

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 21ST DAY OF MARCH IN THE YEAR OF OUR LORD TWO THOUSAND NINETEEN AND IN THE 243RD YEAR OF THE COMMONWEALTH:

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

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

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

The minutes of the February 19, 2019 regular Board meeting and the March 11, 2019 work session were presented. Supervisor Vaughn moved to adopt the February 19, 2019 and March 11, 2019 minutes as presented. The motion carried as follows:

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

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

Sonny Abbott: Mr. Abbott infers the Board did not ask the pertinent questions it should have in relation to an excess of funding the School has in its Textbook Fund during recent Budget Committee meetings. He suggests the Committee should have delved into how such a large sum of monies was accumulated. Mr. Abbott further urges the Board to remain cognizant of the many costly projects it has to face in the near future.

Administrator Roark offers clarification on the change in laws, effective in 2011, which allows School divisions to spend funds in the Textbook Fund for other instructional purposes.

Ronald Oliver: Mr. Oliver expresses concern for the safety of citizens in the area of the Union Baptist Church; the intersection of Lone Pine Road and Rocky Ford Road. Mr. Oliver suggests that excessive speed is a major factor. Mr. Oliver asks that the Board request a speed reduction for the area from Virginia Department of Transportation (VDOT).

Supervisor Helen Simmons asks VDOT Assistant Residency Engineer Dianna Bryant to schedule a public input meeting for the citizens that have concerns about the traffic hazards in the area; the County will provide a location for the meeting.

John Roark: Mr. Roark poses questions related to the policies and procedures the County has in place for interrogation and enforcement of the County's Landfill Waste Collection Convenience sites and also what the status is of planned site improvements. Mr. Roark addresses Sheriff Parrish and thanks him for his years of service to the County and wishes him well in his retirement. Mr. Roark urges the Budget Committee to reconsider the funding for two additional deputy positions requested by the Sheriff in his FY20 Budget.

Administrator Roark explains that the County's existing Code and Solid Waste Ordinances covers all questions posed by Mr. John Roark. He further reports that the fencing is being currently installed, the extra staff has been budgeted in the proposed FY20 Budget, bids have been sought on additional site improvements to include a shelter, cameras, gate locks, etc. and purchase orders are forthcoming.

Daphne Norton: Mrs. Norton begins her comments by defending Sonny Abbott's continued pleas for responses and transparency from the Board; suggests they don't answer him intentionally. Mrs. Norton questions if the County is using sound and current financial practices and further questions the financial training of the Board of Supervisors, the County Administrator, and County accounting staff. Mrs. Norton suggests the Board should send one member to every School Board meeting that is held; in efforts to remind them they are paying attention to how things are being controlled. Mrs. Norton urges the Budget Committee to replace the removed funding requested by the Sheriff for two additional deputy positions as well as funding a full-time School Resource Officer.

Supervisor Helen Simmons informs that the Budget Committee, of which she chairs, has not presented the Budget to the full Board nor has it completed its deliberations; indicating that at this point nothing has been confirmed to be added or cut from the Budget.

Administrator Roark reminds everyone that the County is annually audited by one of the most prestigious and competent auditing firms in the State of Virginia and there have been no issues of negligence or misappropriation noted.

Public Hearing: Request from Nancy H. Hodder to rezone 20.9 acres of land, identified as Map Parcel #43-89, located off Rt. 641, Cedar Run Road, in Bellefonte District from GB, General Business to C-1, Conservation; the Planning Commission has recommended that the land North of Rt. 460 and West of Parcel 90 be included in the rezoning

Administrator Roark informs that the Hodder rezoning request has been withdrawn.

Public Hearing: Request from Stuart P. Squier, AICP for Verizon Wireless, Agent/Ronald M. & Kay L. Baughn to construct and operate a 175' monopole communications facility with a 4' lightning rod for an overall height of 179'; property is located off Rt. 1004, Robertson Siding Road in Winningham District and is zoned RR - Rural Residential

Chairman Bowen asks if there is anyone present wishing to comment, either for or against, the Squier/Baughn tower request:

Mark Kronenthal, Roth Jackson Gibbons Condlin, PLC: Mr. Kronenthal is representing both Stuart Squier and Verizon and provides the Board with detailed site drawings of the proposed tower location and informs that lighting concerns associated with most other towers will not be a factor with this one due to its reduced height.

Ronnie Baughn, property owner of the proposed site, suggests that as a business owner accessibility to his customers is important and the cellular service in that area of the County is lacking; this tower will assist in remedying that problem.

Frankie Jackson, resident of Robertson Siding Road, has a technology background and is excited about the tower and the expanded cellular service it will bring to the area.

