

April 19, 2018

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 APRIL IN THE YEAR OF OUR LORD TWO THOUSAND EIGHTEEN AND IN THE 242<sup>ND</sup> YEAR OF THE COMMONWEALTH:

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

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

Reverend Lisa Myers from Wards Chapel Church, provided the invocation. Chairman Vaughn led everyone in the Pledge of Allegiance to our flag.

The minutes of the March 15, 2018 regular Board meeting, the March 19, 2018 work session and the March 25, 2018 work session were presented. Supervisor Helen Simmons moved to adopt the March 15, 2018, March 19, 2018 and the March 25, 2018 minutes as presented. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Chairman Vaughn asks if there are any delegations from the public; there is no one wishing to speak.

Public Hearing: Proposed Budget 2018-2019: Public Hearing on the Budget proposed for the Fiscal Year beginning July 01, 2018

Administrator Roark reads aloud the details of the proposed Budget, totaling \$37,350,148.00.

Chairman Simmons asks if there is anyone present wishing to comment on the Proposed Budget for Fiscal Year beginning July 01, 2018;

Sonny Abbott: Mr. Abbott expresses approval of the progressive nature he witnessed while attending Board of Supervisors budget committee meetings and expresses disapproval for the lack of interest by the School Board during their budget meetings.

The Budget is scheduled for adoption on Thursday, April 26, 2018 at 5:00 p.m. in the Health Department conference room.

Presentation: Mrs. Jenny Davis-Bunn is a licensed professional counselor who wants to work with the children that are provided therapeutic care under the Child Services Act (CSA). Mrs. Davis-Bunn is seeking the utilization of CSA funding to provide in-home counseling, mentoring, and out-patient therapy to the children.

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 2018/2019 through 2023/2024 in Nottoway County and on the Secondary System Construction Budget for Fiscal Year 2018/2019

VDOT Representative and Assistant Residency Administrator Dianna Bryant is present to conduct the public hearing and review the projects on the proposed plan; totaling \$601,673.00. Mrs. Bryant details leftover funding that will be allocated to the Rt. 40 Darvills Road Roundabout; \$260,000 in tele fees as well as tele fees from unused completed project funding. The remainder of the unused completed project funding (61,633.00) will be reallocated to projects that were not fully funded in the plan; High Point Road and Piper Lane.

Mrs. Bryant reads aloud the priority listing of the current projects on the Six-Year Plan (unpaved routes): The Grove Road – finished in 2017, Lazaretto Creek Road – finished in 2017, Good Hope Road (631) – should begin in the next 45 days, Friend Rd , Dusty Road , Loveland Road, Ingleside Road, Piper Lane (685), High Point Road (670), Rt. 40, Darvills Road Roundabout.

Chairman Vaughn 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.

Vice Chairman Bowen moves to approve the Virginia Department of Transportation Secondary Six- Year Improvement Plan for Fiscal Years 2018/2019 through 2023/2024 and the Secondary System Construction Budget for Fiscal Year 2018/2019 as presented and also adopt a resolution in approval of the plan. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

(SEE PAGE                    THRU PAGE  
FOR RESOLUTION)

Public Hearing: Request to amend, revoke or sustain the Special Exception Permit granted to Reuel “Todd” Tribble to establish and operate an abattoir to process meat from wild game that has been field dressed at 944 Cedar Hill Road (Rt. 610), Blackstone, VA. Chairman Vaughn asks if there is anyone present wishing to comment on the Tribble matter;

Ken Cochran, 800 Cedar Hill Road, a neighbor of Mr. Tribble, asks the Board to revoke Mr. Tribble’s special exception permit. Mr. Cochran feels that Mr. Tribble isn’t operating with the correct equipment and that there have been sights and smells produced that no neighbor should have to witness.

Administrator Roark explains that the Planning Commission held a public hearing and they recommend revocation of Mr. Tribble’s special exception permit. Administrator Roark further informs that he was contacted by Mr. Tribble and during that conversation he stated that he would be ceasing all operations of the abattoir.

