

February 5, 2014

**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 9:00 a.m. in the former Board of Supervisors Room located on the fourth floor of the Nelson County Courthouse.

Present: Allen M. Hale, East District Supervisor  
Thomas H. Bruguere, Jr. West District Supervisor  
Constance Brennan, Central District Supervisor - Chair  
Larry D. Saunders, South District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Constitutional Officers

Absent: Registrar

**I. Call to Order**

Ms. Brennan called the meeting to order at 9:10 am with all Supervisors present to establish a quorum.

**II. Board of Supervisors Work Session**

**A. Presentations by Constitutional Officers & Registrar**

**Commonwealth’s Attorney’s Office – Anthony Martin, Commonwealth Attorney:**

Mr. Martin began by noting that the new amounts requested for FY15 was \$7,466 and included Staff Salary - \$5,966, Office Supplies- \$1,100, and Travel- \$400.

He noted that there has been a substantial increase in crime over the past three (3) years, without an increase in funding. He added that this had resulted in a strain on staff and office resources. Mr. Martin noted that the amount for staff would give him one more day per week for a total of three (3) days per week for a part time person. He noted that two recent cases had generated a lot of paperwork and that they had used a lot of office supplies and were approaching their limit in the current budget.

Mr. Martin then noted that from 2011-2013, there had been a 216% increase in felony charges. He noted that during this time there had only been an additional \$1,000 granted to the CA’s office to pay for furniture expenses.

Mr. Martin then referred to the chart below of notable cases in 2012-2013:

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<b>Date</b>	<b>Name</b>	<b>Charges</b>
10/13	Linda Blackwell	Arson/Murder
8/13	Randy Taylor	Abduction/Murder
7/13	David Lin Pankey	Robbery
7/13	Selena Jones	Armed Robbery
6/13	James Jessup	Sexual Battery/forcible Sodomy/ETC
11/12	Aaron Messer	Embezzlement
11/12	Donovan Smith	Firearm possession
11/12	Francis Quiros	Murder
6/12	Christopher Martin	Counterfeiting
4/12	Brodus Morris Robert Thomas	Grand Larceny
8/12	Tracy & Joyce Davis	Animal Cruelty
3/12	Joshua Hatter	Adduction/Assault & Battery/ ETC

Mr. Martin then discussed his staffing request in the amount of \$5,966. He noted that this was to increase the hours of the part time administrative assistant from 2 days a week to 3 days a week. He reiterated the dramatic increase in cases over the past year that resulted in an increased demand on the administrative assistant's work load.

He noted that the administrative assistants were expected to: Arrange court schedule, arrange hearing dates & times, organize files & exhibits for trial, transcribe witness interviews & telephone calls, schedule appointments with law enforcement and witnesses, File documents with court in timely fashion, and answer phones and greet visitors to the office.

Mr. Martin noted that he had asked the Compensation Board for more funding, however they said that they were not in line for that right now. Mr. Carter then recommended that they submit a budget appropriation request for the Board's official consideration for this fiscal year.

Mr. Hale noted that he would like to see corresponding budget reductions if the caseload decreased in the future. Mr. Martin noted that he would like to see the caseload decrease.

Mr. Carter noted that the Regional Jail costs were going up due to the increase in cases. Mr. Martin noted that he tried to send cases to OAR and use probation rather than jail time in order to mitigate this.

Ms. Brennan then asked if Mr. Martin thought there would be a drug court in Nelson County and Mr. Martin noted that perhaps once Judge Gamble retired it would be considered. He noted that Charlottesville had one but other surrounding areas did not right now.

Mr. Martin then discussed his Office Supplies Request for \$1,100 as follows:

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He noted that the increase in caseload and the complexity of cases came with an increase in paperwork & need for office supplies. He noted that there were more letters and motions being filed with attorneys and the courts, costs associated with paper, printer cartridges, postage and 3 ring binders and boxes to store files, specialty items for trial use such as enlargements of pictures, maps, etc., and the secure storage of case files.

Mr. Martin then noted his Travel/ Education request of \$400 and added that while every effort was made to reduce travel, the recent demand for consultation with forensic and other experts (FBI, ATF, and National Fire Research Lab) had required travel across the state. He noted that in addition, the CA & Assistant were required to attend trainings to maintain their law licensure. He noted that these trainings were generally held in Richmond, Roanoke, or Northern Virginia.

In conclusion, Mr. Martin then noted what Drug Asset Forfeiture (DAF) Funds could and could not be used for as follows:

- DAF funds cannot be used to fund staff salaries.
- DAF funds have been used to help fund increased travel and office supply needs.
- DAF Funds are not a reliable source of funding. We file forfeiture cases when appropriate, but we can go for long periods of time without cases that fit DAF criteria.

**Registrar's Office & Electoral Board – Jacqueline Britt Registrar:**

Mr. Carter noted to the Board that Ms. Britt was absent due to illness and that her needs would be presented during the budget considerations:

Ms. Britt had submitted the following presentation for the Board's consideration:

Electoral Board Overview

- Budget:
  - Increased by \$1,000 due to:
    - Mileage requirements for:
      - Meetings
      - Training
      - L & A testing of equipment
      - Election preparation
      - Transport of election equipment and ballots to and from precincts
- Employees:
  - Board consists of three members
    - Appointed on a staggered term basis
    - Three year terms starting March 1
- Responsibilities:
  - Proper and orderly conduct of all elections held in Nelson County.

