May 17, 2018

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 17TH DAY OF MAY IN THE YEAR OF OUR LORD TWO THOUSAND EIGHTEEN AND IN THE 242ND 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 April 19, 2018 regular Board meeting and the April 26, 2018 adjourned meeting were presented. Supervisor Helen Simmons moved to adopt the April 19, 2018 and the April 26, 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:

Nottoway Commonwealth’s Attorney Terry Royall: introduces the County’s first Certified Facility Dog (victim/witness therapy dog) Chance; Chance is owned by office employee Rita Flippen and will be in their office during normal business hours to provide comfort to those in need. Mrs. Flippen explains how Chance came to be and the service he will provide once he is certified.

John Schutt: Mr. Schutt expresses concern for the conditions at the County’s waste collection site located in Burkeville at the intersection of Rt. 723 and Hwy 460. Mr. Schutt suggests that the problems arise from a lack of monitoring and unrestricted access; the site is open 24/7.

Sonny Abbott: Mr. Abbott addresses comments made in a recent news article published in the Courier Record relating to a Board member’s interpretation of his thoughts on how County Department heeds handle their budgets. Mr. Abbott urges those reported “thoughts” were not accurate. Mr. Abbott suggests there are many ways to put to good use any excess fiscal year funding and improve the County.

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.

Presentation: Mr. Roger Norton’s comments mimic that of earlier speaker John Schutt. Mr. Norton expresses concern for the conditions of the County’s waste sites.

Vice Chairman Bowen suggests that it is time for the Board to hold a work session and develop a strategy for improvement of the County’s waste handling sites.
Public Hearing: Consider an Ordinance granting Mid-Atlantic Broadband Communities Corporation (MABC) an exemption from real and personal property taxes in the County of Nottoway, Virginia

Chairman Vaughn asks if there is anyone present wishing to comment either for or against the MABC request:

Mr. Mark Varah, MABC Chief Financial Officer, joined by MABC President Tad Deriso, are present and explain that benefit of the service they provide.

Supervisor Gary Simmons moves to approve the exemption from real and personal property taxes in the County of Nottoway, Virginia for Mid-Atlantic Broadband Communities Corporation. 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 ORDINANCE)

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 the Rt. 633 Bridge has been repaired and reopened, the Rt. 624 and Rt. 601 bridge projects are on schedule, tree trimming has been intermittent due to uncontrollable circumstances but will get completed, low shoulder repairs on Rt. 460 and Rt. 49 are being completed along with ditch/drainage cleanup.

A – Vice Chairman Bowen is requesting that VDOT complete a safety study of Randolph Mill Road at its entrance onto West Courthouse Road where sight distance is a concern. Mrs. Bryant reports that this has been passed on to the traffic engineering division for a speed study.

B – SMART Scale: Pre-Application deadline is June 1, 2018

Administrator Roark explains that, as a result of a meeting that included County Staff and VDOT representatives, it is recommended that a pre-application be submitted for Burkes Tavern Road, Lewiston Plank Road, Holly Farm Road, a portion of East Virginia Avenue at the intersection with Tyler Street, and the roundabout on Rt. 40. Mrs. Bryant explains that the Probable Safety Improvements (PSI) Score, assessed by VDOT, is high on these intersections so it is the recommendation to proceed with the submission.

School Board – Charlotte D. Wood, Clerk: Actions taken at the regular meeting of the Nottoway County School Board held on May 10, 2018, minutes of the regular meeting of the Nottoway County School Board held on April 12, 2018

Health Department: No report provided

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

Landfill Administrator Roark gave the Landfill report

A - April 2018 Solid Waste Report; average of 78.58 tons of waste per day received

B – Draper Aden Associates – Jeff Norman, Environmental Services Division: Results of the Nottoway Sanitary Landfill Gas Monitoring Program Monitoring Event performed on 04-27-18; facility found to be in compliance with the Virginia Solid Waste Management Regulations as they pertain to control of landfill gases at the facility boundary and within facility structures

The wetlands obligations have been met by the County and the project for the new cell is on schedule; the erosion and sedimentation plan has been submitted for review and approval.

