

April 8, 2014

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 8th day of April, 2014; at 7:00 p.m., there were present:

Howard M. Campbell

Pattie Cooper-Jones

Robert M. Jones

Charles W. McKay

Howard F. Simpson

C. Robert Timmons, Jr.

Jerry R. Townsend

Jim R. Wilck

Also present: Wade Bartlett, County Administrator; Sarah Elam Puckett, Assistant County Administrator; and Jim Ennis, County Attorney.

Chairman Simpson called the meeting to order. Supervisor Townsend offered the invocation.

In Re: Public Participation

Sam Campbell, Prospect District, expressed his concerns regarding the proposed modifications of the Public Participation Protocol and that it is designed to inhibit citizens from expressing their concerns and restricting free speech.

Henry Shelton, Prospect District, stated he feels the Public Participation Protocol would limit the First Amendment right to free speech. He asked the County not fund a private business such as the YMCA, and asked the County to leave the fire departments out of the “tax raising scheme.” Mr. Shelton then asked who receives the funding for the jail.

Kenneth Jackson, Lockett District, expressed his concern regarding the proposed 5% salary increase for the Constitutional Offices and a 2% proposed increase for the school employees. He then stated there has been no job creation and that the Planning position remains vacant; he requested economic growth.

Mr. Bartlett stated there is no salary increase for any employee in the proposed budget.

Bemeché Hicks, Lockett District, stated he asked for a repeal of the no-interest loan to the YMCA at the previous month's meeting. He said if the County must keep funding the YMCA, then the County needs to take over as the Recreation Department and asked again for the repeal of the loan. Mr. Hicks then said increases in salary should only be approved if Prince Edward County has economic growth.

In Re: Board of Supervisors Comments

Supervisor Timmons stated he is encouraged by the new faces in attendance.

Supervisor Cooper-Jones thanked all in attendance and for their time and effort to do the research. She added the budget has not yet been determined.

Supervisor Townsend stated the intent of the Public Participation Protocol is not to limit speech but as adults, the opinions need to be verbalized respectfully. He added that while the Board members were voted in to serve, they were not voted in to be disrespected and abused. He said, "I believe that we all are mature adults and should express ourselves that way."

Supervisor Jones stated the \$25,000 provided to the YMCA is to subsidize the memberships of the citizens of Prince Edward County and additional funds are for the youth camp and the summer program. The organization is there for the benefit of the County citizens.

Supervisor Jones added there is new economic growth in the county; there are prospects and existing new businesses that are expanding, such as Tharpe Trucking, and Lappe Metals.

In Re: Consent Agenda

On motion of Supervisor Jones and carried:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	C. Robert Timmons, Jr.	
	Jerry R. Townsend	
	Jim R. Wilck	

the Board accepted the Treasurer's Report for February 2014; the minutes of the meetings held March 11, 2014, March 13, 2014, and March 25, 2014; Accounts and Claims; and Salaries.

Prince Edward Treasurer's Report - February 2014

Name of Bank	Bank Balance	Deposit in Transit / Adj.	Outstanding Checks	Available Balance
Benchmark Pooled Fund Account	11,644,595.92	24,960.00	450,810.36	11,218,745.56
Wachovia Social Services	359,867.30		74,191.99	285,675.31
Bank of America School Fund	1,696,330.71	0.33	568,577.79	1,127,753.25
Bank of America Food Service	66,836.94	149.26	12,937.06	54,049.14
Benchmark Food Service	292,636.39	1,803.50		294,439.89
TOTAL				<u>12,980,663.15</u>

Certificates of Deposit

Benchmark	519,048.66
Citizens Bank Recreation	15,000.00
Citizens Bank Underground Storage	20,000.00
Planners Bank	200,000.00
Wells Fargo Advantage Fund	162,445.40
TOTAL	<u>916,494.06</u>

GRAND TOTAL

13,897,157.21

PERMITS AND OTHER LICENSES

Ellington Energy Services	Permit refund	40.80
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BOARD OF SUPERVISORS

Clerk of Circuit Court	Recording fee	45.00
Oliver & Eggleston Funeral Home	Professional services	1,170.00
Farmville Herald	Advertising	1,209.51
Howard F. Simpson	Mileage / tolls / tips	86.20
Business Card	Meals	108.85
	Training	350.00
		458.85

COUNTY ADMINISTRATOR

VACORP	Workers compensation	78.25
Business Card	Postage	14.00
	Meals	33.75
Pitney Bowes	Equipment lease	29.00
US Cellular	Phone	136.92
C. W. Warthen	Supervisor minutes books	813.51
Diamond Springs Water, Inc.	Water & equipment rental	15.90
Key Office Supply	Cartridge return	-337.96
	Folders / stock paper	21.97

	Laminating / paper	14.58	
	Binders	40.56	
	File folders / pencils	17.92	
	Binders / card stock	84.87	
	Copy paper	417.92	
	Batteries	25.98	
	Ink cartridges / folders	71.32	
	Ink cartridge	49.89	
	Folders	35.38	442.43
Farmville Herald	Subscription		38.00

LEGAL SERVICES

VACORP	Workers compensation		9.75
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INDEPENDENT AUDITOR

Robinson Farmer Cox Associates	FY13 Audit		32,500.00
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COMMISSIONER OF REVENUE

VACORP	Workers compensation		41.00
Farmville Herald	Advertising		123.00
Treasurer of Virginia	Online service		76.61
VAAO	Dues		20.00
Key Office Supply	Credit	-5.00	
	File cabinet	478.00	
	Chairmats	151.97	
	Padded mailers	4.14	
	CD disks / sleeves	17.99	
	Toner	78.99	
	Copy paper	184.95	
	Rubber bands	3.58	914.62

ASSESSOR

Wampler-Eanes Appraisal	Reassessment		15,588.00
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TREASURER

VACORP	Workers compensation		44.00
ComputerPlus Sales / Service	Quarterly maintenance contract		1,075.35
Farmville Herald	Advertising		1,197.00
M&W Printers, Inc.	Postage		30.24
Benchmark Community Bank	Payflow / Paypal fee		29.70
Treasurer of Virginia	Online service		76.61
Mail Finance	Postage equipment lease		1,592.55
Donna Nunnally	Mileage	121.41	
	Lodging	245.80	
	Refrigerator	50.00	417.21
University of Virginia	Training		275.00
Electronic Systems, Inc.	Ink - postage machine		152.00
Key Office Supply	Credit	-129.57	
	Laser cartridges	179.98	
	Data binders	103.08	

	Copy paper	110.97	264.46
M&W Printers, Inc.	Process property bills	1,312.71	
	Process real estate bills	444.61	1,757.32

INFORMATION TECHNOLOGY

Business Data of Virginia, Inc.	Contract agreement	3,700.00	
	Travel expense	1,000.00	4,700.00
ComputerPlus Sales & Service	Printer maintenance contract		79.00
Sitevision, Inc.	Website hosting - 2nd quarter		179.85

ELECTORAL BOARD AND OFFICIALS

Betty A. Gibbs	Salary		1,032.32
Samuel A. Martin, Jr.	Salary		516.16
Gordon V. Smith	Salary		516.16

REGISTRAR

VACORP	Workers compensation		15.75
VRAV	Dues		170.00
Farmville Herald	Subscriptions		76.00
Farmville Printing	Envelopes		109.00

CIRCUIT COURT

VACORP	Workers compensation		6.75
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GENERAL DISTRICT COURT

US Cellular	Phone		23.43
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SPECIAL MAGISTRATES

Key Office Supply	Ink cartridge		90.99
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CLERK OF THE CIRCUIT COURT

VACORP	Workers compensation		68.25
Key Office Supply	Copier maintenance contract	395.00	
	Ink cartridges / pens	517.91	
	Copy paper	73.98	986.89
AT&T	Phone		35.96
CenturyLink	Phone		87.51
Gail Acampora	Juror		30.00
Barbara W. Berg	Juror		30.00
Charles A. Boll	Juror		30.00
Elizabeth T. Carter	Juror		30.00
Patricia R. Dalton	Juror		30.00
Anthony M. Demuth, Jr.	Juror		30.00
Melissa W. Gayles	Juror		30.00
Janice E. Green	Juror		30.00
William R. Harbour	Juror		30.00
Anita T. Harris	Juror		30.00
Deborah A. Holohan	Juror		30.00
Jacquelyn H. Lehman	Juror		30.00
Cornell J. Little, Sr.	Juror		30.00

Arnold E. Maxie	Juror		30.00
Joyce S. Mitchell	Juror		30.00
Helen A. Person	Juror		30.00
Nan Lewis J. Simmons	Juror		30.00
Kimberly P. Skinner	Juror		30.00
Pamela S. Southall	Juror		30.00
Charles T. Sowers, Jr.	Juror		30.00
Sherrie M. Thomas	Juror		30.00
Natasha S. Vaughan	Juror		30.00
Georgia A. Viers	Juror		30.00
Pamela G. Wagner	Juror		30.00
James L. Welton	Juror		30.00
Clinton M. Williams	Juror		30.00
Shirley W. Williams	Juror		30.00
Key Office Supply	Ink cartridges / pens	517.91	
	Copy paper	73.98	591.89

