September 17, 2020

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 17TH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY AND IN THE 245TH YEAR OF THE COMMONWEALTH:

PRESENT: HELEN M. SIMMONS, CHAIRMAN
SHERMAN C. VAUGHN, VICE CHAIRMAN
LYNN K. SHEKLETON
STEVE W. BOWEN
JOHN A. ROARK
RONALD E. ROARK, COUNTY ADMINISTRATOR
JOHN N. PROSISE, ASSISTANT COUNTY

ABSENT: PRESTON G. WILLIAMS, COUNTY ATTORNEY

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

Supervisor Bowen provided the invocation. Madam 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 requests to add a report on broadband under new business, and add two additional items to the closed session; personnel matters and consultant with the County Attorney for probable litigation.

Supervisor Bowen asks that the monthly update for the Commonwealth Regional Council (CRC) be placed under information items and if there is anything additional to report he will do so. Administrator Roark explains that CRC was added to the agenda as a presentation because Melody Foster was originally planning to attend the meeting.

Vice Chairman Vaughn makes a motion to approve the agenda, including amendments.

The minutes of the August 20, 2020 work session were presented. Vice Chairman Vaughn moves to receive and adopt the August 20, 2020 minutes as presented. 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
L.K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

Madam Chair Simmons, Nottoway County Emergency Services Director, reports that the number of positive Coronavirus cases in the County has drastically increased and strongly urges citizens to continue their mask wearing, hand washing and social distancing. She additionally urges citizens to have patience with Business employees when they require that they wear a mask when entering their establishment; those employees are simply carrying out the orders of their Supervisors. Lastly, Madam Chair Simmons reminds everyone that the Board voted on the delegation's five-minute speaking limit at its January 2020 organization meeting and asks that all speakers simply honor that limit without negative outbursts.

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

Sarah Allen: Ms. Allen reiterates Madam Chair's comments related to COVID-19 by acknowledging a local family that recently suffered the loss of a family member due to the virus. Ms. Allen begins her comments by reflecting on a racist attack on four small children in Birmingham, Alabama in 1963. She states that the Board has missed an opportunity to lead and set a positive example and that the statue doesn't promote heritage only hate.

Ashley Davis: Ms. Davis states that she would like to address two things; County resources and the Confederate statue. She says that those that are asking for the statue to be removed from the Courthouse Complex don't want anyone's heritage to be destroyed they are only asking for the Statue to be relocated. She urges also that the future of the statue should not be someone's political agenda; it should have remained a moral decision. She concludes by acknowledging the recent unpleasantness on social media; citizens are posting comments without regard or respect for others. Ms. Davis suggests that the citizens can't expect the Board to effectively lead them if they are being treated in such a disrespectful manner; reminds all that elected officials are still people. Lastly she suggests for Leaders to reach out to the community and provide assistance to those in real need of resources.

William Clarke: Mr. Clarke begins by acknowledging the recent loss of a close friend due to COVID-19 and urges the Board to crackdown on local officials to enforce the mask requirements. He continues by expressing there is a misconception that the argument surrounding the Courthouse statue removal is about racism; he urges it is not, it is the hatred that has presented itself between each side of the argument. Mr. Clarke suggests that if the removal and/or relocation of the statue isn't settled soon, this level of hatred will only worsen.

Thomas Crews: Mr. Crews seeks clarification on how the Board will handle the results of the referendum; asking what date the Board will recommend to the Judge, how will the referendum question be worded and how will that determination be made, and lastly what will happen if majority of citizens vote for the statue to be removed before a suitable new location has been found? Mr. Crews suggests it was cowardly of the Board to send the matter to a referendum and that using voters as a shield is never a good idea.

Mr. Crews continues his comments with a change of subject matter; broadband access. He states that many parents of school aged children are struggling with the School's virtual learning platform due to insufficient internet coverage in the County. He expresses agreement with some of the Supervisors that, just last month, discussed the need for broadband services across the County and states it is essential that this is pursued immediately. Mr. Crews asks for the Board to appoint a Committee to investigate the obstacles to Nottoway County obtaining universal broadband access and have them report back to the Board with their findings and a plan.

Supervisor Bowen suggests that the Committee recommendation from Mr. Crews is worth taking a look at. He explains that his wife's main job duties, as a technology employee of the Nottoway County Public Schools, is dealing with the technical difficulties students and parents are facing with virtual learning due to a lack of broadband or high speed internet in the County.

Todd Tribble: Mr. Tribble expresses his agreement with the citizens that believe the Courthouse statue should be removed. He states that, through recent research, he discovered that according to the 1860 Census Nottoway County had a total of 6,468 African-American slaves as residents; accounting to more than 67% of the County's population and the highest population of any County in Virginia. Mr. Tribble states that the people wouldn't be where they were today had those slaves not done all that they did. He suggests that those same slaves more than likely were caretakers to white children. Additionally states that he has yet to discover a single marked grave for any of these slave. Mr. Tribble suggests that the County should seed enough land to build a multi-cultural museum in the County which could also pay tribute to the Nottowa Indian Tribe.