- At least one member of each electoral board must attend the annual training program provided by the SBE.
- Must appoint all officers of election and designate the precinct in which each will serve.
- Duties
  - Mentioned almost 400 times in the Code of Virginia
  - There is no codified list of duties, other than a small section:
    - Preparation of ballots
    - Administration of absentee ballot preparations
    - Conduct of elections
    - Ascertainment of results of elections

**Electoral Board Present and Future Needs:**

- Aging voting equipment is experiencing failures
  - Failures during the required Logic and Accuracy testing for the November 2014 General Election
    - 1 WINvote Touchscreen
    - 4 AccuVote optical scan machines
  - Repaired and made it through the election
  - AccuVote optical machines purchased 13 years ago
    - Current proposed legislation would require optical scan machines in the future
  - WINvote Touchscreens purchased 8 years ago
    - Current proposed legislation would not allow further use of the touchscreen machines as they do not provide a verifiable paper trail
  - Funding is uncertain as there are no Federal HAVA funds available as was in the past.
- Only have 2 spare electronic pollbook laptops
  - Used in the event of equipment failure in any of the 9 regular precincts
  - The Electoral Board would like to purchase 2 additional spares in the near future.

Necessary precinct signage replacements due to wear and tear.

**Registrar's Office Overview:**

- Budget:
  - Increased by \$257 due to:
    - Rise in telecommunications cost
    - Association Dues increases
  - Increased Part-time Salary\* due to:
    - Increased responsibilities
    - Work load increase

\*Offset above increase by decrease in other line item.

- Employees:

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- Registrar
- Part-time Assistant Registrar

**Registrar Statutory Responsibilities:**

- Maintain
  - Office of the general registrar and establish and maintain additional places for voter registration.
  - The official registration records of Nelson County in the voter registration system
  - Accurate and current registration records
- Participate in programs:
  - Educate the general public on registration
  - Encourage registration by the general public.
- Perform duties within the county appointed to serve, except as noted in § 24.2-114.
- Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.
- Accept registration applications and determine eligibility to register
  - Check for felony convictions and restoration of rights.
  - Promptly notify a person in writing of the denial of their application and the reason for denial
- Preserve order at and in the vicinity of the place of registration.
- Pollbooks:
  - Verify accuracy
  - Make available to the precincts
  - According to instructions of State Board provide a copy of data after each election for voting credit purposes
  - Retain in the Registrar's office for two years from the date of the election
- Update voter registration system to reflect changes to:
  - Election districts, Precincts
  - Polling places
  - Notify each affected voter.
  - Transfer registration records of affected voters.
- Cooperate with authorities of another state:
  - Who are inquiring about any person believed to be registered or voting in more than one state or territory of the United States.
  - Notify the appropriate authority when a person registers who was previously registered in another state
- Review petitions as required in § 24.2-114.
- Carry out such other duties as prescribed by the State Board.
  - Attend certain training programs
- Make adequate advance preparations to enable prompt counting of absentee ballots after polls close on Election Day § 24.2-709.1.
- Expected to work considerable overtime (evenings and weekends) during the busy election season and at other times throughout the year.

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**Registrar Present and Future Needs:**

- Adequate
  - Office/storage space
  - Equipment to conduct the business of the office of the general registrar and in-person absentee voting.
- High speed scanner
  - To digitalize voter registration applications
  - Comply with future FOIA request for copies of all applications from July 20, 2011
    - Now allowed by the Federal court ruling in Project Vote v. Norfolk.
- Photographic Equipment
  - New photo-ID requirement passed by the General Assembly
    - Effective July 2014
  - Unknown costs to localities
    - as yet to be determined

**Needs:**

- Replace aging voting equipment
- Purchase 2 spare electronic pollbook laptops
  - Replace necessary precinct signage due to wear and tear
- Office and storage space
- High speed scanner
- Photo Equipment for voter IDs

**Circuit Court Clerk's Office – Judy Smythers, Circuit Court Clerk:**

Ms. Smythers began by noting the differences between Circuit and District Court. She noted that every time there was a hearing, an order was prepared by the Judge. This would then facilitate it going to Grand Jury and then three hearings would follow. She added that there were at least ten (10) pages of orders on every case prepared which represented a significant difference in the amount of paperwork between the court systems. She noted that her office was going digital and had scanned in land records. She noted that they were scanning court orders now and she wanted to begin to scan pleadings once they could all get desktop scanners. She noted that her office had to maintain paper files by law and they had to be under the supervision and control of the Clerk at all times. She noted that her office had eight hundred and seven (807) duties by statute aside from what she did in court by the Judge. She noted that the Clerk's Office was a separate/additional entity to the Court and that the Office was closed only by the Judge/Governor. She added that their day lasted as long as necessary and that when she became Clerk, they had maybe four jury trials per year and they had twelve scheduled for this year already.

Ms. Smythers then noted that her office last had an increase in staff on August 23, 1985. She noted that she had tenured staff, which was well trained but unable to take leave. She noted that other Circuit Court Clerk's offices supplemented their offices with staffing paid for by

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the locality. She added that Bedford had one position supplemented by the County, and Lynchburg had 1.5 positions supplemented by locality.

