

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 20TH DAY OF DECEMBER 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.

Vice Chairman Bowen provided the invocation. Chairman Vaughn led everyone in the Pledge of Allegiance to our flag.

The minutes of the November 15, 2018 regular Board meeting and the December 05, 2018 work session were presented. Supervisor Helen Simmons moved to adopt the November 15, 2018 and December 05, 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

Administrator Roark reads aloud a Resolution of Appreciation for Tena Felts; an employee of the County Administrator’s Office that is retiring December 31, 2018 after 39 years of service. Vice Chairman Bowen moves to adopt 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 THROU PAGE
FOR RESOLUTION)

Chairman Vaughn asks if there are any delegations from the public;

Sonny Abbott: Mr. Abbott reflects on 2018 and speculates how things will change, or not, for 2019; hopes for more “job creating, education supporting, and revenue producing decisions throughout the year”.

Presentation: Mr. John M. "Jack" Boswell: Mr. Boswell provides the Board with a plan to donate land to the County and provide an additional monetary contribution for the construction of a new Animal Shelter. Mr. Boswell states the land, approximately 2 to 3 acres or whatever is necessary, he is considering to donate for the facility is located in Burkeville near the former Roy C. Jenkins property and has access to water and sewer. Mr. Boswell agrees to match the first \$10,000 and is willing to spearhead fundraising efforts to support the project should the Board choose to accept his offer.

Presentation - Robinson, Farmer, Cox Associates: Mr. Paul Lee presents to the Board the completed Nottoway County Audit for the fiscal year ending June 30, 2018; explaining that in comparison to last year's budget there are an additional 50 pages due to new reporting requirements for post-employment benefit cost accruals (required retirement reporting). Mr. Lee reports that the Audit found the County to remain in pretty good financial shape; there was a slight increase in the general fund balance and continue to maintain a good unassigned fund balance. Mr. Lee further states that the tax collection rate remains noteworthy at 99.5%. Mr. Lee reports that there was a management letter issued for one item; the tax status of a part-time worker (need to issue a W-2 instead of a 1099). There was also a Federal finding in the audit report; the School made a request for Title I monies that was more than what was allowed; it is presumed the federal government will correct this with a reduction in the next reimbursement.

Administrator Roark provides an explanation on the management letter mentioned by Mr. Lee; this is a part-time, as needed, Landfill driver and he has been notified that he will be placed on the Payroll effective January 1, 2019.

Public Hearing – Special Exception Permit: consider a request from Ruben Alonso Bravo to install a mobile home to be used as a residence on property located off Rt. 661, Woodman's Road in Haytokah District, the property is zoned C-1, Conservation; the owners of the property are Minnie L. & William A. Wylie c/o Ruben Alonso & Ada B. Bravo

Chairman Vaughn asks if there is anyone present wishing to comment either for or against the Bravo request; there is no one present wishing to speak. Administrator Roark states the Planning Commission heard the request and recommend approval.

Vice Chairman Bowen moves to approve the Ruben Alonso Bravo special exception request to install a mobile home to be used as a residence on property located off Rt. 661, Woodman's 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 |

Public Hearing – Special Exception Permit: consider a request from Apex Towers, LLC, Agent/Edward H. Jones to erect a wireless communications facility with a tower not to exceed 199 feet on property located off Rocky Hill Road (Rt. 153) in Bellefonte District; property is zoned A-1, Agriculture

Chairman Vaughn asks if there is anyone present wishing to speak either for or against the Apex Tower request;

Dale Hill a representative with Apex Towers is present to answer any questions and informs the height of the tower has changed from 199 feet to 250 feet, has been awarded FAA approval and will include the required lighting.

Edward H. Jones, owner of the property located at 5149 Rocky Hill Road, speaks on behalf of those that have experienced dropped calls when traveling Rt. 153 between 460 and 360. This is going to benefit everyone, especially those that have Verizon, and will also allow for co-location for local emergency services.

