

May 19, 2016

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 19<sup>TH</sup> DAY OF MAY IN THE YEAR OF OUR LORD TWO THOUSAND SIXTEEN AND IN THE 240<sup>TH</sup> YEAR OF THE COMMONWEALTH:

PRESENT: GARY L. SIMMONS, CHAIRMAN  
HELEN M. SIMMONS, VICE CHAIRMAN  
SHERMAN C. VAUGHN  
CLARENCE A. SIMPSON  
STEVE BOWEN  
RONALD E. ROARK, COUNTY ADMINISTRATOR  
JOHN N. PROSISE, ASSISTANT COUNTY ADMINISTRATOR  
PRESTON G. WILLIAMS, COUNTY ATTORNEY

Chairman Simmons called the meeting to order at 7:00 p.m.

Supervisor Steve Bowen provided the invocation. Chairman Simmons led everyone in the Pledge of Allegiance to our flag.

The minutes of the April 21, 2016 regular Board meeting and the April 28, 2016 adjourned meeting were presented. Supervisor Vaughn moved to adopt the April 21, 2016 minutes and the April 28, 2016 minutes as presented. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

Chairman Simmons asks if there are any delegations from the public: there was no one in attendance wishing to speak.

Presentation: Mrs. Jerri Morton, Burkeville: Mrs. Morton is present to provide information on the annual 100-mile yard sale she helps organize. Mrs. Morton explains the route for the yard sale and asks for the Board's support of the project that has been an outstanding success in past years.

Public Hearing: Virginia Department of Transportation – Secondary Six-Year Improvement Plan: Joint public hearing to receive public comment on the proposed Secondary Six-Year Improvement Plan for Fiscal Years 2016/2017 through 2021/2022 in Nottoway County and on the Secondary System Construction Budget for Fiscal Year 2016/2017

VDOT Representative and Assistant Residency Administrator Dianna Bryant is present to conduct the public hearing and review the projects on the proposed plan. The proposed plan includes the addition of Davis Mill Road; inclusion required for eligibility of high volume unpaved road funding applied for.

Chairman Simmons asks if there is anyone present wishing to speak, either for or against, the proposed Secondary Six-Year Improvement Plan; there is no one present wishing to speak.

Supervisor Bowen moves to approve the Virginia Department of Transportation Secondary Six- Year Improvement Plan for Fiscal Years 2016/2017 through 2021/2022 and the Secondary System Construction Budget for Fiscal Year 2016/2017 as presented and also adopt a resolution in approval of the plan. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

Highway Department: Mrs. Dianna Bryant, Assistant Residency Administrator, is present to receive any communications from the Board, and also provide updates on the routine maintenance performed since the last meeting. Mrs. Bryant reports that all primary routes east of Rt. 723 have been completed and it is anticipated that all other routes will be completed by May 26, 2016. Mrs. Bryant reports that contract paving work is scheduled to begin soon, pothole patching is currently being completed in preparation.

A – Email – Paul F. Hinson, P.E., LEED AP – Virginia Department of Transportation (VDOT): Providing information on an upcoming statewide forum being hosted by VDOT; to be held on Thursday, June 02, 2016 from 9:00 am to 4:00 pm at the Germanna Community College’s Daniel Technology Center, Culpeper, Virginia

B - May 19, 2016 Virginia Department of Transportation maintenance report

School Board – Charlotte D. Wood, Clerk: Actions taken at the regular meeting of the Nottoway County School Board held on May 12, 2016; minutes of the regular meeting of the Nottoway County School Board held on April 13, 2016, minutes of a special called meeting of the Nottoway County School Board held on April 25, 2016, STEM Budget Adjustment

1 – Budget Adjustment – STEM - \$2,000.00

REVENUES:

3-201-24020-0372	STEM (New Award)	<u>\$2,000.00</u>
		<u>\$2,000.00</u>

EXPENDITURES:

