

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
March 11, 2014
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. Consent Agenda

- A. Resolution – **R2014-14** FY13-14 Budget Amendment
- B. Resolution – **R2014-15** Minutes for Approval
- C. Resolution – **R2014-16** Tobacco Free Campus
- D. Resolution – **R2014-17** 2014-2015 Local Government Challenge Grant

III. Public Comments and Presentations

- A. Public Comments
 - 1. Living Word Christian Fellowship
- B. Presentation- 151.org Business Group
- C. VDOT Report
 - 1. 2015-2020 Secondary Six Year Plan (SSYP) Authorization for Public Hearing (**R2014-18**)

IV. New Business/ Unfinished Business

- A. Proposed Ordinance **O2014-01** to enact Chapter 4, Article II, Division IV, Nelson County Unsafe Buildings and Structures
- B. Status of Local Stormwater Management Program
- C. Gladstone Volunteer Fire and Rescue Services - Ambulance Grant Application
- D. Massies Mill Recreation Center Asbestos Abatement and Demolition Project (**R2014-19**, Authorization to Execute Contract)
- E. Closed Session Pursuant to Code of Virginia § 2.2-3711 (A)(3): Discussion of the Acquisition of Real Property for a Public Purpose, (A)(5): Discussion of Proposed Existing Business Expansion, (A) (7): Consultation with Legal Counsel on the Leasing of County Property
- F. Work Session – Communications Tower Ordinance

V. Reports, Appointments, Directives, and Correspondence

- A. Reports
 - 1. County Administrator's Report
 - 2. Staff Report – Grant Massie, Keep Nelson Beautiful Council
 - 3. Board Reports
- B. Appointments
- C. Correspondence
 - 1. General District Court Clerk, Funding Request
- D. Directives

VI. Adjourn and Reconvene for Evening Session

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

II. Public Comments

III. Public Hearings and Presentations

A. Presentation – Virginia Cooperative Extension, Introduction of New Agents (D. Goerlich)

IV. Other Business

A. FY14-15 Budget Work Session Schedule

V. Adjournment

**RESOLUTION R2014-14
 NELSON COUNTY BOARD OF SUPERVISORS
 AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET
 NELSON COUNTY, VA
 March 11, 2014**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2013-2014 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 3,716.00	3-100-009999 -0001	4-100-022010-5419

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 3,120.00	4-100-999000-9905	4-100-031020-7055
\$ 13,998.00	4-100-999000-9905	4-100-043040-5409
<u>\$ 49,895.00</u>	4-100-999000-9905	4-100-043040-7005
\$ 67,013.00		

Adopted: March 11, 2014

Attest: _____
 Clerk, Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I. The **General Fund Appropriation** reflects an appropriation request by the Commonwealth Attorney for asset forfeiture funds in the amount of **\$3,716**. The funds must be spent in accordance with the Virginia Forfeited Asset Sharing Program guidelines. The office plans to purchase new office equipment.

- II. The **Transfer of Funds** includes a transfer from General Fund Contingency for **\$3,120** requested by the Sheriff's Department. Request is attached. The Safe Surfing Foundation agreed to purchase bullet proof vests for the department but have requested a 50% local match requirement. Also included is a transfer totaling **\$63,893** (\$13,998 equipping + \$49,895 vehicles) for purchase of two police vehicles and equipping costs. This was previously approved by the Board at the last meeting.



Nelson County Sheriff's Office

94 Courthouse Square
PO Box 36
Livingston, VA 22949
434-263-7050
434-263-7056 (Fax)

W. David Brooks
Sheriff

February 11, 2014

To: Board of Supervisors
County of Nelson
84 Courthouse Square
Livingston, VA 22949

Re: Budget Amendment

The Nelson County Sheriff's Office request a one time matching grant money in the amount of \$3,120.00. This money will be used to pay for Ballistic vest for each of the deputies. The department received grant money for the purchase of vest and requires a matching grant in the amount requested.

The Nelson County Sheriff's Office received ballistic vest from the Safe Surfing Foundation, with the foundation paying 50% of the cost. The money requested will pay for this departments half of cost.

A handwritten signature in black ink, appearing to read 'R. W. Robertson', written over a horizontal line.

Ronald W. Robertson
Captain/Chief Deputy
Nelson County Sheriff's Office

31020, 7055

RESOLUTION R2014-15
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(February 4, 2014 & February 5, 2014)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **February 4, 2014 & February 5, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: March 11, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

February 4, 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. Bruguire, 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
County Department Heads

Absent: David Thompson, Building Official

I. Call to Order

Ms. Brennan called the meeting to order at 9:15 am with all Supervisors present to establish a quorum.

II. Board of Supervisors Work Session

Mr. Carter noted to the Board that each County Department Head and Constitutional Officer had prepared their remarks which had been put into a power point presentation for the Board's review. He noted that the Board would hear presentations from the County Departments that day and would also hear from Judge Gamble.

A. Presentations by County Departments

1. Animal Control – Theresa Brooks, Animal Control Supervisor

Ms. Brooks noted that her department budget was \$158, 534. She noted that they were having euthanasia done through the Lovingson Vet Office at a cost of \$60-\$80 per animal. She reported that they were on target to meet their budget through the first six months of the fiscal year. She added that the Veterinarian bill line item could be unpredictable; however she thought that the current funding was sufficient. She then noted that Food Lion was providing them with damaged bags of food and this was cutting down on this expense.

Ms. Brooks then noted her staffing as follows: Herself, Theresa Brooks Full-time Animal Control Supervisor, Kevin Wright Part-time Deputy Animal Control Officer, Kelly Giles Part-time Deputy Animal Control Officer, and Charlie Kincaid Part-time Animal Shelter Attendant. She noted that Mr. Wright would be going to ACO School in the spring and then Ms. Giles would go. She noted that they averaged about 29 hours per week and were managing responses to calls after hours. She noted that after hours, they were responding to

February 4, 2014

animal attacks or to assist deputies making arrests of persons with an animal in the car. She added that she had been working with Dispatch on what calls needed immediate attention or could wait until the next business day and this had been working well. She added that Ms. Giles filled in on the road from time to time and helped in the shelter. Ms. Brooks then noted that the SPCA was helpful in advertising for them regarding their animal population.

Ms. Brooks then discussed her proposed needs as follows:

Install vertical lift doors in dog kennel: Ms. Brooks noted that currently, there was a solid wall in the back of the kennel that separated the animals. She noted that having vertical lift doors would help in transferring dogs from one side of the kennel to the other. She added that this would also be helpful when they were dealing with aggressive dogs and cleaning the kennels; as this would allow for minimum contact. She noted that these would also help in preventing the spread of communicable diseases by minimizing the tracking of germs into other spaces.

Install Cat and puppy kennels in current cat room: Ms. Brooks described these kennels as being much like a rabbit kennel. She noted that these were six units that rolled. She explained that currently, there was no separation from cat to cat and they had three units with eighteen spaces. She noted that they staggered the use of units to provide for minimum contact between animals. She added that the smaller cats could crawl out pretty easily so they have been using bird cages with removable pans for smaller cats.

In response to questions, Ms. Brooks noted that she would like to do cage banks in order to have a cat side and a puppy side. She noted that the cost of one cage bank was about \$1500 for a fiberglass one, which was cheaper than ones made of stainless steel. She added that the isolation room had to have solid tops and side kennels; which cost \$600 and the doors ranged between \$200- \$300.

Outside Kennel runs: Ms. Brooks suggested that they could start with one or two. She noted that the SPCA in Augusta County would start taking animals from other areas since they had openings now. She noted that the outside runs would give the dogs the opportunity to get outside and this would be helpful when they were cleaning the interior runs. She noted that there was no cost to the County to transfer animals to the Augusta SPCA and that they would come and pick them up. She added that they had adoption clinics and were working with the Almost Home SPCA to notify them of when animals came out of the required holding period.

Addition to the office at the pound: Ms. Brooks noted that currently, she was working out of the office beside Jaime at the Courthouse 2-3 days per week when she had paperwork to do. She added that this freed up the computer at the shelter for others to use. She noted that she would like an office space on site at the shelter to be able to better manage the department.

Update current office space to provide working area for each officer: Ms. Brooks noted that she currently had two small desks with computers there.

February 4, 2014

Acoustic pads: Ms. Brooks explained that it was often loud in the shelter and they currently wore earplugs because of the volume.

Mr. Saunders then asked Ms. Brooks to prioritize her wish list and Ms. Brooks noted the following order of priorities for her department.

1. Acoustic Pads or some sort of sound barrier – she noted that other options were made of flammable material and were not really an option. She noted that they could suspend from the ceiling, were 2x3 ft panels on a wire and had round stainless steel rings on each corner where the wire attached. Members briefly discussed the options related to this request.

2. Addition to the office

3. Vertical doors between kennel runs

Mr. Saunders then suggested that they could do some of this at a time and they briefly discussed the logistics of this. Members agreed that none of these items appeared to be very expensive and would make the department more efficient.

Members then asked about the required holding period for animals and Ms. Brooks noted it was five days with no collar and ten days with a collar. In response to questions, she noted that both officers were in training for euthanasia with the local Vet. Members discussed the pros and cons of the ACOs doing this and Mr. Carter noted he preferred to proceed cautiously with this because of the previous problems. Mr. Bruguere suggested using a drug that was not as highly regulated for this and it was noted that two drugs were used for this procedure.

In conclusion, Mr. Harvey inquired about the department's vehicles and it was noted that one had been purchased in 2012. Ms. Brooks noted that they had two on the road and used one to pick up supplies etc. It was noted that one was also on order and that it would be another ten years until they would need another.

2. Building Inspections – David Thompson, Building Code Official

Mr. Carter noted that Mr. Thompson was unable to attend to present his department's needs and that he would fill in. Mr. Carter noted that Mr. Thompson had requested to:

Fill Assistant Building Code Official vacancy: Mr. Carter noted that this was the position that Mr. Thompson vacated when he became the Building Code Official. He noted that he thought the department needed another inspector that could do storm water management inspections rather than this position.

Acquire a 4x4 SUV for Department use: Mr. Carter noted that Mr. Thompson preferred the SUV to the trucks and it was mostly a personal preference. He noted that their current vehicles were 2005 or 2006 models and that the previous Building Code Official, Mark Bolt,

February 4, 2014

had preferred the Colorado trucks. It was the consensus of the Board to reconsider this when a vehicle needed to be replaced.

Digitize Records: Space was running out to store paper records.

3. Economic Development and Tourism – Maureen Kelley, Director of ED &T

Ms. Kelley noted her FY14 budget was \$290,708 and expenditures were on track with the budget. She noted that her staff included two full time and five part time staff members, with the office being open 361 days a year, from 9 am until 5 pm.

Ms. Kelley noted her FY15 priorities as follows:

Launch new tourism website: Ms. Kelley noted that the web sites would be linked and this one would be there to maximize meals and lodging opportunities. She noted that these revenues went from \$148,000 to \$173,000 between 2008-2012. She noted the increase was mostly on the meals side and that her department was working to increase the lodging side by working with a hotel franchising company on lodging. She added that the County had 1300 rooms and they were working with the Commissioner of Revenue to be sure that the lodging folks were paying each month. She added that the County had picked up Wintergreen condos for the first time last year due to the sale.

Work with Lockn' Festival to maximize local involvement and economic impact: Ms. Kelley noted that the estimate on spending was \$8 million for the first year. She noted that she was working on engaging local and regional opportunities and that LOCKN promoters were looking at having a town hall type meeting for local businesses to get information on how to participate in the event and to get a better understanding of how it worked. She reported that the lodging tax revenue was \$14,000. She noted that the County needed to have better dialogue with vendors on site to facilitate them buying business licenses and to be sure they were filing their taxes. Mr. Harvey wondered if holding the event was worth the disturbance it caused.

In response to questions, Ms. Kelley noted that the town hall style meetings would include the County staff more so that the County could be more involved in the process. Mr. Carter added that all vendors should be required to get a business license and the Board agreed. Ms. Kelley also noted that there would be a resident component to the meetings as well and that LOCKN was committed to doing this. Mr. Harvey suggested that they hold separate meetings for vendors and citizens and Ms. Kelley noted that they would need to figure out how best to handle this. She noted that a mass gathering permit would streamline the permitting process and strengthen relationships.

Increase existing business visitation: Mr. Hale inquired as to how many parcels were left in the Colleen Business Park and it was noted that there was 16 acres in one piece on the left hand side and it could be split up as needed.

February 4, 2014

Ms. Kelley then noted her FY15 needs as follows:

Complete updated market analysis: Ms. Kelley noted that the last one had been done in 2005 and she would like to do this again.

Facilitate Route 151 corridor strategic planning: Ms. Kelley recommended that they look at updating the Comprehensive Plan for this. Mr. Harvey suggested that Route 151 had been over-studied and it only benefitted those included in the strategic planning. Ms. Kelley noted that she wanted to make this more community driven as opposed to coming from an outside entity.

Mr. Hale and Mr. Harvey both indicated that they wanted to be more informed earlier in the process when things happened and Ms. Brennan noted she would like to work more closely with Ms. Kelley and Mr. Padalino on this. Ms. Kelley noted that she and Mr. Padalino met biweekly to discuss what was going on in the County and Mr. Harvey suggested that communication needed to come from them to the Board.

Ms. Kelley then noted that the 151 Group was the catalyst and that they were looking to the Board and staff for direction and help. Mr. Harvey noted that a land inventory needed to be done on the 151 corridor; however he thought this was very limited.

Expand the Broadband network: Ms. Kelley noted that this was longer term but was critical for businesses and residents.

Study expanding water and sewer in the Route 29 and 151 corridor areas: Ms. Kelley noted that they were close to capacity at the business park and would not be able to recruit another brewery there. She noted Route 151 was an area of growth. Mr. Hale noted that there were limitations there due to treatment capacity; but that there were opportunities. Mr. Saunders noted that the County needed to expand the water and sewer plants before expanding the lines.

4. Emergency Services and Public Safety Dispatch – Jaime Miller, Emergency Services Coordinator

Ms. Miller reported that there were nine Full-time dispatchers and three Part-time dispatchers in her department. She noted that there were a minimum of two on shift at all times, their primary focus was training on new skills and technology, and their main focus was keeping up with technology changes such as Next Gen 911 to assure that the department was trained and ready.

Ms. Miller then noted that she did not see any immediate needs for the Center; however looking into the future, the trends in call volume showed them increasing, which may lead to examining the need for additional part-time employee when call demand necessitated it.

Ms. Miller noted that there were VDEM training course hosted in the County that involved all agencies in the county and they would do active shooter training the following year. She

February 4, 2014

also noted that the Dispatch Center was holding up well, routine cleaning was scheduled and there was room for growth in consoles since some were not currently being used.

In conclusion, Ms. Miller noted that in the future, when the Suburban was replaced, she would like to replace it with a smaller, more economical four wheel drive vehicle; nothing larger than an Explorer. She added that she would also like to examine the possibility of the Board appointing a Deputy Coordinator to assist with damage assessments, etc. during emergency situations.

In response to questions, Ms. Miller noted that there was nothing in the Suburban now other than maps, damage assessment materials, and the thermal imager. She added that the vehicle model year was 2004-2005 and its mileage was 78,000 miles. Supervisors confirmed that the vehicle was purchased with 20,000 miles on it. Ms. Miller added that she was not sure where the cache of radios went and supposed they were loaned out when she assumed the position. Ms. Brennan inquired about the status of crisis intervention training for the dispatchers and Ms. Miller noted that CIT training for two dispatchers will be done in March and then they will be at 100% training for crisis intervention. Ms. Miller noted that this training had already been used by dispatchers in talking down a suicidal person. She added that these efforts were recognized in a recent CIT publication. It was then noted that in terms of staffing, only one dispatcher had left in the two years she has been in her position.

5. Finance and Human Resources – Debra K. McCann, Director of Finance & HR

Ms. McCann noted that her departmental FY14 budget was \$234,195. She noted that besides herself her department was comprised of two Finance Technicians. She added that for Accounts Payable, her department issued two hundred twenty-five checks per month; they oversaw the purchasing process, issued purchase orders, and ensured policy compliance. In addition, they managed all of the Transfer Station billing accounts and billed approximately twenty-five accounts per month.

Ms. McCann then described the Human Resources functions of her department and noted that in payroll processing, they had one hundred fifty-four employees and appointees to pay; which was comprised of seventy-six full time and forty-nine part time employees. She noted that there were also about twenty-nine seasonal employees including the Board of Supervisors and other appointees. Ms. McCann noted that the HR functions included coordination of all benefits for full time employees, and coordinating the hiring process to fill vacancies. She noted that they also processed the General Ledger month end and year end processes. Additionally, they handled budget preparation and development, managed insurance claims, and handled payables, receivables and the bank accounts for the EDA and Blue Ridge Tunnel Foundation.

Ms. McCann then discussed FY14 Priorities for her department as follows:

EMS Revenue Recovery: New Vendor-EMS Management Consultants, Inc. Lewisville, North Carolina Claims Management Fee-4.75% of net collections (savings of 2%) and transitioned to begin services on 12/1/2013. Ms. McCann noted that the County had

February 4, 2014

experienced a 9% decline in revenues from FY10 and even though the County increased rates April 1, 2012, the collections did not increase to the anticipated level. She noted that it was determined that the previous billing company's employee turnover, untimely billing, and lags in collections contributed to this and so the County contracted with another company; EMS Management Consultants, out of Lewisville. Ms. McCann added that her department had been involved in setting things up for the new vendor and the collections for FY14 would come out somewhat ahead of budgeted.

Major Grants: Ms. McCann noted that her department was involved in the CDBG Community Improvement Grant for Broadband Network Project, National Telecommunications and Information Administration Broadband Technology Opportunities Program, CDBG Community Improvement Grant for BRMC Dental Clinic, Transportation Enhancement Program for Crozet Tunnel Restoration, Transportation Enhancement Program for Blue Ridge Trail, and other grants.

Ms. McCann noted that in addition to these, the County had about twenty other smaller grants going on at any one time. She noted that her department did quarterly reporting and filed for reimbursements for these grant funds. She added that the major grants required more effort on the part of staff and that Davis Bacon compliance was an example. She explained how grant contractor's wage rates were verified against the prevailing federal wage. She further explained that this required the conduct of contractor employee interviews to verify the work they did and how they were being paid and that this applied to all of the major grants noted. She then noted that prevailing wages varied by trade and region.

Ms. McCann noted that CDBG grants may also require the tracking of job creation and LMI beneficiaries as was done for the broadband grant. She noted this involved contacting businesses and having them certify on certain forms their hires and having their employees fill out certain forms to say what they were being paid etc. She noted that only the last two grants discussed were still active.