Administrator Roark states the Planning Commission heard the request and recommends approval. Supervisor Shekleton moves to approve the Apex Towers, LLC special exception request to erect a wireless communications facility with a tower on property located off Rocky Hill Road; approval allows for the height waiver and its fit with the County's Comprehensive 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

Public Hearing – Amend Zoning Ordinance – Article 4 – Division 17: consider proposed Ordinance amendments under the following style:

To amend Article 4, Division 17, Mining under the following style:

Change Section 4-17-1 – Hours of Operation

Current: Hours of Operation: Sunrise to sunset, Monday through Friday

Proposed: Hours of Operation Except Blasting: Twenty Four hours per day

Change Section 4-17-2 – Permitted Blasting

Current: Between the hours of 9:00 to 11:00 AM, Monday through Friday

Proposed: Between the hours of 9:00 AM to 5:00 PM, Monday through Friday

Change Section 4-17-3-3 – Setbacks – Delete “Stationary”

Current: ‘Stationary Processing Equipment from Property Line – 600 Feet

Proposed: Delete the word ‘Stationary’

Add Section 4-17-3-4 – Transportation Related Equipment from Property Line – 150 Ft

Chairman Vaughn asks if there is anyone present wishing to speak either for or against the proposed Zoning Ordinance amendment;

John Riley, Land Use Director for Luck Stone Corporation: Mr. Riley professes Luck Stone was obviously a factor in the request for the Ordinance changes but clarifies that the proposed amendments would benefit any other mining company that chose to request something similar. Mr. Riley presents the Board with some proposed changes to the planned operations as a result of both the Planning Commission and Board public hearings and citizens' concerns. The proposed changes are as follows:

Section Hours of Operation 4-17-1 - sunrise to sunset Monday through Friday (unless otherwise approved through the Special Exception) – there is a requested exception to the proposed hours of operation due to the uncontrolled scheduling of the delivery of the Norfolk Southern rail cars

Section 4-17-2 - Hours of Permitted blasting – 9 am through 5pm Monday through Friday

Section 4-17-3-3 - Stationary process equipment from property line original request of 600 feet; proposed change to delete the word stationary; and in the case of an earthen berm being constructed no less than 10' high at the property line that the setback could be reduced to 400 feet and or where equipment is located not less than 25' below the elevation of the existing grade allowing the setback to be reduced to 200 feet

Section 4-17-3-4 – there is no issue with the Planning Commission requirement of 150'

Keith Black, Piney Green Road, Crewe: Mr. Black states that he manages the Luck Stone site in Burkeville and explains that they almost never have a blast prepared by 11 am so having the ability to detonate later in the same day is ideal

Howard Jenkins, 606 Custis street, Town of Crewe: Mr. Jenkins states that he is opposed to the quarry citing concerns for the water supply and the effects on nearby structures from the blasting

Lee Ball, 1403 The Falls Road, Crewe (property adjacent to the proposed quarry): Mr. Ball feels the ordinance should not be changed when the only benefit will be to Luck Stone; the over 300 families surrounding the proposed site will receive no benefit. Mr. Ball questions why there needs to be different hours of operation for the proposed site when the current hours of operation work just fine for Luck Stone in Burkeville; why wouldn't they work in Crewe? Mr. Ball feels the Board is more interested in helping Luck Stone than the citizens

Mr. Riley offers a reply to the hours of operation comment by Mr. Ball clarifying that the hours of operation at the proposed site will be very consistent to those of the Burkeville plant.

Administrator Roark states that the Planning Commission heard the request and held public hearings and their recommendations are to deny the change to Section 4-17-1, and approve 4-17-2, 4-17-3-3, and 4-17-3-4.

Following a discussion by the Board; including a request from Vice Chairman Bowen to approve what they can at this meeting, Chairman Vaughn requests that the proposed changes be sent back to the Planning Commission for their review and recommendation.

Supervisor Helen Simmons moves to send the changes back to the Planning Commission for their review of the proposed Luck Stone changes presented tonight. The motion carried as follows:

N. R. Shekleton	Yes
H. M. Simmons	Yes
G. L. Simmons	Yes
S. W. Bowen	No
S. C. Vaughn	Yes

Highway Department: Administrator Roark has received a petition from the members of Union Baptist Church concerning a number of safety issues around the Church. He will send the petition from Union Baptist Church to VDOT.