Additional citizens spoke out from the audience to express their support for the tower request; Dale Bowman, 433 Robertson Siding Road, Ronald Oliver, 1431 The Falls Road, and Clive Pettis.

Mr. Kronenthal offers confirmation that Nottoway County Emergency Services will have the ability to co-locate on the tower if need arises.

Administrator Roark states the Planning Commission heard the request and recommend approval.

Supervisor Helen Simmons moves to approve the Stuart P. Squier, AICP for Verizon Wireless, Agent/Ronald M. & Kay L. Baughn request to construct and operate a 175' monopole communications facility with a 4' lightning rod for an overall height of 179' on property off of Robertson Siding Road. The motion carried as follows:

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

Public Hearing: Request from Micajah Vineyard, LLC, Agent/Rodney M. Reynolds to amend the site location for the winemaking facility approved for the vineyard operation due to unsuitable water/sewer test results; the proposed relocation site is 470 Micajah Road, Rt. 645 in the Winningham District, the property is zoned A-1, Agriculture and is owned by Rodney M. Reynolds

Chairman Bowen asks if there is anyone present wishing to comment, either for or against, the Micajah Vineyard/Reynolds relocation request:

Connie Reynolds Shine-Hurte (co-owner) explains the reasoning behind her request and will answer any questions.

Administrator Roark states the Planning Commission heard the request and recommend approval. Supervisor Helen Simmons moves to approve the Micajah Vineyard, LLC, Agent/Rodney M. Reynolds request to amend the site location for the winemaking facility approved for the vineyard operation due to unsuitable water/sewer test results to a proposed relocation site at 470 Micajah Road. The motion carried as follows:

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

Public Hearing: Request from Joe Lewis Ward, Agent/George W. Ward to establish a family cemetery on property located off Rt. 619, West Creek Road in Winningham District; the property is zoned A-1, Agriculture and is listed to George H. Ward

Supervisor Bowen asks if there is anyone present wishing to comment, either for or against, on the Ward family cemetery request: there is no one wishing to comment.

Administrator Roark states the Planning Commission heard the request and recommend approval. Supervisor Helen Simmons moves to approve the Joe Lewis Ward, Agent/George W. Ward request to establish a family cemetery on property located off Rt. 619, West Creek Road. The motion carried as follows:

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

Public Hearing: Consider a proposed Ordinance Amendment to the Nottoway County Zoning Ordinance under the following style (the changes are necessary to clarify usage found in the Ordinance):

To amend Article 6 – Definitions, Section 6-1-2 List of Definitions by adding a definition, amending definitions and deleting an invalid link

Supervisor Vaughn moves to approve the amendment of Article 6 – Definitions of the Nottoway County Zoning Ordinance. The motion carried as follows:

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

Highway Department: Mrs. Dianna Bryant, Assistant Residency Administrator, is present to receive any communications from the Board, and also provide updates on the routine maintenance and/or projects performed since the last meeting. Mrs. Bryant reports that Rt. 607, Jennings Road, should be open within the next couple of weeks, Rt. 651, Old Schoolhouse Road, will be closed April 15-19 for structure rehabilitation, construction signs have been installed on Good Hope Road with anticipated construction work to begin in the next week.

Mrs. Bryant, in reply to the Union Baptist Church/Rocky Ford Road citizen concerns, will try to have both the representative that completed the study as well as a traffic engineer present at the public input meeting to better understand the study processes as well as findings.

A – Petersburg Residency Maintenance Report

B – Surface Treatment Schedule for Nottoway County

Work Session: VDOT Assistant Residency Administrator Dianna Bryant is present to lead the work session on the Virginia Department of Transportation Secondary Six-Year Improvement Plan for Fiscal Years 2019/20 through 2024/2025 in Nottoway County and on the Secondary System Construction Budget for Fiscal Year 2019/2020

Mrs. Bryant recommends amending the priority order of the Plan by moving Loveland Road ahead of Dusty Road; utilizing funding from the removal of Friend Road and a portion of the already allocated funding from Dusty Road. Mrs. Bryant clarifies this will not delay the construction date already established for Dusty Road.

