

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON MONDAY, THE 24<sup>TH</sup> DAY OF FEBRUARY IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY AND IN THE 244<sup>TH</sup> YEAR OF THE COMMONWEALTH:

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

ABSENT: NOEL R. SHEKLETON

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

Supervisor Bowen provided the invocation. Chair Simmons led everyone in the pledge of allegiance to our flag.

Madam Chair Simmons asks if there are any additional items that need to be placed on the agenda for the night's meeting. Administrator Roark informs that he has two additional items that need to be added to the night's agenda; two presentations and a closed session for probable litigation.

Supervisor Bowen makes a motion to approve the agenda with the additions from Administrator Roark and a second is offered by Supervisor Roark. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

The minutes of the January 02, 2020 organizational meeting and the January 16, 2020 regular Board meeting were presented. Vice Chairman Vaughn moves to receive and adopt the January 02, 2020 and the January 16, 2020 minutes as presented. The motion received a second from Supervisor Roark. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

Madam Chair Simmons holds a moment of silence in honor of former Board member Sidney Locke who recently passed. This is followed by the presentation of a plaque to Sheriff Robert L. Jones in honor of Black History Month. Supervisor John Roark presents Madam Chair Helen Simmons with a similar plaque.

Madam Chair Simmons asks if there are any delegations from the public:

Susan Yeatts: Mrs. Yeatts continues to ask the Board for more transparency and better communication. She suggests that the recently implemented routine work sessions aren't being utilized as they should.

Cindy Debusk, Nurse Manager and Tammy Johnson, Public Health Nurse express appreciation to the Board for including the Health Department in the facilities space utilization study; they have outgrown their current space and safety concerns are growing.

Supervisor Bowen explains that the Study was completed and resulted in a project estimated in excess of \$20 million (this does not include engineer and architectural services) and suggests the Board may need to complete this in phases.

Bill Outlaw, Nottoway County School Board member: reports that the Board has done its School division a great service by agreeing to provide funds for School Resource Officers.

Stuart Cardwell: Offers to provide the public information on the purpose, mission, etc. of a militia

Daphne Norton: Present as a member of Citizens for a Better Nottoway, expresses appreciation for the documents received providing answers to questions she asked at the January meeting; states that the answers aren't completely understandable and more clarity is needed. She lastly thanks the Board for its efforts for growing transparency.

The Board heard the following presentation:

Foreign Affairs Security Training Center: Administrator Roark informs that due to having to reschedule the meeting from last week; the FASTC representatives had a schedule conflict with tonight so they will make their presentation at the March regular meeting

Sonny Abbott: Mr. Abbott suggests that the Board should reduce its local contribution to the Schools in FY21; he provides several documents to support his recommendation. He implies that if the School System can use current year funds to pay for next year's expenses, they should be returning funds to the County.

Southside Center for Violence Prevention: Administrator Roark states that due to a scheduling conflict this presentation will be made at a later date.

The Board holds the following public hearing:

Special Exception: request from Juliana Hernandez to replace an existing 1971 single-wide mobile home (12x66) on property located at 616 CCC Road, Crewe, with a newer (1996) and larger single-wide mobile home

Madam Chair Simmons asks if there is anyone wishing to comment on the Hernandez request; there being none the public hearing is closed. Administrator Roark reports that the Planning Commission heard the request and recommend approval.

Supervisor Bowen moves to approve the Juliana Hernandez request to replace the 1971 single-wide mobile home with a larger 1996 single-wide mobile home. The motion received a second from Vice Chairman Vaughn. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

The Board receives the following Department reports:

1 - Highway Department: Due to illness no VDOT representation is in attendance

2 - School Board – Charlotte D. Wood, Clerk: Actions taken at the regular meeting of the Nottoway County School Board held on February 13, 2020; minutes of the regular meeting of the Nottoway County School Board meeting held on January 09, 2020, minutes of a Budget work session of the Nottoway County School Board held on January 24, 2020

3 - Health Department – Howard Nash, MD FCAP: No report provided

4 - Economic Development Committee: Administrator Roark informs the Committee will meet on Thursday, February 27, 2020

5 - Regional Jail Authority Report & Juvenile Detention Center: Virginia Department of Juvenile Justice Statewide Detention Facility Population, December 2019 Piedmont Regional Juvenile Detention Center Utilization Report, December 2019 Piedmont Regional Jail Authority Transportation Report, October – December 2019 Piedmont Regional Jail Authority Jurisdiction Report, December 2019 Piedmont Regional Jail Authority Revenue Report;

Administrator Roark reports that there were 589 inmates being housed at the Jail as of the recent Jail Board meeting.

