

A regular meeting of the Westmoreland County Board of Supervisors was held Monday, January 14, 2019, in the public meeting room of the George D. English, Sr. Memorial Building, located at 111 Polk Street, Montross, Virginia. Those members present were Darryl E. Fisher, W. W. Hynson, Russ Culver, Dorothy Dickerson Tate and Larry Roberson. Also present were Norm Risavi, County Administrator and Karen Lewis, Assistant County Administrator.

CALL TO ORDER

Chairman Fisher called the meeting to order at 6:07 p.m.

1. REORGANIZATION

A. Appointment of County Administrator as Temporary Chairman

Upon motion by Mr. Culver, second by Mr. Roberson and carried unanimously, the Board appointed Norm Risavi, County Administrator, as Temporary Chairman of the Board.

B. Election of Chairman

The floor was opened to nominations for the position of Chairman for calendar year 2019.

Mr. Culver nominated Darryl E. Fisher as Chairman of the Board of Supervisors.

There being no additional nominations, Mr. Risavi closed the nominations and called for the question on the nomination of Mr. Fisher as Chairman. Darryl E. Fisher was elected Chairman of the Board of Supervisors by a 4-1 majority vote, with Mr. Culver, Mr. Hynson, Ms. Tate and Mr. Fisher voting "aye", and Mr. Roberson voting "nay". Mr. Risavi then turned the proceedings over to Mr. Fisher.

Mr. Roberson explained his position that the chairmanship should be rotated, as he has stated in previous years.

Chairman Fisher acknowledged Mr. Roberson's position and expressed appreciation to his colleagues for their vote of confidence in entrusting him with the position of Chairman. Chairman Fisher went on to say that he appreciates the support that he has received over the years and that he will continue to do his best to represent the Board as well as the constituents of Westmoreland County.

C. Election of Vice Chairman

The floor was opened to nominations for the position of Vice Chairman. Ms. Tate nominated W. W. Hynson as Vice Chairman of the Board of Supervisors. There being no other nominations, Chairman Fisher closed the nominations and called for the question on the nomination of Mr. Hynson as Vice Chairman. W. W. Hynson was elected Vice Chairman by a 4-1 majority vote, with, Mr. Culver, Ms. Tate, Mr. Hynson and Mr. Fisher voting "aye", and Mr. Roberson voting "nay".

D. Term of Office of Chairman and Vice Chairman

Mr. Robeson moved that the term of office for Chairman and Vice Chairman be set at one year. Mr. Culver seconded and the motion carried unanimously.

E. Resolution on Days, Times, and Places of Regular/Land Use Meetings

Upon motion by Mr. Roberson, second by Mr. Hynson, and carried unanimously, the Board adopted the following resolution:

RESOLUTION

WHEREAS, Section 15.2-1416 of the Code of Virginia, 1950, as amended, provides that the days, times and places of regular meetings to be held during the ensuing twelve months shall be established by the Governing Body at each annual meeting; and

WHEREAS, it is the intent of the Board of Supervisors of Westmoreland County to conduct one regularly scheduled meeting each month during calendar year 2019;

NOW, THEREFORE, BE IT RESOLVED that the regularly scheduled meetings for calendar year 2018 shall be held at the George D. English, Sr. Memorial Building, located at 111 Polk Street, Montross, Virginia on the following days and times:

1. The second Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board. The Board will meet as needed on the Wednesday following the second Monday of each month commencing at 6:00 p.m. to conduct the land use business of the Board; and
2. As circumstances dictate, the County Administrator may change the time a Board meeting will commence to accommodate additional agenda items that may arise; and
3. If, in the judgment of the County Administrator or members of the Board of Supervisors, a special meeting is necessary, it shall be called in conformity with Section 15.2 -1418 of the Code of Virginia, 1950, as amended and the Board shall be given 72 hours advance notice of such special meeting, unless circumstances dictate otherwise; and

4. In accordance with Section 15.2-1416 of the Code of Virginia, 1950, as amended, if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for board members to attend the regular meeting, such meeting shall be continued to the Wednesday following the second Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board and commencing at 6:30 p.m. to conduct the land use business of the Board (if any), at the George D. English, Sr. Memorial Building located in Montross, Virginia.