Ms. Smythers then noted her need for more office space. She reiterated that paper records had to be maintained under her control at all times which necessitated them keeping records in the office. She noted the following relative to her need for more space:

- Evidence closet v. Probate office

Ms. Smythers noted that County staff had recently enlarged their evidence closet, which took space away that they used for probate. She added that probate was done by appointment now and they had been using the old General District Court area for this. She added that probate could often take several hours.

- Exhibits from cases

Ms. Smythers noted that they had one case that had nine (9) boxes of exhibits. She added that these now had to be kept indefinitely because of new DNA laws. She noted that she had recently pulled evidence from 1957 for a case.

- Election materials

Ms. Smythers noted that her office was responsible for this and the election materials had to be kept under lock and key. She added that she had to sign off on the records and anytime there was any viewing of the records.

- Public view stations

Ms. Smythers noted that there were often people waiting to use these and there was no more room to add more.

- Plat cabinets-necessary for protection

Ms. Smythers noted that plats were missing and she now wanted these to store the old plat books that were extremely heavy.

- Felony cases cannot be purged because of new DNA laws/innocent project, etc.
- Evidence which is part of criminal case cannot be destroyed – as above

Ms. Smythers then discussed the following relative to her Caseload:

<u>Exhibit A.</u>					
Year	Criminal Cases	Civil Cases	Total Cases	Estates	Land Records
1983	108	126	234		
1989	167	159	326		
1993	112	189	301		
1999	191	163	354		4,739
2001	203	171	374		
2003	293	176	469		
2004	494	191	685		
2005	229	199	428	398	6,252
2006	218	214	432	399	4,547
2008	281	176	457	413	4,182
2009	214	189	403	402	4,093
2010	236	344	580	442	3,578
2011	175	214	389	498	3,583
2012	339	473	812	567	3,915
2013	297	189	486	527	3,998

\*information for 1983 thru 2009 from "Report of Judiciary"  
 Information for 2010 thru 2013 from computer program – Supreme Court of Virginia

Ms. Smythers referred to Exhibit "A" for random year selection of caseload information. She noted that not only had the number of cases increased but the complexity of cases was much greater including more criminal cases such as murder and rape. She noted there were also more civil cases involving estates and divorce cases with large equitable distributions. Ms. Smythers then added that there was an inordinate amount of extra work from tax sales causing an increase of: citizens in the office, requests for copies, and questions about properties.

Ms. Smythers then discussed Revenues as follows:

**EXHIBIT B.**

**LOCAL REVENUE COLLECTED BY  
NELSON COUNTY CIRCUIT COURT**

**(1995 – 1999 collections include local fines  
From District Court)**

<b>1995</b>	<b>\$ 86,979.84</b>
<b>1996</b>	<b>95,025.69</b>
<b>1997</b>	<b>98,161.13</b>
<b>1998</b>	<b>138,484.49</b>
<b>1999</b>	<b>148,953.60</b>

**(2004 – 2013 collections are only Circuit Court)**

<b>2004</b>	<b>\$342,569.00</b>
<b>2006</b>	<b>400,281.00</b>
<b>2008</b>	<b>273,869.00</b>
<b>2009</b>	<b>250,395.00</b>
<b>2010</b>	<b>248,224.00</b>
<b>2011</b>	<b>216,878.00</b>
<b>2012</b>	<b>210,430.00</b>
<b>2013</b>	<b>312,555.00</b>

Ms. Smythers referred to Exhibit “B” for random years of local revenue collected by the Nelson County Circuit Court. She noted that her office has sent the State over a million dollars in revenue. She added that in 2004, the General District Court started taking its own revenues to the Treasurer’s Office. She noted that these revenues were tied to the state of the economy.

In conclusion, Ms. Smythers noted her main needs were more office space and more staff.

Supervisors asked Ms. Smythers how much space was needed and she noted having heard that the Board may give her the entire hallway and the Commissioner of Revenue’s office, inclusive of another public entryway, which would help tremendously. Mr. Harvey asked if it would be wise to wait until the new Judge came before doing this. Mr. Carter noted that the County’s central computer CPU was in the space around the hallway and would have to be relocated.

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Ms. Smythers noted that the walls were like vault walls and provided protection for the records and would need to be maintained. She added that she would like to see her security button integrated into the courthouse system to ensure it worked and provided security for the court. She noted that technology was so sophisticated these days that there were guns that looked like cell phones.

Mr. Hale commented that he would like to maintain the historic integrity of the courtroom and Ms. Smythers noted that this was also what the Judge would like. She added that he would like to see the structural integrity of the balcony improved so it could be used.

Ms. Smythers then confirmed that the block of space being discussed would suffice for now.

Ms. Brennan noted that the Board would reconstitute the Courthouse Committee to work on this and Mr. Harvey indicated he would like to start on it while Judge Gamble was still here.

Ms. Smythers then noted that panes in the windows in the Courtroom were about to fall out. It was noted that it was around 2004 that the roof was redone and that water was coming in from the gutters.

Ms. Smythers also suggested taking the Board to Pittsylvania County to see their courtroom which was comparable to this one. It was noted that staff would find out who worked on that and that Judge Gamble could possibly use the new Courts while the older one was being refurbished. Mr. Hale noted it would be a challenging project because of the HVAC etc.

The Board then indicated that they were interested in moving on this quickly.