LAW LIBRARY

AT&T	Phone		42.54
CenturyLink	Phone		40.26
LexisNexis	Online service		82.80
Matthew Bender & Company, Inc.	VA Forms 2013 Supp		487.39

COMMONWEALTH'S ATTORNEY

VACORP	Workers compensation		113.00
Pitney Bowes	Equipment lease	102.00	
	Ink	93.48	195.48
Purchase Power	Postage		420.99
Treasurer of Virginia	Ipad service		134.64
STEPS, Inc.	Shredding service		35.00
Verizon Wireless	Search warrant		50.00
Key Office Supply	Envelopes / Sharpies	88.94	
	Storage boxes	59.98	
	File cabinets	649.98	798.90
Software Unlimited Corporation	Criminal Case management system		24,172.20

VICTIM WITNESS ASSISTANCE PROGRAM

VACORP	Workers compensation		10.25
Cindy Sams	Mileage		36.40
Key Office Supply	Hole punch		42.88

SHERIFF

VACORP	Workers compensation		3,931.50
Prince Edward Health Department	Hepatitis B vaccine		62.58
East End Motor Company, Inc.	Tire rotation	52.40	
	Wiper blades	28.06	80.46
Express Care	Oil changes		287.74
Farmville Auto Parts	Oil change / repair defroster	84.24	
	Heater core / headlight	237.22	
	Oil change / tire rotation	113.86	

	Oil change	71.96	
	Wheel bearing assembly	301.90	
	Oil change / headlight	81.69	
	Bulb	5.99	
	Wiper blades	19.25	916.11
Fourth Street Motor Company	Vehicle repair		3,120.29
Grant's Glass	Repair windshield		289.99
Wohlford's Radar	Test / repair radar	230.00	
	Test radar / antenna	190.00	
	Calibrate tuning fork	216.00	636.00
Business Card	Postage	17.00	
	Meals	38.36	
	Training	545.00	
	Gas	185.01	
	Wiper blades	28.41	
	AED batteries	525.00	
Treasurer of Virginia	VCIN		52.57
Kinex Networking Solutions	Remote data backup		19.95
CenturyLink	VCIN		18.33
US Cellular	Phone		819.01
Diamond Springs Water, Inc.	Water & equipment rental		93.40
Farmville Printing	Evaluation forms		106.20
Key Office Supply	Laser cartridge	87.99	
	Canon cartridge	90.99	
	USB	15.29	
	Pens / folders / ink	195.01	389.28
Staples Advantage	Ink cartridges / pens	209.98	
	Office supplies	142.34	
	Toner / ink cartridges	1,016.41	1,368.73
Walmart Community / GEGRB	Coffee / utensils / USB	146.82	
	Pants	35.92	182.74
Prince Edward County Public Schools	Diesel		229.27
Anderson Tire Company, Inc.	Tires		1,053.04
Carpet House	Paint cans		13.00
DMV	Special ID		10.00
Evident Crime Scene Products	Coveralls		326.00
Galls, LLC	Name tag	16.74	
	Boots	134.51	
	Years service plate	16.73	167.98
Sirchie Finger Print Labs	Roller measure wheel	86.98	
	Glass collection jar	64.96	151.94
Southern Police Equipment Company	Badge	52.00	
	Shoes / duty belt	131.98	183.98
Town Police Supply - Richmond	Gun & holster		443.00
Creative Monogramming	Caps		360.00
Quality Uniform Company, Inc.	Pants		38.50
	<u>SHERIFF - COURTS</u>		
VACORP	Workers compensation		1,224.75

FARMVILLE VOLUNTEER FIRE DEPARTMENT

Atlantic Emergency	Draeger / dock station	2,290.00	
	Intake valve	1,222.00	3,512.00
Fire Protection Equipment Company	SCBA Cylinder test		275.10
Key Office Supply	Ink cartridges		83.96

RICE VOLUNTEER FIRE DEPARTMENT

John Deere Financial	Propane	1,939.82	
	Diesel	358.35	
	Gas	296.80	2,594.97
VFIS	Portfolio insurance	2,345.00	
	Umbrella / excess insurance	188.00	2,533.00
Dominion Virginia Power	Electric service		532.80
Watkins Insurance Agency	Accident insurance		3,838.00
Witmer public Safety Group	Helmet shields / letters		204.99

PROSPECT VOLUNTEER FIRE DEPARTMENT

Davis GMC Truck, Inc.	Repair tire sensor	97.10	
	Repair window & service	185.37	282.47
Foster Fuels, Inc.	Propane		267.53
Goodman Truck & Tractor	Inspect & service		159.71
Pamplin Exxon	Fuel / inspection & service		159.71
Prince Edward County Public Schools	Diesel		450.63
Dominion Virginia Power	Electric service		228.49

DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

C. W. Williams	Chrome lever		52.24
Cyrus Pest Control Company	Exterminating service		45.00
Ellington Energy Service	Propane		2,652.75
NAPA of Farmville	Oil	151.92	
	Oil filter / car wash	54.59	206.51
Southside Electric Cooperative	Electric service		310.44
Verizon Wireless	Internet		60.49
Verizon	Phone		159.06

HAMPDEN-SYDNEY VOLUNTEER FIRE DEPARTMENT

Arcet Equipment Company	Cylinder lease		109.76
Davis GMC Truck, Inc.	Repair low beam		97.98
Foster Fuels, Inc.	Propane		422.44
Goodman Specialized Vehicles	Chassis service / inspection		1,661.69
Hampden-Sydney College	Gas	84.75	
	Diesel	72.38	
	Postage	6.24	163.37
CenturyLink	Phone		58.17
Dominion Virginia Power	Electric service		277.12

PAMPLIN VOLUNTEER FIRE DEPARTMENT

AT&T	Phone		93.27
Fire & Safety Equipment Company	Airpack hydrotest		225.00
Foster Fuels, Inc.	Propane		1,276.55

Pamplin Exxon	Fuel		382.48
Verizon	Phone		58.87
Dominion Virginia Power	Electric service		440.60

MEHERRIN VOLUNTEER FIRE DEPARTMENT

C. W. Williams	Wheel trucks & holders		588.02
Parker Oil Company, Inc.	Propane	2,264.31	
	Diesel	1,672.32	3,936.63
Verizon	Phone		351.44
Dominion Virginia Power	Electric service		617.30

PRINCE EDWARD FIREFIGHTERS ASSOCIATION

Prince Edward Firefighters Association	FY14 Support		6,000.00
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AMBULANCE AND RESCUE SERVICES

Prince Edward Volunteer Rescue Squad	FY14 Support	6,000.00	
	13-14 Support	15,000.00	21,000.00
Pamplin Volunteer Fire Department EMS	FY14 Support		3,000.00
Meherrin Fire & Rescue	FY14 Support	3,000.00	
	13-14 Support	2,500.00	5,500.00

EMERGENCY SERVICES

Timmons Group	E 911 Addressing		225.00
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REGIONAL JAIL & DETENTION

Irongate Boundary Management	Electronic monitoring		1,890.00
Piedmont Regional Juvenile Detention Center	Juvenile detention		2,100.00

BUILDING OFFICIAL

VACORP	Workers compensation		217.50
East End Chevron	Oil change		29.40
US Cellular	Phone		23.43
Coy Leatherwood	Mileage	60.48	
	Meals	14.08	
	Meeting registration (2)	30.00	104.56
Farmville Auto Parts	Wiper blades		20.78

ANIMAL CONTROL

VACORP	Workers compensation		264.25
Jennifer Kingsley, DVM	Vet service		145.00
Dominion Virginia Power	Electric service		515.90
CenturyLink	Phone		166.61
US Cellular	Phone		46.86
Walmart Community / GEGRB	Dog food	138.66	
	Wipers	18.94	
	Boots	85.94	243.54
Lowe's	Squeegee / brush handle		38.85

BIOSOLIDS MONITORING

VACORP	Workers compensation		228.75
US Cellular	Phone		23.43

REFUSE DISPOSAL

VACORP	Workers compensation		3,528.50
Resource International	Misc work tasks	1,429.02	
	Storm water compliance	1,349.51	
	Cell C bidding	7,050.50	
	Assessment monitoring	10,599.18	20,428.21
Business Card	Rebuilt compactor mtr		1,200.00
Farmville Wholesale Electric	Light bulbs / photocell	49.60	
	Light bulbs	17.52	67.12
Moore Scale Service - Western VA	Serviced scales		200.00
SWANA	Dues - Ron Van Eps		195.00
Wright's Excavating, LLC	Landfill operation		48,093.75
Emanuel Tire of Virginia	Tire recycling		2,939.10
STEPS, Inc.	Recycling fee		2,471.22
Southside Electric Cooperative	Darlington Heights site	252.20	
	Virso site	181.06	433.26
Dominion Virginia Power	Leachate pump	11.74	
	Scalehouse	275.46	
	Rice site	96.42	
	Cell C pump station	27.78	
	Green Bay site	78.69	
	Worsham site	111.64	
	Prospect site	275.35	
	Landfill site	186.44	1,063.52
AT&T	Phone		97.53
CenturyLink	Phone		487.19
US Cellular	Phone		23.43
Verizon	Phone		134.06
O. O. Stiff, Inc.	Monthly service		662.50
Prince Edward County Public Schools	Diesel		2,934.57