5. If the regular meeting date coincides with a county holiday, such meeting shall be held on the Wednesday following the second Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board and commencing at 6:30 p.m. to conduct the land use business of the Board (if any), at the George D. English, Sr. Memorial Building located in Montross, Virginia.

end of resolution

F. Resolution on Holidays for Calendar Year 2019

Upon motion by Mr. Roberson, second by Ms. Tate and carried unanimously, the Board adopted the following resolution:

BE IT RESOLVED that the Westmoreland County Board of Supervisors designates the following holidays for Westmoreland County offices for calendar year 2019:

Lee-Jackson Day	Friday, January 18 th
Martin Luther King, Jr. Day	Monday, January 21 st
President's Day	Monday, February 18 th
Memorial Day	Monday, May 27 th
Independence Day	Thursday, July 4 th
Labor Day	Monday, September 2 nd
Columbus Day	Monday, October 14 th
Veterans Day	Monday, November 11 th
Day Before Thanksgiving	Wednesday, November 27 th <i>Offices close @ Noon</i>
Thanksgiving Day	Thursday, November 28 th
Day After Thanksgiving	Friday, November 29 th
Christmas Eve	Tuesday, December 24 th
Christmas Day	Wednesday, December 25 th
New Year's Eve	Tuesday, December 31 st
New Year's Day 2020	Wednesday, January 1 st

BE IT FURTHER RESOLVED that, in accordance with the provisions of the employee personnel policy, Westmoreland County will observe any additional holidays granted by the Governor of Virginia or the President of the United States.

end of resolution

G. Rules of Procedure for 2019

Upon motion by Mr. Roberson, second by Mr. Hynson and carried unanimously, the Board adopted the following Rules of Procedure:



BOARD OF SUPERVISORS

of the

County of Westmoreland, Virginia

RULES OF PROCEDURE

The following Rules of Procedure are adopted by the Westmoreland County Board of Supervisors to enable the Board to discharge its duties and responsibilities effectively and efficiently and to facilitate the exercise of its authority and powers in the Code of Virginia.

Article 1. ORGANIZATIONAL MEETING

- 1.1 Annual Meeting. The Board shall elect a chairman and vice-chairman at the annual meeting in the month of January for a one (1) year term at the beginning of the new terms of office. (§ 15.2-1422 Code of Virginia 1950)
- 1.2 Chairman. The Chairman shall preside at all meetings and hearings of the Board; he or she shall decide all points of order or procedure, and the full Board shall appoint any committees that may be necessary.
- 1.3 Vice-Chairman. The Vice-Chairman shall assume the duties of the Chairman in his or her absence or disability.
- 1.4 Clerk. The Clerk to the Board shall conduct all official correspondence subject to these rules at the direction of the Board; shall send out all notices required by these rules of procedure; keep all minutes of the Board's proceedings; and keep files on all matters which come before the Board.

- 1.5 Parliamentarian. The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure, Robert's Rules of Order and the Code of Virginia (1950), as amended, as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Board members. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.
- 1.6.1 Preservation of Order. At meetings of the Board, the presiding officer shall preserve order and decorum.

ARTICLE 2. MEETINGS

- 2.1 Regular Meetings. A regular meeting of the Board of Supervisors shall be held on the second (2nd) Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board. The Board will meet as needed on the Wednesday following the second (2nd) Monday of each month commencing at 6:00 p.m. to conduct the land use business of the Board. Such meetings shall be held at the George D. English, Sr. Memorial Building, located at 111 Polk Street in Montross. When the regular meeting date falls on a holiday, the meeting shall be held on the following Wednesday at the George D. English, Sr. Memorial Building, commencing at 6:00 p.m. to conduct the regular business of the Board and commencing at 6:30 p.m. to conduct the land use business of the Board. All meetings are open to the public and all business shall be conducted publicly, except certain specific exempt topics identified in Section 2.2-3711 of the Code of Virginia 1950 (as amended) may be discussed in closed meeting.
- 2.2 Special and Adjourned Meetings. Special meetings may be called in accordance with Sections 15.2-1417 and 1418 of the Code. The Board shall be given 72 hours advance notice of such special meetings, unless emergency circumstances dictate otherwise. Adjourned meetings or reconvened meetings may be held any specific time, date, and place the Board may set, without additional notice, so long as the time, date and place are publicly specified prior to adjournment at the preceding meeting.
- 2.3 Quorum. A quorum shall consist of three members. If disqualifications of Board members should occur as a result of the provisions of the State and Local Government Conflict of Interests Act, the remaining members shall have authority to act for the Board by majority vote, unless an unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members (§ 2.2-3112 (c)).
- 2.4 Voting. Each supervisor shall be entitled to cast one vote on any questions before the Board. Voting shall be by voice, recorded by "aye", "nay" or "abstain".
- 2.5 Minutes of Meeting. The minutes of the Board meeting shall reflect the official acts of the Board and names of the public commenting during public hearings and citizen comment periods. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will be done in accordance with the requirements of Section 2.2-3707 and Section 15.2-1242 of the Code of Virginia, as amended. Minutes shall be included as part of the agenda package for the subsequent regular meeting of the Board. Draft copies of the minutes will be made available to the public in hard copy form at each regular meeting of the Board.