4-201-61100-1620-300-100-605	Supplemental Salary	\$1,857.88
4-201-61100-2100-300-100-605	FICA	<u>142.12</u>
		<u>\$2,000.00</u>

Supervisor Helen Simmons moves to approve the Budget Adjustment for STEM Funding. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

Health Department – Alex P. Samuel, MD MPH: Providing public awareness information concerning the Zika virus to include a public health Zika preparedness plan

Economic Development Committee: Administrator Roark states there is a meeting scheduled for Thursday, May 26, 2016

Regional Jail Report & Juvenile Detention Center: March 2016 Piedmont Regional Jail Transportation Report, February/March Jurisdiction Billing Reports, March 2016 Piedmont Regional Jail Revenue report, Virginia Department of Juvenile Justice Statewide Detention Facility Population, March 2016 Piedmont Regional Juvenile Detention Center Utilization Report, Budget figures for FY2016 using Q4 Projection

Landfill: Administrator Roark gave the Landfill report

A – Nottoway County Sanitary Landfill (Active) Groundwater Source Demonstration; an alternate source demonstration was performed due to a chloroform presence in the last sampling

B – April 2016 Solid Waste Report; average of 58.70 tons of waste per day received

C – Letter – Michael D. Sexton, Groundwater Remediation Specialist – Virginia Department of Environmental Quality: acknowledging receipt and review of the 4<sup>th</sup> Quarterly 2015 Sampling Report for the Nottoway County Sanitary Landfill – Active Area, SWP 304 Detection Monitoring Program; review has determined the technical content of the submission meets the applicable requirements of the regulations and the Department’s Submission Instructions

Fort Pickett Redevelopment Authority: Administrator Roark states that all is going well and the new part-time hire is working out great.

Planning Commission: Administrator Roark informs the Commission did not meet for May

Administrator Roark reminds the Board of a topic they discussed at the April Board meeting and chose to table action on; the request to amend Article 2, Division 2 – Conservation District (C-1) of the Nottoway County Zoning Ordinance by adding Section 2-2-3-13 under the following style:

Permitted Uses: Bed & Breakfast Establishment

Following a discussion, it is the consensus of the Board to hold a public hearing on the Ordinance amendment at the June regular Board meeting.

Chairman Simmons informs that he still doesn’t have a replacement appointment for the vacant Library Board seat.

Letter – Francine C. Ecker, Director – Virginia Department of Criminal Justice Services: Providing notification of a Byrne Justice Assistance Grant award for the Sheriff’s Office in the amount of \$1,248.00 (federal grant funds of \$1,123.00 with a required local match of \$125.00) to help support efforts to reduce crime and improve public safety.

Supervisor Vaughn moves to appropriate the \$1,123.00 federal grant to the Sheriff’s Budget. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

Chairman Simmons presents the CONSENT CALENDAR:

1 – Budget Adjustment – Library - \$675.00

REVENUES:

3-100-18990-0990	Library – Miscellaneous	<u>\$675.00</u>
	(Endowment Fund Contribution)	<u>\$313.78</u>

EXPENDITURES:

4-100-73010-7001	Miscellaneous	<u>\$675.00</u>
		<u>\$675.00</u>

2 – Budget Adjustment – Sheriff - \$633.50

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$633.50</u>
	(VML Insurance Proceeds)	<u>\$633.50</u>

EXPENDITURES:

4-100-31020-5408	Vehicle Supplies	<u>\$633.50</u>
		<u>\$633.50</u>

3 – Budget Adjustment – Sheriff - \$200.91

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$200.91</u>
	(Unused funds from Extradition)	<u>\$200.91</u>

EXPENDITURES:

4-100-31020-5505	Travel - Extradition of Prisoner	<u>\$200.91</u>
		<u>\$200.91</u>

4 – Erroneous Assessment: Refund Trout River \$4,801.53 for an erroneous personal property assessment for tax years 2013, 2014, and 2015

5 – Budget Adjustment – Sheriff - \$400.00

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$400.00</u>
	(Refund of Conference Registration)	<u>\$400.00</u>

