

August 23, 2018

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 23RD DAY OF AUGUST IN THE YEAR OF OUR LORD TWO THOUSAND EIGHTEEN AND IN THE 243RD 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.

Associate Minister of Spring Hill Baptist Church, Carl Bassfield, Jr. provided the invocation. Chairman Vaughn led everyone in the Pledge of Allegiance to our flag.

The minutes of the June 28, 2018 work session and the July 19, 2018 regular Board meeting were presented. Supervisor Helen Simmons moved to adopt the June 28, 2018 and July 19, 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;

Kandy Freeman, Domestic Violence Program Director – Madeline’s House: Invites the Board to a 20th anniversary remembrance vigil of Madeline Gearheart-Mitchell, the namesake of Madeline’s House, to be held on Thursday, September 6, 2018 at Wilck’s Lake in Farmville

Presentation: Lloyd Lenhart, Community Relations Coordinator – Southside Electric Cooperative: Administrator Roark informs that Mr. Lenhart was not able to attend the meeting due to a scheduling conflict

Public Hearing: Request from Atlantic Coast Pipeline, LLC (ACP), Agent/Reginald T. Upson, Jr. and Sandra Felton Upson to erect a 230’ telecommunications tower of property located off Yellow Bird Road (Rt. 609) in Bellefonte District; property is zoned A-1, Agriculture. The tower is to be used as part of the communications network to support the ACP. The request includes waivers as follows:

Height: requests that a waiver of the 199’ maximum height be granted as part of its SE request; in order to maintain the necessary monitoring for safety and proper operations, a 230’ tower is required

Co-Location: requests a waiver of the co-location requirement for reasons stated in IV.D.

Setbacks: requests that a waiver of the required setbacks be approved to allow the tower to be located 120 feet from the edge of the road

Chairman Vaughn asks if there is anyone present wishing to comment, either for or against, on the ACP request; either for or against.

Mr. Ernest Greene, a representative of the Atlantic Coast Pipeline is present to answer any questions that anyone may have. He is joined by the Telecommunications Engineer for the Pipeline project.

There is no one present wishing to comment. Administrator Roark informs that the Planning Commission heard the ACP request and recommend approval.

Vice Chairman Bowen moves to approve the Atlantic Coast Pipeline request to erect a 230' telecommunications tower of property located off Yellow Bird Road (Rt. 609) along with the three requested waivers 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

Public Hearing: To amend Chapter 113, TAXATION, Article IXV – County Vehicle Licenses of the Nottoway County Code under the following style:

ADD:

Or leasing to Section 70 (A)

Commissioner of Revenue to Section 70 (B)

For purposes of this section, the Commissioner of Revenue shall have the authority to abate the license fee. Section 70 (D)

Permanent trailers that are registered with the Department of Motor Vehicles are exempt from paying the annual county license fee. Section 71 (A)

\$25.00 fee. Section 73 paragraph 2

County Attorney Preston Williams informs the Board that there is an additional error in the Ordinance; there needs to be a change to Section 7-3, 2nd paragraph – it states the fee shall be payable on or before December 15th and that date should actually be December 05th.

Chairman Vaughn asks if there is anyone present wishing to comment, either for or against, on the proposed Ordinance amendment;

Sonny Abbott: Mr. Abbott expressed concerns, and provided recommendations, on the County's Vehicle License Ordinance. He also points out that the Ordinance overlooks farm motor vehicles and trailers.

The Board chooses to table action on the proposed Ordinance Amendment until such time as County Attorney Preston Williams can make necessary changes.

Public Hearing: Request from Tri County Eagles to host a truck and tractor pull in partner with the Blackstone Volunteer Fire Department on property located off Rt. 460 – Cox Road in Bellefonte District; property is zoned RR – Rural Residential and is owned by Tri County Fraternal Order of Eagles Aerie 4542

Chairman Vaughn asks if there is anyone present wishing to comment, either for or against, on the Tri County Eagles request; there is no one present wishing to comment. Administrator Roark informs that that Planning Commission heard the Eagles request and recommend approval.

Supervisor Helen Simmons moves to approve the Tri County Eagles request to host a truck and tractor pull in partner with the Blackstone Volunteer Fire Department on property located off Rt. 460 – Cox Road. 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 pot hole and dirt road repairs continue, traffic/speed reduction study for West Courthouse Road resulted in no speed change recommendations but new safety signage will be installed, chevrons were installed at Rt. 625 and Rt. 723, Rt. 624 has been reopened, Rt. 601 Bridge project continues but has been delayed due to weather and is running approximately one month behind schedule (hoping to get road opened in November), Rt. 607 near Evans Market will have new pipe lining installed

A – August 2018 Virginia Department of Transportation Petersburg Residency report

B – Notice: Cary Shop to close over Horsepen Branch for bridge replacement

School Board: No report provided

Health Department: No report provided

Economic Development Committee: Administrator Roark informs the Committee will not meet for August.

