

A regular meeting of the Westmoreland County Board of Supervisors was held Monday, March 13, 2023, 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 Dorothy Dickerson Tate and Timothy J. Trivett. Also present were Norm Risavi, County Administrator, Debra Whaley, Finance Director, Garhett Adams, Budget Manager and Donna Cogswell, Executive Assistant. **\*\*Russ Culver was absent from meeting.**

Inasmuch as the COVID-19 pandemic makes it unsafe to assemble in one location and maintain recommended social distancing limitations, this meeting was also made available to the public via live stream on social media.

#### CALL TO ORDER

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

#### 1. APPROVAL OF MINUTES

Chairman Fisher stated that all members had received the draft minutes of the Board Meeting on January 9, 2023 and asked if there were any additions or corrections to these minutes. If not, the Chairman asked for a motion to approve.

Upon motion by Woody Hynson, second by Dorothy Dickerson Tate and carried unanimously, the Board approved the minutes for the January 9, 2023 Board meeting.

#### 2. APPROVAL OF ACCOUNTS PAYABLE LIST AND PAYROLL REGISTER

Chairman Fisher noted all members had received a copy of the February 2023 accounts payable list and payroll register for their review and asked if there were any questions. If not, the Chairman asked for a motion to approve.

Upon motion by Woody Hynson, second by Timothy Trivett and carried unanimously, the Board approved the accounts payable list and payroll register as submitted by the Finance Department for the month of February 2023.

3. APPROVAL OF APPROPRIATION INCREASE/DECREASE REQUESTS

No appropriations on this agenda.

4. PUBLIC HEARING – Ordinance Establishing a Cooperative Law Library from Assessment of Costs in Certain Civil Actions for Establishment and Maintenance of Law Library.

Mr. Risavi noted that previously the law library service was located at the Community College and it served as the law library for the Northern Neck. The law librarian, who was an attorney, retired and none of the other librarians were attorneys nor did they want to undertake the roll. This task was then offered to the bar association and they also did not want to maintain and staff it. Therefore, it was discontinued.

Mr. Risavi went onto explain there have been recent requests from Westmoreland County residents to bring this service back to the area. Unfortunately, some of the materials and programs are only available at the Central Rappahannock Regional Library and not online. Since Westmoreland County is not contiguous like the other three jurisdictions it makes it more difficult for individuals to access certain services. Mr. Risavi stated on average there are approximately 200 people per month from our area that access the law library services. The library director stated if we impose a fee and contribute to this service they would look at adding a license to one of our libraries, probably the Montross Branch because it is central to the area. Depending how much was made, other libraries could also receive this license as well.

Chairman Fisher then asked the Board Members if anyone had any questions. If not, he would go to the public for comment on proposed Ordinance for law library. Chairman Fisher reviewed the guidelines for public comment period and then opened the floor for comment.

Chairman Fisher asked to let the record show that no members of the public came forward with any comments regarding this Ordinance on establishing a cooperative law library.

With no further questions, Chairman Fisher asked the Board for a motion on the Ordinance that is before them regarding the law library. Chairman did note that within the Ordinance there would be a fee of \$4.00 assessed.

Upon motion by Timothy Trivett, second by Woody Hynson and carried unanimously with Dorothy Dickerson Tate, Timothy Trivett, Woody Hynson and Chairman Fisher voting "aye". The Board approved the Ordinance Establishing a Cooperative Law Library from Assessment of Costs in Certain Civil Actions for Establishment and Maintenance of Law Library.

**\*\* NEXT PAGE – ORDINANCE \*\***

**ORDINANCE ESTABLISHING A COOPERATIVE LAW LIBRARY FROM ASSESSMENT OF COSTS IN  
CERTAIN CIVIL ACTIONS FOR ESTABLISHMENT AND MAINTENANCE OF LAW LIBRARY  
CHAPTER 2; ARTICLE V; Section 2-204; COUNTY OF WESTMORELAND, VIRGINIA**

**WHEREAS**, pursuant to § 42.1-70 of the Code of Virginia of 1950, as amended, any county, city, or town may, through its governing body, assess as part of the costs incident to each civil action filed in the courts located within its boundaries a sum not in excess of four dollars (\$4.00); and

**WHEREAS**, the Westmoreland County Board of Supervisors believes establishing the use of a law library in the County would serve the interests of the citizens of Westmoreland County; and

**WHEREAS** a public hearing on this proposed Ordinance was held by the Westmoreland County Board of Supervisors on March 13, 2023, duly advertised as required by law and considered for adoption.

**NOW THEREFORE**, the County of Westmoreland hereby agrees to establish a cooperative law library in Westmoreland County for the use of the public as hereby set forth and under the terms and conditions herein and that the Code of the County of Westmoreland, Virginia be, and is hereby stated:

- A. Amount:** A fee of four dollars (\$4.00) shall be assessed as part of the costs incident to each civil action filed in the courts located within the County boundaries. The assessment provided for in this section shall be in addition to all other costs prescribed by law but shall not apply to any action in which the state or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the state, political subdivision thereof or federal government.

- B. **Collection - Disbursement to Central Rappahannock Regional Library:** The assessment provided for in this section shall be collected by the Clerk of the Court in which the action is filed, remitted to the County Treasurer and held by the Treasurer subject to disbursements by the Board of Supervisors for the establishment, use and maintenance of a law library which shall be open for use of the public at hours convenient to the public. The Treasurer shall notify the Finance Department to pay the assessments on a monthly basis to the Central Rappahannock Regional Library, so long as it operates the law library.
  
- C. **Use:** All assessments collected by the County Treasurer and disbursed by the Board of Supervisors shall be used for the acquisition of law books, law periodicals and computer legal research services and equipment in the law library. In addition, such assessments may be used to pay compensation to librarians and other necessary staff for the maintenance of the library and the acquisition of suitable quarters for the law library. Disbursements may be made to purchase or lease computer terminals for the purpose of retaining such research services.
  
- D. **Contributions from the bar association:** The Board of Supervisors may accept contributions to the law library fund from any bar association.

This Ordinance shall be effective upon adoption.

\_\_\_\_\_  
Date of Adoption

\_\_\_\_\_  
Darryl E. Fisher, Chairman  
Board of Supervisors  
Westmoreland County

Darryl Fisher \_\_\_\_\_  
 Timothy Trivett \_\_\_\_\_  
 Dorothy Dickerson Tate \_\_\_\_\_  
 W.W. Hynson \_\_\_\_\_  
 Russ Culver \_\_\_\_\_



**BLOCK AD – WESTMORELAND NEWS – TWO WEEKS**  
**February 22, 2023 AND March 1, 2023**

**PUBLIC NOTICE**

Notice is hereby given as set forth in Sections 15.2-1426 and 15.2-1427 of the Code of Virginia, 1950, as amended, that the Westmoreland County Board of Supervisors proposes to hold public hearings on Monday, March 13, 2023 in the Public Meeting Room of the George D. English, Sr., Memorial Building, 111 Polk Street, Montross, Virginia 22520. The Board will consider the following: ***Adopting and Enacting an Ordinance Establishing a Cooperative Law Library from Assessment of Costs in Certain Civil Actions for Establishment and Maintenance of Law Library at 6:05 p.m.***; ***Adopting and Enacting an Ordinance to Provide Tax Relief for Handicapped Equipped Motor Vehicles at 6:10 p.m.***; and an ordinance ***Amending Article XIV, Section 46-465 & Section 46-469 of the Westmoreland County Code regarding the Transient Occupancy Tax (Short-Term Lodging Tax)*** at 6:15 p.m.

Copies of the ordinances in their entirety are available for public examination in the Office of the County Administrator located in the George D. English, Sr. Memorial Building, Montross, Virginia, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Individuals with a disability, as defined in the Americans with Disabilities Act of 1990 (ADA), desiring to attend this public hearing should contact the County Administrator's office ten (10) days prior to the meeting to ensure appropriate accommodations are provided.

**BY ORDER OF THE WESTMORELAND COUNTY BOARD OF SUPERVISORS**  
**Norm Risavi, County Administrator**

Adoption of County Code Ordinance et al.ad February 2023

---

**\*END OF ORDINANCE\***

5. **PUBLIC HEARING – Ordinance to Provide Tax Relief for Handicapped Equipped Motor Vehicles**

Mr. Risavi explained an individual who moved here from Stafford County approached Mr. Culver who then brought this matter to the Board's attention. Commissioner of the Revenue did research and drafted an Ordinance for the County Attorney to review and approve. After the County Attorney's approval it is now presented to the Board for consideration. This was crafted so it does not open up a barrage of individuals applying for this relief and with that said the County Administrator believes this is worthy of consideration of the Board's approval.

Chairman Fisher stated that there was a conversation at the last Board meeting regarding this Ordinance and the Board, at that time, wanted the Ordinance to be very specific as to the types of handicapped vehicles that would qualify for this tax relief. This would not apply to vehicles with only a handicapped sticker, it must meet several requirements to be approved by the Commissioner of the Revenue.

Chairman Fisher then asked the Board if anyone had any questions. If not, he would go to the public for comments on the proposed Ordinance for Tax Relief for Handicapped Equipped Motor Vehicles. Chairman Fisher reviewed the guidelines for public comment period and then opened the floor for comment.

Chairman Fisher asked to let the record show that no members of the public came forward with any comments regarding this Ordinance.

With no further questions, Chairman asked the Board for a motion on the Ordinance that is before them regarding Tax Relief for Handicapped Equipped Motor Vehicles.