A - December 2018 Virginia Department of Transportation Petersburg Residency report

School Board – Charlotte D. Wood, Clerk: Actions taken at the regular meeting of the Nottoway County School Board held on December 13, 2018, minutes of the regular meeting of the Nottoway County School Board meeting held on November 08, 2018, declaration of five school buses and three vehicles as surplus for disposal by the Board of Supervisors along with forty Smart Board and forty projectors,

Administrator Roark suggests selling the vehicles but states there may be another School Division that has interest in the smart board and projectors. Supervisor Helen Simmons moves to authorize Administrator Roark to advertise for sale by sealed bid the Schools' surplus vehicles and negotiate the smart boards and projectors with other potentially interested School Systems. 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 – Howard Nash, MD FCAP: No report provided

Economic Development Committee: Administrator Roark informs the Committee will not meet in December

Regional Jail Authority Report & Juvenile Detention Center: no report provided

Landfill: Administrator Roark gave the Landfill report and reports that the new compactor has been delivered and is in service

A – Letter – Draper Aden Associates – Jeff Norman, Environmental Services Division: results from the Nottoway County Sanitary Landfill (active facility) Groundwater Monitoring Program sampling event 88 performed on 10-24-18, results from the Nottoway County Sanitary Landfill (closed facility) Groundwater Monitoring Program sampling event 50 performed on 10-24-18

B – Letter – Draper Aden Associates – William G. Hase, Program Engineer I: Draper Aden has reviewed the bids received on December 12, 2018 for construction of Cell 5 at the Nottoway County Landfill; the following four bids were received:

T&K Construction LLC	\$1,375,000.00
Atlantic Contracting & Materials Co., Inc.	\$1,424,214.00
Sargent Corporation	\$1,513,000.00
Shamrock Environmental Corporation	\$1,527,793.28

The engineer's opinion of probable cost for this project was \$1,323,000.00 including contingencies. After review it is their recommendation that the contract for the cell 5 construction be awarded to T&K Construction LLC. Supervisor Shekleton moves to award the Contract to T&K Construction LLC. 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 states the anticipated life of the new cell is expected to be seven years.

C – Letter – Draper Aden Associates – William G. Hase, Program Engineer I and Kenneth Bannister, Environmental Program Manager: Proposal for field construction quality assurance services and documentation (and certification by Quality Assurance Engineer), record surveys and drawings, and design engineer construction phase services related to the construction of Cell 5 at the Nottoway County Sanitary Landfill. The proposal estimate is not to exceed \$184,000.

Vice Chairman Bowen moves to accept the proposal from Draper Aden Associates for construction phase services as presented and not to exceed \$184,000. 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

D – November 2018 Solid Waste Report; average of 86.24 tons of waste per day received

E – Letter to the Virginia Department of Environmental Quality (DEQ) in support of the financial test performed by Robinson, Farmer, Cox Associates to demonstrate financial responsibility for closure care, post-closure care, and corrective action costs arising from operating the Nottoway County Sanitary Landfill; the approval letter was recently received from DEQ

7 - Fort Pickett Redevelopment Authority: Administrator Roark states that the Nottoway Lanes has been completely repaired and the hope is to be operational as soon as possible

Planning Commission Report: Administrator Roark reports that the Commission heard the Bravo and Apex Towers special exception requests as well as the Zoning Ordinance amendments for mining

Courthouse Committee Chairman Gary Simmons provides a report on the interview with CJMW Architects who submitted a proposal for the Courthouse space utilization study. It is the Committee's recommendation to enter into contract with CJMW Architects; their proposal cost estimate was between \$40,000 and \$55,000. Supervisor Shekleton (followed by a concurrent motion by Supervisor Helen Simmons) moves to accept the space utilization study proposal from CJMW Architects at a cost estimate of \$40,000 to \$55,000 and enter into a contract for their services. 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 provides a report on the Next Generation 9-1-1 (NG9-1-1) and a Nottoway County PSAP/GIS specific Migration Proposal; the cost estimate for deployment of NG9-1-1 is \$434,357.10. The county has an option to piggy back on an RFP with Fairfax using AT&T as a provider; should it be chosen to proceed with the project. Supervisor Gary Simmons (followed by a concurrent motion by Supervisor Helen Simmons) moves to proceed with the NG9-1-1 Migration using the Fairfax RFP. 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

Administrator Roark explains a new requirement in the audit that the auditor provide the Auditor of Public Accounts a statement on the condition of the records of the Sheriff; this has been completed and all was found in order