Regional Jail Authority Report & Juvenile Detention Center: Fiscal Year 2018 Piedmont Regional Jail Authority Jurisdiction Inmate Days population report, June 2018 Piedmont Regional Jail Authority Transportation Report, April – June 2018 Piedmont Regional Jail Authority Jurisdiction Report, June 2018 Piedmont Regional Jail Authority Revenue Report, Piedmont Regional Juvenile Detention Center Commission meeting minutes from June 20, 2018, Virginia Department of Juvenile Justice Statewide Detention Facility Population, June 2018 Piedmont Regional Juvenile Detention Center Utilization Report

Administrator Roark reports that Robinson, Farmer, Cox Associates has completed a thorough audit of the Piedmont Regional Jail and will soon be presented to the Board for their review.

Vice Chairman Bowen inquires if the recent escape of a US Marshall Inmate from the Jail could have an effect on funding received from them. Administrator Roark states that yes it could but to date has not; could potentially reduce the number of inmates they locate to the Jail.

Landfill: Administrator Roark gave the Landfill report

A – Letter – Draper Aden Associates – William G. Hase, P.E., Program Engineer I (letter sent to Virginia Department of Environmental Quality): Registration Statement for a General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR-10)

B – Letter – Virginia Department of Environmental Quality – Joshua Byerly, Land Protection Technical Reviewer: Results of a compliance inspection of the Nottoway County Landfill, operating under SWP 304; no apparent violations of the Virginia Waste Management Act, the Virginia Solid Waste Management Regulations, nor the SWP 304 were observed

C - July 2018 Solid Waste Report; average of 75.58 tons of waste per day received

D – Letter – Draper Aden Associates – Jeff Norman, Environmental Services Division: Results of the Nottoway County Sanitary Landfill Gas Monitoring Program Event: 07-05-18; facility found to be in compliance with Virginia Solid Waste Management Regulations as they pertain to control of landfill gases at the facility boundary and within facility structures

E – Letter - Draper Aden Associates – Jeff Norman, Environmental Services Division: Results of the Nottoway County Sanitary Landfill Groundwater Monitoring Program Event: 05-01-18

F – Landfill Compactor: Administrator Roark informs that the Landfill Compactor, a 1990 Caterpillar 518C, was recently damaged by fire and is currently being appraised by a VML Insurance adjuster. He further informs that a decision needs to be made on whether to repair the current machine, at a minimum estimated cost of east \$80,000 or purchase a new machine at an estimated cost of \$412,000. Administrator Roark explains that a new machine will take approximately 5-6 months for manufacturing and delivery and asks does the Board wish to rent a machine until a new one can be received.

Vice Chairman Bowen moves to authorize the purchase of a new Landfill Compactor from Caterpillar upon completion of a Board polling after actual figures are obtained, both on a trade-in value and the VML insurance settlement. 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 expresses appreciation to Burkeville resident John Schutt for his recent help at the Rt. 723 waste convenience site.

Fort Pickett Redevelopment Authority: Administrator Roark reports that the two barracks building are in the process of being demolished; one is complete and the second is currently being completed

Planning Commission Report: Administrator Roark states the Commission met on Tuesday, August 14, 2018 and held a public hearing on the Tri-County Eagles request, held a public hearing on four Zoning amendments – only recommend approval of three of them, and held a public hearing on a Luck Stone request and recommend approval

Supervisor Helen Simmons recommends holding a public hearing on the Luck Stone Quarry requests at the October regular Board meeting; this is the consensus of the Board.

Letter – Nottoway County Public Schools – Dr. Rodney L. Berry, Superintendent: Acknowledging receipt of the Board’s letter requesting the approval of the School Board to allow the relocation of the Nottoway Registrar’s Office to the Burkeville School property on a temporary basis; includes questions related to the request

Administrator Roark informs the Office relocation is currently being performed. Chairman Vaughn reminds everyone that this relocation is only temporary.