Madam Chair Simmons explains to Mr. Tribble that she agrees with his thoughts on the multi-cultural museum and the Board has taken initiative to research such a project.

Sue Yeatts: Mrs. Yeatts informs that she had changed her mind and decided not to speak; she instead provides Supervisor Roark with information she had previously agree to provide. She offers praise to Mr. Tribble for his presentation.

Allan Queen: Mr. Queen asks the Board to consider establishing a second opportunity for citizens to speak before the Board, stating that a single five minute time slot is not sufficient.

Sonny Abbott: Mr. Abbott suggests the he recently saw hope in the Board's potential for forward progression during discussion at its work session the week prior. Mr. Abbott urges the Board to more closely monitor and report the progress of its numerous pending issues such as the Animal Shelter, the Space Utilization Study, the disbursement of the one-time additional funding for Emergency Services, the demolition of the old Blackstone School building. Of those subject matters he asks if it is time to seek a different group of architects for the proposed new animal shelter, is there a County owned piece of property that is better suited for such a facility and if not would said architects assist with this search and any improvements deemed necessary. He poses additional questions that lend itself to the implication that the County has not done all of the legwork it should have. Mr. Abbott offers ideas for potential methods for distribution of the additional funds for Emergency Services. He additionally suggests that the Board should not rely so heavily on the County Administrator and staff; every decision requires the involvement of the Board.

The Board hears the following public hearings/presentations:

1 – Monthly Update – Commonwealth Regional Council: Mrs. Foster was scheduled to attend the meeting but is not present

2 – Solar Equipment Tax – Residential and Commercial: Administrator Roark reminds of the citizen request the Board heard at its work session the week prior to exempt residential solar panels from taxation; they also heard a brief presentation from Nottoway Commissioner of the Revenue Christy Hudson where she explained how she arrived at the current valuation being used for them. Administrator Roark has provided information from the surrounding Counties on how they handling them or whether they are taxing them.

Supervisor Shekleton reiterates comments previously made by Commissioner Hudson that the total annual revenue from taxation of the current panels in the County would be less than $2,000. Administrator Roark confirms this but adds that would only be the case until the next reassessment is completed at which time they become part of the total assessed real estate value.

Supervisor Roark suggests that long-term financial stability will not come from nickel and dime proposals such as taxing the solar panels; although acknowledges that every dollar counts. He adds that after further research on taxation of the panels, it appears to come with more down sides than up, to include being a deterrent for citizens to go green. He has received information from Insurance companies reflecting difficulty on their part to reasonably insure the solar panels because they are a higher risk item for damage. As a result of his research, Supervisor Roark suggests the Board should exempt only the residential solar panels for the next three to five years; states this would force the issue to be re-evaluated in the future and not slip through the cracks. He questions information provided for Dinwiddie County; some says they exempt the solar panels from taxation and other says they assess them at $800 per panel. Administrator Roark clarifies that Dinwiddie does not exempt the panels and the $800 assessed value is correct.

Supervisor Roark suggests that the only way he sees for the County to generate additional revenue, to offset the current shortfalls the citizens have been criticizing the Board for, is to raise the real estate tax rates and bring them more in line with other counties. Additionally he says the only other option for revenue would have been for the County's economic development strategy from 2018 to 2019 to have resulted in new business.

Supervisor Shekleton states that she would be in agreement to exempt the residential solar panels provided it would be reevaluated at such time in the future that the revenue potential grows.

Supervisor Bowen urges everyone to remember that solar power is not completely green as it still requires a battery for operation; the disposal of such batteries as well as the panel materials themselves, should they become damaged or inoperable, is a cause for concern to him. He does express, however, that he would be in agreement to the three to five year exemption.

Vice Chairman Vaughn states that he would be in favor of a three year exemption and then a required reevaluation.

Supervisor Roark makes a motion to draft an Ordinance for public hearing exempting only residential solar panels for a period of three years and then a required reevaluation. The motion received a second from Vice Chairman Vaughn. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L.K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

3 – Solar Farm Moratorium: Administrator Roark reminds the Board of their action, some time ago, establishing a moratorium on solar power farms in the County; allowing time for the General Assembly to review them and make the laws regulating them more acceptable to Counties. He explains that since the moratorium was put in place, other Counties have written Ordinances and put them in place; he urges the Board to refer the matter back to the Planning Commission and ask that they take the County's Ordinance and compare it to others and recommend any changes they deem appropriate or necessary.

