

SCOTT

VIRGINIA

At a meeting of the Scott County Board of Supervisors begun and held in the Supervisors’ meeting room located at the Community Services Building in Gate City, Virginia on Wednesday the 6th day of August, 2025 at 9:00 a.m.

- PRESENT:

Darrel W. Jeter  
L. Michele Glover – Vice-Chairman  
Eddie N. Skeen  
Michael K. Brickey  
Danny M. Casteel  
Christopher S. Maness – Chairman  
Stefanie C. Addington
- ABSENT:

None.

Chairman Chris Maness called the meeting to order.

Supervisor Darrel W. Jeter gave the invocation and led the Pledge of Allegiance.

On a motion by L. Michele Glover, duly seconded by Danny M. Casteel, this Board hereby approves the agenda.

- Voting aye:

Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,  
Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.
- Voting nay:

None.

On a motion by Stefanie C. Addington, duly seconded by Danny M. Casteel, this Board hereby approves the July 2, 2025 minutes.

- Voting aye:

Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,  
Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.
- Voting nay:

None.

Chairman Chris Maness opened Citizen Expression Period to receive public comments.

Charles Williams spoke in opposition to the abandonment of the Fraleytown Bridge.

Chairman Maness informed Mr. Williams that there would be a public hearing later in the meeting regarding Fraleytown Road, and he could speak at that time.

Peggy Tyus of Snowflake Road spoke about all 252 miles of dirt roads in Scott County. She commended Lee County Tree Service for removing trees and bushes along Snowflake Road. In addition, she spoke about ditches and pot holes. Ms. Tyus thanked the Virginia Department of Transportation for patching a hole on Addington Frame Road. She encouraged Terry Kilgore to obtain more funding for dirt roads, and suggested that Morgan Griffith, Todd Pillion, and Governor Youngkin get involved. Ms. Tyus spoke about the delay with the Riverside Property in Weber City and thanked the Board of Supervisors for all they do. She requested that that Snowflake Road remain on the Six Year Plan.

Charles Taylor thanked Supervisor Stefanie Addington for the Route 58 work order she submitted. He went on to say that the bushes have been cut back, and he saw action within one week of her placing the work order.

Gary Baker of Boozy Creek congratulated County Administrator Josh Wilson. He spoke about the Virginia Department of Transportation paving two miles on Boozy Creek; however, he noted that the ditches were not cleaned out. Mr. Baker requested that Supervisor Michele Glover look at Boohers Chapel Road and place a work order for ditches and tiles to be cleaned out. He suggested contacting the two ladies running for Governor about reinstating Virginia Department of Transportation to the way it was prior to 2009. He addressed the Department of Education being shut down and noted that Tennessee may ask for all their students back.

Kevin Barnett of Gate City requested \$1,000 for the Scott County Ministerial Association Food Pantry. Mr. Barnett explained that church funding went down during the COVID pandemic and USDA experienced cuts as well. Mr. Barnett reported that the organization feeds approximately 700 people with 46 percent being elderly and 27 percent being children.

Supervisor Eddie Skeen inquired about Scott County Ministerial Association Food Pantry working with Appalachian Harvest.

Mr. Barnett replied that people are referred to Appalachian Harvest.

Sheriff Jeff Edds gave an update (Said update being attached to the minutes of this meeting; Minute Book 35 Attachment No: 67).

Supervisor Skeen inquired about calls on Fraleytown Road.

Sheriff Edds replied that he would check on that.

In addition, Supervisor Skeen inquired about accreditation for the Sheriff's Office.

Sheriff Edds replied that should occur by April.

Supervisor Casteel inquired about calls on Fraleytown Road.

It was noted that Sheriff Edds is checking on that.

Supervisor Eddie Skeen stated that all food banks should be funded if the Board funds this one. He pointed out Meals of Love located in Nickelsville.

Supervisor Stefanie Addington replied that they can make a request.

On a motion by Darrel W. Jeter, duly seconded by Stefanie C. Addington, this Board hereby funds the Scott County Ministerial Association Food Bank \$1,000 from board contingency.

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,  
Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

Supervisor Eddie Skeen reported that Snowflake Road is on the Six Year Plan to be paved in four years. In addition, he spoke about Riverside in Weber City. He noted that the daycare and senior living centers have been delayed. There has been a change with the engineering firm. Supervisor Skeen went on to say that there is a meeting scheduled, and he should have more information next month.

Supervisor Chris Maness added that the Planning Commission requested some changes be made to the plan.