With regards to staffing, Ms. Smythers noted that in 2014, they were entitled to .6 of a position from the Compensation Board so they were way down on the totem pole. She then noted that Judge Gamble would be leaving and this would be a great loss to the County. She reiterated that she was at a critical need for staff and would like a half time Deputy Clerk position.

Ms. Smythers then encouraged the Board to seriously consider Judge Gamble's request to refurbish the Court room and she noted she appreciated the Board's support.

Mr. Harvey agreed that they were blessed to have Judge Gamble and he had appreciated his putting the schools first and then the other Courts. He agreed renovation of the courtroom needed to be done and noted that the acoustics were horrible in the courtroom. Ms. Smythers added that Nelson's was one of the few courtrooms left in Virginia that remained as it was when it was built.

#### **Sheriff's Department – W. David Brooks, Sheriff:**

Sheriff Brooks began by noting his department consisted of the following Staffing:

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- 18 Full time Law Enforcement officers – 14 paid for by the State Compensation Board and 4 by the County. He added that he had 4 Communications Officers in the Dispatch Center and these were included in Jaime Miller's staffing. He noted that Ms. Miller was handling all of the Dispatch staffing and he had no complaints so far and noted it was working well.
- 8 Part-time Courthouse/Courtroom Security personnel - 4 paid for with \$10 fees assessed for traffic and DUI fines.
- 1 Full-time administrative assistant
- 1 Part-time administrative assistant.
  
- Request

The Sheriff noted he was requesting 2 Full-time Deputies for Courthouse Security at a savings of approximately \$2,133.00 per year. He noted that he would not rehire part time security officers when attrition occurred. He added that they had 4 now with 1 that was trained. He noted that he would go by seniority in hiring from part time to full time.

In response to questions, he noted that the savings did include benefits considered and that he was trying to use two security officers on court days.

Sheriff Brooks then noted that he was requesting three (3) new vehicles to replace their old and worn out vehicles at a cost of \$91,500 which included equipping each vehicle. He noted that in his 1 to 5 year plan he would like to obtain a storage facility to accommodate seized vehicles and equipment. He added that he needed a storage location. He added that they often seized equipment that was bartered for drugs if the offender could not prove it was purchased. He added that they did sell these items and \$125 per month was currently being paid for storage now. He added that if the vehicle or equipment was evidence it would be in a secure area somewhere. He noted that the seized equipment was kept until the final hearing and court disposition. He added that they were looking at auction sites to use also in order to cut down on costs. He noted that the seized money was kept within their department and was used for equipment. He noted that the department did not sell guns that were confiscated; they were destroyed or cut up and sold for scrap metal and this had to be documented as they were destroyed. Sheriff Brooks added that seized evidence was handled according to the Courts.

The Sheriff then discussed his department's Training, Outreach, and Equipment as follows:

- Implemented a 7 member tact team with all new equipment Financed with a non-matching grant of \$32, 866.00. Team members need to train every month Every 3 months with weapons to maintain proficiency. Attend training in agility once a month.

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- The Sheriff's office has conducted 2 active shooter training courses at the high school, with more upcoming. Request \$10,000 dollars to purchase ammo to conduct training and to have in storage in case of emergency.

Sheriff Brooks explained that there was a 6-8 month backlog in getting ammo and he noted that this would be kept in storage for a major event. He added that they carried 46 rounds per person and if they dispensed a lot of ammo or something tragic happened they currently did not have supplies to replenish. He then noted that the department had deployed the tactical team in a drug search warrant recently and he was looking at getting helmet cameras for the unit with Asset Forfeiture funds. He noted that there was one officer in the traffic unit that wore a camera clipped to their shirt.

In response to questions regarding the type of guns being used, Sheriff Brooks noted that they preferred the Sig to the 9mm.

- The Sheriff's Office received a \$83,811.16 non matching grant to purchase police supplies such as: 16 Tasers, 16 handguns, 8 Radars, 9 Tactical Lights, 16 New Holsters, 16 Magazines, and 5 Intoxilyzer

Sheriff Brooks noted that he also wanted to get 13 in-car cameras and needed a change in MOU documentation and it would be several months to process this. He noted that the amount of the grant was determined by the state and based on the size of department etc.

Sheriff Brooks reiterated that their hand guns were 40 caliber and not 9mm and that they would continue use of their current guns. He added that 9mm ammo was not necessarily easier to get and they used hollow point bullets. Sheriff Brooks noted that they were not discharging their firearms daily in the field and may use them for a wounded animal.

Sheriff Brooks then referred to the following statistics for Calendar Year 2013:

#### Quick Reference Guide CY 2013

Felony Arrest Warrants Served	132
Misdemeanor Arrest Warrants Served	359
Arrests Made	303
Ecos Completed	36
Search Warrants Served	13
Calls for Service	7,950
Calls for Service per Day	22
DUI Cases	22
Total Miles Driven	472,979
Total Gallons of Gas Used for 2013	30,373.68
Revenue Generated First 6 Months of FY 2013	\$ 148,854.85
Revenue Generated to Date (starting FY 2008)	\$1,311,691.39

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The Sheriff noted that Transports of 374 and processing of Civil Papers of 5,876 should be added. He noted that the Revenue should go up to \$160,000 for the first 6 months of FY14.

The Sheriff then explained that the Deputies did go to rescue calls if there was a heart issue involved because they have AEDs also. He added that it was a calming influence to have a deputy there in that situation.