Vice Chairman Bowen moves to follow the recommendation of the Planning Commission and revoke the Special Exception Permit issued to Reuel Todd Tribble to establish and operate an abattoir on his property at 944 Cedar Hill Road, Blackstone and further require him to remove any advertising signage and clean up any mishandled waste on the property. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	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 and/or projects performed since the last meeting. Mrs. Bryant reports that Rt. 633, Mallory Creek bridge will be closed for repairs, Rt. 601, Robertson Road is closed and the project is on schedule, Rt. 624, Cary Shop Road, is closed and the project is on schedule, tree trimming is being completed in the County

A – Presentation of three (3) options for the Brunswick Road, Rt. 46, bridge repairs

- 1 – 3.5 mile detour, Rt. 645 to Rt. 615; trucks cannot cross Jonesboro Bridge
- 2 – 21.7 mile detour, Rt. 40 to Rt. 137
- 3 – 10.4 mile detour, Rt. 40 to Rt. 627 to Rt. 615

Mrs. Bryant explains that option 2 is VDOT’s recommendation as it would send the majority of affected traffic across roadways of similar characteristics as Rt. 46 including similar pavement structures, locals could use the shorter detour offered in option 1, and option 2 is the least costly MOT option making in the most common sense solution

B – Letter – Virginia Department of Transportation – Barton A. Thrasher, P.E., District Engineer: The Commonwealth Transportation Board will conduct a public meeting at 4:00 p.m. on April 24, 2018 at the Hilton Garden Inn in Colonial Heights, VA to give citizens the opportunity to provide comments on projects and programs to be included in the Fiscal Year 2019-2024 Six Year Improvement Program, including highway, rail and public transportation initiatives; Chairman Vaughn and Supervisor Helen Simmons will attend

School Board – Charlotte D. Wood, Clerk: Actions taken at the regular meeting of the Nottoway County School Board held on April 12, 2018, minutes of the regular meeting of the Nottoway County School Board held on March 08, 2018, minutes of a budget work session of the Nottoway County School Board held on March 22, 2018, Title I Budget adjustment, invitation to attend the 2018 VSBA Southside Region Spring Network Form on April 30, 2018 being hosted by Nottoway County Public Schools

1 – Budget Adjustment – Title I, Part A - \$100,000

REVENUES:

3-201-33020-0020-300	Title I, Part A	<u>\$100,000.00</u>
	(Carryover Funds from 16-17)	<u>\$100,000.00</u>

EXPENDITURES:

4-201-61100-1120-200-100-500	Instructional Salaries Elementary	\$ 40,000.00
4-201-61100-2100-200-100-500	FICA	10,000.00
4-201-61100-6030-200-100-500	Materials & Supplies	<u>50,000.00</u>
		<u>\$100,000.00</u>

Supervisor Gary Simmons moves to approve the School Title I, Part A budget adjustment. The motion carried as follows:

- N. R. Shekleton      Yes
- H. M. Simmons        Yes
- G. L. Simmons        Yes
- S. W. Bowen            Yes
- S. C. Vaughn          Yes

Health Department: No report provided

Economic Development Committee: Administrator Roark informs the Committee will meet on Thursday, April 26, 2018 at 7:00 pm

Regional Jail Authority Report & Juvenile Detention Center: February 2018 Piedmont Regional Jail Authority Transportation Report, December 2017 – February 2018 Piedmont Regional Jail Authority Jurisdiction Reports, February 2018 Piedmont Regional Jail Authority Revenue Report, Activity in Case 3:13-cv-00646-REPVAED UNITED STATES OF AMERICA v. Piedmont Regional Jail Authority Order; the Court has ordered that the case will be dismissed on or before October 31, 2018 unless the United States demonstrates before then that PRJA is not in compliance with the remaining provisions of the Agreement

Administrator Roark informs that it is the consensus of the six participating localities that there is no need for a 4<sup>th</sup> quarter billing from the Jail; these is sufficient funding already established

Landfill: Administrator Roark gave the Landfill report; explains of a requirement to update the Solid Waste Management Plan and this is being completed by Draper Aden Associates, RES is near completion in their handling of the wetland situation and the County will pay what's necessary using the wetlands credits, the erosion and sedimentation control plans for the new cell have been received and Phillip Moore is currently reviewing them, DEQ performed an unannounced inspection directly after a snow fall and cited the facility for blown debris which will require him to go to the DEQ Office in the near future for a related meeting