Upon motion by Dorothy Dickerson Tate, second by Woody Hynson and carried unanimously

with Woody Hynson, Timothy Trivett, Dorothy Dickerson Tate and Chairman Fisher voting "aye". The Board approved the Ordinance to Provide Tax Relief for Handicapped Equipped Motor Vehicles.

**\*\* NEXT PAGE – ORDINANCE \*\***



**ORDINANCE TO PROVIDE TAX RELIEF FOR HANDICAPPED EQUIPPED MOTOR VEHICLES  
CHAPTER 46; ARTICLE XVIII; SECTION 46-530**

**WHEREAS**, § 58.1-3506.1 of the Code of Virginia. States the governing body of any county, city or town may, by ordinance, levy a tax on one motor vehicle owned and used primarily by or for anyone at least 65 years of age or anyone found to be permanently and totally disabled, as defined in § 58.1-3506.3, at a different rate from the tax levied on other tangible personal property, upon such conditions as the ordinance may prescribe. Such rate shall not exceed the tangible personal property tax on the general class of tangible personal property; and

**WHEREAS**, the Westmoreland County Board of Supervisors believes levying said tax at a different rate from the tax levied on other tangible personal property would serve the interests of the citizens of Westmoreland County; and

**WHEREAS**, a public hearing on this proposed Ordinance was held by the Westmoreland County Board of Supervisors on March 13, 2023, duly advertised as required by law and considered for adoption.

**NOW THEREFORE**, the County of Westmoreland hereby imposes a tax upon motor vehicles specially equipped to provide transportation for physically handicapped individuals at a different rate from the tax levied on other tangible personal property, as hereby set forth and under the terms and conditions herein and that the Code of the County of Westmoreland, Virginia be, and is hereby amended by adding:

For the calendar year beginning January 1, 2023, and ending on December 31, 2023, and for each and every calendar year thereafter, unless changed, there shall be and hereby is levied a tax on all motor vehicles that are specially equipped to provide transportation for physically handicapped individuals, at the rate of \$0.001 on every one hundred dollars (\$100.00) of the assessed value thereof.

The owner of the vehicle shall demonstrate to the Commissioner of the Revenue that the vehicle is regularly used to transport a person who is disabled, as defined in Virginia Code § 58.1-3506.3, as amended, and that such disabled person resides in the household of the vehicle owner. Eligible taxpayers shall file appropriate documentation with the Commissioner of the Revenue annually. The deadline to file shall be April 1<sup>st</sup> of each calendar year.

When used in this section, the phrase "motor vehicles specially equipped to provide transportation for physically handicapped individuals," shall refer to any motor vehicle adapted with one (1) or more of the following devices:

1. Power door operators
2. Hand controls
3. Lifts or ramps for wheelchairs or scooters
4. Special restraints systems for wheelchairs
5. Raised door and roof to allow wheelchair entry
6. Special steering devices, such as, but not limited to "tri-pins" or "V grips"
7. Driving aids such as, but not limited to, touchpads, low effort power steering, power steering backup, power parking brake or electronic directional signals

In addition to the above listed criteria, to qualify as a motor vehicle specially equipped to provide transportation for physically handicapped vehicles, said motor vehicles must be licensed pursuant to § 46.2-731 of the Code of Virginia.

This Ordinance shall be effective upon adoption.

\_\_\_\_\_  
Date of Adoption

\_\_\_\_\_  
Darryl E. Fisher, Chairman  
Board of Supervisors  
Westmoreland County

Darryl Fisher \_\_\_\_\_  
Timothy Trivett \_\_\_\_\_  
Dorothy Dickerson Tate \_\_\_\_\_  
W.W. Hynson \_\_\_\_\_  
Russ Culver \_\_\_\_\_



**BLOCK AD – WESTMORELAND NEWS – TWO WEEKS**  
**February 22, 2023 AND March 1, 2023**

**PUBLIC NOTICE**

Notice is hereby given as set forth in Sections 15.2-1426 and 15.2-1427 of the Code of Virginia, 1950, as amended, that the Westmoreland County Board of Supervisors proposes to hold public hearings on Monday, March 13, 2023 in the Public Meeting Room of the George D. English, Sr., Memorial Building, 111 Polk Street, Montross, Virginia 22520. The Board will consider the following: ***Adopting and Enacting an Ordinance Establishing a Cooperative Law Library from Assessment of Costs in Certain Civil Actions for Establishment and Maintenance of Law Library at 6:05 p.m.; Adopting and Enacting an Ordinance to Provide Tax Relief for Handicapped Equipped Motor Vehicles at 6:10 p.m.; and an ordinance Amending Article XIV, Section 46-465 & Section 46-469 of the Westmoreland County Code regarding the Transient Occupancy Tax (Short-Term Lodging Tax) at 6:15 p.m.***

Copies of the ordinances in their entirety are available for public examination in the Office of the County Administrator located in the George D. English, Sr. Memorial Building, Montross, Virginia, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Individuals with a disability, as defined in the Americans with Disabilities Act of 1990 (ADA), desiring to attend this public hearing should contact the County Administrator's office ten (10) days prior to the meeting to ensure appropriate accommodations are provided.

**BY ORDER OF THE WESTMORELAND COUNTY BOARD OF SUPERVISORS**  
**Norm Risavi, County Administrator**

Adoption of County Code Ordinance et al.ad February 202:

---

**\*END OF ORDINANCE\***

6. **PUBLIC HEARING – Ordinance Amending Article XIV, Section 46-465 & Section 46-469 of the Westmoreland County Code regarding the Transient Occupancy Tax (Short-Term Lodging Tax)**

Mr. Risavi stated the Commissioner of the Revenue could not be in attendance this evening but he spoke with him on Friday. Mr. Risavi said that the legislature modified this statute to require this information and transmittals to be done on a monthly basis. It was originally done quarterly and some of the internet type rentals were not providing the County with the data in a timely fashion. This information assists the County especially when dealing with the rentals and when there are complaints we know who to contact.

Chairman Fisher then asked the Board if anyone had any questions. If not, he would go to the public for comments on proposed Ordinance regarding the Transient Occupancy Tax Code. Chairman Fisher reviewed the guidelines for public comment period and then opened the floor for comment.

Chairman Fisher asked to let the record show that no members of the public came forward with any comments regarding this Ordinance Amending Article XIV, Section 46-465 & Section 46-469 of the Westmoreland County Code regarding the Transient Occupancy Tax (Short-Term Lodging Tax).

With no further questions, Chairman Fisher asked the Board for a motion on the Ordinance that is before them regarding the Reporting on Short-Term Lodging Tax.

Upon motion by Timothy Trivett, second by Dorothy Dickerson Tate and carried unanimously with Woody Hynson, Timothy Trivett, Dorothy Dickerson Tate and Chairman Fisher voting "aye". The Board approved the Ordinance Amending Article XIV, Section 46-465 & Section 46-469 of the County Code regarding the Transient Occupancy Tax.

**\*\* NEXT PAGE – ORDINANCE \*\***

**ORDINANCE TO AMEND THE WESTMORELAND COUNTY CODE  
ARTICLE XIV, SECTION 46-465 & SECTION 46-469  
TRANSIENT OCCUPANCY TAX (SHORT-TERM LODGING TAX)**

**WHEREAS**, under Code of Virginia § 58.1-3819, any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days. The tax shall be imposed on the total price paid by the customer for the use or possession of the room or space occupied in a retail sale. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe; and

**WHEREAS**, the Commissioner of Revenue of Westmoreland County has requested to amend the Westmoreland County Code from quarterly to monthly; and

**WHEREAS**, the Westmoreland County Board of Supervisors believes approving this changes is in the best interest of Westmoreland County; and

**WHEREAS**, a public hearing on this proposed amendment to County Code § 46-465 and § 46-469 was held by the Westmoreland County Board of Supervisors on March 13, 2023, duly advertised as required by law and considered for adoption.

**NOW THEREFORE**, the County of Westmoreland hereby adopts the amendment to County Code § 46-465 and § 46-469 to require short-term accommodations operating in the County to remit taxes imposed on a monthly basis, and is hereby stated:

- A. **With reference to § 46-465 (Reports and remittances):** The tax imposed by this article shall be collected by each facility offering applicable short-term accommodations operating in the county and shall be remitted to the County's Commissioner of the Revenue. Such reports and remittance shall be made on or before the twentieth (20) day of each month, covering the amount of tax collected during the preceding month. This was previously reported on a "quarterly" basis and is amended to be reported on a "monthly" basis.

- B. With reference to Section 46-469 (Proceedings for failure to pay and report tax): If a full monthly report is provided to the Commissioner of Revenue, the estimated tax, interest, and penalty would be adjusted to the corrected amounts. This was a previously full "quarterly" report and is amended to a full "monthly" report.

This Ordinance shall be effective upon adoption.

\_\_\_\_\_  
Date of Adoption

\_\_\_\_\_  
Darryl E. Fisher, Chairman  
Board of Supervisors  
Westmoreland County

Darryl Fisher \_\_\_\_\_  
Timothy Trivett \_\_\_\_\_  
Dorothy Dickerson Tate \_\_\_\_\_  
W.W. Hynson \_\_\_\_\_  
Russ Culver \_\_\_\_\_

§ 58.1-3826. Scope of transient occupancy tax.

F. Subject to applicable laws, an accommodations intermediary shall submit to a locality the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality. Such information shall be submitted monthly.