GENERAL PROPERTIES

VACORP	Workers compensation		1,222.25
Dodson Brothers Exterminating	Pest control - Cannery	38.00	
	Pest control - Worsham	38.00	
	Pest control - SCOPE	38.00	
	Pest control - Courthouse	85.00	
	Pest control - Visitor Center	38.00	237.00
Daikin Applied	Chiller maintenance contract		2,881.00
East End Motor Company, Inc.	Flat repair	12.00	
	Tires	500.72	512.72
Southside Electric Cooperative	SRR lights		60.68
Dominion Virginia Power	Roy Clark monument	5.66	
	Courthouse	9,564.29	
	Shop	42.80	
	SCOPE building	251.48	

	Sheriff Department shed	5.66	
	Worsham Clerks Office	123.58	
	Lights at Rice	110.22	
	Ag building	2,879.09	12,982.78
Ellington Energy Service	Heating fuel - shop		358.50
Town of Farmville	Water / sewer		123.80
AT&T	Phone		42.54
Commworld	Phone line repair		135.00
CenturyLink	Phone		212.57
US Cellular	Phone		121.34
O. O. Stiff, Inc.	Monthly service		100.00
Key Office Supply	Printer ribbon		4.99
Aramark Uniform Services	Janitorial supplies		392.44
Diamond Paper Company	Towels / toilet tissue		791.30
Handi-Clean Products, Inc.	Disinfectant		132.51
Walmart Community / GEGRB	Cleaning supplies		30.62
Wilco, Inc.1	Janitorial supplies	184.95	
	Trash bags	549.00	733.95
Arcet Equipment Company	Cylinder rental		125.00
Diamond Springs Water, Inc.	Equipment rental		8.95
East End Chevron	Gloves	6.25	
	Diesel	37.45	
	Oil	15.00	58.70
Farmville Auto Parts	AHU belt	11.94	
	Tire gauge / air check	50.40	
	Car wash / brush	42.44	104.78
Farmville Wholesale Electric	Ballast	290.40	
	Light bulbs	16.24	
	Electrical supplies	28.98	
	Wire marker	17.98	353.60
Lowe's	Tarp straps	18.88	
	Glue	4.73	
	Maintenance supplies	45.27	
	Lumber	24.51	
	Credit	-17.55	75.84
Price Supply Company, Inc.	Gaskets / O-rings		4.31
Cintas Corporation #524	Uniform rental		323.08
Sherwin Williams Company	Roller covers		22.59
Southern States	Gloves	22.48	
	Ice melt	26.45	48.93
Prince Edward County Public Schools	Diesel		398.40
	<u>CANNERY</u>		
VACORP	Workers compensation		202.50
Virginia Food Works	Contract payment		2,916.67
Grainger	Drain O-Ring		14.00
W. C. Newman Company, Inc.	Concrete		692.16
Southside Electric Cooperative	Electric service		543.37
Ellington Energy Service	Heating fuel		956.00
CenturyLink	Phone		406.44

HEALTH DEPARTMENT

Prince Edward Health Department	2nd Quarter support	42,410.75
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COMPREHENSIVE SERVICES ACT

Bear Creek Academy	Professional service	8,370.00
Centra Health	Professional service	20,963.00
Elk Hill	Professional service	2,700.00
Family Preservation Services	Professional service	805.00
Grafton School, Inc.	Professional service	18,371.25
Ashley Long	Foster care	3,957.00
North Spring Behavioral	Professional service	4,300.00
Northstar Academy, Inc.	Professional service	7,975.00
The Hughes Center	Professional service	4,840.00
Virginia Family Services	Professional service	810.00
VA Home for Boys & Girls	Foster care	55.00
	Professional service	1,581.44
		1,636.44

CONTRIBUTIONS TO COLLEGES

Longwood Small Business Development Center	13-14 Support	3,750.00
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PUBLIC LIBRARY

Farmville-Prince Edward Community Library	13-14 Support	51,165.75
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PLANNING

VACORP	Workers compensation	567.00
US Cellular	Phone	46.86
Key Office Supply	Binders / sheet protectors	18.96

COMMUNITY DEVELOPMENT

Piedmont Area Transit	13-14 Support	2,500.00
Downtown Farmville	13-14 Support	2,500.00

ECONOMIC DEVELOPMENT

VACORP	Workers compensation	312.25
Sharon Lee Carney	Mileage	385.22
	Meal	15.00
	Meals	400.22
Business Card	Dues	68.57
VEDA		225.00
Hurt & Proffitt, Inc.	Layout info - 13 acres	4,021.52
Longwood Small Business Development Center	Exhibitor fee	150.00
Farmville Herald	Subscription	38.00

TOURISM

VACORP	Workers compensation	9.75
Dominion Virginia Power	Electric service	418.28
Town of Farmville	Water / sewer	47.65

CenturyLink	Phone		319.86
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SOIL & WATER CONSERVATION DISTRICT

Piedmont Soil & Water Conservation District	13-14 Support		2,960.00
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COOPERATIVE EXTENSION OFFICE

CenturyLink	Phone		106.30
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GENERAL EXPENSE

Lumos Networks	Phone		1,717.13
James River Petroleum	Gas		29,313.86

CAPITAL PROJECTS

Compro Computers	Computer / upgrade - Treasurer		434.90
Colonial Truck Sales, Inc.	Pickup - Animal Control		23,946.03
Leonard Buildings & Truck Accessories	Shell & installation		1,349.00
Oden Machinery, Inc.	Shipping		46.25

DEBT SERVICE

Town of Farmville	Loan - interest		42,895.99
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FORFEITED DRUG ASSETS

Dell Marketing LP	Computers		3,549.90
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WATER FUND

Town of Farmville	Water analysis	40.00	
	Water	20.11	60.11

SEWER FUND

Dominion Virginia Power	Sewer pump		22.85
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RETIREMENT BENEFIT FUND

Vicki K. Johns	Retiree benefit		1,094.00
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ECONOMIC DEVELOPMENT FUND

Hurt & Proffitt, Inc.	Engineering service		880.00
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PIEDMONT COURT SERVICES

VACORP	Workers compensation		73.75
Dominion Virginia Power	Electric service		412.83
U. S. Postal Service	Postcards		950.00
CenturyLink	Phone		63.38
Lumos Networks	Phone		307.03
Julianna Ferrell	Mileage	127.68	
	Newspaper	0.50	128.18
Sheena Franklin	Mileage		115.36
Connie Stimpson	Mileage	16.08	
	Training	20.00	
	Office supplies	5.80	41.88

Renee T. Maxey	Mileage	130.68
Ashley Nash	Mileage	19.04
VCCJA	Training	75.00
PAS Systems	Calibrate alco-sensor	41.80
Patterson Medical Supply	Office supplies	28.40
Compucom Systems, Inc.	G-Link service agreement	45.00

PCS SUPERVISION FEES EXPENDITURES

Key Office Supply	Copier service contract	799.00
SRP Corporation, LLC	Rent	2,500.00
National Curriculum & Training Institute	Training	899.00
Business Data of Virginia, Inc.	Apple Ipad	499.95

PCS DRUG TESTING FEES

Alere Toxicology Service, Inc.	Drug testing	19.48
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In Re: Public Participation Protocol – Proposed Amendments

Supervisor Townsend made a motion to adopt the amendments to the Public Participation Protocol, as follows (proposed amendments are underlined):

Bullet Point 2) This regular agenda item is termed “Public Participation.” During this period the Board receives comment from any citizen of Prince Edward County on any matter not scheduled for a public hearing. Citizens are encouraged to express their concerns and voice their opinions to the Board.

Bullet Point 4) Citizens may ask questions of the Board or individual Board members; however, Public Participation is not designed to allow debate between Board members and citizens nor shall it be used as a forum for personal attacks on Board members, staff or employees of the County.

Bullet Point 14) The use of profane, vulgar, obscene, derogatory, disrespectful or threatening speech is not permitted and can result in removal from the meeting.

The motion failed:

Aye: Robert M. Jones
Charles W. McKay
Howard F. Simpson
Jerry R. Townsend

Nay: Howard M. Campbell
Pattie Cooper-Jones
C. Robert Timmons, Jr.
Jim R. Wilck

In Re: Highway Matters

Supervisor Campbell stated several holes on Dry Bridge Road that need repaired.

Supervisor Timmons reported the culvert cuts on Five Forks Road are washed out and need stone.

Supervisor Jones stated the secondary roads need repaired; he questioned the status of the Route 307 guardrail study being done by VDOT. Mr. Bartlett said there has been no word on that study to date.

Supervisor Timmons asked when the Six Year Plan meeting will be held. Mrs. Sarah Elam Puckett stated the draft Six Year Plan will be presented during the May meeting, and the public hearing will tentatively be held in June.