Fort Pickett Redevelopment Authority: Administrator Roark reports that a purchase order has been issued for the roof replacement on the building being leased by SVCC.

Planning Commission Report: Administrator Roark states the Commission met on Tuesday, May 15, 2018 and held three public hearings on amendments to the Nottoway County Zoning Ordinance; they recommend the following amendments to the Board for their own public hearing:

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

2 – 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 3rd paragraph In conjunction with .................12 feet in height.

3 – 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

Vice Chairman Bowen moves to advertise the three amendments to the Nottoway County Zoning Ordinance for public hearing at the Board’s June meeting. 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:

Supervisor Helen Simmons moves to appoint Andre’ Glasgow from District 3 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

Supervisor Shekleton moves to appoint Ronnie Dooley from District 5 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

Resolution: Consider a Resolution of support for a Joint Land Use Study for Nottoway County and Fort Pickett; the resolution specifies that the County will not be bound by any recommendations of the Study. Supervisor Helen Simmons moves to adopt the Resolution of support for a Joint Land Use Study for Nottoway County and Fort Pickett 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

(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 – Attorney Royall expresses appreciation for the extra time for the introduction to Chance at the beginning of the meeting; also explains the statute allowing certified animals in the Courts.

Attorney Royal encourages the Board to strongly consider installing cameras at the waste collections sites.

Chairman Vaughn presents the CONSENT CALENDAR:

1 – Erroneous Assessment: Refund Lori Lee $116.72 for an erroneous real estate assessment for tax year 2016
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2 – Budget Adjustment – Library - $800.00

| REVENUES: | 3-100-33050-0001 | Library Grants – Federal | $800.00 |
| | (Travel stipend for Amer. Lib. Assoc.) | $800.00 |

| EXPENDITURES: | 4-100-73010-5504 | Travel (Convention & Education) | $800.00 |
| | | | $800.00 |

3 – Erroneous Assessment: Refund Vault, d/b/a Ally Bank $344.10 for an erroneous personal property assessment for tax year 2017; the refund will be applied to their 2018 tax bill

4 – Budget Adjustment – Library - $657.00

| REVENUES: | 3-100-18990-0990 | Library – Miscellaneous | $657.00 |
| | (John R. Cook Endowment Grant Fund) | $657.00 |

| EXPENDITURES: | 4-100-73010-7001 | Miscellaneous | $657.00 |
| | | | $657.00 |

5 – Budget Adjustment – Commonwealth’s Attorney - $1,288.17

| REVENUES: | 3-100-18990-0050 | Miscellaneous – Undefined | $1,288.17 |
| | (Reimb. from Comm. of VA for training) | $1,288.17 |

| EXPENDITURES: | 4-100-22010-5504 | Travel (Convention & Education) | $1,288.17 |
| | | | $1,288.17 |

6 – Erroneous Assessment: Refund Amanda Scott (c/o Amanda Wilson) $403.20 for erroneous real estate assessments for tax years 2015, 2016 and 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 – Letter – Blackstone Volunteer Fire Department – Dion Tomer, Chief: Expresses appreciation for the increase in emergency services funding approved for FY19

2 – Letter – Department of the Army – US Army Corps of Engineers – Donna L. Carrier-Tal, Chief, Real Estate Division, Real Estate Contracting Officer: Department of the Army Lease No. DACW65-5-17-002 renewal; effective lease term of June 1, 2018 through May 31, 2019
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3 – Notice: 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; 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, Application of Virginia Electric and Power Company to revise its fuel factor pursuant to VA Code § 56-249.6 Case No. PUR-2018-00067, 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. PUR-2018-00066

4 – Information – Virginia Cooperative Extension: Virginia Pork Quality Conference to be held Wednesday, May 23, 2018 at Southern Piedmont AREC in Blackstone, Nature Camp Day to be held June 19-21, 2018 at Twin Lakes State Park, 2018 Virginia Pesticide Collection Program schedule, Registered Technician Pesticide Training to be held June 26-28, 2018 at Southern Piedmont AREC in Blackstone, ELC Report and Master Gardener News from Extension Agent Haley Norton, Cattlemen’s College to be held May 18-19, 2018 at the BARN facility in Buckingham, 4-H Report

