expand program and service offerings provided by existing business support groups with a stronger emphasis on Clean Tech, Cybersecurity, and IOT (Internet of Things)-related start-up companies.	Several of the region’s assets are well-positioned to expand translational research, commercialization, and new company formation in these emerging and high-growth industries.		Venture Central UVA LVG and i.Lab 434 Accelerator
1.A.4 Invest in the specialized workforce and technical assistance that supports the evolving Agriculture sector, especially the advancement of value-added product manufacturing.	Agriculture-related sectors are a driving force in the region. Setting up producers to take advantage of value-added possibilities with specialized training or technical assistance will grow this sector. This also includes the technology and infrastructure related to Controlled Environment Agriculture, which is a strength in the region.		VCW

# GOAL 1

Support economic growth within existing industries while leveraging emerging market opportunities to expand economic potential in the region.

Strategy 1.A) Advance the region's leading industries and seek opportunities to fill unique niches in the regional economy.




Action	Description	Status	Partners
1.A.5 ***	Connect rural communities to growing market opportunities and make investments to advance their ability to access these opportunities.		SBDC Locality ED departments Private sector Virginia Rural Center
1.A.6 ***	Expand relationships with Minority, Women, and Veteran Enterprises and address barriers within these communities in partnership with trusted community non-profits and other entities.		There are many partners advancing efforts in this strategy. A few examples include: United Way SBDC CIC Local chambers Venture Central
1.A.7 ***	Expand opportunities for entrepreneurs to access capital in all stages of business, from seed to Series B.		Cville BioHub Venture Central SBDC CIC CEO alliances Entrepreneurs across numerous sectors

**SPOTLIGHT:** The Community Investment Collaborative (CIC) emerged from a need established during the 2008 recession. Launched in 2012, the CIC's mission is to help entrepreneurs start or expand their businesses. This is accomplished through educational programming, mentoring, startup financing, and networking opportunities within the entrepreneurial community. As a certified CDFI, financing support must serve low-income populations and minority communities. The CIC is also the host of the Central Virginia Small Business Development Center, which offers an expansive catalog of free business support services across the region.

# GOAL 1

Support sustainable growth within existing business while leveraging emerging market opportunities to expand economic potential in the region.

Strategy 1.B) Invest in resources that will elevate the region’s capabilities in hosting and growing Life Sciences startups and second-stage companies.

Action	Description	Status	Partners
1.B.1 Develop shared labs and common spaces that have specialized biotechnology equipment for more researchers and entrepreneurs in the region.	It can be a struggle for early-stage businesses to find equipment and facilities to advance their discovery and research activities. Develop more spaces and consider university-business arrangements for growth firms lacking ready access to UVA facilities.		UVA Cville BioHub Venture Central SBDC Private sector Community colleges
1.B.2 Explore establishing a clinical trials network in the Charlottesville region.	This is needed to complement the work of the Manning Institute of Biotechnology, which is expected to attract the interest of pharmaceutical and biotechnology companies. Clinical trials that include a diverse set of participants work towards more meaningful and equitable health outcomes.		iTHRIV UVA – Manning Institute of Biotechnology
1.B.3 Collaborate with partners to expand access and awareness of the available technical assistance programming for women and minority entrepreneurs seeking SBIR/STTR funding. <i>*SBIR – Small Business Innovation Research</i> <i>*STTR – Small Business Technology Transfer</i>	Virginia ranks among the top states for SBIR/STTR award funding. Nationally, however, there are persistent disparities in outreach and support to underrepresented groups which is becoming more of a priority for federal agencies to address.		Cville BioHub Venture Central



**SPOTLIGHT:** The regional Life Sciences ecosystem is expanding substantially with the development of the Paul and Diane Manning Institute of Biotechnology. With a groundbreaking in December 2023, the facility is poised to accelerate research and innovation in fields like cellular therapy, gene therapy, nanotechnology, and drug delivery. The facility will also enable the growth of clinical trials and additional testing locations for treatment. The Paul and Diane Manning Institute of Biotechnology joins a growing Life Sciences ecosystem in the region, supported by organizations like Cville Biohub, which aspires to double the size of the industry by 2030. Cville Biohub acts as the bridge between entrepreneurs, scientists, investors, and the community, providing access to funding and resources for business in the sector.



# GOAL 1

Support sustainable growth within existing business while leveraging emerging market opportunities to expand economic potential in the region.

Strategy 1.B) Invest in resources that will elevate the region’s capabilities in hosting and growing Life Sciences startups and second-stage companies.

Action	Description	Status	Partners
1.B.4 Anticipate future growth in the Life Sciences industry by adopting proven successful models to strengthen existing investor funds and networks.	Building out the Life Sciences ecosystem in the region will require increased support of translational and commercialization activities and grants (i.e., Ivy Biomedical, 3 Cavaliers, CRCF), angel groups, and venture funds (i.e., CAV Angels, CAN, etc. There is a statewide effort to generate Virginia's own version of North Carolina's Research Triangle. *CRCF – Commonwealth Research Commercialization Fund *CAN – Charlottesville Angel Network		Cville BioHub Venture Central VEDP GO Virginia Region 9
1.B.5 Align the region’s Life Science resources to take advantage of growing submarkets and statewide strategies for Life Sciences growth.	Virginia Bio-Connect is a valuable resource to learn from for the other four Life Sciences clusters in the state. Piloting or adapting programs from other regions will build on recent successes and help to strengthen the statewide network of startups, researchers, large employers, educational institutions, and intermediaries.		Cville BioHub Virginia Bio-Connect GO Virginia Region 9





**SPOTLIGHT:** Virginia Bio-Connect is a statewide effort to grow the connections between regional Life Sciences hubs. The initiative tackles industry-wide challenges and opportunities, like workforce attraction, lab space access, and more. In addition to the Charlottesville/Albemarle Region (Region 9 in GO VA), other hubs include Roanoke/Blacksburg/Lynchburg (Region 2), Greater Richmond Biohub (region 4), Coastal Virginia (Region 5), and Northern Virginia (Region 7). A digital platform hosts available resources, jobs, organizations, and events in the industry. More information can be found here: <https://vabiocconnect.org/resources>



# GOAL 1

Support sustainable growth within existing business while leveraging emerging market opportunities to expand economic potential in the region.

## Strategy 1.C) Evaluate needs for visitation-related businesses as the sector evolves.

Action	Description	Status	Partners
1.C.1 Forge strong connections between outdoor recreation activities and nearby Main Street commercial and service offerings.	There is a role to play for each location in a visitation economy. Intentionally showing visitors the location of convenient food and entertainment options near outdoor recreation activities can bridge the distance between more urban and rural areas. There has been progress made in terms of clustering activities across the region.		CACVB- Tourism Master Plan (ongoing) VTC TJPDC Localities
1.C.2 Conduct an accommodation feasibility study for the region and evaluate the market need for a mix of accommodation options.	Retaining visitors for an overnight stay helps contribute to overall impact on the economy. Varying styles of accommodations fit throughout the region and coordinating where and how these accommodations are situated can help draw visitors to more rural areas, if desired.		CACVB- Tourism Master Plan (ongoing) VTC CVPED TJPDC
1.C.3 Partner with existing efforts to implement county farm tours and highlight the region's agricultural strengths to internal and external audiences.	Although the bounty of an expansive rural landscape is only a short distance from the region's urban locales, offerings in these rural areas often go unnoticed.		CACVB- Tourism Master Plan (ongoing) Virginia Rural Center VTC Local chambers
1.C.4 Invest in the region's tourism economy, including arts, culture, retail, outdoor recreation, food service, and meeting space across urban and rural areas with regional impact in mind.	The region has a range of assets spanning the many landscapes within the area. These destinations are vital drivers of the economy and also contribute to a local sense of place.		CACVB- Tourism Master Plan (ongoing) VTC VEDP Local chambers





**SPOTLIGHT:** Nelson County's 151 Craft Beverage Trail is a prime example of how business collaboration, an effective marketing message, and leveraging market demand can drive visitation and spending into the region. With seven wineries, six breweries, three cideries, and two distilleries, the trail bills itself as "not your average farm tour."



## GOAL 2

# Implement or adapt industry-focused initiatives that draw on cross-sector collaboration for talent retention, advancement, and attraction.

### Initiative 2.A) Capitalize on labor market data and real-time employer feedback to deploy workforce resources.

Action	Description	Status	Partners
2.A.1	Increase and diversify opportunities for businesses to engage in apprenticeships, micro-trainings and other work-based learning (WBL).		SBDC  <b>Lead:</b> VCW
2.A.2	Invest in cultural competence and sensitivity training for medium to large employers.		CACVB - Tourism for all program  <b>Lead:</b> VCW
2.A.3	Determine overlapping skills and related occupations at entry, mid, and high skill levels among the region's industries.		Private sector CVPED SBDC  <b>Lead:</b> VCW
2.A.4	Map the regional workforce development system to determine where there are gaps in the existing system.		GO Virginia  <b>Lead:</b> VCW

**SPOTLIGHT:** Virginia Career Works is leading the way on several workforce initiatives that are picking up momentum. Their work spans hosting and facilitating business coalition meetings in the region's target sectors, to identifying industry gaps and barriers, and connecting job seekers with work-based learning opportunities. This is in addition to VCW's requirements involving the Workforce Innovation and Opportunity Act.

## GOAL 2

# Implement or adapt industry-focused initiatives that draw on cross-sector collaboration for worker retention, advancement, and attraction.






### Initiative 2.B) Innovate ways to involve the private sector in workforce training programs.\*\*\*

Action	Description	Status	Partners
2.B.1 ***	<p>Convene employers across leading industries to support novel on-the-job pilot programs, long-term programming, and industry-informed curricula.</p>	<p>Offering on-the-job and real-world experience is a proven way to retain workers. Additional employer engagement across a range of industries will help build awareness of what is available in the region and support employer workforce needs.</p> <p>Apprenticeships are one model but can be modified to pre-apprenticeships, internships, shadow days, badges, boot camps, co-ops, and/or mentorships.</p>	<p>Private sector Community colleges SBDC CVPED CEO industry groups</p> <p><b>Lead:</b> VCW – Business Coalition Meetings, ongoing in Food/Bev and Health Care</p>
2.B.2 ***	<p>Deepen engagement with trade unions, industry organizations, and other entities that directly represent private sector employees.</p>	<p>These are valuable partners to glean real-time information and are your partners in implementing WBL programs.</p>	<p>Private sector Community colleges SBDC CVPED CEO industry groups Trade unions</p> <p><b>Lead:</b> VCW – Business Coalition Meetings, ongoing in Food/Bev and Health Care</p>
2.B.3 ***	<p>Work with leading entities in the Childcare sector to prioritize action-items that will enable safe, affordable, and convenient childcare access points across the region.</p>	<p>Statewide and regional entities are pursuing solutions within the Childcare sector. Actively participating in these conversations and piloting solutions with regional employers will be necessary to overcome significant barriers.</p>	<p>Ready Region Blue Ridge VA Early Childhood Foundation VDOE</p>

## GOAL 3

# Promote elements of placemaking to create a distinct community identity that is attractive to both businesses and residents.



### Initiative 3.A) Invest in commercial centers and downtowns as economic and community hubs.

Action	Description	Status	Partners
3.A.1	Meet housing demand through infill development, encouraging denser developments in appropriate locations, and mixed-use developments.		Localities Real estate community TJPDC Private/nonprofit developers
3.A.2	Employ land assembly as a tactic to create developable properties.		Localities Real estate community TJPDC Private/nonprofit developers
3.A.3	Pursue placemaking activities that create dynamic and engaging spaces, foster a sense of belonging, and stimulate economic growth.		Localities Real estate community TJPDC Private/nonprofit developers
3.A.4 ***	Partner with localities to assess the vibrancy and vitality of commercial corridors, small towns, and downtown districts and identify tactics that can advance meaningful, local economic activity.		Localities Real estate community TJPDC Private/nonprofit developers
3.A.5 ***	Promote opportunities for localities to market local destinations and set up signage to capture visitation.		SBDC Localities Chambers CACVB

# GOAL 3

## Promote elements of community placemaking that create a public realm that is attractive to both businesses and residents.







### Initiative 3.B) Advance housing options across the region in connection with market demand.

Action	Description	Status	Partners
3.B.2	<p>Partner with UVA as they leverage real estate holdings to develop affordable housing for the community.</p>		<p>TJPDC Localities Real estate community Private/nonprofit developers UVA</p>
3.B.1 ***	<p>Work with municipalities on land use updates that will encourage building in existing service centers.</p> <p><i>Rezoning and future land use planning</i> Aligning land use regulations with desired housing development is a high-impact way to increase development.</p> <p><i>Identify underutilized locations</i> There are often properties with the potential for development that have been abandoned or are otherwise challenging properties that hold potential for housing development.</p> <p><i>Inventory publicly owned land</i> With public site control, this land may be a good fit to strategize housing solutions with the private, public, and non-profit sectors.</p>		<p>TJPDC Localities Real estate community Private/nonprofit developers</p>

## GOAL 3

# Promote elements of community placemaking that create a public realm that is attractive to both businesses and residents.





### Initiative 3.C) Improve transportation connections among commercial and residential hubs.

Action	Description	Status	Partners
3.C.1	Establish highest priority needs on the Route 29 Corridor to encourage safe, reliable connections between employment and residential centers.		TJPDC CA-MPO Localities along the 29 Corridor
3.C.2	Amplify the needs identified in the Regional Transit Vision (2022) Moving Towards 2050 Transportation Plan.		TJPDC CA-MPO Localities
3.C.3	Build out pedestrian and bicycle pathways to connect with other recreational paths and/or major community hubs.		TJPDC VDOT CA-MPO Localities
3.C.4	Increase transit ridership on existing corridors and seek to build out developments along these corridors.		TJPDC VDOT CA-MPO Localities Transit agencies including but not limited to: CAT, Jaunt, Afton Express
3.C.5	Identify parcels along the proposed east-west rail expansion for potential economic development opportunities.		TJPDC VDOT CA-MPO Localities
3.C.6	Build concentration of ridership in rural areas to maximize coverage in these areas.		TJPDC VDOT Localities

## GOAL 4

# Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.

### Initiative 4.A) Increase the number of site-ready development parcels throughout the region.

Action	Description	Status	Partners
4.A.1	Prioritize an inventory of parcels or areas for water and sewer infrastructure improvements in rural localities to support site development for business growth.		VBRSP VEDP CVPED GO VA Localities
4.A.2	Advance sites on VBRSP's scale of Site Characterization Tier Levels.		VBRSP VEDP CVPED GO VA Localities
4.A.3	Analyze alternate energy project opportunities for new job creation and investment.		VBRSP VEDP CVPED GO VA
4.A.4	Leverage the state's broadband funding to build out the network in remaining rural areas.		VBRSP VEDP CVPED DHCD GO VA TJPDC Localities Private Internet Service Providers (ISP)





**SPOTLIGHT:** The Virginia Business Ready Sites Program (VBRSP) supports economic development by assisting localities in their efforts to bring shovel-ready sites to market. The program designated a tier level to sites on a scale from 1-5, with 1 being little to no due diligence complete while a 5 indicates a site is shovel-ready.

## GOAL 4

# Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.

### Initiative 4.A) Increase the number of site-ready development parcels throughout the region.



Action	Description	Status	Partners
4.A.5 ***	Pursue joint partnerships or other customized collaborations to help fund or advance infrastructure.		VBRSP VEDP CVPED GO VA
4.A.6 ***	Evaluate electricity needs for local communities as heavy-energy industry users come online.		VBRSP VEDP CVPED GO VA



## GOAL 4

# Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.

### Initiative 4.B) Proactively prepare the business community for economic and environmental crises.

Action	Description	Status	Partners
4.B.1	Coordinate the implementation of the Hazard Mitigation Plan (HMP) with CEDS strategies and continue to incorporate the private sector in conversations about economic resilience.		TJPDC RRRC CVPED Private sector groups
4.B.2 ***	Solidify a leader or team of leaders in the community who will be the face of build-back efforts in the event of an economic or environmental crisis.		TJPDC RRRC CVPED

# 4 EVALUATION FRAMEWORK

Implementation will be facilitated through a structured approach that is led by TJPDC but is heavily reliant on the cooperation and partnership of the regional stakeholders.

An Implementation Committee will be formed with 5-6 leaders who represent major topic areas of the CEDS. They will be tasked with meeting regularly and supporting the coordination of partners on certain strategies.

In addition, an annual meeting of the CEDS Committee will serve as a pivotal event, providing a platform for stakeholders to review progress and recalibrate efforts. This gathering will include a thorough examination of the strategies outlined in the CEDS, with a focus on adjusting their status.

Updates will be made to reflect emergent trends, evolving priorities, and initiatives that are poised for launch. Additionally, there will be a concerted effort to adapt strategies as needed, incorporating feedback and updating significant initiatives.

Throughout this process, there will be regular check-ins with the leadership of key organizations involved in implementation. Evaluations will assess the effectiveness of implementation efforts and the communication strategies employed. By fostering a dynamic and responsive approach, the CEDS aims to ensure that economic development initiatives remain relevant and impactful over the duration of the strategy.

Economic metrics will also be collected to monitor key characteristics of the region. Those are documented on the following page.





# Metrics

These metrics are intended to capture select characteristics of the region. Each organization involved in the CEDS also maintains records and metrics for their organization and the goal is not to duplicate those efforts but rather focus on region-wide factors that indicate what type of progress is being made on the strategies.

## GOAL 1

**Support economic growth within existing industries while leveraging emerging market opportunities to expand economic potential in the region.**

- Industry growth by number and percentage for identified emerging industries, target industries, and overall economy (all industries)
- Average wage of new jobs compared to living wage (*MIT Living Wage Calculator*)
- Business dynamism (business entries vs. business exits)

## GOAL 2

**Implement or adapt industry-focused initiatives that draw on cross-sector collaboration for talent retention, advancement, and attraction.**

- Labor force participation rate
- Job placement rates by program at VCW
- Number and variety of private sector businesses participating in round tables

## GOAL 3

**Promote elements of community placemaking that create a public realm that is attractive to both businesses and residents.**

- Residential building permits by locality
- Increased visitation and financial support of events
- Ridership on public transit/bicycle and pedestrian network

## GOAL 4

**Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.**

- Number of sites that advanced a level on the VBRSP (by locality)
- Number of units (residential/commercial) with new or faster access to broadband
- Employers per acre



# ROBINSON, FARMER, COX ASSOCIATES, PLLC

*Certified Public Accountants*

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## Communication with Those Charged with Governance

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### To the Board of Supervisors County of Nelson, Virginia

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of County of Nelson, Virginia for the year ended June 30, 2023. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 1, 2023. Professional standards also require that we communicate to you the following information related to our audit.

#### Significant Audit Matters

##### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by County of Nelson, Virginia are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2023. We noted no transactions entered into by the entity during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the County's financial statements was (were):

Management's estimate of the depreciable lives of capital assets is based on the actual lives of prior assets and industry standards. We evaluated the methods, assumptions, and data used to develop the depreciable lives in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of pension and other post-employment benefit liabilities is based on actuarial valuations performed by a qualified independent actuary. We methods, assumptions, and data used to develop the estimated liabilities in determining that they are reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

#### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

### *Corrected and Uncorrected Misstatement*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Our procedures disclosed no misstatements that required correction by management.

### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a disagreement on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated April 4, 2024.

### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the entity's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the entity's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

### Other Matters

We applied certain limited procedures to management's discussion and analysis and the schedules related to pension and OPEB funding, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI. Our responsibility with respect to the budgetary comparison information, which also supplements the basic financial statements, is to evaluate the presentation of the schedules in relation to the financial statements as a whole and to report on whether it is fairly stated, in all material respects, in relation to the financial statements as a whole.

We were engaged to report on combining and individual fund financial statements and schedules, supporting schedules, and the schedule of expenditures of federal awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Other Matters: (Continued)

We were not engaged to report on statistical information, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of Board of Supervisors and management of the County of Nelson, Virginia and is not intended to be, and should not be, used by anyone other than these specified parties.

*Robinson, Farnell, Cox Associates*

Charlottesville, Virginia

April 4, 2024





May 7, 2024

Dear Candy McGarry,

Our **Nelson County High School** Chapter of Family, Career and Community Leaders of America (FCCLA) has worked diligently this year on learning new concepts in Family and Consumer Sciences. I want to request your support in obtaining financial assistance to attend the 2024 FCCLA National Leadership Conference (NLC) in Seattle, WA, from **June 28-July 4**. NLC is a student leadership conference for middle and high school students and their Family and Consumer Sciences educators. The FCCLA National Leadership Conference is the largest national gathering of Family and Consumer Sciences professionals and students across America.

The conference also offers advisers a comprehensive educational experience to enhance classroom instruction through engaging sessions on various topics with expert speakers, best practices sessions, and networking opportunities. Facilitated by National FCCLA, conference sessions will be presented by subject-matter experts, current on educational trends and needs with various backgrounds in communications, marketing, education, and business. The knowledge and skills I will acquire from professional development will apply to current projects such as **Mini Govs Day Camp, NCPS Pop Tab Drive, PVCC Outreach, The Effects of a Teacher Shortage Presentation**. Continuing Education Unit (CEU) credits will be offered and awarded to participants completing all professional learning activities. The CEU credit can be applied to my professional development requirements.

The following is an estimate of our costs:

Registration: \$700

Roundtrip Airfare: \$2,000

Motor Coach Transportation: \$270

Ground Transportation: \$300

Educational Tours: \$220

Hotel: \$3,500

Meals: \$1,600

Workshop topics, session format, and the conference schedule are listed in the attached documentation. The National Leadership Conference is an excellent investment in our students, and we hope you agree by supporting our request for financial support. It is an honor to have the opportunity to represent our state and school at this national event. We are committed to using our time at NLC to learn, grow, and explore the many career opportunities that will prepare our students to be leaders in their families, careers, and communities. I appreciate your consideration in supporting our FCCLA chapter's attendance at this important professional and leadership development conference. Please let me know if you need additional information to provide financial assistance for this event.