A – March 2018 Solid Waste Report; average of 67.15 tons of waste per day received

B – Letter – RES – Rick Atkinson, Senior Project Manager: Additional information provided at the request of Virginia Department of Environmental Quality relating to the Joint Permit Application WP4-17-2050 for the Nottoway County Sanitary Landfill

C – Letter – Virginia Department of Environmental Quality – Jean Bradford, VWP Permit Writer: requesting additional information for the Joint Permit Application WP4-17-2050 for the Nottoway County Sanitary Landfill

Fort Pickett Redevelopment Authority: Bids are being sought for roof replacement on a building in Pickett Park

Administrator Roark informs that bids are currently being sought to replace the carpet flooring in the reception area in the Social Services building, along with the tile flooring throughout the remainder, to eliminate potential safety hazards; a flooring company recommended replacing the current wall to wall carpet with carpet tiles that will allow for partial replacement when needed.

Planning Commission Report: Administrator Roark states the Commission met and is recommending the following:

1 – both the Commission and the Board hold a public hearing to amend the Nottoway County Zoning Ordinance to add §2-3-4-12 Outdoor Events

2 – both the Commission and the Board hold a public hearing to amend the Nottoway County Zoning Ordinance to add §4-1-4-8 *accessory structures shall be subject to the building requirements for the zoning district in which they are located* and delete §4-1-5-2-2 3<sup>rd</sup> paragraph *In conjunction with .....12 feet in height.*

3 – both the Commission and the Board hold a public hearing to amend the Nottoway County Zoning Ordinance by adding:

Article 4 Division 19 Renewable Energy:

2-1-4-38 A-1, Uses Permitted by Special Exception, Renewable Energy, subject to standards – Article 4

2-2-4-27 C-1, Uses Permitted by Special Exception, Renewable Energy, subject to standards – Article 4

2-6-4-18 LI, Uses Permitted by Special Exception, Renewable Energy, subject to standards – Article 4

2-7-4-17 GI, Uses Permitted by Special Exception, Renewable Energy, subject to standards – Article 4

Article 6 Definitions:

Renewable Energy – A solar or wind farm as described in Division 14 of the Nottoway County Zoning Ordinance

Supervisor Gary Simmons moves to allow the Planning Commission to hold public hearings on the three topics as discussed; the Board will hold their own public hearings pending the outcome of the Commissions. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Appointment – Planning Commission: Supervisor Shekleton moves to appoint Paul Carter to the Nottoway County Planning Commission: The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Appropriation - Letter – Paul H. Lee, Member – Robinson, Farmer, Cox Associates: Providing a copy of the County’s Cost Allocation Plan based on FY 2017 costs; \$167,864 is the Schools’ portion and \$83,984 was Social Services portion. Administrator Roark asks the Board to appropriate the \$167,864 to the Schools’ Budget and in turn authorize him to bill them for the same amount.

Supervisor Helen Simmons moves to make the \$167,864 appropriation to the School and authorize Administrator Roark to bill them for the same amount. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Appropriation – Tobacco Region Revitalization Commission: The Tobacco Commission has awarded \$280,000 to Nottoway County to be given to Textron / UAV Pro; they have satisfied their performance agreement goals for grant #3168. Supervisor Shekleton moves to appropriate the \$280,000 Tobacco Commission funding and provide the proceeds to Textron / UAV Pro. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Hazard Mitigation Plan: Resolution to adopt the Commonwealth Regional Council Regional Hazard Mitigation Plan; Supervisor Gary Simmons moves to approve the CRC Regional Hazard Mitigation Plan as presented and approve the Resolution. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

(SEE PAGE                    THRU PAGE  
FOR RESOLUTION)

Appointment – Workforce Development Board: the current term of Randy Rash has expired; he is willing to serve another four-year term. Vice Chairman Bowen moves to nominate Randy Rash to for reappointment to the Local Workforce Investment Board. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Appointment – Building Code Appeals Board: as a requirement of the Building Code the County must establish a Local Board of Building Code Appeals; recommendations for appointment are as follows:

Vice Chairman Steve Bowen would like to appoint Lee Simmons from District 1  
Supervisor Gary Simmons would like to appoint Steve Hailey from District 2