5 – Minutes: Minutes of the Piedmont Soil and Water Conservation District regular Board meeting held on April 24, 2018, minutes of the Piedmont Soil and Water Conservation District Board of Directors meeting held on March 27, 2018, minutes of the Piedmont Soil and Water Conservation District Board of Directors meeting held on April 24, 2018, minutes of the South Central Workforce Development Board Chief Local Elected Officials meeting held on February 02, 2018, minutes of the South Central Workforce Development Board meeting held on February 01, 2018, minutes of the Nottoway County Planning Commission meeting held on March 13, 2018, minutes of the Nottoway Planning Council meeting held on February 01, 2018, minutes of the Nottoway County Economic Development Committee meeting held on March 26, 2018, minutes of the Nottoway County Economic Development Committee meeting held on March 14, 2018, minutes of the Piedmont Regional Jail Authority Board meeting held on April 20, 2018, minutes of the Piedmont Regional Juvenile Detention Center Commission meeting held on February 21, 2018, minutes of the Piedmont Regional Juvenile Detention Center Commission meeting held on April 20, 2018, minutes of the Piedmont Regional Jail Authority Board meeting held on March 22, 2018

Administrator Roark informs the Board of a combination grant and loan award from the US Department of Agriculture totaling $59,439 for the purchase of Sheriff’s vehicles; this needs to be appropriated. Supervisor Shekleton moves to appropriate the USDA money. 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 announces that Supervisor Helen Simmons’ term on the STEPS Committee will soon expire; she needs to be reappointed. Supervisor Gary Simmons moves to reappoint Supervisor Simmons to the STEPS Committee. 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 announces there will be a groundbreaking ceremony for the expansion of the Virginia Center for Behavioral Rehabilitation, to be known as VCBR II, and is tentatively scheduled for June 18, 2018 at 10:00 am.
Administrator Roark informs there will be a Virginia Association of Counties District meeting held on May 30, 2018 in McKenney from 7-9:00 p.m.

Administrator Roark announces that the Luck Stone open house which was to be held in Farmville on May 19, 2018 has been postponed indefinitely due to weather.

Administrator Roark presents the following correspondence:

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

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

Administrator Roark presents the results of the most recent inspection by the State Vet’s Office; the County was cited for three violations:

A - there was an ill dog picked up and our Officer took it to the vet for care, due to its condition the Vet euthanized the animal; per the State Vet the animal should have been held for five days before termination

B – The protocol for receiving animals, maintaining custody, etc. has not been completed; communications are currently being held with a local Vet to become the County’s Certifying Veterinarian

C – There is no open flow of air conditioning to the containment area in the Animal Control truck

3 - Erosion and Sedimentation Report: Report period April 2018

4 – Letter – Larry J. Parrish, Sheriff: Requesting that unused holiday hours/compensation time be paid to those respective Dispatch employees in their June 15, 2018 pay check; due to being understaffed the Dispatchers were not able to use their leave time and the funding will come from vacancy savings in the salary line of the current Budget

Supervisor Helen Simmons moves to approve the Sheriff’s request and pay the respective employees for their unused holiday hours/compensation time. 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

5 - Letter – James W. Elliott, Attorney at Law: Request for reimbursement of costs incurred with the collection of delinquent taxes; $559.30. 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

6 - Letter – Nottoway County Electoral Board – Robert K. Wheeler, Secretary: requesting authorization to transfer funding from their budget to the Registrar’s budget to cover necessary part-time help, when needed, as well as required travel and training for the Registrar

Supervisor Shekleton moves to approve the transfer of funds from the Electoral Board budget to the Registrar budget. The motion carried as follows:
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7 – Letter – Christy’ Hudson, Nottoway Commissioner of the Revenue: there are still concerns related to the Nottoway County Vehicle Ordinance; will County Attorney Preston Williams amend the ordinance to reflect the one adopted June 18, 2009 requiring that the Emergency Services Agencies provide a list of qualifying members to her office and not the Treasurer. Also it is the consensus of both she and Treasurer Myatt that the Ordinance should reflect the Commission having the authority for abatements and not the Treasurer. Additionally Commissioner Hudson does not agree with annually assessing permanent trailers; they pay a one-time fee for registration and urges the County’s Vehicle License Fee should be handled the same way.