- 2.6 Agenda. The County Administrator shall prepare an agenda for each regular or special meeting of the board on which shall appear the title of each matter to be addressed at the meeting. The agenda for each regular meeting shall be prepared at least five days prior to the meeting and be distributed to appropriate officials and employees of the county government and member of the public and media requesting copies. Matters may be placed on a Board agenda only in the following manner: (1) by resolution of the Board; or (2) upon the direction of any member of the Board of Supervisors; or (3) by the County Administrator or County Attorney; or (4) when directed by Section 15.2-1243 et seq. of the Code of Virginia as a claim to be presented to the Board of Supervisors, or (5) upon referral of a land use matter to the Board of Supervisors as provided for in Chapter 22 of Title 15.2 of the Code of Virginia. Any member of the general public or group who wishes to be placed upon the Board's agenda must submit a request in writing to the County Administrator at least ten (10) days prior to the Board meeting for which the item is scheduled to be considered. When requesting time to appear on the agenda, the requestor shall give the County Administrator a description of what the topic will be, the speaker's name, complete address and phone numbers for contact purposes. If the speaker is representing a group or organization, the request shall include the organization's name, speaker's official position and the speaker's authority to represent the organization. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the next regular agenda for consideration.

ARTICLE 3. BOARD MEETINGS AND PUBLIC HEARINGS

- 3.1 Citizens' Comments. A reasonable period of time will be allocated to individuals to give the Board an opportunity to listen to citizens. The Board is very interested in citizen input relating to concerns, problems, issues or policies. In the opening statement, the Board Chair will state the period of time each citizen will be allocated to address the Board. During the citizens' comment period, speakers wishing to address the Board shall clearly state their name and address for the record. Citizens are encouraged to work through problems at the department and/or administrative levels before coming to the Board. This is a period in which citizens are to speak to issues. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person. The Board Chair is responsible for the orderly conduct of the meeting and shall rule on such matters as the appropriateness of the subject being presented.

Public participation at any special called meeting of the Board shall be determined by the Board upon recommendation of the Board Chair. Public hearings and public forums are designed to receive substantial community input and individual comment. In addition to those required by law, the Board of Supervisors may hold public hearings or forums on matters when it decides that such hearings will be in the public interest.

ARTICLE 4. BOARD PROCEDURES

- 4.1 In responding to questions, from the media or citizens, Board members should:
- 4.1-1. Remind the listener that they are not speaking for the entire Board;
 - 4.1-2. Clarify their position on a particular item;

- 4.1-3. Make “no public comment” on closed meeting matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.
- 4.2 Each Board member must remember that personnel matters are to remain confidential and that it is the obligation of the Board and its membership to protect the privacy of the individual.
- 4.3 The Board will focus on issues and avoid making derogatory or demeaning public comments about individuals, staff members, fellow Board members, community residents or media representatives.
- 4.4 The Board will follow the procedure of taking no action on items introduced at the table. If any item is presented for the first time during the course of business by Board members, any action will be deferred until the next meeting of the Board, provided, however, an exception will be made to this procedure by majority consent of the Board.

The Board will direct administrative action in response to items introduced under business by Board members only after a specific Board vote on said item that directs administrative action.

- 4.5 The Board will review its Rules of Procedure for the current year at its January organizational meeting.
- 4.6 Pursuant to §2.2-3707.H of the Code of Virginia, any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting shall be in such a manner as to prevent interference with the proceedings and to discourage disruptive conduct. Video cameras are to be placed in a designated area adjacent to the Clerk’s table and shall remain fixed on the Board activities and any recognized speaker presentations at all times.

ARTICLE 5. AMENDMENT

- 5.1 Amendments. These Rules of Procedure may be amended at any meeting of the Board of Supervisors provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.
- 5.2 Suspension of Rules. These Rules of Procedure may be suspended in whole or in part only upon the majority vote of the members of the Board of Supervisors present and only when consistent with the Virginia Freedom of Information Act.
- 5.3 Procedural Issues. Only Board members shall have standing to raise noncompliance with these Rules of Procedure, and only at the time of the violation. Failure of the Board to comply with these rules of Procedure shall not invalidate any action taken by the Board. Procedural issues not covered by these Rules of Procedure may be guided by Robert’s Rules of Order, latest edition. The failure, however, of the Board to comply with Robert’s Rules of Order shall not invalidate any action taken by the Board.

end of Rules of Procedure

2. APPROVAL OF MINUTES

Chairman Fisher stated that all members had received draft minutes of the regular meeting held on December 10, 2018, as well as the special called meeting on December 20, 2018, and asked if there were any additions or corrections to these minutes.

Upon motion by Mr. Roberson, second by Mr. Hynson and carried unanimously, the Board approved the minutes as presented.