Vice Chairman Bowen moves to appoint Lee Simmons and Steve Hailey to the Local Board of Building Code Appeals. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Appropriation – Department of Fire Programs funding: Administrator Roark informs the County is in receipt of the Fiscal Year 2018 Department of Fire Programs funding and needs to be appropriated; \$31,673.00. Administrator Roark furthers explains that in the past the funding has been distributed equally between the Blackstone, Burkeville, and Crewe Volunteer Fire Departments. Supervisor Helen Simmons moves to appropriate the FY2018 Department of Fire Programs funding and distribute equally between the three Fire Departments. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Reports, requests, and recommendations of Constitutional Officers:

- 1 – Jane Brown, Clerk – not in attendance
- 2 – Larry J. Parrish, Sheriff – nothing to report at this time
- 3 – Ellen F. Myatt, Treasurer – nothing to report at this time
- 4 – Christy Hudson, Commissioner of the Revenue – not in attendance
- 5 – Terry Royall, Commonwealth’s Attorney – nothing to report at this time

Chairman Vaughn presents the CONSENT CALENDAR:

1 – Erroneous Assessment: Reimburse Mr. William R. Rohr, Jr. a partial refund in the amount of \$786.00 on his real estate taxes for year 2017; he qualifies for the Disabled Veteran exemption

2 – Budget Adjustment – Sheriff - \$3,295.39

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$3,295.39</u>
	(VML Ins. Proceeds – Stanley loss)	<u>\$3,295.39</u>

EXPENDITURES:

4-100-31020-5408	Vehicle Supplies	<u>\$3,295.39</u>
		<u>\$3,295.39</u>

3 – Erroneous Assessment: Refund Mike & Sandra Hill Rentals, LLC \$307.00 for an erroneous real estate assessment for tax year 2017; a dwelling they own caught fire on 11/29/16 and they were taxed on the total value instead of the adjusted value

4 - Erroneous Assessment: Refund Charles Dews \$206.49 for an erroneous personal property assessment for tax year 2017

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

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Administrator Roark provided the following information items:

1 – February 2018 and March 2018 Blackstone Volunteer Fire Department Incident Reports

2 – Notice – Dominion Energy: Application of Virginia Electric and Power Company for revision of a rate adjustment clause: Rider U, new underground distribution facilities, for the Rate Year commencing February 1, 2019 Case No. PUR-2018-00042

3 – Citizen media comment: John Kaszycki comments relating to animal control

4 – Letter – United States Department of Agriculture – Scott C. Barras, State Director, USDA Wildlife Services – Virginia: Notification of the registration process relating to the Resident Canada Goose Nest and Egg Depredation Order issued by the U.S. Fish and Wildlife Services (FWS) in 2006 to facilitate management of the Canada Goose nesting

5 - Informative pamphlet for the 2018 Virginia School Boards Association Southside Region Spring Network Forum being held on April 30, 2018

6 – Notice of Opioids Educational event being held on Tuesday, April 24, 2018 at 6p.m. at the Nottoway High School Auditorium

7 – Notice of an electronics recycling event, being hosted by the Nottoway County Public Library System, on April 23, 2018; they will also be hosting a Volunteer Fair and Ice Cream Social on the same day

8 – Notice – Dominion Energy: Notice of Virginia Electric and Power Company d/b/a Dominion Energy Virginia of intent to file application(s) or petition(s) pursuant to § 56-585.1 A 6 of the Code of Virginia

9 – Letter – Virginia Department of Environmental Quality – Morgan McHugh: Notification that permit action is pending for Nottoway Correctional Center; VPDES Permit No. VA0066869 Reissuance

10 – Minutes: minutes of the Nottoway County Public Library Board of Trustees meeting held on February 21, 2018, minutes of the Nottoway Community Planning Management Team meeting held on January 22, 2018, minutes of the Piedmont Regional Jail Authority Board meeting held on February 21, 2018, minutes of the Virginia’s Growth Alliance Marketing Committee meeting held on March 15, 2018

Administrator Roark presents the following correspondence:

1 - Building Inspector’s Report: Report period March 2018

2 - Animal Control Officer’s Report: Report period March 2018; Results from unannounced visits to the Pound by Supervisor Shekleton

Administrator Roark informs there is a citizen that has offered to donate a central air conditioning unit to the Pound, the County would be responsible for install to include electrical and duct work; the Board will add this item to the May meeting agenda. Vice Chairman Bowen urges the Board to consider making additional repairs to the building to include a window in the cat room.