Memorandum – Commonwealth Regional Council (CRC) – Melody Foster, Executive Director: Provides information related to the Council’s request for County recommendations of appointments to the CRC Comprehensive Economic Development Strategy Committee as well as their invitation for Nottoway to become a participating member of the Council

Administrator Roark informs that it was the recommendation of the Budget Committee not to join the Commonwealth Regional Council. Vice Chairman Bowen moves to reject the invitation from the Commonwealth Regional Council for membership. 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 suggests that the Board hold a work session on Wednesday September 5th, 2018 at 5:00 p.m. at the Nottoway County Health Department conference room; would like both the Waste Collection sites and a tour of the Courthouse Complex to be agenda items

Administrator Roark informs that he has transferred County employee Logan Presley from the Nottoway Planning Office to the County Administrator's Office to begin the training process for payroll.

Bylaws of Virginia Crossroads, Inc.: Supervisor Gary Simmons moves to approve the Virginia Crossroads, Inc. Bylaws 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

Letter – Terry J. Royall, Commonwealth’s Attorney – Nottoway County: Mrs. Royall is requesting an official appointment from the Board to the Piedmont Senior Resources Area Agency on Aging Board of Directors; Mrs. Royall has been serving since November 2014 but an audit revealed the lack of a document appointment from the Board of Supervisors

Administrator Roark advises this appointment won’t be necessary; on a motion from Supervisor Helen Simmons on Thursday, November 20, 2014, the Board took action to appoint Mrs. Royall to the Board.

Letter - Terry J. Royall, Commonwealth’s Attorney – Nottoway County: Mrs. Royall is requesting that the Board reimburse her for the expense to reframe her Law School diploma; due to the mold in her office the current frame/mat has become damaged. Mrs. Royall estimates the expense to be less than \$250

Supervisor Shekleton recommends installing a Humidex system in the office to eliminate mold from the Office as it has since returned after the initial treatment. This will be added to the discussions for the scheduled work session on September 5, 2018.

Supervisor Shekleton moves to reimburse Attorney Royall for the expense associated with reframing her Law School diploma due to damage from mold in the her office. 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

Letter – Nottoway County Department of Social Services – Bernetta S. Watkins, Director: Informs that additional FY19 funding has been received as a result of action by the Virginia General Assembly in May; additional administrative funding, in the amount of \$80,173.00, was approved to help with the increased number of Medicaid applications (referred to as Medicaid Expansion) and will require no local match for FY19 (a 15.5 percent local match will be required beginning with FY20)

Supervisor Helen Simmons moves to appropriate the \$80,173 additional administrative funding to the Department of Social Services Budget. 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

Letter – Mecklenburg County Board of Supervisors – H. Wayne Carter, III, County Administrator: Requesting the Board adopt a resolution, similar to theirs, requesting that the General Assembly allow rural localities to have a referendum vote to increase the local sales tax from 5.3% to 6.0% with the additional funds going to school construction or renovations.

Vice Chairman Bowen moves to support the efforts of Mecklenburg County and adopt a 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)

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 – Assistant Commonwealth’s Attorney Leanne Watrous makes a presentation relating to County sponsored group health insurance and urges the Board to seek more input from the employees at renewal time next year. Ms. Watrous has been provided information from independent research that the current County plan is below par and more costly than it should be. Ms. Watrous states that the current way the County chooses a health plan implies that they know more about what an employee needs than they do and does not provide efficient time for employees to review what’s being offered.

Chairman Vaughn presents the CONSENT CALENDAR:

1 – Budget Adjustment – Sheriff - \$23,825.00

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$23,825.00</u>
	(VML Ins. Proceeds – Spencer total loss)	<u>\$23,825.00</u>

EXPENDITURES:

4-100-31020-5408	Vehicle Supplies	<u>\$23,825.00</u>
		<u>\$23,825.00</u>

2 – Erroneous Assessment: Refund Chevalia Robinson \$128.88 for an erroneous personal property

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 – Notice – Dominion Energy: Petition of Virginia Electric and Power Company for a prudency determination with respect to the Coastal Virginia Offshore Wind Project pursuant to Virginia Code § 56-585.1:4 F Case No. PUR-2018-00121, Petition of Virginia Electric and Power Company, for approval and certification of the proposed US-3 Solar Projects pursuant to §§ 56-580 D and 56-46.1 of the Code of Virginia, and for approval of a rate adjustment clause, designated Rider US-3, under § 56-585.1 A 6 of the Code of Virginia, Case No. PUR-2018-00101, Petition of Virginia Electric and Power Company, for approval of a plan for electric distribution grid transformation projects pursuant to § 56-585.1 A 6 of the Code of Virginia, Case No. PUR-2018-00100