3. APPROVAL OF ACCOUNTS PAYABLE LIST AND PAYROLL REGISTER

Upon motion by Mr. Roberson, second by Mr. Culver and carried unanimously, the Board approved the accounts payable list and payroll register as submitted by the Finance Department for the month of December 2018.

4. APPROVAL OF APPROPRIATION INCREASE/DECREASE REQUESTS

There were no appropriation requests to be considered at this time.

5. TOWN OF COLONIAL BEACH/CORRESPONDENCE

Mr. Robeson advised that the newly elected Town Council will have their first meeting Wednesday, January 16, 2019 and he looks forward to working with the Council in this new year.

6. TOWN OF MONTROSS/CORRESPONDENCE

No report.

7. VIRGINIA DEPARTMENT OF TRANSPORTATION/Request to pave Kings Mill Road

VDOT representatives could not be present due to their continued road clearing efforts resulting from the recent snow event. Consideration of the request to pave Kings Mill Road will be deferred to the February Board of Supervisors meeting.

At this time, Chairman Fisher recognized Beverly Minor who was present to address the Board on the dangerous condition of Alphabet Road and requesting their assistance with improvements to the road. Ms. Minor read a letter written by Mr. Von Smith who was severely impacted from a vehicle accident as a result of the road condition. (A copy of that letter is attached hereto.) Mr. Risavi stated that he has contacted VDOT and asked for a cost to upgrade the road. Chairman Fisher provided

assurance that the County will facilitate discussion between VDOT, the County and the residents of Alphabet Road to determine what would be required to have the road taken into the State system and/or to make the road as safe as possible.

8. OLD BUSINESS

Appointments: Board of Building Appeals – District 5

Mr. Roberson reported that Steve Warner has agreed to serve an additional term. On motion by Mr. Roberson, second by Mr. Culver and carried unanimously, the Board reappointed Steve Warner to serve an additional four-year term representing District 5 on the Board of Building Appeals through December 31, 2022.

9. NEW BUSINESS

Appointments: Wetlands Board – District 2

Mr. Culver requested deferral of the appointment to the February Board meeting.

10. COUNTY ADMINISTRATOR'S COMMENTS

Glebe Harbor/Cabin Point Pool Restoration - Mr. Risavi advised the Board that while work had commenced on the Glebe Harbor/Cabin Point pool restoration, the contractor discovered the need for repairs to the wading pool, as well. The cost of those repairs would be an additional \$9,997.50. A motion by Mr. Culver was made to amend the contract to include the repairs to the wading pool at a cost of an additional \$10,000.00, amending the original contract cost of \$57,759.00 to \$67,759.00. The motion was seconded by Mr. Hynson. A roll call vote was taken with Mr. Roberson voting 'aye', Mr. Culver voting 'aye', Ms. Dickerson-Tate voting 'aye', Mr. Hynson voting 'aye' and Chairman Fisher voting 'aye'.

Coles Point Wastewater Treatment Plant – Pump & Haul - Mr. Risavi advised the Board that for calendar year 2018 the Coles Point Wastewater Treatment Plant service area had received 80 inches of rain. As of January 11, 2019, 3,500,000 gallons of treated wastewater have been hauled and disposed of at the Montross Treatment Plant. As of December 31, 2018, 8,334,240 gallons were in storage, leaving a remaining capacity of only 698,400 gallons. Other treatment plants have been contacted for disposal; however, the other plants cannot accept it because they are facing similar issues. The County has incurred pump and haul costs of \$130,000 to date. An additional supplemental appropriation of \$160,000.00 is requested to carry the cost of disposal through April. Upon motion

by Mr. Hynson, second by Mr. Culver, the Board authorized a \$160,000 appropriation from the general fund balance to carry the disposal costs through April, 2019. The motion carried with Mr. Roberson voting 'aye', Mr. Culver voting 'aye', Ms. Tate voting 'aye', Mr. Hynson voting 'aye' and Chairman Fisher voting 'aye'.

11. PUBLIC COMMENT PERIOD

The following individual spoke during the public comment period:

Lewis Thompson expressed his concern regarding the election for the Board of Supervisors members. Mr. Thompson pointed out that all five Board members are elected at the same time and that could prove to be disruptive to County operations if the Board members were to be replaced in totality. He suggested that the Board may want to consider staggered terms to provide some continuity to County operations.

There being no further comments, Chairman Fisher closed the public comment period.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion by Mr. Roberson, second by Mr. Culver, and carried unanimously, the Board adjourned at approximately 7:12 p.m. The next regular meeting will be held at 6:00 p.m. on Monday, February 11, 2019 at the George D. English, Sr. Memorial Building.

Chairman, 