Sincerely,

Sarah Addison

*Attachment: NLC Conference Schedule*

**Costs shown total \$8,590**

3 Students attending-

**Marissa Garrett**-National qualifier, 2nd place (Gold Medal) in the “Teach or Train” Category, FCCLA Vice President

**Kaylin Rose**, FCCLA Chapter President

**Maggie Gunter**, FCCLA Chapter Secretary

**Current Funds** (before the \$8,590)

**School Board Contribution:** \$1,000

**FCCLA Catered the FFA Banquet:** \$1,000

**Bake Sale and Yard Sale:** \$190

**Saunders Brothers Donation:** \$200

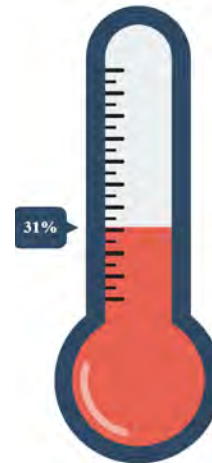
**Mountain & Vines Vineyard:** \$100

**Creation Appreciation:** \$100

**HMA-** \$100

**Total: \$2,690**

**GOAL: \$8,590**



**We are currently applying for a few other grants to help offset the costs.**

**Total Requesting: \$1,000**

**Fundraisers completed before our State Conference:**

-World's Finest Chocolate: \$1,500

-Catered FFA Officer Meal: \$1,200

-Chocolate Covered Strawberries: \$600

-Bake Sales for Football Games: \$300

-Calendar Fundraiser: \$2,000



# 2024 National Leadership Conference

Tentative At-A-Glance Schedule (Subject to Change)

As of 2/28/24

February 28, 2024

[Pre-Registration Webinar \(Register here\)](#)

June 6, 2024

[Virtual First Time Attendee Webinar \(Register here\)](#)

## Thursday, June 27

START	END	EVENT
8:00 AM	6:00 PM	State Adviser City Acclimation

## Friday, June 28

START	END	EVENT
8:00 AM	6:00 PM	Conference Registration (Day 1)
1:00 PM	3:00 PM	National Officer Candidate Adviser Orientation
1:00 PM	3:00 PM	National Officer Candidate Nominating Committee Orientation & Meeting
1:00 PM	3:00 PM	National Officer Candidate Orientation & Project Center
3:30 PM	8:00 PM	National Officer Candidate Nominating Committee Interviews
5:00 PM	8:00 PM	State Advisers Session & Welcome Reception

## Saturday, June 29

### STAR EVENT COMPETITIONS: (Subject to Change)

*Culinary Arts & Baking and Pastry (Offsite)*

*Challenge Testing*

*Skill Demonstration Events:*

*Fashion Sketch*

*FCCLA Creed Speaking & Interpretation*

*Pastry Technical Decorating*

*Speak Out for FCCLA*

*Technology in Teaching*

7:30 AM	8:00 AM	Skill Demonstration Event Consultant/Evaluators Orientation
8:00 AM	8:20 AM	Skill Demonstration Event Participant Check-in
8:00 AM	10:00 AM	National Officer Candidate Nominating Committee Interviews
8:00 AM	2:00 PM	Skill Demonstration Event Competitions
8:00 AM	4:00 PM	Challenge Testing
8:00 AM	6:00 PM	Conference Registration (Day 2)
10:30 AM	12:30 PM	National Officer Candidate Fishbowl
12:00 PM	3:00 PM	Fashion Show Jury Selection <i>A panel of judges will select the student designers who will be featured at the FCCLA Fashion Show during the Adviser Recognition Session.</i>
1:00 PM	2:00 PM	Youth Networking – High School level
1:00 PM	2:00 PM	Youth Networking – Middle level
1:00 PM	2:00 PM	Adviser Professional Development Session
1:30 PM	3:00 PM	STAR Events Lead / Assistant Lead Consultants Organizational Meeting
2:00 PM	3:30 PM	Small Group Youth Networking
2:00 PM	3:45 PM	Voting Delegate Orientation (Check-in at 1:30 PM)
3:00 PM	4:00 PM	STAR Events Adult Room Consultant Orientation
3:00 PM	5:00 PM	EXPO Exhibitor Move-In



# 2024 National Leadership Conference

Tentative At-A-Glance Schedule (Subject to Change)

As of 2/28/24

4:00 PM	5:00 PM	State Meetings	
4:00 PM	6:00 PM	Dinner (On Own)	
6:00 PM	8:00 PM	General Session: Opening General Session (Doors Open at 5:15 PM) -Welcome/Greetings -Award Presentations -Keynote Address	Sponsored by U.S. Army
8:30 PM	9:30 PM	State Meetings	

## Sunday, June 30

### STAR EVENT COMPETITIONS: (Subject to Change)

*Baking and Pastry (Offsite)*  
*Career Investigations*  
*Chapter Service Project Display*  
*Chapter Service Project Portfolio*  
*Culinary Arts (Offsite)*  
*Early Childhood Education*  
*Entrepreneurship*  
*Event Management*  
*Fashion Construction*

*Fashion Design*  
*FCCLA Chapter Website*  
*Focus on Children*  
*Interior Design*  
*Nutrition & Wellness*  
*Parliamentary Procedure*  
*Promote & Publicize FCCLA*  
*Say Yes to FCS Education*

7:00 AM	7:30 AM	STAR Events Room Consultants, Evaluators and Volunteers Check-in
7:30 AM	8:30 AM	STAR Events Room Consultants, Evaluators and Volunteers Meeting
7:30 AM	5:00 PM	Conference Information
6:30 AM	7:00 AM	Voting Delegate Check-In
7:00 AM	10:00 AM	General Session: Business Session (Doors Open at 6:30 AM) -Business Report -Bylaw Proposals -This session will continue until the conclusion of business. Voting delegates are required to remain until the session is adjourned.
8:30 AM	9:15 AM	FCCLA/LifeSmarts Knowledge Bowl Volunteer Orientation
9:00 AM	4:00 PM	STAR Event Competitions
9:30 AM	10:00 AM	FCCLA/LifeSmarts Knowledge Bowl Team Orientation
10:00 AM	5:00 PM	EXPO (Day 1 of 2)
10:00 AM	5:00 PM	FCCLA Store (Day 1 of 2)
10:00 AM	12:30 PM	FCCLA/LifeSmarts Knowledge Bowl Pool Play
10:15 AM	12:00 PM	RED Talks Presentations <i>Fun 15-minute workshops led by youth, advisers, exhibitors and partners.</i>
10:30 AM	11:45 AM	Youth Workshops
10:30 AM	12:00 PM	Best Practice Exchanges <i>Round table sessions on various topics facing advisers today</i>
11:00 AM	1:00 PM	State Officer Networking*
11:00 AM	2:00 PM	Lunch Concessions
1:30 PM	3:15 PM	FCCLA/LifeSmarts Knowledge Bowl Quarterfinals, Semifinals, and 3rd Place Match
1:45 PM	3:30 PM	RED Talks Presentations <i>Fun 15-minute workshops led by youth, advisers, exhibitors and partners.</i>



# 2024 National Leadership Conference

Tentative At-A-Glance Schedule (Subject to Change)

As of 2/28/24

2:00 PM	4:00 PM	Youth Workshops
2:00 PM	4:00 PM	National Officer Candidate Nominating Committee Deliberations
2:00 PM	4:00 PM	Leadership Training Modules*
4:00 PM	5:30 PM	Dinner on Own
5:30 PM	7:00 PM	General Session: Member Recognition & Knowledge Bowl Finals (Doors Open at 5:00 PM) -Program, Skill Demonstration Event, and Challenge Testing Awards -FCCLA/LifeSmarts Knowledge Bowl Finals -Say Yes to FCS Signing Ceremony <i>Night Open for Dinner, Sightseeing, and Tours</i>

## Monday, July 1

### STAR EVENT COMPETITIONS: (Events subject to change)

*Chapter in Review Display*

*Chapter in Review Portfolio*

*Digital Stories for Change*

*Food Innovations*

*Hospitality, Tourism, Recreation*

*Instructional Video Design*

*Interpersonal Communications*

*Job Interview*

*Leadership*

*National Programs in Action*

*Professional Presentation*

*Public Policy Advocate*

*Red Talks for Education*

*Repurpose and Redesign*

*Sports Nutrition*

*Sustainability Challenge*

*Teach or Train*

*Teaching Strategies*

7:00 AM	7:30 AM	STAR Events Room Consultants, Evaluators and Volunteers Check-in
7:30 AM	8:30 AM	STAR Events Room Consultants, Evaluators, and Volunteers Meeting
7:30 AM	5:00 PM	Conference Information
8:00 AM	4:00 PM	EXPO (Day 2 of 2)
8:00 AM	4:00 PM	FCCLA Store (Day 2 of 2)
8:15 AM	10:00 AM	RED Talks Presentations
8:30 AM	9:45 AM	Youth Workshops
8:30 AM	10:30 AM	National Officer Candidate Networking (Voting Delegates ONLY)
9:00 AM	4:00 PM	STAR Event Competitions
11:00 AM	2:00 PM	Lunch Concessions
1:00 PM	2:00 PM	General Session: National Officer Candidate Speeches – Group A (Voting Delegate check-in at 12:30 PM)
1:00 PM	2:00 PM	National Officer Candidate Teambuilding – Group B
2:15 PM	3:15 PM	General Session: National Candidate Speeches – Group B
2:15 PM	3:15 PM	National Candidate Teambuilding – Group A
4:00 PM	6:00 PM	EXPO Exhibitor Move-Out
4:00 PM	4:45 PM	State Meetings



# 2024 National Leadership Conference

Tentative At-A-Glance Schedule (Subject to Change)

As of 2/28/24

5:00 PM      5:45 PM      State Meetings  
 4:30 PM      6:15 PM      National Executive Council Elections  
 (Election Voting Delegates Only)  
*Night Open for Dinner, Sightseeing, and Tours*

## Tuesday, July 2

7:30 AM      5:00 PM      Conference Information  
 7:30 AM      8:00 AM      FCCLA Showcase - Participant Check-In  
 8:00 AM      11:00 AM      FCCLA Showcase  
*-View program award winning projects and highlighted STAR Event projects*  
 8:00 AM      11:00 AM      Meals for Hope Meal Packing\*  
 8:15 AM      10:45 AM      RED Talks Presentations  
 8:30 AM      10:30 AM      Youth Workshops  
 9:00 AM      11:00 AM      State Officer Training\*  
 9:00 AM      11:00 AM      Chapter Adviser Networking Roundtables  
*- Roundtable discussions led by advisers and partners*  
 9:00 AM      11:00 AM      State Adviser Professional Development  
 11:00 AM      1:00 PM      Lunch Concessions  
 1:00 PM      3:00 PM      General Session: Adviser Recognition & Fashion Show  
 (Doors Open at 12:30 PM)  
*-Fashion Show*  
*- Award Presentations (Adviser, Membership)*  
*-Introduction of 2024-2025 National Executive Council*  
 6:00 PM      10:00 PM      Special Event: FCCLA Night at the Ballgame\*

## Wednesday, July 3

8:00 AM      5:00 PM      Conference Information  
 7:30 AM      8:30 AM      State STAR Events Finalist Session Pickup (State Advisers Only)  
 7:15 AM      7:30 AM      STAR Events Finalist Session - Volunteers Report to Holding Room  
 7:45 AM      8:15 AM      STAR Events Finalist Session - Finalists Report to Holding Room  
 9:00 AM      11:30 AM      General Session: STAR Events Finalist Session  
 (Doors Open at 8:30 AM) Sponsored by U.S. Army  
 12:00 PM      1:00 PM      State STAR Events Recognition Sessions: Group A  
 1:30 PM      2:30 PM      State STAR Events Recognition Sessions: Group B  
 4:00 PM      5:30 PM      General Session: Closing General Session  
 (Doors Open at 3:30 PM)  
*-Scholarship Presentations*  
*-Farewell to 2023-2024 National Executive Council*  
*-Conference in Review*  
 5:30 PM      7:30 PM      Dinner (On Own)  
 7:30 PM      10:30 PM      Special Event: FCCLA NLC After Party\*

\* indicates pre-registration required.



BOARD OF  
SUPERVISORSTHOMAS D. HARVEY  
North DistrictERNIE Q. REED  
Central DistrictJESSE N. RUTHERFORD  
East DistrictJ. DAVID PARR.  
West DistrictDR. JESSICA LIGON  
South DistrictCANDICE W. MCGARRY  
County AdministratorAMANDA B. SPIVEY  
Administrative Assistant/  
Deputy ClerkLINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-37**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION DECLARING THE PURPOSE OF THE NELSON COUNTY**  
**BROADBAND AUTHORITY COMPLETE AND CONCURRENCE WITH**  
**DISSOLUTION AND TERMINATION OF THE AUTHORITY**

**WHEREAS**, on June 9, 2009, via Resolution R2009-52, the Nelson County Board of Supervisors adopted Articles of Incorporation of the Nelson County Broadband Authority (NCBA) which were filed with and certified by the State Corporation Commission (SCC) establishing the NCBA effective July 29, 2009; and

**WHEREAS**, the NCBA was established for economic development purposes to provide high speed data service and internet access service to local businesses, local government, and the public; and

**WHEREAS**, the NCBA, in partnership with the Board of Supervisors and Central Virginia Services, Inc./ dba Firefly Internet Broadband, has facilitated the build-out of a high speed fiber internet network that provides access to high speed fiber internet for nearly 100% of the County's businesses and residents; and

**WHEREAS**, pursuant to the Code of Virginia, §15.2-5431.9, the Nelson County Broadband Authority has determined that the purposes for which it was created have been completed and all of its obligations can easily and readily be assumed by the County of Nelson; and

**WHEREAS**, at their meeting on May 14, 2024, the Nelson County Broadband Authority, adopted a resolution requesting the Board's consideration of the adoption of a concurring resolution for the dissolution and termination of the NCBA; and

**BE IT RESOLVED**, that the Nelson County Board of Supervisors declares that the mission of the Nelson County Broadband Authority is complete and the Board concurs with the dissolution and termination of the Authority.

**BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors authorizes the County Attorney to process the filing of Articles of Dissolution with the State Corporation Commission and finally, upon conclusion of the Authority's affairs, the filing of Articles of Termination of corporate existence with the SCC.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

# NELSON COUNTY BROADBAND AUTHORITY

P.O. Box 336 • Lovingson, VA 22949-434-263-7000 Fax 434-263-7004

## MEMBERS

Thomas H. Bruguire, Jr.  
Jesse N. Rutherford  
Thomas D. Harvey  
Larry D. Saunders  
Gary W. Strong

## OFFICERS

Amanda B. Spivey, Secretary  
Linda K. Staton, Treasurer

### RESOLUTION-R2024-02

#### NELSON COUNTY BROADBAND AUTHORITY

#### RESOLUTION DECLARING THE PURPOSE OF THE NELSON COUNTY BROADBAND AUTHORITY COMPLETE AND RECOMMENDING DISSOLUTION AND TERMINATION OF THE AUTHORITY

**WHEREAS**, on June 9, 2009, via Resolution **R2009-52**, the Nelson County Board of Supervisors adopted Articles of Incorporation of the Nelson County Broadband Authority (NCBA) which were filed with and certified by the State Corporation Commission (SCC) establishing the NCBA effective July 29, 2009; and

**WHEREAS**, the NCBA was established for economic development purposes to provide high speed data service and internet access service to local businesses, local government, and the public; and

**WHEREAS**, the NCBA, in partnership with the Board of Supervisors and Central Virginia Services, Inc./ dba Firefly Internet Broadband, has facilitated the build-out of a high speed fiber internet network that provides access to high speed fiber internet for nearly 100% of the County's businesses and residents; and

**WHEREAS**, pursuant to the Code of Virginia, §15.2-5431.9, the Nelson County Broadband Authority has determined that the purposes for which it was created have been completed and all of its obligations can easily and readily be assumed by the County of Nelson;

**NOW THEREFORE BE IT RESOLVED**, the Nelson County Broadband Authority, hereby directs that this resolution be filed with the Nelson County Board of Supervisors and requests the Board's consideration of the adoption of a concurring resolution and subsequent filing of Articles of Dissolution with the State Corporation Commission and finally, upon conclusion of the Authority's affairs, filing of Articles of Termination of corporate existence with the SCC.

Adopted: \_\_\_\_\_, 2024

Attest: \_\_\_\_\_, Secretary  
Nelson County Broadband Authority

# NELSON COUNTY BROADBAND AUTHORITY

P.O. Box 336 • Lovingsston, VA 22949-434-263-7000 Fax 434-263-7004

## MEMBERS

Thomas H. Bruguire, Jr.  
Jesse N. Rutherford  
Thomas D. Harvey  
Larry D. Saunders  
Gary W. Strong

## OFFICERS

Amanda B. Spivey, Secretary  
Linda K. Staton, Treasurer

## **Nelson County Broadband Authority June 13, 2023 Memo**

### **RE: Agenda Item V C: Dissolution and Termination of the Authority**

**Background:** At the last regular meeting of the Authority, members asked staff to report back at the next meeting on steps required in dissolving/terminating the Nelson County Broadband Authority. This discussion and directive evolved from the Authority's recognition that nearly 100% of County residents and businesses would have access to high speed fiber internet in the immediate future. The Authority members suggested that once the CVSI/Firefly Internet Broadband fiber network build out was complete, providing universal fiber network coverage and access within the County; so was the mission and purpose of the Broadband Authority.

**State Code Authority:** Code of Virginia §15.2-5431.9 Dissolution and termination of Authority

### **Next Steps:**

1. NCBA adopts a resolution declaring and finding that the authority should be dissolved pursuant to §15.2-5431.9 and files it with the Nelson County Board of Supervisors.
2. The Nelson County Board of Supervisors considers said resolution and if concurs, adopts a resolution of concurrence, finding that the Authority should be dissolved.
3. If the Board of Supervisors adopts said resolution dissolving the Authority, the appropriate Articles of Dissolution are filed with the State Corporation Commission (SCC) by legal counsel.
4. Distribution of assets and assignment of Authority contracts to the County are completed and the governing bodies' legal counsel files articles of termination of corporate existence with the SCC.

**NCBA Consideration:** Status of the mission and purpose of the Authority and consideration of draft resolution **R2023-03**, Dissolution and Termination of the Nelson County Broadband Authority.

Attachments: State Code Section 15.2-5431.9  
Draft NCBA Resolution R2023-03  
Preliminary Listing of Current NCBA Contracts and Assets  
Lease Agreement Between County and NCBA  
BOS Resolution R2009-52 and Attached NCBA Articles of Incorporation  
State Corporation Commission NCBA Certificate of Incorporation

## § 15.2-5431.9. Dissolution and termination of authority

A. Whenever the board of an authority determines that the purposes for which it was created have been completed or are impractical or impossible and that all its obligations have been paid or have been assumed by one or more of such political subdivisions or any authority created thereby or that cash or United States government securities have been deposited for their payment, it shall adopt and file with the governing body a resolution declaring such facts. If the governing body adopts a resolution concurring in such declaration and finding that the authority should be dissolved, it shall file appropriate articles of dissolution with the State Corporation Commission. When the affairs of the authority have been wound up and all of its assets have been distributed, the governing bodies shall file appropriate articles of termination of corporate existence with the State Corporation Commission.

B. If any of the governing bodies refuses to adopt a resolution concurring in such declaration, then the authority may petition the circuit court for any locality that is a member of the authority to order one or more of such governing bodies to create a new authority. The circuit court may order the governing body of the political subdivision requesting dissolution of the existing authority to adopt an ordinance establishing a new authority to which the provisions of §§ [15.2-5431.3](#) through [15.2-5431.6](#) shall not apply. Thereafter, the court may order that the assets be divided among the authorities and, subject to the approval of any debt holder, require the assumption of a proportionate share of the obligations of the existing authority by the new authority.

C. Notwithstanding the provisions of subdivision 1 of § [15.2-5431.11](#), an authority shall continue in existence and shall not be dissolved because the term for which it was created, including any extensions thereof, has expired, unless all of such authority's functions have been taken over and its obligations have been paid or have been assumed by one or more political subdivisions or by an authority created thereby, or cash or United States government securities have been deposited for their payment.

2003, c. [643](#);2021, Sp. Sess. I, c. [487](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

# NELSON COUNTY BROADBAND AUTHORITY

P.O. Box 336 • Lovingson, VA 22949-434-263-7000 Fax 434-263-7004

## MEMBERS

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Gary W. Strong

## OFFICERS

Amanda B. Spivey, Secretary  
Linda K. Staton, Treasurer

## **DEFERRED**

### **RESOLUTION-R2023-03**

#### **NELSON COUNTY BROADBAND AUTHORITY**

#### **RESOLUTION DECLARING THE PURPOSE OF THE NELSON COUNTY BROADBAND AUTHORITY COMPLETE AND RECOMMENDING DISSOLUTION AND TERMINATION OF THE AUTHORITY**

**WHEREAS**, on June 9, 2009, via Resolution **R2009-52**, the Nelson County Board of Supervisors adopted Articles of Incorporation of the Nelson County Broadband Authority (NCBA) which were filed with and certified by the State Corporation Commission (SCC) establishing the NCBA effective July 29, 2009; and

**WHEREAS**, the NCBA was established for economic development purposes to provide high speed data service and internet access service to local businesses, local government, and the public; and

**WHEREAS**, the NCBA, in partnership with the Board of Supervisors and Central Virginia Services, Inc./ dba Firefly Internet Broadband, has facilitated the build-out of a high speed fiber internet network that provides access to high speed fiber internet for nearly 100% of the County's businesses and residents; and

**WHEREAS**, pursuant to the Code of Virginia, §15.2-5431.9, the Nelson County Broadband Authority has determined that the purposes for which it was created have been completed and all of its obligations can easily and readily be assumed by the County of Nelson;

**NOW THEREFORE BE IT RESOLVED**, the Nelson County Broadband Authority, hereby directs that this resolution be filed with the Nelson County Board of Supervisors and requests the Board's consideration of the adoption of a concurring resolution and subsequent filing of Articles of Dissolution with the State Corporation Commission and finally, upon conclusion of the Authority's affairs, filing of Articles of Termination of corporate existence with the SCC.

Adopted: \_\_\_\_\_, 2023

Attest: \_\_\_\_\_, Secretary  
Nelson County Broadband Authority

# Nelson County Broadband Authority Preliminary Contract and Asset List

June 1, 2023

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## **Revenue Contracts**

1. AT&T Tower Lease
2. AT&T Tower Lease
3. Verizon Tower Lease
4. RiverStreet Networks Tower Lease
5. Mid-Atlantic Broadband Communities Corporation Fiber Lease
6. Mid-Atlantic Broadband Communities Corporation Colocation Lease
7. Segra Colocation Lease
8. Nelson County Department of Social Services Network Access Lease

## **Expenditure Contracts**

1. WideOpen Networks Professional Services Contract (Billing)
2. Rockfish Valley Volunteer Fire Department Tower Site Lease
3. VACorp Insurance Coverage

## **County-Owned Assets Leased to NCBA (Agreement Dated October 30, 2012)**

1. Martin's Store tower site: 140 ft. monopole tower, site fencing, Trango antenna, paved tower access road.
2. Rockfish Valley Volunteer Fire Department tower site: 140 ft. monopole tower and site fencing.
3. Massies Mill tower site: 110 ft. monopole tower and Trango antenna.
4. Courthouse tower site: Courthouse tower, fencing, shelter, and equipment.

## **Other NCBA Assets**

1. Operating Bank Account



## LEASE AGREEMENT

THIS LEASE AGREEMENT made this 30th day of October, 2012, by and between the County of Nelson, Virginia, (the "County"), and the Nelson County Broadband Authority (the "NCBA"),

### WITNESSETH:

WHEREAS, the County is constructing a telecommunication fiber optic and wireless backbone network in Nelson County which includes underground fiber optic cable, communication towers, rights of way, and supporting equipment (the "Network");

WHEREAS, pursuant to the Code of Virginia, the Nelson County Board of Supervisors has established the Nelson County Broadband Authority to provide communications services and to operate and maintain the Network;

WHEREAS, the NCBA has entered certain agreements and leases to further its stated purpose in connection with the Network; and,

WHEREAS, the County now wishes to lease the Network to NCBA to fulfill the purposes for which both the NCBA and the Network were created.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the County and NCBA hereby agree as follows:

1. Network Assets. The County's Network is comprised of the underground fiber optic cable system and related infrastructure including vaults, conduit, splice enclosures, and optical network terminals, communication towers constructed or to be constructed at Martin's Store, the Rockfish Valley Fire Department, Massies Mill, and the courthouse in Lovingston necessary to connect and operate various components of the telecommunications system (collectively, the "Network Assets").

2. Lease of Assets. Subject to the reservation below, County hereby leases to NCBA, and NCBA hereby leases from the County the Network and Network Assets together with rights of way and easements on, over, under, across, and through any County property for ingress and egress to Network Assets by motor vehicle or on foot and additional easements for the installation of wires, cables, and electrical support equipment, including but not limited to access from the nearest source of telephone and electric utilities, necessary for the installation and operation of NCBA's telecommunications equipment and those of NCBA's tenants, licensees, and permittees located upon or utilizing the Network Assets. The County reserves for

its use space on the communication towers and in the Network necessary or appropriate for governmental and public safety communications facilities.

3. Term. This Agreement is effective October 25, 2012, (the "Commencement Date"), shall continue for a period of ten (10) years (the "Initial Term") unless renewed or earlier terminated in accordance with provisions of this Agreement, and shall renew automatically for four (4) additional ten (10) year terms (individually, a "Renewal Term"), each of which shall begin on the anniversary of the Commencement Date. All terms, covenants and conditions of this Agreement shall remain in full force and effect during all Renewal Terms.

4. Consideration. NCBA shall pay as rental to the County One Dollar annually.

5. Termination. Either party, upon sixty (60) days' written notice to the other, may terminate this Agreement.

6. Maintenance. NCBA shall perform all repairs necessary to keep the Network Assets in good condition, with reasonable wear and tear damage from the elements excepted.

7. Title and Quiet Possession. County represents and warrants a) that it is the owner of the Network Assets; b) that it has the right to enter into this Agreement; c) that the person signing this Agreement has the authority to sign; d) that NCBA is entitled to access to the Network Assets at all times as provided herein and to the quiet possession of the Network Assets throughout the Initial Term and each Renewal Term so long as NCBA is not in default of any term of this Lease beyond expiration of a reasonable cure period. NCBA represents and warrants that it has the right to enter into this Agreement and that the person signing this Agreement has the authority to sign on behalf of the Nelson County Broadband Authority.

8. Federal Interest. Notwithstanding anything to the contrary herein, this Agreement is made subject and subordinate to the following Federal Interest. The County submitted an application to the National Telecommunications and Information Administration, U.S. Department of Commerce ("NTIA") for financial assistance under the Broadband Technology Opportunities Program pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (Feb. 17, 2009). By Offer of Award, dated March 26, 2010, NTIA offered to the County a financial assistance award designated as Award No. NT10BIX5570049 (the "Award") to assist in financing the Nelson County Virginia Broadband Project. The County or the Nelson County Broadband Authority, as the case may be, holds all real and personal property of the Network, whether tangible or intangible, acquired or improved in whole or in part with Award funds, in trust for the public purpose of the Award. This trust relationship exists throughout the estimated useful life, as determined by NTIA, of such property, during which time NTIA retains an 80% undivided equitable reversionary interest in such property together with a first unsubordinated position under any other lien or security interest now existing or hereafter created or recorded.