6 – Landfill:

A – January 2020 Leachate Disposal Record; 91 Loads totaling 546,000 gallons

B – Letter – Virginia Department of Environmental Quality – Katy T. Dacey, Solid Waste Compliance Inspector: a compliance inspection was completed on November 19, 2019 at the Nottoway County Landfill (Solid Waste Permit {SWP} No. 304); the facility was evaluated for compliance with the Virginia Waste Management Act, Va. Code § 10.1-1400 *et seq.* (“Act”), the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.* (“Regulations”) and SWP 304 and there were no violations found

C – Memorandum – Draper Aden Associates (DAA), Jeffrey C. Norman, Environmental Services Division: On January 15, 2020 DAA personnel, using an *Envision* gas analyzer, measured landfill gases in probes that are located within, and along the perimeter of, the facility; probe pressure and barometric pressure were also measured at each probe location, atmospheric pressure was recorded at the beginning and end of the monitoring event

The facility was found to be in compliance with Virginia Solid Waste Management Regulations as they pertain to the control of landfill gases at the facility boundaries and within facility structures.

D – Letter – Virginia Department of Environmental Quality (DEQ) – Shawn Weimer, Regional Land Protection Program Manager: DEQ received the required documents regarding the construction quality assurance for the construction of Cell 5 at the Nottoway County Landfill, Permit No. 304 and after review of these documents and a visual inspection conducted on December 10, 2019 authority is given to begin operating out of the cell

E – January 2020 Nottoway County Sanitary Landfill waste report; average of 61.14 tons of waste per day received

F – the Genito Road site improvements have been completed and that site is now manned and open for use

7 - Fort Pickett Redevelopment Authority: Administrator Roark reports that Building 408 is still in the process of being remodeled for use by the Southside Virginia Community College Foundation but is nearing completion

8 - Planning Commission Report: The Planning Commission met to hear the Hernandez special exception request, received a report from the Comprehensive Plan Committee, discussed the Comprehensive Plan and hope to soon have a draft copy available for the Board’s review, and they discussed Virginia General Assembly proposed zoning changes

The Board revisits the following old business:

1 – Appointment – Planning Commission: Supervisor Roark moves to appoint Jeff Lavelle to the Nottoway County Planning Commission. The motion received a second from Vice Chairman Vaughn. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

The Board considers the following new business:

1 - Appropriation – LRA: The Board needs to appropriate \$24,500 received from the Southside Virginia Community College Foundation to offset the costs associated with the renovations of Building 408 in Pickett Park. Vice Chairman Vaughn moves to approve the appropriation. The motion received a second from Supervisor Bowen. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

2 – Contract – Robinson, Farmer, Cox Associates – Taylor Stover, CPA, Director: Providing two options for the completion of the County’s Central Services Cost Allocation Plan; a one-year contract for FY19 for \$4,500, and a 3-year contract for FY19 thru FY21 for \$12,000

Administrator Roark explains the purpose and benefit of a cost allocation plan. Vice Chairman Vaughn moves to approve the three-year contract for FY19 – FY21 at a cost of \$12,000. The motion received a second from Supervisor Bowen. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

Reports, requests, and recommendations of Constitutional Officers:

- 1 – Jane L. Brown, Clerk – not in attendance
- 2 – Robert L. Jones, Sheriff: nothing to report
- 3 – Ellen F. Myatt, Treasurer: not in attendance
- 4 – Christy A. Hudson, Commissioner of the Revenue: not in attendance
- 5 – Leanne Watrouss, Commonwealth’s Attorney: not in attendance

Chair Simmons presents the CONSENT CALENDAR:

1 – Budget Adjustment – Sheriff - \$618.39

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$618.39</u>
	(Social Services Fuel consumption)	<u>\$618.39</u>

EXPENDITURES:

4-100-31020-5408	Vehicle Supplies	<u>\$618.39</u>
		<u>\$618.39</u>

2 – Budget Adjustment – Sheriff - \$4,052.50

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$4,052.50</u>
	(VRSA Ins. Proceeds – Sheriff vehicle)	<u>\$4,052.50</u>

EXPENDITURES:

4-100-31020-5408	Vehicle Supplies	<u>\$4052.50</u>
		<u>\$4052.50</u>

Supervisor Bowen moves to approve the CONSENT CALENDAR as presented. The motion received a second from Vice Chairman Vaughn. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

The following information items are provided:

1 - Letter – Piedmont Regional Jail Authority – James H. Davis, Superintendent: A letter has been sent to the Virginia Board of Corrections appealing recent stipulations placed on the Jail

2 – Letter – National Association of Counties (NACo) – Matt Chase, Executive Director/CEO: invitation to attend a first-ever summit for counties with defense installations in or near your jurisdiction on Tuesday, March 3, 2020 as part of our 2020 Legislative Conference in Washington, D.C.

3 – Letter – Trudy Berry, 1662 Bethel Church Road, Green Bay, VA 23942: asking that the Board pass a resolution requesting that the U.S. Congress pass a bill to amend the Waste Disposal Act to give State Governors the immediate authority to ban out-of-state trash

4 – Letter – James Kersey: asking that the Board pass a resolution requesting that the U.S. Congress pass a bill to amend the Waste Disposal Act to give State Governors the immediate authority to ban out-of-state trash

5 – Correspondence – Virginia Association of Counties: Partnering with Virginia Tech to offer the Virginia Certified County Supervisors’ Program; an opportunity for county supervisors to learn how to more effectively and efficiently lead in their communities

6 – Letter – United States Department of Agriculture (USDA) – Scott C. Barras, State Director, USDA Wildlife Services – Virginia: Notification of registration period for anyone wishing to act under The Resident Canada Goose Nest and Egg Depredation Order issued by

7 – Notice of Virginia Electric and Power Company d/b/a Dominion Energy Virginia of intent to file applications or petitions pursuant to § 56-585.1 A 6 of the Code of Virginia

8 – Letter - Virginia Department of Criminal Justice Services (DCJS) – Amia N. Barrows, Grant Monitoring and Team Supervisor: providing documents related to findings as a result of a recent on-site monitoring review, for DCJS Grant #20-G3162VW18, completed on December 20, 2019; there is additional information being requested from the Victim Witness Coordinator

9 – Letter – Barbara Speas, Cumberland, VA: asking the Board to reach out to State Delegates and Senators to introduce and support a bill to ban out-of-state trash and ask the Governor to sign the bill, keeping with the Virginia Department of Environmental Quality’s recommendation to “divert waste from landfills”

10 – Blackstone Volunteer Fire Department Incident Report for January 2020

11 – Correspondence – Tia L. Jacobs, State Outreach Associate, Mercatus Center at George Mason University: providing information relating to the US Department of Housing and Urban Development proposed rule changes

12 – Correspondence – Jon David Russell, Town Councilman – Culpeper Virginia: Asking the Board to join the efforts to stop the proposed General Assembly actions that would give unrestricted power to local governments to regulate and tax its citizens

13 – Mr. & Mrs. G. Bailey, Cumberland, VA: asking that the Board pass a resolution requesting that the U.S. Congress pass a bill to amend the Waste Disposal Act to give State Governors the immediate authority to ban out-of-state trash

14 – Letter – Virginia Department of Health, Office of Drinking Water, Jeffrey S. Wells, P.E., Field Director: Notice that the plans and specifications for a Waterworks Construction Permit for the Construction of the Dollar General, to be constructed on property at the intersection of Hwy 460/Rt. 153, are technically adequate and are approved

15 – Minutes of a Nottoway Planning Council meeting held on September 5, 2019, minutes of the Nottoway County Public Library Board of Trustees meeting held on January 15, 2020, minutes of the Piedmont Regional Jail Authority Board meeting held on December 18, 2019, minutes of the Piedmont Regional Juvenile Detention Center Commission meeting held on December 18, 2019, minutes of the Nottoway County Public Library Board of Trustees meeting held on December 18, 2019