Impacts of Recent Legislation to Employee Benefits:

Affordable Care Act: Ms. McCann noted that the Act ended pre-existing conditions; adult children could stay on their parents' plan until age 26, it limited the amount of premium that could go towards administrative costs, allowed for emergency care, and prohibited waiting periods in excess of 90 days. She noted a negative of the Act was that there was now a \$95 penalty for not having minimum coverage.

Ms. McCann then noted that notices had been given to employees and HR had received signed acknowledgements back.

Ms. McCann then noted that the Act says employers must provide affordable coverage to employees and their dependent children. She noted affordable was defined as costs could not be more than 9.5% of household income for individual coverage. She added that a full time employee was defined as an employee that worked more than 30 hours per week and the County definition had always been 40 hours per week. She noted that the Act contained

February 4, 2014

employer penalties for offering no coverage and less than 95% of full time employees. She noted that the penalty was \$2,000 per year for every full time employee after the first 30. She added there was a penalty if the employer's plan was not considered affordable. Ms. McCann noted that there were also new reporting requirements associated with this and the compliance date had been moved to January 1, 2015. She then explained that an employer had to track weekly hours for all part time employees to be sure they were in compliance with the Act. She noted that they also had to establish a measurement period; which for the County was July 1, 2013 and then a stability period had to be established. She noted that an area of uncertainty was how the effective date would affect the county with the County being on a fiscal year. She noted that the earliest implementation date would be July 1, 2014 and the latest July 1, 2015. She added that staff would bring forward a plan for those meeting the 30 hour work week threshold to the Board for consideration during work on the FY15 budget.

VRS Hybrid Plan:

Ms. McCann noted that this benefit applied to employees hired after January 1, 2014. She noted that these employees had a 5% contribution that got split between two places. She added that the employee could also voluntarily contribute to the investment portion of the retirement plan and could get an employer match of 1% and then .5% on each additional percentage with a maximum contribution of up to 4%. She noted that this plan did not cost the County any more money; however it took more staff time to manage it. She noted that employees had the option to make changes to these elections quarterly.

Virginia Local Disability Program:

Ms. McCann noted that her department had to assist employees in completing paperwork and filing claims etc. She noted that Unum was the company that VRS was working with. She added that the County paid short term disability benefits and Unum paid the long term disability.

FY15 Budget:

Ms. McCann noted that staff was processing the Departmental and Agency funding requests into the FY15 Budget.

Reassessment impact to Real Estate tax rate:

Ms. McCann noted that the estimated required tax increase to maintain current revenue levels was \$.12 cents. She added that it was hard to estimate the land use taxes that would be deferred and that the Commissioner of Revenue has said it would be the end of February before staff would have these numbers.

Ms. McCann then reported that the VRS and Group Life insurance rates would incur a .71% decrease or \$20,000 savings. She noted that a 5% increase in Health Insurance premiums was anticipated, which would be an increase of \$28,000.

February 4, 2014

Preliminary Revenue projections:

Ms. McCann noted that the projected revenues were looking good except for interest earnings, which were lower than projected.

FY15 Needs:

Ms. McCann noted that her department was in need of another full time Finance Technician whose primary duties would include grant writing and management. She noted that over the last five years, the responsibilities of her department had grown significantly. He noted that she had one employee resigning as of June 30, 2014 and that position carried significant workload for the department. She noted that her department did not use vehicles and equipment but did use people and that they were at times struggling to keep up with all of their tasks.

Ms. McCann then noted that records disposal had been put on the back burner and they were running out of space. She added that there was no time for her staff to attend training and that they were tied down with everyday work. She added that she thought her department could generate more savings for the County if they could focus more on procurement.

In response to questions, Ms. McCann noted that the County Administrator's Secretary was not involved in purchasing. She noted that the Departments were doing more of the nitty gritty work and her department reviewed it. She noted that the more complex procurement occurred with larger projects that required the issuance of Requests for Proposals or Invitations for Bid. She noted that Ms. Bowling had done some limited purchasing for the Maintenance Department at one time, however this was now being done by the Departments.

6. Information Systems, Susan Rorrer, Director of Information Systems

Ms. Rorrer noted that her department consisted of herself and an Information Systems Specialist. She noted that her department was responsible for the following budgets: Information Systems \$213,892.00, E-911 \$314,717.00, and Broadband \$139,550.00. She then explained that current projects her department was working on were the Radio System and Broadband. She noted that the Radio project should be completed by September and that the County's hands were tied by West Virginia for FCC licensing. She added that RCC was having discussions with them and they were making progress; however there was no one that could influence the NRAO to move more quickly.

Ms. Rorrer noted that their departmental responsibilities included: Operating the county IT network, phone system, security system, and the 911 system including six tower sites. She noted that her department maintained and updated the County GIS data, including address assignments, road centerline updates, and parcel updates.

February 4, 2014

Ms. Rorrer also noted that her department supported broadband network operations through contract development, site leasing, management of the Network Operator, the outside plant contractor, the tower sites, and associated procurement functions.

Ms. Rorrer then discussed her departmental priorities for the upcoming year as follows:

Install physical & environmental alarms at all tower sites:

Ms. Rorrer noted that these alarms were needed at the radio sites and broadband sites and would provide monitoring for high temperatures, smoke etc. and she would like to work on a proposal for the costs for this. She related that they had a number of problems with high temperatures recently and the County needed to be proactive in maintaining proper shelter environments.

Pave Martin's Store tower access road:

Ms. Rorrer noted that this was a steep drive and was starting to erode and was getting wash boarded. She added that the road was washing into the CVEC compound and leaving a muddy area.

Install backup generators at broadband tower sites, Relocate to new office space

Add staff to Support IS/broadband operations:

Ms. Rorrer noted that this would enable staff to devote more time to being proactive instead of reactive.

Expand broadband network and increase revenue stream:

Ms. Rorrer noted that she thought that there needed to be more public education on the benefits of the network and more advertisement.

Design new county roadmap and county map book:

Ms. Rorrer noted that she would like to do a folded product with an index and distributed some examples. Supervisors briefly discussed this favorably and it was noted that this could be done at minimal cost.

Ms. Rorrer then discussed additional budgetary considerations, noting she would like to install an adequate cooling system in the data room of the former Board of Supervisors room which was not well vented and held in heat generated by the equipment. She noted she would like to implement an enhanced emergency notification system to include text messaging; she would like to expand wireless internet access in the courthouse Courtroom and meeting rooms, and improve the GIS website; creating a tower layer in GIS with planning and zoning information.

February 4, 2014

Supervisors then discussed the need to improve the GIS system and its accuracy. In response to questions, Ms. Rorrer noted that every new plat that was recorded was sent to Timmons and put into the GIS. It was noted that changes had happened in the last month with parcel data within the GIS system and Ms. Rorrer noted that this could be done in house with additional staffing. Mr. Hale suggested that he would like to see a person at the Planning District Commission who could work on GIS with all of the member localities. Ms. Rorrer then noted that Timmons was paid a per parcel charge and that the current budgeted amount for this was \$10,000.

In conclusion, Ms. Rorrer noted that her department's primary needs were new office space, additional staff to support IS/broadband operations, and installing physical & environmental alarms at the tower sites.

Maintenance, Maintenance Supervisor Paul Truslow:

Mr. Truslow noted his departmental requests/needs as follows:

Boom/Bucket truck with Minimum 35 ft Reach:

Mr. Thompson noted that his department currently only had two employees and they were subcontracting a lot of work out which had been working well. He noted that there were thirty-five (35) lights at the Courthouse and Collection Sites that were above 24ft high and he thought the County could buy a used truck for about \$10,000 to \$13,000. Mr. Harvey suggested checking with CVEC and Dominion Power. Mr. Truslow noted he only wanted a Ton rated truck that could be driven around the Courthouse lawn if needed. Mr. Harvey suggested that the truck could be shared between the County and the Schools and it was noted that all lights were not uniform in the types of bulbs and ballasts so it was hard to contract this out to someone else.

One man Boom Lift for Interior Repairs and Replacement of Lighting and Other Fixtures:

Mr. Truslow noted that there were fifty-nine (59) lights in the Courthouse that were over 12 feet off of the ground. He added that he had recently rented one at a cost of \$500 per week. He noted that it would be beneficial to have one on site to be able to work around court schedules etc. He noted it would have to meet size criteria to maneuver around the Courthouse building and would be stored with the Board tables etc. He added that he thought the schools had these and he could check with them. Mr. Carter noted that he thought the schools had a genie lift which was not really transportable. Mr. Truslow added that he would need to check on the pricing of these.

Replace 3 Doors at the Rear of Courthouse :

Mr. Truslow noted that these doors were currently glass and not a solid door, like all of the others. He noted that replacing these would decrease the possibility of security breaches. He added that solid steel doors to match the others would cost around \$2,000 each for the door and jamb; not installed. He added that the current doors were not very stable but the back

February 4, 2014

ones were pretty solid. Mr. Harvey questioned whether or not they had historic value and he agreed that they needed to go. Mr. Saunders suggested that this work could be incorporated into another construction project.

The Board then agreed by consensus to replace these doors now rather than waiting until next year.

Purchase Used VDOT Chemical Spreader Truck:

Mr. Truslow noted that this would be kept on-site at the Courthouse with the price to be determined at auction. He noted he could go to a VDOT sale in Harrisburg and get one that would hold some volume to be able to spread 2 or 3 times. He noted that the County was using a contractor now for this and if the County had its own, it could be used at both the Courthouse and at the collection sites. The Board and staff discussed using a spreader that attached onto a pick up instead and that way, the department would not have to maintain a vehicle.

Mr. Truslow then offered his opinion that records management was a big issue for the County and that a bonafide records room should be established downstairs. Mr. Carter noted that a concern was that eventually an elevator would come up from there; however he agreed that the County was keeping a lot of records. He noted that they did shred records periodically and that records could possibly be stored off site. Mr. Hale noted that the bottom of the Jefferson Building could be utilized.

Mr. Carter noted that he thought the County needed to bring someone in like an intern to streamline the number of records that are kept. Ms. Brennan noted that they should look at this issue on an ongoing basis.

In response to questions, it was noted that the lower part of the red jail was storing residual parts such as doors and frames etc. and that Southern Air had located ventilation units in there which really broke up the space. Mr. Harvey then inquired if the old Kirt's Auto building would be of benefit to the Maintenance Department and Mr. Truslow noted he thought it would and it could be used as a storage facility. Mr. Carter added that it could be used operationally as well. Mr. Saunders noted that if the IS Department moved out of the basement area, the County could have that space for storage as well. Mr. Carter noted that this would be a matter of how much space would be taken up by the future elevator and tunnel.

In conclusion, Mr. Truslow agreed that the old Kirt's Auto building would be a good office space for his department.

Department of Parks and Recreation, Emily Harper Director of Parks & Recreation:

Ms. Harper noted that her total budget amount remained the same; however she had shifted funds between lines as follows: Youth Sports – Increased costs for Supplies 71020-5412 & Officials 71020-3017 due to an increase in the number of players & teams. She noted that there had also been an increase in costs for trail maintenance this year that would not

February 4, 2014

necessarily occur for FY15. She added that her department would have costs associated with Virginia Blue Ridge Railway Trail Bridge Inspections and the Claudius Crozet Blue Ridge Tunnel Inspections in FY15. Ms. Harper noted that the Blue Ridge Railway Trail had five (5) bridges and these would need inspection regularly. She added that this trail had several wash outs last year and the cost was \$2,400 to clear culverts. She added that this cost was shared with Amherst County and that the trail was used heavily by families.

Ms. Harper then noted that her department consisted of herself, a Recreation Technician, and Seasonal Part-Time Employees for Youth Sports & Special Events.

Ms. Harper then noted that her Department Projects/Activities include:

Virginia Blue Ridge Railway Trail – Ms. Harper noted that Phase III was currently under construction and would be done well before the deadline of April 14th. She noted this included restoration of the Depot which entailed a new roof and siding, painting, and putting on a deck that was handicapped accessible. She noted that the scales would be restored. She added that the scale shed was being restored with Foundation funds not grant funds. She then noted that staff was working on an exit from the trail on the Tye River side.

Sturt Property

Scenic Rivers – Ms. Harper noted that the recent request for Scenic River Designation was currently being considered by the General Assembly.

Claudius Crozet Blue Ridge Tunnel

Youth and Adult Sports – Ms. Harper reported that youth sports were gaining participation and adult sport participation was declining. She added that interest was declining overall in the area.

Ms. Harper noted that she hoped to have a good partnership with the fall baseball league. She added that they played on Oak Ridge property so it was hard to improve the fields. She noted that she would like to improve what was there; however she was not sure the County should put a lot of money into someone else's property. She added that she was hoping the County would have a recreation center somewhere in the future.

Youth and Adult Classes

Special Events- Ms. Harper noted that these were the egg hunt, triathlon, nelson downriver race, and the Halloween event etc.

Ms. Harper then discussed her department's current needs as follows:

Improvements to current facilities Soccer Fields - Tye River Elementary School Fields & Rockfish Ruritan Park:

February 4, 2014

TRES Fields: Large Field – 280'x150' Poor Condition, Small Field – 120'x60' Fair Condition

Rockfish Ruritan Fields: Large Field – 280'x150' Fair Condition, Small Field – 120'x60' Fair Condition

Ms. Harper noted that Soccer was a two season sport and that area travel soccer teams also used the fields. She added that the County paid \$1,500 per year to the Ruritans for field maintenance.

Dixie Youth Fields: owned by Oak Ridge Estate and is a Practice/Games Site

Ms. Harper noted that the baseball league wanted to put in dugouts on the coaches pitch fields and to install bridges. Mr. Saunders advised that there was a back road going into the site that could be used to get equipment in.

Ms. Harper then noted that the fall ball travel team was using the RVCC field and this was not associated with the County's Recreation program. She noted that the field at RVCC had been offered for the Recreation Department to use and she noted there were also fields at the new Rockfish Elementary school. She added that these needed some work, but participation was also needed there. Mr. Harvey noted that he thought the Recreation Department should use County owned property. Ms. Harper noted that logistically, there were more kids on the southern side of the County and she did not want to move them.

Ms. Harper then discussed her department's future needs which included the future recreation facility with an indoor pool to share with the schools, a large gym with room for classes and athletic fields: Soccer/Football (all purpose), Baseball/Softball, and Walking Trails.

In response to questions, Ms. Harper noted that her staff was looking at identifying put-ins and take-outs for canoers and kayakers; however she noted that they wanted to lease the spot at Rucker's Run to make this an official spot. She noted that the Rockfish River at Woods Mill would be a possibility also. She also noted that Scenic River Designation was a possibility to be looked at for other rivers.

Mr. Hale then noted that Doug Coleman of the Nature Conservancy was interested in studying a trail system on the Sturt property. Ms. Harper noted that she was concerned about the trail maintenance there and partying was a concern due to its remote location. She added that it had the potential for great trails and was a beautiful spot. She noted that she would like to add that they would need more staff eventually for trail maintenance.

Mr. Saunders suggested that the timber be cut for revenue at the Sturt property and Ms. Harper noted that this could be an educational opportunity as well.

B. Lunch 12:00pm – 1:00pm

Supervisors then broke for lunch and continued the meeting thereafter.

C. Reconvene and Continue Presentations by County Departments

Department of Planning and Zoning – Tim Padalino, Director of P&Z:

Mr. Padalino noted that his department consisted of himself and a Secretary and he noted that Grant Massie worked 10-15 hours per week with Planning and Zoning.

Mr. Padalino then outlined his department's responsibilities and activities as follows:

- “Agent” for all daily, weekly, and monthly Departmental tasks...
- Interpreting + administering + enforcing the Zoning Ordinance and Subdivision Ordinance: Processing “administrative” reviews/approvals Plats / Tower Permits / Special Events Permits / (and others) Processing “legislative” types of applications SUPs / Rezoning / Variances / Appeals / Site Plans
- Enforcing the Zoning Ordinance: Code enforcement (alleged zoning violations)

Mr. Padalino noted that a new complaint based enforcement procedure had been implemented.

- Providing the public with support and assistance re: County policies and procedures applicants (before/during/after permitting process) general public (wide variety of inquiries/requests)
- Attempting to continue the chapter-by-chapter updates of the 2002 Comprehensive Plan: Transportation chapter, County Profile appendix chapter, and Portrait of Nelson County chapter
- Serving as 1 of 2 Nelson Co. representatives on TJ Planning District Commission Along with Sup. Hale (Commission Chairman)
- Coordinating with Econ. Dev. & Tourism: –Assisting confidential “prospect(s) not yet announced” on proposed development projects and providing project-specific guidance on zoning laws and permitting process

Mr. Padalino noted that he also worked closely with Tom Eich, VDOT, Information Systems, and County Administration.

Mr. Padalino then discussed his Department's priorities as follows:

- Conduct important “long-range planning” and “strategic planning” projects:
 - Develop Rockfish Valley Area Plan
 - Project scope: Rte. 151 and Rte. 664 corridors
 - Focus: land use + community development + economic development

February 4, 2014

- Public interest formally expressed by “Nelson 151” Scope of Work has been drafted; is ready for review
- Policy Reviews: identify/develop/propose important Ordinance amendments
 - Zoning Ord. Article 20: “Communication Tower Ordinance” (ongoing)
 - Zoning Ord. Article 4: “Lots Allowed Chart” / A-1 divisions (ongoing)
 - Subdivision Ord. Article 3: “Administrative Plat Reviews”
 - Zoning Ord. Article 4: “A-1 Land Uses/Agri-Business/Agri-Tourism”
 - Zoning Ord. Article 4: “Special Events Permits”
 - Zoning Ord. Article 4: “Wayside Stands”
 - Zoning Ord. Article 12: “Signs”

Mr. Bruguiere noted a bill in the General Assembly that would allow some uses as an addendum to The Right to Farm Act. Mr. Padalino added that there was also a Farm Brewery bill that would mirror farm winery provisions. Mr. Hale added that the Bill removed the County completely from regulating these activities. Mr. Padalino noted it also involved events, noise, and customary uses.