In Re: Public Hearing: School Board Appointments

Chairman Simpson stated the terms of the following School Board members expire June 30, 2014:

District 101 – Linda Leatherwood (Supervisor Howard Simpson)
District 801 – Lawrence C. Varner, M.D. (Supervisor Pattie Cooper-Jones)

Ms. Karen Shinabeck, Citizen Committee Chair for District 101, submitted two candidates for the School Board: Linda Leatherwood and Peter Gur.

Ms. Mickey Carrington, Citizen Committee Chair for District 801, submitted Lawrence C. Varner as the sole candidate for the district.

Chairman Simpson and Supervisor Cooper-Jones thanked the Committees and expressed their appreciation for their hard work.

Supervisor Jones made a motion to authorize advertisement of a Public Hearing to be held on May 13, 2014 at 7:30 p.m. on the nominees for Districts 101 and 801; the motion carried:

Aye:	Howard M. Campbell	Nay:	None
	Pattie Cooper-Jones		
	Robert M. Jones		
	Charles W. McKay		
	Howard F. Simpson		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

In Re: Public Hearing: Ordinance Prohibiting Hunting With a Firearm On or Within the Side Ditches of State Roads

Chairman Simpson announced that this was the date and time scheduled for a public hearing on the Ordinance Prohibiting Hunting With a Firearm On or Within the Side Ditches of State Roads. Notice of this hearing was advertised according to law in the Wednesday, March 26, 2014 and Wednesday, April 2, 2014 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

The proposed ordinance, drafted by the County Attorney, is an effort to eliminate hunting in or near state roads in the County; the Board of Supervisors is granted the authority under Section 29.1-526 of the *Code of Virginia, to prohibit by ordinance hunting with a firearm within 100 yards of any primary or secondary highway.*

Currently, Section 18.2-286 of the Code of Virginia prohibits the discharge of a firearm or archery tackle in or across or within the right-of-way of any public road. The County ordinance uses the broader terms “hunt” or “attempt to hunt” which includes the acts of taking, hunting, pursuing, chasing or shooting and assisting any person who is taking, hunting, pursuing, chasing or shooting.

Supervisor Timmons stated the proposed ordinance would prohibit hunting “ditch to ditch” on state roads in Prince Edward County; he added the number of complaints is increasing.

Chairman Simpson opened the public hearing.

David Wood, Leigh District, stated there are state laws already in effect that prohibit shooting from the road; Virginia is an open-carry state, and some properties do not have ditch lines. He requested a veto of the ordinance.

Alton Fowlkes, Lockett District; Rev. Earl Wallace, Lockett District; Randall Cook, Lockett District; David Emert, Prospect District; and Ken Cook, Prospect District spoke against the ordinance saying the laws are already in place regarding hunting from the roads and requested the officers enforce the current law.

Supervisor Timmons stated examples were stated mentioning collecting the hunters’ dogs, there is no impact on that. He stated some hunters and members of hunt clubs stand every 50-75 yards along the roadways and drivers are worried they may get shot; they have the right to drive without the fear of being threatened.

Mr. James Ennis, County Attorney, stated the language provided for the definition of “hunt” or “attempt to hunt” is straight from the *Code of Virginia*, and the regulations governing hunting. That is already the definition in the *Code*.

Gavin Farriss, Conservation Law Enforcement Officer with the Virginia Department of Game and Inland Fisheries, stated that the State Code states a person cannot discharge a firearm from the right of way or down the road, or across the road. It does not state anything about hunting. He said calls are received about people in the road, and the first question asked is if that person has discharged the weapon. If they haven’t shot the weapon, nothing can be done. The hunter must cross a certain threshold before it is an active violation in this County. Officer Farriss stated he is in his 11th year and it is progressively getting worse. He added 30% to 40% have discharged their weapon and are in violation of the statute.

There being no one further wishing to speak, Chairman Simpson closed the public hearing.

Supervisor Timmons made a motion to adopt the Ordinance Prohibiting Hunting With a Firearm On or Within the Side Ditches of State Roads, as advertised; the motion failed:

Aye: Charles W. McKay
C. Robert Timmons, Jr.
Jim R. Wilck

Nay: Howard M. Campbell
Pattie Cooper-Jones
Robert M. Jones
Howard F. Simpson
Jerry R. Townsend

In Re: Public Hearing: Stormwater Management Ordinance

Chairman Simpson announced that this was the date and time scheduled for a public hearing on a proposed County Stormwater Management Ordinance which shall establish that the County will implement its own stormwater program based on the regulations of the Commonwealth of Virginia. Notice of this hearing was advertised according to law in the Wednesday, March 26, 2014 and Wednesday, April 2, 2014 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the County and the entire Commonwealth has been wrestling with the Local Stormwater Management Program. When this process began last summer, state law required local governments to develop and run their own stormwater management programs. During the current session of the General Assembly, changes were made to the state code to allow localities the choice of running their own stormwater management programs or leaving the management of such programs with the

Virginia Department of Environmental Quality (DEQ) as is currently the case. DEQ is requesting that Counties provide DEQ a resolution by April 30, 2014 stating the localities decision to administer the Stormwater Management Program or have DEQ administer the program.

The County partnered with Amelia, Buckingham, Charlotte, Cumberland, Lunenburg and Nottoway Counties to apply for a Water Quality Improvement Fund (WQIF) and Virginia Non-Point Source Implementation Grant from the Department of Conservation and Recreation (DCR). Prince Edward served as the grant applicant and received a grant of \$100,000. The purpose of the grant was to develop and implement a regional stormwater management program in the Counties listed.

An RFP was issued and the partnership engaged Joyce Engineering to assist in the development of this program. A stormwater ordinance was developed along with fee schedules, policies and procedures, funding and staffing plans, BMP maintenance agreements, various administrative forms and flow charts. On October 15, 2013, a work session was held with the Board of Supervisors where representatives from Joyce Engineering reviewed the program requirements and presented a draft stormwater ordinance, fee schedule and staffing plan. On October 24, 2013, the Board of Supervisors approved the draft ordinance, the fee structure and staffing plan which called for program administration and enforcement to be completed by Prince Edward County and to contract out plan review and inspection services. Once adopted, these draft items were submitted to DEQ as required for DEQ review and approval.

The partnership decided that there would not be enough projects for each county to justify hiring a staff person with the qualifications to conduct plan review and site inspection. It was felt it would be more cost effective to develop a regional contract for these services. Amelia County developed and issued an RFP requesting responses for the provision of plan review and of site inspection services for projects falling within the Virginia stormwater management program (VSMP).

Because of the complexity and cost of running such a program a mass lobbying effort was launched by most local governments and their associations, VML and VACO, to make changes to the state ordinance. The two major changes requested were (1) allow local governments the option of running the stormwater program or leave it with DEQ and (2) allow an agreement in lieu of a plan for single family residences. Both changes, at least to some extent, were approved and have now been signed into law.

With this change, Charlotte, Cumberland, Lunenburg and Nottoway have decided to let DEQ continue to run the stormwater program in their counties. Amelia has decided to run its own program and Buckingham has yet to make a final decision. Because of this upheaval the decision to hire a firm to complete plan review and provide site inspection services has been tabled.

The decision for Prince Edward County is to decide to implement our own stormwater program or let DEQ control the program. If the decision is to have county staff, then we must adopt (1) a local stormwater ordinance, (2) a permit fees schedule and (3) develop various administrative forms. The County may be able to partner with a neighboring community for certified staffing. One disadvantage for the County to run its own program would be possible fines if DEQ determined the County was not running the program in accordance to state requirements.

The election to run or not run our own local program can be changed in the future. Specific language in the state code directs DEQ to “provide an annual schedule by which localities can submit applications to implement a VSMP.” Conversely, DEQ is to “establish procedures to be followed when a locality that operates a VSMP wishes to transfer administration of the VSMP to the Department.”

With the changes in the state code just adopted there are still many unanswered questions. One item involves single family residences. While the adopted legislation included an Agreement in Lieu of a Stormwater Management Plan for single family residences disturbing more than one acre of land. An Agreement in Lieu of a Plan is defined in the Code as “a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.”

This definition does not explicitly relieve a single family from having to meet the technical criteria of the VSMP program, and still must perform the runoff reduction method calculations or prepare a pollution prevention plan. If Prince Edward County runs its own plan, someone on staff will have to do the calculations or hire a consultant.

If a locality does opt to run its own VSMP program, DEQ has indicated the locality will potentially be able to include provisions in the contract (i.e., in the Agreement in Lieu of a Plan) such that single families will not have to actually perform the runoff reduction method calculation and prepare a

pollution prevention plan. Depending on what the local provisions are in the agreement, DEQ may object to the agreement. The burden is going to be on the locality to develop an agreement in lieu of a plan that includes provision in such a way that DEQ does not object to them. If the locality is successful, then single family development will not be required to prepare a stormwater management plan, a pollution prevention plan, or do the engineering calculations. That may not be the case if DEQ runs the program.

Mr. Bartlett stated there is a May 15 deadline.