Sheriff Brooks then noted the following drug seizure information for CY 2013:

	179.2 g	0.3951 lbs	6.321 oz
Marijuana			
Cocaine	0.827 g	0.0018 lbs	0.0292 oz
Meth	0.945 g	0.0021 lbs	0.0333 oz

The Sheriff then noted that the seizures were sent to the lab for court purposes. He noted that there was not much Molly in the County; however some had come from LOCKN as well as LSD. He added that he was happy with these numbers. He noted that the public may hear stories; however they had yet to hit upon a true Meth Lab in the County. He noted that his department was being proactive in this area and would be hitting more areas for drugs soon. He added that there was a lot of personal drug use and sometimes this could be classified as distribution.

Sheriff Brooks then referred to the vehicle list provided and noted that he wanted to trade in cars that had been seized for other vehicles to be used in operations. He added that they had used an auction block before and had gotten more money for the vehicles.

In conclusion, Sheriff Brooks noted his department's requests as follows:

- 2 Full-time Deputies for Courthouse Security
- 3 new vehicles to replace old and worn out vehicles
- \$10,000 for extra ammunition

Sheriff Brooks noted that they had 2 vehicles pending receipt and had ordered 3. He noted that 3 were budgeted and ordered and a fourth for traffic was approved and ordered. He noted that three more were discussed in spring and that the Board had just appropriated funds for an equipment request for vehicles. He then thanked the Board and County Staff for working with the Department throughout the year. He added that the department did have a new white unmarked car on the road targeting aggressive drivers.

Mr. Harvey then noted that the Board did not want to get out of the cycle of buying cars every year. He added that the Board was supposed to discuss more cars at this time of year based on revenue and that these 3 would be requested for next FY per Ron. It was noted that they would be getting 2 more cars in this budget and then 3 in the FY14-15 budget.

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**Commissioner of Revenue and Land Use – Jean Payne, Commissioner of Revenue:**

Ms. Payne noted that her budget request had decreased by \$2300 and was mostly due to the Assessors having given them something for free for the ProVal system that they were previously paying for.

She added that the Land Use Budget had increased by \$800 because they were mailing out the applications this year.

Ms. Payne then noted that she had four full time staff members including herself. She briefly noted the following statistics:

Office Operations CY 2013

Parcels of Land in County	16,358
Parcels in Land Use	2,500
Transfers	983
Mapping changes and updates	108
Personal Property Accounts	28,290
Tax Relief for the Elderly Accounts	229
Veterans 100% Relief	24
Business Licenses for 2013	1,077
Meals Tax Accounts	47
Lodging Tax Accounts	66
State Tax Returns Processed	937
Estimated Returns Processed	303

Ms. Payne noted that Real Estate and Personal Property was their largest workload and the beginning of the year was their busiest time. She added that they were getting the Real Estate and Personal Property tax book ready, working on tax relief, and business licenses.

Ms. Payne noted that the Meals Tax and Lodging accounts total included Wintergreen. She noted that Wintergreen renters were hard to find and she looked in the paper and worked with Ms. Kelley on this. She noted that Ms. Kelley sends names to her if they ask to advertise on the County's website. She added that she looked at VRBO also to find these. She confirmed that if someone rented a house, they would have to have a business license. She noted that oftentimes the Management Company held the business license.

In conclusion, Ms. Payne then noted her need was more office space.

Mr. Hale noted that the Board had discussed Business Personal Property and he asked if her office picked this up from tax forms. Ms. Payne noted that they sent a schedule of when to file this when they sent out business licenses. Mr. Hale then supposed that there was a fair amount of noncompliance and some went under the radar. Ms. Payne noted that her office

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has told contractors that they would not tax all hammers and screw drivers, but that they would want them to list saws etc.

Mr. Bruguere asked if they got lists from AT&T etc. and Ms. Payne noted that they did; however some were taxed through the SCC and some through the County. She noted that the reassessment picked up new communications towers and the SCC sends her a list of everything that they have taxed.

Ms. Brennan asked if the generators and equipment in the tower huts were taxed and Ms. Payne noted she did not think so but would have to check. She noted she would have to have the name of who owned the tower. Mr. Hale noted that he thought that if these were subject to taxation, they should try to capture these.

Ms. Payne noted that if they knew of someone that did not report, they could do a statutory assessment and could subpoena them to come to court.

Mr. Carter noted that they did pay real estate and personal property taxes and the state sends the values for the ones they regulate. He added the County got these reports from the State. Ms. Payne noted that they did tax Stewart Computer Services; however they may have put a statutory assessment on him but she would have to check. She reiterated that if they did not get anything from a company, they put a value on it and it increased every year that they did not respond.

Mr. Harvey noted that the Machinery and Tools tax was not bringing in much revenue and was more like a nuisance tax. Ms. Payne noted that only certain things were in this category and they only had a few accounts for this.

Mr. Carter noted that if tools were assessed at their purchase price it was then automatically discounted in year 1 and this decreased yearly. He added that Nelson's rate was the lowest in the State at \$1.25 and this included a 40% discount in the first year.

Ms. Brennan asked if Ms. Payne was still working on collections from the LOCKN festival and Ms. Payne noted she was. She added that the County still had not gotten any revenue and that LOCKN had to file an amended return to get money back to give to the County and this still had not been filed per the State. She noted that Ms. Kelley was going to speak to her contacts on this and she noted that the County was getting very little money from the vendors that came. She added that she had sent letters out after Christmas with not much response. She did note that some local vendors had paid and that she could get the list from the state.