9. Amendment. This Agreement may not be modified or amended unless the amendment is made in writing and is signed by both parties.

10. Assignment. NCBA's obligations under this Agreement may neither be assigned nor transferred to any other person, firm, or corporation without the prior written consent of the County. Notwithstanding the foregoing, NCBA may enter into any lease, license, contract, or other agreement with telecommunication service providers common or necessary in the usual course of business for the telecommunications industry.

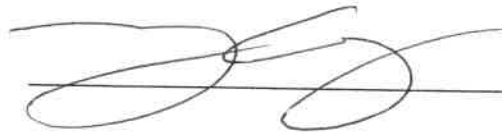
11. Successors. This Agreement and the terms and conditions contained herein shall inure to the benefit of and be binding upon County and NCBA and each of their successors and permitted assigns. NCBA shall be permitted to record this Agreement or a Memorandum of Lease which the County agrees to execute and acknowledge.

12. Governing Law, Venue. This Agreement shall be governed by the laws of the Commonwealth of Virginia, without regard for conflict of laws. The sole venue for any proceeding between the parties regarding this agreement shall lie in the circuit court of Nelson County.

IN WITNESS WHEREOF, the parties have executed, or have caused their properly authorized representatives to duly execute, this Lease on the date and year first written above.

County of Nelson

By:

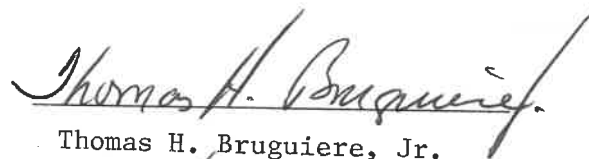


Thomas D. Harvey

Its Chair

Nelson County Broadband Authority

By:



Thomas H. Bruguiera, Jr.

Its Chair



BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

JOE DAN JOHNSON  
South District

ALLEN M. HALE  
East District

THOMAS H. BRUGUIERE, JR.  
West District

CONSTANCE BRENNAN  
Central District

STEPHEN A. CARTER  
Administrator

CANDICE W. MCGARRY  
Administrative Assistant/  
Deputy Clerk

DEBRA K. McCANN  
Director of Finance and  
Human Resources

**RESOLUTION-R2009-52**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION ADOPTING ARTICLES OF INCORPORATION OF**  
**NELSON COUNTY BROADBAND AUTHORITY**

**WHEREAS**, for economic development purposes, the Nelson County Board of Supervisors has duly created the Nelson County Broadband Authority to provide high speed data service and internet access service to local businesses, local government, and the public; and

**WHEREAS**, pursuant to the Virginia Wireless Service Authorities Act, Chapter 54.1 § 15.2-5431 et seq., §13.1-804 and §13.1-819 of the Code of Virginia 1950 as amended, the Articles of Incorporation of said Authority are required to be filed with the State Corporation Commission for certification,

**NOW THEREFORE BE IT RESOLVED**, that pursuant to the Virginia Wireless Service Authorities Act, Chapter 54.1, §15.2-5431 et seq., §13.1-804 and §13.1-819 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors does hereby adopt the Articles of Incorporation of the Nelson County Broadband Authority, in their entirety as attached hereto, and authorizes their submission for filing with the Virginia State Corporation Commission for certification.

Adopted: June 9, 2009

Attest: Stephen A. Carter Clerk,  
Nelson County Board of Supervisors

**ARTICLES OF INCORPORATION  
OF THE  
NELSON COUNTY BROADBAND AUTHORITY  
A VIRGINIA NONSTOCK CORPORATION**

Pursuant to the Virginia Wireless Service Authorities Act, Chapter 54.1 §§15.2-5431.1 and §15.2-5431.23 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors hereby establishes and adopts these Articles of Incorporation of the Nelson County Broadband Authority, (hereinafter the "Authority"):

1. The name of the Authority is "Nelson County Broadband Authority" and its principal office is located at the Office of the County Administrator: 84 Courthouse Square, P.O. Box 336, Lovingston VA 22949.
2. The initial members of the Authority Board shall be the members of the Board of Supervisors, whose terms of office shall be concurrent. The terms of office of the initial members will begin on the date the Certificate of Incorporation or Charter is issued by the State Corporation Commission and will continue for one (1) year.

Henceforth, The Authority shall be comprised of five (5) members appointed by the Board of Supervisors and there shall be one (1) appointee from each election district. Each succeeding member appointed by the Board of Supervisors, shall serve from July 1 until four (4) years hence on June 30 when their term shall expire. Any person appointed to fill a vacancy shall serve the unexpired term of the member being replaced. Board members shall continue to sit beyond the expiration of their term until such time as their successor may be appointed; however, the successor's term shall not be extended by such delay.

3. The names and addresses of the Authority Board are as follows:

<u>Name</u>	<u>Address</u>
1. Allen M. Hale	3130 Laurel Rd. Shipman, VA 22971
2. Constance Brennan	524 Buck Creek Lane, Faber VA 22938
3. Thomas D. Harvey	10921 Rockfish Valley Hwy, Afton VA 22920
4. Thomas H. Bruguiera, Jr.	187 Jack's Hill Rd., Roseland, VA 22967
5. Joe Dan Johnson	91 Rainbow Drive, Arrington, VA 22922

4. The purpose of the Authority is to exercise all powers conferred by the Virginia Wireless Service Authorities Act, Chapter 54.1 §§15.2-5431.1 and §15.2-5431.23 of the Code of Virginia 1950 as amended, in order to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56.

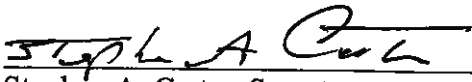
5. The Authority's initial registered agent is:

Phillip D. Payne, IV, a resident of Virginia and a member of the Virginia State Bar.

and the registered office is:

Nelson County Courthouse  
Post Office Box 447  
84 Courthouse Square  
Lovingsston, Nelson County  
Virginia, 22949

Nelson County Broadband Authority:

By:   
Stephen A. Carter, Secretary



# Commonwealth of Virginia



## STATE CORPORATION COMMISSION

*Richmond, July 29, 2009*

*This is to certify that the certificate of incorporation of*

**Nelson County Broadband Authority**

*was this day issued and admitted to record in this office and that the said corporation is authorized to transact its business subject to all Virginia laws applicable to the corporation and its business. Effective date: July 29, 2009*



*State Corporation Commission*

*Attest:*

*Joel H. Peck*  
Clerk of the Commission

May 9, 2024

To: Board of Supervisors  
From: C. McGarry  
Re: County Administrator's Report for May 14, 2024 Board Meeting

- A. Comprehensive Plan and Ordinance Updates:** Following adoption of the plan with amendments on March 20<sup>th</sup>, the next step is to review and consider proposed Zoning and/or Subdivision Ordinance amendments identified by Berkley Group as bringing the Ordinances in line with the adopted Comprehensive Plan. Once the final deliverable document is ready; it will be distributed to the Board and Planning Commission. The Planning Commission will likely review this at their May meeting with the Board following suit at their June meeting. In conjunction with this review; staff will have a proposal from Berkley Group to amend their contract for a Zoning and Subdivision Ordinance update that will include State Code compliance as well as Comprehensive Plan continuity.
- B. Stars and Spurs Fourth of July Event:** Event planning and permitting continues with free fireworks to be displayed at the Oak Ridge event venue on July 4<sup>th</sup> in collaboration with Lovingston Volunteer Fire Department. LVFD will hold a Fourth of July parade in Lovingston on June 29<sup>th</sup> with Stars and Spurs invited to participate to advertise the event. Marketing of the event and ticket sales has begun; see event website at [www.https://stars-spurs.com/](https://stars-spurs.com/). Further direction is needed from the Board regarding the previously approved contribution to the event. The Board directed staff to issue the County's financial contribution directly to Oak Ridge; however, in arranging to do so, venue representatives indicated they were not amenable to receiving the funds. Other options include paying event vendors or the Rodeo directly or Events an' Fests LLC. Local resident Lizelle Jacobs, Vice President of Bold Rock Hard Cider is the LLC's CFO and primary contact.
- C. Warminster Rural Historic District:** The Department of Historic Resources (DHR) has received the complete nomination package and will present it to the Virginia State Review Board and the Virginia Board of Historic Resources on Thursday, June 20, 2024 for recommendation to the National Register of Historic Places and inclusion in the Virginia Landmarks Register. A public meeting/hearing on the District will be held at 6pm on Wednesday, May 15<sup>th</sup> at the Courthouse in Lovingston. DHR was responsible for sending notification letters to all District and adjacent property owners.
- D. Regulatory Changes to Emergency Services Drug Kit Exchange Program:** U.S. Food and Drug Administration (FDA) and Drug Enforcement Administration (DEA) federal regulatory changes go into effect November 27, 2024, affecting how EMS providers restock their ambulance drug kits. The Virginia Board of Pharmacy was tasked with drafting and adopting emergency regulations that will be effective for up to 18 months or until new permanent regulations are put into place. These emergency regulations must undergo an administrative review process with the Office of the Attorney General, Department of Planning and Budget, and the Governor which may take approximately 10 weeks to complete. John Adkins, Curtis Sheets, and stakeholders statewide have been instrumental in providing feedback and attending meetings on these emergency regulations which has resulted in beneficial changes that are highly responsive to the needs of EMS providers.

To comply with these new Board of Pharmacy (BOP) adopted regulations, Wintergreen Fire and Rescue Service (WFRS) will obtain a pharmacy license (already in process) which will allow them to replenish the drug boxes of other Nelson EMS agencies; which in turn allows these agencies to stay licensed as Advanced Life Support providers. There will be two secured (alarmed doors with card key access and security cameras) pharmacy supply "vending machines" located in the career staff facilities from which agencies will restock their drug boxes. WFRS will manage the program and will develop MOUs for Chiefs and Captains to execute to participate. The FY25 proposed budget contains funding for

anticipated costs associated with these program changes **Adopted redlined BOP regulations and a list of some of the more relevant approved changes are attached.**

- E. Sturt Property Virginia Forest Stewardship Plan:** Bill Perry of the Department of Forestry completed a Forest Stewardship Plan for the Sturt property in April. His recommendations include the first step of conducting a prescribed burn of 1/3 (32.4 acres) of the parcel of recently thinned loblolly pine (parcel A) and then planning for a commercial thinning of the 128 acres of loblolly pine (parcel B). Additionally, he recommends identifying and treating any populations of invasive plant species on all parcels. The Department of Forestry can conduct the prescribed burn for \$25/ac and they would do 20 acres at a time. The County would need to hire a conservation service to address the invasive species and also hire a forestry consultant and logging company to perform the commercial thinning. Mr. Perry is sending County staff contact information for consultants that do this work. **(See attached Plan).**
- F. 2021 HOME American Rescue Plan Project:** Through the TJPDC's allocation of these funds, member jurisdictions were allotted project funds of \$312,664 to benefit qualifying populations as prescribed by the program guidelines. In December 2022, Nelson County Community Development Foundation (NCCDF), as the administrator of the County's traditional HOME funds, was authorized to use these funds coupled with the Foundation's HOME funds of \$175,000 to construct rental housing to address the homelessness of Nelson citizens or those at-risk of homelessness; prioritizing elderly/disabled and families with children. NCCDF has begun the project on property they own on St. James Church Road in Roseland which entails getting the site engineered for 3 duplex buildings (6 units) and building the first unit. Construction of other units will follow as funds allow.
- G. Lovingson Front Street Sidewalk Improvements TAP Grant:** This project is part of the draft Six Year Improvement Plan (SYIP) that will be considered for approval by the Commonwealth Transportation Board in June. The Lynchburg District Spring SYIP Public hearing meeting was held on May 1, 2024 at the Lynchburg District Offices. Public comments were taken and written comments may also be submitted by mail or e-mailed to [Six-YearProgram@vdot.virginia.gov](mailto:Six-YearProgram@vdot.virginia.gov) until May 20, 2024.
- H. Lovingson System Water/Sewer Capacity Study:** A draft report for review is expected by the end of May.
- I. FY25 State and Local Budget:** As of May 10<sup>th</sup> reports, a budget deal has been reached between legislators and the Governor. The General Assembly is scheduled to reconvene on May 13<sup>th</sup> for a special session to vote on this budget; details will be communicated as they become available. The County's FY25 budget is scheduled for public hearing on Tuesday, June 4<sup>th</sup> with its adoption and appropriation scheduled to follow 7 days later at the regular meeting on June 11<sup>th</sup>. Changes to the budget may be made by the Board between the public hearing and its adoption; in which case, additional meetings either between June 4<sup>th</sup> and June 7<sup>th</sup> or any time before June 30<sup>th</sup> may be necessary.
- J. Nelson County Broadband Authority:** The Broadband Authority meets at 1pm on May 14<sup>th</sup> and pending a report from Firefly, is to consider a resolution recommending dissolution and termination of the Authority to the Board of Supervisors. If the resolution is adopted, next steps include the Board of Supervisors considering a resolution of concurrence and if adopted, subsequent filing of Articles of Dissolution with the State Corporation Commission (SCC) and upon conclusion of the Authority's affairs, filing of Articles of Termination of corporate existence with the SCC. The County would then be assigned the Authority's assets and its contracts as well as assuming its operational revenues and expenses.
- K. Staff Reports:** Department and office reports for April/May have been provided.

**From:** [John Adkins](#)  
**To:** [Candy McGarry](#)  
**Subject:** FW: DRAFT BOP EMS Regulations  
**Date:** Tuesday, May 7, 2024 10:35:00 AM  
**Attachments:** [DRAFT BOP guidance 2May24.pdf](#)

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Hey Candy, just to keep you in the loop on the whole pharmacy debacle.

John Adkins, BS,EMPP  
Director of Emergency Services

434-263-7045 (work)  
434-962-2146 (cell)  
434-263-7046 (fax)



*National Suicide & Crisis Lifeline - Dial 988*

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**From:** Peppy Winchel [mailto:pwinchel@vaems.org]  
**Sent:** Monday, May 6, 2024 3:27 PM  
**To:** Billy Hamm <bhamm@louisa.org>; halschaffer@earthlink.net; jtrue@fluvannacounty.org; rjl6n@cstone.net; lilypad2184@yahoo.com; chief@roselandrescue.org; Meade Whitaker <mwhitaker@albemarle.org>; Melanie Welcher <melaniewelcher@gmail.com>; mmeador@gcva.us; Michael Thomas <thomasm@charlottesville.gov>; Mike Riddle <mriddle@wtgfireeresq.org>; Noah Hillstrom <nhillstrom@madisonco.virginia.gov>; Pete Davidson <rsqoneten@gmail.com>; treid22920@gmail.com; Troy Dillard <president@lari.org>; cllambe1@sentara.com; Hurley, Sandy \*HS <KSK5VX@uvahealth.org>; Lindbeck, George H \*HS <GL2Y@uvahealth.org>; Sean Brooks <brookss@usacs.com>; Brittany Warren <Bwarr009@outlook.com>; Debbie Smith <dsmith@fluvannacounty.org>; Dustin A. Dawson <ddawson@madisonco.virginia.gov>; John Adkins <jadkins@nelsoncounty.org>; Tom Walton <twalton@deltaresponseteam.com>; Will McLaughlin <wmclaughlin@louisa.org>; Alix Paget-Brown <AOF4E@hscmail.mcc.virginia.edu>; Debra Perina <dgp3a@virginia.edu>; Forrest Calland <JFC3T@hscmail.mcc.virginia.edu>; Jacob Mace (jmace@gcva.us) <jmace@gcva.us>; Jeff Young <JSY2B@hscmail.mcc.virginia.edu>; Mark Sochor <MS7HA@hscmail.mcc.virginia.edu>; Michael Vitto <michael.vitto@vcuhealth.org>;

MPR8867@AOL.COM; Robert OConnor <REO4X@hscmail.mcc.virginia.edu>; Scott Just <sjust@augustahealth.com>; William J. Brady <WB4Z@hscmail.mcc.virginia.edu>

**Cc:** TJEMS <tjems@vaems.org>

**Subject:** DRAFT BOP EMS Regulations

All,

Please see attached. This is the draft that went to BOP for approval. The following notes were obtained from this meeting:

The Board reminded all in attendance that the Regulations still must undergo an administrative review process, involving the Office of the Attorney General, Department of Planning and Budget, and the Governor, which may take approximately 10 weeks to complete. Emergency regulations are temporary and must be replaced with permanent regulations. Additional public comment opportunities on the adoption of the permanent regulations will be held in the future should consideration of additional amendments be necessary.

The BOP also repealed their previous Guidance Document 110-4, Virginia Board of Pharmacy Emergency Medical Services Drug Kits, as some of the guidance is now inconsistent with language adopted by the board yesterday. Board staff indicated they will develop a policy document in the near future to assist with educating EMS stakeholders on the pending emergency regulations.

Some of the changes approved:

- Allow EMS agencies within a jurisdiction to be served by a single EMS Agency with a CSR/DEA license.
- Allow EMS agencies within a region to be served by the Regional Council with a single CSR license.
- Allows for continuation of Hospital 1:1 Exchange of Schedule 6 medications
- Allow anyone with Virginia EMS certification at any level authorized to administer Medications to have access to medications under a supervising authority for the purposes of medication supply/resupply management.
- Allows medications and controlled substances to be transported in vehicles owned by EMS agencies, Regional Councils or Jurisdictions and used by EMS agencies and Regional Councils for the purpose of medical supply/resupply management.
- Removed the requirement for alarm systems for the temporary storage of medication kits in an EMS Agency or designated location when the vehicle they are stored on must be removed from service for repair or maintenance and when only Schedule 6 medications are stored in the building.
- Only requires medications kits containing Schedule 2-5 medications to be sealed
- Allows use of automated dispensing devices and RFID
- Confirms BOP regulations to the expected minimum regulations required by FDA and DEA for EMS.

- Other changes reconciling differences in language and clarifying meanings

We could not have desired a better outcome. The BOP and their staff demonstrated a remarkable responsiveness to the EMS community's needs in this crisis and deserve our thanks and respect.

Peppy

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## Revised Draft Amendments for EMS-related Regulations for 5/2/24 Meeting

### 18VAC110-20-10. Definitions.

In addition to words and terms defined in §§ 54.1-3300 and 54.1-3401 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Acquisition" of an existing entity permitted, registered, or licensed by the board means (i) the purchase or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor or change in partnership composition; (iii) the acquiring of 50% or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; or (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity with another business or corporation.

"Actively reports" means reporting all dispensing errors and analyses of such errors to a patient safety organization as soon as practical or at least within 30 days of identifying the error.

"Alternate delivery site" means a location authorized in 18VAC110-20-275 to receive dispensed prescriptions on behalf of and for further delivery or administration to a patient.

"Analysis" means a review of the findings collected and documented on each dispensing error, assessment of the cause and any factors contributing to the dispensing error, and any recommendation for remedial action to improve pharmacy systems and workflow processes to prevent or reduce future errors.

"Authorized collector" means a narcotic treatment program, hospital or clinic with an on-site pharmacy, or pharmacy that is authorized by the U.S. Drug Enforcement Administration to receive drugs for the purpose of destruction.

"Beyond-use date" means the date beyond which the integrity of a compounded, repackaged, or dispensed drug can no longer be assured and as such is deemed to be adulterated or misbranded as defined in §§ 54.1-3461 and 54.1-3462 of the Code of Virginia.

"Board" means the Virginia Board of Pharmacy.

"Chart order" means a lawful order for a drug or device entered on the chart or in a medical record of a patient by a prescriber or the prescriber's designated agent.

"Compliance packaging" means packaging for dispensed drugs that is comprised of a series of containers for solid oral dosage forms and designed to assist the user in administering or self-administering the drugs in accordance with directions for use.

"Correctional facility" means any prison, penitentiary, penal facility, jail, detention unit, or other facility in which persons are incarcerated by government officials.

"DEA" means the U.S. Drug Enforcement Administration.

"Designated location" means a station, EMS Agency sub-station or satellite location, or other location approved by the DEA and designated by an emergency medical services agency.

"Dispensing error" means one or more of the following discovered after the final verification by the pharmacist, regardless of whether the patient received the drug:

1. Variation from the prescriber's prescription drug order, including:
  - a. Incorrect drug;
  - b. Incorrect drug strength;
  - c. Incorrect dosage form;

**Commented [CJ1]:** Amended draft definition of "designated location" per OEMS recommendation.

- d. Incorrect patient; or
- e. Inadequate or incorrect packaging, labeling, or directions.
- 2. Failure to exercise professional judgment in identifying and managing:
  - a. Known therapeutic duplication;
  - b. Known drug-disease contraindications;
  - c. Known drug-drug interactions;
  - d. Incorrect drug dosage or duration of drug treatment;
  - e. Known drug-allergy interactions;
  - f. A clinically significant, avoidable delay in therapy; or
  - g. Any other significant, actual, or potential problem with a patient's drug therapy.
- 3. Delivery of a drug to the incorrect patient.
- 4. Variation in bulk repackaging or filling of automated devices, including:
  - a. Incorrect drug;
  - b. Incorrect drug strength;
  - c. Incorrect dosage form; or
  - d. Inadequate or incorrect packaging or labeling.

"Drug donation site" means a permitted pharmacy that specifically registers with the board for the purpose of receiving or redispensing eligible donated prescription drugs pursuant to § 54.1-3411.1 of the Code of Virginia.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; Schedules II through V prescriptions shall be transmitted in accordance with 21 CFR Part 1300.

"EMS agency" means ~~emergency medical services~~ those facilities as defined in Title 32.1 of the Code of Virginia.

"EMS council" means an organization designated by the Board of Health that operates an office or facility within a recognized regional service area in compliance with § 32.1-111.4:2 of the Code of Virginia.

"Emergency medical services provider" or "EMS provider" means the same as defined in 12VAC5-31-10.

"EMS agency vehicle" means a vehicle owned or registered to an EMS agency.

"Expiration date" means that date placed on a drug package by the manufacturer or repacker beyond which the product may not be dispensed or used.

"Faxed prescription" means a written prescription or order that is transmitted by an electronic device that sends over telephone lines the exact image to the receiver (pharmacy) in a hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Floor stock" means a supply of drugs that have been distributed for the purpose of general administration by a prescriber or other authorized person pursuant to a valid order of a prescriber.

"Forgery" means a prescription that was falsely created, falsely signed, or altered.

"Generic drug name" means the nonproprietary name listed in the United States Pharmacopeia-National Formulary (USP-NF) or in the United States Adopted Names (USAN) and the USP Dictionary of Drug Names.

"Hospital" or "nursing home" means those facilities as defined in Title 32.1 of the Code of Virginia or as defined in regulations by the Virginia Department of Health.

"Hospital-owned" means, with respect to an EMS agency, owned by a hospital.

"Initials" means the first letters of a person's name or other unique personal identifier.

**Commented [CJ2]:** Definition inserted based on public comment to allow an EMS council to obtain and transfer drug to designated locations.

**Commented [CJ3]:** Replaced DEA's proposed definition of "EMS professional" with OEMS' recommended definition of "EMS provider".

**Commented [CJ4]:** Replaced DEA's proposed definition of "EMS vehicle" with OEMS' recommended definition.

"Long-term care facility" means a nursing home, retirement care, mental care, or other facility or institution that provides extended health care to resident patients.

"NABP" means the National Association of Boards of Pharmacy.

"Nuclear pharmacy" means a pharmacy providing radiopharmaceutical services.

"On duty" means that a pharmacist is on the premises at the address of the permitted pharmacy and is available as needed.

"On-hold prescription" means a valid prescription that is received and maintained at the pharmacy for initial dispensing on a future date.

"Patient safety organization" means an organization that has as its primary mission continuous quality improvement under the Patient Safety and Quality Improvement Act of 2005 (P.L. 109-41) and is credentialed by the Agency for Healthcare Research and Quality.

"Permitted physician" means a physician who is licensed pursuant to § 54.1-3304 of the Code of Virginia to dispense drugs to persons to whom or for whom pharmacy services are not reasonably available.

"Perpetual inventory" means an ongoing system for recording quantities of drugs received, dispensed, or otherwise distributed by a pharmacy.

"Personal supervision" means the pharmacist must be physically present and render direct, personal control over the entire service being rendered or act being performed. Neither prior nor future instructions shall be sufficient nor shall supervision rendered by telephone, written instructions, or by any mechanical or electronic methods be sufficient.

"Pharmacy closing" means that the permitted pharmacy ceases pharmacy services or fails to provide for continuity of pharmacy services or lawful access to patient prescription records or other required patient records for the purpose of continued pharmacy services to patients.