3 – Ellen F. Myatt, Treasurer: not in attendance

4 – Christy Hudson, Commissioner of the Revenue – not in attendance

5 – Terry Royall, Commonwealth’s Attorney - not in attendance

Chairman Vaughn presents the CONSENT CALENDAR:

1 – Budget Adjustment – Treasurer - \$1,053.57

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$1,053.57</u>
	(vendor refund of upfront postage)	<u>\$1,053.57</u>

EXPENDITURES:

4-100-12130-5201	Postage	<u>\$1,053.57</u>
		<u>\$1,053.57</u>

2 – Erroneous Assessment: refund Mr. John T. Seamster \$52.12 for erroneous personal property taxes for 2015 and 2016

3 - Budget Adjustment – Sheriff - \$922.61

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$922.61</u>
	(DSS fuel consumption)	<u>\$922.61</u>

EXPENDITURES:

4-100-31020-5408	Vehicle Supplies	<u>\$922.61</u>
		<u>\$922.61</u>

4 – Erroneous Assessment: refund Benjamin and Jennifer Shelton \$61.28 for erroneous personal property tax assessments for 2016 and 2017

5 – Erroneous Assessment: refund Robert Lewis Schutt \$117.38 for an erroneous personal property assessment

Vice Chairman Bowen 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 presents the following correspondence:

1 – Blackstone Volunteer Fire Department Incident Reports for the months of October 2018 and November 2018

2 – Letter – Virginia Department of Social Services – S. Duke Storen, Commissioner: providing the Fiscal Year 2018 financial statements for the Nottoway County Department of Social Services

3 – Abstract of Votes for the 2018 November General Election held on November 06, 2018

4 – Letter – Luck Stone Corporation – Erica L. Plale, Mining Engineer: providing notice that Luck Stone Corporation is applying to the Virginia Department of Mineral Mining for a permit to operate a granite quarry on 415 acres approximately 1 mile south of the Town of Crewe on Hudson Way in Nottoway County

5 – Notice – Virginia Department of Transportation – Dianna Bryant, Assistant Residency Engineer: Route 601 – Robertsons Road is not open; traffic detour has been lifted

6 – Minutes: minutes of the Virginia's Growth Alliance meeting held on October 4, 2018, minutes of the Nottoway Planning Council meeting held on May 03, 2018, minutes of the Nottoway Community Planning Management Team meeting held on November 26, 2018, minutes of the Nottoway County Public Library Board of Trustees meeting held on October 24, 2018, minutes of the Piedmont Soil and Water Conservation District Board of Directors meeting held on October 23, 2018

7 – Correspondence – Dr. Rodney Berry, Superintendent – Nottoway County Public Schools: providing a press release from the Office of the Governor Ralph S. Northam of a Budget proposal to invest \$268.7 million in new money for K-12 Education

8 – Notice – Virginia's Growth Alliance: Dominion Energy opens up Greensville County Power Station

Administrator Roark presents the following correspondence:

1 - Building Inspector's Report: report period November 2018

2 - Animal Control Officer's (ACO) Report: report period November 2018; annual report for 2018 (11 month summary January thru November reflecting a total of 952 calls)

3 - Erosion and Sedimentation Report: no report provided

4 – Letter – Piedmont Soil and Water Conservation District – Larkin D. Moyer, Chairman: Notification of opportunity to receive financial assistance for septic system pump-out and repairs for homeowners residing in the Flat, Nibbs, Deep and West Creek watersheds of Amelia and Nottoway Counties; application deadline is May 24, 2019

5 – Delinquent Tax Sale: Administrator Roark reports that he sent a letter to both the Town of Blackstone and the Town of Crewe asking if they were willing to waive any unpaid taxes or liens due them on parcels from the recent delinquent tax sale. Blackstone Town Manager Phillip Vannoorbeeck verbally stated the Council was in agreement with this but hasn't provided the decision in writing; there has been no reply from the Town of Crewe.

Administrator Roark announces that Martha Branch has resigned from the Library Board; Supervisor Helen Simmons will bring a recommendation to January meeting.

Supervisor Shekleton hopes the Board will closely review the proposed animal policy provided to them for their review; hopes that action can be taken to adopt the policy early in the new year.

December 20, 2018

There being no further business to come before the Board, Chairman Vaughn adjourned the meeting at 8:19 p.m.

Shawn C. Vaughn Chairman

Ronald E. Hook Clerk