- Create new full-time position: entry-level planner:
 - Currently, Department workload merits 2nd professional staff member.
 - Additionally, other County priorities (long-range planning and policy reviews) are not possible with the current level of capacity or availability of the Dept.
 - 1 new hire = 2x capacity of the Dept.
 - better manage existing responsibilities and duties; and
 - undertake important community projects “in-house”
 - 2nd full-time planner = most effective and most cost-efficient solution to increase capacity
- Re-evaluate office arrangements:
 - Determine if any available location would better suit current and/or future Department operations.
 - Courthouse location = convenience and efficiency:
 - closer to Clerk’s Office (Deed Books and recorded plats)
 - closer to County Administrator’s Office
 - If a new full-time position were created, the current location (McGinnis Building) would likely no longer provide sufficient office space.
- Evaluate Department vehicle:
 - determine condition and expected longevity
 - 1999 Subaru Outback has 129K miles
 - Questionable performance / reliability:
 - especially on secondary roads
 - especially in middle gears

February 4, 2014

In conclusion, Mr. Padalino then discussed his Needs/Requests as follows:

- Create Entry Level Planner position Improve capacity for ongoing daily/monthly duties
Establish ability to undertake priority projects (internally)
- Undertake long-range / strategic planning
- Update Nelson County Comprehensive Plan
- Develop Rockfish Valley Area Plan
- Re-evaluate office space •Current and Future
- Evaluate current Department vehicle
- Possibly acquire new vehicle for Department use

Mr. Hale noted that at the PDC level, discussion has been how they could create value for rural counties. He added that a point that had been made was that Charlottesville and Albemarle had large planning staff and one thing to consider was the County farming some work out to the PDC to take advantage of their resources. Ms. Brennan agreed and noted that they had helped with updating the Transportation Chapter of the Comprehensive Plan even though there were some flaws.

Mr. Harvey noted that he did not think the County needed to do a Route 151 plan because it benefitted wineries and they would get what they want. Ms. Brennan added that the County could benefit in updating the Comprehensive Plan with this.

Mr. Padalino added that he saw it more as a community plan rather than the 151 Group's plan. Mr. Harvey then noted that he questioned the right to value one person's land more greatly than another. Mr. Padalino noted that he thought that the Route 151 study would be a valuable tool in protecting the assets and character of the area. He added that it was not meant to be exclusive but rather it would create a more thoughtful development.

Mr. Harvey then noted that Silverback Distillery was the most visible building on Route 151 and Ms. Brennan noted that she would like to get citizens more involved in the process. Mr. Harvey noted that he did not think citizens would get involved until something went in right beside them.

Mr. Hale then noted that he thought it made sense to study this with the Board and staff. Mr. Harvey noted that he thought there was a disparity in how businesses were treated. He added that Silverback Distillery did the minimum required for setbacks etc. and there was no construction entrance there at the site and he thought it was because this was a special interest business. He added that they were driving beside the fence and entering the highway from several places and bringing mud out in the road etc. Ms. Brennan then noted that she thought this was a perfect example of why the Board needed to look at the Zoning Ordinance etc.

Supervisors and Staff then briefly discussed the pending Tower Ordinance as follows:

Mr. Harvey reiterated that the term view shed was used repeatedly in the Tower Ordinance and he questioned the difference between the impacts of looking at a small tower top from looking at the houses at Wintergreen. Mr. Padalino noted that he thought the difference was

February 4, 2014

when transitioning from a pristine view to one with something already in it. He added that he personally believed that towers should be along the road with other utility poles and lines etc. and that mountain ranges and areas should be protected.

Mr. Harvey then commented that he thought that the Martin Store tower was the worst visually and he was not sure why the County went with silver towers. Supervisors then briefly discussed the visibility or not of various tower colors.

Mr. Hale then noted that he thought it was the Board's consensus that the Tower Ordinance not be concerned with anything under 40 feet and Mr. Harvey and Ms. Brennan indicated their agreement. Mr. Hale added that he thought these should be by right and no fees should be associated with them.

Mr. Padalino noted that the main goal was to get the monopole regulations right. Mr. Harvey noted that he wanted to provide affordable internet access to as many as possible and as quickly as possible. Mr. Hale then noted that there was currently no regulation on the Arrington Cold Storage building antenna, the Shipman water tower, or the one on top of Naked Mountain that provided service to his survey business. Mr. Saunders agreed that the regulations needed to be loosened up some in order to get service provision going.

Mr. Hale noted that the section on Personal Wireless Services should be taken out of the Ordinance, Mr. Harvey suggested that view-shed be taken out of the Ordinance, and Mr. Bruguere suggested that the Scenic Byway setbacks should not be so restrictive.

Mr. Hale then noted that he thought citizens should have the opportunity to comment on tower applications; so they should have a public hearing process.

Mr. Padalino noted that he was not opposed to removing the Class IV provisions from the Ordinance. Mr. Carter noted his concern was that the County needed to be sure that the Class IV equipment was registered with the Commissioner of Revenue so the providers would pay business personal property taxes. He noted that the rates were \$2.95 per \$100 in value and that other businesses were subject to this taxation. Mr. Hale suggested that this be excluded from business personal property taxes because he thought it might not be worth collecting. Mr. Carter noted that these businesses would have to register their towers, equipment etc. Mr. Hale then noted that he thought this was administered as a voluntary tax and Mr. Carter noted that it was not a voluntary tax and he did not think the Board should look the other way on this. Supervisors then agreed the County should ensure tax collection was done; however it did not need to be part of the Zoning Ordinance.

Mr. Padalino noted that he did not think this should be regulated by his department as a land use issue.

Supervisors then agreed by consensus to remove the entire section on Class IV towers from the Tower Ordinance and schedule a work session with Phil Payne on February 5th.

Mr. Padalino then added that collocations did require an elevation drawing be submitted because some were approved with certain conditions. He noted that requiring this was a

February 4, 2014

standard way to understand what was going on the tower. He noted that his office could accept sketch amendments to the original site plan. Mr. Carter noted that maybe it was possible the company could file a certified letter stating that the tower could withstand the loading, rather than submitting an amended site plan.

Mr. Bruguere then noted he was in favor of collocation over building new towers. Mr. Padalino advised that currently, tower applicants had to certify that they had looked at all options to collocate prior to proposing a new tower. Mr. Carter noted the process would be streamlined as long as they submitted a plan that said the tower could hold the loading and filed it with the Planning and Zoning Office.

In response to questions regarding the status of High-top Tower, Mr. Carter noted that they were looking into whether or not SCS could indemnify the County on this. He noted that Mr. Payne was looking at this and that he had concerns because he did not think the County could be fully protected. It was noted that there currently was an antenna from the PBS station on the tower.

In conclusion, Staff noted that it would attempt to schedule Mr. Payne to work with the Board on the Tower Ordinance during the February 5th session, the following day.

Department of Social Services, Michael Kohl, Director

Mr. Kohl noted the following case statistics for Calendar Year 2013:

2013 DSS Nelson County Local Funds – \$339,700
Matched funds from State/Feds – \$798,654 for total of \$1,138,354.00

Eligibility 8 unit members

Food Stamps (Snap)..... 1118 average open cases each month
Family & Children Medicaid..... 616 average open cases each month
SSI Medicaid..... 268 average open cases each month
Age/Blind/Disabled Medicaid 510 average open cases each month
TANF..... 36 average open cases each month
Assistance..... 649 total cases for year
Assistance..... 349 total cases for year
Child Care..... 32 total cases for year
VIEW..... 42 total cases for year

Child Protective Services 1 unit member

New Investigations opened..... 90 total investigations for year
On-going cases open..... 5 average open cases each month

Mr. Kohl noted that this was from three to six months of tracking.

Foster Care 1 unit member

10 children in foster care
3 children adopted out of foster care

February 4, 2014

CSA.....31 children served
\$603,339.44 total budget - 30.91% local match rate (72% for school placements)

Adult Protective Services 1 unit member

New APS Investigations..... 67 total investigations for year
On-going cases (AS)..... 7 average open cases each month
Personal Care Screenings..... 73 total screenings for year Companion
Services..... 4 average open cases each month
Guardianships..... 14 total cases for year

Mr. Kohl noted they were seeing an increase in personal care screenings and that they worked in concert with the Health Department on these.

Administration 3 unit members: Director, Admin Services Manager, Office Associate

Mr. Kohl then noted that Medicaid Expansion in Virginia would mean a possible case increase of 780 cases and that their office was dealing with the complexity of new Medicaid applications. Mr. Kohl noted that he did not think this would happen in Virginia; however he was not sure. He noted that if it did, there would be 780 new people eligible based on the estimates made 7-8 months ago. He noted that tax records were used to estimate this and he added that if it happened, he hoped the applications would be streamlined.

Mr. Kohl then noted his department's needs as follows:

5 year plan -New Building

Mr. Kohl noted that currently the monthly rent was \$1847.11 with a 15% local match rate which would end on May 2015, when the building was fully depreciated. Mr. Kohl noted that more space would be needed if Medicaid Expansion happened as they would need to add two full time workers. He added that the building was intended to be temporary and he worried about the age of the building and failing systems over time. He noted that the top floor of the Region Ten Building was looked at and it was determined to be too small as it was smaller than the building they were currently in.

Solid Waste and Recycling - Grant Massie, Solid Waste and Recycling Coordinator

Mr. Massie noted that for the Board's consideration was restarting to take glass for recycling at the Rockfish and Shipman Collection sites. He noted that startup costs were estimated at approximately \$20,000 – \$30,000 and would include site preparation and the purchase of a container for each site.

Mr. Massie then noted that there was no market for glass recycling right now; however if the Board wanted to do this, he recommended implementing a pilot program at Rockfish and Shipman.

February 4, 2014

He noted that the cost of recycling glass at Sonoco was \$24/Ton and the County was now paying \$28/Ton for general waste disposal. He added that the transportation was 32 miles roundtrip between Sonoco and the Region 2000 landfill and these costs would be saved if they did this.

In response to questions, Mr. Massie noted he was not sure where Sonoco took the glass and they seemed to be evasive about this. Mr. Massie then advised that glass recycling was done in the Valley and between the markets and the federal government regulations; classifying recycling as waste was narrowing the recycling down to 25% of the material due to contamination. He added that recycling glass did not make sense economically; however philosophically he thought the County should do it.

Ms. Brennan suggested that staff do a return on investment analysis on this and Mr. Carter noted it was being developed. Mr. Hale noted it was worth pursuing to him if it saved money on the tipping fee and transportation and he was even happy if it broke even.

Supervisors asked about recycling commercial glass and Mr. Massie noted that the Transfer Station could have a container to accept glass.

In conclusion, it was noted that the County would save approximately \$30 per trip by taking glass to Sonoco.

County Administration – Stephen Carter, County Administrator:

Mr. Carter noted that his department consisted of himself, Ms. McGarry, and Ms. Turner and that his FY 14-15 Budget was \$321,619.

Mr. Carter then noted that his Department's input(s) for Board of Supervisor's Consideration as follows:

- Maintain the County's Budgetary and Fiscal Stability

Mr. Carter noted he was more concerned with what the Board wanted to do with the County than with what he would like to see. He noted that he would recommend keeping the County's budget stable; however even if the Board chose to go to \$.72 on the real estate tax rate, they may not have the fiscal margin to do what Judge Gamble asked unless they used nonrecurring monies that could impact cash flow.

Supervisors asked for staff to provide the Board with a chart showing debt service balances and amount(s) due.

Mr. Carter suggested that the Board not consider using fund balance for the things presented by the Departments and rather use nonrecurring money to pay for some of these items presented. He added that he would like the opportunity to counsel the Board on the impacts of any funding decisions.

February 4, 2014

Mr. Carter then suggested that the Board consider whether or not the County should do its next reassessment in 2016 rather than in 2018. He noted that the County had 5% growth in sales for the year and that there was an uptick in overall sales. He added that it may be advantageous to do it sooner rather than later. He also noted that the County would be back to its original four year cycle if it were done again in 2016. He supposed the County would see some uptick in values. Mr. Bruguire noted that he thought Wintergreen being for sale was a huge uncertainty now.

Mr. Carter noted that when the Board considered the real estate tax rate, they would need to think about how much financial ability they wanted to have.

Mr. Harvey noted that if they were to reassess as of 2016, it would have to start now. Ms. Brennan added that she thought Wintergreen was a big factor.

- Foster Greater Economic Development

Mr. Carter noted that in looking at Weldon Cooper's population projections, the County only grew by eleven (11) people last year. He noted that the County ought to work on business growth and development by funding the Tourism and Economic Development department more to market the County more and expand businesses. He added that he thought Broadband was key in doing this.

Mr. Carter also advised that the Board look at the Comprehensive Plan as a part of this. He suggested that they look at both the Route 151 and Route 29 corridors; with the Route 29 corridor being more strategic in his opinion. He added that the Board should somehow convince Mr. Larkin to sell the County his property along Route 29 which had the potential for a larger water source and something could happen there. He added that their focus should be from Colleen to Lovingston.

Mr. Carter noted that the County needed to look seriously on how to expand its water and sewer facilities. It was noted that a lot would be spent; however there would not be a large customer base. Mr. Hale noted that the Service Authority was close to capacity now; however it depended on how the water was drawn out. He noted that there was more room if it was done monthly.

Mr. Carter then reiterated the importance of expanding broadband in the County.

- Establish a Board Prioritized 5 Year Capital Improvements Plan

Mr. Carter noted that the Courthouse renovation, Library expansion, Recreation Center, and new County Offices were still on the plan. He noted that if the Board would prioritize it, then staff could target it and get it done. He added that at this point, the Judge was more concerned with meeting the Clerk's space needs than the overall Courthouse renovation.

February 4, 2014

- Evaluate Need for Additional County Personnel & Assess Employee Compensation

Mr. Carter asked the Board to consider staffing requests and he noted that the County's compensation plan was now twenty-five (25) years old and should be looked at. He added that he thought fair compensation was important and he referenced that the school division's comparison pool has been Albemarle County etc. and that the County had the highest starting teacher's salaries in the area. He added that Ms. McCann's counterpart made \$50,000 more than her and had more staff.

Mr. Harvey noted he thought that the Dispatcher salaries needed to be increased. Mr. Carter advised that salaries be looked at across the board.

- Complete an Independent SWOT Analysis of County & School Division Operations

Mr. Carter noted he was not sure this was needed; however if the Board was wondering if staff was doing a good job, he would welcome this analysis.

Mr. Bruguere noted that this may be beneficial along with a compensation study. Ms. Brennan noted she did not think the SWOT was necessary but did agree that they should have another salary study done. Mr. Carter asked that the Board be open to it as the current salary structure has been in place since the early nineties.

Ms. Brennan then agreed with Mr. Harvey on the Dispatch salaries.

Mr. Harvey then suggested that Ms. Turner could pick up a lot of the things that Ms. McCann mentioned that he thought Ms. Bowling was doing. Mr. Carter noted that they would be using her for these things; however it would be difficult for her to do routine Finance things and work for the County Administrator. He added that the staff all worked together and worked as a team; however the Board would need to consider adding staff at some point. He noted that although some projects were ending, the mission was not to give up on getting more things done.

Mr. Bruguere noted that public perception was that the County had too many employees that made too much money.

Mr. Carter noted that the County has added staff in solid waste; however, the County was at or below what it was costing when this system was revamped. He added that the County Organization was basically the same as it was fifteen (15) years ago.

Mr. Carter then emphasized that he wanted the Board to be well informed in order to make decisions and that they have been highly effective to date.

Mr. Harvey noted that he thinks that staff priorities and Board priorities had gotten a little off track. He added that he thought the Board needed to have more input on things and that they were not working on the same goals and objectives for Broadband and they needed to

February 4, 2014

get back to these. Mr. Carter noted that if the Class IV towers were de-regulated then this should make wireless broadband deployment easier and they could see how that worked.

Ms. Brennan then noted that she was setting up 2x2s with the School Board and that they would meet separately with the school board. It was noted that the School Board meetings were at 7pm on the third Thursdays of the month. The Board then agreed by consensus to meet with them at one of their meetings.

D. Honorable J. Michael Gamble, Circuit Court Judge – 2:00pm

The honorable Judge Gamble addressed the Board and noted that his purpose was to bring back into the thoughts of the Board the consideration of expanding the Circuit Court Clerk's Office space and renovating the Courtroom.

He noted that to his recollection, there were many different renderings of what his area would be; however there was no appreciable extra room given to the Clerk's Office in those. He noted that expansion of the Clerk's Office was essential. He added that in trying to get a secretary's office for the Judge, the space of the jury room was reduced. Judge Gamble noted that he had previously concluded it to be unwise to ask the County and its citizens to renovate that area until it was known what extra space was available. He noted that it appeared now that they could achieve more room in the Clerk's facilities and it would be enough to satisfy their requirements for a number of decades. He noted that most court files would be digital within the next 10 years and this would alleviate the need to keep finding file space.

Judge Gamble then noted that his second reason for asking for this was that the Courtroom was getting to be in bad shape. He added it needed refurbishing and needed a sound amplification system.

He noted that the Board needed to begin the process of thinking about this. He noted that previously another concern had been providing for a different traffic flow in the courtroom; however he noted he did not think this was as big a concern now. He noted that Pittsylvania County's courtroom had been renovated and was a good example of what he thought would work and he would love to see the Board take a trip there for a visit. He added that if he could get another witness room that would be helpful as currently the Defendant's witnesses had to be placed out in the hall for jury trials. Judge Gamble noted that he appreciated the demands on County funds; however he did not want to be forgotten.

Mr. Hale noted that the Board was focusing on the Clerk's office needs and he noted that the plan was to move the Commissioner of Revenue from that corner for the Clerk's use. He then noted that a question had been posed as to whether or not the vacated space where the old courts used to be would be worth considering as a space that the Judge and his secretary could be moved to. Judge Gamble noted that he thought everything was on the table. He noted that he was not concerned with his accommodations as long as he could get in and out of the courtroom without encountering people in the hallways etc. Supervisors then agreed

February 4, 2014

that restoring his courtroom to showcase its historic value was something the Board wanted to do.

Ms. Brennan then noted that the Board would reconstitute the Courthouse Committee to begin looking at this. She noted that the Board was hoping that they could do both the Courtroom and rest of the area as well.

III. Adjourn and Continue to February 5, 2014 at 9:00am in the Board of Supervisors Room of the Courthouse, Lovington VA for Continuation of Board of Supervisors Work Session

At 3:54 pm, Mr. Hale moved to adjourn and continue the meeting until 9:00 am on February 5, 2014 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.

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:

February 5, 2014

Date	Name	Charges
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:

February 5, 2014

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.

February 5, 2014

- 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:

February 5, 2014

- 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.

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

February 5, 2014

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:

Exhibit A.

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)**

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

(2004 – 2013 collections are only Circuit Court)

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

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.

February 5, 2014

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:

February 5, 2014

- 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.

February 5, 2014

- 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

February 5, 2014

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.