Mrs. Bryant recommends adding Rt. 647, Jennings Ordinary Road, followed by Rt. 684, Crystal Lake Road to the end of the plan. It is also recommended using available telefees (freed up after approved Smart Scale funding for the Rt. 40/Darvill’s Road roundabout) to begin installing guardrails on Rt. 723

Supervisor Shekleton approves the amendments to the Secondary Six-Year Plan for FY 19/20 – 24/25 and advertise if for public hearing at the April meeting. The motion carried as follows:

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

School Board – Charlotte D. Wood, Clerk: Actions taken at the regular meeting of the Nottoway County School Board held on March 14, 2019, minutes of the regular meeting of the Nottoway County School Board meeting held on February 14, 2019, minutes of a special called meeting of the Nottoway County School Board held on February 22, 2019, two Budget Adjustments

1 – Budget Adjustment – School - \$11,563.00

REVENUES:

3-201-24040-0810-200	VPI Teacher Incentive Program	\$11,563.00
	(New Award)	<u>\$11,563.00</u>

EXPENDITURES:

4-201-61100-3000-900-800-100	Purchased Service	\$11,563.00
		<u>\$11,563.00</u>

2 – Budget Adjustment – School - \$34,475.00

REVENUES:

3-201-41040-0050	VPSA Backpack Initiative	\$34,475.00
	(New Award)	<u>\$34,475.00</u>

EXPENDITURES:

4-201-68100-8300-900-000-100	Instructional Technology Hardware	\$34,475.00
		<u>\$34,475.00</u>

Vice Chairman Gary Simmons moves to approve the two School Budget adjustments. The motion carried as follows:

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

Letter – Nottoway County Public Schools – Amy Eberly, Director of Finance: requesting that \$60,108.02 be returned from the School Fund Balance to the current School Budget to offset costs associated with hiring an additional Special Education Teacher; these funds were reserved in the Fund until such time as it was needed.

Supervisor Vaughn moves to approve the \$60,108.02 appropriation to the School Fund from the General Fund. The motion carried as follows:

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

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

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

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

Administrator Roark informs that a currently housed Nottoway inmate recently passed away of natural causes.

Landfill: Administrator Roark gave the Landfill report

A – February 2019 Daily Leachate Disposal Record; this records the hauling of leachate from the Landfill to the Blackstone Wastewater Treatment Plant

B – Correspondence from Draper Aden Associates: Informing the Virginia Department of Environmental Quality that the project associated with VWP Wp4-17-2050 is anticipated to start on or around April 1, 2019 with completion anticipated by June 30, 2019

C – Correspondence from Horizon Fence Company – Lloyd Parsons: Providing a status of the fencing install at all Nottoway County Landfill waste convenience sites; both the Spainville and Landfill sites have been completed, Lewiston Plank site is next followed by the Bible Road site

D - February 2019 Solid Waste Report; average of 79.39 tons of waste per day received

E – Correspondence – Draper Aden Associates: Providing the status update report for VWP Permit No: WP4-17-2050

Fort Pickett Redevelopment Authority: Administrator Roark reports that two of three roof replacements have been completed.

Planning Commission: The Commission met and held public hearings on the same requests as the Board.

Zoning Ordinance Amendment – inclusion of Renewable Energy: Supervisor Shekleton moves to approve the amendments to the Nottoway County Zoning Ordinance adding Renewable Energy. The motion carried as follows:

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

Correspondence – Virginia Association of Counties, Dean Lynch, CAE, Executive Director: Suggesting localities adopt a Resolution proclaiming April 1, 2019 as “Census Awareness Day” in efforts to help raise awareness about the Census; the 2020 Census will be conducted next year

Supervisor Vaughn moves to adopt a resolution proclaiming April 1, 2019 as “Census Awareness Day”. The motion carried as follows:

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

(SEE PAGE THRU PAGE
FOR RESOLUTION)

Deed of Trust – District 1 Housing: the Descendants of Alice Miller, a recipient of the District 1 Housing Rehabilitation Project, have successfully paid off the balance owed on the property at 209 Dimmick Street, Burkeville; the Deed of Trust on the property needs to be released

Administrator Roark informs that this needs to be postponed until next month.

Letter – Old Dominion Society of Nurses and Associates, Inc. – Lisa Brown: urges localities to adopt a resolution proclaiming March as “Colorectal Cancer Awareness Month” in efforts of raising awareness for colorectal cancer screening.