EXPENDITURES:

4-100-31020-5504	Travel – Convention & Education	<u>\$400.00</u>
		<u>\$400.00</u>

Supervisor Bowen moves to approve the CONSENT CALENDAR as presented. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

Administrator Roark presents the following information items:

1 – Notices – Columbia Gas of VA, Inc.: Application of Columbia Gas of Virginia, Inc. for authority to increase rates and charges and to revise the terms and conditions applicable to gas service Case No. PUE-2016-00033, Application of Virginia Electric and Power Company to revise its fuel factor pursuant to §56-249.6 of the Code of Virginia Case NO. PUE-2016-00047

2 – Notice – Dominion Power: Application of Virginia Electric and Power Company for approval of a rate adjustment clause pursuant to §56-585.1 A 4 of the Code of Virginia Case No. PUE-2016-00046

3 - Minutes:

Minutes of the Nottoway County Board of Zoning Appeals meeting held on February 22, 2016

Minutes of the Piedmont Regional Jail Board meeting held on March 23, 2016

Minutes of the Piedmont Regional Juvenile Detention Center Commission meeting held on March 23, 2016

Minutes of the South Central Workforce Development Board Chief Local Elected Officials meeting held on January 29, 2016, minutes of the South Central Workforce Development Board meeting held on January 21, 2016

Minutes of the Nottoway County Planning Commission meeting held on February 16, 2016

Minutes of the Nottoway County Public Library Board of Trustees meeting held on February 17, 2016, minutes of the Nottoway County Public Library Board of Trustees meeting held on March 16, 2016, minutes of the Nottoway County Public Library Board of Trustees special called meeting held on March 22, 2016, minutes of the Nottoway County Public Library Board of Trustees meeting held on April 20, 2016

Minutes of the Piedmont Soil and Water Conservation District Board of Directors regular meeting held on April 26, 2016

Minutes of the Nottoway Virginia Cooperative Extension Leadership Council meeting held on May 05, 2016

4 - April 2016 Blackstone Volunteer Fire Department Incident Report

5 – Nottoway Sheriff’s Office partial activity report for April 2016

6 – Abstract of votes for the Town of Crewe election held on May 03, 2016

7 – News Release – Nottoway County Public Schools: Nottoway County Public Schools names its new Superintendent; Dr. Rodney L. Berry, a current director of instruction for Sussex County Public Schools – Dr. Berry will begin his duties for Nottoway on July 01, 2016

Administrator Roark presents the following correspondence:

1 - Building Inspector’s Report: Report period April 2016

2 – Animal Control Officer’s Report: Administrator Roark informs that Officer Merkh has come back to work from his medical leave at full duty status

3 - Erosion and Sedimentation Report: Report Period April 2016

4 – Letter – Steven J. Jacobs, Director – Robinson, Farmer, Cox Associates: Providing a copy of the County’s Cost Allocation Plan based on FY 2015 costs; \$171,384

Supervisor Helen Simmons moves to appropriate the \$171,384 and in turn invoice the School System for the funds. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

5 – Letter – Stephanie Bowman – Virginia Department of Environmental Quality: Providing notice of an application for a Virginia Pollution Abatement permit from Nutri-Blend, Inc. to manage land application of biosolids in Nottoway County; there is a public information meeting for the permit application scheduled for May 26, 2016 at 6:00 p.m. at the Crewe Library Community Room

6 – Advertise sale of surplus vehicle: Administrator Roark seeks authorization to advertise for sale a Chevrolet car that is no longer being used, and further asks that should no suitable bids be received that the Board allow him to sell the vehicle for salvage to ABC Recycling.