Administrator Roark states that he has items that need to be discussed in closed session. The Board enters closed session to discuss a prospective industry under Code of Virginia § 2.2-3711-A-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, § 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 Board enters closed session at 8:10 p.m.
The Board returned to open session at 8:52 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 with a roll call vote:

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

Yes
Yes
Yes
Yes
Yes

(SEE PAGE THRU PAGE FOR CERTIFICATION OF EXECUTIVE MEETING)

Supervisor Shekleton states that, after conferring with legal counsel and reviewing the statute in the Code of Virginia, the County is not liable for the expenses associated with a request for a vote recount following the Blackstone Town Council elections.

Vice Chairman Bowen instructs Administrator Roark to check all references provided for the Animal Control Officer applicant being considered; if they are deemed acceptable then proceed with hiring them.

Chairman Vaughn stated that the Board work session that is to be scheduled should be held on the Fourth Thursday night of the month provided there is no Economic Development Committee meeting scheduled.

Administrator Roark suggests that the Board consider installing a new HVAC system for the Animal Pound; it is the consensus of the Board for him to explore pricing.

There being no further business to come before the Board, Chairman Vaughn adjourned the meeting at 9:00 p.m.

[Signatures]
Chairman
Clerk
AN ORDINANCE GRANTING MID-ATLANTIC BROADBAND COMMUNITIES CORPORATION AN EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXES IN THE COUNTY OF NOTTOWAY, VIRGINIA

WHEREAS, on the request of the Mid-Atlantic Broadband Communities Corporation, pursuant to Section 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, 1950, as amended, a properly noticed public hearing was held on the matter of granting an exemption from real and personal property taxes in the County of Nottoway, Virginia; and

WHEREAS, pursuant to Section 6(a)(6) of Article X of the Constitution of the Code of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors of Nottoway County may by designation or classification exempt from real or personal property taxes, or both, property owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the following questions were considered:

1. Whether the organization is exempt from taxation pursuant to § 501 © of the Internal Revenue Code of 1954;

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;

3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;

5. Whether the organization provides services for the common good of the public;

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

7. The revenue impact to the locality and its taxpayers of exempting the property; and

8. Any other criteria, facts and circumstances that is pertinent to the adoption of such ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Nottoway County, Virginia that the real and personal property of the applicant Mid-Atlantic Broadband Communities Corporation, is hereby classified and designated as being used for a charitable and/or benevolent purpose within the context of Section 6(a)(6) of Article X of the Constitution of Virginia and herewith is granted an exemption from real estate and personal property taxes for the tax year 2018 and all subsequent years, in accordance with Section 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, 1950, as amended, subject to the following express conditions:

1. The payment by Mid-Atlantic Broadband Communities of costs to cover advertising and administrative costs of its application for tax exemption; and
2. No exemption shall be provided to the Mid-Atlantic Broadband Communities Corporation in the event that the Mid-Atlantic Broadband Communities Corporation has or later imposes any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and

3. The continuance of this exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

Sherman C. Vaughn, Chairman

Clerk

May 17, 2018
Date Adopted
RESOLUTION OF SUPPORT
FOR A JOINT LAND USE STUDY FOR
NOTTOWAY COUNTY AND FORT PICKETT

WHEREAS, it is recognized that Fort Pickett is important to the national defense of the United States of America and the economies of both the Commonwealth of Virginia and especially south central Virginia, and

WHEREAS, Nottoway County, Virginia, intends to participate in a regional planning effort, known as the Joint Land Use Study (JLUS), to discuss future community growth and development that considers the mission of Fort Pickett, and

WHEREAS, Nottoway County recognizes the potential of a JLUS to benefit the health, safety and general welfare of its citizens;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Nottoway County that the Board agrees for the county to participate in a JLUS with Fort Pickett and surrounding communities and will strongly consider the recommendations that result from the study.

ADOPTED BY THE NOTTOWAY COUNTY BOARD OF SUPERVISORS THIS DAY, May 17, 2018.

[Signature]
Chairman, Board of Supervisors

[Signature]
Clerk to the Board of Supervisors