Vice Chairman Gary Simmons moves to adopt a resolution proclaiming March as “Colorectal Cancer Awareness Month”. The motion carried as follows:

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

(SEE PAGE THRU PAGE
FOR RESOLUTION)

Letter – Nottoway County Department of Social Services – Bernetta S. Watkins, Director: Informing that as of March 31, 2019, the term of Social Services Board member Jacqueline Downs will expire; Mrs. Downs is eligible to serve a second four-year term

Supervisor Helen Simmons moves to reappoint Jacqueline Downs to the Nottoway County Social Services Board. The motion carried as follows:

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

Reports, requests, and recommendations of Constitutional Officers:

1 – Jane Brown, Clerk – not in attendance

2 – Larry J. Parrish, Sheriff – nothing for the Board at this time

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

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

5 – Terry Royall, Commonwealth’s Attorney: Assistant Commonwealth’s Attorney Leanne Watrous is present but has nothing to for the Board at this time

Chairman Bowen presents the CONSENT CALENDAR:

1 – Budget Adjustment – Maintenance - \$7,094.68

REVENUES:

3-100-18990-0050	Miscellaneous – Undefined	<u>\$7,094.68</u>
	(VML Ins. Proceeds – Flood)	<u>\$7,094.68</u>

EXPENDITURES:

4-100-43020-3004	Repairs & Maintenance	<u>\$7,094.68</u>
		<u>\$7,094.68</u>

2 – Erroneous Assessment: Refund Mr. Junious Oliver, Jr. \$201.60 for an erroneous real estate assessment for tax year 2018

Administrator Roark states he has one additional item to add:

3 – Budget Adjustment – Landfill - \$75,000

REVENUES:

3-214-16080-0001	Landfill Use – Other	\$55,000.00
3-214-16080-	Landfill Use – Ft. Pickett	10,000.00
3-214-16080-	Landfill Use – Correctional Center	<u>10,000.00</u>
		<u>\$75,000.00</u>

EXPENDITURES:

4-214-42040-7012	Capital Outlay	\$75,000.00
		<u>\$75,000.00</u>

Supervisor Vaughn moves to approve the CONSENT CALENDAR as presented, with the inclusion of the Landfill Budget Adjustment. The motion carried as follows:

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

Administrator Roark presents the following information items:

1 – Notice - Dominion Energy: 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 4 of the Code of Virginia

2 – Notice – Dominion Energy: 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 4 of the Code of Virginia

3 – Notice – Dominion Energy: Application of Virginia Electric and Power Company for approval to modify experimental companion tariff, designated Schedule RF, pursuant to §56-234 B of the Code of Virginia Case No. PUR-2019-00016

4 – Minutes: minutes of the Nottoway County Board of Zoning Appeals meeting held on July 16, 2018, minutes of the Nottoway County Board of Zoning Appeals meeting held on July 30, 2018, minutes of the Nottoway County Community Policy and Management Team meeting held on November 26, 2018, minutes of the Nottoway County Community Policy and Management Team meeting held on January 28, 2019

Administrator Roark presents the following correspondence:

1 - Building Inspector’s Report: report period February 2019

2 - Animal Control Officer’s (ACO) Report: report period February 2019, Results from unannounced visits to the Pound by Supervisor Shekleton

A – Letter – Virginia Department of Agriculture and Consumer Services, Division of Animal and Food Industry Services, Office of Animal Care and Emergency Response (OACER) – Kathryn MacDonald, DVM, Program Manager: On January 16, 2019 the OACER Animal Shelter Inspector performed an unannounced inspection of the Nottoway County Animal Shelter, during the inspection four repeated violations were noted that carry civil penalties; 30 calendar days has been given to provide any relevant documentation that will achieve compliance. The four noted violations are as follows:

1 – A cat subject to a five-day holding period was euthanized on the same day of initial custody (2nd violation in the last five calendar years); medical records provided by the shelter did not include documentation of a diagnosis of a critical illness or injury warranting immediate euthanasia for humane purposes

2 – The Inspector observed the lack of a veterinarian-ratified protocol for determining when an animal requires veterinary treatment, the Inspector also noted an emaciated dog that had been in custody for 7 days was not provided veterinary care (third violation in the last five calendar years)

3 – The Inspector observed the lack of a veterinarian-ratified protocol for the control of contagious and infectious disease, additionally an animal held in general housing near other animals exhibited clinical signs that may have been caused from a communicable disease (third violation in the last five calendar years)

4 – The Inspector observed that there was not a veterinarian-ratified protocol for the management of neonatal and medically compromised animals (third violation in the last five calendar years)

County Attorney Preston Williams has prepared and forwarded a letter of response to OACER; Administrator Roark reads this aloud.

3 - Erosion and Sedimentation Report: no report provided

4 – Appointment of Committee for Animal Shelter Funding: Chairman Bowen suggests that land donor John “Jack” Boswell should be the Chairman of the Fundraising Committee and that Supervisor Shekleton should be appointed as the Board’s liason on the Committee.

Supervisor Helen Simmons moves to appoint John “Jack” Boswell as the Chair of the Fundraising Committee, Supervisor Shekleton as the Board’s liason on the Committee and Celia Orr-Elzay as a member of the Committee. The motion carried as follows:

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

Administrator Roark explains that he spoke with the County’s auditor and per Robinson, Farmer, Cox Associates any funds raised by the Committee should be independent from County funds. The group should establish a 501C-3 tax-exempt entity and can give funds to the County as they deem necessary.