Supervisor Vaughn moves to authorize Administrator Roark to proceed with advertising for sale a Chevrolet car that has been declared surplus and further authorizes the salvage sale of the vehicle to ABC Recycling should no suitable bids be received. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

7 - Distribution of Decal Receipts: Administrator Roark provides a proposed breakdown of the 2016 decal receipts; the distribution of \$118,089.00 is proposed as follows:

Burkeville Rescue Squad	\$ 6,246.91
Nottoway County Emergency Squad, Inc.	24,965.21
Blackstone Volunteer Fire Department	28,958.96
Burkeville Volunteer Fire Department	28,958.96
Crewe Volunteer Fire Department	28,958.96

Supervisor Vaughn moves to approve the distribution of 2016 decal funds as presented. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

Supervisor Bowen expresses his concern on the consistent reduction in decal receipts and questions whether going sticker-less could be beneficial. Supervisor Bowen asks the Board to consider researching the possibility of eliminating the stickers by holding a work session after the new Budget year begins in July.

Public Hearing: Hearing to consider an ordinance to rezone 129.47 acres located off Rt. 360, in Haytokah District, from C-1 Conservation to G-1 General Industrial

Chairman Simmons asks if there is anyone present wishing to speak, either in favor of or against, concerning the C-1 to G-I rezoning request:

Mr. Bernard Shoot is present as administrator of Mr. Fred Pape's estate to explain the reasoning behind the request; there is high-grade granite underground on this property that can be beneficial for future use of the property. Administrator Roark reminds the Board that the Planning Commission heard this request at its April meeting and recommend approval.

Supervisor Bowen moves to approve the rezoning of the 129.47 acres from C-1 Conservation to G-1 General Industrial. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

Administrator Roark provides the Board with a letter from the Commonwealth's Attorney Terry Royall concerning the recent seizure of horses and dogs from a property located within the County and belonging to Robin Vince: at the conclusion of the hearing of this case, Judge Mayo Gravatt upheld the seizure of the horses and ordered that they be forfeited to the County.

Pursuant to VA Code §§ 3.2-6569(F) and 3.2-6546(D), Attorney Royall is asking that the Board authorize the release of the horses to the following rescue groups that have been caring for the horse since the time of the seizure:

Central Virginia Horse Rescue (CVHR)  
389 Boydton Plank Road  
Brodnax, VA 23920  
Operated by Cindy Smith

Hope's Legacy Equine Rescue, Inc.  
5145 Taylor Creek Road  
Afton, VA 22920  
Operated by Maya Proulx

White Bird Appaloosa Horse Rescue  
1688 Burke's Tavern Road  
Burkeville, VA 23922  
Operated by Jorge Huckabee-Mayfield

Angels of Assisi  
415 Campbell Avenue SW  
Roanoke, VA 24016  
Operated by Lisa O'Neill

Supervisor Bowen move to approve the release of the horses seized from the Robin Vince farm located at 1458 W. Courthouse Road in Nottoway County to the specific rescue organizations provided by Attorney Royall and further moves to send letters of appreciation to each rescue group for their efforts. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

Administrator Roark informs the Board that he has two matters that need to be discussed in closed session. Supervisor Bowen moves to enter closed session under Code of Virginia §2.2-3711 A 5 – Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community and §2.2-3711 A 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. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

The Board enters closed session at 7:47 p.m.

The Board returned to open session at 8:28 p.m.

Administrator Roark asks the Board to certify the closed session, an affirmative vote meaning that no other subject was discussed other than that allowed under the above code sections. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

(SEE PAGE                      THRU PAGE  
FOR CERTIFICATION OF  
EXECUTIVE MEETING)

Administrator Roark reports that the Board has been named as a party in a lawsuit Against Crossroads Services Board by four former employees that are claiming wrongful termination. Supervisor Bowen moves to turn the suit over to the County's insurance carrier VML Insurance. The motion carried as follows:

C.A. Simpson	Yes
S.W. Bowen	Yes
S.C. Vaughn	Yes
H.M. Simmons	Yes
G.L. Simmons	Yes

There being no further business to come before the Board, Chairman Simmons adjourns the meeting at 8:30 p.m.

\_\_\_\_\_ Chairman                      \_\_\_\_\_ Clerk