Supervisors noted that every vendor needed an individual license not just LOCKN. Ms. Brennan suggested that it would be useful for Ms. Payne to make up a list of what would help them to collect the necessary taxes from the vendors/participants of LOCKN. Mr. Carter agreed and noted that this should be criteria for local approval of the event (figure out how to pay the taxes).

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Mr. Harvey then asked had there been a significant increase in revenues with Wintergreen becoming taxable, and Mr. Carter confirmed there was approximately \$300,000 from this that would show up in the budget.

In response to questions, Ms. Payne noted that it was important from the public's stand point that the Commissioner's Office and the Treasurer's Office be close together. She noted that the hallway should be enough room for her office and the Treasurer if the County Administrator's Office was moved. Mr. Carter agreed that it was feasible it could be made to work for both of these offices.

The Board then agreed by consensus that they needed to be together and in close proximity to the Circuit Court Clerk's Office.

### **Treasurer's Office – Angie Johnson, Treasurer**

Ms. Johnson reviewed the following Treasurer's Office Overview for CY 2013

- Billings per year 4 RE & PP 2
  - "due date" billings & 2 delinquent billings 10,000 + bills February & August
  - 7 Monthly billings for State Income Taxes beginning June

Ms. Johnson noted that she did not have the ability to bill every 30 days. She noted that she did bill within 60 days of the first billings. She added that with the amount of tax processing they had, it took accounts that long to get cleared out and reconciled. Mr. Bruguere suggested that she dedicate a person to call people up and he noted that he would rather see her handle it versus Shrader.

Ms. Johnson noted that there were 214 income accounts and only 20 did not pay and they billed these.

- 15,900 Real Estate tax bills processed twice a year, 2826 are paid by mortgages
- 14,500 Personal Property bills processed twice a year
- Over 2600 Dog Licenses sold – 400 more than previous year
- 109 Parcels in Judicial Sale – Per Shrader Law 2013 \$229,909.61 was collected in delinquent taxes – almost \$70,000 higher than 2012
- 104 Monthly payment plans on RE &/or PP
- Signed/process 14,749 checks
- Reconcile 18 checking accounts/cash bond accounts
- •Issue wage liens, bank liens, third-party liens, in order to collect outstanding taxes
- •Processed over 14,000 credit card payments

Ms. Johnson noted that \$147,000 went into the surplus with the Clerk's office and would now sit for a couple of years. She added that this was the highest amount since 2004. She noted that Mr. Shrader's fees were on top of what the County collected and his handling this was not hurting the County. She noted that her office had set up automatic debits to people's

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checking accounts to pay taxes and no fees were involved with the bank for this. Ms. Johnson then noted that they were using digital signatures to sign checks and this was working out well and it eliminated the need to get new plates etc.

Ms. Johnson noted that of the 18 accounts they reconciled, 12 were investment type accounts. She added that the interest rates were poor right now so she was checking around; however they seemed to be getting the best rate and she was not comfortable with longer term investments. The new Virginia Investment Pool was discussed and Ms. Johnson noted it was much like LGIP but was a yearlong investment and she wanted the County's funds to be more liquid. She added that she was watching it to see how it worked before giving it a try.

Ms. Johnson noted that liens were not implemented until accounts were 2-3 years past due. She noted that they had done 425 the previous year.

Ms. Johnson then clarified that 14,000 items were paid with credit cards; and they had processed 5,000-7,000 payments by credit card.

Ms. Johnson then noted that her office had the following request:

Ms. Johnson noted that she was asking for an increase of \$10,000 in postage due to the increase in postage rates. She added that they had expended \$13,000 out of the \$15,000 budget line so far. She added that the mailing company used bulk rate mailing but her office could not and their costs came from this line item.

In response to questions, Ms. Johnson noted that they will email receipts to payers but not bills. She noted that she had five full time staff members including herself.

Mr. Bruguiera noted that he would like to see a receipt for payments made by mortgage companies. Ms. Johnson noted that she could do this as well as send notices out to those with Mortgages whose Mortgage Company had not paid within the first 2 weeks of nonpayment.

Drop Box for Tax Payments – due to Handicap Access complaints

- In-Wall mount with collection box inside building – side entry door at sheriff's office? (\$1110.90)
- Walk-Up – out front bolted to sidewalk/submersed in concrete (\$1404.90)
- Drive-Up - out front bolted to sidewalk/submersed in concrete (\$2101.90)

Ms. Johnson noted that her office would check the drop box(es) every morning at 8 am and would date stamp receipt of the dropped off items. She noted that the prices provided did not include the cost of concrete or installation. She added that the safety and security of these types of boxes had gotten better. She noted that per personal preference may be the in-wall mount option as she thought it was most secure. It was noted that there was a camera that watched that area and it did record. Supervisors briefly discussed these options and it was noted that the walk-up type may be placed toward the sidewalk out front at the semi-circle.

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**B. Board of Supervisors Goals and Objectives**

There was no discussion regarding the Board's goals and objectives.

**C. Lunch 12:00pm -1:00pm**

Supervisors then broke for lunch and continued the meeting thereafter.

**III. Other Business (As May Be Presented)**

*Introduced: Tower Ordinance*

Mr. Payne and Mr. Padalino joined the meeting in order to provide input regarding the draft Tower Ordinance.