Vice Chairman Vaughn makes a motion to refer the County's Ordinance on solar power farms back to the Planning Commission for their comparison to other Counties and recommendations for change. The motion received a second from Supervisor Bowen. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L.K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

Supervisor Bowen, choosing to clarify that a solar farm is very different than someone having solar panels for their home, states that he has recently had two different people reach out to him requesting that Nottoway remove its moratorium because they have been contacted by companies wanting to use their land for the solar farms. Vice Chairman Vaughn says there is a solar farm located at Fort Picket that was installed three or four years ago. Supervisor Bowen states there is an official State definition as to what designates a solar farm; he thinks it is anything in excess of 25 kilowatts.

The Board receives the following Department reports:

1 - Highway Department:

Administrator Roark provided information received from Assistant Residency Engineer Dianna Bryant; the refresh of pavement markings on Rt. 723/Rt. 460 intersection is complete, the stop bar at Rt. 723/Rt. 360 was scheduled to be done through the plant mix contract, lane closure of the bridge at Rt. 460E has been extended due to unforeseen issues and is expected to last two more weeks with no interruption to traffic, safety and sight distance mowing is being completed and citizen input is requested for observed problem areas, precautionary measures are being taken ahead of the pending tropical system scheduled to bring a large amount of rain to the area.

Administrator Roark informs of a request from the Virginia Department of Transportation (VDOT) to deallocate $4,257 of leftover funding from the Nottoway Avenue sidewalk revenue sharing project to be used for another project. Supervisor Bowen asks if this funding would be applied to a Nottoway project; without VDOT representation present, no one can confirm this.

Vice Chairman Vaughn makes a motion to deallocate the $4,257 leftover funding and reallocate to another project. The motion received a second from Supervisor Roark.

S.W. Bowen	Yes
J.A. Roark	Yes
L.K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

A – Virginia Department of Transportation – Petersburg Residency/Nottoway Area Headquarters: Maintenance Report for the month of August 2020

2 - School Board – Charlotte D. Wood, Clerk: Actions taken at the regular meeting of the Nottoway County School Board held on September 10, 2020; minutes of a regular meeting of the Nottoway County School Board meeting held on August 13, 2020, seven Budget adjustments:

A – Budget Adjustment – $22,267.50

REVENUES:		
3-201-33020-0190-300	Pre-School Handicapped 619(B) (Increase in Funds 20-21)	$ 111.00
3-201-33020-0190-300	Pre-School Handicapped 619(B) (Carryover from 19/20)	16,225.00
3-201-33020-0190-300	Pre-School Handicapped 619(B) (Carryover from 18/19)	5,931.50
		$22,267.50
EXPENDITURES:		
4-201-61100-6000-900-800-620	Materials & Supplies	$22,267.50
		$22,267.50

B – Budget Adjustment - $76,788.42

REVENUES:		
3-201-33084-027	SPED 611(B) Increase in funding	$27,989.00
3-201-33084-0027	SPED 611(B) carryover from 19/20	39,790.69
3-201-33084-0027	SPED 611(B) carryover from 18/19	9,008.73
		$76,788.42
EXPENDITURES:		
4-201-61310-3001-200-200-625	OT/PT	$10,000.00
4-201-61310-3001-300-200-625	OT/PT	10,000.00
4-201-61310-6000-200-200-625	Materials & Supplies	28,394.21
4-201-61310-6000-300-200-625	Materials & Supplies	28,394.21
		$76,788.42

C – Budget Adjustment - $17,642.39

REVENUES:

3-201-33084-0358	Title V, Part B, Rural Ed CO 19/20	$15,989.54
3-201-33084-0358	Title V, Part B, Rural Ed CO 18/19	1,652.85
		$17,642.39

EXPENDITURES:

4-201-61310-1120-200-100-670	Instructional Salary, NIS Elem	$ 6,000.00
4-201-61310-1120-300-100-670	Instructional Salary, NMS Sec	6,000.00
4-201-61310-2100-200-100-670	FICA	459.00
4-201-61310-2100-300-100-670	FICA	459.00
4-201-61310-2210-200-100-670	VRS	997.20
4-201-61310-2210-300-100-670	VRS	997.20
4-201-61310-2300-200-100-670	HMP	1,212.00
4-201-61310-2300-300-100-670	HMP	1,211.99
4-201-61310-2400-200-100-670	Group Life	80.40
4-201-61310-2400-300-100-670	Group Life	80.40
4-201-61310-2750-200-100-670	Retiree Health Credit	72.60
4-201-61310-2750-300-100-670	Retiree Health Credit	72.60
		$17,642.39

D – Budget Adjustment - $67,053.22

REVENUES:

3-201-33084-0099-002	21st Century Grant – NMS CO 19/20	$55,306.08
	21st Century Grant – NMS CO 18/19	11,747.14
		$67,053.22