"PIC" means the pharmacist-in-charge of a permitted pharmacy.

"Practice location" means any location in which a prescriber evaluates or treats a patient.

"Prescription department" means any contiguous or noncontiguous areas used for the compounding, dispensing, and storage of all Schedules II through VI drugs and devices and any Schedule I investigational drug.

"Quality assurance plan" means a plan approved by the board for ongoing monitoring, measuring, evaluating, and, if necessary, improving the performance of a pharmacy function or system.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Registered EMS agency headquarters" means the principal office and primary business location of an EMS agency that maintains a controlled substances registration issued by the board or a hospital-owned EMS agency that is covered by the registration of the hospital.

"Registered location" means, for purposes of emergency medical services, a location that appears on a DEA certificate of registration issued to an EMS agency, which shall be where the location at which the agency receives controlled substances from distributors.

"Repackaged drug" means any drug removed from the manufacturer's original package and placed in different packaging.

**Commented [CJ5]:** Replaced DEA's proposed definition of "Registered EMS agency" with OEMS' recommended definition of "Registered EMS agency headquarters".

"Robotic pharmacy system" means a mechanical system controlled by a computer that performs operations or activities relative to the storage, packaging, compounding, labeling, dispensing, or distribution of medications and collects, controls, and maintains all transaction information.

"Safety closure container" means a container that meets the requirements of the federal Poison Prevention Packaging Act of 1970 (15 USC §§ 1471-1476), that is, in testing such containers, that 85% of a test group of 200 children of ages 41-52 months are unable to open the container in a five-minute period and that 80% fail in another five minutes after a demonstration of how to open it and that 90% of a test group of 100 adults must be able to open and close the container.

"Satellite pharmacy" means a pharmacy that is noncontiguous to the centrally permitted pharmacy of a hospital but at the location designated on the pharmacy permit.

"Special packaging" means packaging that is designed or constructed to be significantly difficult for children younger than five years of age to open to obtain a toxic or harmful amount of the drug contained therein within a reasonable time and not difficult for normal adults to use properly but does not mean packaging that all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"Special use permit" means a permit issued to conduct a pharmacy of a special scope of service that varies in any way from the provisions of any board regulation.

"Station" means an enclosed structure that houses one or more EMS agency vehicles in the state that the EMS agency is registered that is actively and primarily being used for emergency response by the EMS agency.

"Storage temperature" means those specific directions stated in some monographs with respect to the temperatures at which pharmaceutical articles shall be stored, where it is considered that storage at a lower or higher temperature may produce undesirable results. The conditions are defined by the following terms:

1. "Cold" means any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is controlled between -25° and -10°C (-13° and 14°F). In those instances in which articles may have a recommended storage condition below -20°C (-4°F), the temperature of the storage location should be controlled to plus or minus 10 degrees.
2. "Room temperature" means the temperature prevailing in a working area.
3. "Controlled room temperature" means a temperature maintained thermostatically that encompasses the usual and customary working environment of 20° to 25°C (68° to 77°F); that results in a mean kinetic temperature calculated to be not more than 25°C (77°F); and that allows for excursions between 15° and 30°C (59° and 86°F) that are experienced in pharmacies, hospitals, and warehouses.
4. "Warm" means any temperature between 30° and 40°C (86° and 104°F).
5. "Excessive heat" means any temperature above 40°C (104°F).
6. "Protection from freezing" means where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency or to the destructive alteration of its characteristics, the container label bears an appropriate instruction to protect the product from freezing.
7. "Cool" means any temperature between 8° and 15°C (46° and 59°F).

"Terminally ill" means a patient with a terminal condition as defined in § 54.1-2982 of the Code of Virginia.

"Ultimate user" means a person who has lawfully obtained, and who possesses, a controlled substance for his own use or for the use of a member of his household or for an animal owned by him or a member of his household.

**Commented [CJ6]:** Replaced "Stationhouse" with the term "Station" per OEMS recommendation.

"Unit dose container" means a container that is a single-unit container, as defined in United States Pharmacopeia-National Formulary, for articles intended for administration by other than the parenteral route as a single dose, direct from the container.

"Unit dose package" means a container that contains a particular dose ordered for a patient.

"Unit dose system" means a system in which multiple drugs in unit dose packaging are dispensed in a single container, such as a medication drawer or bin, labeled only with patient name and location. Directions for administration are not provided by the pharmacy on the drug packaging or container but are obtained by the person administering directly from a prescriber's order or medication administration record.

"USP-NF" means the United States Pharmacopeia-National Formulary.

"Well-closed container" means a container that protects the contents from extraneous solids and from loss of the drug under the ordinary or customary conditions of handling, shipment, storage, and distribution.

**18VAC110-20-500. ~~Licensed Allowances for emergency medical services (EMS) agencies program to obtain drug.~~**

~~A. This section contains specific provisions by which an EMS agency may obtain emergency drugs for administration, pursuant to the following allowances:~~

~~A-B. Unless prohibited by the U.S. Food and Drug Administration, a hospital pharmacy may prepare a kit for an licensed-EMS agency provided:~~

~~1. The PIC of the hospital pharmacy shall be responsible for all prescription drugs and Schedule VI controlled devices contained in this kit. Except as authorized in 18VAC110-20-505, a pharmacist shall check each kit after filling and initial the filling record certifying the accuracy and integrity of the contents of the kit. The Schedule VI controlled devices may be provided in a kit separate from the prescription drugs.~~

~~2. The kit containing drugs in Schedules II through V is sealed, secured, and stored in such a manner that it will deter theft or loss of drugs and devices and aid in detection of theft or loss. Kits containing only drugs in Schedule VI or Schedule VI controlled devices are not required to be sealed but must be secured in a manner to deter theft or loss.~~

~~a. The hospital pharmacy shall have a method of sealing the kits such that once the seal is broken, it cannot be reasonably resealed without the breach being detected.~~

~~b. If a seal is used, it shall have a unique numeric or alphanumeric identifier to preclude replication or resealing. The pharmacy shall maintain a record of the seal identifiers when placed on a kit and maintain the record for a period of one year.~~

~~c. In lieu of a seal, a kit with a built-in mechanism preventing resealing or relocking once opened except by the provider pharmacy may be used.~~

~~3. Drugs and devices may be administered by an EMS provider upon an oral or written order or standing protocol of an authorized medical practitioner in accordance with § 54.1-3408 of the Code of Virginia. Oral orders shall be reduced to writing by the EMS provider and shall be signed by a medical practitioner. Written standing protocols shall be signed by the operational medical director~~

Commented [CJ7]: Clarifying purpose of section.

Commented [CJ8]: Public comment received to clarify if CSR required to stock devices and if security provisions for drugs also applies to devices. Recommend striking "device" from this section.

~~for the EMS agency.~~ A current copy of the signed standing protocol shall be maintained by the pharmacy participating in the kit exchange. The EMS provider shall make a record of all drugs and devices administered to a patient.

4. When the drug kit has been opened, the kit shall be returned to the pharmacy and exchanged for an unopened kit. The record of the drugs administered shall accompany the opened kit when exchanged. An accurate record shall be maintained by the pharmacy on the exchange of the drug kit for a period of one year. A pharmacist, pharmacy technician, or nurse shall reconcile the Schedule II, III, IV, or V drugs in the kit at the time the opened kit is returned. A record of the reconciliation, to include any noted discrepancies, shall be maintained by the pharmacy for a period of two years from the time of exchange. The theft or any other unusual loss of any Schedule II, III, IV, or V controlled substance shall be reported in accordance with § 54.1-3404 of the Code of Virginia.

5. Accurate records of the following shall be maintained by the pharmacy on the exchange of the drug kit for a period of one year:

a. The record of filling and verifying the kit to include the drug contents of the kit, the initials of the pharmacist verifying the contents, the date of verification, a record of an identifier if a seal is used, and the assigned expiration date for the kit, which shall be no later than the expiration date associated with the first drug ~~or device~~ scheduled to expire.

b. The record of the exchange of the kit to include the date of exchange and the name of EMS agency and EMS provider receiving the kit.

6. Destruction of partially used Schedules II, III, IV, and V drugs shall be accomplished by two persons, one of whom shall be the EMS provider and the other shall be a pharmacist, nurse, prescriber, pharmacy technician, or a second EMS provider. Documentation shall be maintained in the pharmacy for a period of two years from the date of destruction.

7. The record of the drugs and devices administered shall be maintained as a part of the pharmacy records pursuant to state and federal regulations for a period of not less than two years.

8. Intravenous and irrigation solutions provided by a hospital pharmacy to an emergency medical services agency may be stored separately outside the kit.

9. Any drug or device showing evidence of damage or tampering shall be immediately removed from the kit and replaced.

10. In lieu of exchange by the hospital pharmacy, the PIC of the hospital pharmacy may authorize the exchange of the kit by the emergency department. Exchange of the kit in the emergency department shall only be performed by a pharmacist, nurse, or prescriber if the kit contents include Schedule II, III, IV, or V drugs.

11. Drug kits shall be secured on the EMS agency vehicle at all times, unless the vehicle is incapable of maintaining appropriate drug storage temperature or is out of service. The EMS agency is not required to obtain a CSR pursuant to § 54.1-3423 D of the Code of Virginia to participate in a hospital pharmacy kit exchange in accordance with this section unless it has need to temporarily store a secured drug kit within the EMS building when a vehicle is incapable of maintaining appropriate drug storage temperature or is out of service and the EMS agency does not otherwise serve as a designated location of a current active CSR. An alarm system consistent with requirements in 18VAC110-20-710 is not required under these conditions—pursuant to 18VAC110-20-710.

~~B. A licensed EMS agency may obtain a controlled substances registration pursuant to § 54.1-3423 D of the Code of Virginia for the purpose of performing a one-to-one exchange of Schedule VI drugs or devices.~~

**Commented [CJ9]:** Public comment from VSHP requesting clarification if subsections A and B will remain for now?

Also, requesting clarification if anything in regs would preclude EMS from stocking sufficient drug in kit for use in more than one patient while establishing a minimum par/supply.

**Commented [CJ10]:** VSHP submitted comment asking if EMS agencies are subject to VA DEQ standards on waste or are they considered “non-waste” generators due to low volume?



~~1. The controlled substances registration may be issued to a single agency or to multiple agencies within a single jurisdiction.~~

~~2. The controlled substances registration issued solely for this intended purpose does not authorize the storage of drugs within the agency facility.~~

~~3. Pursuant to § 54.1-3434.02 of the Code of Virginia, the EMS provider may directly obtain Schedule VI drugs and devices from an automated drug dispensing device.~~

~~4. If such drugs or devices are obtained from a nurse, pharmacist, or prescriber, it shall be in accordance with the procedures established by the pharmacist in charge, which shall include a requirement to record the date of exchange, name of licensed person providing drug or device, name of the EMS agency and provider receiving the drug or device, and assigned expiration date. Such record shall be maintained by the pharmacy for one year from the date of exchange.~~

~~5. If an EMS agency is performing a one-to-one exchange of Schedule VI drugs or devices, Schedule II, III, IV, or V drugs shall remain in a separate, sealed container and shall only be exchanged in accordance with provisions of subsection A of this section.~~

B. An EMS agency or a regional EMS council that has been issued a controlled substances registration pursuant to 18VAC110-20-690 (G) and a registration from DEA in accordance with federal law, may receive drugs in Schedules II through VI and deliver or transfer the drugs to any designated location of the registered EMS agency headquarters or regional EMS council. Delivery of the drugs shall not constitute wholesale distribution. Nothing shall preclude a hospital, EMS agency, or regional EMS council from transferring or distributing drugs in Schedule VI to another EMS agency, regional EMS council, or a designated location of either entity during a shortage of the drug or in an emergency. A hospital, EMS agency, regional EMS council, and designated locations may deliver drugs in Schedules II-V to each other with written approval from the DEA in the event of shortages of such substances, a public health emergency, or a mass casualty event. All entities transferring, delivering, and receiving drugs shall comply with recordkeeping requirements listed in 18VAC110-21-721.

C. In compliance with federal law, a hospital pharmacy may provide drugs to a hospital-owned EMS agency operating as an extension of the hospital pharmacy's DEA registration.

D. If an EMS agency that is not hospital-owned has obtained a controlled substances registration and a DEA registration in accordance with federal law, a hospital pharmacy may provide that EMS agency drugs for restocking an EMS agency vehicle provided all of the following criteria are met:

1. The registered or designated location of the agency operating the EMS agency vehicle maintains the record of receipt of drugs in accordance with state and federal law;

2. The hospital maintains a record of the delivery to the EMS agency in accordance with state and federal law; and

3. If the EMS agency vehicle is primarily situated at a designated location of an EMS agency, the designated location notifies the registered location of the agency within 72 hours of the EMS agency vehicle receiving drugs in Schedules II-V.

4. Pursuant to § 54.1-3434.02 of the Code of Virginia, the EMS provider may directly obtain Schedule VI drugs and devices from an automated drug dispensing device.

5. If such drugs or devices are obtained from a nurse, pharmacist, or prescriber, it shall be in accordance with the procedures established by the pharmacist-in-charge, which shall

**Commented [CJ11]:** The language in stricken B(1) and (2) does not appear necessary given the new allowance in subsection D which would include the provision of Schedule VI drugs. Attempting to streamline and clarify the conditions under which a CSR is needed. Language in stricken B(3) through (5) was moved to subsection D.

**Commented [CJ12]:** Public comment received to allow regional EMS Councils to obtain drugs and transfer to designated locations or other EMS entities if needed. Also, moved language previously in draft subsection F into this subsection.

**Commented [CJ13]:** Public comment received requesting exemption of notification requirement if only Schedule VI drugs received.

include a requirement to record the date of exchange, name of licensed person providing drug or device, name of the EMS agency and provider receiving the drug or device, and assigned expiration date. Such record shall be maintained by the pharmacy for one year from the date of exchange.

6. If an EMS agency is performing a one-to-one exchange of Schedule VI drugs or devices, Schedule II, III, IV, or V drugs shall remain in a separate, sealed container.

E. Schedules VI drugs and devices stored on an EMS agency vehicle are not required to be stored in a sealed kit but must be stored in a manner to deter theft or loss. Drugs in Schedules II-V stored on an EMS agency vehicle shall be stored in a sealed, secured kit or device to deter theft or loss.

F. Registered EMS agency headquarters, regional EMS councils, and designated locations of the registered EMS agency headquarters or regional EMS councils shall implement a process to review expiration dates no less than every three months to ensure drugs ~~is~~ are not administered beyond ~~its~~ the expiration date.

G. Registered EMS agency headquarters, regional EMS councils, and designated locations of the registered EMS agency headquarters or regional EMS councils shall perform drug inventories and report drug theft or loss to the Board in accordance with § 54.1-3404.

H. Registered EMS agency headquarters and regional EMS councils shall audit the security of the drug storage location and perform a random audit of Schedule II-V drugs and required recordkeeping for accuracy at least every 6 months at each designated location under ~~its~~ ~~CSR~~ the controlled substances registration. Documentation verifying the completion of the audit for each designated location shall be maintained at the registered EMS agency headquarters or regional EMS Council for two years from the date performed.

**18VAC110-20-690. Persons or entities authorized or required to obtain a controlled substances registration.**

A. A person or entity that maintains or intends to maintain a supply of Schedules II through Schedule VI controlled substances, other than manufacturers' samples, in accordance with provisions of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) may apply for a controlled substances registration on forms approved by the board.

B. Persons or entities that may be registered by the board shall include hospitals without in-house pharmacies, nursing homes without in-house pharmacies that use automated drug dispensing systems, ambulatory surgery centers, outpatient clinics, alternate delivery sites, crisis stabilization units, persons authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone and to dispense naloxone for opioid overdose reversal, and emergency medical services agencies provided such persons or entities are otherwise authorized by law and hold required licenses or appropriate credentials to administer the drugs for which the registration is being sought.

C. In determining whether to register an applicant, the board shall consider factors listed in subsections A and D of § 54.1-3423 of the Code of Virginia and compliance with applicable requirements of this chapter.

1. The proposed location shall be inspected by an authorized agent of the board prior to issuance of a controlled substances registration.

2. Controlled substances registration applications that indicate a requested inspection date or requests that are received after the application is filed shall be honored provided a 14-day notice is allowed prior to the requested inspection date.

3. Requested inspection dates that do not allow a 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.

4. Any person wishing to change an approved location of the drug stock, make structural changes to an existing approved drug storage location, or make changes to a previously approved security system shall file an application with the board and be inspected.

5. Drugs shall not be stocked within the proposed drug storage location or moved to a new location until approval is granted by the board.

D. The application shall be signed by a person who will act as a responsible party for the controlled substances. The responsible party may be a prescriber, nurse, pharmacist, pharmacy technician for alternate delivery sites, a person authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone and to dispense naloxone for opioid overdose reversal, or other person approved by the board who is authorized to administer the controlled substances.

E. The board may require a person or entity to obtain a controlled substances registration upon a determination that Schedules II through VI controlled substances have been obtained and are being used as common stock by multiple practitioners and that one or more of the following factors exist:

1. A federal, state, or local government agency has reported that the person or entity has made large purchases of controlled substances in comparison with other persons or entities in the same classification or category.

2. The person or entity has experienced a diversion, theft, or other unusual loss of controlled substances which requires reporting pursuant to § 54.1-3404 of the Drug Control Act.

3. The person or entity has failed to comply with recordkeeping requirements for controlled substances.

4. The person or entity or any other person with access to the common stock has violated any provision of federal, state, or local law or regulation relating to controlled substances.

F. The board may issue a controlled substance registration to an entity at which a patient is being treated by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically for the purpose of establishing a bona fide practitioner-patient relationship and is being prescribed Schedules II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration provided:

1. There is a documented need for such registration, and issuance of the registration of the entity is consistent with the public interest;

2. The entity is under the general supervision of a licensed pharmacist or a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine; and

3. The application is signed by a person who will act as the responsible party for the entity for the purpose of compliance with provisions of this subsection. The responsible party shall be a prescriber, nurse, pharmacist, or other person who is authorized by provisions of § 54.1-3408 of the Code of Virginia to administer controlled substances.

G. The board may issue a controlled substances registration to an EMS agency or regional EMS council to receive controlled substances in Schedules II-VI from a wholesale distributor, manufacturer, third-party logistics provider, warehouse, or pharmacy. The EMS agency or regional EMS council shall identify to the board any designated location to which the EMS agency or regional EMS council may deliver controlled substances. The EMS agency or regional EMS council shall also obtain a registration from DEA in accordance with federal law prior to delivery of Schedules II-V. The EMS agency or regional EMS council shall identify on the controlled substances registration application the name and physical address of the designated locations and

**Commented [CJ14]:** Public comment received appears to support responsible party being someone whose scope authorizes administration of ALL of the drugs stored. Appears to give flexibility based on the type of drugs stored.

**Commented [CJ15]:** Inserted "or EMS council" throughout subsection.

attest that at each designated location of the EMS agency or regional EMS council complies with the storage and security requirements of 18VAC110-20-710. Any changes to the designated locations shall be submitted to the board in advance of delivering controlled substances to that location and the designated locations must be approved sites under federal law.

H. An EMS agency receiving only Schedule VI drugs from a wholesale distributor, manufacturer, third-party logistics provider, warehouse, or pharmacy, or temporarily storing a secured drug kit within the EMS building when the vehicle is incapable of maintaining appropriate drug storage temperature or is out of service shall obtain a controlled substance registration or operate as a designated location of a registered EMS agency headquarters.

**Commented [CJ16]:** Public comment received requesting exemption of CSR under these conditions, but concerns may be mitigated if no alarm is required.

**18VAC110-20-700. Requirements for supervision for controlled substances registrants.**

A. A practitioner licensed in Virginia shall provide supervision for all aspects of practice related to the maintenance and use of controlled substances as follows:

1. In a hospital or nursing home without an in-house pharmacy, a pharmacist shall supervise.
2. In an emergency medical services agency, the operational medical director shall supervise.
3. For any other type of applicant or registrant, a pharmacist or a prescriber whose scope of practice is consistent with the practice of the applicant or registrant and who is approved by the board may provide the required supervision.

B. The supervising practitioner shall approve the list of drugs that may be ordered by the holder of the controlled substances registration; possession of controlled substances by the entity shall be limited to such approved drugs. The list of drugs approved by the supervising practitioner shall be maintained at the address listed on the controlled substances registration.

C. Access to the controlled substances shall be limited to (i) the supervising practitioner or to those persons who are authorized by the supervising practitioner and who are authorized by law to administer drugs in Virginia; (ii) such other persons who have successfully completed a training program for repackaging of prescription drug orders in a CSB, BHA, or PACE site as authorized in § 54.1-3420.2 of the Code of Virginia; (iii) other such persons as designated by the supervising practitioner or the responsible party to have access in an emergency situation; or (iv) persons authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone and to dispense naloxone for opioid overdose reversal. If approved by the supervising practitioner, pharmacy technicians may have access for the purpose of delivering controlled substances to the registrant, stocking controlled substances in automated dispensing devices, conducting inventories, audits and other recordkeeping requirements, overseeing delivery of dispensed prescriptions at an alternate delivery site, and repackaging of prescription drug orders retained by a CSB, BHA, or PACE site as authorized in § 54.1-3420.2 of the Code of Virginia. Access to stock drugs in a crisis stabilization unit shall be limited to prescribers, nurses, or pharmacists.

**Commented [CJ17]:** Staff has been asked if a pharmacy technician could be granted access to assist with drug responsibilities. Because pharmacy technicians may administer vaccines, they appear to be "authorized by law to administer drugs".

**Commented [CJ18]:** EMS appear comfortable with interpretation that this means person is minimally certified to administer meds, but whose scope may not authorize administration of all meds stored. DEA appears to simply restrict access to EMS employees.

**Commented [CJ19]:** EMS appear comfortable with interpretation that this allowance could be used to authorize someone to secure drugs if delivered at a time that no other authorized person is present to promptly secure drugs. Should not be used routinely to secure drugs.

**Commented [CJ20]:** If pharmacy technicians qualify as someone who may have access, should this language of restriction be stricken? If they are not someone who may have access, should this sentence be amended to include acceptable tasks at an EMS agency?

D. The supervising practitioner shall establish procedures for and provide training as necessary to ensure compliance with all requirements of law and regulation, including storage, security, and recordkeeping.

E. Within 14 days of a change in the responsible party or supervising practitioner assigned to the registration, either the responsible party or outgoing responsible party shall inform the board, and a new application shall be submitted indicating the name and license number, if applicable, of the new responsible party or supervising practitioner.

**18VAC110-20-710. Requirements for storage and security for controlled substances registrants.**

A. Drugs shall be stored under conditions that meet USP-NF specifications or manufacturers' suggested storage for each drug.

B. Any drug that has exceeded the expiration date shall not be administered; it shall be separated from the stock used for administration and maintained in a separate, locked area until properly disposed.

C. If a controlled substances registrant wishes to dispose of unwanted or expired Schedules II through VI drugs, he shall transfer the drugs to another person or entity authorized to possess and to provide for proper disposal of such drugs.

D. Drugs shall be maintained in a lockable cabinet, cart, device, or other area that shall be locked at all times when not in use. The keys or access code shall be restricted to the supervising practitioner and persons designated access in accordance with 18VAC110-20-700 C.

E. A registered EMS agency headquarters or regional EMS council may store controlled substances in an automated dispensing device which is located at a secured site at the registered location or designated location of the EMS agency or regional EMS council which is: (i) installed and operated by the EMS agency or regional EMS council, (ii) not used to directly dispense controlled substances to an ultimate user, and (iii) is in compliance with the requirements of state law.

EF. In a facility not staffed 24 hours a day, the drugs shall be stored in a fixed and secured room, cabinet or area that has a security device for the detection of breaking that meets the following conditions:

1. The device shall be a sound, microwave, photoelectric, ultrasonic, or any other generally accepted and suitable device.

2. The installation and device shall be based on accepted alarm industry standards.

3. The device shall be maintained in operating order, have an auxiliary source of power, be monitored in accordance with accepted industry standards, be maintained in operating order; and shall be capable of sending an alarm signal to the monitoring entity if breached and the communication line is not operational.

4. The device shall fully protect all areas where prescription drugs are stored and shall be capable of detecting breaking by any means when activated.

5. Access to the alarm system shall be restricted to only designated and necessary persons, and the system shall be activated whenever the drug storage areas are closed for business.

6. An alarm system is not required for researchers, animal control officers, humane societies, alternate delivery sites as provided in 18VAC110-20-275, registered EMS agencies or regional EMS councils or designated locations of registered EMS agency headquarters or regional EMS councils ~~emergency medical services agencies~~ stocking only intravenous fluids with no added Schedule VI drugs, or temporarily securing a secured drug kit when the EMS agency vehicle cannot maintain appropriate drug storage temperature or is out of service, persons authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone and to dispense naloxone for opioid overdose reversal, and teaching institutions possessing only Schedule VI drugs.