February 5, 2014

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

February 5, 2014

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).

February 5, 2014

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

February 5, 2014

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. Bruguiere 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.

February 5, 2014

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*

February 5, 2014

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.

February 5, 2014

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. Bruguiere 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.

February 5, 2014

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.

February 5, 2014

IV. Adjournment

At 1:20 pm, Mr. Brugiere 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.

DRAFT

RESOLUTION R2014-16
NELSON COUNTY BOARD OF SUPERVISORS
TOBACCO FREE CAMPUS

WHEREAS, pursuant to Virginia Code §15.2-1800 and general law, the Board of Supervisors operates the Court facilities and grounds in concert with the Circuit Court Judge and has the authority to prohibit the use of tobacco products in these areas, and

WHEREAS, at the regular Board of Supervisors meeting on February 11, 2014, staff was directed to provide the Board with a resolution for consideration to make the Nelson County Courthouse Complex a tobacco free campus, and

WHEREAS, tobacco is a recognized carcinogen in humans and the County of Nelson is committed to protecting the health of individuals by minimizing the harmful effects of tobacco use among County employees and eliminating secondhand smoke exposure for employees and the public in and on the grounds controlled by the County;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby declare the Nelson County Courthouse Complex a tobacco free campus.

Adopted: March 11, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

§ 15.2-1800. Purchase, sale, use, etc., of real property.

A. A locality may acquire by purchase, gift, devise, bequest, exchange, lease as lessee, or otherwise, title to, or any interests in, any real property, whether improved or unimproved, within its jurisdiction, for any public use.

Acquisition of any interest in real property by condemnation is governed by Chapter 19 (§ [15.2-1901](#) et seq.). The acquisition of a leasehold or other interest in a telecommunications tower, owned by a nongovernmental source, for the operation of a locality's wireless radio communications systems shall be governed by this chapter.

B. Subject to any applicable requirements of Article VII, Section 9 of the Constitution, any locality may sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property, which includes the superjacent airspace (except airspace provided for in § [15.2-2030](#)) which may be subdivided and conveyed separate from the subjacent land surface, provided that no such real property, whether improved or unimproved, shall be disposed of until the governing body has held a public hearing concerning such disposal. However, the holding of a public hearing shall not apply to (i) the leasing of real property to another public body, political subdivision or authority of the Commonwealth or (ii) conveyance of site development easements across public property, including, but not limited to, easements for ingress, egress, utilities, cable, telecommunications, storm water management, and other similar conveyances, that are consistent with the local capital improvement program, involving improvement of property owned by the locality. The provisions of this section shall not apply to the vacation of public interests in real property under the provisions of Articles 6 (§ [15.2-2240](#) et seq.) and 7 (§ [15.2-2280](#) et seq.) of Chapter 22 of this title.

C. A city or town may also acquire real property for a public use outside its boundaries; a county may acquire real property for a public use outside its boundaries when expressly authorized by law.

D. A locality may construct, insure, and equip buildings, structures and other improvements on real property owned or leased by it.

E. A locality may operate, maintain, and regulate the use of its real property or may contract with other persons to do so.

Notwithstanding any contrary provision of law, general or special, no locality providing access and opportunity to use its real property, whether improved or unimproved, may deny equal access or a fair opportunity to use such real property to, or otherwise discriminate against, the Boy Scouts of America or the Girl Scouts of the USA. Nothing in this paragraph shall be construed to require any locality to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from local policies governing access to and use of a locality's real property. The provisions of this paragraph applicable to a locality shall also apply equally to any local governmental entity, including a department, agency, or authority.

F. This section shall not be construed to deprive the resident judge or judges of the right to control the use of the courthouse.

G. "Public use" as used in this section shall have the same meaning as in § [1-219.1](#).

(Code 1950, § 15-692; 1962, c. 623, § 15.1-262; 1968, c. 418; 1974, c. 282; 1977, c. 269; 1979, c. 431; 1980, cc. 212, 559; 1984, c. 241; 1986, cc. 477, 573; 1990, c. 813; 1997, c. [587](#); 1998, c. [696](#); 2005, c. [822](#); 2006, c. [57](#); 2007, cc. [882](#), [901](#), [926](#).)

RESOLUTION R2014-17
NELSON COUNTY BOARD OF SUPERVISORS
2014-2015 LOCAL GOVERNMENT CHALLENGE GRANT

BE IT RESOLVED, By the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute and submit an application for 2014-2015 Local Government Challenge Grant funding to the Virginia Commission of the Arts.

BE IT FURTHER RESOLVED, said application is to include a local match of \$5,000.00 to be confirmed upon formal adoption of Nelson County's Fiscal Year 2014-2015 Budget by the Board of Supervisors.

Adopted: March 11, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

2014-2015 Local Government Challenge Grant

2. Applicant local government name, address, & zip

Nelson County
 P. O. Box 336
 Lovingston, Virginia 22949

3. Telephone, email, URL

Telephone: 434-263-7000
 Email: scarter@nelsoncounty.org
 URL: www.nelsoncounty-va.gov

4. Federal Employer ID number:

54-6001441

5. DUNS Number: 052-551-322

6. Contact Person:

Stephen A. Carter, County Administrator
 (434) 263-7000, scarter@nelsoncounty.org

7. Amount of Virginia Commission for the arts assistance requested for fiscal 2014-2015.

\$5,000.00

8. Proposed local government arts appropriation for fiscal year 2014-2015.

\$5,000.00

9. Local independent arts organizations to receive Commission grant money sub-grant.

Organization	Mailing Address/Contact Person	Proposed VCA Grant Share
Wintergreen Performing Arts, Inc.	c/o Mary Jo Russell 342 Hunters Point Nellysford, VA 22958	\$5,000.00

10. What is the process for awarding the above grants?

The County of Nelson, Board of Supervisors, reviews and approves funding. The approval is based on the demonstrated ability of the organization to deliver programs that will positively impact the quality of life and enhance education in the County.

Roger D. Collins, Superintendent, Nelson County Schools has assigned Elizabeth Tabony, Gifted Resource teacher, to evaluate school needs from available independent Virginia arts organizations, as defined by VCA Challenge Grant, paragraph 8.

11. Attach a copy of the list of your current board members:

County of Nelson Board of Supervisors:

Allen M. Hale – East District
3130 Laurel Rd.
Shipman, VA 22971

Thomas D. Harvey – North District
10921 Rockfish Valley Hwy
Afton, VA 22920

Constance Brennan – Central District
524 Buck Creek Lane
Faber, VA 22938

Larry D. Saunders – South District
1610 Wilson Hill Rd
Arrington, VA 22922

Thomas H. Bruguire, Jr. – West District
187 Jack’s Hill Rd.
Roseland, VA 22967

12. Attach a brief description of the arts organization proposed to receive assistance through Nelson County’s Local Government Challenge Grant in 2014-2015:

Wintergreen Performing Arts, Inc. is a not-for-profit corporation established to enhance the quality of life in the communities of Central Virginia, by providing cultural education and promoting an understanding and appreciation of, as well as participation in, the performing arts.

Wintergreen Performing Arts, Inc. offers three programs to fulfill the above Mission Statement:

1. The Performance Series concerts are held during the year at or near Wintergreen Resort, attracting visitors to the area, as well as serving the local community.
2. The Wintergreen Summer Music Festival features the Wintergreen Festival Orchestra, under the direction of Dr. Larry Allen Smith. The festival offers more than 200 events including symphonic and chamber concerts, dance and vocal concerts, daily lectures, plays, and art exhibits. A nationally acclaimed Performance Academy, which draws top music and vocal students from around the country, is run concurrently with the Music Festival.
3. The local Education Mission is accomplished in partnership with the Nelson County Public Schools, sponsoring workshops and concerts for kindergarten students through the twelfth grade. Many of the artists presented during the past school year were selected from the Tour Directory of the Virginia Commission for the Arts. VCA Local Challenge Grant funds are spent entirely within Nelson County for the benefit of Nelson County school children.

CERTIFICATION OF ASSURANCES AND GRANT CONDITIONS FOR LOCAL GOVERNMENT GRANTEEES OF THE VIRGINIA COMMISSION FOR THE ARTS

Virginia Commission for the Arts grantees are required to be non-profit Virginia organizations and exempt from federal income tax under Section 501(a), which includes the 501(c)3 designation of the Internal Revenue code, or are units of government, educational institutions, or local chapters of tax exempt national organizations.

No part of any Commission grant shall be used for any activity intended or designed to influence a member of Congress or the General Assembly to favor or oppose any legislation.

Each Commission grantee will:

- provide accurate, current and complete financial records of each grant.
- maintain accounting records which are supported by source documentation.
- maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes.
- maintain procedures ensuring timely disbursement of funds.
- provide the Commission, or its authorized representatives, access to the grant-related financial records.

The grantee will expend any and all grant funds only for purposes described in the application form and attachments. The grantee must request permission in writing to make substantial changes in budget, schedule, program, personnel. The requested changes must be approved in advance by the Commission. **NOTE:** If any project receiving grant support from the Commission has actual income in excess of expenses, the grantee must use these funds for other arts activities and the Commission must approve the organization's use of any of these excess funds up to the amount of the grant.

Each Commission grantee will comply with these federal statutes and regulations:

- Title VI, Section 601, of the Civil Rights Act of 1964, which provides that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Title IX, Section 1681, of the Education Amendments of 1972, which provides that, with certain exceptions, no person, on the basis of sex or age, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with physical or mental disabilities in federally assisted programs. Compliance with this Act includes the following: notifying employees and beneficiaries of the organization that it does not discriminate on the basis of handicap and operation of programs and activities which, when viewed in their entirety, are accessible to persons with disabilities. Compliance also includes maintenance of an evaluation plan developed with the assistance of persons with disabilities or organizations representing disabled persons which contains: policies and practices for making programs and activities accessible; plans for making any structural modifications to facilities necessary for accessibility; a list of the persons with disabilities and/or organizations consulted; and the name and signature of the person responsible for the organization's compliance efforts. ("ADA Coordinator")

No final report is required for the Local Government Challenge Grant. Each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds. The Commission will pay the grant in full after receiving this confirmation.

In **all** published material (printed programs, news releases, web news, email alerts, advertisements, flyers, etc.) and announcements regarding the particular activity or activities supported, acknowledgment of the Commission must be made. A suggested phrase is "(organization or activity) is partially supported by funding from the Virginia Commission for the Arts and the National Endowment for the Arts."

This form must be signed by an individual duly authorized by the governing body of the locality to act on its behalf and submitted with every grant application made to the Commission. The signature of the individual indicates the locality's compliance with all of the grant conditions listed above.

The undersigned certifies to the best of his/her knowledge that:

- the information in this application and its attachments is true and correct;
- the filing of this application has been duly authorized by the governing body of the applicant organization;
- the applicant organization agrees to comply with all grant conditions cited above.

The undersigned further certifies that he or she has the legal authority to obligate the applicant locality.

Typed Name of Authorizing Official Stephen A. Carter Title County Administrator

Signature of Authorizing Official _____ Date _____

Applicant Locality Name Nelson County

Applicant/Organization Name: Nelson County

FORM BCKFDR\8891
(Updated 12/20/01)

NATIONAL STANDARD FOR ARTS INFORMATION EXCHANGE
RACIAL/ETHNICITY DATA COLLECTION FORM

Individual Applicants:

Individuals should circle **any combination** of the characteristics listed below that apply:

- A: Asian**
- B: Black/African American**
- H: Hispanic/Latino**
- N: American Indian/Alaskan Native**
- P: Native Hawaiian/Pacific Islander**
- W: White**

Organizational/Institutional Applicants

(e.g. school, arts group):

Using the characteristics listed below, circle the predominant group of which the staff or board or membership (not audience) is composed. Organizations should choose the **one** code that best represents 50 percent or more of its staff or board or membership. If none of these conditions apply to the organization, classify the organization "99."

- A: 50% or more Asian**
- B: 50% or more Black/African American**
- H: 50% or more Hispanic/Latino**
- N: 50% or more American Indian/Alaskan Native**
- P: 50% or more Native Hawaiian/Pacific Islander**
- W: 50% or more White**
- 99: No single group** listed above represents 50% or more of staff or board or membership

For Both Individual & Organizational Applicants:

Using the characteristics listed below, indicate if the majority of the grant activities are intended to involve or act as a clear expression or representation of the cultural traditions of one particular group, or deliver services to a designated population listed below, choose that group's code from the list. If the project or activity does not emphasize the culture or traditions of one group, please circle "99." If you seek or receive general operating support or support for administrative or artistic expenses for many projects and activities and cannot select one group, please circle "99."

- A: Asian individuals**
- B: Black/African American individuals**
- H: Hispanic/Latino individuals**
- N: American Indian/Alaskan Native individuals**
- P: Native Hawaiian/Pacific Islander individuals**
- W: White individuals**
- 99: No single group**

NOTE: Generally, an activity can be considered "a clear expression or representation of the cultural traditions of one particular group" if it is:

(1) A project in which the intent is to communicate the culture or traditions of a particular race. For example, performances by an African dance company would be coded as "Black/African American."

and/or

(2) Projects which are usually understood to be reflective of the culture or traditions of a particular race. For example, Kabuki theatre is performed in many localities, and by many Asian and non-Asian groups. All of these performances would be coded as "Asian" because regardless of who produces the work, the type of theatre itself is widely understood to be an expression of Japanese culture.

This information will be used as part of a data collection project which documents state arts agency grant-making activities nationwide. This information will be used to determine national trends in grant-making and will not be considered during the grant-making process.

From: [Peck, Todd Dwayne](mailto:Peck_Todd_Dwayne)
To: orchards187@gmail.com
Cc: [Candy McGarry; carolevar@aol.com](mailto:Carolevar@aol.com); "massie@saunderssurveys.com"; [Billy & Diane Bridgwater; Bridgwater II, Billy \(wbridgwater@tenaska.com\); evergreenfence1@gmail.com; Living Word Elders \(elders@word-up.org\); michael.r.king.ckov@statefarm.com; Peck, Todd Dwayne; assetenterprise@aol.com; Berry, Christopher L *HS; Mark Campbell](mailto:Billy_Diane_Bridgwater)
Subject: Presentation to Supervisors RE: Land Purchase Resolution for Living Word Christian Fellowship
Date: Tuesday, March 04, 2014 11:59:08 AM
Attachments: [Living Word Church Traffic Study.pdf](#)
[Speed Study - Living Word Church.pdf](#)

Mr. Bruguere,

The members of Living Word Christian Fellowship are attempting to purchase 12 acres on the corner of Hwy 29 and Hwy 56. The church is currently under a contract extension for the property with pending contingencies needing to be resolved in order to close. One of the contingencies involves a traffic feasibility study to meet VDOT requirements for entrance and traffic flow. We have secured the services of Massie Saunders for navigating us through these studies and he has commissioned Hurt and Proffitt Engineering for the tests that needed to be conducted (for results see attachments).

The traffic feasibility study referenced was recently completed with obstacles for our church. The study indicated that the church would be required to install eastbound and westbound deceleration lanes on Hwy 56 at the proposed entrance site. This would place a cost prohibitive burden on the church and prevent us from being able to move forward with the purchase. An idea was brought forward by one of the elders to propose a reduction in speed limit from 55mph to 35 MPH leading up to the proposed entrance. This would accomplish two primary benefits: 1) It would promote safer speeds at the proposed entrance as well as safer speeds approaching Hwy29, 2) It would help to possibly bring the code requirements within range allowing us to proceed with the land purchase.

I believe that the site in question falls under your district. I am writing to you on behalf of the elders and congregation to inquire as to whether it would be possible to present this to the Board of Supervisors for support in making the proposal to VDOT for consideration. I contacted the County Administrator's office and was informed by Candy McGarry that the best time to make a brief presentation would be Tuesday March 8 at 2pm during the time allotted for public comments. We would appreciate this opportunity if you feel this to be an appropriate time to do so. Although we are in the beginning stages, our church has a dream to construct multipurpose facilities on the site that would allow us not only to have a meeting place for our church but to also benefit the county in the following ways:

- 1) *We currently provide a free meal once per month to the community especially targeting those in need. With the proposed facilities we would be able to expand this ministry.*
- 2) *We desire to utilize the facilities as a disaster relief center*
- 3) *We desire to utilize the facilities as a community outreach center*
 - *For adult education*
 - *Base for local/regional missions projects*
 - *After school youth programs and tutoring*

- *Hosting during community wide events*
 - *Potential temporary shelter for families in need*
 - *Recreation and programs targeted toward the community*
- 4) *Eventually a proposed Christian School*

We are seeking your consideration and information on this possible resolution. We thank you in advance for your time and any guidance you may be able to provide us as we continue to pray and seek God's will on the matter.

Humbly,

Todd Peck

Pastor

Living Word Christian Fellowship

PO Box 123

Lovington, VA 22949

434-263-4253

www.word-up.org

TRIP GENERATION & TURN LANE WARRANT STUDY

Living Word Church
Nelson County, Virginia

H&P Project No. 20130689

February 12, 2014



Submitted By: P. Scott Beasley, PE, LEED AP

HURT & PROFFITT
INCORPORATED

ENGINEERING • SURVEYING • ENVIRONMENTAL
MATERIALS TESTING • GEOTECHNICAL • SITE
PLANNING

TABLE OF CONTENTS

TABLE OF CONTENTS	i
Executive Summary	1
1.0 Sight Distance	1
2.0 Existing Roadway Geometry.....	2
3.0 Field Observations	2
4.0 Site Access	2
5.0 Trip Generation and Projected Traffic Distribution.....	4
6.0 Turn Lane Warrants	4
7.0 Summary.....	5

Executive Summary

Hurt & Proffitt, Inc. conducted this Trip Generation & Turn Lane Warrant Study for the proposed church to be constructed on the south side of Virginia Highway 56, just west of US 29 in Nelson County, Virginia. The proposed development will consist of a church sanctuary with 250 seats and a private school serving 100 students. Associated support buildings would also be constructed on the campus. One driveway is proposed. Table 1 below summarizes the characteristics of the proposed development:

Table 1. Proposed Site Characteristics

Use	ITE Land Use Type	ITE Land Use Code	Independent Variable
Church School	Private School	536	100 students
Church	Church	560	250 seats

VDOT has requested information regarding the anticipated traffic generated by the church in conjunction with their assessment of the church's request for a driveway to be located on the south side of Virginia Highway 56. This study provides the trip generation and distribution to and from the church. It also addresses the need for right or left turn lanes based on VDOT turn lane warrants. The results of the analyses indicate that although turn lanes are not required based on VDOT warrants, the lack of stopping sight distance in both directions will require turn lanes to be constructed.