Supervisor Eddie Skeen noted another possible project in Weber City that he should have more information on soon. In addition, he pointed out that the County Administrator will address an invitation he sent to Terry Kilgore and Todd Pillion later in the meeting. Supervisor Skeen reported that Allan Sumpter with Virginia Department of Transportation confirmed that ditch work is underway in Boozy Creek and will continue on A.P. Carter Highway when work is complete in the Boozy Creek area. In addition, brush is being cut in Mabe and Stanleytown, and Virginia Department of Transportation will be evaluating bus routes.

Chairman Maness opened a public hearing to consider proposed road abandonment of a section of Route 624 (Fraleytown Rd.), from 0.67 mile east of Route 638 (Purchase Ridge Rd.) to 0.66 mile south of Route 621 (Jana Ln.), a distance of 0.17 mile(s).

Charles Williams stated that he lives off Route 58 and owns property along Jana Lane. In addition, he owns property across the North Fork of the Holston River. He pointed out that he grew up in Fraleytown. Mr. Williams went on to say that he understands concerns people have about closing the bridge. He pointed out that he understands that they have issues with safety and the road being used as an alternate route. Dust was also an issue. Mr. Williams noted an update on the road from Allan Sumpter with the Virginia Department of Transportation. Funding has been approved to replace the bridge. Mr. Williams pointed out that many did not know this hearing was today. He went on to say that citizens in the area are concerned with the bridge being closed, and the Sheriff's Office needs to be contacted about criminal activity.

Supervisor Danny Casteel inquired about Mr. William's property joining Fraleytown Road.

Mr. Williams confirmed that it does join Fraleytown Road, and closing the road creates a problem for him to develop his property.

John Berry spoke about Fraleytown Road tying into other roads and EMS traveling further if the road is closed. In addition, he spoke about Bunker Road needing maintenance. Fraleytown Road takes care of those who live on Bunker Road too. The bridge needs to be fixed. He went on to say that Bunker Road is paved; however, the school bus is unable to travel that road. Mr. Berry pointed out that there was a bus route on Bunker Road before improvements were made to the road. Mr. Berry stated that he brought this to the Board's attention once before, and he inquired if anyone looked into the matter.

Supervisor Maness replied that the school bus garage was contacted. The bus driver does not feel comfortable driving that road.

Mr. Berry stated that he worked for the Virginia Department of Transportation, and he could not tell them that he was not doing his job duties. If the bus driver is afraid to drive on a paved road, there needs to be another bus driver for Bunker Road. If a bus driver cannot drive on a paved road, they do not need to be driving anywhere. He went on to say that Berrytown needs to be paved. It is on the Six Year Plan. Those people on Bunker Road pay their taxes even though there is no bus route. Those children are entitled to the same as other children, and the bus should go there. The taxpayers are paying for buses. He went on to say that those people have to pay for the gas to take those children every day instead of the bus picking them up. No children should be left out. He requested that the Board help with the matter.

Fred Stewart spoke in opposition to the bridge being reopened. He spoke about vehicles traveling at a high rate of speed and skidding into his hayfield. In addition, he spoke about the trash and beer cans. As far as EMS, Mr. Stewart pointed out that they can attain more speed traveling the two-lane road.

Roger Stidham of Kingdom Road pointed out that there is dust on all dirt roads. Drugs and drinking occur everywhere. Mr. Stidham stated, if the Board is going to shut the Fraleytown Bridge down, the entire Fraleytown Road should be shut down from one end to the other. He noted that a former member of the Board told him that it is more difficult to open a road back up than it is to shut it down. Fraleytown Road is already on google maps and being used.

Charles Williams stated that criminal activity occurs everywhere. He noted that four kids stole a car, broke into his truck and slept overnight, then broke into his basement.

Blake Lawson from Fraleytown Road spoke in favor of the bridge being closed. He went on to say that some disagree, but those people do not live on this road. Mr. Lawson stated that he suffered damage to his property due to a reckless driver. The road has blind curves. Safety should be a priority. Those who don't live on that road, do not see what we do, and should not have say so.

Larry Pierson from Natural Tunnel stated that roads bring people together. Fraleytown is an asset to the county. The issue is not with those who drive in a criminal manner. That is an enforcement matter. That area is a wonderful drive and beautiful part of this county. He suggested rebuilding the bridge.

Hearing no further comments, Chairman Maness closed the public hearing.

Supervisor Eddie Skeen pointed out that the sheriff was asked about any issues, and he was not aware of any. The E911 Office had no history of drug related calls. There was one arrest of an intoxicated person at the bridge. He went on to say that more law enforcement is needed.

County Administrator Josh Wilson noted that he reached out to EMS. There could be a delayed response time for EMS and bus routes if this road is closed. Any time a road is closed, it creates a different traffic flow. Mr. Wilson noted those who are against the closure that include Kay Jessee, Mike Bowen, and Tim Edwards. Mr. Wilson went on to say that the bridge was approved to be replaced by previous Board action.