**Commented [CJ21]:** Public comment received for exemption of second line of communication.

**Commented [CJ22]:** Several public comments received:  
1 - Request exemption of alarm for EMS regardless of drug schedules stored.  
2 - Request exemption of alarm if staffed 24/7/365, excluding during calls for service  
    During calls for service,  
    •No public allowed  
    •Exterior doors automatically close and lock  
    •Bay door automatically close  
3 - Request exemption of alarm if drugs stored in an ADD.

FG. A registered EMS agency headquarters or regional EMS council may store controlled substances at any of the following secured locations:

- (1) A registered location of the EMS agency or regional EMS council;
- (2) A designated location of the EMS agency or regional EMS council of which the board has been notified and DEA has granted approval if stocking drugs in Schedules II-V;
- (3) In an EMS agency vehicle situated at a registered location or designated location of the EMS agency or regional EMS council; or
- (4) In an EMS agency vehicle used by the EMS agency that is traveling from, or returning to, a registered location or designated location of the EMS agency or EMS council in the course of responding to an emergency, or otherwise actively in use by the EMS agency.

GH. Drugs secured in an EMS agency, regional EMS council, or EMS agency vehicle shall be stored at an appropriate temperature at all times. If the EMS agency vehicle cannot maintain appropriate temperature or is out of service, the drug kit may be temporarily maintained within the building of the EMS agency. The drug kit shall be stored in compliance with subsection C.

**18VAC110-20-720. Requirements for recordkeeping.**

The person named as the responsible party on the controlled substances registration shall be responsible for recordkeeping for Schedule II through VI drugs in accordance with provisions of § 54.1-3404 of the Code of Virginia to include the reporting of any drug theft or loss and the following:

1. Inventories and administration records of Schedule II drugs shall be maintained separately from all other records and shall be kept in chronological order by date of administration.
2. All records shall be maintained at the same location as listed on the controlled substances registration or, if maintained in an off-site database, retrieved and made available for inspection or audit within 48 hours of a request by the board or an authorized agent.
3. In the event that an inventory is taken as the result of a theft of drugs, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date. All inventories required by § 54.1-3404 of the Code of Virginia shall be signed and dated by the person taking the inventory and shall indicate whether the inventory was taken prior to the opening or after the close of business on that date. An entity which is open 24 hours a day shall clearly document whether the receipt or distribution of drugs on the inventory date occurred before or after the inventory was taken.
4. Any computerized system used to maintain records shall also provide retrieval via computer monitor display or printout of the history for drugs administered during the past two years. It shall also have the capacity of producing a printout of any data which the registrant is responsible for maintaining under the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).
5. The Department of Forensic Science may exclude from any inventory quantities of controlled substances used to conduct chemical analyses and controlled substances received for analyses as evidentiary material as provided in § 54.1-3404 G of the Code of Virginia.

6. Documents which describe the conditions and extent of the professional's responsible party's authorization to dispense controlled substances for each EMS provider employed by or practicing at an EMS agency holding a controlled substances registration. Such documents shall be maintained in a readily retrievable manner and be available for

**Commented [CJ23]:** Public comment received requesting allowance for EMS to store their drugs at a hospital in their own ADD. This could potentially be authorized by the Board for Schedule VI pursuant G2. DEA would need to approve for Schedule II-V.

**Commented [CJ24]:** Public comment received requesting exemption from locking kit stored on EMS vehicle if kit only contains Schedule VI drugs.

**Commented [CJ25]:** VSHP submitted comment seeking clarification of which records must be kept at a "registered" location vs a "designated" location.



inspection and copying by authorized agents of the board. Examples of such documentation include, but is are not limited to, protocols, practice guidelines, or practice agreements.

7. Records of all controlled substances that are received, administered, or otherwise disposed of, records of deliveries of controlled substances between all locations of an EMS agency or regional EMS council pursuant to the agency's controlled substances registration, and record of the standing or verbal orders issued or adopted.

8. Documentation verifying the completion of audit for each designated location pursuant to 18VAC110-20-500.

9. Records required to be maintained by an EMS agency or regional EMS council shall be maintained, whether electronically or otherwise, at each registered location and designated location of the EMS agency or regional EMS council where the controlled substances involved are received, administered, or otherwise disposed of for two years from the date of execution of the record.

#### 18VAC110-20-721 Additional recordkeeping requirements for EMS agencies

A. Each EMS agency holding a controlled substances registration or serving as a designated location of an EMS agency or regional EMS council, including a hospital owned EMS agency operating under a hospital registration, responsible for administering a drug must maintain the written standing protocols signed by the operational medical director for the EMS agency authorizing the administration. Oral orders authorizing the administration shall be reduced to writing by the EMS provider, signed by a medical practitioner, and maintained by the EMS entity responsible for administering the drug.

B.A record for each dose of drug in Schedules II through VI administered and destruction of partially administered drug in the course of providing emergency medical services must also be maintained. Destruction of partially used Schedules II, III, IV, and V drugs shall be accomplished by two persons, one of whom shall be the EMS provider and the other shall be a pharmacist, nurse, prescriber, pharmacy technician, or a second EMS provider. Except as indicated in 18VAC110-20-500 for emergency drug kits provided by a hospital pharmacy, documentation shall be maintained in the EMS agency or the designated location of an EMS agency or regional EMS council for a period of two years from the date of destruction.

C. The following records shall be maintained for each acquisition of drug in Schedules II-VI from another registrant of the board, or each distribution of a drug in Schedules II through VI to another registrant of the board:

- (1) For each acquisition of a drug from another registrant:
  - a. Name of the drug;
  - b. Finished form of the drug (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter);
  - c. Number of units or volume of finished form in each commercial container (e.g., 100-tablet bottle or 3- milliliter vial);
  - d. Number of commercial containers acquired;
  - e. Date of the acquisition;
  - f. Name, address, and registration number of the person from whom the substance was acquired; and
  - g. Name and title of the person acquiring the drug.

**Commented [CJ26]:** Is it more appropriate for OEMS to require these records and inspect for compliance?

**Commented [CJ27]:** Several comments received:  
1- Requested exemption from recordkeeping requirements for Schedule VI drugs but this appears to conflict with §54.1-3404.  
2 - Requested exemption from recording concentration.

Removed detailed language from DEA for administration and replaced with existing language in 18VAC110-20-500 (A)(3).

**Commented [CJ28]:** Public comment received for exemption of medical director's initials on standing orders as proposed by DEA if copy of standing orders available.

- (2) For each distribution of drug in Schedules II through VI to another registrant:
- Name of the drug;
  - Finished form of the drug (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter);
  - Number of units or volume of finished form in each commercial container (e.g., 100-tablet bottle or 3- milliliter vial);
  - Number of commercial containers distributed;
  - Date of the distribution;
  - Name, address, and registration number of the person to whom the substance was distributed; and
  - Name and title of the person in receipt of the distributed drugs.

(3) For each delivery of drug in Schedules II through VI between a designated location and a registered location:

- Name of the drug;
- Finished form of drug (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter);
- Number of units or volume of finished form in each commercial container (e.g., 100-tablet bottle or 3- milliliter vial);
- Number of units or volume of finished form in each commercial container and number of commercial containers delivered (e.g., 100-tablet bottle or 3-milliliter vial);
- Date of the delivery;
- Name and address of the designated location to which the substance is delivered; and
- Name and title of the person in receipt of the controlled substances.

(4) For destruction of a drug in Schedules II through VI,:

Unless otherwise authorized under federal law, expired or unwanted drugs shall be transferred to another person or entity authorized to possess or provide for proper disposal of such drugs.

C. A designated location of an EMS agency that receives drugs in Schedules II through V must notify the EMS agency's registered location within 72 hours of receipt of the drug in the following circumstances:

- An EMS agency vehicle primarily situated at a designated location of the EMS agency acquires drug from a hospital while restocking following an emergency response;
- The designated location of the EMS agency receives drugs from another designated location of the same agency.

**18VAC110-20-505. Use of radio-frequency identification.**

A hospital pharmacy, registered EMS agency headquarters, regional EMS council, or designated location of the EMS agency or regional EMS council may use radio-frequency identification (RFID) to verify the accuracy of drugs placed into a kit for licensed emergency medical services pursuant to 18VAC110-20-500 or other kits used as floor stock throughout the hospital under the following conditions:

- A pharmacist or EMS supervising practitioner shall be responsible for performing and verifying the accuracy of the following tasks:
  - The addition, modification, or deletion of drug information into the RFID database for assignment of a RFID tag to an individual drug; and
  - The development of the contents of the kit in the RFID database and the associated drug-specific RFID tags.

**Commented [CJ29]:** Streamlined to be consistent with current pharmacy requirements and to distinguish this act from destruction of a partially used drug aka wasting.

**Commented [CJ30]:** Public comment received to exempt notification requirement if only received Schedule VI drug.

**Commented [CJ31]:** Public comment received to allow EMS to use RFID technology for verifying accuracy of kits similar to hospital pharmacies.

2. A pharmacy technician or person authorized to administer drugs may place the RFID tag on the drugs, and a pharmacist or the EMS responsible party or designee authorized to administer drugs shall verify that all drugs have been accurately tagged prior to storing the drugs in the pharmacy's inventory.
3. A pharmacy technician or person authorized to administer drugs may remove RFID-tagged drugs from the pharmacy's or EMS' inventory whose RFID tags have been previously verified for accuracy by a pharmacist or the EMS responsible party or designee authorized to administer drugs and place the drugs into the kit's container. A pharmacy technician or person authorized to administer drugs may then place the container into the ~~pharmacy's~~ device that reads the RFID tags to verify if the correct drugs have been placed into the container as compared to the list of the kit's contents in the RFID database.
4. A pharmacist shall perform a daily random check for verification of the accuracy of 5.0% of all kits prepared that day utilizing the RFID technology. An EMS responsible party or designee authorized to administer drugs shall perform a weekly random check for verification of the accuracy of 5.0% of all kits prepared that week utilizing RFID technology. A manual or electronic record from which information can be readily retrieved, shall be maintained that includes:
  - a. The date of verification;
  - b. A description of all discrepancies identified, if any; and
  - c. The initials of pharmacist, EMS responsible party or designee authorized to administer drugs verifying the accuracy of the process.
5. Pharmacies engaged in RFID tagging of drugs shall be exempt from the requirements in subsection C of [18VAC110-20-490](#), subsection A of [18VAC110-20-460](#), and subsection A of [18VAC110-20-355](#).
6. All records required by this subsection shall be maintained for a period of one year from the date of verification by the pharmacist.

**Agenda Item: Repeal Guidance Document 110-41, “Emergency Medical Services Drug Kits”**

**Staff Note:** Adopted emergency regulatory amendments to EMS-related regulations may conflict with Guidance Document 110-41. If so, staff recommends repealing the guidance document to mitigate confusion. Staff can draft a policy document to communicate how the adopted regulations will be operationalized to assist licensees, if needed.

**Possible Action:**

- Motion to repeal Guidance Document 110-41.

Rob Farrell  
State Forester



# COMMONWEALTH of VIRGINIA

## Department of Forestry

900 Natural Resources Drive, Suite 800 • Charlottesville, Virginia 22903  
(434) 977-6555 • Fax: (434) 296-2369 • [www.dof.virginia.gov](http://www.dof.virginia.gov)

Date 04/01/2024

Tract Number: NEL94040

Nelson County  
c/o Jerry West  
P.O. Box 442  
Lovingson, VA 22949

Dear Mr. West,

Please find within your *Virginia Forest Stewardship Plan* for your property located in Nelson County. It was my pleasure to prepare this plan for you knowing that you have a true interest in the good stewardship and active management of your natural resources.

In this plan, there are two basic components. The first is a personalized management plan based upon your objectives for managing your property. The second part of the document is an extensive appendix containing important information to help you understand the plan's recommendations and make your future management decisions. All of the recommendations within this plan are for your consideration, but I believe that they will help you achieve your long- and short-term goals for your property.

The first step you should take in managing your forest resources is to conduct a prescribed burn in the parcel of loblolly pine that was recently thinned and plan for a commercial thinning of the 128 acres of loblolly pine.

I trust that you will find this plan to be informative and useful as you actively manage your natural resources. If you have any questions or comments please feel free to contact me at any time.

Sincerely,

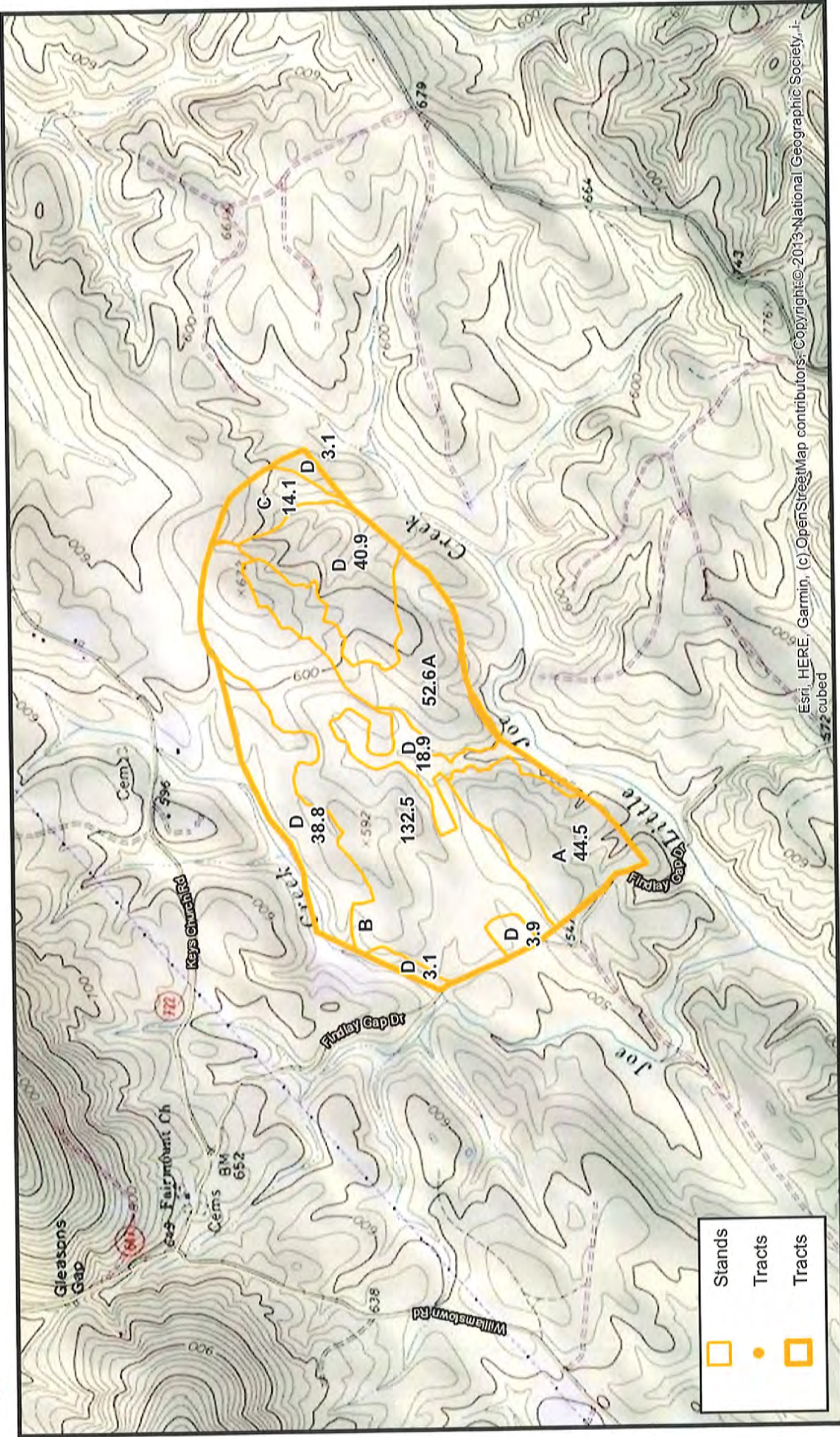
A handwritten signature in blue ink, appearing to read "W. Perry".

William E. Perry  
P.O. Box 465  
Amherst, VA 24521  
(434) 946-7955  
[bill.perry@dof.virginia.gov](mailto:bill.perry@dof.virginia.gov)



# Sturt Park NEL94040

William Perry  
(434)946-7955  
bill.perry@dof.virginia.gov  
4/3/2024



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# Virginia Forest Stewardship Management Plan

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## ABOUT THIS PLAN

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This Forest Stewardship Plan was developed to help guide you in the active management of the natural resources on your property. The plan is based upon the objectives you identified as being important to you. All of the management recommendations are for your consideration. The stand data table figures in this plan are for planning purposes only and not intended for making economic decisions where more detailed information would be required.

## PRIMARY GOALS THAT YOU IDENTIFIED FOR MANAGING THE PROPERTY

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1. Maintenance of a Scenic Forest
2. Historical / Cultural Resources
3. Public Trails Access

## INTRODUCTION

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This multiple-use forest management plan covers the examination of approximately 353 acres of forestland in Nelson County, Virginia. The management recommendations, given on the following pages, were developed for each specific parcel on your property. Boundaries and acres are only estimates derived from aerial photographs. The tract map is located in the plastic folder at the front of this book, allowing you to see the map as you read through your plan.

By having this plan developed, your property is now eligible to become a certified Tree Farm through the American Forest Foundation's Tree Farm System. It also qualifies as a Natural Resource and Conservation Service Conservation Activity Plan #106. Contact your local VDOF Forester to learn more about the benefits of these two programs.

## TRACT LOCATION

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The tract is located off of Findlay Gap Road between Shipman and Norwood in eastern Nelson county.

## PROPERTY OVERVIEW

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The property includes a mixture of loblolly pines that have been thinned and are unthinned. There were also sizable areas of hardwood forests present..

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

## PARCEL A

**Descriptions and Recommendations:** The forest type in this parcel is thinned loblolly pine. Recommendations are to start conducting prescribed fires to encourage hardwood growth and maintain adequate herbaceous plant growth for wildlife.

**Acres:** 97.1 acres

**Forest Type:** The forest type in this parcel is loblolly pine.

**Overstory Tree Species:** There were 144 loblolly pine trees per acre in the overstory.

**Understory Tree Species:** This list includes all trees less than 2 inches in diameter. The understory trees observed were: red maple, eastern red cedar, flowering dogwood, black birch, southern red oak, devils walking stick, yellow poplar, black oak, and loblolly pine.

**Age:** The loblolly pine was planted in 1999.

**Stand History:** The loblolly pines were planted in 1999 and the first commercial thinning was completed in 2020.

**Size:**

	Diameter at Breast Height			
	8	10	12	14
Tree Species	Number of Trees/Acre			
Loblolly Pine	48	52	40	4

**Tree Quality:** Tree quality refers to the form of the individual trees and the potential products that can be manufactured from the trees. High quality trees have potential use as veneer logs or high-grade lumber. Poor quality trees are usually utilized for low grade lumber products, pulpwood, and fuelwood. Quality is determined by the length of clear stem, presence of knots, tree species and other factors.

The tree quality observed in this parcel was good to excellent.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

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- Stocking/Density:** Stocking refers to stand density and the proportion of the area in the stand being utilized by the trees. It is measured in several ways (stems per acre, basal area, crown closure, etc.). Stocking strongly influences diameter growth of individual trees. High stocking levels slows diameter growth due to increased competition between trees. Poor stocking levels mean the site is not fully utilized, and valuable growing space is being wasted.
- This stand had a basal area of 84 ft<sup>2</sup>, an average diameter of 10 in. and 144 trees per acre. This equated to being 65% stocked.
- Growth Rate & Vigor:** The trees were healthy and growing at a good rate.
- Site Quality & Soils:** The site quality of forested land is measured by a term known as site index. Site index is a measurement of the height of a tree at the age 50 years. This value gives an idea of the quality of timber that can be grown on the site. the higher the site index is, the better that site is for tree growth.
- The site index for this stand is 60 ft for white oak and 74 feet for yellow poplar.
- The soils found on this parcel are Spriggs loam. This soil is deep, moderately drained and well suited for hardwood timber growth.
- Aspect & Topography:** Aspect refers to the compass direction that a slope faces. This parcel is mostly north and west facing. North and western facing slopes often have better quality timber because the sunlight is more limited than what would be found on south and east facing slopes. This results in wetter soils and generally cooler temperatures.
- Invasive Species:** The tree-of-heaven was observed growing on this parcel. This species was brought to the United States from China in 1784 by a Philadelphia gardener. Its rapid growth rate and ability to grow in harsh conditions with little care made this tree a popular early horticultural in the east. An individual tree can produce several hundred thousand seeds per year and the light winged seeds can be carried great distances from the parent plant. It grows vigorously and establishes dense, clonal thickets that can displace native vegetation.



# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040



Photo by Chuck Barger, University of Georgia, Bugwood.org

When beginning control work for tree-of-heaven, first target large seed bearing trees to help reduce the spread of this plant by seeds. There are a number of treatment options available depending on the size of the tree.

Hand-pulling young seedlings (no more than 0.5 inch in diameter) is possible when the soil is moist. Care must be taken to remove the entire plant since root fragments can regrow.

For young, dense thickets a foliar solution of 4 percent glyphosate mixed with water can be used. Apply mix to the leaves until wet. Care must be taken to limit drift to off target plant species.

For larger trees, cut them within 6 inches of the ground and immediately spray the freshly cut stump surface and sides with a solution of triclopyr as recommended on the label. It is best to apply the herbicide between summer and early fall while the plant is translocating nutrients to the roots.

The hack-and-squirt method is effective for controlling tree of heaven particularly when conducted in the summer. Use a hatchet to make downward-angled cuts into sapwood around the tree trunk as close to the ground as possible. Immediately squirt a solution of triclopyr as recommended on the label into the cuts so that the bottom of the cut is covered, but liquid does not run out. Space the cuts so that about 1 to 2 inches of uncut living tissue remains between the cuts since a

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

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continuous line may cause an emergency response in the plant resulting in basal sprouts and root suckers.

Basal bark application of herbicide is one of the easiest methods of control for trees up to 6 inches in diameter. This method should be used judiciously since it takes a lot of chemical and can result in overspray. Apply a solution of 25 percent triclopyr and 75 percent mineral oil, kerosene, or diesel fuel to the basal parts of the tree to a height of 12 to 16 inches from the ground during the late winter/early spring or summer.

All treatments should be followed up the next year to monitor and control basal sprouts and root suckers.

## Wildlife Habitat:

After a thinning, there are many options for managing a loblolly stand. By the time the trees are thinned, they have a thick bark that is tolerant to fire. This stand of trees are now safe to burn, especially on cooler days that produce smaller flame heights. Prescribed burns discourage competing hardwoods, such as sweetgums, and encourage native plants for wildlife.

Quail and turkey respond best to burns at least every three years, which provide adequate cover for nesting. In particular, adult turkeys will forage in burned loblolly stands immediately following a prescribed fire. Deer will respond best to burning smaller blocks of land and providing a variety of burn intervals on the property. When managing with wildlife in mind, remember that a diversity of habitats will attract an array of different wildlife. Having different age classes of pines in close proximity will provide edge for many species. Edge is where two or more different plant communities meet. These areas increase diversity in both plant and wildlife species.

When considering management options, remember that forests are constantly changing. To reach specific goals, conducting thinnings at appropriate times is vital, especially when managing for wildlife is a goal. Remember that pine stands are not poor wildlife habitat, but poorly managed pine stands are.



# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

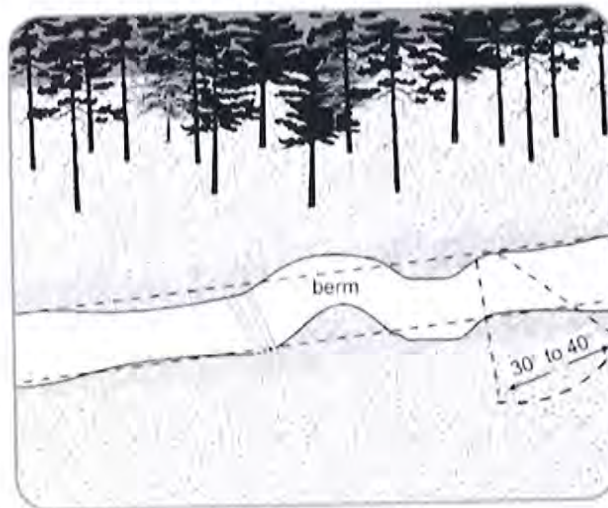
Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

**Recreation/Aesthetics:** There are an extensive network of old logging roads throughout this property. These roads can serve many purposes. They can be used for recreation and walking, as firebreaks, or for wildlife openings.