1.0 Sight Distance

In order for VDOT to approve an entrance for a site, adequate sight distance and stopping sight distance must be available in both directions.

Sight distance is measured from a point 14.5' from the edge of the roadway using a driver eye height of 3.5' and an object height of 3.5'. Required sight distance is based on AASHTO Green Book standards (as referenced in the VDOT Road Design Manual on page F-35) and is dependent on the speed and classification of the roadway. The posted speed on Highway 56 is 55 mph and it is a two lane major road. From page F-35 (see Appendix), the required sight distance (both directions) is 610 feet. Based on measurements taken by others, there is one location on the proposed site where the measured sight distance meets the minimum requirements.

Stopping sight distance is measured on the roadway using a driver eye height of 3.5' and an object height of 2' (simulating taillight height). The required stopping sight distance is also based on AASHTO standards (as referenced in the VDOT Road Design Manual on page F-34) and is dependent on the speed and grade of the roadway. On route 56, it is estimated that the grade on the eastbound approach is between three (3) and five (5) percent. To be conservative, using a 3% upgrade, the required stopping sight distance at 55 mph is 469'. For reference, stopping sight distance is 495' for a level road. On the westbound approach, there is an upgrade and a downgrade. The required stopping sight distance, which is 495', is based on a level roadway. Based on measurements taken by others, it is our understanding that stopping sight distance is not available in either direction.

Moving the entrance location to the east results in an improvement in sight and stopping distance on the east side of the entrance but decreases the sight and stopping distances on the west side of the entrance. VDOT has indicated it will not permit the entrance to be located on the west side of state route 761 (Cabell Mountain Lane). An eastbound right turn lane could be installed to eliminate the stopping sight distance inadequacy, but sight distance would still not meet the minimum requirement.

One option available to the church is to use a speed study to determine the 85th percentile speed in hopes that this measured value is significantly lower than the posted speed, which would enable the use of a lower speed in the determination of the required sight distance and stopping sight distance.

Hurt & Proffitt visited the site on December 17, 2013 to assess the existing conditions. While speeds were not measured, traffic appeared to be traveling at or around the posted speed limit. It is therefore assumed that a speed study would result in an 85th percentile speed that is not much different than the posted speed.

Based on the discussion above, constructing the entrance at the location where the sight distance requirements are met seems to be the best option. Because stopping sight distance is not available at that location, both left and right turn lanes would be required.

It should be noted that if sight distance and stopping sight distance requirements could be met, a warrant study would still be required to determine if right and/or left turn lanes are required based on the number and distribution of trips generated by the site. The warrant study is presented in Section 6.0 below.

2.0 Existing Roadway Geometry

The proposed project is located on the south side of Virginia Highway 56, just east of its intersection with US 29. According to the VDOT 2005 Functional Classification Map for Nelson County, Highway 56 is an undivided two-lane rural major collector with an east to west orientation in the study area. The speed limit on Highway 56 is 55 mph. See **Figure 1** for a vicinity map of the local area. The subject property is bordered by residential and agricultural uses on all sides.

3.0 Field Observations

Hurt & Proffitt visited the site on December 17, 2013 to assess the existing conditions. The speed limit on Highway 56 is posted at 55 miles per hour. Observed speeds appeared to be consistent with the posted speed but were not measured. There was no pedestrian activity.

4.0 Site Access

All access to the site will be off of Highway 56, with one proposed entrance. There are currently no turn lanes on Highway 56 in the vicinity of the project.

FIGURE 1 - VICINITY MAP



Source: Google Maps

5.0 Trip Generation and Projected Traffic Distribution

The methodology presented in the ITE Trip Generation Manual (8th edition) was used to estimate the number of trips generated by the proposed development during various peak periods. The manual provides trip generation rates to calculate the number of trips expected by each type of development. The table below summarizes the trip generation characteristics of this site, which is comprised of a new church sanctuary with a total of 250 seats and a private school for 100 students. Trip generation equations were not available for this project.

Table 2. Trip Generation Summary

Period	Rate	Total Trip Ends	Entering		Exiting	
			Percent	Trips	Percent	Trips
PRIVATE SCHOOL						
Weekday AM Peak Hour	0.81	81	61	49	39	32
Weekday PM Peak Hour of Adjacent Street (4 – 6 PM)	0.17	17	43	7	57	10
Weekday PM Peak Hour of Generator	0.58	58	42	24	58	34
CHURCH						
Weekday	0.61	153	50	76	50	77
Saturday	0.90	225	50	112	50	113
Saturday Peak Hour of Generator	0.60	150	43	65	57	85
Sunday	1.85	463	50	231	50	232
Sunday Peak Hour of Generator	0.61	153	51	78	49	75

It should be noted that the church and the private school will operate at different times of the day. For this reason, the trips for the school should not be combined with the trips for the church. Furthermore, the peak period of operation for the church and school do not occur during the typical peak periods of adjacent roadway. However, to be conservative, the warrant study (see next section) will use the Saturday and Sunday Peak Hours of the church, which are higher than the school's peak, in combination with the peak period for the adjacent roadway.

Figure 2 summarizes the trip generation volumes for the Saturday and Sunday peak hours.

6.0 Turn Lane Warrants

VDOT indicates that there are a total of 1,300 vehicles that use the subject roadway per day. The directional factor is 0.576, meaning that 58 percent of vehicles are traveling in the peak direction during the peak hour. The K factor, which is an estimate of the percentage of daily traffic that travels during the peak hour, is 0.125. Thus, during the peak hour 163 vehicles are on the roadway during the peak hour ($1,300 \times 0.125 = 163$). The directional split is 58/42, so 95 vehicles travel in the peak direction and 68 vehicles travel in the opposite direction.

Warrant for Left Turn Lane on Two-Lane Highways

Using Table 3-1 on page F-53 of the VDOT Road Design Manual:

Two-lane highway with 60 MPH operating speed

Oposing Volume (VPH) [peak dir. volume above + entering EB trips]: 122 (Saturday), 128 (Sunday)

Advancing Volume (VPH) [non-peak dir. volume above + entering WB trips]: 106 (Saturday), 113 (Sunday)

Left Turn Volume (VPH): 38 (Saturday) or 36% of Advancing Vol., 45 (Sunday) or 40% of Advancing Vol.

With opposing volume (VPH) of 122 (Saturday) and 128 (Sunday) and 30% of advancing volume making left turns, an advancing volume of 230 (interpolated) or more will warrant a left-turn lane. Because 40% Left Turns is not shown in the table, it is estimated that an advancing volume (VPH) of 210 or more would warrant a left turn lane. Based on this analysis, a left turn lane is not warranted either Saturday or Sunday.

Warrant for Right Turn Lane on Two-Lane Highways

Using Figure 3-26 on page F-74 of the VDOT Road Design Manual:

PHV Approach Total (VPH): 122 (Saturday), 128 (Sunday) [Opposing Volume from Left Turn Warrant above]

PHV Right Turns (VPH): 27 (Saturday), 33 (Sunday)

Based on this analysis, with PHV Right turns of 27 (Saturday) and 33 (Sunday) and PHV Approach Totals of 122 (Saturday) and 128 (Sunday), no right turn lanes or tapers are required for this project either Saturday or Sunday.

7.0 Summary

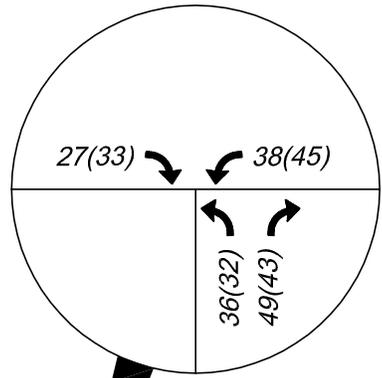
Based on measurements taken by others, sight distance can be obtained in either direction of the proposed church access. Stopping sight distance, however, does not meet the minimum VDOT requirements in either direction. One option available to the church is to conduct a speed study to determine the 85th percentile speed in hopes that it is less than the posted speed of 55 mph. If so, the sight and stopping sight distance requirements could be reduced.

Although the volume-based turn lane warrant study does not require a right-turn lane or a left-turn lane, the controlling condition is the lack of stopping sight distance. Constructing right and left turn lanes would allow the entrance to be placed where planned because stopped vehicles would be stored in turn lanes, eliminating the stopping sight distance requirement.

NORTH

RTE 761 (CABELL MOUNTAIN LN)

HWY 56 (TYE BROOK HWY)



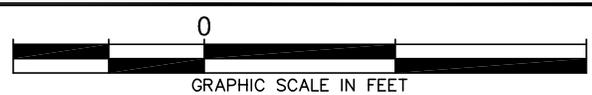
~ 0.16 MI TO US 29 (FROM SITE)

SITE

LEGEND

XX (XX) = SATURDAY (SUNDAY)

PROJECT NO. 20130689	FILE NO.	DRAWN BY: PSB
G.L. NO.	DATE: 02/14/14	CHECKED BY:



HURT & PROFFITT
 2524 LANGHORNE ROAD
 LYNCHBURG VA 24501
 800.242.4906 TOLL FREE
 434.847.7796 MAIN
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 GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

FIGURE 2:
TRIP DISTRIBUTION
LIVING WORD CHURCH
NELSON COUNTY, VIRGINIA

APPENDIX

Stopping Sight Distance

Stopping sight distances exceeding those shown in the table below should be used as basis for design wherever practical.

In computing and measuring stopping sight distances, the height of the driver's eye is estimated to be 3.5 feet and the height of the object to be seen by the driver is 2 feet, equivalent to the taillight height of a passenger car. The "K Values" shown are a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve that will provide minimum sight distance. Crest vertical curves shall meet or exceed AASHTO design criteria for Stopping Sight Distance, not the "k" Values. Sag vertical curves shall meet or exceed the AASHTO design criteria for headlight sight distance and "k" Values.

Height of Eye 3.5'						Height of Object 2'					
Design Speed (mph) **	25	30	35	40	45	50	55	60	65	70	75
MIN. SIGHT DISTANCE (FT.)	155	200	250	305	360	425	495	570	645	730	820
MINIMUM K VALUE FOR:											
CREST VERTICAL CURVES	12	19	29	44	61	84	114	151	193	247	312
SAG VERTICAL CURVES	26	37	49	64	79	96	115	136	157	181	206

Source: 2011 AASHTO Green Book, Chapter 3, Section 3.2.2, page 3-4

TABLE 2-5 STOPPING SIGHT DISTANCE

When a highway is on a grade, the sight distances in the table below shall be used.

Design Speed (mph) **	Stopping Sight Distance on Grades					
	Downgrades			Upgrades		
	3%	6%	9%	3%	6%	9%
15	80	82	85	75	74	73
20	116	120	126	109	107	104
25	158	165	173	147	143	140
30	205	215	227	200	184	179
35	257	271	287	237	229	222
40	315	333	354	289	278	269
45	378	400	427	344	331	320
50	446	474	507	405	388	375
55	520	553	593	469	450	433
60	598	638	686	538	515	495
65	682	728	785	612	584	561
70	771	825	891	690	658	631
75	866	927	1003	772	736	704

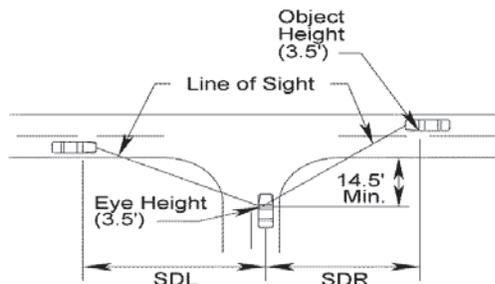
TABLE 2-6 STOPPING SIGHT DISTANCE ON GRADES

(See 2011 AASHTO Green Book, Chapter 3, Section 3.2.2, page 3-5)

* Rev. 1/14

Intersection Sight Distance

The following table shows intersection sight distance requirements for various speeds along major roads:



SDR = Sight Distance Right (For a vehicle making a left turn)
 SDL = Sight Distance Left (For a vehicle making a right or left turn)

Height of Eye 3.5'		Height of Object 3.5'										
Design Speed (mph)**		20	25	30	35	40	45	50	55	60	65	70
In Feet	SDL=SDR: 2 Lane Major Road	225	280	335	390	445	500	555	610	665	720	775
	SDR: 4 Lane Major Road (Undivided) or 3 Lane	250	315	375	440	500	565	625	690	750	815	875
	SDL: 4 Lane Major Road (Undivided) or 3 Lane	240	295	355	415	475	530	590	650	710	765	825
	SDR: 4 Lane Major Road (Divided – 18' Median)	275	340	410	480	545	615	680	750	820	885	955
	SDL: 4 Lane Major Road (Divided – 18' Median)	240	295	355	415	475	530	590	650	710	765	825
	SDR: 5 Lane Major Road (continuous two-way turn-lane)	265	335	400	465	530	600	665	730	800	860	930
	SDL: 5 Lane Major Road (continuous two-way turn-lane)	250	315	375	440	500	565	625	690	750	815	875
	SDR: 6 Lane Major Road (Divided – 18' Median)	290	360	430	505	575	645	720	790	860	935	1005
	SDL: 6 Lane Major Road (Divided – 18' Median)	250	315	375	440	500	565	625	690	750	815	875
	SDL: (Where left turns are physically restricted)	210	260	310	365	415	465	515	566	620	670	725

TABLE 2-7 INTERSECTION SIGHT DISTANCE

Source: AASHTO Green Book, Chapter 9, Section 9.5.3, page 9-37 thru 9-52, * Table 9-5 thru 9-14

**For all tables, use design speed if available, if not use legal speed.

* Rev. 1/14

Virginia Department of Transportation
Traffic Engineering Division
2012

Annual Average Daily Traffic Volume Estimates By Section of Route
Nelson Maintenance Area

Route	Jurisdiction	Length	AADT	QA	4 Tire	Bus	2Axle	3+Axle	1Trail	2Trail	QC	K Factor	QK	Dir Factor	AAWDT	QW
56	From: Nelson County	8.65	230	G	98%	1%	1%	1%	0%	0%	C	0.15	F	0.615	240	G
	To: Nelson County	7.65	640	G	94%	1%	3%	1%	1%	0%	F	NA			660	G
56	From: Nelson County	1.96	990	G	94%	1%	3%	1%	1%	0%	C	0.126	F	0.575	1000	G
	To: Nelson County	2.56	1700	G	93%	1%	2%	3%	2%	0%	C	NA			1600	G
56	From: Nelson County	0.20	370	G	92%	1%	2%	3%	2%	0%	F	0.123	F	0.538	380	G
	To: Nelson County	4.83	1300	G	92%	1%	2%	3%	2%	0%	C	0.125	F	0.576	1300	G
56	From: Nelson County	4.28	16000	G	89%	1%	1%	1%	9%	0%	F	0.079	F	0.544	16000	G
	To: Nelson County	0.30	3200	G	96%	1%	1%	0%	1%	0%	C	0.092	F	0.659	3300	G
56	From: Nelson County	3.79	2200	G	97%	0%	1%	0%	2%	0%	C	0.106	F	0.645	2200	G
	To: Nelson County	8.03	910	G	97%	0%	1%	0%	2%	0%	F	0.092	F	0.688	930	G
56	From: Nelson County	2.72	310	G	90%	0%	3%	1%	6%	0%	C	0.097	F	0.6	310	G
	To: Nelson County	6.33	1500	G	76%	1%	1%	5%	17%	0%	C	0.087	F	0.508	1500	G
60	From: Nelson County (Maint: 02)	1.36	15000	A	89%	1%	1%	1%	9%	0%	F	0.106	A		15000	A
	To: Nelson County (Maint: 02)	0.04	NA												30000	A
East 64	From: Nelson County (Maint: 02)	0.02	NA												NA	NA
	To: Nelson County (Maint: 02)	0.04	NA												NA	NA
West 64	From: Nelson County (Maint: 02)	1.36	15000	A	88%	1%	1%	1%	9%	0%	F	0.126	A		15000	A
	To: Nelson County (Maint: 02)	0.04	NA												30000	A

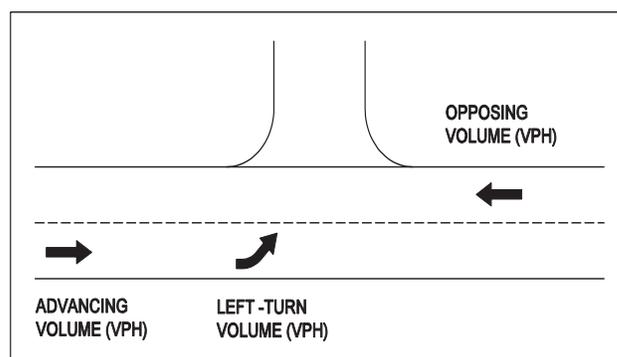
Warrants for Left Turn Storage Lanes on Two-Lane Highways

Advancing volume and opposing volumes (VPH), speed and percent left turns are used to determine whether a left turn storage lane is warranted on two-lane highways.

The warrants in table below are taken from the 2011 AASHTO Green Book, Chapter 9, Section 9.7.3, Page 9-132, Table 9-23. They were derived from Highway Research Report No. 211, Figures 2 through 19, for required storage length determinations.

WARRANTS FOR LEFT TURN LANES ON TWO-LANE HIGHWAYS

VPH OPPOSING VOLUME	ADVANCING VOLUME			
	5% LEFT TURNS	10% LEFT TURNS	20% LEFT TURNS	30% LEFT TURNS
	40-MPH DESIGN SPEED*			
800	330	240	180	160
600	410	305	225	200
400	510	380	275	245
200	640	470	350	305
100	720	515	390	340
	50-MPH DESIGN SPEED*			
800	280	210	165	135
600	350	280	195	170
400	430	320	240	210
200	550	400	300	270
100	615	445	335	295
	60-MPH DESIGN SPEED*			
800	230	170	125	115
600	290	210	160	140
400	365	270	200	175
200	450	330	250	215
100	505	370	275	240



Example:

Two-lane highway with 40-MPH operating speed

Opposing Volume (VPH) - 600
 Advancing Volume (VPH) - 440
 Left-Turn Volume (VPH) - 44 or 10% of Advancing Volume

With opposing volume (VPH) of 600 and 10% of advancing volume (VPH) making left turns, and advancing volume (VPH) of 305 or more will warrant a left-turn lane.