Administrator Roark provides the Board with their Rules of Procedure as adopted at the January 2019 Organizational meeting for their review and at their request. He also provides a copy of the Solid Waste Ordinance, reports on Sales Tax receipts for 2013-2014 through 2018-2019.

5 – Work session with Nottoway County Emergency Services: the work session has been scheduled for Tuesday, April 9, 2019 at 6:00 p.m.

Administrator Roark informs that he has a matter that needs to be discussed in closed session. The Board enters closed session to discuss a prospective industry under Code of Virginia § 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.

The Board enters closed session at 8:39 p.m.

The Board returned to open session at 9:00 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.C. Vaughn	Yes
N.R. Shekleton	Yes
H. M. Simmons	Yes
G.L. Simmons	Yes
S. W. Bowen	Yes

(SEE PAGE THRU PAGE
FOR CERTIFICATION OF
EXECUTIVE MEETING)

Supervisor Shekleton moves to authorize County staff to negotiate with the prospective industry discussed in closed session. The motion carried as follows:

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

Supervisor Gary Simmons announces that after much thought he has changed his mind and will run for re-election in November.

Supervisor Helen Simmons informs that she has enjoyed working with Supervisor Shekleton on the Budget and looks forward to getting it completed and presented to the Board.

Supervisor Vaughn suggests that the Board needs to begin holding discussions on the many expensive projects they have facing them in the near future. Chairman Bowen agrees.

There being no further business to come before the Board, Chairman Bowen adjourned the meeting at 9:11 p.m.



Chairman

 Clerk

Census Awareness Day

WHEREAS, every ten years, Article 1, Section 2 of the United States Constitution mandates a count of all the people living in the United States and its territories; and

WHEREAS, the 2020 Census will address every household in the nation with a simple questionnaire with the goal of counting everyone once, only once, and in the right place; and

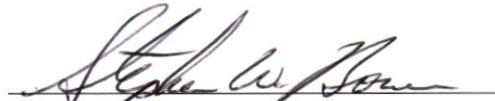
WHEREAS, data obtained by the survey will be used to help determine how approximately \$675 billion will be distributed from the federal government to state, local, and tribal governments annually; and

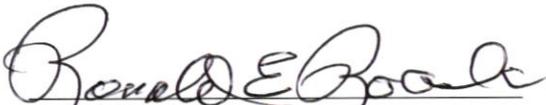
WHEREAS, up to \$2,000 of federal funding will be lost for each person not counted; as well as upwards of \$20,000 of federal funding lost every ten years; and

WHEREAS, a complete count requires that we bring together leaders from all communities of the Commonwealth, so that every Virginian regardless of racial, social, or economic background is counted; and

WHEREAS, Governor Ralph S. Northam has established the Virginia Complete Count Commission, which is comprised of 40 members to collaborate with community partners and local Complete Count Committees to ensure an accurate 2020 Census count;

NOW, THEREFORE, the Nottoway County Board of Supervisors hereby proclaims Aprils 1st 2019, as Census Awareness Day.


Stephen W. Bowen, Chairman


Ronald E. Roark, Clerk

PROCLAMATION
March Colon Cancer Awareness Month

WHEREAS, the county of Nottoway celebrates month of March as Colon Cancer Awareness to bring greater awareness to colon cancer; and

WHEREAS, colon cancer is the second leading cause of cancer death in the United States; and

WHEREAS, 1 in 20 people will develop colon cancer and every 10 minutes a life is lost to the disease; and

WHEREAS, this year alone, 142,000 new cases of colon and rectal cancer will be diagnosed in America and nearly 50,000 deaths are expected; and

WHEREAS, a simple screening test is recommended to individuals over age 50 and those with a family history to help combat the disease; and

WHEREAS, the Nottoway County, VA has joined with the Colon Cancer Alliance to increase screening and save lives in Nottoway County, VA and across the country; and

WHEREAS, education and increased awareness can help inform the public of methods of prevention and the early detection of colon cancer; and

WHEREAS, through recommended screenings, this cancer can be caught early when treatment is most effective; and

WHEREAS, declaration of the Month of March as Colon Cancer Awareness Month will help bring greater awareness to the disease and the importance of being screened; and

NOW THEREFORE, I do hereby proclaim the Month of March 2019 to be Colon Cancer Awareness Month in the County of Nottoway and encourage all individuals to work together to promote awareness and understanding of colon cancer and the need for screening to eradicate the disease.