Installing or improving water bars are one improvement that needs to be addressed. Water bars are slightly raised mounds of soil that channel rainwater off the trail surface. This limits the erosion potential that accumulated water can have on the trail when it is allowed to flow on the trail surface. Where possible, trails should follow the contours of the land. An average grade of 10% is about the best for comfortable walking. Steep trail slopes are not only hard to walk, but they also have more erosion problems. The maximum trail slope is 20% - one foot rise for every five feet traveled - and only for short stretches.

## WATER BAR



Trails should show off the good features of your property but in an unobtrusive way. Woodland openings, such as food plots or meadows, are excellent places for observing wildlife. It is best if trails skirt openings, using natural cover to help "hide" the visitor from any wildlife. An observation blind of simple wood panel or woven wood slats provides good wildlife observation.

## T&E Species Present:

There were no threatened or endangered species observed at the time of my visit. More information on plant species found on the tract are included at the end of the report.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

- Fire Risk:** The fire risk of this parcel would be considered moderate. Should a fire occur, pine needles and scattered short shrubs would be the primary fuel type.
- Recommendations:** The thinning of this stand of loblolly pine has increased the amount of sunshine able to reach the forest floor. This has stimulated herbaceous and woody stem growth in the understory which will provide additional food and cover to many species of wildlife. This benefit will gradually decline as the crowns of the pines continue to grow and begin to once again shade the ground.
- Maintenance burning thinned loblolly pine stands is an excellent way to improve wildlife habitat. A maintenance burn accomplishes two main objectives. 1) It encourages the growth of legumes, weeds, and grasses (greatly benefiting quail, rabbits, turkey, and deer) and 2) it reduces the accumulation of fuel on the forest floor (lessening the likelihood of a damaging wildfire). Portions should be left unburned for nesting and escape cover. Maintenance burning should be done in the winter (before March 1) and be scheduled so that some burning is done yearly with the same acreage being burned every 3-4 years.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

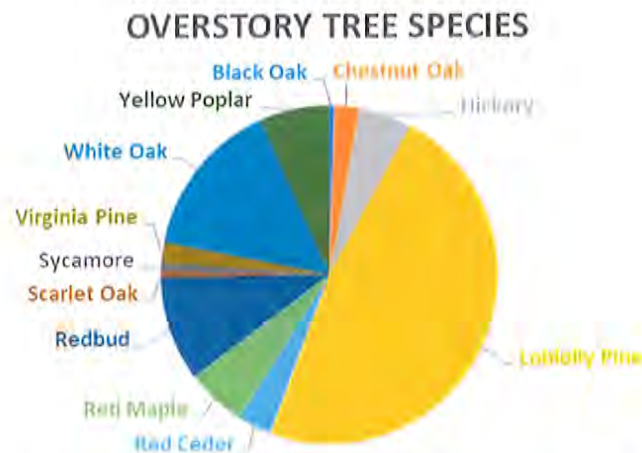
## PARCEL B

**Descriptions and Recommendations:** The forest type observed in this parcel was 19-year-old unthinned loblolly pine. The pines need to be thinned to maintain the health and vigor of the pines as well as to encourage hardwood regeneration in the understory. Prescribed burning should be utilized to further encourage the development of new hardwood regeneration.

**Acres:** 132.8 acres

**Forest Type:** The dominant tree species found in this parcel was loblolly pine. There were also scattered sycamore, Virginia pine, white oak, and yellow poplar growing in that were starting to develop into the overstory.

### Overstory Tree Species:



**Understory Tree Species:** The understory trees observed were red maple, American holly, redbud, flowering dogwood, and viburnum.

**Age:** The loblolly pine was planted in 2005.

**Stand History:** The parcel was harvested in 2004. Loblolly pine was planted at approximately 485 trees per acre in the spring of 2005. The parcel had been release sprayed in August of 2005 to control hardwood competition.



# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

**Size:**

Tree Species	Diameter at Breast Height							
	2	4	6	8	10	12	14	
	Number of Trees/Acre							
Black Oak		3						3
Chestnut Oak	13							13
Hickory	25	3						28
Loblolly Pine	3	8	13	73	90	60	5	250
Red Ceder	15	3						18
Red Maple	30							30
Redbud	50	3						53
Scarlet Oak		3						3
Sycamore	3			3				5
Virginia Pine	3	5	3					10
White Oak	60	13	8					80
Yellow Poplar	5	13	15	3				35
	205	50	38	78	90	60	5	525

**Tree Quality:**

The loblolly pine trees observed in this parcel were excellent quality.

**Stocking/Density:**

Loblolly are intentionally planted dense to encourage height growth. at some point (usually around 18 years) half of the trees will need to be harvested in a thinning to provide more sunlight to the remaining tree canopies to increase diameter growth and keep the trees healthy and resilient to insect pressure.

The basal area was 150 ft<sup>2</sup> and there were 250 loblolly pine trees per acre. This equates to the timber in the parcel being 105% or slightly overstocked.

**Growth Rate & Vigor:**

At the time of my visit, the trees appeared to be healthy and growing at a good rate.

**Site Quality & Soils:**

The site index for this stand is 70 feet for loblolly pine and 74 feet for yellow poplar.

The soils found in this parcel are mostly Jackland gravelly silt loam. This soil is very deep and well drained.

**Aspect & Topography:**

This parcel is mostly south-east facing. This generally results in warmer and drier soils.

The topography is rolling piedmont terrain.

**Wildlife Habitat:**

Densely stocked pine plantations generally lack the plant variety and structure of pine stands managed with frequent thinning and prescribed burning.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

**T&E Species Present:** There were no threatened or endangered species observed at the time of my visit. More information plant species found on the tract are included at the end of the report.

**Fire Risk:** The fire risk of this parcel would be considered moderate. Should a fire occur pine needles would be the primary fuel type. The trees are tall enough that there is adequate separation of ladder fuels that would allow a surface fire to spread into the tree canopies.

**Recommendations:** This parcel is ready for a commercial thinning harvest. The timber harvest should be scheduled to begin in 2025. This practice will give two major benefits to this stand.

The thinning will provide more space, water, and nutrients to the remaining trees to increase crown and thus, diameter growth. This will ultimately provide a valuable timber stand in a shorter period. During this thinning, it is recommended that you remove at least 1/3 of the trees but not more than 1/2. This will provide adequate sunlight while still protecting the remaining trees from wind and ice damage.

In addition to improving the health and vigor of the loblolly plantation, the thinning should improve the scenic quality of the forest by opening it up and providing a better view beneath the canopy.

The network of thinning roads will provide better access for recreational opportunities. By seeding any of the exposed road with a shade-tolerant mixture of white Dutch clover and red fescue, an important food source for wildlife would be created and potential erosion would be controlled.

Techniques for thinning involve removing a row of trees every 4th row. This row removal facilitated equipment access where the remaining rows can be thinned and the wood is skidded to the deck where it is processed and loaded onto trucks.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

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It will be necessary to develop a preharvest plan with the logging contractor that you choose to perform this harvest. The preharvest plan will identify all sensitive areas where equipment usage should be avoided. The location of all streams should be identified. Skid roads and log loading locations should be identified on a topographic map.

Prescribed fire can be used five years after the thinning is complete. Prescribed fire will have the benefit of providing improved wildlife habitat in the parcel. The prescribed fire will also increase the chance of developing an oak understory. This oak understory will be managed as the future overstory when the remaining loblolly pine overstory is completely harvested.



# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

## PARCEL C

**Descriptions and Recommendations:** This parcel consisted of young shortleaf pine with mixed Virginia pine, loblolly pine and other hardwoods.

**Acres:** 14.1 acres

**Forest Type:** The forest type in this parcel was mixed pines and hardwoods.

**Overstory Tree Species:** The primary tree species were young shortleaf pine with volunteer loblolly pine, Virginia pine, yellow poplar, red maple, chestnut oak, scarlet oak, and white oak.

**Stand History:** The parcel was clearcut and replanted with shortleaf pine 2020. At the time of the planting, no herbicide application occurred for site prep or release to control hardwood or volunteer pine competition.

**Tree Quality:** Although the trees were the sapling stage, there is good spacing and desirable species distribution.

**Stocking/Density:** This parcel is fully stocked with both planted shortleaf pines and volunteer tree species.

**Growth Rate & Vigor:** The trees appear healthy and growing at good rate.

**Site Quality & Soils:** The soils found on this parcel are Elioak and Spriggs loam. These soils are very deep and considered to be well drained.

**Aspect & Topography:** This parcel is mostly south-east facing. This generally results in warmer and drier soils.

The topography is rolling piedmont terrain.

**Wildlife Habitat:** Many wildlife species have adapted to natural disturbances (e.g., ice storms, fires, winds, diseases) but also benefit from patch cuts in the landscape. Golden-winged and prairie warblers, rufous-sided towhees, yellow-breasted chats, and indigo buntings are just a few of the declining songbird species that need shrubs or saplings characteristic of regenerating clearcuts.

**T&E Species Present:** There were no threatened or endangered species observed at the time of my visit. More information on plant species found on the tract are included at the end of the report.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

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**Fire Risk:** The fuels on this parcel can contribute to extreme fire behavior. Young pines mixed with grasses and blackberry can have rapid rates of fire spread and be difficult to control.

**Recommendations:** At this time, there are no forest management activities that need to take place. continue to monitor for any invasive species and treat as necessary to limit spread through the parcel.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

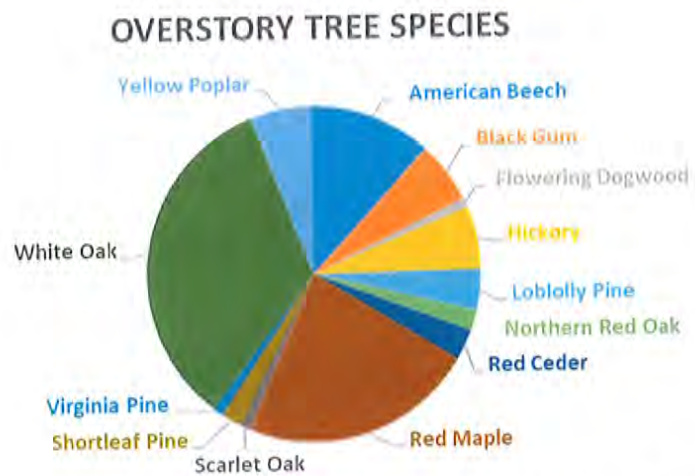
## PARCEL D

**Descriptions and Recommendations:** The forest type in this parcel is a mix of upland and riparian hardwood forests. No immediate action is needed other than to monitor and treat invasive species.

**Acres:** 108.8 acres

**Forest Type:** The forest type in this parcel is upland hardwoods and riparian forests.

**Overstory Tree Species:**



**Understory Tree Species:** The understory trees observed were very sparse. These species include American beech, red maple, and white oak.

**Age:** The trees in this parcel are 75 + years old.

**Stand History:** There was no evidence of past forest management or land use in these areas.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

Size:

Tree Species	Diameter at Breast Height												
	2	4	6	8	10	12	14	16	18	20	22	24	
	Number of Trees/Acre												
American Beech		4	9	7	4							2	27
Black Gum	7	4		2									13
Flowering Dogwood	2												2
Hickory	2	2	4		4								13
Loblolly Pine					2	2	2	2					9
Northern Red Oak		2			2								4
Red Cedar	4	2											7
Red Maple	22	11	9	4	4								51
Scarlet Oak					2								2
Shortleaf Pine					2	2							4
Virginia Pine			2										2
White Oak	9	9	20	9	7	9	7	4	2				76
Yellow Poplar				2	4	4	2						13
	47	36	44	24	33	18	11	7	2			2	224

**Tree Quality:**

The quality of trees observed in this parcel were fair to good.

**Stocking/Density:**

The basal area was 115 ft<sup>2</sup>, there were 224 trees per acre and the average diameter was 7.1 inches. This equates to the timber in the parcel being 95% or fully stocked.

**Growth Rate & Vigor:**

At the time of my visit, the trees appeared to be healthy and growing at a good rate.

**Site Quality & Soils:**

The soils found in this parcel are mostly Jackland gravelly silt loam. This soil is very deep and well drained

**Aspect & Topography:**

The topography was rolling foot hills with steeper slopes near the creeks.

**Water Resources:**

The areas of this parcel that borders Joe and Little Joe Creeks are referred to as riparian forests. Riparian forests differ from upland forests in their hydrology, plant communities, soils, and topography.

Riparian forests support a greater diversity of wildlife than nearly all other types of upland forests. Forested riparian corridors function as connectors between isolated blocks of forested habitat.

Trees and shrubs are required for roosting and foraging by most riparian birds. Mammals depend on the vegetation for food and shelter. The increased humidity of riparian forests makes them important habitat for amphibians, snakes, and turtles. Snags are used as den sites by cavity nesters. Root systems of woody vegetation not only help stabilize banks, but supply

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

## Wildlife Habitat:

cover for fish and aquatic insects. Forest litter is the basis of food in the stream ecosystem, being utilized by insects that are in turn prey for fish.

One very important type of wildlife food is "mast." Mast is defined as the fruit of forest trees and plants eaten as wildlife food. It is usually divided into hard mast (acorns and nuts) and soft mast (grapes, fruits, berries, etc.). Hard mast is more critical because it remains available until late winter, when food becomes most scarce and wildlife are in their least healthful condition.

Within the oak family, peak production of acorns usually comes when trees reach approximately 40-50 years of age and attain a size of about 20 inches DBH (diameter at breast height). Very often, acorn production actually declines in older or exceptionally large trees due to causes such as disease and competition. Acorn crops typically are not produced with regularity on an annual basis, but are more likely to follow cycles over several years.

As a rule of thumb, the red oak group (northern red oak, southern red oak, black oak, scarlet oak, willow oak) produce a bumper crop every 2-5 years, whereas the white oak group (white oak, chestnut oak, post oak) may produce a good crop only every 4-10 years. To maximize acorn production, select and leave trees that have dominant crowns and are found on better soils. Elimination of competing branches and crowns around the perimeter of a "crop" tree will often help stimulate additional production.

Wildlife species that can benefit from the availability of acorns include wood duck, ruffed grouse, wild turkey, blue jay, black bear, squirrels, mice, raccoon, and whitetail deer.



# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

Beech trees are important to many wildlife species. Beech nuts usually first start appearing in abundance once the tree reaches about 40 years of age and full production comes at about 60 years of age. Like the oaks, beech nut production often is cyclic, with peak crops coming every 2-5 years, and heaviest production comes from the dominant trees in the forest canopy. Birds that utilize beech nuts include ruffed grouse, turkey, and numerous songbirds (larger species that can crack open a seed or nut). Black bear, squirrels, mice, and deer all relish the taste of beech nuts.

Hickory nuts are an excellent source of hard mast. The nuts are eaten by black bears, foxes, rabbits, and raccoons. Small mammals eat the nuts and leaves. Hickory nuts may make up to 25% of a squirrel's diet. The kernel of hickory nut seeds is exceptionally high in crude fat, up to 70-80 percent in some species of hickory.

It is important to maintain soft mast-producing trees, shrubs, and vines. These plants provide important food sources for many forest wildlife species. The seasonal availability of species such as dogwood, wild grape vines, black cherry, black gum, sassafras, and greenbrier contribute significantly to the total food supply a forest can produce.

Wild cherry is important to a great number of songbirds and a host of mammal species. They rely on the fruit of cherries as a summertime staple. Wild cherry is considered an early successional plant and will produce mast relatively quickly on most sites. Most cherry trees in this area have no real commercial value. In clearcuts, openings, and field edges, cherry trees fill an important niche in providing a relatively consistent source of soft mast each year.

## T&E Species Present:

There were no threatened or endangered species observed at the time of my visit. More information on plant species found on the tract are included at the end of the report.

## Fire Risk:

The forest type in this this parcel does not pose a risk for extreme fire behavior. Should a wildfire occur the primary fuel would be hardwood leaf litter.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

## Recommendations:

The hardwood forests occurring on the property are located either along creeks or separating the pine forested areas. These hardwoods remain healthy and provide a valuable source of food and habitat for wildlife. When people visit a forest, they often enjoy being in mature hardwood dominated forests with an open understory.

Invasive plant species will continue to be a threat to these hardwood areas. Regular scouting and quick response to any areas where invasives are found will limit their spread and impact to this parcel.

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

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## COST-SHARE ASSISTANCE PROGRAMS

Cost-share assistance programs may be available to help defray forest management project costs. Programs generally may pay between 35 percent and 75 percent of the costs involved in certain projects. Funds are available on a first-come, first-served basis and must be approved prior to the start of any management work. Please check with your local Virginia Department of Forestry representative for availability of programs and funds.

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## CULTURAL AND HISTORIC RESOURCES

Cultural resources refer to landscapes, structures, archeological artifacts and vegetation that represent a culture or society of historic value. Federal and state laws protect some archeological, cultural and historic sites from disturbances, destruction or removal. It is critical to understand where such sites may be located prior to ground-disturbing forest management activities.

Historic and cultural resources are a vital link to past land-use practices in Virginia. While no sites were identified during my visits, old records for the area may exist. The Department of Historic Resources offers programs which survey, catalog and encourage the preservation of historic resources. This Department maintains records of historic sites and these records are available to the general public. More information can be found at [www.dhr.virginia.gov](http://www.dhr.virginia.gov) or by calling their office at (804) 367-2323.

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## THREATENED OR ENDANGERED SPECIES

No endangered or protected species were observed on the property. More information on plant species found on the tract are included at the end of the report. Information in this plan concerning the presence of Threatened and Endangered (T&E) species has been determined through observation and/or review of T&E species maps. This information does not substitute for a through exam completed by trained T&E specialists. For more information regarding threatened and endangered species or any regulations involved with them, please contact your local Virginia Department of Game and Inland Fisheries office or the Department of Conservation and Recreation, Natural Heritage office.

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## FOREST HEALTH AND PROTECTION

A healthy forest is a forest that possesses the ability to sustain the unique species composition and processes that exist within it. Active management of the forest helps to maintain and improve its productive capacity, taking into account all the factors that influence the resource elements addressed in the Forest Stewardship Plan. Silviculture harvest practices and the use of prescribed fire as a tool can reduce risk from wildfire, pests and invasive species, and ensure long-term forest health and vigor. Forest health protection issues are often directly related to the active management of insects and diseases, invasive plants and wildfire. Annual inspections for signs of insects, diseases or invasive plant infestations should be completed by the landowner.



# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

No disease or insect problems were identified on the property. Continued monitoring is the best preventative measure to ensuring forest health. If any unusual problems are found, please contact the Virginia Department of Forestry for an examination.

## **FIRE**

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Prescribed fire, also known as "controlled burn," refers to the controlled application of fire by a team of fire experts under specified weather conditions that help restore health to fire-adapted environments to obtain specific management objectives. Prescribed burning is a critical management tool that enhances and benefits forests, grasslands and wildlife habitats. Prescribed fire is an effective tool in site preparing harvested areas for replanting tree seedlings as well as reducing excessive amounts of hazardous fuel build up and catastrophic damage of wildfire on our lands and surrounding communities. Prescribed fire is one of the most effective tools we have in preventing the outbreak and spread of wildfires.

Protection of your property from wildfire is essential. Wildfire rapidly destroys valuable timber, wildlife and property. From February 15 through April 30, open air fires are not permitted within 300 feet of woodland, brushland or field containing dry grass or other flammable material between midnight and 4:00 p.m. The number one cause of wildland fire in Virginia is debris burning. In other words, MOST of the fires that occur could have been prevented. In the case of an emergency, please report all woods fires to your local County Fire Dispatch Center at 9-1-1. If you feel that the situation does not warrant a fire department response, you may call a Virginia Department of Forestry representative at 434-946-7955.

## **CARBON CYCLE**

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All forest plants and soils "store" carbon, so active forest management influences the natural cycles of that storage in both living and dead plant material. The removal of carbon from the atmosphere is the process called carbon sequestration. Carbon sequestration is the process by which atmospheric carbon dioxide is consumed by trees, grasses and other plants through photosynthesis and stored as carbon in biomass (trunks, branches, foliage and roots) and soils. Sustainable forestry practices can increase the ability of forests to sequester atmospheric carbon while enhancing other ecosystem services, such as improved soil and water quality. Planting new trees and improving forest health through thinning and prescribed burning are some of the ways to increase forest carbon in the long run. Harvesting and regenerating forests can also result in net carbon sequestration in wood products and new forest growth.

## **WETLANDS**

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Wetlands include areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are also highly diverse and productive ecosystems with emphasis on supporting timber production, water quality protection, wildlife habitat and more. It is important for you to

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

Tract Number: NEL94040

be aware of and understand the laws and regulations related to forestry practices before engaging in wetland management activities on your land. Chapter 9 of the publication "Virginia's Forestry Best Management Practices for Water Quality Technical Manual, 2011" offers many of the guidelines for forestry activities within a wetland. The publication can be found on the web at:  
<http://www.dof.virginia.gov/print/water/BMP/Technical/BMP-Technical-Guide.pdf>.  
Your local Virginia Department of Forestry forester can provide information on forestry practices permitted in wetlands.

## **BIOLOGICAL DIVERSITY**

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Biodiversity is the variety of life (including diversity of species, genetic diversity and diversity of ecosystems) and the processes that support it. Landowners can contribute to the conservation of biodiversity by providing diverse habitats. It is important to select management options that offer the greatest opportunities for promoting wildlife habitats and conserving biodiversity while fulfilling other land management objectives. Some of these options include, but are not limited to, the conservation of wildlife habitats and biodiversity by:

1. Managing stand-level habitat features.
2. Promoting aquatic and riparian areas.
3. Managing landscape features.
4. Conserving rare species and communities.
5. Protecting special features and sites.

## **AGROFORESTRY/SILVOPASTURE**

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**Agroforestry** intentionally combines agriculture and forestry to create integrated and sustainable land-use systems. Agroforestry takes advantage of the interactive benefits from combining trees and shrubs with crops and/or livestock. In the United States, agroforestry is commonly divided into five main practices: Windbreaks, Alley Cropping, Silvopasture, Riparian Forest Buffers and Forest Farming.

**Silvopasture** combines trees with forage and livestock production. The trees are managed for high-value saw logs while providing shade and shelter for livestock and forage, reducing stress and sometimes increasing forage production. Silvopasture is increasingly popular in the southeastern region of the United States as a way to supplement timber income on small pine plantations and some hardwood stands. However, there can be problems with combining the two management schemes if it is not done correctly or actively managed. This management system requires active rotational grazing to avoid damage to the standing trees and allowing the forage to recover. Before any new silvopasture system is established, you should thoroughly explore the associated economic and environmental considerations along with local land use, zoning, cost-share programs and tax regulations.



# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Nelson Co. Parks and Recreation, Sturt Nature Park

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## HIGH CONSERVATION VALUE FORESTS

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These are forests of outstanding and critical importance due to their environmental, social, biodiversity, or landscape values. High Conservation Value Forests are considered critically important because they contain a unique combination of values. These can be social, cultural, biodiversity and environmental values.

**Social or cultural values** are aspects of a forest that are critical to the surrounding community's identity. They can range from significant historical features, such as sacred sites or burial grounds, to the forest's role within the community — for example, whether local residents have traditionally depended on the forest for berries, firewood or other products.

**Biodiversity values** are critical to preserving local flora and fauna. Such values could include rare ecosystems or habitats, or unusual communities of plant or animal species. Keep in mind that these ecosystems and species need not be on state or Federal Threatened or Endangered Species lists — they may just be considered rare regionally or locally.

**Environmental values** can benefit the whole community. Some examples are forests whose presence helps protect local watersheds or prevent erosion in vulnerable areas.

When forestry professionals and other experts evaluate a forest as a potential HCVF, they look at the entire landscape — not just a single stand of trees — and consider all of these values.

Places that combine and contain these features are rare, so it's especially important to protect them. (*American Forest Foundation*)

## INTEGRATED PEST MANAGEMENT

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A pest control strategy may use a variety of complementary strategies including mechanical devices, physical devices, genetic, biological or cultural management and chemical management. (*U.S. EPA*)

Integrated Pest Management (IPM) combines several appropriate pest control tactics into a single plan to reduce pests and their damage to an acceptable level. Using many different tactics to control a pest problem causes the least disruption to the living organisms and non-living surroundings at the treatment site. Relying only on pesticides for pest control can cause pests to develop resistance to pesticides, can cause outbreaks of other pests, and can harm surfaces and non-target organisms. With some types of pests, using only pesticides achieves very poor control.