Supervisor Jones asked if the Board makes a decision to try the program, can it be turned over to the state later. Mr. Lee Hill, Joyce Engineering, stated the deadline to make the decision to run the program or opt in to the state-run program was March 24. There is a May 15th deadline to decide to opt in. He said the question remains if the County wishes to remain in control of its development by running the Stormwater Program or does the State control the development. The Board can decide to let the State do it now and in one year, the Board can decide to run the program and DEQ will establish the pilot plan that can be resubmitted to run the program. DEQ will set the schedule. It may take six months to transition back to the County, depending on their schedule.

Supervisor Wilck questioned the fees; Mr. Hill stated fees can be adjusted.

Mr. Bartlett said if the state runs the program, no local fees will be charged. It would be cheaper for the developer but would also delay projects; the County could approve the permits much more quickly.

Chairman Simpson opened the public hearing.

Richard Altice, Hampden District, expressed his opinion regarding the program stating it is usurpation of citizen's rights is a way to confiscate citizens' land. He said it makes citizens give up their Fourth and Fifth Amendment rights and pay a tax and be open to further inspection at the County's convenience. He said he feels the County will bully the property owner into giving up the land and feels the ordinance is wrong.

Supervisor Wilck stated the program is already in the State Code; the County must make the determination of who runs the program, the County or the state.

Mr. Hill stated if the Board adopts the Ordinance, the County controls the program, the County has local contacts, local plan review and local complaint responses. If the state runs it, the state controls all inspections, plan review, enforcement and the fees will still be necessary. If the citizen disturbs that

threshold of land, a general permit of coverage is required, the program must be followed. If the State runs the program for the County, and if land greater than one acre is disturbed or it is in a subdivision that disturbs greater than one acre, the County cannot issue any permit to move forward, such as building permit, land disturbing permit, grading permit, until the County is shown that the citizen has coverage under the Construction General Permit from DEQ. Plans must be submitted to DEQ and they have 15 days to review for completeness and then they have 60 days to review the plan. If approved, the citizen can get General Permit Coverage. Then the County can issue the permit to move forward. If DEQ says the plan is not complete during that 15 day review period, it is sent back; the plan must be revised based on their comments and resubmit it to DEQ, at which time they have another 15 days to review for completeness and if so, they have 60 days to review it. They can deny it at any time and send it back for further corrections; they then have 45 more days for review and approval. During that time of review, no work on the project can be done.

Mr. Hill said that if the County runs the program, a completeness review may take 15 days; the County can request staff take only five days. Once complete, the County may take only 30 days. If the County adopts the program, the state has to work out the e-permits. The County controls the plan review and notifies the State the developer has a complete plan and issues the General Permit Coverage. The State (DEQ) reviews the Stormwater Management Program documentation at least once every five years.

Supervisor McKay asked about certified staff.

Mr. Hill stated certification classes are currently free for the staff. The PD14 Counties may have third party plan reviews or pay for inspectors. The Plan Reviewer would have to provide certified personnel. He stated charges would only occur when there are plans to review; staff could be certified for the review and inspections, just as ENS inspector.

Supervisor Campbell left the meeting at this time.

Cindy Koether, Lockett District, stated the program is unnecessary environmental regulations, then reviewed a list of concerns; she questioned the definition of "stormwater pollution". She said the

program seems intrusive and violates citizens' rights, but if necessary, would prefer it to be handled on a County level.

Supervisor Campbell returned to the meeting at this time.

There being no one further wishing to speak, Chairman Simpson closed the public hearing.

Supervisor Wilck made a motion for the County to administer the Virginia Stormwater Management Program, to adopt the Stormwater Management Ordinance and the fee schedule as presented, and to authorize the Board Chairman and/or the County Administrator to sign the Resolution opting into the Stormwater Management Program. After some further discussion, the motion carried:

Aye:	Howard M. Campbell	Nay:	None
	Pattie Cooper-Jones		
	Robert M. Jones		
	Charles W. McKay		
	Howard F. Simpson		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

**AN ORDINANCE TO ADOPT REGULATIONS RELATED TO
STORMWATER MANAGEMENT IN ORDER TO PROTECT WATER QUALITY AND
QUANTITY AND TO COMPLY WITH STATE LAW REQUIREMENTS**

Section 1-1. PURPOSE AND AUTHORITY.

- a) The purpose of this Ordinances is to ensure the general health, safety, and welfare of the citizens of Prince Edward County, Virginia and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from land disturbing activities causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- b) This Ordinance is adopted pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Section 1-2. DEFINITIONS.

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

“*Administrator*” means the County Administrator [or the E&S Program Administrator] for Prince Edward County who is authorized to delegate duties and responsibilities set forth in this Ordinance to qualified technical personnel, plan examiners, inspectors, and other employees or third-parties.

“*Agreement in lieu of a stormwater management plan*” means a contract between the County and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the County in lieu of a stormwater management plan.

“*Applicant*” means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

“*Best management practice*” or “*BMP*” means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

“*Board*” means the Board of Supervisors of Prince Edward County, Virginia.

“*Common plan of development or sale*” means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

For the purpose of this Ordinance, the term shall not include individual lots within existing residential, commercial or industrial site plans and subdivision plans that were platted prior to July 1, 2004, and which are considered separate land-disturbing activities.

“*Control measure*” means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

“*Clean Water Act*” or “*CWA*” means the federal Clean Water Act (33 U.S.C § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 94-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

“*Department*” or “*DEQ*” means the Virginia Department of Environmental Quality.

“*Development*” means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

“*General permit*” means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in 9VAC25-880-1 et seq. of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

“*Land disturbance*” or “*land-disturbing activity*” means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 1-3 (b) of this Ordinance.

“*Minor modification*” means an amendment to an existing permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

“*Operator*” means the owner or operator of any facility or activity subject to regulation under this Ordinance.

“*Permittee*” means the person to whom the Stormwater Management Permit is issued.

“*Person*” means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

“*Regulations*” means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870-60, as amended.

“*Site*” means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

“*State*” means the Commonwealth of Virginia.

“*State Board*” or “*SWCB*” means the State Water Control Board.

“*State Water Control Law*” means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

“*State waters*” means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

“*Stormwater*” means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

“*Stormwater Management Permit*” or “*VSMP Authority Permit*” means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of General permit coverage has been provided by the Department.

“*Stormwater management plan*” means a document or compilation of documents containing materials meeting the requirements of Section 1-6 of this Ordinance.

“*Stormwater Pollution Prevention Plan*” or “*SWPPP*” means a document of compilation of documents meeting the requirements of Section 1-5 of this Ordinance, and which include at minimum, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

“*Subdivision*” means the same as defined in Section 7 (Definitions) of Appendix A [Subdivisions; of the Prince Edward County, Virginia, Code of Ordinances.

“*Total maximum daily load*” or “*TMDL*” means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

“*Virginia Stormwater Management Act*” or “*Act*” means Article 2.3 (§62.1-44.14:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

“Virginia Stormwater BMP Clearinghouse website” means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

“Virginia Stormwater Management Program,” “VSMP,” or *“Stormwater Management Program”* means the program established by the County to manage the quality and quantity of runoff resulting from land-disturbing activities in accordance with state law, and which has been approved by the SWCB.

“Virginia Stormwater Management Program authority” or *“VSMP authority”* means the County.

Section 1-3. STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.

- a) Except as provided herein, no person may engage in any land-disturbing activity until a Stormwater Management Permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- b) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
 - 1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
 - 2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
 - 3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
 - 4) Land disturbing activities that disturb less than one acre of land area, and which are not part of a larger common plan of development or sale that is one acre or greater of disturbance;
 - 5) Discharges to a sanitary sewer or a combined sewer system;
 - 6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
 - 7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and

- 8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the requirements of Section 1-7 of this Ordinance is required within 30 days of commencing the land-disturbing activity.

Section 1-4. STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS

- a) Pursuant to § 62.1-44.15:27 of the Code of Virginia, the County hereby establishes a Stormwater Management Program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for such programs promulgated by the State Board for the purposes set out in Section 1-1 of this Ordinance. The Board hereby designates the County Administrator [or the E&S Program Administrator] of Prince Edward County as the Administrator of the Stormwater Management Program. The program and regulations provided for in this Ordinance shall be made available for public inspection at the Administrator's office.
- b) No stormwater management permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
 - 1) A permit application that includes a General permit registration statement which, among other things, certifies that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with state law;
 - 2) An erosion and sediment control plan approved in accordance with Article III [Erosion and Sedimentation Control], of Chapter 46, of the Prince Edward County, Virginia, Code of Ordinances, also known as the "Prince Edward County Erosion & Sediment Ordinance," and;
 - 3) A stormwater management plan or an executed agreement in lieu of a Stormwater Management Plan that meets the requirements of Section 1-6 of this Ordinance.
- c) No stormwater management permit shall be issued until evidence of General permit coverage is obtained from DEQ.
- d) No stormwater management permit shall be issued until the fees required to be paid pursuant to Section 1-14, are received, and a reasonable performance bond required pursuant to Section 1-15 of this Ordinance has been received.
- e) No stormwater management permit shall be issued unless and until the stormwater management permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved stormwater management plan.
- f) No grading, building or other local permit shall be issued for a property unless a stormwater management permit has been issued by the Administrator, and the Applicant provides a certification that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit conditions.
- g) As a condition of permit approval, a construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator upon completion of construction. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. Construction record drawings may

not be required for stormwater management facilities for which maintenance agreements are not required pursuant to Section 1-10(b).