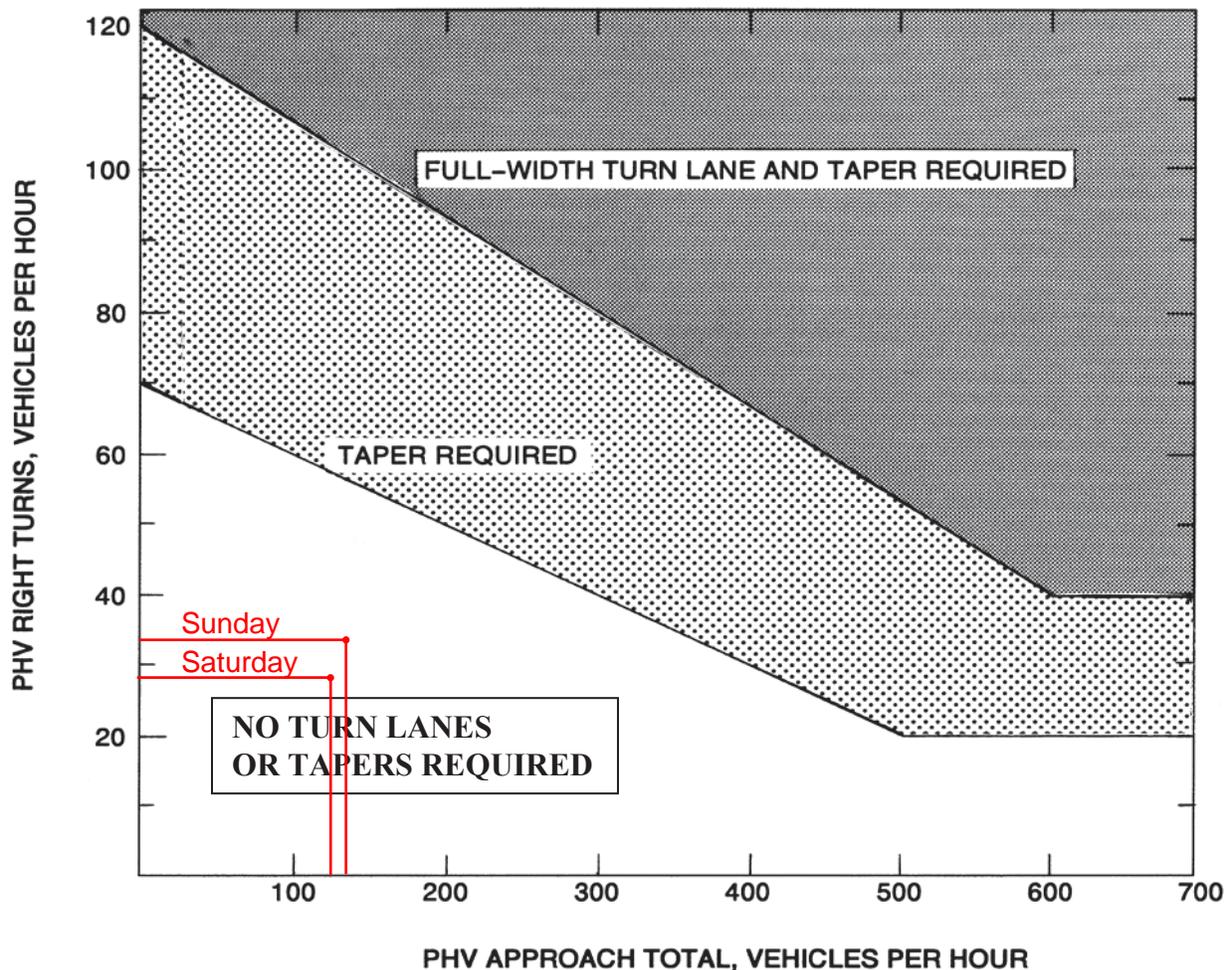
When the Average Running Speed on an existing facility is available, the corresponding Design Speed may be obtained from IIM LD- 117.

TABLE 3-1

Source: Adapted from 2011 AASHTO Green Book, Chapter 9, Section 9.7.3, Page 9-132, Table 9-23

* USE DESIGN SPEED IF AVAILABLE, IF NOT USE LEGAL SPEED LIMIT.

* Rev. 1/14



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

For posted speeds at or under 45 mph, PHV right turns > 40, and PHV total < 300.

Adjusted right turns = PHV Right Turns - 20

If PHV is not known use formula: $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

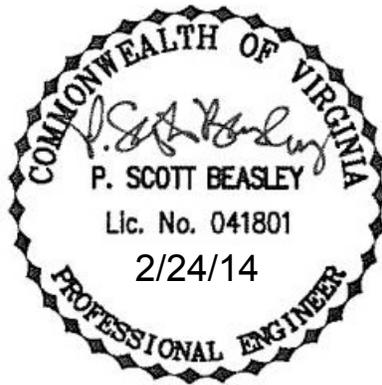
FIGURE 3-26 GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)

SPEED STUDY

TYE BROOK HWY (HWY 56) NELSON COUNTY, VIRGINIA

H&P Project No. 2013689

February 24, 2014



Submitted By:

P. Scott Beasley, PE, LEED AP

PURPOSE

The purpose of this report is to summarize the results of a speed study conducted on Virginia Highway 56 (Tye Brook Highway) in Nelson County, Virginia. The study was conducted between state route 761 (Cabell Mountain Lane) and US 29 (Thomas Nelson Highway).

The report is broken down into the following sections: Data Collection, Results, and Summary.

DATA COLLECTION

Speed data was collected over a 28-hour period, beginning at approximately 10:00 a.m. on February 20, 2014 and ending at 2:00 p.m. February 21, 2014, using a JAMAR Technologies Trax I Plus traffic counter. A brief rain storm occurred at 8:00 a.m. on February 21, 2014 and the road dried by 11:00 a.m. The data collected during the period in which the road was wet was not used in the analysis, as discussed later in this report.

Two count tubes were placed across the roadway, spaced 24” apart, at the location of a proposed driveway to a new church. Photos 1 and 2 show eastbound and westbound views showing the count location.

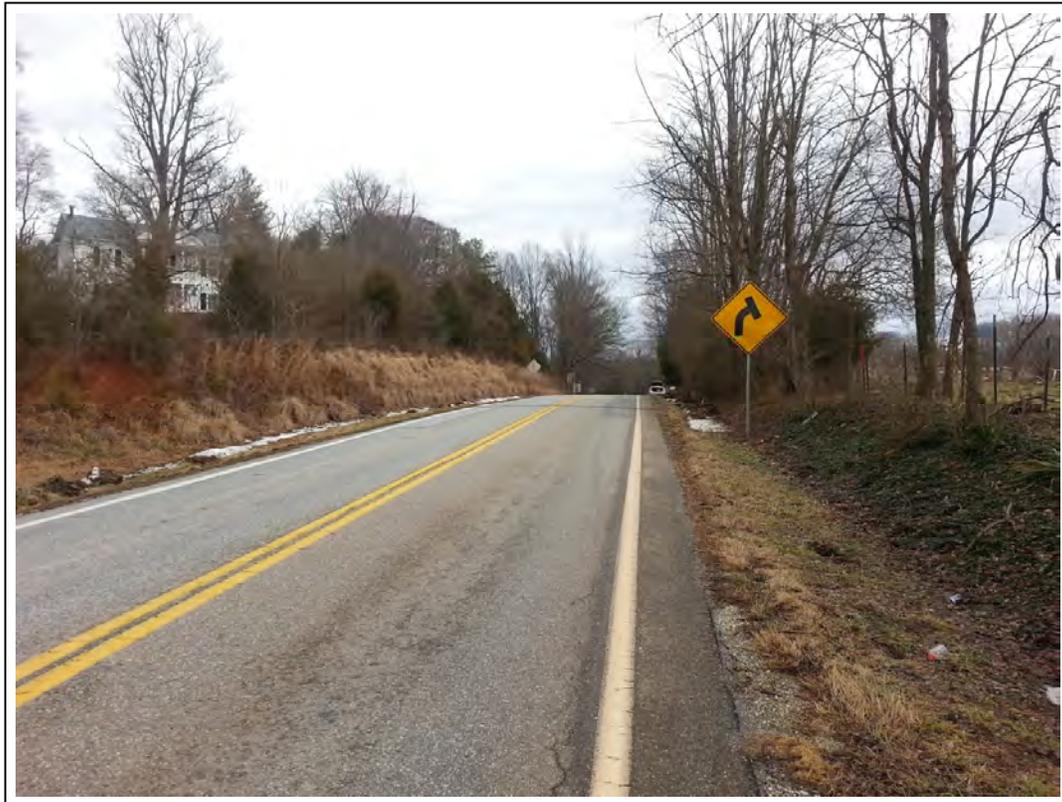


Photo 1. View of Tye Brook Highway (Hwy 56) counter set-up, looking east.



Photo 2. View of Tye Brook Highway (Hwy 56) counter set-up, looking west.

The raw count data, consisting of time-stamped axle hits, was downloaded from the traffic recorder using JAMAR Technologies' TraxPro software. The resulting speed study report is attached.

RESULTS

Due to a rain event on the morning of February 21, 2014, three hours of data were removed from the raw data set prior to conducting the analysis. This period (8:00 a.m. to 11:00 a.m.) represents the time between the start of the rain event and the point at which the roadway dried off (or the time during which the wet roadway may have influenced the speed at which people travel on this roadway segment).

The resulting data set contains 25 hours of data. The processed count data indicates a total of 2,197 vehicles were analyzed for the speed report over the 25-hour study period. A summary of the results are provided in the attached data report, which shows that the mean speed (average) was 47 mph and the 85th percentile speed was 55 mph. There is a distinct difference in the directional speed statistics, as shown in the attached report. In the eastbound direction, the vehicles are heading toward US 29 along a long straight segment of the highway. Despite coming up an incline, the mean speed of eastbound

vehicles is 51 mph and the 85th percentile is 58 mph. The mean westbound speed is 44 mph and the 85th percentile is 50 mph. In the westbound direction traffic enters the study area after turning off of US 29 and may not be fully up to speed.

SUMMARY

The speeds recorded during the study are consistent with observations and field conditions. Due to the presence of the long straight stretch of highway 56, eastbound vehicles tend to travel faster than westbound vehicles that are not up to speeds after having just turned off of US 29.

The required intersection and stopping sight distances should be based on the resulting 85th percentile speeds.

Intersection Sight Distance

A vehicle turning right out of the development would require 610 feet of sight distance (based on 55 mph eastbound speeds) and a vehicle turning left out of the development would require 555 feet (based on 50 mph westbound speeds. Reference: Table 2-7 Intersection Sight Distance, VDOT Roadway Design Manual, Appendix F, page F-35.

Stopping Sight Distance

Eastbound vehicles require 469 feet of stopping sight distance (based on 55 mph speed on a 3% upgrade) and westbound vehicles required 425 feet of stopping sight distance (based on a 50 mph speed on level ground). Reference: Tables 2-5 Stopping Sight Distance and 2-6 Stopping Sight Distance on Grades, VDOT Roadway Design Manual, Appendix F, page F-34.



29 November 2013

Nelson County Board of Supervisors
Post Office Box 336
Lovingston, VA 22949

Dear Board Members:

As you know, the Rockfish Valley is an attractive destination known for its natural beauty and serenity, and a place the member businesses of Nelson 151 personally call home.

We know that as the beauty and economic vitality of this area becomes known to many, it is a matter of “when” versus “if” growth and development will occur. At our November Nelson 151 meeting, the group discussed the possibility that ongoing change is not guaranteed to be desirable or in keeping with the local character. It was noted that the County’s Comprehensive Plan was adopted over ten years ago. We feel this plan does not adequately describe the 151 corridor’s current economic success and development patterns; and by extension it does not adequately anticipate future scenarios (good or bad).

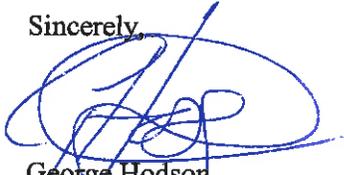
To that, we feel that there is the opportunity and the necessity to undertake some type of strategic planning process for the Rockfish Valley. The Nelson 151 group recognizes the recent completion of a VDOT Corridor Study for Route 151, but that process was limited to transportation. We believe there is a real need for a broader planning process that can produce a community vision for the 151 corridor with related goals and objectives; an asset inventory that identifies what is special about this part of the County; a summary of concerns, issues, and threats to the corridor; and a summary of recommendations for the Rockfish Valley.

We also believe any such project must include public participation. Nelson 151 members continue to be sensitive to the perspectives of longtime residents, and the group agrees that participation from the wider community is critical. The group desires this type of project in order to help ensure that the character and the economic success of the 151 corridor continued, for the ongoing benefit of residents and businesses.

We respectfully request that the Board direct Tim Padalino, Director of Planning and Zoning, and Maureen Kelley, Director of Economic Development, to work with Nelson 151 and all other corridor stakeholders to convene the strategic planning process.

Please let me know how we can assist with this very important endeavor.

Sincerely,



George Hodson
Chairperson, Nelson 151
george@veritaswines.com
540-456-8000

cc: Afton Mountain Vineyards
Blue Mountain Brewery
Bold Rock Cidery
Cardinal Point Winery
Devils Backbone Brewing Company
Flying Fox Vineyard
Hill Top Berry Farm and Winery
Pollak Vineyards
Silverback Distillery
Veritas Vineyard and Winery
Wild Wolf Brewing Company
Wintergreen Winery

RESOLUTION R2014-18
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
FY15-FY20 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 Section 33.1-70.01 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 2015 through 2020 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2015,

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, April 8, 2014.

Adopted: _____, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

**PUBLIC HEARING NOTICE
NELSON COUNTY BOARD OF SUPERVISORS
2015-2020 SECONDARY SIX-YEAR ROAD PLAN
AND CONSTRUCTION PRIORITY LIST
FOR NELSON COUNTY**

The Virginia Department of Transportation and the Board of Supervisors of Nelson County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board Room of the Nelson County Courthouse, 84 Courthouse Square, Lovingston, Virginia at 7:00 pm on Tuesday, April 8, 2014. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2015 through 2020 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2015. Copies of the proposed Plan and Budget may be reviewed at the Nelson County Administrator's Office located at 84 Courthouse Square, Lovingston, VA 22949.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP) and are programmed based on Commonwealth Transportation Board (CTB) priorities. Only Telefee Funds are available for distribution and there are no Unpaved Road Funds.

Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at (434) 947-2167 or the Nelson County Administrator's Office at (434) 263-7000.

By Authority of the Nelson County Board of Supervisors

ORDINANCE O2014-01
NELSON COUNTY BOARD OF SUPERVISORS
ENACTMENT OF CHAPTER 4, ARTICLE II, DIVISION IV
NELSON COUNTY UNSAFE BUILDINGS AND STRUCTURES

Sec. 4-57. Short title; authority.

a. This article may be known and cited as the "Nelson County Unsafe Buildings and Structures Ordinance."

b. This article has been enacted pursuant to Code of Virginia §15.2-906 (1950, as amended), and shall be administered consistent with the provisions of the Uniform Statewide Building Code and regulations promulgated thereunder applicable to or adopted by Nelson County.

Sec. 5-58. Definitions.

Building shall mean any structure used or intended for supporting or sheltering any use or occupancy.

Building official shall mean the person so designated by the Nelson County Board of Supervisors to serve as the code official for administration and enforcement of the provisions of the Virginia Uniform Statewide Building Code, or his designee.

County shall mean Nelson County, Virginia.

Owner shall mean any person having a legal or equitable interest of record.

Person shall mean any individual, firm, partnership, cooperative, corporation, association, estate, trust, trustee in bankruptcy, receiver, club, society, or other group or combination acting as a unit.

Structure shall mean that which is built or constructed.

Sec. 4-59. Order to remove, repair, or secure.

The building official may order any owner of property in the county to remove, repair, or secure any building, wall, or other structure which he determines might endanger the public health or safety of other residents of the county.

a. The order shall be contained in a notice issued by the building official to the owner and to the lien holder. The notice shall be in writing and shall identify the condition of the building, wall, or other structure that constitute a danger to the public health or safety, specify the measures that must be taken to eliminate the danger, and state a reasonable time within which the measures must be taken.

b. The notice shall be mailed by certified or registered mail, return receipt requested and be sent to the last known address of the property owner. The notice shall also be published once a week for two successive weeks in a newspaper having general circulation in the county.

c. For purposes of the section, "repair" includes maintenance work to the exterior of a building to prevent deterioration of the building, wall, or structure, or adjacent buildings.

Sec. 4-60. Authority of building official to remove, repair, or secure.

Upon the issuance by the building official of an order to remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents of the county, the County Administrator, through the county's agents or employees, is authorized to remove, repair, or secure any building, wall or any other structure, if:

a. Notice has been provided to the owner of the property and the lienholder as provided in Section 4-59;

b. At least 30 days have passed since the later of either the return of the receipt or newspaper publication, as provided in section 4-59(b,) except that the county may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice; and,

c. The owner and the lien holder of the property have failed to remove, repair, or secure the building, wall, or other structure within the time period specified in the notice.

Sec. 4-61. Recovery of costs if the county removes, repairs, or secures; lien.

a. If the county removes, repairs, or secures a building, wall or other structure pursuant to Section 4-59, the cost or expenses thereof shall be chargeable to and paid by the owner of the property.

b. Every charge authorized by this section may be collected by the county as taxes are collected.

c. Every charge authorized by this section with which the owner of the property has been assessed and which remains unpaid shall constitute a lien against the property. The lien shall rank on a parity with liens for unpaid local taxes and shall be enforceable in the same manner as provided in Virginia Code §§ 58.1-3940 *et seq.* and 58.1-3965 *et seq.*

Sec. 4-62. Written consent.

Notwithstanding the foregoing, with the written consent of the property owner, the county may, through its agents or employees, demolish or remove a derelict nonresidential building or structure provided that such building or structure is neither located within or determined to be a contributing property within a state or local historic district nor individually designated in the Virginia Landmarks Register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in Section 4-61. In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to Section 4-61.

Sec. 4-63. Civil penalty.

If the owner of the property should fail to remove, repair, or secure the building, wall, or other structure within the time period specified in the notice the owner shall be liable for, in addition to any other cost and expense, a civil penalty of \$1,000.00.

Sec. 4-64. Remedies of this article not exclusive.