The discussion began with Mr. Hale noting that the Board should limit the regulations and Mr. Harvey added that language should be added to promote broadband. The Board also reiterated their consensus to eliminate the application of the Ordinance to Class IV towers.

Members and staff then discussed the following proposed sections:

*20-4 Definitions, or the purposes of this Article 20, the following definitions are provided:*

*View Shed (1) Blue Ridge Parkway; Skyline Drive: An unobstructed sight or the range of one's sight while traveling, visiting, driving or otherwise, using the natural or man-made resources of the Blue Ridge Parkway (BRP) or the Skyline Drive. For the purposes of this ordinance, the view shed distance is one (1) air mile from the outermost boundary line of the Blue Ridge Parkway or Skyline Drive.*

*View Shed (2) Virginia Scenic Byway: An unobstructed sight or the range of one's sight while traveling, visiting, or driving along a highway that has been designated by the State of Virginia as a Scenic Byway.*

Mr. Harvey noted that he thought the Board needed to eliminate the Scenic Byway restriction or change the view shed language. Mr. Carter noted that these restrictions had typically been waived by the Board and that maybe they should not be in there. Ms. Brennan agreed; however she did not think the language should be removed. It was suggested that maybe the setback from a Scenic Byway could be reduced in Section 20-8b.

*C. Plans and Drawings:*

*A scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the Planning and Zoning Director, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:*

*4. The location of any stream, wetland, as identified by Army Corps of Engineers and/or the Virginia Department of Environmental Quality, and floodplain area within one thousand (1,000) feet of the proposed tower.*

Supervisors questioned this requirement and Mr. Padalino noted that it just required that this be shown on a map.

*20-18 Class C Personal Wireless Services*

*The provisions of this subsection 20-18 shall govern with respect to the telecommunications facilities and services addressed herein.*

Mr. Hale then reiterated that the Board did not want to regulate these and that anything 40 feet or less would be exempt from coverage under the Ordinance.

Mr. Payne then noted that the purpose of including these was to regulate structures not the service itself. He explained that originally, definitions were so broad that a whip antenna was considered a regulated facility. He noted that was why this section was drafted, to pull minor facilities out of the expensive process envisioned for larger towers. He suggested that the Board should leave them in and say they were permitted by right. He added that this was a policy call and that the reason for Class III and IV towers was that they were a little bigger than ones that would have no application. He added that this would get the Ordinance back to relating only to towers and would eliminate a lot of paperwork. He added that they could say they were by right much like a TV antenna.

Supervisors agreed by consensus and it was noted that Mr. Payne would handle this in the new draft.

*20-18-3 Application and Approval Procedure.*

*A. No application is required for Class C Facilities listed in subsections (i) and (ii) of the definition.*

*B. Class C Facilities listed in subsections (iii) and (iv) of the definition require application to the Planning and Zoning Director containing the following information:*

- 1. A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.*
- 2. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size.*
- 3. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and*

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*other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.*

4. *Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample may be requested for each color.*

Mr. Padalino suggested that in 20-18-3, the Board could apply the exemption in language there in 20-18-3b. He added that he would recommend leaving the design standards in if it were handled this way.

Supervisors and staff briefly discussed this and Mr. Payne noted that there could be unforeseen consequences. It was noted that they could find out from the Building Official if the USBC had any requirements for these.

Mr. Payne then noted that a Class C or Class IV tower was either a tiny antenna or was equipment that was using a building as a tower. He noted that some were free standing poles and were dealt with as an un-classed tower. He suggested that the Board might leave in rules for larger facilities covered under the old Class C. He added that there was no reason to distinguish services; just the facility was the concern.

#### *20-20 Tower Permit Applications Eligible for Administrative Review*

##### *B. Tower Permit Amendments and Unclassed Pole Applications*

*1. Policy. The Planning and Zoning Director may administratively review and approve eligible applications for amendments or alterations to an approved Communication Tower Permit, if the proposed amendment or alteration would not, in the Director's opinion, substantially affect or deviate from the terms or conditions of the original approved permit. The following types of amendments or alterations are eligible:*

*i. the replacement of equipment that does not result in a substantial increase in the size of an existing Communication Tower, as defined; or*

*ii. the replacement of a wooden monopole with a metal monopole of the same height that does not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches;*

*iii. the placement of a freestanding monopole forty less than (40) feet in height in all zoning districts; which meets the following criteria: 1. shall be constructed of either wood, metal, or concrete; 2. shall not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches; 3. shall be grayish-brown in color unless a different color is either approved or required by the Planning and Zoning Director; 4. the antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole; 5. the total number of arrays of antennas attached to the monopole shall not exceed three (3) and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; or*

*iv. other amendments or alterations to an approved Communication Tower Permit that do not, in the Planning & Zoning Director's opinion, substantially affect the terms or conditions of the original permit, including but not limited to the replacement or alteration of equipment and related facilities within the lease area.*

*2. Procedures. If an applicant's proposal for a Tower Permit Amendment meets the terms set forth in the Policy, the proposal requires a Complete Application be made to the Planning and Zoning Director containing the following information:*

*i. A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.*

*ii. Specific information identifying the existing approved tower facility, including: a. Tower name, number, and/or location; and b. Approved Tower Permit number.*