Uniformity among localities



**ARTICLE XIV. TRANSIENT OCCUPANCY TAX (SHORT-TERM LODGING TAX)**

**Sec. 46-461. Authority of article.**

This article is enacted under the authority granted by Code of Virginia, § 58.1-3819 Transient Occupancy Tax.  
(Ord. of 6-14-2021)

**Sec. 46-462. Application of article provisions.**

The provisions of this article shall apply within the unincorporated area of Westmoreland County, Virginia.  
(Ord. of 6-14-2021)

**Sec. 46-463. Tax imposed.**

Pursuant to Code of Virginia, § 58.1-3819, a transient occupancy tax is hereby levied and imposed on hotels, motels, rental dwelling units, travel campgrounds, and other facilities offering short-term lodging accommodations in the county. The amount of the tax shall be three and a half percent of the amount of charge for the occupancy of any room, structure, or space occupied. One and a half percent of the revenue generated shall be designated and spent solely for promoting travel, tourism, and initiatives to promote travel and tourism in the county.  
(Ord. of 6-14-2021)

**Sec. 46-464. Exemptions and exclusions.**

The tax imposed under this section shall not apply to rooms or spaces rented for continuous occupancy by the same individual or group for 30 or more days. The tax shall not apply to charges for meals, telephone services, or any services other than the charges for occupancy of the room, structure, or space so occupied. The tax shall not apply to charges paid to any hospital, convalescent home, home for the aged, or similar. The tax shall not apply to any room rented to a student, professor, or other staff as on-site housing on property operated by an educational institution. Such tax levied in this article shall not apply within the incorporated towns within the county.  
(Ord. of 6-14-2021)

**Sec. 46-465. Reports and remittance.**

The tax imposed by this article shall be collected by each facility offering applicable short-term accommodations operating in the county and shall be remitted to the county's commissioner of the revenue. ~~on a quarterly basis not later than the end of the month following the end of each calendar quarter on reporting forms provided by the commissioner.~~ **Such reports and remittance shall be made on or before the twentieth day of each month, covering the amount of tax collected during the preceding month.** Such tax shall be deemed to be held in trust by the person required to collect the tax until such tax is remitted to the county.  
(Ord. of 6-14-2021)

---

**Sec. 46-466. Extension for filing.**

The commissioner of the revenue may extend, for good cause shown, the time allowed for submittal of any tax or reports required by the provisions of this article, provided that no such extensions shall exceed a period of 30 days.

(Ord. of 6-14-2021)

**Sec. 46-467. Discount for timely filing.**

For the purpose of compensating the owner of any short-term lodging facility that is collecting the tax imposed by this article, such owner shall be allowed five percent of the amount of the tax due in the form of a deduction or commission on their monthly return, provided that the amount due is not delinquent at the time of payment.

(Ord. of 6-14-2021)

**Sec. 46-468. Filing upon going out of business.**

Whenever any person required to collect and remit the tax imposed and levied by this article shall go out of business, dispose of his business, or otherwise cease to operate, all of such taxes collected shall be reported and remitted to the county treasurer within 30 days.

(Ord. of 6-14-2021)

**Sec. 46-469. Proceedings for failure to pay and report tax.**

If any person shall fail or refuse to collect the tax imposed by this article and to make the reports required in this article within the time provided in this article, the commissioner of the revenue shall proceed in such manner as they may deem best to obtain facts and information upon which to base their estimate of the tax due. As soon as the commissioner shall procure such facts and information and estimate the tax payable, the commissioner shall proceed to determine and assess against such person such tax, penalty, and interest as provided for in this article, and shall notify such person, by registered mail sent to their last known place of address, the amount of such tax, interest, and penalty. The total amount shall be payable within ten days from the date of the mailing of such notice. If a full ~~quarterly~~ monthly report is provided to the commissioner, the estimated tax, interest, and penalty would be adjusted to the corrected amounts.

(Ord. of 6-14-2021)

**Sec. 46-470. Penalty for violation of article.**

There shall be a penalty of ten percent added to all taxes imposed under the provisions of this article that are unpaid on the due date.

Any person violating or failing to comply with any of the provisions of this article shall be punished, upon conviction, by a maximum fine of \$2,500.00 or by a period of imprisonment not exceeding 12 months. Such conviction shall not relieve any such person from the payment, collection, or remittance of the tax as provided in this article. Each violation or failure shall be a separate offense.

(Ord. of 6-14-2021)

---

(Supp. No. 21, Update 1)

Created: 2022-01-13 09:20:42 (EST)

---

**Secs. 46-471—46-479. Reserved.**

---

(Supp. No. 21, Update 1)

Created: 2022-01-13 09:20:43 [EST]

Page 3 of 3



**BLOCK AD – WESTMORELAND NEWS – TWO WEEKS**  
**February 22, 2023 AND March 1, 2023**

**PUBLIC NOTICE**

Notice is hereby given as set forth in Sections 15.2-1426 and 15.2-1427 of the Code of Virginia, 1950, as amended, that the Westmoreland County Board of Supervisors proposes to hold public hearings on Monday, March 13, 2023 in the Public Meeting Room of the George D. English, Sr., Memorial Building, 111 Polk Street, Montross, Virginia 22520. The Board will consider the following: ***Adopting and Enacting an Ordinance Establishing a Cooperative Law Library from Assessment of Costs in Certain Civil Actions for Establishment and Maintenance of Law Library at 6:05 p.m.***; ***Adopting and Enacting an Ordinance to Provide Tax Relief for Handicapped Equipped Motor Vehicles at 6:10 p.m.***; and an ordinance ***Amending Article XIV, Section 46-465 & Section 46-469 of the Westmoreland County Code regarding the Transient Occupancy Tax (Short-Term Lodging Tax)*** at 6:15 p.m.

Copies of the ordinances in their entirety are available for public examination in the Office of the County Administrator located in the George D. English, Sr. Memorial Building, Montross, Virginia, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Individuals with a disability, as defined in the Americans with Disabilities Act of 1990 (ADA), desiring to attend this public hearing should contact the County Administrator's office ten (10) days prior to the meeting to ensure appropriate accommodations are provided.

**BY ORDER OF THE WESTMORELAND COUNTY BOARD OF SUPERVISORS**  
Norm Risavi, County Administrator

Adoption of County Code Ordinance et al. ad February 2023

\*END OF ORDINANCE\*

7. TOWN OF COLONIAL BEACH/CORRESPONDENCE

JC LaRiviera, Grant Writer for Town of Colonial Beach, was recognized and presented the following:

- Central area drainage project which will increase sewer and water line capacity in downtown area for all the residents and business that are there, as well as, expanding capacity for new development. The contract has been executed but no construction date has been decided as of yet but everyone will be notified because that will change the dates of some of the events this summer, as well as, traffic will not run as it normal would this summer because of the construction;
- Town is developing a Parks and Recreation master plan and the goal is to create designs for town property that could be parks and adequately budget for parks they do have so those can be maintained properly. That plan will be completed later this month and published at a meeting on March 22<sup>nd</sup>;
- Stormwater and Resilience Masterplan, kick off meeting was in February with consultants, Berkley Group and Tetra Tech, to development first ever stormwater and resilience plan. The goal of this plan is to identify and prioritize resilience and stormwater projects which will enable the town to address these critical issues. This project is funded by a Community Flood Preparedness Fund, as well as, an ARPA fund;
- Currently overhauling the new gateway signage and this is funded by the Department of Housing and Community Development;
- Budget is ongoing;
- Revamped the newsletter and is now called the Colonial Beach Connector; and
- Next Sip N Stroll events are this weekend – Friday 3-6 and Saturday 6-9 with live music.

8. TOWN OF MONTROSS/CORRESPONDENCE

Terry Cosgrove, Mayor of the Town of Montross was recognized and presented the following:

- Water project is continuing in the Town as they are replacing all the underground pipes, preparing for a new well and rehabbing the water tower. All these projects are capital projects that are moving along as scheduled.
- The park is moving along; Carvell Landscaping just needs to grade the dirt and get grass growing and then we meet with master gardener and get some pollinator or indigenous plants. Hopefully, this spring the Town will host a hot dog roast and get the kids playing on the new swing set.

9. VIRGINIA DEPARTMENT OF TRANSPORTATION

- A. David Beale, Resident Engineer, was present on behalf of the Virginia Department of Transportation and reviewed the Monthly Report with the Board. Mr. Beale then asked the Board if the Secondary Six Year Plan could be put on the agenda in April for work session and then hold a public hearing in May. That was agreed upon by the Board.

Mr. Beale noted at the last Board meeting Mr. Hynson asked about a sign on Meadow Lane which indicated 2/10s mile from Route 3 when actually it is 3/10s mile from Route 3. VDOT has updated the information and corrected the sign.

Also, at the last Board meeting Mr. Culver asked about Erica Drive and the number of pot holes. Mr. Beale stated Erica Drive is not a state maintained road.

He also stated he has Ms. Tate's request to look at the passing lane pavement on Route 3. Mr. Beale completed report review and opened up the floor for questions.

Woody Hynson wanted to thank Mr. Beale for attending the Westmoreland Shores Civic Association meeting and stated he did a great job.

Mr. Hyson also stated he has received complaints regarding road behind Hall's Store that needs to be re-ditched. After some discussion Ms. Tate said the road is Pamona Road.

Mr. Beale piggybacked on Mr. Hyson's comment regarding the meeting with Westmoreland Shores Civic Association. He wanted to thank the Sheriff's office for their help with speeding while the detour was in place. He knows that community is frustrated but appreciates their help trying to solve the issues.

Tim Trivett thanked Mr. Beale also for attending the meeting and commended him for how he handle it. He stated that Mr. Beale was able to clear up several misconceptions regarding the bridge and that helped people to have the correct information regarding the project.