- h) Notwithstanding the foregoing requirements or any other requirements of this Ordinance, for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale, no General Permit registration statement is required nor is payment of the Department portion of the permit fee, provided that all state regulatory requirements are met. The land disturbing remains subject to the remaining provisions of this Ordinance, including but not limited to the SWPPP requirements set forth in Section 1-5 and Section 1-8, except as otherwise provided by law.

Section 1-5. STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- a) The Stormwater Pollution Prevention Plan (SWPPP) that is required to be prepared before a registration statement for General permit coverage may be submitted to DEQ for approval (as referenced in Section 1-4(b)(1)) shall include the content specified by 9VAC25-870-54, 9VAC25-880-70, and any other applicable regulations including, but not limited to i) a stormwater management plan that meets the requirements of this Ordinance, ii) a County-approved Erosion and Sediment Control plan, and iii) a pollution prevention plan that meets the requirements of 9VAC25-870-56.
- b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP. The SWPPP is inadequate to satisfy applicable regulations. All amendments must be approved by the Administrator, as required.
- c) The SWPPP must be maintained by the operator at a central location onsite for use by those identified as having responsibilities under the SWPPP whenever they are on the construction site. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP's location must be posted near the main entrance of the construction site. The SWPPP must be made available for public review in an electronic format or in hard copy as required by the Regulations.
- d)

Section 1-6. STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.

- a) The Stormwater Management Plan, required in Section 1-4(b)(3) of this Ordinance, must apply the stormwater management technical criteria set forth in Section 1-8 of this Article to the entire land-disturbing activity. Individual lots in new residential, commercial or industrial developments shall not be considered separate land-disturbing activities. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff, and include the following information:
 - 1) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
 - 2) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and postdevelopment drainage areas;
 - 3) A narrative that includes a description of current site conditions and final site conditions;

- 4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
 - 5) Information on the proposed stormwater management facilities, including:
 - i) The type of facilities;
 - ii) Location, including geographic coordinates;
 - iii) Acres treated; and
 - iv) The surface waters or karst features, if present, into which the facility will discharge.
 - 6) Hydrologic and hydraulic computations, including runoff characteristics;
 - 7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 1-7 of this Ordinance.
 - 8) A map or maps of the site that depicts the topography of the site and includes:
 - i) All contributing drainage areas;
 - ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - iii) Soil types, geologic formation is karst features are present in the area, forest cover, and other vegetative areas;
 - iv) Current land use including existing structures, roads, and locations of known utilities and easements;
 - v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- b) Individual lots in new residential, commercial or industrial developments shall not be considered separate land-disturbing activities.
 - c) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 1-7 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.
 - d) Elements of a stormwater management plan that include activities regulated under Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

Section 1-7. REVIEW OF STORMWATER MANAGEMENT PLANS.

- a) The Administrator shall review stormwater management plans and shall approve or disapprove such plans as follows:
 - 1) The Administrator shall determine the completeness of a plan in accordance with Section 1-6 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15

calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

- 2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - 3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 - 4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.
 - 5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.
- b) Approved stormwater management plans may be modified as follows:
- 1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
 - 2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities once construction is completed. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 1-10(b).

Section 1-8. TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

- a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section.
- b) Notwithstanding the foregoing, any land-disturbing activity proposed to occur pursuant to i) a plan of development proffered as part of a condition rezoning and approved by the governing body; ii) any other plan of development or site plan approved by the County, including any plan approved pursuant to a rezoning request, a variance request, or a request for a special use permit; iii) an approved final subdivision plat or iv) an approved preliminary plat where the applicant has diligently pursued final plat approval within a reasonable period of time under the circumstances in accordance with § 15.2-23-7 of the Code of Virginia was approved by the County prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for

those areas that were included in the approval, provided that the Administrator, finds that the following criteria apply:

- 1) The plat includes conceptual drawing(s) sufficient to provide for the specified stormwater management facilities required at the time of approval;
 - 2) The resulting land-disturbing activity will be compliant with the requirements of Part II C [of the Regulations]; and
 - 3) In the event that the approved plat is subsequently modified or amended in a manner such that there is no increase over the previously approved plat in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.
- c) For local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Virginia Department of Conservation and Recreation has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by the County and shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.
 - d) For land-disturbing activities grandfathered Sections (b) or (c) of this Section, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Subsection (a) above.
 - e) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part II C of the Regulations, as adopted by the County in Subsection (b) of this Section.

Section 1-9. EXCEPTIONS TO TECHNICAL CRITERIA.

- a) In approving a Stormwater Management Plan as set forth in Section 1-8 of this Ordinance, the Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided the Administrator finds the following:
 - 1) The exception is the minimum necessary to afford relief;
 - 2) Reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved;
 - 3) Granting the exception will not confer any special privileges that are denied in other similar circumstances, and;
 - 4) The exception request is not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
- b) Exceptions to the requirement that the land-disturbing activity obtain a required stormwater management permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director of DEQ.
- c) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.

- d) Nothing in this section shall preclude an operator from constructing to a more stringent standard at the operator's discretion.

Section 1-10. LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES.

- a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
 - 1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
 - 2) Recite that they are intended to "run with the land";
 - 3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - 4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
 - 5) Be enforceable by all appropriate governmental parties.
- b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- c) If a recorded instrument is not required pursuant to Subsection 1-10 (b), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator.

Section 1-11. MONITORING AND INSPECTIONS.

- a) The Administrator, or the District, shall inspect the land-disturbing activity during construction for:
 - 1) Compliance with the approved erosion and sediment control plan;
 - 2) Compliance with the approved stormwater management plan;
 - 3) Development, updating, and implementation of a pollution prevention plan; and
 - 4) Development and implementation of any additional control measures necessary to address any TMDL.
- b) The Administrator may require monitoring and reports from the permittee to ensure compliance with the Stormwater Management Permit and to determine whether the measures required in the permit provide effective stormwater management.

- c) The Administrator may, at reasonable times and under reasonable circumstances, enter any building or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- d) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any building or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- e) In accordance with § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every stormwater management permit applicant or permittee, or any such person subject to stormwater management permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of such person's discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.
- f) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted pursuant to the County's adopted and State Board approved inspection program, and shall occur, at minimum, once within the first years of completion, and then once every five years thereafter, except as may otherwise be provided for in Section 1-10. The County may utilize the inspection reports of the Owner if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the State Board.
- g) If the Administrator determines that there is a failure to comply with the conditions of a Stormwater Management Permit, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by registered or certified mail to the address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection (b) of this Section by the Administrator, or the permit may be revoked. The Administrator may pursue enforcement in accordance with Section 1-13 of this Ordinance.
 - 1) If a permittee fails to comply with a notice issued in accordance with subsection (g) above, within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed. Such orders shall be issued in accordance with the County's local enforcement procedures, and shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the County.
 - 2) If the Administrator determines that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.

- 3) If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute an injunctive proceeding in accordance with Section 1-14, in addition to any other administrative and/or judicial proceedings initiated.

Section 1-12. APPEALS.

Any permit applicant or permittee who is aggrieved by a permit or enforcement decision of the County, is entitled to judicial review thereof by the Circuit Court of Prince Edward County, provided an appeal is filed within 30 days from the date of the decision being appealed.

Section 1-13. ENFORCEMENT.

- a) Any person who violates any provision of this Ordinance or who fails, neglects or refuses to comply with any order of the County shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
- b) Violations for which a penalty may be imposed under this subsection shall include but not be limited to the following:
 - 1) Failing to have a general permit registration;
 - 2) Failing to prepare a SWPPP;
 - 3) Having an incomplete SWPPP;
 - 4) Not having a SWPPP available for review as required by law;
 - 5) Failing to have an approved erosion and sediment control plan;
 - 6) Failing to install stormwater BMPs or erosion and sediment controls as required by this Ordinance and/or state law;
 - 7) Having stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - 8) Operational deficiencies;
 - 9) Failure to conduct required inspections, or having incomplete, improper, or missed inspections.
- c) The County may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate circuit court. In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
 - 1) With the consent of any person who has violated or failed, neglected or refused to obey any provision of this Ordinance, any condition of a permit or state permit, any regulation or order of the County, the County may provide, in an order issued against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in this section.
 - 2) Any civil charges collected shall be paid to the locality or state treasury pursuant to subsection (d) of this Section.
- d) Any civil penalties assessed by a court as a result of a summons issued by the County shall be paid into the treasury of the County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- e) Notwithstanding any other civil or equitable remedy provided by this section, any person who willfully or negligently violates any provision of this Ordinance, any order of the County, any condition of a permit, or any order of a court shall be guilty of a misdemeanor punishable by

confinement in jail for not more than 12 months and a fine of not less than \$2,500 nor more than \$32,500, either or both.