Administrator Roark informs that Officer Leonard has resigned his position effective immediately. Supervisor Gary Simmons moves to authorize Administrator Roark to advertise for an Animal Control Officer. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Administrator Roark also informs that a telephone line has been installed at the Pound; the number to reach Animal Control is (434) 292-1099.

3 - Erosion and Sedimentation Report: Report period March 2018

4 – Virginia’s Growth Alliance: Administrator Roark and Supervisor Gary Simmons attended the most recent meeting; it was reported that under the loan program they have already issued a loan to a business in Nottoway County and are in receipt of a new application. A new business mentoring program will soon be implemented.

5 – Letter – Virginia Association of Counties – Sherrin C. Alsop, 2018 VACo President: Supervisor Gary Simmons has been appointed to the 2018 Education Steering Committee



6 - Letter – James W. Elliott, Attorney at Law: Request for reimbursement of costs incurred with the collection of delinquent taxes; \$352.00. Vice Chairman Bowen moves to approve the payment to Attorney Elliott. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

7 – Letter – Town of Blackstone – Jennifer L. Hardy, Finance Director: Requesting a refund of \$511.80 for a building permit fee paid; the Town will not be completing the project the permit was obtained for. Administrator Roark explains that \$10.04 of the permit fee was for the 2% State surcharge and this shouldn't be included in the refund as the County has already paid this to the State.

Supervisor Shekleton moves to refund the Town of Blackstone \$501.76 for the building permit fee. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

8 – Vehicle License Ordinance: Treasurer Myatt and Commissioner Hudson still have questions or concerns relating to the County's Vehicle License Ordinance. Administrator Roark explains that the County's Ordinance was very closely worded like that of Appomattox County.

Commissioner Hudson questions if the County assesses a license fee to all unregistered vehicles in the County, would this be a violation of §46.2-752 of the Code of Virginia.

Attorney Williams agrees that the County may be in violation of §46.2-752 if they charge the license fee to vehicles that are not registered; he advises to only assess the license fees to registered vehicles.

Treasurer Myatt has several matters that need clarification:

1 – The County Ordinance requires emergency services agencies to submit a list of participating members to the Treasurer's Office for exemption qualification determination; why wouldn't the assessing office (COR) handle this

Attorney Williams contacted Appomattox County to find out how they handle the vehicle license process; The Commissioner is who actually determines exemption. Attorney Williams suggests the Board allow him to amend Nottoway's ordinance to reflect this.

2 – Commissioner Hudson raised the question of who would be abating the tax tickets for emergency services members should this be necessary; Attorney Williams stated the Treasurer is given exemption under the ordinance but does not address abatement. Treasurer Myatt is questioning why it wouldn't be the Commissioner who should be responsible for the abatements.

Attorney Williams reiterates that the County ordinance gives abatement authority to the Treasurer

3 – If the County assesses the license fee for utility trailers with permanent Department of Motor Vehicle tags will this be a violation of §46.2-752 of the Code of Virginia

Attorney Williams explains that assessing the license fee for utility trailers with permanent DMV tags is not a violation of §46.2-752 unless that trailer is also charged a vehicle license fee in a town within the County.

4 – The County’s Ordinance states that a fee of \$20.00 shall be paid to the County to reimburse the costs associated with a DMV Stop; the fee being charged to the County for each Stop is \$25 – doesn’t the County want to be reimbursed the full \$25.00

Attorney Williams suggests amending the County’s ordinance to \$25.00 to cover the fee.

Supervisor Helen Simmons moves to authorize Attorney Williams to amend the County Vehicle License Ordinance as necessary. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	Yes
S. C. Vaughn	Yes

Vice Chairman Bowen asks Commonwealth’s Attorney Terry Royall if it was a requirement or a courtesy to send the Board notification of a business’ application for an A.B.C. License. Attorney Royall explains that it is a Statue requirement.

There being no further business to come before the Board, Chairman Vaughn adjourned the meeting at 8:22 p.m. until Thursday, April 26, 2018 at 5:00 p.m. in the Health Department Conference Room.

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