EXPENDITURES:

4-201-61100-1621-900-800-704	Supp. Salary Tutors	$20,000.00
4-201-61100-1622-900-800-704	Supp. Salary Coordinator	10,000.00
4-201-61100-1151-900-800-704	Supp. Salary Clerical	10,000.00
4-201-61100-2100-900-800-704	FICA	3,060.00
4-201-61100-6031-900-800-704	Inst. Materials	23,993.22
		$67,053.22

E – Budget Adjustment - $36,748.59

REVENUES:

3-201-33020-0021-300	ESEA, Title IV CO 19/20	$23,210.55
3-201-33020-0021-300	ESEA, Title IV CO 18/19	13,538.04
		$36,748.59

EXPENDITURES:

4-201-61310-1620-200-100-506	Supp. Salary Elementary	$10,000.00
4-201-61310-1620-300-100-506	Supp. Salary Secondary	10,000.00
4-201-61310-2100-200-100-506	FICA	765.00
4-201-61310-2100-300-100-506	FICA	765.00
4-201-61310-6000-200-100-506	Materials & Supplies	7,609.30
4-201-61310-6000-300-100-506	Materials & Supplies	7,609.29
		$36,748.59

F – Budget Adjustment - $76,102.59

REVENUES:		
3-201-33020-0191-300	Title II, Part A CO 19/20	$67,534.18
3-201-33020-0191-300	Title II, Part A CO 18/19	8,568.41
		$76,102.59

EXPENDITURES:		
4-201-61310-1620-200-100-630	Supplemental Salary, Elementary	$20,000.00
4-201-61310-1620-300-100-630	Supplemental Salary, Secondary	20,000.00
4-201-61310-2100-200-100-630	FICA	1,200.00
4-201-61310-2100-300-100-630	FICA	1,200.00
4-201-61310-3000-200-100-630	Purchased Services	10,000.00
4-201-61310-3000-300-100-630	Purchased Services	10,000.00
4-201-61310-6030-200-100-630	Instructional Materials	6,851.30
4-201-61310-6030-300-100-630	Instructional Materials	6,851.29
		$76,102.59

G – Budget Adjustment - $178,214.07

REVENUES:		
3-201-33020-0020-300	ESEA Title I, Part A CO 19/20	$160,910.22
3-201-33020-0020-300	ESEA Title I, Part A CO 18/19	17,303.85
		$178,214.07

EXPENDITURES:		
4-201-61310-1620-200-100-500	Supplemental Salary, Elementary	$ 10,000.00
4-201-61310-2100-200-100-500	FICA	765.00
4-201-61310-3000-200-100-500	Purchased Services	75,000.00
4-201-61310-3001-200-100-500	Professional Development	30,000.00
4-201-61310-6000-200-100-500	Materials & Supplies	62,449.07
		$178,214.07

Supervisor Bowen makes a motion to approve the seven School budget adjustments. The motion received a second from Vice Chairman Vaughn. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L.K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

Administrator Roark provides information relating to the potential loss of revenue due to reduced Nottoway County Public School student population; he explains that each student equates to reduced State revenue in the amount of $6,684. Supervisor Shekleton asks for clarification that this lost revenue would be State funding; Administrator Roark confirms this is correct. Supervisor Shekleton then asks does the reduced State revenue indicate a reduced required local match; Administrator Roark confirms this is correct also but adds that no previous Board has ever made that reduction in funding.

Supervisor Bowen questions how the State funding is handled; is the funding received at the beginning of the year with an obligation to return funding later? Administrator Roark explains that the State funding is calculated based on the estimated daily membership the Budget is prepared by and distributed by that until March when a true-up is done; adjustments are made for the remaining fiscal year disbursements.

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

4 - Economic Development Committee: Administrator Roark says there will be a meeting on Thursday, September 24, 2020 at the Fort Pickett Officer's Club

5 - Regional Jail Authority Report & Juvenile Detention Center: Virginia Department of Juvenile Justice Statewide Detention Facility Population, July 2020 Piedmont Regional Juvenile Detention Center Utilization Report, July 2020 Piedmont Juvenile Detention Center Report

Administrator Roark informs that, during the most recent Piedmont Regional Jail Board Authority meeting, a report was provided on the condition of the Jail; there was discussion on the potential for additional funding required to make the necessary repairs and improvements to include a full roof replacement.