To solve pest problems, first:

- Identify the pest or pests and determine whether control is warranted for each,
- Determine pest control goals,
- Know what control tactics are available,
- Evaluate the benefits and risks of each tactic or combination of tactics,

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

**Nelson Co. Parks and Recreation, Sturt Nature Park**

**Tract Number: NEL94040**

- Choose the most effective strategy that causes the least harm to people and the environment,
- Use each tactic in the strategy correctly, and
- Observe local, state, and Federal regulations that apply to the situation.

The best strategy for each situation depends on the pest and the control needed.

*(Michael J. Weaver, Patricia A. Hipkins, Virginia Tech Pesticides Program, 2013)*

# VIRGINIA FOREST STEWARDSHIP MANAGEMENT PLAN

Tract Number: NEL94040

Nelson Co. Parks and Recreation, Sturt Nature Park

<b>10-YEAR RECOMMENDED SCHEDULE OF MANAGEMENT ACTIVITIES</b>						
Year	Parcel	Activity	*Possible Cost Share	Future Stand Conditions		
				Year	Stocking	Species
2024	A, B, C, D	Scout for and treat any populations of invasive plant species.				
2025	A	Conduct prescribed burn on approximately 1/3 of this parcel.				
2025	B	Perform commercial thinning to manage loblolly pine.				
2026	A	Conduct prescribed burn on approximately 1/3 of this parcel.				
2027	A	Conduct prescribed burn on approximately 1/3 of this parcel.				
2030	B	Conduct prescribed burn on approximately 1/3 of this parcel.				
2031	B	Conduct prescribed burn on approximately 1/3 of this parcel.				
2032	B	Conduct prescribed burn on approximately 1/3 of this parcel.				
This schedule may need to be adjusted depending on financial needs, timber markets, timing of actual harvest and availability of contractors.						

\*Cost-share program eligibility requirements vary between the programs and funding may not be available. Contact your local VDOF forester for up-to-date information about the various programs.

RT – Reforestation of Timberlands Program      CRP – Conservation Reserve Program      AgBMP – Agricultural Best Management Practices Program  
 EQIP – Environmental Quality Incentives Program      CREP – Conservation Reserve Enhancement Program

<b>(1) New Vacancies/Expiring Seats &amp; New Applicants :</b>					
<b>Board/Commission</b>	<b>Term Expiring</b>	<b>Term &amp; Limit Y/N</b>	<b>Incumbent</b>	<b>Re-appointment</b>	<b>Applicant (Order of Pref.)</b>
Nelson County Service Authority Board - West District	6/30/2024	4 Year Term / No limit	David Hight	Y	David Hight
Nelson County Service Authority Board - South District	6/30/2024	4 Year Term / No limit	Sergio Sanchez	Y	Sergio Sanchez
Ag & Forestal District Advisory Committee	5/13/2024	4 year term / 3 term limit	Sunny Taylor	N	No Applications Received
Nelson County Economic Development Authority	6/30/2024	4 year term/ No limit	R. Carlton Ballowe	Y	R. Carlton Ballowe
Nelson County Economic Development Authority	6/30/2024	4 year term/ No limit	Deborah Brown	Y	Deborah Brown
Nelson County Economic Development Authority	6/30/2026	4 year term / No limit	Natt Hall	N - passed away	Jeri Lloyd
Board of Building Code Appeals	6/30/2024	4 year term / No limit	R. Carlton Ballowe	Y	R. Carlton Ballowe
Board of Building Code Appeals	6/30/2024	4 year term / No limit	Ben Butler	Y	Ben Butler
Jefferson Madison Regional Library Board	6/30/2024	4 year term/ 2 term limit	Aleta Childs (UT)	Y	Aleta Childs
Planning Commission - West District	6/30/2024	4 year term / No limit	Michael Harman	Y	Michael Harman
Planning Commission - South District	6/30/2024	4 year term / No limit	Mary Kathryn Allen	Y	Mary Kathryn Allen
JAUNT	6/30/2024	3 year term / No limit	Brad Burdette	Y	Brad Burdette
<b>(2) Existing Vacancies:</b>					
<b>Board/Commission</b>	<b>Terms Expired</b>				
MACAA Board of Directors	3/13/2024	2 year term / No limit	Chris Sandquist	N	Ann Mische

NELSON COUNTY SERVICE AUTHORITY

NAME, ADDRESS & PHONE

TERM 4 Years, No Limits

Justin Shimp, P.E.- **North District**  
148 Tanbark Dr.  
Afton, VA 22920  
H: (434) 953-6116  
[Justin@shimp-engineering.com](mailto:Justin@shimp-engineering.com)

July 1, 2022 – June 30, 2026

Ernie Q. Reed - **Central District**  
971 Rainbow Ridge Rd.  
Faber, VA 22938  
H: (434) 971-1647  
C: (434) 249-8330  
[ereed@nelsoncounty.org](mailto:ereed@nelsoncounty.org)  
[lec@wildvirginia.org](mailto:lec@wildvirginia.org)

July 1, 2022 - June 30, 2026

Robert McSwain- **East District**  
3254 Dutch Creek Lane  
Shipman, VA 22971  
H: (434) 263-6714  
[losthorseshoe2@gmail.com](mailto:losthorseshoe2@gmail.com)

July 1, 2022 -June 30, 2026

Sergio Sanchez- **South District**  
1035 Gladstone Road  
Gladstone, VA 22971  
H: (434) 941-1811  
[sergio.sanchez321@yahoo.com](mailto:sergio.sanchez321@yahoo.com)

July 1, 2020 - June 30, 2024  
(appointed 9/13/22)

David S. Hight – **West District**  
P.O. Box 5  
Roseland, VA 22967  
H: (434) 277-5351  
[DHUMINC@gmail.com](mailto:DHUMINC@gmail.com)

July 1, 2020 - June 30, 2024

Authority : Established by the Code of Virginia §15.2-5113 and Nelson County Code Chapter 12 - Utilities

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. No term limits

Summary of Duties: To serve as the governing Board of the Nelson County Service Authority.

Meetings: Regular meetings are held monthly on the third Thursday of each month at 8:30am. Members are compensated \$100 per meeting plus mileage paid at the existing State mileage rate per BOS Resolution dated February 8, 2022.



## Agricultural & Forestal District Advisory Committee

### Citizen Members (Producers) 4

### Term 4 years

Andy Wright [dutchcreekfarm@aol.com](mailto:dutchcreekfarm@aol.com)  
1315 Dutch Creek Lane  
Shipman, VA 22971  
434-263-8938 (H)

May 13, 2023 – May 13, 2027 (T5)

Billy Newman [enviroforllc@netscape.net](mailto:enviroforllc@netscape.net)  
356 Deer Run Lane  
Shipman, VA 22971  
434-263-4172 (H)

May 13, 2023 – May 13, 2027 (T4)

Susan McSwain [losthorseshoe3@gmail.com](mailto:losthorseshoe3@gmail.com)  
3254 Dutch Creek Lane  
Shipman, VA 22971  
434-263-6714 (H)

May 13, 2023 – May 13, 2027 (T5)

Ernie Reed [ereed@nelsoncounty.org](mailto:ereed@nelsoncounty.org)  
971 Rainbow Ridge Road  
Faber, VA 22938  
434-249-8330

May 13, 2023 – May 13, 2027 (T1)

### Citizen Members (Other Landowners) 4

Joyce Burton [joybirdpt@gmail.com](mailto:joybirdpt@gmail.com)  
96 Old Turtle Place  
Nellysford, VA 22958  
434-361-2328

May 13, 2023 – May 13, 2027 (T3)

Sunny Taylor [sunny@virginia.edu](mailto:sunny@virginia.edu)  
464 Front Street  
Lovingston, VA 22949  
434-996-2267 (H)  
434-924-7849 (B)

May 13, 2020 – May 13, 2024 (UT)  
(Appointed 1-12-2021)

Mary Cunningham [mcscherpa@gmail.com](mailto:mcscherpa@gmail.com)  
171 Joshua Lane  
Afton, VA 22920  
434-1587 (H)

May 13, 2023 – May 13, 2027 (T2)

Charlotte L. Rea [the.creac1@gmail.com](mailto:the.creac1@gmail.com)  
411 Bland Wade Ln.  
Afton, VA 22920  
540-456-6509 (H)  
434-996-7291 (Cell)

August 13, 2023 – May 13, 2027 (T2)

### Commissioner of Revenue

Kim Goff [kgoff@nelsoncounty.org](mailto:kgoff@nelsoncounty.org) 434-263-7070  
P.O. Box 246  
Lovingston, VA 22949

## **Board of Supervisors Member**

Jesse Rutherford [jrutherford@nelsoncounty.org](mailto:jrutherford@nelsoncounty.org)

P.O. Box 336

Lovington, VA 22949

434-981-8728

**Establishment:** Established by the Code of Virginia §15.2-4300 et seq. and the Code of Nelson County, Chapter 9, Article V. on February 11, 2003.

**Members:** Consists of 10 members, four (4) agricultural producers, four (4) other landowners, the Commissioner of Revenue and a Board of Supervisors member.

**Term:** Regular terms are 4 years from May 13<sup>th</sup> to May 13<sup>th</sup> with a term limit of 3 consecutive terms except in cases where there are no new applicants to fill the vacancy.

**Summary of Duties:** To advise the Planning Commission and the County governing body and assist in creating, reviewing, modifying, continuing or terminating districts within the county. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources with the district(s) and their relation to the entire county.

**Meetings:** Meetings are held on an as needed basis. Members serve on a voluntary basis, but the Board of Supervisors may at its discretion, reimburse each member for actual and necessary expenses incurred in the performance of duties.

NELSON COUNTY ECONOMIC DEVELOPMENT AUTHORITY

NAME, ADDRESS & PHONE

TERM

Larry Saunders  
1610 Wilson Hill Road  
Arrington, VA 22922  
434-981-1235 (C)  
[Larrya5819@aol.com](mailto:Larrya5819@aol.com)

July 1, 2023 -June 30, 2027  
(First appointed 3-14-23)

John Bruguiera  
1339 Stoney Creek West  
Nellysford VA 22958  
434-277-5516 (W)  
540-456-6778 (H)  
[John@DickieBros.com](mailto:John@DickieBros.com)

July 1, 2023 -June 30, 2027

R. Carlton Ballowe  
19218 Thomas Nelson Hwy  
Faber, VA 22938  
434-263-6285 (H)  
434-996-7796 (W)  
[catbalu1@aol.com](mailto:catbalu1@aol.com)

July 1, 2020 –June 30, 2024  
(First Appointed 3-12-13)

Deborah L. Brown  
23 Windy Acres Drive  
Afton, VA 22920  
434-981-2832 (C)  
[dbrown@alliedconcrete.com](mailto:dbrown@alliedconcrete.com)

July 1, 2020 –June 30, 2024  
(First Appointed 4-10-18)

Richard Averitt  
88 Grace Glen  
Nellysford, VA 22958  
434-262-3418  
[richard@raveritt.com](mailto:richard@raveritt.com)

July 1, 2021 – June 30, 2025  
(Unexpired term, appointed 4-11-23)

Natt A. Hall, Jr.  
462 Horseshoe Mountain Rd.  
Roseland, VA 22967  
434-361-1780  
[natthall69@gmail.com](mailto:natthall69@gmail.com)

July 1, 2022 – June 30, 2026  
**\*\*\*VACANT\*\*\***

J. Alphonso Taylor  
288 Village Rd.  
Shipman, VA 22971  
434-263-5894 (H)  
434-263-6195 (W)  
[alphonsotaylor04@gmail.com](mailto:alphonsotaylor04@gmail.com)

July 1, 2022 – June 30, 2026

Authority:                    **Established pursuant to the Code of Virginia §15.2-4903 et seq.**

Membership:                Consists of seven (7) County Resident members

Term:                         4 years, July – June (Staggered) with **no term limits.**

Summary of Duties:        To administer the provisions of Virginia State Code §15.2-4905

Meetings:                    Meets biannually on the 1<sup>st</sup> Thursday of each month. Members are compensated \$75 per meeting plus mileage.

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors  
Attention: Candice W. McGarry, Clerk of Board  
Post Office Box 336  
Lovingson, VA 22949

or fax to (434) 263-7004 or email aspivey@nelsoncounty.org

Date 5/1/2024

Mr. \_\_\_\_\_ Mrs. \_\_\_\_\_ Ms.

Name: Jeri Lloyd

List a maximum of three (3) Boards on which you are interested in serving.

1. Nelson County Economic Development Authority
2. Board of Supervisors
3. \_\_\_\_\_

Home Address: 9322 Rockfish Valley Hwy  
Afton, Va 22920

Occupation: Retired Employed by: Wegmans (PT) BRCC (PT)

Home Phone No.: \_\_\_\_\_ Cell 434-996-2126  
Business Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail Address: Jeri@ntelos.net

Do you live in Nelson County? Yes  No \_\_\_\_\_

Are you currently a member of a County Board, Commission, Committee or Authority? Yes \_\_\_\_\_ No



If yes, list the Board(s):

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What talent(s) and/or experience can you bring to the Board(s)?

Member Supervisory Committee, Loudoun Credit Union (2009-<sup>201</sup>  
Member Finance Committee, National Dance Society (2014-present)

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What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

I have a passion for people And for the County of Nelson. I try to be involved and to be connected.

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Please use this space for any additional information you would like to provide:

I believe I would be an asset to Nelson County as a member of the Economic Development Authority.

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A resume or separate sheet with additional information may be included.

#### ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes  No

**Jeri McCoy Lloyd**

**9322 Rockfish Valley Hwy  
Afton, Va. 22920**

### **EDUCATIONAL BACKGROUND**

2012 Widener University, Human Sexuality  
1993 University of Virginia, Certificate of Aging Studies  
1991 Virginia Commonwealth University, Medical College of Virginia  
Fellowship, Aging Studies  
1980 University of South Florida, MA, Adapted Physical Education  
1977 Ohio University, BA, Physical Education

### **WORK EXPERIENCE**

2018 – present Blue Ridge Community College, Weyers Cave, VA, Professor, Adjunct  
Faculty, Health  
2017 – present Wegman’s Food Safety Coordinator, Charlottesville, VA.  
1995 – 2018 Piedmont Virginia Community College, Charlottesville, Va., Professor,  
Adjunct Faculty, Allied Health  
2016 – 2017 Wegman’s Grocery, Customer Service, Cheese Shop  
2014 – 2016 Cottonwood Quilt Shop, Sales clerk, Instructor  
2003 – 2014 Loudoun County Public Schools, Family Life Education Specialist  
1981 - 2003 Charlottesville City Schools, Buford Middle School, Health Education  
1981 – 2003 Camp Walden, Denmark, Maine, Waterfront Director  
1980 – 1981 University of South Florida, Teaching Assistant  
1977 – 1980 St. Thomas Aquinas School, Zanesville, Ohio, Physical Education, 1 – 8

### **COACHING EXPERIENCE**

2003 - 2014 Varsity Girls Gymnastics, Loudoun County Public Schools, Head and  
Assistant Coach (Dominion High School 5 yrs., Heritage High School 6  
yrs., Loudoun County High School 6 yrs.)  
1980 – 1991 Varsity Girls Tennis, Charlottesville High School, Head Coach  
1977 – 1980 8<sup>th</sup> grade Girls Basketball, St. Thomas Aquinas, Assistant Coach

### **HONORS AND AWARDS RECEIVED**

2008 VAHPERD College/University Teacher of the year  
2004 College/University, Master Teacher  
2002 VAHPERD Health Teacher of the Year  
2001 Thomas Jefferson Health District, Child Health and Obesity Grant  
1990 – 1993 Virginia Nutrition Education Training Program Grant  
1991 Virginia Commonwealth University, Medical College of Virginia,  
Geriatric Fellowship  
1988 Charlottesville City Public Schools, Distinguished Teacher of the Year

**PROFESSIONAL AND CIVIC AFFILIATIONS**

- 2018 – present      Food Manager Certification
- 2014 – present      AASECT (American Association of Sexual Educators, Counselors, and Therapists), Nationally Certified Sexual Educator
- 2014 – present      NDS (National Dance Society), Founding Member
- 1977 – present      AAHPERD (American Association Health, Physical Education, Recreation, and Dance), Life Member
- 1981 – present      Virginia Department of Game and Inland Fisheries, Instructor
- 1991 – 2015      Rockfish Valley Ruritans
- 1977 – 2014      NEA (National Education Association)
- 2003 – 2014      VHSL (Virginia High School League), Loudoun County, Virginia, Girls Gymnastics
- 1982 – 2014      VEA (Virginia Education Association)
- 2003 – 2014      LEA (Loudoun Education Association)
- 1980 – 2010      American Heart Association, Instructor Trainer
- 1977 – 2010      American Red Cross, Instructor
- 1981 – 2003      CEA (Charlottesville Education Association)
- 1981 – 1991      VHSL (Virginia High School League), Charlottesville, Virginia, Girls Tennis

LOCAL BOARD OF BUILDING CODE APPEALS

<u>NAME &amp; ADDRESS</u>	<u>TERM ENDING</u>
R. Carlton Ballowe (Former Builder) 19218 Thomas Nelson Hwy Faber, VA 22938 434-263-6285 (H) 434-996-7796 (W) <a href="mailto:catbalu1@aol.com">catbalu1@aol.com</a>	JUNE 30, 2024
Kenneth H. Taylor (Cabinetry) 2415 Arrington Road Arrington, V A 22922 (434) 263-5564	JUNE 30, 2024
Ben Butler (Builder) 81 Bryant Mountain Rd. Roseland, VA 22967 (434) 531-8888 <a href="mailto:caplerhomes@msn.com">caplerhomes@msn.com</a>	JUNE 30, 2024 *(Unexpired term, appointed 7/13/2021)
Robin Meyer (Architect) 15 Orchard Rd. Charlottesville, VA 22903 (434) 987-4112 <a href="mailto:robinmeyer32@gmail.com">robinmeyer32@gmail.com</a>	JUNE 30, 2026
Robert L. Yoder (Architect) 80 Tuckahoe LN Nellysford, VA 22958 (757) 675-1449 <a href="mailto:BobYoderArchitect@gmail.com">BobYoderArchitect@gmail.com</a>	JUNE 30, 2026

## LOCAL BOARD OF BUILDING CODE APPEALS

### **Establishment:**

Established per Section 36-105, of the Code of Virginia, 1950 as amended and Section 119 of the Virginia Uniform Statewide Building Code effective March 1, 2011 and Ordinance O2011-05 adopted August 9, 2011

### **Term:**

Four year terms except for the first three initial appointees' terms shall expire on June 30, 2012. The remaining two appointees' terms shall expire June 30, 2014. Members may be re-appointed without limitation. A member appointed to fill a vacancy shall serve the unexpired term of the member being replaced. At the request of the Board of Supervisors, a serving member may sit beyond the expiration of his term until such time as his successor may be appointed; however, the successor's term shall not be extended by such delay.

### **Composition:**

Members of the LBBCA shall be selected by the Board of Supervisors on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be a licensed architect or professional engineer, and at least one member should be an experienced property manager. Employees and officials of the locality shall not serve as members of the LBBCA.

### **Summary of Duties:**

To rule on disagreements between the local enforcers of the Virginia Statewide Fire Prevention Code ("the SFPC") or the Virginia Uniform Statewide Building Code ("the USBC") and those persons being regulated under the codes. The power of the local board of appeals is to, when presented with an appeal, rule on the application of the SFPC or USBC by the enforcing agency or to rule on the enforcing agency's denial of a modification request. In exercising these powers, the local board of appeals may reverse or affirm, wholly or partly, or modify any decision under review as well as to determine whether an appeal is properly before them

### **Meetings:**

The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary, and receive such training on the USBC as may be appropriate or necessary from staff of the locality. Members are compensated \$75 per meeting.



JEFFERSON MADISON REGIONAL LIBRARY BOARD

NAME, ADDRESS & PHONE

TERM :4 Years, July-June **2 Term Limit**

Aleta Childs  
400 Dogwood Ln.  
Nellysford, VA 22958  
H: (540) 272-8202  
[Aletachilds400@gmail.com](mailto:Aletachilds400@gmail.com)

July 1, 2020 – June 30, 2024 (**UT**)  
(Appointed June 8, 2021 Unexp. Term)

Authority: Code of Virginia §42.1-38 - §42.1-41

Membership: Nine (9) members, three (3) C' Ville City appointees, three (3) County appointees, one (1) each from Louisa, Nelson, and Greene Counties.

Term(s) of Office: Regular Terms are 4 years July – June, with a **two (2) term limit**. Membership is voluntary.

Summary of Duties: Administer the Regional Library System with responsibility for budgets, finance, public policy and planning for library services. Serve as a strong advocate for improvement and enhancement of public library services in the region and State and determine Library policies. Additional duties include securing funds for carrying out policies and hiring the library director to administer the library system.

Meetings: Monthly on the 4th Monday of each month. Members serve on a voluntary basis.

NELSON COUNTY PLANNING COMMISSION

NAME, ADDRESS & PHONE

TERM EXPIRATION

Phillipa Proulx – **North District**  
950 Avon Road  
Afton, VA 22920  
(540) 456-6849 (H)  
[proulx@cfw.com](mailto:proulx@cfw.com)

June 30, 2026

Robin Hauschner- **Central District**  
403 Perry Lane  
Lovington, VA 22949  
(434) 989-8899  
[robin.hauschner@gmail.com](mailto:robin.hauschner@gmail.com)

June 30, 2026

Charles Amante- **East District**  
401 River Trail  
Shipman, VA 22971  
(703) 269-8586 (H)  
[amantemail@gmail.com](mailto:amantemail@gmail.com)

June 30, 2026

Mary Kathryn Allen- **South District**  
7763 Richmond Hwy.  
Gladstone, VA 24553  
(434) 933-8214 (H)  
(434) 942-7695 (W)  
[mkallen@vaems.org](mailto:mkallen@vaems.org)

June 30, 2024

Michael E. Harman – **West District**  
2828 Embly's Gap Road  
Roseland, VA 22967  
(434) 277-5016 (H)  
[koms@lynchburg.net](mailto:koms@lynchburg.net)

June 30, 2024

Ernie Reed – **BOS Liaison**  
971 Rainbow Ridge Road  
Faber, VA 22938  
(434) 249-8330 (C)  
[ereed@nelsoncounty.org](mailto:ereed@nelsoncounty.org)

December 31, 2024

Authority: Established by the Code of Virginia §15.2-2200 et seq. and County Code Article II, Sec.9-26

Membership: 6 members: 5 Appointments by Election District, with 1 appointed Board of Supervisors member.

Term: 4 Years, July 1 – June 30, **No Term Limits**

Summary of Duties: As Established by the Code of Virginia §15.1-427.1 et seq., the Board members serve in order to promote the orderly development of the County and to plan community centers with adequate highway, utility, health, educational and recreational facilities, and to provide for the needs of agriculture, industry and

business in future growth. This includes interpretation and development of the County Zoning and Subdivision Ordinance with review of citizen applications for re-zoning requests, conditional use permits, and subdivision requests with subsequent recommendations to the Board of Supervisors for action on such applications.

Meetings: Regular meetings are held the fourth Wednesday of each month with the exception of November. Members are compensated \$75 per meeting plus mileage paid at the existing State mileage rate.

JEFFERSON AREA UNITED TRANSPORTATION –JAUNT, INC.

2 CITIZEN MEMBERS

Diane McNaught  
13721 Patrick Henry Hwy  
Roseland, VA 22967  
Ph (434) 277-8579  
[DCKGlobal@yahoo.com](mailto:DCKGlobal@yahoo.com)

July 1, 2022-June 30, 2025 (T2)  
(Appointed March 13, 2018)

Brad Burdette  
135 Pine Hill Lane  
Norwood, VA 24581  
Ph (804) 306-3882  
[justice7spc@gmail.com](mailto:justice7spc@gmail.com)

July 1, 2021 -June 30, 2024 (T1)  
(Appointed 10/12/21 for UT)

Term(s) of Office: 3 years: July 1<sup>st</sup> to June 30<sup>th</sup>

Summary of Duties: To set broad policy in support of JAUNT's mission which is to safely, courteously and promptly provide public and specialized services to meet community mobility needs.

Meetings: Meets the second Wednesday of each month from 10:00 am to 12:00 noon at the JAUNT office, 104 Keystone Place, Charlottesville, VA 22902. Members serve on a volunteer basis. Contact Person is Karen Davis, karend@ridejaunt.org, 434-297-2602.