The remedies authorized by this article shall not be exclusive of any other remedy provided by law, including any remedy to abate, raze, or remove an unsafe structure or equipment as provided in the building code, or any remedy to abate, raze, or remove a building, wall, or structure that constitutes a public nuisance as provided in Virginia Code §§ 15.2-900, 15.2-1115, and 48-1 *et seq.*

State Law Reference: *Va. Code* §15.2-906

From: [Jenny Johnson](#)
To: [Alyson Sappington](#); [Steve Carter](#)
Cc: [Candy McGarry](#); [Tim Padalino](#); [David Thompson](#); "[Cosby, M. Ann Neil](#)"
Subject: RE: Nelson County - Request for Input on Stormwater Program Following Gen. Assembly Action
Date: Wednesday, March 05, 2014 4:40:35 PM

Steve,

I think Alyson did an outstanding job of identifying pros and cons. My overall comment is that if you do not run your own program,

you lose control over being able to expedite plan approval

- However, DEQ will still have to meet the deadlines for plan reviews contained in the regulations (15 days for completeness reviews, 45 days for plan reviews, and likely an additional 45 days to review revised plans).

post-construction inspections could be problematic

you lose flexibility concerning making changes to the locality portion of the fees

- Yet, the legislation reduced the financial impact to residential single family construction projects. But exactly how or with whom an Agreement in Lieu of a Plan will be made if DEQ is running the Program has still got to be worked out.

Your staff (or Alyson) does not have to incur added responsibilities associated with running your program.

An unanswered question (because no one wants to ask DEQ until after the Governor signs the legislation) is if a locality opts out, whether or not DEQ will continue to reimburse localities for costs incurred after March 2014 with grant money. If you do opt out, then make sure you know the answer to this question before you engage in public outreach or other grant-funded activities you may have planned.

Jenny

Jenny Johnson | *Senior Technical Manager – Environmental Services* |

JOYCE ENGINEERING

Richmond, VA - Greensboro, NC - Charlotte, NC - Charleston, SC | 1604 Ownby Lane, Richmond, VA 23220 |
tel: (804) 355-4520 | direct: (804) 980-7462 | cell: (804) 357-0697 | fax: (804) 355-4282 | JoyceEngineering.com

From: Alyson Sappington [mailto:alyson.sappington@tjswcd.org]

Sent: Wednesday, March 05, 2014 3:48 PM

To: 'Steve Carter'

Cc: 'Candy McGarry'; 'Tim Padalino'; 'David Thompson'; Jenny Johnson; 'Cosby, M. Ann Neil'

Subject: RE: Nelson County - Request for Input on Stormwater Program Following Gen. Assembly Action

Steve,

I'll take a try at this, and would appreciate additions, corrections, or alternative opinions from the others:

Pros of Nelson County implementing VSMP locally (& cons of DEQ implementation):

- The VSMP will be completely integrated with plan reviews and inspections for the E&SC Program. If, however, DEQ implements the program, it will take considerable effort on both sides to coordinate the plan reviews for VSMP & E&SC, since local staff will continue to review plans for E&SC. (Developers will need to send additional sets of plans to DEQ for review of the VSMP component).
- Plan reviews will likely be done in a more timely manner locally, and local requests for expediting certain plan reviews can more easily be met. (This will depend on how well staffed and funded DEQ becomes in this program.)
- If "field changes" are requested during construction, it will be easier to get those changes reviewed and approved with a locally implemented program.
- When stormwater management practices are installed, it is more likely that a local inspector can be there to ensure it is being installed correctly. A *post*-installation inspection by DEQ may reveal construction errors that will be more costly to correct than if the problem was discovered earlier.
- Fees intended to cover the costs of program implementation will come to the County. If DEQ implements the program, all fees will go to DEQ. Developers will pay the same fee regardless. (Although, if Nelson implements locally, they can opt to change the fee as long as DEQ gets their administrative share.)
- If Nelson chooses to administer the program locally, and if it doesn't seem to be working out, the County may later request that DEQ administer it.

Pros of DEQ implementing VSMP (& cons of local implementation):

- If DEQ implements, there will be less administrative coordination through the County to ensure developers receive required state permit coverage. (However, Nelson County will still need to inform applicants of state permit coverage requirements, and must report regularly to DEQ about land disturbing activities of 1 acre or greater.)
- It will be easier for Nelson County to deflect complaints about the program and its requirements.
- There will be no need to train staff for new program implementation (technical & administrative training).
- Enforcement actions will be the responsibility of DEQ.
- Long term inspections and maintenance issues will be handled by DEQ.
- If Nelson chooses to opt out and have DEQ implement, the County may change its mind at a later date.

Alyson

Alyson Sappington, District Manager
Thomas Jefferson Soil and Water Conservation District
706G Forest Street
Charlottesville, VA 22903

www.tjswcd.org

phone: 434-975-0224, Ext. 100

fax: 434-975-1367

email: alyson.sappington@tjswcd.org

From: Steve Carter [<mailto:SCarter@nelsoncounty.org>]

Sent: Wednesday, March 05, 2014 12:54 PM

To: Alyson Sappington; Jenny Johnson (jjohnson@joyceengineering.com); Cosby, M. Ann Neil

Cc: Candy McGarry; Tim Padalino; David Thompson

Subject: Nelson County - Request for Input on Stormwater Program Following Gen. Assembly Action

Good afternoon Alyson, Jenny and Ann Neil,

Will each of you be so kind to assist County staff with regard to the above subject by providing you input on pros and cons on the question of should the County proceed with implementation of a local Stormwater Management Program or opt out and continue to have VA-DEQ maintain full responsibility for this program?

Your assistance with this question is very much appreciated.

Best regards,

Steve

Stephen A. Carter

Nelson County Administrator

P. O. Box 336

84 Courthouse Square

Lovingston, VA 22949

Ph. (434) 263-7001

Fx. (434) 263-7004

HB 1173 Stormwater management programs; State Water Control Board to establish procedures and regulations.

[another bill?](#)[M. Keith Hodges](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)[history](#)

Summary as passed:

Stormwater management programs; optional for some localities. Stormwater management programs; optional for some localities. Requires the Department of Environmental Quality to establish a Virginia Stormwater Management Program (VSMP) for any locality that neither opts to establish its own program nor operates a municipal separate storm sewer system (MS4). The bill defers the VSMP requirement for six months for certain recent MS4 localities. The bill alters the permitting appeals process and allows for an agreement in lieu of a stormwater management plan, and it directs the State Water Control Board to adopt regulations relating to the issuance of permits for parcels in subdivisions, the registration of single-family residences, and the reciprocity given by Virginia for proprietary Best Management Practices established elsewhere. The bill exempts single-family residences from payment of the Department's portion of the fee for the state general permit. Finally, the bill provides that the consolidation of state post-construction requirements into Virginia's General Permit shall not modify the scope of enforcement of the federal Clean Water Act and exempts from most requirements of the Administrative Process Act those regulations of the State Water Control Board that will be necessary to implement the act. This bill incorporates [HB 58](#), [HB 649](#), and [HB 261](#) and contains an emergency clause. This bill is identical to [SB 423](#).

Summary as passed House:

Stormwater management programs; optional for some localities. Requires the Department of Environmental Quality to establish a Virginia Stormwater Management Program (VSMP) for any locality that neither opts to establish its own program nor operates a municipal separate storm sewer system (MS4). The bill defers the VSMP requirement for six months for certain recent MS4 localities. The bill alters the permitting appeals process and allows for an agreement in lieu of a stormwater management plan, and it directs the State Water Control Board to adopt regulations relating to the issuance of permits for parcels in subdivisions, the registration of single-family residences, and the reciprocity given by Virginia for proprietary Best Management Practices established elsewhere. Finally, the bill provides that the consolidation of state post-construction requirements into Virginia's General Permit shall not modify the scope of enforcement of the federal Clean Water Act and exempts from most requirements of the Administrative Process Act those regulations of the State Water Control Board that will be necessary to implement the act. This bill incorporates [HB 58](#), [HB 649](#), and [HB 261](#) and contains an emergency clause.

Summary as introduced:

Stormwater management programs; optional for some localities. Allows any locality that does not operate a municipal separate storm sewer system (MS4) to opt out of establishing Virginia Stormwater Management Programs. Localities that notify the Department of Environmental Quality of their decision to opt out shall have their stormwater programs managed by the Department.



Gladstone Volunteer Fire and Rescue Service

**PO Box 94
Gladstone, VA 24553
434-933-8665**

March 5, 2014

Nelson County Board of Supervisors
Attn: Steve Carter, County Administrator
PO Box 336
84 Courthouse Square
Lovingston, Va. 22949

Dear Members of the Board of Supervisors,

We would first like to thank you all for your constant support of GVF&RS. The last couple of years have been difficult but our community has gained a huge asset and without your support we would not have been able to accomplish all that we have.

We are applying for the March 2014 RSAF grant cycle with The Office of EMS. We applied for the September 2013 RSAF grant and we were denied the ambulance during this grant cycle. We are seeking your support, once again, for 50/50 funding during the March 2014 RSAF grant cycle.

The quote we received for the ambulance is \$175,485.00. The quote is attached to this letter for your convenience. We are seeking 50/50 funding and seeking approval for the 50% local matching funds from the Board of Supervisors. The 50% local match is \$87,742.50.

The local 50% match we hope to receive from the County does not include any money to equip the new ambulance. The 50% local match is for the ambulance alone! GVF&RS applied for ALS equipment, the new monitor, and the new stretcher during the September 2013 RSAF grant cycle and received 80/20 funding for all of this equipment.

Please feel free to contact me if you have any further questions. Thank you again for your support.

Sincerely,

Mary Kathryn Allen
Captain, GVF&RS

FESCO EMERGENCY SALES

BID PROPOSAL for furnishing

HORTON EMERGENCY VEHICLES

March 5, 2014

Gladstone Volunteer Fire & Rescue Services
8786 Richmond Highway
Gladstone, Virginia 24533

To Whom It My Concern:

The undersigned is prepared to manufacture and/or supply for you, upon an order being placed by you for final acceptance by FESCO Emergency Sales (FESCO), at our office in Elkridge, Maryland, the apparatus and equipment herein named and for the following prices:

One (1) Horton #457 Type I Ambulance mounted on a 2015 Ford F-450 4X4 cab and chassis with Ford Power Stroke 6.7 liter diesel engine rated at 300 HP, Ford Torq-Shift 6-speed automatic transmission, Ambulance Prep Package, Horton Intelliplex electrical system, On-Spot Automatic Ice Chains and all aluminum body constructed to the enclosed specifications for the sum of.....

Total: \$ 175,485.00

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached. Delays due to strikes, war or international conflict, failures to obtain materials, or other causes beyond our control in preventing, delivery shall be within 140-160 working days after receipt of this order and the acceptance thereof at our office at Elkridge, Maryland, and to be delivered to you at Gladstone, Virginia.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are initialed by authorized representatives of both parties prior to the acceptance by FESCO of the offer to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

Unless accepted within 30 days from the above date, the right is reserved to withdraw this proposal.

**FESCO EMERGENCY SALES
6401 MACAW COURT
ELKRIDGE, MARYLAND 21075-5604**

By: *Michael A. Seabright*
Michael A. Seabright, Regional Account Manager

RESOLUTION-R2014-19
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT FOR THE ASBESTOS ABATEMENT AND DEMOLITION OF THE
MASSIES MILL RECREATION CENTER, PROJECT #2014-MMRC

WHEREAS, sealed bids for project #2014-MMRC, Massies Mill Recreation Center Building Demolition, were received on February 27, 2014; and

WHEREAS, Jeff Thompson Builder was the lowest responsive and responsible bidder out of six bidders at a bid of \$74,400.00;

NOW BE IT RESOLVED, by the Nelson County Board of Supervisors, the County Administrator, Stephen A. Carter, be and is hereby authorized to award and execute a contract on behalf of Nelson County with Jeff Thompson Builder, Afton Virginia in the amount of \$74,400.00 for the completion of project #2014-MMRC inclusive of asbestos abatement and building demolition of the Massies Mill Recreation Center and removal and disposal of an on-site underground heating oil storage tank.

Approved: _____, 2014

Attest: _____ Clerk,
Nelson County Board of Supervisors



NELSON COUNTY, VIRGINIA IFB# 2014-MMRC
Asbestos Abatement and Demolition of the former Massies Mill Recreation Center Building

BID TABULATION SHEET FEBRUARY 27, 2014 2:00 PM

	<u>COMPANY NAME</u>	<u>BASE BID</u>	<u>PRE-BID ATTENDANCE</u>
1.	SB Cox	\$ 117,629.00	yes
2.	MS Contracting	\$ 94,064.00	yes
3.	Stryker DES	\$ 123,560.00	yes
4.	Ridge Rounders, Inc.	\$ 115,000.00	yes
5.	Waco	\$ 168,610.00	yes
6.	JEFF Thompson	\$ 74,400.00	yes
7.			
8.			
9.			

Closed Session Form Motion March 11, 2014

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 § 2.2-3711 (A)(3): Discussion of the Acquisition of Real Property for a Public Purpose, (A)(5): Discussion of Proposed Existing Business Expansion, (A) (7): Consultation with Legal Counsel Regarding the Leasing of County Property.”

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 that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion.”

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

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 evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.
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.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the

laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § [2.2-3705.1](#).

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § [2.2-3705.5](#).

16. Deliberations of the State Lottery Board in a licensing appeal action conducted pursuant to subsection D of § [58.1-4007](#) regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of State Lottery Department matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § [2.2-3705.3](#) and subdivision 11 of § [2.2-3705.7](#).

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § [51.1-124.30](#), or of any local retirement system, acting pursuant to § [51.1-803](#), or of the Rector and Visitors of the University of Virginia, acting pursuant to § [23-76.1](#), or by the Board of the Virginia College Savings Plan, acting pursuant to § [23-38.80](#), regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement

system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § [32.1-283.1](#), and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § [32.1-283.2](#), and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § [32.1-283.3](#).

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ [54.1-2515](#) et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § [2.2-3801](#), which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ [23-38.75](#) et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § [56-484.15](#), of trade secrets, as defined in the Uniform Trade Secrets Act (§ [59.1-336](#) et seq.), submitted by CMRS providers as defined in § [56-484.12](#), related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § [2.2-4019](#) or [2.2-4020](#) during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § [2.2-3705.6](#) by a responsible public entity or an affected local jurisdiction, as those terms are defined in § [56-557](#), or any independent review panel appointed to review information and advise the responsible public entity concerning such

records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § [2.2-3705.6](#) by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § [2.2-3705.2](#) relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ [37.2-900](#) et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § [2.2-3705.6](#).

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ [15.2-5431.1](#) et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § [2.2-3705.6](#).

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § [24.2-625.1](#).

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ [9.1-1109](#) et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § [2.2-3706](#).

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § [2.2-3705.4](#), and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § [2.2-3705.6](#).

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § [51.1-124.30](#), by the Investment Advisory Committee appointed pursuant to § [51.1-124.26](#), by any local retirement system, acting pursuant to § [51.1-803](#), by the Board of the Virginia College Savings Plan acting pursuant to § [23-38.80](#), or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § [23-38.79:1](#) of records excluded from this chapter pursuant to subdivision 25 of § [2.2-3705.7](#).

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § [2.2-3705.6](#).

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § [2.2-3705.3](#).

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which

there is discussion of records excluded from this chapter pursuant to subdivision 12 of § [2.2-3705.2](#).

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § [2.2-3705.7](#).

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § [2.2-3705.6](#).

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § [2.2-3705.6](#).

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ [54.1-2515](#) et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ [15.2-4900](#) et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

(1968, c. 479, § 2.1-344; 1970, c. 456; 1973, c. 461; 1974, c. 332; 1976, cc. 467, 709; 1979, cc. 369, 684; 1980, cc. 221, 475, 476, 754; 1981, cc. 35, 471; 1982, cc. 497, 516; 1984, cc. 473, 513; 1985, c. 277; 1988, c. 891; 1989, cc. 56, 358, 478; 1990, cc. 435, 538; 1991, c. 708; 1992, c. 444; 1993, cc. 270, 499; 1995, c. [499](#); 1996, cc. [855](#), [862](#), [902](#), [905](#), [1046](#); 1997, cc. [439](#), [641](#), [785](#), [861](#); 1999, cc. [485](#), [518](#), [703](#), [726](#), [849](#), [867](#), [868](#); 2000, cc. [382](#), [400](#), [720](#), [1064](#); 2001, cc. [231](#), [844](#); 2002, cc. [87](#), [393](#), [455](#), [478](#), [499](#), [655](#), [715](#), [830](#); 2003, cc. [274](#), [291](#), [332](#), [618](#), [703](#); 2004, cc. [398](#), [690](#), [770](#); 2005, cc. [258](#), [411](#), [568](#); 2006, cc. [430](#), [499](#), [518](#), [560](#); 2007, cc. [133](#), [374](#), [566](#), [739](#); 2008, cc. [626](#), [633](#), [668](#), [721](#), [743](#); 2009, cc. [223](#), [325](#), [472](#), [765](#), [810](#), [827](#), [845](#); 2010, cc. [310](#), [630](#), [808](#); 2011, cc. [89](#), [111](#), [147](#), [536](#), [541](#), [816](#), [874](#); 2012, cc. [476](#), [507](#), [803](#), [835](#); 2013, cc. [571](#), [580](#), [695](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

THE REPEAL OF SECTIONS 20-1 THROUGH 20-19 OF ARTICLE 20 OF APPENDIX A, ZONING, OF THE CODE OF NELSON COUNTY VIRGINIA, AND THE ENACTMENT OF REPLACEMENT SECTIONS 20-1 THROUGH 20-22 TO READ AS FOLLOWS:

ARTICLE 20. COMMUNICATION TOWER ORDINANCE

20-1 Title

This section shall be known as the Communication Tower Ordinance of Nelson County, Virginia.

20-2 Purpose

The purpose of this article is to establish a clear guideline for siting all types of communication towers in Nelson County so as to:

20-2-1 Protect the health, safety, and general welfare of residents, businesses, and visitors in Nelson County.

20-2-2 Avoid potential damage to adjacent properties from communication tower failure, including, but not limited to, excessive wind or ice, and falling ice or debris.

20-2-3 Minimize potential hazards from communication towers to private aircraft, low-flying law enforcement and medical aircraft, and helicopters.

20-2-4 Maximize the use of existing communication towers to reduce the collective number of towers required in Nelson County for all varieties, types, and forms of wireless service.

20-2-5 Regulate the placement, appearance, and construction of all varieties, forms, and types of communications towers.

20-2-6 Restrict the location of communication towers that adversely impact the natural beauty of the mountains in Nelson County.

20-2-7 Minimize the negative economic impact on tourism by protecting pristine mountain scenery.

20-2-8 Protect the view from the Blue Ridge Parkway, Appalachian National Scenic Trail, and along designated Virginia Scenic Byways.