Dorothy Dickerson Tate also wanted to give VDOT a thank you for taking care of some of the projects and pot holes in her district.

Chairman Fisher wanted to note the cleanup done on Nomini Hall Road and Antioch Road. Also, are there any plans to fix up or spruce up Nomini Hall Road? Mr. Beale said they he would take a look at the last time they were there and when they are scheduled to go back.

**\* NEXT PAGE – MONTHLY REPORT\***



**Westmoreland County Board of Supervisors  
March 2023 VDOT Report**

**Maintenance Activity Highlights**

Completed:

- Grading gravel roads (Cottage Farm Rd)
- Litter removal (Nomini Hall Rd, Antioch Rd)
- Brush cutting (Stoney Knoll Rd and Longfield & Pomona Rd; Erica Rd, Tucker Hill)
- Installed beaver deterrent on Stoney Knoll
- Sweep curb and gutter (Oak Grove, 205/205Y, Montross) (ongoing)
- Ditch cleaning Rt 618, Drum Bay Rd
- Address work orders countywide

Upcoming:

- Repair stormwater basins Rt 3 (two more)
- Patch potholes countywide
- Grade gravel roads countywide
- Shoulder repair Rt 205, Stoney Knoll Rd
- Sweeping curb and gutter cleaning (continued)
- Upcoming slope failure repairs Rt 3, 202, 205 with contractor
- Address work orders countywide

**Pavement Schedule**

Plant Mix

Rt 664, Bowie Rd (Rt 3 to Breezewood Dr) **Under Construction**  
 Rt 205, James Monroe Hwy (KG County line to Rt 3)  
 Rt. 205Y, Colonial Ave (Rt 205 to End State Maintenance)

Surface Treatment Under Construction

Rt 600 Neenah Rd	Rt 603 Mulberry Ln	Rt 616 Tavern Run Rd
Rt 617 Gardy's Mill Rd	Rt 619 Chestnut Level Ln	Rt 621 Nomini Grove Rd
Rt 623 Finchs Hill Rd	Rt 627 Pierce Ln	Rt 628 Stoney Knoll Rd
Rt 629 Round Hill Rd	Rt 640 Grants Hill Ch Rd	Rt 644 Wild Sally Rd
Rt 658 Monroe Bay Cir	Rt 668 Taylor Town Rd	Rt 670 Griffith Corner
Rt 677 Ephesus Church Rd	Rt 691 Northernmost Rd	Rt 695 Edge Hill Rd
Rt 698 Grainery Rd	Rt 699 Pratts Pl	Rt 702 Tate Town Rd
Rt 706 Worrell Ln	Rt 713 Twilight Ln	Rt 714 Waughtel Dr
Rt 716 Lynch Point Rd	Rt 720 Johnson Town Rd	Rt 729 Springfield Beach Rd
Rt 765 Whitehall Rd	Rt 1050 Beulah Ln	



## Construction Projects

### SSYP:

Rt 735 Grannys Bar Rd; Summer 2025    Rt 652 Charles Way; Summer 2025  
Rt 685 Ashbury Rd; Summer 2027

### Revenue Sharing:

Egret Ct; Summer 2023	Anchor Ct; Summer 2023
Deux Rue; Summer 2025	Holly Way Ph III; Summer 2025
Hickory Ln; Summer 2025	Birch Ln; Summer 2025
Woodmount Dr; Summer 2025	Pinewood Ln; Summer 2025
Lakeview Ln; Summer 2025	

### Bridge:

Rt. 621 at Tidwells Marsh (replacement): Winter 2023  
UPC 118262 Rt. 205 over Branch of Rosier Creek; Scour Repair; Spring 2023  
UPC 121539 Rt. 658 over Monroe Creek: Summer 2024

### Contacts:

*VDOT Customer Service Center: 1-800-FOR-ROAD*

David L. Beale, P.E.  
Resident Engineer  
(804) 333-7941  
[david.beale@vdot.virginia.gov](mailto:david.beale@vdot.virginia.gov)

Carter White  
Assistant Residency Administrator  
(804) 333-7942  
[carter.white@vdot.virginia.gov](mailto:carter.white@vdot.virginia.gov)

Rex Reichert  
Hague Area Headquarters Superintendent  
(804) 695-8610  
[rex.reichert@vdot.virginia.gov](mailto:rex.reichert@vdot.virginia.gov)

\*END OF REPORT\*

**B. VDOT – Resolution of Bus Road/Rt 9000 to VDOT Secondary System.**

Mr. Risavi noted that this Resolution regarding the school bus route that goes into the new high school is needed for the road to go into the State's VDOT system. The school board took action already to approve this resolution earlier this week.

With no further questions, Chairman asked the Board for a motion on the Resolution of Bus Road/Rt 9000 to VDOT Secondary System.

Upon motion by Dorothy Dickerson Tate, second by Woody Hynson and carried unanimously with Dorothy Dickerson Tate, Timothy Trivett, Woody Hynson and Chairman Fisher voting "aye". The Board approved the Resolution of Bus Road/Rt 9000 to VDOT Secondary System.

**\*\* NEXT PAGE – RESOLUTION\*\***

**RESOLUTION  
SECONDARY SYSTEM OF STATE HIGHWAYS  
ROUTE 9000, SCHOOL BUS ROAD**

**WHEREAS**, Westmoreland County Board of Supervisors and Westmoreland County School Board have completed the construction of Westmoreland High School; and

**WHEREAS**, Route 9000 is assigned to add segments that provide access for school traffic from State Route 3 to Westmoreland High School; and

**WHEREAS**, construction of the road is complete and meets standards deemed by the Virginia Department of Transportation to be appropriate for the traffic anticipated, and

**WHEREAS**, the project sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State highways as a result of construction; and

**WHEREAS**, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of state Highways.

**NOW, THEREFORE, BE IT RESOLVED**, this Board hereby requests the Virginia Department of Transportation to take the necessary action to accept segments identified on the attached Form AM 4.3 and project sketch as a part of the Secondary System of State Highways, pursuant to §33.2-325, *Code of Virginia*; 1950; and

**BE IT FURTHER RESOLVED**, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary system of State Highways, pursuant to §33.2-325, *Code of Virginia*; and

**BE IT FURTHER RESOLVED**, the Board hereby guarantee a clear and unencumbered right of way, including any necessary easements for cuts, fills, and drainage; and

**BE IT FINALLY RESOLVED** that a certified copy of this resolution be forwarded to Virginia Department of Transportation.

Date of Adoption: March 13, 2023

\_\_\_\_\_  
Ralph Fallin, Chairman  
Westmoreland County School Board

\_\_\_\_\_  
Darryl E. Fisher, Chairman  
Westmoreland County Board of Supervisors

**In Westmoreland County**

38908506

by Resolution of the governing body adopted March 13, 2023

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

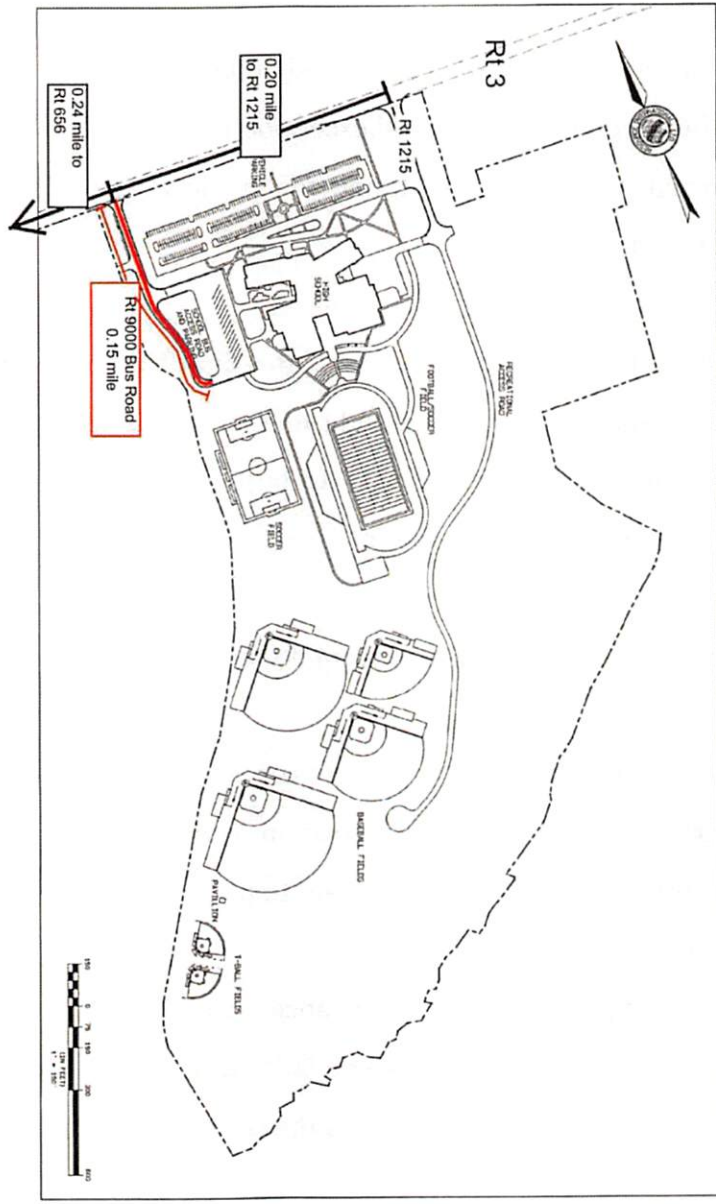
A Copy Testee Signed (County Official): Norm Risavi, County Administrator

**Report of Changes in the Secondary System of State Highways**

Project/Subdivision: 096 - Westmoreland HS

Addition - School bus access §33.2-325

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
9000	School Bus Road	Rt 3	0.15 mile South of Rt 3	0.15	2		50



 = Addition



THIS PLANING SHALL BE CONSIDERED AS A PRELIMINARY PLAN AND NOT A CONTRACT. THE CLIENT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

WASHINGTON AND LEE HIGH SCHOOL  
 SCHOOL BUS ENTRANCE  
 ROAD AND DRAINAGE IMPROVEMENTS  
 MONTROSS, VIRGINIA  
 OVERALL DEVELOPMENT PLAN

DESIGNED: JMS  
 DRAWN: JMS  
 CHECKED: JMS  
 DATE: 7-22-2018



**resource**  
 INTERNATIONAL  
 P.O. Box 6140 - 19060 George Church Drive - Lakeside, VA 23066  
 (854) 550-8200 • FAX (854) 550-8259

\*\* END OF RESOLUTION \*\*

10. OLD BUSINESS

- A. Amendment to the conditions of a Special Exception previously approved by the Board on June 14, 2021 for project CASE#2106-SE-03.