*iii. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size.*

*iv. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.*

*v. Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample may be requested for each color. A scaled plan depicting fall area: The minimum distance from the tower's base to the property line shall be: (i) wood poles – 100% of tower height; (ii) metal monopole – 110% of tower height; and (iii) lattice tower – 125% of tower height. The fall area for a metal monopole and lattice tower may be modified by the Planning and Zoning Director upon written certification by a licensed professional engineer that the tower is designed with the number of proposed and future antennas to collapse within the boundary lines of the subject property.*

*vii. All existing and proposed setbacks, parking, fencing, and landscaping.*

*viii. The requirements in items (iii.) through (vii.) above may be waived by the Planning and Zoning Director if an appropriate approved plan is already on file with the County.*

*ix. Fee payment.*

*3. Fee. The fee to submit an application for a Tower Permit Amendment pursuant to Section 20-20 is \$100.*

Mr. Payne noted that the Board could take out everything related to application fees and review for these. Supervisors then discussed maintaining setback requirements. Mr. Padalino suggested only addressing un-classed poles having to have certain setbacks.

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The Board then agreed by consensus to have only setback requirements for un-classed poles and Class C towers.

Mr. Padalino then noted that applicants should submit some level of drawings for collocations. Mr. Payne noted that Section 20-20a ii, listed nine requirements for collocation.

Mr. Carter noted that if the applicant already had the original load analysis, could they not just get a certification that it complied with the loading analysis. Mr. Payne noted a lot of requirements could be waived if they had enough information in the file. Mr. Padalino noted that some applications included third party certifications and some did not.

Mr. Carter noted that it should be required since the County still needed to know what people wanted to put on the towers and there needed to be a record of it. He added that the County had what the Martin Store tower would hold but the County still needed to know from collocators what was going on the tower and needed them to certify that their equipment would not overload the tower. He added that they just needed to provide this certification.

Mr. Padalino noted that the County needed to know from a private market standpoint that everything had cleared. He added that he would like an engineering okay and would like to see the drawings themselves so he could make sure it comported with the original tower approval and Ms. Brennan agreed.

Mr. Payne referenced the “substantial increase” provisions from the feds and noted that they were in place within the Ordinance and the County needed to be sure what was added on was safe.

Mr. Padalino noted that the burden was not on the applicant to provide these drawings since they likely already had them. He noted he would look at the dimensions and materials of the antennas to be sure it lined up with the original tower approval. He added that the review was two-pronged: safety and design.

Mr. Bruguere then noted that he did not think the collocator should be required to do a separate engineering study of the tower and Mr. Carter stated that he thought every collocator must provide certification for every tower.

Mr. Payne advised that load analysis was important to make sure that when someone rented tower space from the County that they were not using up all of the tower capacity. He added that he was looking at this from the tower owner perspective. He then further explained that the need for the drawings had to do with the collocation provision that dealt with substantial increases which was administrative; meaning the Planning and Zoning Director could amend a tower permit. Mr. Payne then noted that Albemarle Co. used tree height to determine the maximum tower height.

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Mr. Payne then advised that if an owner leased land to tower companies, they were subjecting themselves to the Ordinance. Mr. Bruguere noted that he thought the County should not be able to say what the landowner did with their trees. Mr. Payne suggested that the Board could reduce the square footage of the required perimeter. Mr. Bruguere noted he would be happy with a reduction to 75 ft; as 200 ft was too restrictive.

*20-8 View Sheds, Required Minimum Setbacks*

*A. View Shed (1) – Blue Ridge Parkway and Skyline Drive.*

*No application for a communication tower permit to be located within the view shed of the Blue Ridge Parkway (BRP) or the Skyline Drive shall be submitted without first notifying the Virginia Department of Historic Resources (DHR), the BRP Superintendent and/or the Superintendent of Shenandoah National Park in writing. Such notice shall: a) be sent by certified mail, return receipt requested; b) state the location of the proposed communication tower; c) describe the proposed communication tower (including tower height) and proposed antennas; and d) request the Superintendent(s) comment on the proposed communications tower in writing. Comments received from DHR and the Superintendent(s) shall be submitted with the application. In the event DHR and the Superintendent(s) do not provide written comments within 60 days of receiving the applicant's notification, a communication tower permit application for review and comment may be submitted with evidence that the notice was sent.*

*B. Required Minimum Setbacks – View Sheds (1) and (2).*

- 1. A communication tower which does not exceed 100 feet in tower height: 500 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Virginia Scenic Byway closest to the tower.*
- 2. A communication tower that is greater than 100 feet in tower height but does not exceed 130 feet in tower height: 1,000 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Virginia Scenic Byway closest to the tower.*
- 3. A communication tower greater than 130 feet in tower height: 2,000 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Virginia Scenic Byway closest to the tower.*

Mr. Padalino indicated that these requirements could be waived if it was the Board's wish. He noted that he would like to see standards for locations for those few applications that would be a negative impact as he would like to preserve the mountainous areas of the County.

Mr. Bruguere noted that he thought that cell phone coverage was important for many reasons including economic development and that these restrictions impeded the process of expanding this. Mr. Padalino agreed but noted that he thought the views of the mountains were what drove the County's economy.

Supervisors then decided that Mr. Payne and Mr. Padalino were to work on what had been said so far and that they would schedule another work session.

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**IV. Adjournment**

At 1:20 pm, Mr. Bruguere moved to adjourn and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.