- f) Any person who knowingly violates any provision of this Ordinance, any regulation or order of the VSWCB or the County, any condition of a permit or any order of a court as herein provided, or who knowingly makes any false statement in any form required to be submitted under this chapter or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, shall be guilty of a felony punishable by a term of imprisonment of not less than one year nor more than three years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not less than \$5,000 nor more than \$50,000 for each violation. Any defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day of violation of each requirement shall constitute a separate offense.
- g) Any person who knowingly violates any provision of this Ordinance, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not less than two years nor more than 15 years and a fine of not more than \$250,000, either or both. A defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine not exceeding the greater of \$1 million or an amount that is three times the economic benefit realized by the defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and imprisonment for any subsequent conviction of the same person under this subsection.
- h) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, or any permit condition issued by the Locality or any provisions of this chapter may be compelled in a proceeding instituted in any appropriate court by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty as set forth in subsection (a) of this Section.
- i) In any action to enjoin a violation or a threatened violation of the provision of this Ordinance, the County may apply to the appropriate court in any jurisdiction wherein the land lies and is not required to show that an adequate remedy at law does not exist.

1-14. FEES.

- a) Fees for coverage under the general Permit shall be imposed by the County in accordance with Table 1 of the County's Stormwater Management Fee Schedule. Sites purchased for development within a previously permitted common plan of development or sale shall be subject to fees in accordance with the disturbed acreage of the site or sites according to Table 1.
- b) Fees for permit modifications (not including minor modifications) or transfer of registration statements from the general Permit shall be imposed in accordance with Table 2 of the County's Stormwater Management Fee Schedule. The fee assessed shall be based on the total disturbed acreage of the site, in accordance with Table 2.
- c) Fees for annual permit maintenance shall be imposed in accordance with Table 3 of the County's Stormwater Management Fee Schedule, including fees imposed on expired permits that have been administratively continued. The maintenance fees shall apply until the permit coverage is terminated.
 - a) General permit coverage maintenance fees shall be paid annually to the County by the anniversary date of general permit coverage. No permit will be reissued or automatically

continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

- d) No permit application fees will be assessed to:
 - a) Permittees who request minor modifications to permits, however any such permit modification that results in any change to an approved stormwater management plan that requires additional review by the Administrator shall not be exempt pursuant to this section.
 - b) Permittees whose permits are modified or amended at the request of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- e) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.
- f) The Stormwater Management Fee Schedule shall be adopted by the Board by Resolution, and may be amended by the Board, from time to time, in the same manner, provided that the amount of fees charged shall conform to state law requirements.
- g) The Administrator shall not review any stormwater management plan for coverage or modification until the fees required by this Section are paid as required by the County.

1-15. PERFORMANCE BOND.

Prior to issuance of any permit, if required, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the County Attorney, to ensure that measures could be taken by Prince Edward County at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If Prince Edward County takes such action upon such failure by the Applicant, the County may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated. Notwithstanding the foregoing provisions, at the discretion of the Administrator, a performance bond need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual owner-occupied residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that measures could be taken by Prince Edward County at the Applicant's expense to initiate or maintain such facilities.

1-16. SEVERABILITY.

If any court of competent jurisdiction invalidates any provision of this Ordinance, the remaining provisions shall not be effected and shall continue in full force and effect.

STORMWATER MANAGEMENT PERMIT FEE SCHEDULE

Table 1: Fees for permit coverage issuance

Fee type	Total fee to be paid by Applicant (Includes both VSMP authority and Department portions where applicable)	Locality portion of “total fee to be paid by Applicant” (based on 72% of total fee paid)	Department portion of “total fee to be paid by Applicant” (based on 28% of total fee paid)
General / Stormwater Management – Small Construction Activity / Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre, or land disturbance acreage equal to or greater than 1 acre and less than 5 acres for a single family detached residential structure.)	\$290	\$209	\$81
General / Stormwater Management – Small Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres)	\$2,700	\$1,944	\$756
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$2,448	\$952
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$4,500	\$3,240	\$1,260
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$4,392	\$1,708
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$6,912	\$2,688

Notes to Table 1:

- (a) When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the Applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to Table 1, column 1, “Total fee to be paid by applicant.”

- (b) Construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale, is not subject to the Department portion of the state permit fee.

Table 2: Fees for the modification or transfer of registration statements for the General Permits

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity / Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General / Stormwater Management – Small Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

Notes to Table 2:

- (a) Transfers of General Permit registration statements and modifications to stormwater management plans (other than minor modifications) shall be subject to the fees imposed in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the modification fee set forth in Table 2, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1. **[NOTE: Fees specified in this Subsection go to the locality.]**

Table 3: Permit Maintenance Fees

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity / Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General / Stormwater Management – Small Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres)	\$400
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650

General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management – Large Construction Activity / Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$1,400

In Re: Budget Request – Buckingham Cattlemen’s Association

Mr. Bartlett stated no one was present to discuss the request; the Buckingham Cattlemen’s Association requested a one-time donation of \$5,000 or an amount the County finds justifiable to be used to make the organization eligible to receive multi-jurisdictional grants.

Supervisor Jones made a motion to table the issue; the motion carried:

Aye:	Howard M. Campbell	Nay:	None
	Pattie Cooper-Jones		
	Robert M. Jones		
	Charles W. McKay		
	Howard F. Simpson		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

In Re: Appointments – Citizen Volunteer Vacancies

Supervisor Cooper-Jones made a motion to authorize advertisement of citizen volunteer positions which have upcoming vacancies and/or expiring terms of office in June 2014, as follows; the motion carried:

Aye:	Howard M. Campbell	Nay:	None
	Pattie Cooper-Jones		
	Robert M. Jones		
	Charles W. McKay		
	Howard F. Simpson		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

APPOINTMENT	TERM OF OFFICE	# OF VACANCIES	CURRENTLY IN OFFICE
Board of Appeals for Building Code	5 Years	1	Cornelius Jones*
Poplar Hill Community Development Authority	1 Year	2 (Citizen Positions)	Mattie P. Wiley* Karen Schinabeck*
Prince Edward County Industrial Development Authority	4 Years	1	Robert M. Showalter*
Social Services Board (Position to be filled by resident living in the Rice area.)	4 Years	1	Lanay S. Walker*
Central Virginia Regional Library Board	4 Years	1	Nancy K. Currie*

**Eligible for re-appointment.*

In Re: Appointment – Workforce Investment Board

Mr. Bartlett stated Mrs. Sharon Carney currently represents the County of Prince Edward as an Economic Development representative on the South Central Workforce Investment Board; her term expires June 30, 2014.

Supervisor Jones made a motion to recommend the re-appointment of Sharon L. Carney to the Workforce Investment Board to the Chief Local Elected Officials Board of the South Central Workforce Investment Council for a term of July 1, 2014 to June 30, 2016; the motion carried:

Aye: Howard M. Campbell
Pattie Cooper-Jones
Robert M. Jones
Charles W. McKay
Howard F. Simpson
Jerry R. Townsend
Jim R. Wilck

Nay: C. Robert Timmons, Jr.

In Re: Resolution: Line of Duty Act

Mrs. Sarah Elam Puckett stated there has been some confusion taking place in another county regarding the eligibility of benefits; the Line of Duty Act (LODA) Resolution will ensure the members of the fire and emergency medical services agencies for Prince Edward County are eligible for the benefits. The County submitted this resolution for legal review to our insurance company, VACoRP, which provides the County's LODA coverage.

Supervisor Jones made a motion to adopt the Line of Duty Act Resolution and authorize the Chairman and the County Administrator to sign all necessary documents; the motion carried:

Aye:	Howard M. Campbell	Nay:
	Pattie Cooper-Jones	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	C. Robert Timmons, Jr.	
	Jerry R. Townsend	
	Jim R. Wilck	

**A Resolution of the Board of Supervisors
of the County of Prince Edward, Virginia**

LINE OF DUTY ACT

WHEREAS, Section 9.1-400 et. seq. of the *Code of Virginia*, known as the *Line of Duty Act*, affords specific benefits for certain public safety officers and emergency responders, as defined in the *Line of Duty Act*; and

WHEREAS, the *Line of Duty Act*, requires that, in order for this coverage to be afforded to members of emergency response agencies, the governing body of the County must recognize the fire companies and rescue squads as an integral part of the official safety program of the County of Prince Edward, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Prince Edward, Virginia, that the following fire companies and rescue squads are hereby recognized as an integral part of the official safety program of the County of Prince Edward, Virginia:

In-County Departments:	Farmville Volunteer Fire Department
	Hampden-Sydney Volunteer Fire Department
	Prospect Volunteer Fire Department
	Darlington Heights Volunteer Fire Department
	Rice Volunteer Fire Department
	Prince Edward Volunteer Rescue Squad
Out-of-County Departments:	Pamplin Volunteer Fire Department & EMS
(Only while responding to calls Within Prince Edward County)	Meherrin Volunteer Fire and Rescue

In Re: 2014 / 2015 Anthem Renewal

Mr. Bartlett stated the County has received a renewal with the Local Choice Program for the provision of health insurance for county employees for the 2014-2015 fiscal year. The County will experience no increase in rates. The County can only select two plans to offer the employees. Historically,

the County offers Key Advantage Expanded and Key Advantage 250. Mr. Bartlett stated the County must notify Local Choice by April 30; if no choice is made, the insurance remains as is. There must be affirmative action to make a change.