Darrin Lee, Planner, was recognized and presented information on the amendment to the conditions of a special exception previously approved by the Board. Mr. Lee proceeded with a presentation that reviews the original presentation that was approved in 2021.

Request tonight is to move the buffer back from what was originally approved to back beyond the fence line and clean up the conditions agreed to in 2021. Zoning ordinance states it would have to be 50ft from the right of way or less to count towards the right of way buffer.

There are representatives present if the Board has any questions.

Richard Stuart would like to ask Darrin what exactly they are seeking. He stated his recollection was, from a conversation with Mr. Lee, the way the County Ordinance interprets this, it was fine for them to put it there because it doesn't make sense to put it on the road.

Mr. Lee stated the County Ordinance would not allow them to count that as a right away buffer because it has to be 50ft away from the road and once it goes beyond that point it wouldn't go towards the right of way buffer that is required.

Mr. Stuart said so Dominion was not comfortable with that and they requested to modify the conditions. He then said he thought you had to have a public hearing when you modified conditions to a special exceptions

Darrin Lee stated one of the actual conditions sited in the special exception if there were changes they could come back for an amendment to the special exception approval.

Mr. Stuart still believes, under the law, if you modify the conditions of a special exception you must go through the process and that requires public notice and a public hearing.

Ms. McDowell stated her understanding is Dominion could come back and request a change to the conditions but she would trust his legal judgement on that.

Mr. Stuart apologized but he believes anytime you amend a special exception you must have public notice and public hearing. It makes no sense to put it on the road because it doesn't block anything. You could interpret it to say that it is in green now on the plan because it actually does block out the project which is what the Board wanted.

Darrin asked if it would allow them to clarify the conditions because there were some other things that would need to be changed.

Mr. Stuart said if a letter from County Attorney or Zoning Administrator would suffice they could do that but if they want to modify the conditions then they have to follow the way the Code of Virginia states.

Mr. Risavi noted that Mr. Delacruz with Dominion Energy was present.

Chairman Fisher noted that they are not necessary denying their request but need all the information.

Mr. Delacruz introduced himself and stated that they are just looking for clarity. He stated that they want to be in compliance and still keep the wishes of the Board.

There were three conditions that were laid out – and their plan in the zoning confirmation letter showed the two buffers that are present now and they would like to go forward with those buffers and would like to make sure there is a buffer along the road at Ashbury Road. Mr. Delecruz stated they don't have to go for a modification if there is another avenue, they just want some clarity so we can move forward with the project because they are running into a time crunch with CUP. Mr. Delacruz said they have about 2 years before they can act and can keep in compliance with CUP and that comes up in June 2023. Therefore, any guidance you can provide would be great.

Mr. Stuart stated he would be happy to meet with Jason and Darrin and believes this can be done with a Zoning Letter. If that is not possible you can actually expedite the modification process by having a joint meeting.

Jason Delacruz stated if this is good with the Board it is good with Dominion Energy they just need clarity.

Mr. Stuart again noted the Board cannot just modify this Agreement tonight on a request via a letter, you need to go through the process.

Recommendation by the Board is to not take any action tonight and allow the County Attorney, Staff and Dominion Energy time to work out the issues and then return with a plan that everyone agrees on.

**\*\* NEXT PAGE – DOCUMENTS\*\***



## LAND USE CASE

Proposed is an amendment to the conditions of a Special Exception previously approved by the Board on June 14, 2021 for the following project:

**CASE # 2106-SE-03** – Catherine Ann Johnson Life Estate PO Box 1043 Montross VA 22520 Agent Springfield Solar LLC 722 Preston Ave Suite 102 Charlottesville Virginia 22903- Requests consideration for a Commission Permit and a Special Exception for small solar facility. The project is located at 17443 Kings Highway Montross Magisterial District TM 34-90. (If approved the applicant also requests a two-year initial approval for the above special exception.)

Virginia Electric and Power Company  
120 Tredegar Street  
Richmond, VA 23219



Ms. Beth McDowell  
Westmoreland County Planning & Community Development  
111 Polk Street  
Montross, VA 22520

Ms. McDowell,

The Westmoreland County Board of Supervisors unanimously approved CASE#2106-SE-03 with conditions for installation of the Springfield Solar Facility on June 16, 2021. The status of the use and zoning of the property as it relates to the permitted developments, the operation, and decommissioning of the solar facility were affirmed in a Zoning Confirmation Letter (ZCL) executed on October 5, 2021.

The Special Exception (SE) details three specific conditions relating to buffer requirements to ensure the project's vegetative buffers are in accordance with the County's zoning ordinance and to address viewshed and the ZCL confirms a site plan compliant with the SE and County's zoning ordinance to include a 25 foot buffer along the project southern fence line with no buffer along Route 685 (Ashbury Road). Unfortunately, the land needed for a 30 foot vegetative buffer along Route 685 was not included in the lease agreement with the landowner.

In our commitment with the landowner, Dominion Energy kindly requests Westmoreland County to modify the conditions of the SE to expressly state that the 30 foot vegetative buffer along Route 685 requirement is not needed so long as there is a 25 foot buffer along the project southern fence line.

Dominion Energy feels the required 25 foot vegetative buffer along the project fence line will still provide sufficient coverage and keep within the spirit of the intent of these conditions. This proposed area along Route 685 is located away from the main pass through of Route 3 (Kings Highway). Furthermore, if no buffer is required along Route 685, the landowner will maintain their ability to access and or change their property.

Dominion Energy remains committed to this project. We hope it be the will of Westmoreland County to accept this modification request.

Thank you for your consideration.

Austin Jones  
Manager, Business Development

A handwritten signature in black ink, appearing to read "Austin Jones", written over a white background.

**\*\*END OF DOCUMENT\*\***

B. Board of Building Appeals (Districts 1 & 5)

Chairman Fisher stated he spoke with Roger Johnson and he has agreed to the appointment on the Board of Building Appeals. Mr. Trivett stated he is still looking for a member and should have one by next meeting.

Upon motion by Timothy Trivett, second by Dorothy Dickerson Tate and carried unanimously the Board approved the nomination of Roger Johnson (District 1) for the Board of Building Appeals.

11. NEW BUSINSS

A. Proclamation – Emergency Management Professionals Week

Chairman Fisher noted the next item is a Proclamation – Emergency Management Professionals Week. He stated it is important to recognize and honor these good folks.

Upon motion by Dorothy Dickerson Tate, second by Woody Hynson and carried unanimously the Board approved the Proclamation – Emergency Management Professionals Week.

**\*\*NEXT PAGE – PROCLAMATION\*\***

**PROCLAMATION  
EMERGENCY MANAGEMENT PROFESSIONALS' WEEK  
March 19-23, 2023**

**WHEREAS**, the emergency management team of Westmoreland County and the Commonwealth of Virginia work tirelessly behind the scenes to create a safer, stronger and more resilient County in the midst of natural disasters, pandemics, civil unrest, terrorism and other man-made and natural threats and hazards; and

**WHEREAS**, every emergency begins and ends locally; and

**WHEREAS**, emergency managers are considered vital public service to and between essential services that assist the County to prepare for, respond to and recover from emergencies; and

**WHEREAS**, emergency managers develop emergency plans and procedures, organize training including first responders and community partners, manage, lead, and provide skills and resources to minimize the impact of disasters, work with state and federal agencies to find the most effective methods of disaster recovery, to increase safety and security, as well as build business continuity; and

**WHEREAS**, the role of emergency managers in creating a safer more resilient community is more important than ever; and

**NOW, THEREFORE**, I, Darryl E. Fisher, Chairman of the Board of Supervisors for Westmoreland County, Virginia do hereby proclaim March 19-23, 2023 Emergency Management Professionals' Week in Westmoreland County and I, Darryl E. Fisher, Chairman of the Board of Supervisors encourage all citizens to honor the Westmoreland County Emergency Management team and to recognize their service behind the scenes and commitment to the health, safety, and welfare of all who live and visit Westmoreland County.

**DATED:** March 13, 2023

---

Darryl E. Fisher, Chairman  
Board of Supervisors  
Westmoreland County

12. COUNTY ADMINISTRATOR'S COMMENTS

Mr. Risavi asked Debra Whaley to introduce the Finance Department's new Budget Manager, Garhett Adams. Mr. Risavi also noted he hired a second employee for the Finance Department, Joanne Sydnor.