Done this 21st day of March 2019 by a unanimous Board.


Ronald E. Roark, Clerk


Stephen W. Bowen, Chairman

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS
OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE
COURTHOUSE THEREOF, ON THURSDAY, THE 21ST DAY OF
MARCH IN THE YEAR OF OUR LORD TWO THOUSAND
NINETEEN AND IN THE 243RD YEAR OF THE COMMONWEALTH:

PRESENT: STEVE BOWEN, CHAIRMAN
GARY SIMMONS, VICE-CHAIRMAN
HELEN SIMMONS
NOEL SHEKLETON
SHERMAN VAUGHN
RONALD E. ROARK, CLERK

**AN ORDINANCE TO AMEND THE
NOTTOWAY COUNTY ZONING ORDINANCE
BY ADDING ARTICLE 4, DIVISION 19
RENEWABLE ENERGY**

The County of Nottoway , through its Board of Supervisors, hereby ordains and enacts:

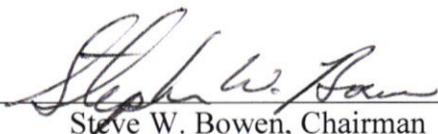
Section 1. The Zoning Ordinance of the County of Nottoway, Virginia effective July 1, 2005, as amended, is hereby further amended to include Article 4, Division 19, Renewable Energy.

Section 2. This ordinance shall take effect as of its adoption, to-wit:

Passed by the Board of Supervisors of Nottoway County at a meeting held on the 21ST day of March 2019 by a vote of 5 to 0. A public hearing on this amendment was held on the 21ST day of June 2018.

FOR THE BOARD OF SUPERVISORS

BY: _____


Steve W. Bowen, Chairman

ATTEST:


Ronald E. Roark, Clerk

DIVISION 19 RENEWABLE ENERGY

Sec. 1-19-1 Use Regulations for Renewable Energy

This article is intended to guide the development of solar and wind energy in Nottoway County while protecting the public health, safety and general welfare of the community. All regulations and procedures set forth in the Zoning Ordinance shall apply unless modified in this article.

Sec. 1-19-2 Definitions

1. Renewable Energy Applicant - the person or entity who submits an application to the County for a permit to construct or operate a solar or wind farm pursuant to this article.
2. Solar Collector - a device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the purpose of transforming solar energy into thermal, mechanical, chemical or electrical energy. Solar energy means radiant energy received from the sun that is collected in the form of heat or light by a solar collector.
3. Wind Turbine - a system that converts wind energy into electricity through the use of a wind turbine generator that typically consists of a tower, nacelle, rotor blades, controller and associated mechanical and electrical conversion components.
4. Solar Farm - a use of land where a series of solar collectors are placed in an area for the purpose of converting solar energy into electrical power for interconnection with the power grid primarily for off-site energy consumption. The term includes any associated cabling, devices, equipment, and structures located on-site that are associated with the operation of a solar farm.
5. Wind Farm - a use of land where one or more wind turbines are placed in an area for the purpose of converting wind energy into electrical power for interconnection with the power grid primarily for off-site energy consumption. The term includes any associated cabling, devices, equipment, and structures located on-site that are associated with the operation of a wind energy project.
6. The use of solar collectors or wind turbines for residential or business consumption that occurs on-site is not considered a solar farm or wind farm.

Sec. 1-19-3 Allowable Zoning Districts

1. Solar and wind farms shall be a use permitted by special exception in the A-1 (Agricultural), C-1 (Conservation), LI (Light Industrial), and GI (General Industrial) zoning districts.
2. Solar collectors and wind turbines not associated with a renewable energy farm shall be permitted in any zoning district, provided they are approved by the Nottoway County Code Official.

Sec. 1-19-4 Development Standards for Solar Energy Uses

Solar farms shall conform to the following development standards:

1. **Height**
No aspect of a solar farm shall exceed 25 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.
2. **Setbacks**
All aspects and components of a solar farm shall meet the minimum zoning setbacks for the zoning district in which it is located.
3. **Transmission Lines**
Any new electrical transmission lines associated with a solar farm may be located either above or below ground.

4. **Screening**

- 1) Solar collectors that are located more than one hundred fifty (150) feet from an adjacent public street right-of-way, residentially zoned property, or residential use shall not require screening.
- 2) Solar collectors that are located less than one hundred fifty (150) feet from an adjacent public right-of-way, residentially zoned property, or residential use shall be screened from view of such adjacent public right-of-way, residentially zoned property, or residential use utilizing natural vegetation as approved by the Nottoway County Planning Commission. Such vegetative buffers shall be appropriate to the location of the site, the adjacent land use, and the area topography.