16 – Correspondence – Virginia Department of Health (VDH) – M. Norman Oliver, MD, MA, State Health Commissioner: providing VDH actions related to the recent discovery/outbreak of the Coronavirus

Administrator Roark presents the following correspondence:

1 - Building Inspector’s Report: report period January 2020; Virginia Department of Environmental Quality, State Water Control Board, Certification as a Land Applier for Nottoway County Building Code Official Dean Lewis

2 - Animal Control Officer’s (ACO) Report: report period January 2020

3 - Erosion and Sedimentation Report: no report provided

4 - Dog Confinement: Administrator Roark asks the Board to set the annual dog confinement; the past years’ confinement has been during the months of April and May. Supervisor Roark makes a motion to set the 2020 dog confinement period as April and May. The motion received a second from Vice Chairman Vaughn. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

5 – Administrator Roark explains that the County received a check from the employees of Hensel-Phelps (FASTC contractor) in the amount of \$1,310 for the Nottoway Animal Shelter group Nottoway CARES; this will need to be appropriated to the Budget and then a check will be written to CARES. Vice Chairman made a motion to appropriate the \$1,310 donation and to then have a check issued to Nottoway CARES. The motion received a second from Supervisor Roark. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

6 – Administrator Roark informs that the County has a 1994 GMC Truck and a International waste hauling truck that are both inoperable and need to be declared surplus and offered for sale by sealed bid. Vice Chairman Vaughn makes a motion authorizing the sale of the two surplus vehicles. The motion received a second from Supervisor Bowen. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

7 – Letter – Christy A. Hudson, Nottoway County Commissioner of the Revenue: The Office has a list of surplus electronics/equipment that need to be disposed of; Supervisor Roark makes a motion authorizing the disposal. The motion received a second from Vice Chairman Vaughn. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

8 – Virginia Association of County appointments: Supervisor Shekleton – Environmental and Agriculture Steering Committee, Vice Chairman Vaughn – Finance Steering Committee, Madam Chair Simmons – Health and Human Resources Committee

9 – Nottoway County Budget Committee schedule: the first meeting is scheduled for March 16, 2020 in the Health Department Conference Room, with the full Board, to hear budget requests; the Budget is anticipated to be adopted on April 23, 2020

10 – Letter – Power Home – Neneh Torrence, VA Permit Coordinator: Requesting a refund of a building permit fee paid of \$114.95; there was a planned install of solar panels at 1257 Tyler Road, Crewe that will not be completed. Vice Chairman Vaughn made a motion to refund Power Home 90% of the original fee paid. The motion received a second from Supervisor Roark. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

11 – Militia Muster Call to be held on March 14, 2020 at noon, on the grounds of Schwartz Tavern located in the Town of Blackstone at 111 Tavern Street

Administrator Roark provides the Board with the written report from County Attorney Preston Williams relating to militias. The letter provides the options the Board has; The Board can choose to take no action, the Board can choose to establish a militia or it can endorse or allow law abiding citizens to establish their own militia. Attorney Williams clarifies for everyone that should the Board choose to establish a militia, the Governor of Virginia has historically been the Superior leader.

Vice Chairman Vaughn asks Attorney Williams how much liability would the Board carry if it endorsed a militia. County Attorney suggests there could potentially be a high amount of liability.

Supervisor Roark suggests that the citizens have been given the opportunity to self-govern and they should take it; they don't need County approval. He asks that if someone chooses to continue and establish a militia, that they do so with the advice of the Sheriff. He adds that there would be repercussions for the entire Board no matter how they voted and could potentially divide the citizens. Supervisor Roark suggests that the Board take no action.

Supervisor Bowen acknowledges a point made by citizen speaker Stuart Cardwell; what is everyone really afraid of? He suggests that the Board doesn't take action.

Citizen Bill Outlaw, given the opportunity to comment from Madam Chair Simmons, encourages the Board to not rush to judgement; let everyone talk with Mr. Cardwell and other militia supporters.