6 - Landfill:

A – Letter – Virginia Department of Environmental Quality (DEQ) – Solid Waste Annual Fee for billing year 2019 - $2,968.84; reflective of the total amount of waste deposited in to the Nottoway County Landfill for the calendar year

B – Letter – Virginia Department of Environmental Quality – Craig Morris, PRO Solid Waste Inspector: a compliance inspection of the Nottoway County Landfill was completed on August 13, 2020; during the inspection no apparent violations of the Virginia Waste Management Act, the Virginia Solid Waste Management Regulations, nor the SWP 304 were observed

C - August 2020 Nottoway County Sanitary Landfill waste report; average of 57.52 tons of waste per day received

Supervisor Roark seeks clarification on information provided in the DEQ Inspection results; why does the report reference the allowable daily waste limit of 300 tons. Administrator Roark explains that the Landfill is now permitted to have a daily intake of up to 300 tons but that is not what is being taken in. The permit was amended in the past from 100 tons to 300. He reminds that at the time the changes were made to the Waste Convenience Centers there was a daily intake of approximately 100.

Supervisor Roark asks if the cells at the Landfill are built to accommodate 50 tons a day or what is permitted; 300 tons. Administrator Roark states the cells are built according to what is actually being taken in; the average volume of daily waste.

7 - Fort Pickett Redevelopment Authority: there is nothing to report at this time

8 - Planning Commission Report: The Planning Commission did not meet for September

The Board revisits the following old business:

1 – Report of the Coronavirus Relief Committee: Madam Chair Simmons reports that a total of $143,115.22 has been distributed to Small Business applicants throughout the County and there are more still being reviewed. Additionally it is reported that due to the 2nd round of CARES Relief Funds received, the County will be able to assist Crewe Medical Center with planned enhancements to its facility to accommodate future testing abilities and safer patient treatment practice

The Board considers the following new business:

1 – Letter(s) – Nottoway County Volunteer Emergency Services Association – Dion Tomer, Chairman: it is reported that during the most recent Association meeting, the group was not able to come to a consensus on an equitable distribution of the $270,000 one-time additional funding awarded them in the FY21 Budget; they are deferring the decision to the Board

Vice Chairman Vaughn suggests waiting until the Fire Study is completed to distribute the funding and makes a motion to that affect. Administrator Roark states that the Study may take up to a year to be completed. Supervisor Roark explains that he was in attendance at the Association meeting and as a result suggests to put the funding where the current need is; 65% to the Rescue Squads and 35% to the Fire Departments.

Supervisor Shekleton explains that she met with Chairman Tomer and another member from Blackstone Volunteer Fire Department and it was made mention of the fact that Nottoway County Emergency Squad receives a large amount of revenue recovery from insurance billing.

Supervisor Roark acknowledges this fact but reports that even with this revenue recovery the Squad is currently operating at nearly a $400,000 deficit; the Fire Departments are not facing this same predicament. Supervisor Bowen clarifies that the funding was approved for distribution in the current fiscal year and the Study may not even be completed until the next year. Supervisor Bowen suggests that he and Vice Chairman Vaughn schedule another meeting with the Association and then hold another discussion at a future work session.

Supervisor Shekleton reminds that Nottoway County Emergency Squad has contracted with the Federal Government to provide services for FASTC; suggesting this produces substantial revenue for them. Supervisor Roark expresses disagreement with this statement and states this is not sufficient funding to offset their daily operating expenses to provide services to the County citizens.

Supervisor Roark states that while Nottoway County Emergency Squad does bill patient's insurance companies; they operate under compassionate billing and don't always receive payment.

Administrator Roark interjects that the County can distribute the equipment contribution now, which is normally distributed later in the fiscal year, but will have to wait until after peak tax collection time to distribute the operations contributions. The Board hears citizen input that with the demands on emergency services due to the COVID-19 pandemic, the Agencies are in need of the funding now.

Madam Chair Simmons reminds all of Vice Chairman Vaughn's motion on the floor to wait on the distribution of the $270,000 until the Fire Study if completed. Vice Chairman Vaughn withdraws his motion; which never received a second.

Supervisor Roark makes a motion to proceed with immediately disbursing the additional funds using the current distribution method.

Supervisor Shekleton expresses her support for an equal distribution of the funding based on a lack of effective knowledge relating to things such as current departmental operating budgets and call volumes.

Citizen Sonny Abbott interjects and quotes Roberts Rules of Order that when a motion is made and does not immediately receive a second it dies; there should be no discussion until a second is made or the motion dies.

It is clarified that the Emergency Services Ad-hoc Committee will meet and come back with a recommendation; all information will be shared with the whole Board as quickly as it is obtained.

Letter – Nottoway County Volunteer Emergency Services Association – Dion Tomer, Chairman: Requesting that the CARES Relief Funds Committee consider using a portion of the funding to improve the County's radio communication infrastructure

Supervisor Shekleton explains that she can offer input on what the request involves and will distribute this to fellow Committee member Madam Chair Simmons.