5. **Site Plan Requirements**

Solar farms shall be developed in accordance with an approved site plan. Site plans must be submitted with the application for use permitted by special exception.

6. **Approved Solar Components**

- 1) Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).
- 2) Building and electrical plans for the solar farm shall be submitted to the Building Official for review and approval to ensure compliance with all applicable building and electrical codes.

7. **Utility Notification**

Unless the applicant is a public service corporation or is an affiliate of a public service corporation, no solar farm shall be approved until evidence has been given to the Nottoway County Planning Commission that the applicant has entered into a power purchase agreement or an asset purchase agreement with a public service corporation.

8. **Decommissioning**

- 1) A detailed decommissioning plan, certified by an engineer, shall include the following:
 1. The anticipated life of the project;
 2. The estimated cost of decommissioning cost in current dollars; (Must be prepared by a professional engineer with appropriate experience)
 3. How the estimate was determined;
 4. The method of ensuring funds will be available for decommissioning and removal; (Surety must be updated every five years based on recalculated cost estimate)
 5. The method that will be used to keep estimated decommissioning costs current; (Cost estimate must be recalculated every five years)
 6. Narrative describing in detail the decommissioning and site restoration.
- 2) The owner or operator of a solar farm shall completely decommission at their expense the solar farm within twelve (12) months if the solar farm ceases to generate electricity for a continuous period of twelve (12) months. This period may be extended by the Planning Commission if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.
- 3) Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing, and any other associated equipment, facilities and structures to a depth of at least 36 inches.
- 4) The site shall be re-graded and re-seeded to as natural condition as possible. This process must begin within six months after the removal of equipment and shall be completed within twelve months after the removal of equipment.

- 5) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of any solar farm by natural or man-made causes, Nottoway County requires the placement of a surety/performance bond, approved escrow account, letter of credit, or certified check meeting certain terms and in certain amounts as determined by the Nottoway County Board of Supervisors to ensure that such decommissioning or removal is completed expeditiously, and at no cost to the landowner or Nottoway County. The method and amount of security chosen by Nottoway County shall be re-evaluated at five-year intervals after receiving updated decommissioning cost estimates.
 - 6) If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of the decommissioning plan or Nottoway County, the County may collect the surety and the County (or its hired third party) may enter the property to physically remove the installation.
9. **Miscellaneous Provisions for Solar Farms**
- 1) The perimeter of a solar farm shall be secured through the use of security fencing of at least six (6) feet in height.
 - 2) The owner or operator of a solar farm shall provide for and maintain reasonable means of access for emergency services.
 - 3) An emergency response plan must be filed with county emergency service providers.

Sec. 1-19-5 Solar Collectors Not Associated with Solar Farms

1. Roof-mounted or ground-mounted solar collectors shall not exceed the square footage of the principal structure or use and shall meet the following requirements:
2. Solar collectors shall be configured to avoid glare and heat transference to adjacent properties.
3. Ground-mounted solar collectors shall not be located within ten (10) feet of any side or rear lot line.
4. Ground-mounted solar collectors located within a front yard shall meet the minimum setback required for the principal structure or use in the applicable zoning district where located and shall be sited as far back as the principal structure or use.
5. The maximum height of a ground-mounted solar collector shall be 15 feet as measured from the grade or base of the collector to its highest point and shall not exceed the height of the principal structure or use.
6. Roof-mounted solar collectors shall not extend beyond the exterior perimeter of the building or structure on which mounted or built and shall not exceed the maximum height for the applicable zoning district where the building or structure is located.

Sec. 1-19-6 Development Standards for Wind Energy Uses

Wind farms shall conform to the following development standards:

1. **Height**

The minimum ground clearance between the ground and any protruding blades shall be fifteen (15) feet on a horizontal axis system and ten (10) feet on a vertical axis system as measured from the lowest point of the arc of the blades.

The lowest point of the arc of the blade shall be ten (10) feet above the height of any structure within 150 feet of the base of the tower.

There are no maximum height regulations.

2. **Setbacks**

All components of a wind farm shall be at least 200% of the tower height from property lines or public/private rights-of-way.

3. **Transmission Lines**

Any new electrical transmission lines associated with a wind farm may be located either above or below ground.