A. Local Choice Health Benefits Renewal 2023-2024

Mr. Risavi explained that the Local Choice Health Benefit Renewal will have an increase of 2½% next year for health benefits which is very reasonable considering other localities have increased their benefits as much as 10%. County Administrator's recommendation to the Board is to approve the new rates.

Upon motion by Woody Hynson, second by Dorothy Dickerson Tate and carried unanimously with Woody Hynson, Timothy Trivett, Dorothy Dickerson Tate and Chairman Fisher voting "aye". The Board approves the 2023-2024 Local Choice Health Benefits Renewal rates.

**\*\* NEXT PAGE – RESOLUTION \*\***

**RESOLUTION**  
**THE LOCAL CHOICE HEALTH BENEFITS PROGRAM RENEWAL**

**BE IT RESOLVED** that the Westmoreland County Board of Supervisors hereby approves Westmoreland County's participation in the Local Choice Health Benefits Program for the period of July 1, 2023 through June 30, 2024, based on the following renewal rates:

THE LOCAL CHOICE HEALTH BENEFITS PROGRAM  
 ANTHEM BLUE CROSS & BLUE SHIELD  
 COUNTY OF WESTMORELAND

	RENEWAL RATE	COUNTY SHARE	EMPLOYEE SHARE
<b>KEY ADVANTAGE EXPANDED FULL TIME EMPLOYEES</b>			
SINGLE	1,003.00	732.00	271.00
DUAL	1,856.00	1,299.00	557.00
FAMILY	2,709.00	1,788.00	921.00
<b>KEY ADVANTAGE EXPANDED PART-TIME EMPLOYEES</b>			
SINGLE	1,003.00	366.00	637.00
DUAL	1,856.00	650.00	1,206.00
FAMILY	2,709.00	894.00	1,815.00
<b>KEY ADVANTAGE 500 FULL TIME EMPLOYEES</b>			
SINGLE	827.00	732.00	95.00
DUAL	1,530.00	1,299.00	231.00
FAMILY	2,233.00	1,788.00	445.00
<b>KEY ADVANTAGE 500 PART-TIME EMPLOYEES</b>			
SINGLE	827.00	366.00	461.00
DUAL	1,530.00	650.00	880.00
FAMILY	2,233.00	894.00	1,339.00

	RENEWAL RATE	COUNTY SHARE	EMPLOYEE SHARE
KEY ADVANTAGE EXPANDED W/PREVENTIVE DENTAL ONLY FULL TIME EMPLOYEES			
SINGLE	986.00	718.00	268.00
DUAL	1,824.00	1,277.00	547.00
FAMILY	2,662.00	1,757.00	905.00
KEY ADVANTAGE EXPANDED W/PREVENTIVE DENTAL ONLY PART TIME EMPLOYEES			
SINGLE	986.00	359.00	627.00
DUAL	1,824.00	638.00	1,186.00
FAMILY	2,662.00	878.00	1,784.00
KEY ADVANTAGE 500 W/PREVENTIVE DENTAL ONLY FULL TIME EMPLOYEES			
SINGLE	810.00	718.00	92.00
DUAL	1,498.00	1,277.00	221.00
FAMILY	2,186.00	1,757.00	429.00
KEY ADVANTAGE 500 W/PREVENTIVE DENTAL ONLY PART TIME EMPLOYEES			
SINGLE	810.00	359.00	451.00
DUAL	1,498.00	638.00	860.00
FAMILY	2,186.00	878.00	1,308.00
RETIRES WITH MEDICARE			
ADVANTAGE 65	177.00		
ADVANTAGE 65 & DENTAL/VISION	211.00		

March 13, 2023  
Date

\_\_\_\_\_  
Darryl E. Fisher, Chairman  
Board of Supervisors  
Westmoreland County

\*\* END OF RESOLUTION\*\*

B. Open Burning Regulations

Mr. Risavi stated he received a visit from a concerned local businesses owner because he had received a letter from DEQ stating there has been concerns about his burn pile consisting of vegetative waste and he was told by DEQ that he could not burn it under regulation Chapter 81/Section 95/Paragraph 15 and he could receive a violation notice from DEQ regarding open burning if he continues to burn. Mr. Risavi contacted DEQ and asked them to send him the regulation (which they did) but the County Administrator does not agree with their interpretation. Mr. Risavi then sent it to Mr. Stuart for his review and he reached out to the Director of DEQ and he is trying to work out an agreement. Mr. Risavi noted there are approximate 30 businesses that do this type of work and if they all dumped their brush at the Transfer Station it would completely overwhelm them and the station could not handle it.

Mr. Stuart stated if they cannot come to an agreement he would bring a bill to the floor next session.

**\*\* NEXT PAGE- OPEN BURNING REGULATIONS \*\***



From: Peal, Andrew (DEQ)  
Sent: Monday, February 27, 2023 12:03 PM  
To: [nrisavi@westmoreland-county.org](mailto:nrisavi@westmoreland-county.org) <[nrisavi@westmoreland-county.org](mailto:nrisavi@westmoreland-county.org)>  
Subject: Open Burning Regulations

<https://law.lis.virginia.gov/admincode/title9/agency20/chapter81/section95/>

D. The following activities are conditionally exempt from this chapter provided no open dump, hazard, or public nuisance is created:

15. Open burning of solid wastes as provided in the following:
  - a. For forest management, agriculture practices, and highway construction and maintenance programs approved by the State Air Pollution Control Board.
  - b. For training and instruction of government and public firefighters under the supervision of the designated official and industrial in-house firefighting personnel with clearance from the local firefighting authority. Buildings that have not been demolished may be burned under the provisions of this subdivision only. Additionally, burning rubber tires, asphaltic materials, crankcase oil, impregnated wood, or other rubber-based or petroleum-based wastes is permitted when conducting bona fide firefighting instruction.
  - c. For the destruction of classified military documents under the supervision of the designated official.
  - d. For campfires or other fires using clean wood or vegetative waste that are used solely for recreational purposes, for ceremonial occasions, for outdoor preparation of food, and for warming of outdoor workers.
  - e. For the onsite destruction of vegetative waste located on the premises of private property, provided that no regularly scheduled collection service for such vegetative waste is available at the adjacent street or public road.
  - f. For the onsite destruction of household waste by homeowners or tenants, provided that no regularly scheduled collection service for such household waste is available at the adjacent street or public road.
  - g. For the onsite destruction of clean wood waste and debris waste resulting from property maintenance; from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills; or from any other clearing operations.

C. Mt. Holly Sewer Extension Update

Mr. Risavi stated he received a notice from DEQ they are offering us a grant but they are only awarding 50% of what we asked, so we have looked at other finance options. This project would only generate approximately \$3,000 per year in fees so it would be impossible to amortize the loan for the remaining balance. Unless we add an equal sum of money to equal 100%. This area is where the fire station is and there are two nice houses on the right and no one lives in them because the septic systems have failed. We will continue to looking at some way to accommodate this low income area.

County Administrator asked the Board to allow him to decline the grant from DEQ. Therefore, Chairman Fisher asked for a motion on the recommendation of the County Administrator that we decline the DEQ grant not because we don't want to do this project but because we just cannot pay for the loan.

Upon motion by Dorothy Dickerson Tate, second by Timothy Trivett and carried unanimously, the Board agrees to decline the DEQ grant.

**\*\* NEXT PAGE – DEQ LETTER & ATTACHMENTS \*\***



*Commonwealth of Virginia*

*VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Travis A. Voyles  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director  
(804) 698-4020

March 6, 2023

Mr. Norm Risavi  
County Administrator, Westmoreland County  
111 Polk Street, PO Box 1000  
Montross, VA 22520  
[nrisavi@westmoreland-county.org](mailto:nrisavi@westmoreland-county.org)

Re: American Rescue Plan Act (ARPA) – Sewer Collection System (SCS) Program  
Westmoreland County – SCS-16 – Mount Holly Road Sewer Extension  
Funding Offer

Dear Mr. Risavi:

I am pleased to inform you that the Director of DEQ has tentatively authorized an ARPA SCS Program grant for the referenced project. The authorization is contingent upon compliance with federal and state laws governing ARPA funds and with ARPA SCS program requirements. The grant amount offered to Westmoreland County is **\$278,100**. More information about the application review and evaluation process can be found at <https://www.deq.virginia.gov/water/clean-water-financing/american-rescue-plan-act>.

Westmoreland County has 30 days from the date of this letter to accept this funding offer and submit a project schedule and budget, which must outline all funding sources for the project. **Acceptance of this offer and submission of the project schedule and budget should be emailed to [CWFAP@deq.virginia.gov](mailto:CWFAP@deq.virginia.gov) by April 5, 2023.** If this information is not provided, or if the offer is declined, the tentative authorization for the project will be withdrawn. Please note the identifier number as referenced **SCS-16** is the ARPA number assigned to your grant project. This number should be used on all correspondence and documents associated with the project.

We look forward to working with you on this project. Please do not hesitate to contact me at (804) 836-5912 or [karen.doran@deq.virginia.gov](mailto:karen.doran@deq.virginia.gov) if you have any questions or need assistance.