Supervisor Roark seek clarification on the use requirements of the CARES funding; specifically how long does a recipient have to use the funds. He expresses desire to use the funding, if an allowable expense, to assist with a complete upgrade to the County's emergency communications system.

2 – Letter – Virginia Department of Motor Vehicles – Richard D. Holcomb, Commissioner: Nottoway Sheriff's Office has been awarded $8,680.00 grant funding from the National Highway Traffic Safety Administration for Federal Fiscal Year 2021; the funding is to be used for Selective Enforcement – Speed

Supervisor Roark makes a motion to approve the Grant funding and appropriate it to the Sheriff's Budget. The motion received a second from Supervisor Bowen. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L.K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

3 – Appropriation – CARES Relief Funds: The Nottoway County Electoral Board has been awarded $52,583.00 funding to assist with voter safety for the November 2020 election; Administrator Roark clarifies this is completely separate funding from the CARES Relief Funds the County received

Nottoway General Registrar Angela Stewart briefs the Board on the plans for handling the citizen voting in a safe manner and how this CARES funding will assist with that; it will also assist with extra equipment, extra staff, and increased postage expenses. She also explains the deadlines associated with completing the election canvass; as a result of the Pandemic any ballot that is postmarked on election day will still be counted, the Electoral Board has been provided three extra days to allow for this count.

Supervisor Bowen makes a motion to appropriate the $52,583 CARES Relief Funds for the Electoral Board. The motion received a second from Supervisor Roark. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L.K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

Supervisor Roark provides a report on Broadband and begins with the statement that it could potentially take up to 10 years to get sufficient coverage to Nottoway County. He explains that this time of year limits available grant funding but provides a number of current existing funding sources that may allow the County to repurpose to assist with broadband access; including CARES Relief Funds and Tobacco Commission funding that has been requested for Nottoway Biofuels. He states that CARES funding can be used so long as it can be tied directly to the public health emergency or distance learning as a result of the emergency. Additionally he provides future grant opportunities; USDA Reconnect funds/Grant, grant and loan combinations, and low interest loans, Virginia Technology Communication Initiative (VITA), USDA Distance Learning and Telemedicine Grant Programs. Lastly he urges everyone to visit the US Broadband website which can provide a great deal of information on potential grant opportunities.

Reports, requests, and recommendations of Constitutional Officers:

1 – Jane L. Brown, Clerk – not in attendance

2 – Robert L. Jones, Sheriff: Expresses appreciation for the Board allowing him to utilize leftover funding from fiscal year 20 to hire additional Officers and proudly reports that as of September 1, 2020 the County now has 24-hour law enforcement coverage

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: provides an update on the repairs to her office; there was a delay in the project start but she is hoping the water and mold issues will be fixed over the next two days

Madam Chair Simmons presents the CONSENT CALENDAR:

1 – Budget Adjustment – Circuit Court Clerk - $13,082.85

REVENUES:		
3-100-24040-0090	Library Grants	$13,082.75
	(Grant funds for records restoring)	$13,082.75
EXPENDITURES:		
4-100-21060-5804	Discretionary Fund	$13,082.75
		$13,082.75

2 – Erroneous Assessment: Refund Harrison Andrew & Kimberly Moody $52.80 for an erroneous real estate assessment for tax years 2018 and 2019

3 – Erroneous Assessment: Refund Robert Rhoades $58.40 for an erroneous real estate assessment for tax years 2017, 2018 and 2019

Vice Chairman Vaughn makes a motion to approve the CONSENT CALENDAR 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
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

The following information items are provided:

1 – Letter – Virginia Department of Criminal Justice Services – Shannon Dixon, Director: Allowing modification of job duties for grant funding School Resource Officers or School Security Officers due to COVID-19

2 – Notice: Application of Virginia Electric and Power Company for revision of rate adjustment clause: Rider US-4, Sadler Solar Project, for the rate year commencing June 1, 2021 Case No. PUR-2020-00123

3 – Notices: Application of Columbia Gas of Virginia, Inc. for approval to amend a System Expansion pursuant to Chapter 28 of Title 56 of the Code of Virginia Case No. PUR-2020-00149, Application of Columbia Gas of Virginia, Inc. for approval to amend and extend its SAVE Plan pursuant to Virginia Code §56-604, and for approval to implement a 2021 SAVE Plan Rider in accordance with Section 20 of its General Terms and Conditions, Case No. PUR-2020-00138

4 – Letter – Virginia Association of Counties – Dean A. Lynch, CAE, Executive Director: Conveying concern with, and opposition to, HB 5006 (Cole) which would require a waiver of penalties and interest on local taxes for certain qualified taxpayers affected by business closures resulting from the COVID-19 pandemic; under Virginia Code §58.1-3916, local governing bodies already have authority to provide some flexibility in tax deadlines and rates of penalties and interest