4. **Visual Appearance**

- 1) Color of equipment shall be non-reflective, unobtrusive color that blends with the surrounding environment and prevents glare.
- 2) Wind turbines shall not be lighted unless required by the Federal Aviation Administration (FAA) or as a condition of the locality.
- 3) No advertising signage shall be allowed on wind farm equipment or structures. This does not prevent reasonable identification of the manufacturer or operator of the wind energy project.
- 4) Warning signs shall be placed wherever appropriate. This includes clearly visible warning signs concerning voltage at the base of pad mounted transformers and substations.
- 5) Anchor points of guy wires shall be clearly identified up to a height of ten (10) feet from the ground.
- 6) Emergency telephone numbers shall also be placed throughout the wind farm.

5. **Signal Interference/Noise**

- 1) The wind farm shall not cause disruption or loss of radio, telephone, television, or similar signals.
- 2) Audible sound from a wind energy project shall not exceed 60 dBA as measured at any adjacent nonparticipating landowner's property line. This may be exceeded during short-term exceptional circumstances.

6. **Shadow Flicker**

- 1) The applicant shall certify, by a professional engineer, that any wind turbine that is sited within one-half (1/2) mile of any occupied building on a nonparticipating landowner's property avoids shadow flicker.
- 2) This requirement can be waived if adjoining property owner signs a waiver regarding their rights concerning shadow flicker and the waiver is recorded in the Circuit Court Clerk's office.

7. **Site Plan Requirements**

Wind farms shall be developed in accordance with an approved site plan. Site plans must be submitted with the application for use permitted by special exception.

8. **Approved Wind Farm Components**

Building and electrical plans for the wind farm shall be submitted to the Building Official for review and approval to ensure compliance with all applicable building and electrical codes.

9. **Utility Notification**

Unless the applicant is a public service corporation or is an affiliate of a public service corporation, no wind farm shall be approved until evidence has been given to the Nottoway County Planning Commission that the applicant has entered into a power purchase agreement or an asset purchase agreement with a public service corporation.

10. **Decommissioning**

- 1) A detailed decommissioning plan, certified by an engineer, shall include the following:
 1. The anticipated life of the project;
 2. The estimated cost of decommissioning cost in current dollars;

(Must be prepared by a professional engineer with appropriate experience.)

3. How the estimate was determined;
 4. The method of ensuring funds will be available for decommissioning and removal;
(Surety must be updated every five years based on recalculated cost estimate.)
 5. The method that will be used to keep estimated decommissioning costs current;
(Cost estimate must be recalculated every five years.)
 6. Narrative describing in detail the decommissioning and site restoration.
- 2) The owner or operator of a wind farm shall completely decommission at their expense the wind farm within twelve (12) months if the wind farm ceases to generate electricity for a continuous period of twelve (12) months. This period may be extended by the Planning Commission if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the wind farm has not been abandoned.
 - 3) Decommissioning shall include the removal of all wind turbines, cabling, electrical components, fencing, and any other associated equipment, facilities and structures to a depth of at least 36 inches.
 - 4) The site shall be re-graded and re-seeded to as natural condition as possible. This process must begin within six months after the removal of equipment and shall be completed within twelve months after the removal of equipment.
 - 5) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of any wind farm by natural or man-made causes, Nottoway County requires the placement of a surety/performance bond, approved escrow account, letter of credit, or certified check meeting certain terms and in certain amounts as determined by the Nottoway County Board of Supervisors to ensure that such decommissioning or removal is completed expeditiously, and at no cost to the landowner or Nottoway County. The method and amount of security chosen by Nottoway County shall be re-evaluated at five-year intervals after receiving updated decommissioning cost estimates.
 - 6) If the owner or operator of the wind facility fails to remove the installation in accordance with the requirements of the decommissioning plan or Nottoway County, the County may collect the surety and the County (or its hired third party) may enter the property to physically remove the installation.
11. **Miscellaneous Provisions for Wind Farms**
- 1) The exterior of wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
 - 2) The owner or operator of a wind farm shall provide for and maintain reasonable means of access for emergency services.
 - 3) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.
 - 4) Wind turbines shall be equipped with redundant braking systems if recommended by the manufacturer or the locality.
 - 5) An emergency response plan must be filed with county emergency service providers.

NOTTOWAY COUNTY BOARD OF SUPERVISORS

MEETING DATE:

March 21, 2019

MOTION:

To enter Closed Session pursuant to Code of Virginia § 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

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Nottoway County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, §2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law;

NOW THEREFORE, BE IT RESOLVED that the Nottoway County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

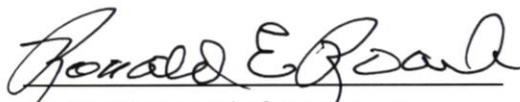
AYES: 5

NAYS: 0

(For each nay vote, the substance of the departure from the requirements of the Act should be described.)

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None


Clerk to the Board of Supervisors