Vice Chairman Vaughn makes a motion to take no action on a militia at this time. The motion received a second from Supervisor Bowen. With a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

12 – Administrator Roark explains that he has secured the services of an appraiser for the Animal Shelter and was expecting to have the report back by this meeting; it isn't available yet so he will on this after it is received.

Administrator Roark provides an answer to a citizen question asked earlier in the meeting by Sonny Abbott as to whether there were any other sites considered; the answer is no. The architect was only given two sites and asked to make recommendation from those two. Mr. Abbott interjects that the County already owns property very close to the center of the County on Hwy 460; why wasn't this considered.

Administrator Roark will add this to the meeting agenda for the next meeting, to allow for further discussion.

13 – Administrator Roark reports on the recent presentation made by CJMW Architects on the Courthouse Complex Facilities Study; it is up to the Board how it wants to proceed

14 - Administrator Roark reports that he, along with Madam Chair and Supervisor Roark, recently met with representatives from Piedmont Senior Resources. He implies that the meeting went well and valuable information was discussed. They were informed that there is a cap on the number of people to be served under the current programs which was causing the reduced services for Nottoway County residents; not lack of funding from Nottoway County. Mr. Carter Harrison will make a presentation at the March work session.

Administrator Roark asks for a clear understanding on the purpose of the new regular work sessions; his understanding was to offer the Board a chance to review/discuss things that are to be brought to the Board at its regular meetings and allow the opportunity for presentations with the subject matter provided ahead of time. Madam Chair Simmons agrees with Administrator Roark on the purpose.

Administrator Roark informs that Gregory Robertson (militia) has asked to be on the March work session agenda along with Carter Harrison (Piedmont Senior Resources); additionally an insurance broker has requested to make a presentation to the Board on its health insurance programs. Supervisor Roark offers a correction; the insurance broker would like to make a presentation at the April work session.

Vice Chairman Vaughn acknowledges that if the Board continues to follow its normal policy of rotating Chairmanship; he will have served twice since District 5 Supervisor Noel Shekleton was appointed, and then later elected. He would like to yield to Supervisor Shekleton and have him appointed as Board Chair for 2021. The Board is in agreement to allow this.

Supervisor Bowen announces that the Virginia Association of Counties is trying to get a plan together to offer localities the same health insurance plans with better coverage and lower premiums. He explains that it is currently in the hands of the State Commission for an ethics review.

Supervisor Bowen reports on the recent Adhoc meeting that both he and Vice Chairman Vaughn attended; they met with representatives from the County's emergency services agencies. He expresses that it was productive and it is recommended that the Board take a step back and acknowledge the government's financial responsibility. Supervisor Bowen suggests scheduling a "round table" meeting with representatives from the Towns and discuss who funds what and how.

Supervisor Roark acknowledges citizen comments made earlier in the meeting concerning the Board's work sessions; he clarifies that representatives of Piedmont Senior Resources were asked if they would like to make their presentation during a work session or a regular meeting; Mr. Carter Harrison chose a work session.

Supervisor Roark also acknowledges comments related to the lack of questions from the Board at work session; he explains that the presentation made for the Space Utilization Study was just an informative session and that now the Board can begin to dive in and ask any questions. Lastly he clarifies that the Insurance Broker that asked to make a presentation chose the April 9, 2020 work session.

Supervisor Bowen interjects to clarify that the County department heads were involved in the research for the space utilization study.

Administrator Roark states that he has an issue that needs to be discuss in closed session. The Board enters closed session to discuss the possible sale of public property and a prospective industry under Code of Virginia § 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 8:06 p.m.

The Board returned to open session at 8:22 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:

S.W. Bowen	Yes
J.A. Roark	Yes
N. R. Shekleton	Absent
S. C. Vaughn	Yes
H. M. Simmons	Yes

Madam Chair Simmons states there will be no action as a result of the closed session.

There being no further business to come before the Board, Supervisor Bowen moves to adjourn. The motion received a second from Supervisor Roark. Madam Chair Simmons adjourns the meeting at 8:22 p.m.

*H. M. Simmons* Chairman      *James A. Roark* Clerk