Sincerely,

Karen M. Doran, Program Manager  
Clean Water Financing & Assistance Program

cc: Joe Battiatia – DEQ/PRO – Project Manager  
Darian Morgan – DEQ/NRO – Project Officer

**Virginia Department of Environmental Quality  
American Rescue Plan Act (ARPA) Wastewater Funds  
Sewer Collection System (SCS) Program Application**

Section A - Organizational Data	
Name of Applicant	Westmoreland County
Applicant Address	111 Poik Street; P O Box 1000; Montross, VA 22520
Contact Person	Norm Risavi
Phone	804-493-0136
Email	nrisavi@westmoreland-county.org
Name of Consulting Engineer	Resource International, Ltd.
Engineer Address	9560 Kings Charter Drive; P O Box 6160; Ashland, VA 23005
Contact Person	Charles Riedlinger
Phone	804-650-8200
Email	criedlinger@resourceintl.com

Section B - Project Information	
Project Type:	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">                     Straight Pipe or Septic to Collection System <input checked="" type="checkbox"/> </div> <div style="text-align: center;">                     Sewer Collection System <input type="checkbox"/> </div> </div>
Will this project remove straight pipes or pit privies?	
Project Name: <b>Mount Holly Road Sewer Extension</b>	
Please provide a project description, including information about the current system and number of connections. Include how this project will address risks to human health and if it is in response to a consent order.	
<p>This project is to extend Public Sewer to 10 homes with failing septic systems. The County has a wastewater system within a mile of the homes. The County will extend the public sewer to homes with failing septic systems.</p>	

Section C - Proposed Financing		
a. Amount of SCS Funds Requested		\$ 556,200
b. Other Funding Available	Check if Committed <input type="checkbox"/>	
Source		Amount
1.		\$
2.		\$
3.		\$
Total Other Funding Available (1+2+3)		\$
c. Total Project Cost (a+b)		\$ 556,200


Section D - Water Quality Data		
Location of Project:	Latitude:	Longitude:
NPDES Permit Number: N/A		
Name of stream to which flow is discharged: N/A		
River Basin for Receiving Stream: N/A Westmoreland Plant utilizes spray irrigation		

Section E - Anticipated Project Schedule	
	Date
Completion of Preliminary Engineering	Complete
Submittal of Final Plans and Specifications	January 2023
Plans and Specs Approved (by DEQ)	March 2023
Advertise for Bids	April 10, 2023
Award Contracts	May 10, 2023
Execute Grant Agreement (by Dec. 31, 2024)	
Final Completion and Disbursement (by Dec. 31, 2026)	
Estimated Construction Time (in months)	6 months

Section F - Readiness to Proceed	
	Check one
Plans and specifications approved by regulatory agencies	<input type="checkbox"/>
Plans and specifications being prepared	<input checked="" type="checkbox"/>
Preliminary engineering report/planning complete	<input checked="" type="checkbox"/>
Project is in the CIP	<input type="checkbox"/>
None of the above	<input type="checkbox"/>

Section G - Statistical Data	
Average Monthly Charge per Household:\$	Average Residential Connection Fees: \$ 45

Section H - Budget Information			
Administration Expenses	\$	Collector System Construction	\$
Land, Right-of-Way	\$	I&I Rehabilitation	\$
Arch/Engineering Basic Fees	\$	Equipment Purchase/Installation	\$ 75,000
Project Inspection Fees	\$ County will provide	Other (Explain: )	\$
Connection Fees	\$ with existing staff	Contingencies	\$
Interceptor Line Construction	\$ 481,200	Total:	\$

Section I - Assurances and Certifications	
The undersigned representative of the applicant certifies that the information contained herein and the attached statements and exhibits are true, correct, and complete to the best of their knowledge and belief. The undersigned also agrees to clarify or supplement information pertaining to this application upon request.	
Chief Administrative Officer of Applicant	
Name	Norm Risavi
Title	County Administrator
Signature	
Date	December 15, 2022

Section J - Requested Attachment
Preliminary engineering report, if available

PRELIMINARY ENGINEERING REPORT  
WESTMORELAND COUNTY  
MOUNT HOLLY ROAD SEWER EXTENSIN  
WESTMORELAND COUNTY, VIRGINIA

DECEMBER 14, 2022

P.N. 94024.116



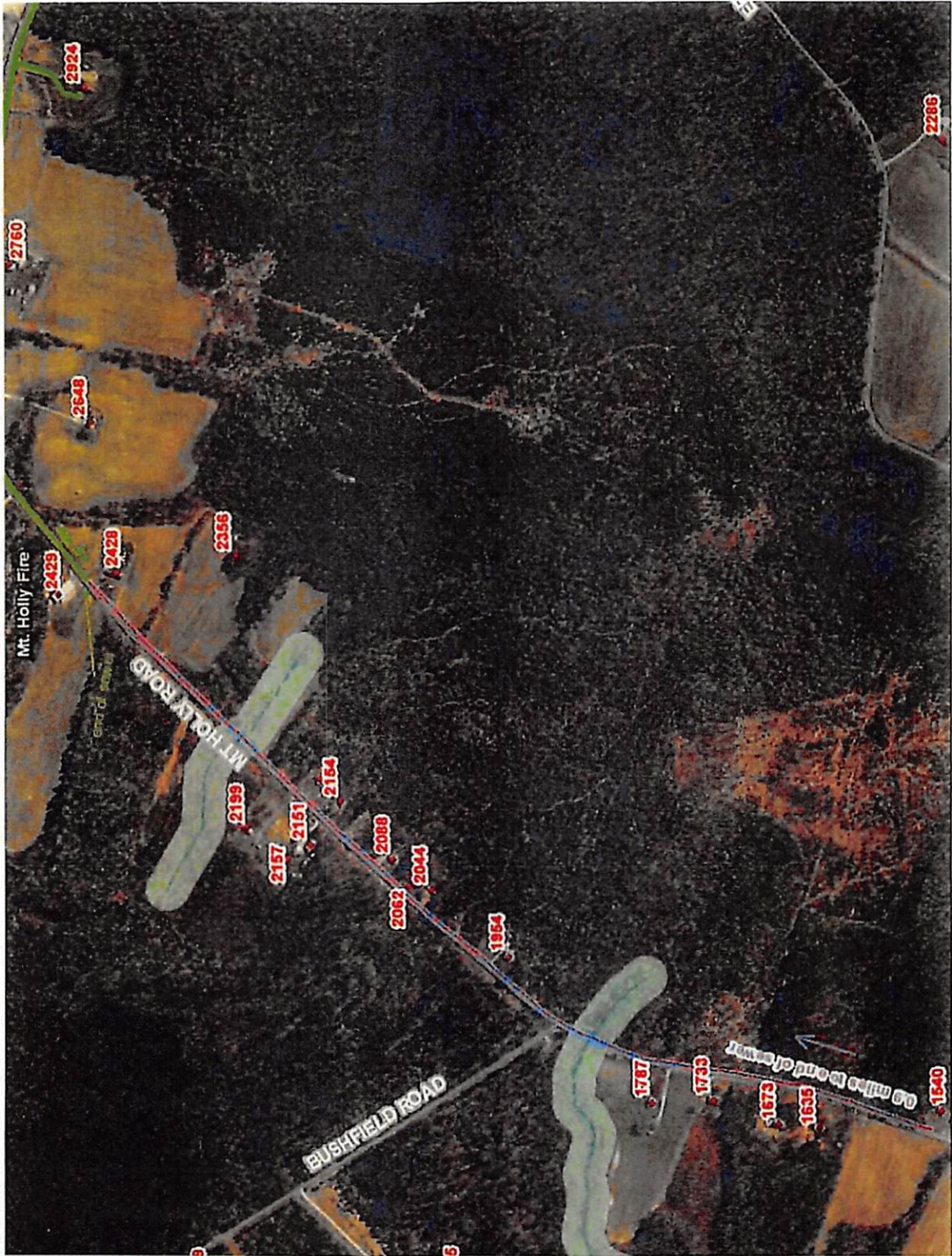
**WESTMORELAND COUNTY  
MOUNT HOLLY ROAD SEWER EXTENSION  
PRELIMINARY ENGINEERING REPORT**

**Purpose and Need**

The County of Westmoreland has a wastewater collection system in Coles Point that serves over 2,000 customers.

The service area includes Coles Point, Cabin Point, Tidwells, and Placid Bay. Within one mile of the existing system, there are 10 homes on Mount Holly Road that have failed septic systems. See attached locations of the houses.

The County proposes to serve the homes by extending sewer to the area. The County Board of Supervisors has agreed to the extension. Attached is the proposed cost of the extension.





**WESTMORELAND COUNTY**  
**Wastewater Extension On Mount Holly Road**  
**Opinion of Costs**

<b>Description</b>	<b>Units</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total</b>
2" HDPE Line	LF	4,800	\$30	\$144,000
Service Lines	LF	10,000	\$15	\$150,000
2- inch Gate Valves	EA	3	\$900	\$2,700
Pumps	EA	10	\$12,000	\$120,000
Valves	EA	5	\$4,000	\$20,000
Connection To Existing Line	EA	1	\$4,500	\$4,500
Mobilization	EA	1	\$20,000	\$20,000
<b>Subtotal</b>				<b>\$461,200</b>
<b>Contingency</b>				<b>\$20,000</b>
<b>Total Opinion of Construction Costs</b>				<b>\$481,200</b>
<b>Engineering Design/Bidding/Construction Admin</b>				<b>\$75,000</b>
<b>Total Opinion of Cost</b>				<b>\$556,200</b>
<b>Does not Include Land Purchase or Legal Fees</b>				

D. Transfer Station

Mr. Risavi stated in the current budget after paying the tipping fee for February, we have exceeded the line item in this fiscal year. In 2022, there was 23,315.66 tons of trash that passed through the Transfer Station, which was a record breaking year, in 2023, it is already a record breaker. Mr. Risavi noted that he is not currently asking the Board to take action because we have that money in contingency. Mr. Risavi also noted that the transfer station is shipping out 7 and 8 tractor trailer loads of trash per day and the only thing he can think of is there is a lot of building going on the other thing is 56% of population commute outside of the county but if they are teleworking that trash stays here.