Supervisor Timmons made a motion to change the employee insurance to the Key Advantage 500 Plan with the County providing 50% of the \$500 deductible and paying the full cost of the insurance, which would provide a savings to the County of \$92,000, and to offer the current insurance plan as an alternate with the employee being responsible for the additional cost, and for information for both options to be provided to all employees.

Supervisor Campbell declared he is a member in the County's insurance plan but pays 100% of the cost.

The motion failed:

Aye: Pattie Cooper-Jones
Robert M. Jones
C. Robert Timmons, Jr.
Jim R. Wilck

Nay: Howard M. Campbell
Charles W. McKay
Howard F. Simpson
Jerry R. Townsend

In Re: County Administrator's Report

Mr. Bartlett reported the landfill engineers have calculated the remaining landfill space based on the reduced tonnage received. The new estimate is 2.5 years of remaining life. This represents full build-out of the entire lined footprint and does not account for the difficult geometrics of working at the very top of the landfill and the limited maneuverability of waste hauling trucks and heavy equipment in such a confined space. The engineers estimate there are about 18 months of practicable working space left at the landfill. This translates to September 2015. To be conservative in case monthly tonnage increases or DEQ is slow in issuing the Permit to Operate the new cell, they recommend having construction completed by the spring or early summer of 2015. Due to better construction weather in the summer and early fall, they recommend starting construction in June/July of 2014. The engineers are recommending the County proceed with the issuance of an Invitation for Bid (IFB).

Supervisor Jones made a motion to authorize the issuance of an IFB for construction of the landfill cell; the motion carried:

Aye: Howard M. Campbell
Pattie Cooper-Jones
Robert M. Jones
Charles W. McKay
Howard F. Simpson
C. Robert Timmons, Jr.
Jerry R. Townsend
Jim R. Wilck

Nay: None

Mr. Bartlett reported VDOT has completed their Environmental Impact Report to construct a 6,000 square foot office building and associated parking spaces and the possible construction of a shop building for maintenance and repair of vehicles on the land VDOT purchased in the County's business park.

Mr. Bartlett then stated that on April 30, 2013, the Board of Supervisors approved STEPS to act on behalf of Prince Edward County in the provision of rapid re-housing, prevention and shelter services. These services were provided via an Emergency Solutions Grant (ESG) awarded to STEPS by the Department of Housing and Community Development. Since last fall, STEPS has served 56 households and a total of 106 individuals. STEPS is requesting Prince Edward County once again support its application for this grant.

Supervisor Jones made a motion to approve STEPS' request to act on behalf of Prince Edward County in the provision of emergency housing services to its citizens and authorize the Chairman of the Board or County Administrator to sign the certification form and any other necessary documents; the motion carried:

Aye: Howard M. Campbell
Pattie Cooper-Jones
Robert M. Jones
Charles W. McKay
Howard F. Simpson
C. Robert Timmons, Jr.
Jerry R. Townsend
Jim R. Wilck

Nay: None

In Re: Piedmont Regional Jail

Mr. Bartlett read a letter regarding the Piedmont Regional Jail into the record:

Attached are excerpts from the Commonwealth of Virginia FY12 Jail Cost Report. This is the most current data available. Due to the loss of Federal Inmates, the current revenue stream

will be considerably different in FY14 than the amounts reported in FY12, but valuable information can be obtained from a review of this report. The page numbers on the attachments are the page numbers of the state report which is 147 pages long.

The following estimates are not meant to be exact but they should be fairly close and are meant to show broad trends and traits of the funding and expenses of the regional jail. I obtained the estimated FY14 data from the Superintendent of the Jail.

In FY14 Federal Revenues will be less than half of the amount in FY12 with the difference being made up by increases in state and local revenues. Federal revenues are payments received from the Federal government for housing federal inmates at the regional jail. Even with that decrease in Federal revenues they will still account for approximately 20% of the total revenues, while the state average for federal revenues was only 5.6%. In FY14 Local revenues will account for about 35% of all revenues while in FY12 the state average was over 47%. The end result of all the changes in the operations and funding of the regional jail over the last two years have caused federal revenues to fall and local and state costs to rise. Even with the decrease in federal revenues the amount to be received in FY14 as a percentage of total revenues will be about four times the state average and will be higher than all but three or four other jails.

The graphs on page 10 show that on average in all four regions of the state the cost per inmate is over \$70. The same cost for the Piedmont Regional Jail was only \$34.08 in FY12. In FY13 this cost was \$43.71. This increase was the result of increased operating costs and a decreasing jail population over which to spread the costs. With the additional expenses associated with the expanded medical treatment in FY14 the per inmate day cost is expected to be approximately \$48.

The chart on page 11 plainly shows one of the main reasons for the increase in local jail costs has been the dramatic decrease in state funding. In FY02, the state provided approximately 55% of all funding to operate the jails throughout the Commonwealth while local governments provided about 35%. By FY12 those percentages had reversed. That trend has continued. In an effort not to increase state taxes the General Assembly has continued to push costs down to the local governments. This is not only true for Jail costs but is also true for Schools, Constitutional Offices and various general expenses such as the Line of Duty Act and operations of the Registrar's office. This abdication of state responsibilities has caused every county in the Commonwealth to either increase local tax rates or cut services.

The regional jail has always been one of the most efficiently run jails in the Commonwealth. Pages 17-18 show that in FY12, the Piedmont Regional Jail had the lowest operating cost per inmate day of any of the 66 jails in the state.

In Re: Resolution – Response to State Budget Impasse

Mr. Bartlett stated a letter and a draft resolution were drafted by VACo to be presented to Speaker William Howell in response to the state budget impasse.

Supervisor Jones made a motion to adopt the Resolution in response to the state budget impasse;
the motion carried unanimously:

Aye:	Howard M. Campbell	Nay:	None
	Pattie Cooper-Jones		
	Robert M. Jones		
	Charles W. McKay		
	Howard F. Simpson		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF PRINCE EDWARD, VIRGINIA**

WHEREAS, the Virginia General Assembly did not agree on the approval of a budget by the adjournment sine die date of March 8, 2104; and

WHEREAS, funds from the state received by the County of Prince Edward comprise a large portion of revenues necessary for Prince Edward County to deliver many of the public services mandated by the Commonwealth; and

WHEREAS, the delivery of mandated public services by the County of Prince Edward depends upon a stable and healthy partnership between state and local governments; and

WHEREAS, Virginia's local governments are subject strict, statutory deadlines for approving certain components of their respective budgets; and

WHEREAS, local governments under Sections 14.2-2500 and 15.2-2503 of the *Code of Virginia* are required to approve their respective budget and tax rates by July 1 of each year; and

WHEREAS, by May 1 of each year, or at least 30 days after receiving an estimate of state aid, whichever is later, local governments are required under Section 22.1-93 of the *Code of Virginia* to adopt an annual school budget; and

WHEREAS, not later than June 1 of each year, all school divisions under Section 22.1-304 of the Code of Virginia, must notify teachers of reductions in force due to decreased funding; and

WHEREAS, failure to approve a budget in a timely manner would disrupt the ability of Virginia's businesses and public agencies to operate effectively;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Prince Edward, Virginia that the Virginia General Assembly and the Governor of Virginia are urged to reconcile their differences and agree on a FY 2015-2016 budget;

AND BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Prince Edward, Virginia shall transmit copies of this resolution to the Honorable Terry R. McAuliffe, Governor of Virginia, and to its members of the Virginia General Assembly.

In Re: Animal Warden's Report

Mr. Ray Foster, Animal Warden, submitted a report for the month of March 2014, which was reviewed and ordered to be filed with the Board papers.

In Re: Building Official's Report

Mr. Coy Leatherwood, Building Inspector, submitted a report for the month of March 2014, which was reviewed and ordered to be filed with the Board papers.

In Re: Cannery – Commercial Report

Ms. Emily Wells, Commercial Manager, submitted a report for the month of March 2014, which was reviewed and ordered to be filed with the Board papers.

In Re: Prince Edward County Public Schools

Mr. K. David Smith, School Superintendent, submitted a financial summary report for the month of March 2014, which was reviewed and ordered to be filed with the Board papers.

In Re: Tourism and Visitor Center Report

Mrs. Magi Van Eps, Tourism & Visitor Center Coordinator, submitted a report for the month of March 2014, which was reviewed and ordered to be filed with the Board papers.

On motion of Supervisor McKay and adopted by the following vote:

Aye:	Howard M. Campbell	Nay:	None
	Pattie Cooper-Jones		
	Robert M. Jones		
	Charles W. McKay		
	Howard F. Simpson		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

the meeting was recessed at 8:57 p.m. until Tuesday, April 15, 2014 at 3:00 p.m.