On a motion by L. Michele Glover, duly seconded by Stefanie C. Addington, this Board hereby approves that the Fraleytown Bridge continue to be rebuilt.

|             |                                                                                                                      |
|-------------|----------------------------------------------------------------------------------------------------------------------|
| Voting aye: | Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, and Stefanie C. Addington. |
| Voting nay: | Christopher S. Maness.                                                                                               |

Supervisor Michele Glover requested more patrols in that area.

Sheriff Edds stated that he could do more if he had more people. He went on to say that E911 records indicate that there were four calls in that area.

Chairman Maness opened a public hearing on the possible adoption of an Ordinance to Amend and Reenact in its Entirety the Erosion and Sediment Control Ordinance of Scott County to add the definition of “Farm Structure” in Section 10-2 and to add farm structure agreement in lieu of plan to the fee schedule.

Hearing no comments, Chairman Maness closed the public hearing.

Supervisor Eddie Skeen noted that the Extension Agent is in support of this.

On a motion by Stefanie C. Addington, duly seconded by Darrel W. Jeter, this Board hereby adopts the following:

ORDINANCE NO: 2025-01

**ORDINANCE TO AMEND AND REENACT IN ITS ENTIRETY  
THE EROSION AND SEDIMENT CONTROL ORDINANCE  
OF SCOTT COUNTY**

**Section 10-1. TITLE, PURPOSE, AND AUTHORITY**

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Scott County." The purpose of this chapter is to prevent degradation of properties, stream channels, waters and

other natural resources of the County by establishing requirements for the control of soil erosion, sediment deposition and non-agricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

This Chapter is authorized by the Code of Virginia, Title 62.1, Chapter 3.1, Article 2.4, known as the Virginia Erosion and Sediment Control Law.

## **Section 10-2. DEFINITIONS**

As used in the ordinance, unless the context requires a different meaning:

1. **"Agreement in lieu of a plan"** means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence or a farm structure; this contract may be executed by the plan-approving authority in lieu of a formal site plan.
2. **"Applicant"** means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.
3. **"Board"** means the Virginia State Water Control Board.
4. **"Certified inspector"** means an employee or agent of a Virginia Erosion and Sediment Control Program (VESCP) authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.
5. **"Certified plan reviewer"** means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in § 54.1-2200 of the Code of Virginia.
6. **"Certified program administrator"** means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.
7. *[not applicable]*
8. **"Clearing"** means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.
9. **"County"** means the County of Scott.
10. **"Department"** means the Department of Environmental Quality.
11. **"Development"** means a tract or parcel of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.
12. **"Director"** means the Director of the Department of Environmental Quality.
13. **"District"** or **"Soil and Water Conservation District"** refers to the Scott County Soil and Water Conservation District.
14. **"Erosion and Sediment Control Plan"** or **"Plan"** means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the VESCP plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

- 15. "Erosion Impact Area"** means an area of land not associated with a current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.
- 16. "Excavating"** means any digging, scooping or other methods of removing earth materials.
- 17. "Farm Structure"** means a structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent.
- 18. "Filling"** means any depositing or stockpiling of earth materials.
- 19. "Grading"** means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.
- 20. "Land-disturbing Activity"** means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include:
- a) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
  - b) Individual service connections;
  - c) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard-surfaced;
  - d) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
  - e) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;
  - f) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; 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;
  - g) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;
  - h) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (Va. Code § 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
  - i) Disturbed land areas of less than 10,000 square feet in size;
  - j) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
  - k) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this ordinance; and

- l) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this ordinance.
21. **"Land-disturbing Permit or approval"** means a permit or other form of approval issued by the Scott County Soil and Water Conservation District for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any other land disturbing activity.
22. **"Natural channel design concepts"** means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.
23. **"Owner"** means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.
24. **"Peak flow rate"** means the maximum instantaneous flow from a given storm condition at a particular location.
25. **"Permittee"** means the person to whom the land-disturbing approval is issued or the person who certifies that the approved erosion and sediment control plan will be followed.
26. **"Person"** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.
27. **"State permit"** means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit.
28. **"VЕСP Plan-approving authority"** means the Scott County Soil and Water Conservation Specialist responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.
29. **"VЕСP authority" or "program authority"** means the Scott County Board of Supervisors which has adopted a soil erosion and sediment control program that has been approved by the Board.
30. **"Responsible Land Disturber" or "RLD"** means an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved ESC plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the ESC plan or permit as a prerequisite for engaging in land disturbance.
31. **"Runoff volume"** means the volume of water that runs off the land development project from a prescribed storm event.
32. **"Single-family residence"** means a noncommercial dwelling that is occupied exclusively by one family.
33. **"State waters"** means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.
34. **"Transporting"** means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.
35. *[not applicable]*