Mr. Risavi wanted to announce that the County is now sending out shut off notices for delinquent utility bills. After the pandemic the delinquency amounts reached over \$150,000.00. Kim Self has collected approximately \$60,000 to date.

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
JAN		804.49	751.96	764.79	740.30	757.15	636.78	774.99	914.36	990.88
FEB		812.77	641.85	705.67	682.98	659.68	789.13	684.00	1,150.88	800.34
MAR		871.21	847.41	888.56	932.01	819.31	900.55	870.75	940.07	1,140.28
APR	1,210.08	897.86	996.27	1,013.46	929.79	1,131.18	842.63	1,007.10	1,193.99	1,123.61
MAY	1,158.04	1,026.93	1,113.19	1,044.38	987.84	840.62	993.37	958.18	1,141.39	1,244.03
JUN	1,074.12	1,280.10	1,077.82	928.57	1,205.43	862.71	1,063.92	994.80	1,113.71	1,230.93
JUL	1,202.26	1,232.83	1,117.78	1,115.95	935.41	928.65	1,042.65	1,002.18	1,285.73	1,305.21
AUG	1,235.15	1,104.84	1,141.24	1,023.45	1,001.43	914.14	878.40	884.77	1,240.74	1,260.60
SEP	1,007.90	997.49	1,060.27	933.47	846.78	986.17	929.35	901.35	1,072.10	1,579.34
OCT	919.60	921.75	981.67	842.18	996.93	870.57	932.48	904.27	957.17	1,761.34
NOV	917.44	811.41	783.28	686.11	838.46	998.96	1,034.85	920.63	972.67	1,428.64
DEC	844.74	762.67	822.79	803.36	799.29	762.55	823.54	962.86	967.86	1,482.02
TOTALS	9,549.43	11,523.55	11,315.53	10,749.95	10,896.65	10,531.69	10,867.65	10,865.88	12,950.67	15,347.22

261,638.12

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
JAN	1,116.21	1,168.58	1,494.98	1,121.93	1,140.35	1,057.06	935.45	850.42	921.59	911.99
FEB	1,070.07	1,470.32	1,110.01	885.46	1,037.55	899.47	787.15	773.67	858.73	792.78
MAR	1,499.91	1,321.40	1,419.55	1,171.73	1,237.74	1,172.05	1,164.25	1,029.44	1,050.50	977.75
APR	1,746.48	1,640.27	1,457.13	1,451.30	1,360.39	1,263.76	1,147.58	1,011.55	1,216.66	1,120.49
MAY	1,617.66	1,586.32	1,657.36	1,316.50	1,516.28	1,330.08	1,068.43	1,156.97	1,129.56	1,107.82
JUN	1,543.57	1,679.60	1,547.36	1,263.32	1,336.84	1,316.90	1,162.54	1,179.69	1,178.21	1,064.25
JUL	1,633.07	1,709.31	1,543.43	1,281.27	1,454.92	1,347.18	1,154.08	1,216.47	1,175.96	1,305.15
AUG	1,710.98	1,662.93	1,348.28	1,187.78	1,295.38	1,231.73	1,201.93	1,114.09	1,192.16	1,192.16
SEP	1,398.67	1,452.70	1,490.01	1,215.60	1,250.25	1,177.59	1,013.19	1,457.55	1,028.06	1,022.76
OCT	1,480.91	1,411.69	1,221.84	1,191.95	1,151.74	1,042.16	1,045.72	1,019.96	1,091.09	1,036.61
NOV	1,565.88	1,516.91	1,270.89	1,184.83	1,109.29	1,053.45	1,008.18	1,024.31	997.28	908.35
DEC	1,371.50	1,445.97	1,149.66	1,448.78	1,242.19	1,059.29	922.67	1,016.69	920.30	993.02
TOTALS	17,754.91	18,066.00	16,710.50	14,720.45	15,132.92	13,950.72	12,611.17	12,854.71	12,747.74	12,433.13

261,619.37

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
JAN	830.05	710.49	727.79	876.95	1,015.26	1,016.44	1,218.08	1,414.82	1,642.91	2,234.27
FEB	782.39	591.35	870.62	1,596.03	1,012.52	973.14	1,063.52	1,195.86	1,640.72	2,017.91
MAR	942.13	881.81	1,827.67	1,010.95	1,119.12	1,200.66	1,350.22	1,745.47	2,042.10	
APR	1,166.07	1,094.57	1,171.66	1,018.79	1,149.82	1,409.61	1,400.02	1,845.58	1,926.68	
MAY	1,238.51	1,056.28	1,094.72	1,358.76	1,378.90	1,445.30	1,422.56	1,795.72	2,245.49	
JUN	1,139.48	1,069.39	1,125.07	1,228.80	1,196.78	1,300.34	1,552.14	1,846.09	2,411.50	
JUL	1,256.13	1,200.63	1,174.03	1,292.39	1,306.61	1,372.89	1,626.13	1,932.34	2,385.99	
AUG	1,128.47	942.37	1,123.94	1,257.99	1,288.17	1,295.06	1,749.12	1,872.14	2,309.09	
SEP	1,061.13	951.80	1,008.96	1,094.05	1,035.20	1,203.55	1,713.92	1,921.06	2,218.86	
OCT	965.55	896.22	893.84	1,104.26	1,250.39	1,265.36	1,554.17	1,746.61	2,165.58	
NOV	1,212.41	799.46	947.93	1,127.36	1,152.24	1,174.93	1,596.57	1,805.61	2,097.06	
DEC	953.13	991.71	871.25	969.80	1,060.79	1,191.51	1,533.46	1,790.06	2,229.68	
TOTALS	12,675.45	11,186.08	12,837.48	13,936.13	13,965.80	14,848.79	17,781.91	20,911.36	25,315.66	4,252.18

409,330.21

CALENDAR YR	CUMULATIVE TOTALS
	409,330.21

13. CLOSED SESSION

Entering into Closed Session under 2.2-3711.A7 – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation of Custom T’s Motorsports Park in Colonial Beach, VA where such consultation or briefing in open meeting would adversely affect employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Chairman Fisher asked for a motion to go into closed session.

Chairman Fisher then stated on suggestion by Dorothy Dickerson Tate, to hold the motion for closed session and have the public comment period prior to going into closed session.

14. PUBLIC COMMENT PERIOD

Chairman Fisher explained the procedure for addressing the Board during the public comment period with a maximum time of 3 minutes. He asked to form the comment or statement in the form of a question. With that the Chairman opened the floor for public comment.

Chairman Fisher asked to let the record show that no members of the public came forward with any comments during the public comment period.

Chairman Fisher again asked for a motion to go into closed session.

Upon motion by Timothy Trivett, second by Dorothy Dickerson Tate and carried unanimously, the Board agrees to enter into closed session. The Board of Supervisors, County Attorney, County Administrator, Assistant County Administrator, Sheriff, Chief Robey, Chief Cease, Beth McDowell and Executive Assistant entered into a closed session at approximately 7:13 p.m.

**\*\*RECORDING STOPPED - CLOSED SESSION \*\***

Chairman Fisher asked for motion to return to regular session from closed session. Upon motion by Dorothy Dickerson Tate, second Timothy Trivett, and carried unanimously, the Board meeting returned to regular session from closed session.

Chairman Fisher asked the Board for a certification motion stating that during the closed session nothing was discussed other than what was outlined in Section 2.2-3711.A7 and no action was taken during the closed session.

Upon motion by Woody Hynson, second by Dorothy Dickerson Tate, and carried unanimously with Woody Hynson, Timothy Trivett, Dorothy Dickerson Tate, and Chairman Fisher voting "aye". The Board concurs that nothing was discussed other than what is listed under Section 2.2-3711.A7 and no action was taken during this closed session.

Chairman Fisher asked what action or direction the Board needs to pass on to staff before the Board adjourns the meeting.

Mr. Stuart suggested the Board instruct the Planning Director and County Attorney to send Custom T's Motorsports Park a Notice of Violation outlining what can be done under the grandfather clause and what is not to be done. Any unlawful activities must cease before the April 2023 event and if they do not comply they will be terminated.

Upon motion by Woody Hynson and second by Timothy Trivett, and carried unanimously all voting "aye" to direct the Planning Director and County Attorney to send Custom T's a Notice of Violation outlining what can be done as a grandfather use and what is not to be done and any unlawful activities must cease before the April 2023 event and if they don't comply they will be terminated

Chairman Fisher asked if there was any other business.

Mr. Risavi stated he has finally received some figures from the compensation board and hopefully will have some dates in the next week for a budget work session.

Chairman Fisher thanked everyone for what they are doing and trying to do and wants Westmoreland County to be a shining star. Even though we don't always agree we try to come up with what is best for all involved.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion by Woody Hynson second by Dorothy Dickerson Trivett, and carried unanimously all "aye", the Board adjourned the meeting at approximately 8:52 p.m. The Board's next regular meeting will be held on Monday, April 10, 2023 at 6:00 p.m. The meeting will be held in the public meeting room at the front entrance of the George D. English, Sr. Memorial Building.

Chairman, *Darryl E. Fisher*