2 – Letter – Crewe-Burkeville Chamber of Commerce – Bill Faas, President: Expressing their strong support and encouragement for the approval of Luck Stone applications for Ordinance Amendments and other permissions allowing the creation of a full-service rock quarry and associated activity in the Crewe Industrial Park

3 – Letter – Town of Blackstone – William D. Coleburn, Mayor: Notification of actions taken by Town Council at its July 16, 2018 meeting:

A – motion made and approved for Blackstone to proceed with the County on a Tobacco Fund application for funds to upgrade capacity at the Sewer Treatment Plant

B – motion made and approved for the Mayor to write a letter to the Board of Supervisors, relaying Council’s formal commitment to provide water and sewer to the proposed Nottoway Commons project on Rt. 40

4 – Notice – Dominion Energy: Petition of Virginia Electric and Power Company, for approval and certification of the proposed US-3 Solar Projects pursuant to §§56-580 D and 56-46.1 of the Code of Virginia, and for approval of a rate adjustment clause, designated Rider US-3, under § 56-585.1 of the Code of Virginia Case No. PUR-2018-00101

5 – EFSP Funding: Notification that Nottoway County Department of Social Services has been awarded funds through the State Set-Aside process under Phase 35 of the Emergency Food and Shelter Program; award amount \$5,562

6 – Correspondence – Greg Eanes, Mayor – Town of Crewe: Provides the last two FY totals for Lottery Sales in Nottoway County

7 – Minutes: Minutes of the Nottoway County Public Library Board of Trustees meeting held on June 13, 2018, minutes of the Piedmont Regional Jail Authority Board meeting held on June 20, 2018, minutes of the Nottoway County Emergency Food and Shelter Program Local Board held on December 11, 2017, minutes of the South Central Workforce Development Board Chief Local Elected Officials meeting held on May 04, 2018, minutes of the South Central Workforce Development Board meeting held on April 19, 2018

Administrator Roark presents the following correspondence:

1 - Building Inspector's Report: Report period July 2018; Certification of completion of required training for Building Official, Property Maintenance Official, Property Maintenance Inspector

A – Notification of approved and awarded certification from the Virginia Building Code Academy as Building Official

2 - Animal Control Officer's (ACO) Report: Report period July 2018, Results from unannounced visits to the Pound by Supervisor Shekleton

Administrator Roark reports on the findings from the most recent inspection of the Nottoway County Animal Pound

Critical violation – ACO euthanized an animal before the required 5-day hold period; no documentation of veterinary care could be provided – ACO has since received required documentation from Vet

Non-Critical Violation – protocols not signed by supervising veterinarian; Dr. Anne Carr is currently reviewing the template protocol for approval

Non-Critical Violation – lack of air conditioning or insulation in the rear of one the current animal control vehicles

3 - Erosion and Sedimentation Report: Report period July 2018

4 – Administrator Roark reminds the Board of the proposed Renewable Energy Ordinance that was discussed at the July regular Board meeting and informs that new information has been received that needs to be reviewed prior to adoption. The Board chooses to table any action until all of the new information can be reviewed.

5 – Correspondence was received by County Attorney Preston Williams, from Attorneys' Office Kaufman & Canoles, P.C., pertaining to other Virginia localities retaining their services to file suit against pharmaceutical manufacturers, pharmaceutical distributors, pharmaceutical retailers/pharmacies, and pharmacy benefit managers, for opioid epidemic cost recovery. The Board chooses to take no action on the information

6 – Letter – Haymes Brothers, Inc.: Requesting to store their vehicles and/or equipment, on a temporary basis of five to six months, on County owned property located behind the Rt. 723/Lewiston Plank Road Waste Convenience Site

It is the consensus of the Board to approve the Haymes Brothers request.

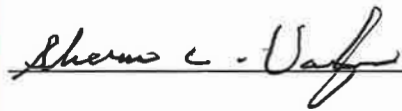
7 – James W. Elliott, Attorney at Law: Request for reimbursement of costs incurred with the collection of delinquent taxes; \$2,222.00. Supervisor Helen Simmons moves to approve the payment to Attorney Elliott. The motion carried as follows:

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

8 - E911 sign maintenance report

Chairman Vaughn comments on a recent news article published in the Courier Record concerning a Town of Blackstone Planning Commission member “blasting” the Board of Supervisors on their transparency and handling of the Nottoway Commons project. He clarifies that the County followed the same procedures as it always has when dealing with an industrial prospect and that some of the information stated from the Blackstone Commissioner was not factual.

There being no further business to come before the Board, Chairman Vaughn adjourned the meeting at 8:37 p.m.



Chairman



Clerk