20-2-9 Protect the University of Virginia's observatory on Fan Mountain from light pollution.

20-2-10 Promote and facilitate the availability of wireless telecommunication services to Nelson County citizens, businesses, and visitors, in support of advancing educational

Complete Application: Is an application that has been filed in the correct form in the proper office accompanied by the appropriate fee and all information required by this Article.

ELA: Electronic Industries Association.

Existing Vegetative Canopy: The existing vegetative plants, trees, or shrubs at the site-specific location of the proposed communication tower site that will provide natural camouflage, concealment, or otherwise hide the communication tower after its construction.

Existing structure: A lawfully constructed or established structure, but excluding (i) existing Communication Towers and (ii) flagpoles.

Feed lines: Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

Final Approving Authority: The Nelson County Planning and Zoning Director or the Board of Supervisors, as designated in this Article.

Least Visually Obtrusive Profile: The design of a wireless communication facility intended to present a visual profile that is the minimum necessary for the facility to function properly.

Mountain Ridge: A ridge with an elevation of one-thousand (1,000) feet or higher above mean sea level and an elevation three hundred (300) feet or more above the elevation of an adjacent valley floor.

Personal Wireless Services: Commercial mobile services, unlicensed wireless services, common wireless exchange access services, and unlicensed wireless broadband internet access.

Structure: Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground. Fences are excluded from this definition.

Substantial increase in the size of a previously approved Communication Tower:

- (i) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
- (ii) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

Viewshed (1) National Park System: 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 Appalachian National Scenic Trail (AT). For the purposes of this ordinance, the viewshed distance is a minimum of one (1) air mile from the outermost boundary line of the National Park System unit, and shall include the forested mountain slopes extending down from the crest of the Blue Ridge to the surrounding valleys below.

Viewshed (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.

20-5 Telecommunication Facility Categories

- A. Class A Personal Wireless Services must comply with Section 20-6.
- B. A Class B Communication Tower requires approval by the Planning and Zoning Director and the issuance of a Class B Communication Tower Permit. For such applications, the Planning and Zoning Director shall be the Final Approving Authority.
- C. A Class C Communication Tower requires approval by the Board of Supervisors and the issuance of a Class C Communication Tower Permit. For such applications, the Board of Supervisors shall be the Final Approving Authority.
- D. Qualifying Permit Amendments and Temporary Tower permits require approval by the Planning and Zoning Director.
- E. Any antenna used exclusively for non-profit, non-broadcast, and non-commercial applications including, but not limited to, residential broadcast reception, amateur radio, citizens band radio, and public safety, local government, fire, rescue, police, and non-profit medical radio services is exempt from the requirements of this Article.

20-6 Class A Personal Wireless Service Facilities

A. Class A personal wireless service facilities ("Class A Facility") erected in accordance with this Section 20-6 are permitted as a by-right use in all zoning districts except as provided below.

B. A Class A Personal Wireless Service Facility is a facility that:

- (i) is located within an existing structure but which may include a self-contained ground equipment shelter not exceeding one hundred fifty (150) square feet that is not within the building, or, a whip antenna that satisfies the design standards below.; or

- b. shall not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches; and,
- c. the total number of arrays of antennas attached to the monopole shall not exceed three (3), each antenna shall not exceed one thousand one hundred fifty two (1152) square inches, and each array shall contain no more than three (3) antennas.

20-6-2 Compliance.

Any existing Class A Facility, not otherwise in compliance with the other provisions of the tower ordinance, shall be brought into compliance with the applicable provisions of this Article 20.

20-7 Insurance

In connection with any application required in this Article, an applicant shall provide at the beginning of the permit application process a current Certificate of Insurance for general liability insurance for a minimum amount of one million dollars (\$1,000,000) per occurrence. Annually, subsequent to approval of an application, evidence that such insurance remains in force shall be provided to the Planning and Zoning Director. Failure to maintain the required minimum insurance shall result in the automatic termination of the permit.

20-8 Building Permits

All plans for communication tower structures and auxiliary structures shall be approved by the Nelson County Building and Inspections Department. The proper building and inspection permit(s) shall be issued before construction begins. No building permit(s) will be issued until a communication tower permit from the Nelson County Planning Department has been issued to the applicant(s).

20-9 Standards for Location

A. National Park System Notification.

No application for a communication tower permit to be located within the viewshed of the Blue Ridge Parkway (BRP) or the Appalachian National Scenic Trail (AT) shall be considered a Complete Application without first notifying the Virginia Department of Historic Resources (DHR), the BRP Superintendent, and/or the AT Superintendent in writing. Such notice shall:

- a) be sent by certified mail, return receipt requested;
- b) provide the location of the proposed communication tower;
- c) describe the proposed communication tower, proposed antennas, and proposed ground equipment, including a copy of the engineered drawings detailing the proposed tower project; and

b) Public notification and public hearing: all proposed tower projects subject to "Mountain Scenery Protection Requirements" are processed according to the Class C procedures.

20-10 Reserved

20-11 Co-location

Applicants for new communication tower permits must agree to allow additional permitted uses of the tower by future applicants, provided: (a) that these future uses do not interfere with use(s) of the tower by its owner(s) or other lessee(s); (b) space is available on the tower for co-location; and (c) tower owner and co-locator agree to lease terms. Design plans of a metal communication tower shall contain provisions to allow additional sections to be added for possible co-location of other providers.

20-12 Application and Procedure for Approval of a Class B Communication Tower Permit

A. Application Form: A Complete Application form, signed by the property owner(s), the property 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.

B. Property Description: A recorded plat or recorded boundary survey of the parcel on which the facility will be located, provided that, if neither a recorded plat nor boundary survey exists, a copy of the legal description of the parcel and the Nelson County Circuit Court deed book and page number.

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:

1. A design plan showing the communication tower, base, and the foundations for all support structures, all proposed auxiliary buildings and other proposed improvements, and the methods by which antennas shall be located on the proposed communication tower. Metal communication towers shall meet all requirements of federal, state, and local government regulations and EIA and ANSI standards. The Nelson County Building Official may request, at the applicant's expense, an independent engineer to confirm the safety of the tower.
2. The utility connections within and to the proposed site.

2. Each wood or concrete tower shall be constructed so that all feed lines, wiring, and similar attachments are located within the tower structure or facing the interior of the property away from public view as reasonably determined by the Planning and Zoning Director.
3. The facility shall be designed, constructed and maintained as follows: (a) guy wired towers shall not be permitted, and (b) lightning rod, whose width shall not exceed one (1) inch in diameter at the base and tapering to a point, may be installed at the top of facility or the structure.
4. Unless waived or modified by the Final Approving Authority, equipment shall be attached to the tower as follows: (i) the total number of arrays of antennas attached to the existing structure shall not exceed three (3), (ii) each antenna shall not exceed one thousand one hundred fifty two (1152) square inches; (iii) each array shall contain no more than three (3) antennas, and (iv) no antenna shall project from the structure beyond the minimum required by the mounting equipment.
5. No slopes associated with the installation of the facility and accessory uses shall be created that are steeper than 2:1 unless proposed retaining walls, revetments, or other stabilization measures are acceptable to the Final Approving Authority.
6. The site shall provide adequate opportunities for screening and the tower shall be sited to have the Least Visually Obtrusive Profile from adjacent parcels and streets, regardless of their distance from the tower. If the tower would be visible from a state designated Scenic River, Scenic Byway, or a National Park or National Forest, regardless of whether the site is adjacent thereto, the facility also shall be sited to minimize its visibility from such River, Scenic Byway, Park, or Forest. If the tower would be located on lands subject to or adjacent to a conservation easement or an open space easement, the facility shall be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.
7. Identification sign. A sign measuring six (6) square feet or less, clearly visible, identifying the owner(s) and operator(s) of the communication tower site and a local or toll free emergency phone number for each. The sign shall be posted at the entrance to the proposed communication tower site.
8. Security Fencing. Towers shall be enclosed by security fencing no less than eight (8) feet in height and shall also be equipped with an appropriate anti-climbing device, however, the Final Approving Authority may modify or waive such requirements.
9. Landscaping. The following requirements shall govern the landscaping surrounding the communication tower; however, the Final Approving Authority may modify or waive such requirements.

recommendations to the Board of Supervisors. In connection with any such determination, the Planning Commission may, and at the direction of the Board of Supervisors shall, hold a public hearing, after notice as required by Section 15.2-2204 of the Code of Virginia. The Planning and Zoning Director shall mail by first class mail a copy of the public hearing notice to landowners adjacent to the proposed site and may rely upon the tax map and land books for purposes of determining such landowners and their mailing addresses. The Planning Commission's actions shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the Planning Commission to act on any such application within 90 days of such submission shall be deemed approval of the application by the Planning Commission unless the Board of Supervisors has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The Board of Supervisors may extend the time required for action by the Planning Commission by no more than 60 additional days. If the Planning Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the Planning Commission.

- C. The Board of Supervisors shall hold at least one (1) public hearing on the application after notice as required by Section 15.2-2204 of the Code of Virginia, and make its decision on the application within one hundred fifty (150) days from the date the Complete Application was submitted to the Planning and Zoning Director. This time period may be extended by the Board of Supervisors provided the applicant consents to the extension.
- D. Balloon Test. For any proposed tower requiring a Class C Communication Tower Permit, a balloon test shall be conducted as follows:
1. The applicant shall contact the Planning and Zoning Director within ten (10) days after the date the Complete Application was submitted to schedule a date and time when the balloon test will be conducted. The test shall be conducted within forty (40) days after the date the Complete Application was submitted, and the applicant shall provide the Planning and Zoning Director with at least seven (7) days prior notice, provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the agent.
 2. Prior to the balloon test, the location of the access road, the lease area, and the tower site of the proposed tower shall be surveyed and staked or flagged in the field.
 3. The test shall consist of raising one or more balloons from the site to a height equal to the proposed tower.
 4. Photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as directed by the Planning and Zoning Director and shall be superimposed to scale onto the photographs. The photographs must be filed with the Planning

structure is not completed within the time specified, then the permit shall be void and any construction completed shall be removed within ninety (90) days.

20-15 Removal and Reporting

- A. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless communication purposes is discontinued.
- B. The applicant shall a report within thirty (30) days any change in the ownership of the facility. Information to be provided is the new owner(s) name, address, telephone number, e-mail address, and a 24 hour emergency telephone number and contact person to the Planning and Zoning Director.

20-16 Access to Site

Nelson County shall be provided reasonable access to a Communication Tower and other permitted sites for the purpose of ensuring compliance with this ordinance.

20-17 Tower Permit Amendments, Temporary Towers

A. Tower Permit Amendments

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 or co-location 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; or
- iii. 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 ground equipment or other facilities within the lease area.

- ii. The proposed duration for the Temporary Tower to be in place, including specific dates for placement and removal, not to exceed a maximum total duration of 30 days.
- iii. A sketch plan identifying the design of the Temporary Tower facility, including the location of the lease area within the property, the location of the Temporary Tower and other associated temporary equipment within the lease area, and the specific type of support structure, guy wires, and anchor.
- iv. A scaled, detailed drawing identifying the height of the Temporary Tower and the design, type, location, size, height, configuration, and method of mounting of all antennas and other equipment to be installed on the Temporary Tower.
- v. A scaled plan depicting fall area. The minimum distance from the base of a Temporary Tower to the property line(s) shall be a minimum of 150% of the Temporary Tower height.
- vi. All existing and proposed setbacks, parking, fencing, and landscaping.
- vii. The requirements in items (iii) through (vi) above may be waived by the Planning and Zoning Director if an appropriate approved plan is already on file with the County.

20-18 Application Fee Schedule

Class B Communication Towers:
An application fee of \$1,000.00.

Class C Communication Towers:
An application fee of \$2,000.00.

Tower permit amendment:
An application fee of \$100.00.

Temporary tower:
An application fee of \$500.00.

20-19 Exemption from Regulations Otherwise Applicable

Except as otherwise exempted in this paragraph, each facility shall be subject to all applicable regulations in this chapter.

A. The Final Approving Authority may authorize a metal communication tower to be located closer in distance than the required fall zone of the tower or other mounting structure to any lot line if the applicant obtains an easement or other recordable document showing agreement between the lot owners, acceptable to the County Attorney, addressing development on the part of the abutting parcel sharing the common lot line that is within the facility's fall zone. If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation shall be

20-22 Appeals

- A. A decision of the Planning and Zoning Director may be appealed to the Nelson County Board of Supervisors. An appeal shall be submitted in writing to the office of the Planning and Zoning Director within thirty (30) calendar days after the date of the denial.**

- B. A decision of the Board of Supervisors may be appealed to the Nelson County Circuit Court by filing a petition specifying the grounds for the appeal within thirty (30) days after the Board's final decision.**

- C. The denial of a permit shall be in writing and supported by substantial evidence contained in a written record.**

Status of and Suggestions for the Organization: Keep Nelson Beautiful (KNB)

Submitted by: Grant Massie in consultation with Steve Carter

1. Interest in participating with KNB by the latest appointed members seems to be nearly nonexistent. Only one member has expressed a willingness to be reappointed.
2. During the year 2013 two activities were undertaken under the auspices of KNB. One was an educational presentation to a High School science class. The other was the distribution of recycling brochures by the Master Gardeners Club at the Nelson Community Day Festival.
3. The annual noncompetitive recycling grant is awarded to the county, not KNB.
4. The county has increased recycling efforts to include batteries and electronic equipment.
5. VDOT continues to sponsor the Adopt-A-Highway Program. Recently a group of businesses agreed to participate in a trash pick-up event (on Earth Day) under the umbrella of the AAH program.
6. Staff is willing to facilitate meetings, event participation and educational efforts if the BOS desires to continue sponsoring KNB. Quarterly meetings (as opposed to monthly) would be adequate.
7. Staff will continue to respond to recycling/littering efforts and requests regardless of the status of KNB.

From: jimhall171@gmail.com
To: [Candy McGarry](#)
Subject: Re: James River ASAP Policy Board
Date: Friday, February 28, 2014 11:16:34 AM

Candy,

Yes I am very interested in being reappointed to the James River ASAP Policy Board. Presently I am serving on their Personnel Committee and providing support to Cindy Sheffield, Executive Director.

Do I need to resubmit any documents or a formal request?

Thanks,
Jim Hall

Sent from Windows Mail

From: [Candy McGarry](#)
Sent: Friday, February 28, 2014 9:47 AM
To: Jimhall171@gmail.com

Hi Jim,

I hope you are doing well! I am writing to see if you are interested in being reappointed to the James River ASAP Policy Board as your term is expiring in March. Please let me know at your earliest convenience. Thank you!

Regards,

Candy

Candy McGarry
Nelson County Administrator's Office
Administrative Asst./Deputy Clerk
ph: 434-263-7002
fax: 434-263-7004

JAMES RIVER ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

James E. Hall
194 Horseshoe Road
Arrington, VA 22922
(434) 263-6343
Jimhall171@gmail.com

March 8, 2011 – March 8, 2014

Term: 3 Years



COMMONWEALTH of VIRGINIA

Sam D. Eggleston, III
JUDGE

ROSEMARY R. NORTH, Clerk
BRENDA S. FLEMING, Deputy

*TWENTY-FOURTH DISTRICT
GENERAL DISTRICT COURT*

FOR
NELSON COUNTY

March 6, 2014

84 COURTHOUSE SQUARE
P.O. BOX 514
LOVINGSTON, VIRGINIA 22949
Phone (434) 263-7040
Fax (434) 263-7033

NELSON CO BOARD OF SUPERVISORS

Ms. Constance Brennan, Chair

Mr. Thomas H. Bruguere, Jr.

Mr. Allen Hale

Mr. Thomas D. Harvey

Mr. Larry Saunders

RE: REQUEST FOR WAGE MONEY

Dear Supervisors:

I am writing at the direction of Judge Eggleston to request supplemental funds for additional clerical help in the General District Clerk's office.

The Sheriff's office implemented an increased traffic enforcement initiative beginning last year which has resulted in complete chaos for this office. I do not believe anyone took into consideration the impact this 'ticket writing mission' would have on the Clerk's office where the tickets are processed. Between Jan. 1, 2014 and today, March 6, 2014, roughly 1300 cases (traffic & criminal) have been entered into our computer system – 90% of which were traffic tickets written by county deputies. For the entire year of 2013, we had a total of 5760 finalized cases (traffic and criminal combined)!

Please bear in mind that this office has numerous other responsibilities in addition to processing traffic cases, all of which have taken a back seat to the tickets which by their nature require the most immediate and time-consuming attention in the form of data entry, incoming phone calls from ticketed drivers who have questions & complaints, processing mailed payments, and receipting payments at the window. As a direct result of this avalanche of traffic tickets, I am missing deadlines for submission of reports to the Supreme Court (as well as to the County – I am just now submitting my 2014-2015 Budget), mailed & faxed payments aren't being processed in a timely manner, witness subpoenas are being issued at the last minute – if at all....the list goes on. I've been Clerk of this Court for almost 26 years, and have never experienced anything like this! I had taken pride in running an efficient office – until recently!

As you know, this office is staffed by only two full-time employees. We have a wage employee who answers the phone on Court days and files ended cases (4 hrs. per week paid for

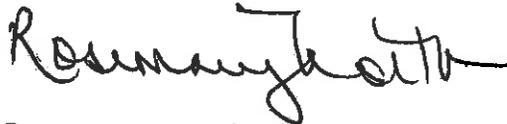
by the State). In January 2014, I received \$1,000.00 from the State to hire a second wage employee to help us with our backlog. A very capable young lady started working for us the end of January; however, we haven't made a dent in the backlog of work, and even worse, only \$95.00 is left of the \$1000.00 I was given.

In view of the fact that this office collected and sent to the County \$214,000.00 in fines and other local fees between July 1, 2013 and Feb. 21, 2014 – with an additional \$21,500.00 collected over just the last two weeks - scheduled to be transmitted March 7, I would respectfully request the Board of Supervisors to allocate funds to keep my new wage employee working at least through the end of the fiscal year. According to my calculations, there are fifteen weeks left in FY13-14. If the wage employee could work 20 hours per week @\$9.00/hour, this would amount to \$2,700.00.

I would appreciate your favorable consideration of this request for \$2,700.00. If you see fit to give more, I would certainly not object. I am also requesting wage money in my FY14-15 Budget to supplement what the State will provide.

Please let me know if I can provide any further information regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary R. North". The signature is fluid and cursive, with a long horizontal flourish at the end.

Rosemary R. North, Clerk

Cc: Judge Sam D. Eggleston; III
✓ Steve Carter, Co. Administrator