5 – Minutes: Piedmont Regional Juvenile Detention Center Commission meeting held on July 20, 2020, Nottoway County Planning Commission meeting held on July 14, 2020, Nottoway County Public Library Board of Trustees meeting held on June 17, 2020, Piedmont Soil and Water Conservation District Board meeting held on September 22, 2020

Administrator Roark presents the following correspondence:

Administrator Roark says that the County Administrator's Office continues to be under attack citing constant telephone calls, office visits, and Freedom of Information requests. He adds to this that a citizen filed a complaint to the State Fire Marshalls Office about the County Administrator's Office; the findings are requiring the removal of extension cords in the office and relocation of boxed, stored files that pose an egress risk. He states that due to a second citizen complaint, an inspection was completed on the General District Court building and repairs are required to the fire alarm system; these repairs will begin early next week.

Administrator Roark reports that the petition requesting a Referendum for the Courthouse Statue has been provided to the Courts and awaits the decision of the Judge.

Administrator Roark informs that Rugby Environmental will be completing an asbestos inspection of the old Registrar's Office on Tuesday, September 22, 2020.

Administrator Roark states that he was prepared to provide information requested by a citizen; he states that citizen is not present at the meeting and he will wait until she is present to make that report.

1 - Building Inspector's Report: report period August 2020

2 - Animal Control Officer's (ACO) Report: report period August 2020; Administrator Roark reports that the old Animal Control vehicle, the red Ford pickup, has been transferred to the Nottoway County Landfill and a new one has been put in service for Animal Control

3 - Erosion and Sedimentation Report: no report provided;

4 – County Website Update: Assistant County Administrator John Prosise is requesting authorization to have a complete overhaul done on the Nottoway County website; the current theme and formatting is outdated; Administrator Roark adds that if approved this would be funded from the Board Discretionary Fund

Assistant Administrator Prosise provides the plan on the update and how Blair Marketing will be working closely with the County to complete it.

Supervisor Roark, stating he believes the submitted quote is too high, makes a motion to seek Requests for Proposal for the update of the County's website. The motion dies for lack of a second.

Supervisor Bowen acknowledges the need to update the County's website and offers support for the theme proposed by Assistant Administrator Prosise; *Nottoway County; Where Heroes are Trained.* Supervisor Shekleton offers agreement about revamping the Site.

Madam Chair Simmons informs Administrator Roark to include this as an item on the agenda for the October regular meeting.

Administrator Roark provides the report that he passed over earlier in the meeting believing the citizen that requested the information was not in attendance. He explains that the citizen, in their request, expressed support for Supervisor Bowen's first priority he presented during the Board's work session the week prior; restructuring the Board's work sessions to reflect more accountability on unfinished business or ongoing matters in efforts to maintain a progressive timeline. Administrator Roark states staff is gathering information about those priorities and will report back to the Board. He continues stating the citizen encouraged the Board to consider other things such as including outstanding action items on each priority; he suggests the priorities should remain as goals. The citizen questioned matters related to the Animal Shelter land study; what properties were considered and why they were discounted. Administrator Roark explains that have been two properties considered in Burkeville and they are still under consideration. There was an additional property located on Rt. 460 at Cherry Tree Crossing was discounted because of its depth; it could not meet the County's zoning setback requirement.

The Citizen's comments included the County's Compensation Study completed by Robinson, Farmer, Cox Associates (RFC), the Space Utilization Study, the Fire Study, the employee evaluation requests for proposal and cost being outstanding action items. For the Compensation Study particularly pay grade changes, items that were proposed to be delivered that were not and why. Administrator Roark states the Study was requested by the previous Board and it appeared they were satisfied with the results; RFC invoiced the County and the Study has been paid for and as far as both Parties are concerned the Study is finished. For the Space Study Administrator Roark explains that the next phase is in limbo until the financial downfall of the COVID-19 pandemic is fully known. Administrator Roark states the Fire Study may take up to one year to be completed and the employee evaluation form is being completed by RFC at it is expected to be at no cost to the County.

The Citizen asked for information on any additional outstanding Requests for Proposal (RFP) or Requests for Qualifications (RFQ) and to which vendors they were sent. Administrator Roark says there is only one outstanding RFP for the re-write of the County's Personnel Policy Manual; it has been advertised in the Richmond Times Dispatch and a proposal was sent to everyone that responded. The Citizen acknowledged Supervisor Shekleton's request for Year-to-date and year-to-year comparative financial information. Administrator Roark explains that Finance Director Katy Tomer is working with the County's software provider to create a specific query for the reports requested. Lastly the citizen requested that the County have the list of Board Committees added to the County website and that has already been done.