MONTICELLO AREA COMMUNITY ACTION AGENCY -MACAA  
BOARD OF DIRECTORS

1 GOVERNMENT REPRESENTATIVE MEMBER

MEMBER

TERM EXPIRATION

Mr. Chris Sandquist  
277 Saddleback Knoll  
Nellysford, VA 22958  
(434) 361-0041  
[chris.sandquist@gmail.com](mailto:chris.sandquist@gmail.com)

March 13, 2024 (UT)

Term(s) of Office: 2 years from date of appointment, No Limits

Summary of Duties: To serve as an advisor representing the interests of Nelson County in furthering MACAA's mission of eradicating poverty and improving the lives of people living in the served communities.

Board of Directors: MACAA's Board of Directors consists of 15-18 members, with equal representation from three sectors of the community - the private sector (businesses, educational institutions, and other non-profit organizations), the public sector (elected officials from each of the jurisdictions served or their appointed representatives) and constituents (elected representatives of low-income groups). Terms vary from one to five years. Individuals from the community may serve as non-voting members of Board committees.

Meetings: The Board meets at 5:30pm on the last Thursday of each month (November and December meetings combined). Committee meetings vary throughout the month. Meetings are held at the MACAA offices: 1025 Park Street, Charlottesville VA 22901. Phone: 434-295-3171, Fax: 434-296-0093 Office Hours: 9am – 5pm M-F.

URL: [www.macaa.org](http://www.macaa.org) MACAA's Executive Director, Sarah Hanks (434) 295-3171  
[shanks@macaa.org](mailto:shanks@macaa.org)

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors  
Attention: Candice W. McGarry, Clerk of Board  
Post Office Box 336  
Lovington, VA 22949

or fax to (434) 263-7004 or email [aspivey@nelsoncounty.org](mailto:aspivey@nelsoncounty.org)

Date 5/6/2024

Mr.  Mrs.  Ms.

Name: Ann Miscbe

List a maximum of three (3) Boards on which you are interested in serving.

1. MACAA
2. \_\_\_\_\_
3. \_\_\_\_\_

Home Address: 1856 Monacan Drive  
Nellysford VA 22958

Occupation: Retired Employed by: NA

Home Phone No.: 434.361.1114 Business Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail Address: 12242017mine@gmail.com

Do you live in Nelson County? Yes  No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes  No



If yes, list the Board(s):

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What talent(s) and/or experience can you bring to the Board(s)?

Former teachers aid; Member of Missions Comm, Rockfish Presbyterian Church and have participated in food baskets, Back packs, and Christmas sparkys for MACFA students. I was liaison to MACFA, I'm a former domestic relations lawyer and was one of the special education attorneys for Fairfax Public Schools.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

I have taught special sunday school for children age 5 to age 14 over a period of 20 years.

Please use this space for any additional information you would like to provide:

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A resume or separate sheet with additional information may be included.

**ATTENDANCE REQUIREMENTS**

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes  No

**Closed Session Form Motion**

1. Motion to Convene in Closed Session

**FORM MOTION FOR CONVENING CLOSED MEETING**

**“I move 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)(1) - “Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body;” and,**

**(A)(3) - "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body."**

2. Conduct Closed Session

3. Motion to Reconvene in Public Session

4. Motion to Certify Closed Session

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC  
SESSION:**

**(Requires recorded roll call vote)**

**“I move, pursuant to the requirements of Chapter 37, Virginia Freedom of Information Act and Section 2.2-3712 of the Code of Virginia, that the Nelson County Board of Supervisors certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”**



BOARD OF SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-38  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF FY25-FY30 SECONDARY SIX-YEAR ROAD PLAN  
AND FY24/25 CONSTRUCTION PRIORITY LIST**

**WHEREAS**, Sections 33.2-331 and 33.2-332 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2024/25 through 2029/30) as well as the Construction Priority List (2024/25) on May 14, 2024 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

**WHEREAS**, Staff of the Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2024/25 through 2029/30) and the Construction Priority List (2024/25) for Nelson County,

**NOW THEREFORE BE IT RESOLVED**, that said Board finds the Plan(s) to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, and as such said Secondary Six-Year Plan (2024/25 through 2029/30) and Construction Priority List (2024/25) are hereby approved, as amended if applicable.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

Secondary System  
 Nelson County  
 Construction Program  
 Estimated Allocations

Fund	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	Total
CTB Formula - Unpaved State	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TeleFee	\$36,186	\$36,186	\$36,186	\$36,186	\$36,186	\$36,186	\$217,116
Federal STP - Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$671,748	\$454,996	\$454,996	\$454,996	\$454,996	\$414,881	\$2,906,613
<b>Total</b>	<b>\$707,934</b>	<b>\$491,182</b>	<b>\$491,182</b>	<b>\$491,182</b>	<b>\$491,182</b>	<b>\$451,067</b>	<b>\$3,123,729</b>

Board Approval Date:

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Residency Administrator

Date

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County Administrator

Date

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Lynchburg

County: Nelson County

Board Approval Date:

2025-26 through 2029-30

Route PPMS ID Accomplishment Type of Funds  Type of Project Priority #	Road Name Project # Description FROM  TO Length	Estimated Cost	Traffic Count Scope of Work FHWA # Comments
0674 121341	COW HOLLOW ROAD 0674062853	<i>PE</i> \$0 <i>RW</i> \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT  State forces/Hired equip CN Only  0002.01	RTE 674 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 780 RTE 56  1.1	<i>CN</i> \$197,838 <i>Total</i> <b>\$197,838</b>	17005
0623 121342	DAVIS CREEK ROAD 0623062854	<i>PE</i> \$0 <i>RW</i> \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT  State forces/Hired equip CN Only  0002.02	RTE 623 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) DEAD END RTE 625  1.7	<i>CN</i> \$399,168 <i>Total</i> <b>\$399,168</b>	17005
0646 -29348	HUNTING LODGE RD 0646062860	<i>PE</i> \$0 <i>RW</i> \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT  State forces/Hired equip CN Only  0002.03	RTE 646 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 604 RTE 645  2.0	<i>CN</i> \$400,000 <i>Total</i> <b>\$400,000</b>	17005
0674 -29349	JENNYS CREEK RD 0674062766	<i>PE</i> \$0 <i>RW</i> \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT  State forces/Hired equip CN Only  0002.04	RTE 674 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 56 RTE 151  1.2	<i>CN</i> \$250,000 <i>Total</i> <b>\$250,000</b>	17005

Route PPMS ID Accomplishment Type of Funds	Road Name Project # Description FROM	Estimated Cost		Traffic Count Scope of Work FHWA # Comments
Type of Project Priority #	TO Length			
0640 -29361	WHEELERS COVE RD 0640062865	<i>PE</i>	\$0	
		<i>RW</i>	\$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 640 - RURAL RUSTIC (SURFACE TREAT NON- HARDSURFACE) RTE 620	<i>CN</i>	\$300,000	17005
State forces/Hired equip CN Only	1.50 MILES SOUTH OF RTE 620	<i>Total</i>	<b>\$300,000</b>	
0002.05	1.5			
0667 -29356	FORK MOUNTAIN RD 0667062862	<i>PE</i>	\$0	
		<i>RW</i>	\$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 667 - RURAL RUSTIC (SURFACE TREAT NON- HARDSURFACE) 1.29 MILES NORTH OF RTE 56	<i>CN</i>	\$225,000	17005
State forces/Hired equip CN Only	2.29 MILES NORTH OF RTE 56	<i>Total</i>	<b>\$225,000</b>	
0002.06	1.0			
0613 -29359	BERRY HILL RD 0613062864	<i>PE</i>	\$0	
		<i>RW</i>	\$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 613 - RURAL RUSTIC (SURFACE TREAT NON- HARDSURFACE) RTE 788	<i>CN</i>	\$200,000	17005
State forces/Hired equip CN Only	1.10 MILES SOUTH OF RTE 788	<i>Total</i>	<b>\$200,000</b>	
0002.07	1.0			
0629 -29358	GULLEYSVILLE LN 0629062863	<i>PE</i>	\$0	
		<i>RW</i>	\$0	Restoration and Rehabilitation
STATE FORCES/HIRED EQUIPMENT	RTE 629 - RURAL RUSTIC (SURFACE TREAT NON- HARDSURFACE) RTE 634	<i>CN</i>	\$200,000	17006
State forces/Hired equip CN Only	DEAD END	<i>Total</i>	<b>\$200,000</b>	
0002.08	1.3			



Route PPMS ID Accomplishment Type of Funds	Road Name Project # Description FROM	Estimated Cost	Traffic Count Scope of Work FHWA # Comments
Type of Project Priority #	TO Length		
0606 -29354	BUFFALO STATION RD 0606062861	<i>PE</i> \$0 <i>RW</i> \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT State forces/Hired equip CN Only 0002.09	RTE 606 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 626 1.4 MILES EAST OF RTE 626 1.4	<i>CN</i> \$260,000 <i>Total</i> <b>\$260,000</b>	17005
0764 -29363	WALK AROUND LN 0764062866	<i>PE</i> \$0 <i>RW</i> \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT State forces/Hired equip CN Only 0002.10	RTE 764 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 628 DEAD END 0.6	<i>CN</i> \$150,000 <i>Total</i> <b>\$150,000</b>	17005
0721 -29364	GREEN FIELD DR 0721062867	<i>PE</i> \$0 <i>RW</i> \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT State forces/Hired equip CN Only 0002.11	RTE 721 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) 0.70 MILES NORTH OF RTE 626 2.8 MILES NORTH OF RTE 626 2.1	<i>CN</i> \$450,000 <i>Total</i> <b>\$450,000</b>	17005
0648 -29366	EAGLE MOUNTAIN DRIVE 0648062868	<i>PE</i> \$0 <i>RW</i> \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT State forces/Hired equip CN Only 0002.12	RTE 648 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 703 RTE 56 0.5	<i>CN</i> \$150,000 <i>Total</i> <b>\$150,000</b>	17005
9999 122046 NOT APPLICABLE 0006.01	9999062847 NELSON COUNTYWIDE - TRANSPORTATION SERVICES	<i>PE</i> \$50,000 <i>RW</i> \$50,000 <i>CN</i> \$159,116 <i>Total</i> <b>\$259,116</b>	1

Route	Road Name	Estimated Cost	Traffic Count
PPMS ID	Project #		Scope of Work
Accomplishment	Description		FHWA #
Type of Funds	FROM		Comments
Type of Project	TO		
Priority #	Length		
9999		<i>PE</i>	\$0
-18804	9999062810	<i>RW</i>	\$0
NOT APPLICABLE	NELSON COUNTY UNPAVED ROAD FUNDING	<i>CN</i>	\$0
		<i>Total</i>	<b>\$0</b>
0006.02			

Nelson County  
Rural Rustic Draft Priority List      FY25/30

PRIORITY	ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	COST
	634	Spring Valley Rd	RTE 616 Hickory Creek Rd	Dead End	1.00	180	\$ 250,000.00
	687	North Fork Rd	1.0 Mi North RTE 56	2.0 Mi North	1.00	110	\$ 250,000.00
	681	Pigeon Hill Rd	RTE 769 Modoc Lane	RTE 680 Cub Creek	1.75	80	\$ 437,500.00
	662	South Powells Island	0.68 Mi North RTE 739	1.45 Mi North RTE 739	0.77	60	\$ 192,500.00
	780	Toms Lane	RTE 674 Cow Hollow	Dead End	0.40	60	\$ 100,000.00

Total      \$    1,230,000.00

Estimates based on  
\$250,000 per mile





BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-27  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION FOR PUBLIC HEARING  
FY25-FY30 SECONDARY SIX-YEAR ROAD PLAN  
AND CONSTRUCTION PRIORITY LIST**

**WHEREAS**, The Virginia Department of Transportation and the Board of Supervisors of Nelson County, in accordance with Sections 33.2-331 and 33.2-332 of the Code of Virginia, are required to conduct a public hearing to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2025 through 2030 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2025,

**NOW THEREFORE BE IT RESOLVED**, that a public hearing will be held for this purpose in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingston, Virginia at 7:00 pm on Tuesday, May 14, 2024.

Approved: April 9, 2024

Attest: *Candice W. McGarry*, Clerk  
Nelson County Board of Supervisors

**PUBLIC HEARING NOTICE**  
**NELSON COUNTY BOARD OF SUPERVISORS & VDOT**  
**2025-2030 SECONDARY SIX-YEAR ROAD PLAN**  
**AND CONSTRUCTION PRIORITY LIST**  
**FOR NELSON COUNTY**

The Virginia Department of Transportation (VDOT) and the Board of Supervisors of Nelson County, in accordance with Sections 33.2-331 and 33.2-332 of the Code of Virginia, will conduct a joint public hearing in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingston, Virginia at **7:00 pm on Tuesday, May 14, 2024.**

The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2025 through 2030 in Nelson County and on the proposed Secondary Road System Improvement Priority List for Fiscal Year 2025.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

Secondary Unpaved Road Priority List for Fiscal Year 2025 are proposed as follows:

<u>Priority</u>	<u>Route # and Name</u>	<u>Distance</u>	<u>Mileage</u>
1	634 Spring Valley Rd.	Rte. 616 to Dead End	1.00 Mi.
2	687 North Fork Rd.	1.0 Mi. North Rte. 56 to 2.0 Mi. North	1.00 Mi.
3	681 Pigeon Hill Rd.	Rte. 769 to Rte. 680	1.75 Mi.
4	662 South Powells Island	0.68 Mi. N Rte. 739 to 1.45 Mi. North	0.77 Mi.
5	780 Toms Ln.	Rte. 674 to Dead End	0.40 Mi.

Copies of the proposed Plan and Budget and the Secondary Unpaved Road Priority List may be reviewed at the Nelson County Administrator’s Office located at 84 Courthouse Square, Lovingston, VA 22949, and at the Appomattox VDOT Residency Office located at 331 Ferguson St. Appomattox, VA 24522.

Persons requiring special assistance to attend or participate in this hearing should contact the Nelson County Administrator’s Office at (434) 263-7000.

By Authority of Nelson County Board of Supervisors and the Virginia Dept. of Transportation



Code of Virginia

Title 33.2. Highways and Other Surface Transportation Systems

Subtitle II. Modes of Transportation: Highways, Bridges, Ferries, Rail, and Public Transportation

Chapter 3. Highway Systems

Article 3. Secondary State Highway System

## § 33.2-331. Annual meeting with county officers; six-year plan for secondary state highways; certain reimbursements required

For purposes of this section, "cancellation" means complete elimination of a highway construction or improvement project from the six-year plan.

The governing body of each county in the secondary state highway system may, jointly with the representatives of the Department as designated by the Commissioner of Highways, prepare a six-year plan for the improvements to the secondary state highway system in that county. Each such six-year plan shall be based upon the best estimate of funds to be available to the county for expenditure in the six-year period on the secondary state highway system. Each such plan shall list the proposed improvements, together with an estimated cost of each project so listed. Following the preparation of the plan in any year in which a proposed new funding allocation is greater than \$100,000, the board of supervisors or other local governing body shall conduct a public hearing after publishing notice in a newspaper published in or having general circulation in the county once a week for two successive weeks, with the first publication appearing no more than 14 days before the hearing, and posting notice of the proposed hearing at the front door of the courthouse of such county 10 days before the meeting. At the public hearings, which shall be conducted jointly by the board of supervisors and the representative of the Department, the entire six-year plan shall be discussed with the citizens of the county and their views considered. Following the discussion, the local governing body, together with the representative of the Department, shall finalize and officially adopt the six-year plan, which shall then be considered the official plan of the county.

At least once in each calendar year in which a proposed new funding allocation is greater than \$100,000, representatives of the Department in charge of the secondary state highway system in each county, or some representative of the Department designated by the Commissioner of Highways, shall meet with the governing body of each county in a regular or special meeting of the local governing body for the purpose of preparing a budget for the expenditure of improvement funds for the next fiscal year. The representative of the Department shall furnish the local governing body with an updated estimate of funds, and the board and the representative of the Department shall jointly prepare the list of projects to be carried out in that fiscal year taken from the six-year plan by order of priority and following generally the policies of the Board in regard to the statewide improvements to the secondary state highway system. In any year in which a proposed new funding allocation is greater than \$100,000, such list of priorities shall then be presented at a public hearing duly advertised in accordance with the procedure outlined in this section, and comments of citizens shall be obtained and considered. Following this public hearing, the board, with the concurrence of the representative of the Department, shall adopt, as official, a priority program for the ensuing year, and the Department shall include such listed projects in its secondary highways budget for the county for that year.

At least once every two years following the adoption of the original six-year plan, the governing body of each county, together with the representative of the Department, may update the six-

year plan of the county by adding to it and extending it as necessary so as to maintain it as a plan encompassing six years. Whenever additional funds for secondary highway purposes become available, the local governing body may request a revision in its six-year plan in order that such plan be amended to provide for the expenditure of the additional funds. Such additions and extensions to each six-year plan shall be prepared in the same manner and following the same procedures as outlined herein for its initial preparation. Where the local governing body and the representative of the Department fail to agree upon a priority program, the local governing body may appeal to the Commissioner of Highways. The Commissioner of Highways shall consider all proposed priorities and render a decision establishing a priority program based upon a consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such decision shall be binding.

Nothing in this section shall preclude a local governing body, with the concurrence of the representative of the Department, from combining the public hearing that may be required pursuant to this section for revision of a six-year plan with the public hearing that may be required pursuant to this section for review of the list of priorities, provided that notice of such combined hearing is published in accordance with procedures provided in this section.

All such six-year plans shall consider all existing highways in the secondary state highway system, including those in the towns located in the county that are maintained as a part of the secondary state highway system, and shall be made a public document.

If any county cancels any highway construction or improvement project included in its six-year plan after the location and design for the project has been approved, such county shall reimburse the Department the net amount of all funds expended by the Department for planning, engineering, right-of-way acquisition, demolition, relocation, and construction between the date on which project development was initiated and the date of cancellation. To the extent that funds from secondary highway allocations have been expended to pay for a highway construction or improvement project, all revenues generated from a reimbursement by the county shall be deposited into that same county's secondary highway allocation. The Commissioner of Highways may waive all or any portion of such reimbursement at his discretion.

The provisions of this section shall not apply in instances where less than 100 percent of the right-of-way is available for donation for unpaved highway improvements.

Code 1950; 1970, c. 322, § 33.1-70.01; 1977, c. 578; 1979, c. 64; 1981, c. 240; 1993, c. 802; 2001, cc. 105, 130; 2005, c. 645; 2011, cc. 434, 493; 2014, c. 805; 2015, c. 684; 2019, cc. 81, 400; 2023, cc. 506, 507.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 33.2. Highways and Other Surface Transportation Systems

Subtitle II. Modes of Transportation: Highways, Bridges, Ferries, Rail, and Public Transportation

Chapter 3. Highway Systems

Article 3. Secondary State Highway System

## § 33.2-332. Requesting Department of Transportation to hard-surface secondary highways; paving of certain secondary highways within existing rights-of-way; designation as Rural Rustic Road

A. Whenever the governing body of any county, after consultation with personnel of the Department, adopts a resolution requesting the Department to hard-surface any secondary highway in such county that carries 50 or more vehicles per day with a hard surface of width and strength adequate for such traffic volume, the Department shall give consideration to such resolution in establishing priority in expending the funds allocated to such county. The Department shall consider the paving of highways with a right-of-way width of less than 40 feet under this subsection when land is, has been, or can be acquired by gift for the purpose of constructing a hard-surface highway.

B. Notwithstanding the provisions of subsection A, any unpaved secondary highway that carries at least 50 but no more than 750 vehicles per day may be paved or improved and paved within its existing right-of-way or within a wider right-of-way that is less than 40 feet wide if the following conditions are met:

1. The governing body of the county in which the highway is located has requested paving of such highway as part of the six-year plan for the county under § 33.2-331 and transmitted that request to the Commissioner of Highways; and

2. The Commissioner of Highways, after having considered only (i) the safety of such highway in its current condition and in its paved or improved condition, including the desirability of reduced speed limits and installation of other warning signs or devices; (ii) the views of the residents and owners of property adjacent to or served by such highway; (iii) the views of the local governing body making the request; (iv) the historical and aesthetic significance of such highway and its surroundings; (v) the availability of any additional land that has been or may be acquired by gift or other means for the purpose of paving such highway within its existing right-of-way or within a wider right-of-way that is less than 40 feet wide; and (vi) environmental considerations, shall grant or deny the request for the paving of such highway under this subsection.

C. Notwithstanding the provisions of subsections A and B, the governing body of any county, in consultation with the Department, may designate a highway or highway segment as a Rural Rustic Road, provided such highway or highway segment is located in a low-density development area and has an average daily traffic volume of no more than 1,500 vehicles per day. For a highway or highway segment so designated, improvements shall utilize a paved surface width based on reduced and flexible standards that leave trees, vegetation, side slopes, and open drainage abutting the highway undisturbed to the maximum extent possible without compromising public safety. Any highway designated as a Rural Rustic Road shall be subject to § 62.1-44.15:34. The Department, in consultation with the affected local governing body, shall first consider the paving of a highway or highway segment meeting the criteria for a Rural Rustic Road

in accordance with this subsection before making a decision to pave it to another standard as set forth in this section.

D. The Commonwealth and its agencies, instrumentalities, departments, officers, and employees acting within the scope of their duties and authority shall be immune for damages by reason of actions taken in conformity with the provisions of this section. Immunity for the local governing body of any political subdivision requesting paving under this section and the officers and employees of any such political subdivision shall be limited to that immunity provided pursuant to § 15.2-1405.

1973, c. 360, § 33.1-70.1; 1977, c. 578; 1985, c. 440; 1997, cc. 715, 729; 1999, cc. 306, 320; 2001, cc. 355, 366; 2002, c. 414; 2003, c. 599; 2006, c. 546; 2008, c. 195; 2011, c. 400; 2013, cc. 756, 793; 2014, c. 805.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



BOARD OF SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-39**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF THE RURAL RUSTIC DESIGN STANDARD FOR UNPAVED ROADS IN THE**  
**FY25-30 NELSON COUNTY SECONDARY ROAD SIX YEAR IMPROVEMENT PLAN**

**WHEREAS**, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

**WHEREAS**, the Board of Supervisors of Nelson County, Virginia desires to consider whether these Routes should be designated as Rural Rustic Roads as follows:

- Route 623, Davis Creek Road. from Dead End To: Road 625,
- Route 646, Hunting Lodge Road, From: Route 604 To: Route 645,
- Route 647, Jenny’s Creek Road, From: Route 56 To: Route: 151,
- Route 606, Buffalo Station Road, From: Route 626 To: Route 1.4 miles East of Route 626,
- Route 667, Fork Mountain Road, From: 1.29-mile North of Rte.56 To:2.29-mile North of Rte. 56
- Route 629, Gulleysville Road, From: Route 634 To: Dead End,
- Route 613, Berry Hill Road, From: Route 788 To: Route 634,
- Route 640, Wheelers Cove Road, From: Route 620 To: 1.50-mile South of Route 620,
- Route 764, Walk Around lane, From: Route 628 To: Dead End,
- Route 721, Green Field Drive, From: .70-mile North of Rte. 626 To: 2.8-mile North of Rte. 626
- Route 648, Eagle Mountain Drive, From: Route 703 To: Route 56

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on these roads; and

**WHEREAS**, the Board believes that these roads should be so designated due to their qualifying characteristics; and

**WHEREAS**, these roads are in the Board’s six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates these roads as Rural Rustic Roads, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that these roads be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



## Amanda Spivey

---

**From:** Brown, Robert G. (VDOT) <Robert.Brown@VDOT.Virginia.gov>  
**Sent:** Thursday, May 2, 2024 2:53 PM  
**To:** Candy McGarry; Amanda Spivey  
**Cc:** Sayre, Jeffery D. (VDOT); Brown, Daniel J., P.E. (VDOT); Scott, Karen S. (VDOT)  
**Subject:** Resolution to Approve Rural Rustic Design on Unpaved Roads in Nelson County.  
**Attachments:** Nelson Rural Rustic Resolution Rte 756.docx

Candy and Amanda,

Please find attached a draft resolution that we need the BOS to pass approving the Rural Rustic Design Standard for the unpaved roads that are in the proposed FY 25- 30 Nelson County Secondary Road Six Year Improvement Plan.

This resolution is a requirement in using Rural Rustic Design Standard to hard surface unpaved roads. Basically, the Nelson County BOS members are approving the use of Rural Rustic Design Standard to hard surface the road in the proposed FY 25- 30 Nelson County Secondary Road Six Year Improvement Plan.

The Board has passed these resolutions in the past although it has been a while.

Thanks,  
Robert,



**Robert Brown**

*Residency Administrator / Appomattox Residency*  
Virginia Department of Transportation  
434-352-6674

[robert.brown@VDOT.Virginia.gov](mailto:robert.brown@VDOT.Virginia.gov)