5 – Letter – Auditor of Public Accounts: the review of the Commonwealth collections and remittances of the Treasurer, Commissioner of the Revenue, and Sheriff for Nottoway for the year ended June 30, 2020 has been completed; the results of the tests found the Constitutional Officers complied, in all material respects, with state laws, regulations and other procedures relating to the receipt, disbursement, and custody of state funds

6 – Letter – James W. Elliott, Attorney at Law: during the delinquent tax auction held on July 09, 2020 a bid for the following parcel was insufficient to pay all outstanding taxes and court costs; the County has the option to reject this bid and attempt to resell the parcel for a higher bid or accept this bid and subsidize the sale

Curtis L. Watson: a bid of $5,600.00 was received, the property has an assessment of $6,400.00; if the bid is received, the County will recover all of the costs previously paid of $272.60, the County will receive $672.57 as payment toward the unpaid tax lien of $3,107.93 and will not be required to make any additional contribution to close this file. This figure includes a proportional share of the outstanding taxes and liens due to the Town of Crewe in the amount of $3,654.83

Supervisor Roark makes a motion to accept the bid of $5,600.00 on the Curtis L Watson parcel. The motion receives a second from Supervisor Bowen. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

7 – Letter – Nottoway County Electoral Board: Seeking the Board's assistance with providing an increased stipend for 55 Officers of Election that will serve on November 3, 2020 due to their willingness during the pandemic. Administrator Roark clarifies that the funds for this expense will come from a Grant separate from the Federal CARES Relief Funds awarded to the Electoral Board. Nottoway Voter Registrar Angela Stewart informs the Board that, as has been reported in the news recently, a large number of localities have already approved hazard pay for the Officers.

Vice Chairman Vaughn moves to authorize the increase in pay for the Officers of Election that will serve on November 03, 2020. The motion received a second from Supervisor Shekleton. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

Supervisor Roark questions if an amount should have been established by the Board. Administrator Roark confirms they do. Madam Chair Simmons notes that the Electoral Board has recommend between $25 and $100 additional pay. Registrar Stewart urges the Board to approve an amount that is in-line with other localities. Vice Chairman Vaughn states that with his motion he was allowing the maximum of $100.

For the sake of clarification Vice Chairman Vaughn makes a motion to authorize hazard pay for the November 03, 2020 Officers of Election in the amount of $100 per Officer. The motion received a second from Supervisor Roark. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

8 – Letter – James W. Elliott, Attorney at Law: requesting reimbursement for costs incurred during delinquent tax collection in the amount of $4,089.80. Supervisor Roark makes a motion to approve the reimbursement to Attorney Elliott. The motion received a second from Vice Chairman Vaughn. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

9 – Refund of Building Permit Fee: Mr. Leonard K. Hewitt is requesting a refund of a building permit fee he paid in the amount of $439.62; he had to change builders after he purchase his permit and no work was performed, the new builder obtained their own permit.

Supervisor Roark makes a motion to approve the refund for Mr. Hewitt. The motion received a second from Supervisor Shekleton. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

Administrator Roark explains he has a number of things that need to be discussed in closed session. Supervisor Roark makes a motion to enter closed session pursuant to 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; Sheriff's Office and Registrar's Office, § 2.2-3711.A.3 discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; in District 1, §2.2-3711.A.6 discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; discussion of the Requests for Qualifications for architectural services for the Animal Shelter, and pursuant to §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; actual litigation.

Administrator Roark explains that he was contacted by the County Attorney right before the meeting and he informed that he had fallen ill and the Board would have to consult with him by telephone. Supervisor Roark's motion receives a second from Supervisor Shekleton. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

The Board enters closed session at 8:42 P.M.

The Board returns to open session at 9:38 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
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

(SEE PAGE THRU PAGE
FOR CERTIFICATION OF
EXECUTIVE MEETING)

Supervisor Bowen makes a motion to authorize Administrator Roark to follow the directions he was given in Closed Session concerning personnel and the Registrar's Office. The motion received a second from Vice Chairman Vaughn. Following a voice vote the motion carried as follows:

S.W. Bowen	Yes
J.A. Roark	Yes
L. K. Shekleton	Yes
S. C. Vaughn	Yes
H. M. Simmons	Yes

Madam Chair announces that the night's meeting will be adjourned until Thursday, September 24, 2020 at 1:00 PM at the Fort Pickett Officer's Club; it is adjourned at 9:40 PM.

Chairman Clerk

NOTTOWAY COUNTY BOARD OF SUPERVISORS

MEETING DATE:

September 17, 2020

MOTION:

To enter Closed Session pursuant to 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 of schools of public institutions or higher education where such evaluation will necessarily involve discussion of the performance of specific individuals, and §2.2-3711 A 3 - Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and § 2.2-3711 A 6 Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely 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

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

Ronald E. Boone

Clerk to the Board of Supervisors