36. **"Virginia Erosion and Sediment Control Program" or "VЕСP"** means a program approved by the Board that has been established by a VЕСP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.
37. **"Water Quality Volume"** means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

### **Section 10-3. LOCAL EROSION AND SEDIMENT CONTROL PROGRAM**

Pursuant to § 62.1-44.15:54 of the Code of Virginia, the Scott County Board of Supervisors hereby establishes a VЕСP program and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources) and the *Virginia Stormwater Management Handbook, Version 1.1*. In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels

- A. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified in § [62.1-44.15:28](#) of the Stormwater Management Act and 9VAC25-870-66 of the Virginia Stormwater Management Program (VSMP) regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Regulations.
- B. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of Scott County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector (who may be the same person.)
- C. The County hereby designates the Scott County Soil and Water Conservation District as the plan-approving authority.
- D. The portion of salary paid by the Scott County Board of Supervisors to the Scott County Soil and Water Conservation District for the services of the Conservation Specialist shall be used by the District solely for that purpose.
- E. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Scott County Soil and Water Conservation District.

### **Section 10-4. SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS**

- A. Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the Scott County Soil and Water Conservation Specialist an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the VЕСP plan-approving authority. No approval to begin a land disturbing activity will be issued unless evidence of state permit coverage is obtained where it is required. Where land-disturbing activities involve lands under the jurisdiction of more than one VЕСP, an erosion and sediment control plan, at the option of the applicant, may be

submitted to the Department for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

- B. The standards contained within the "Virginia Erosion and Sediment Control Regulations," the *Virginia Stormwater Management Handbook, Version 1.1*, and [any local handbook or publication] are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the State regulations shall take precedence.
- C. The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the Board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber, to the program authority, as provided by § 62.1-44.15:52, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber, prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

However, the VESCP plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of the responsible land disturber,, as provided by § 62.1-44.15:52 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of the responsible land disturber shall be a violation of this ordinance.

- D. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 60 days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 60 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.
- E. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 60 days after the plan has been revised, resubmitted for approval, and deemed adequate.
- F. The VESCP authority may require changes to an approved plan when:
  - (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
  - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.
- G. Variances: The VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
  - (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
  - (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving

authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

- (3) The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.
- H. In order to prevent further erosion, the County may require approval of a plan for any land identified in the local program as an erosion impact area.
- I. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- J. In accordance with the procedure set forth in § 62.1-44.15:55 (E) of the Code of Virginia, any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines established by the Board. Approval of general erosion and sediment control specifications does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.
- K. State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, § 62.1-44.15:56.

#### **Section 10-5. PERMITS; FEES; SECURITY FOR PERFORMANCE**

- A. Agencies, including the Scott County Building Official or Inspector, authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and evidence of state permit coverage where it is required.
- B. The Scott County Building Official or Inspector shall screen applicants and applications for building and other permits issued by his/her office to initially determine if an erosion and sediment control plan is required and, if so initially determined, the Building Official shall withhold the issuance of any permit by his/her office and refer the applicant to the Scott County Soil and Water Conservation District Conservation Specialist.
- C. No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit (unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance), and has paid the fees and posted the required bond.
- D. An administrative fee as set forth in the attached Schedule shall be paid to the Scott County Treasurer at the time of submission of the erosion and sediment control plan.
- E. No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.

#### **Section 10-6. MONITORING, REPORTS, AND INSPECTIONS**

- A. The responsible land disturber, as provided by § [62.1-44.15:52](#), shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The County may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for

carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

- B. The Scott County Soil and Water Conservation Specialist shall periodically inspect the land-disturbing activity in accordance with 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the Conservation Specialist determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be subject to the penalties provided by this ordinance.

- C. Upon issuance of an inspection report denoting a violation of Va. Code §§ 62.1-44.15:55, -44.15:56, the Conservation Specialist may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the Conservation Specialist may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the County or permit holder for appropriate relief to the Circuit Court of Scott County. The County shall serve such order for disturbance without an approved plan or permits upon the owner by mailing with confirmation of delivery to the address specified in the land records. Said order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Conservation Specialist may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of the County.

The owner may appeal the issuance of an order to the Circuit Court of Scott County.

Any person violating or failing, neglecting or refusing to obey an order issued by Conservation Specialist may be compelled in a proceeding instituted in the Circuit Court of Scott County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Conservation Specialist from taking any other action authorized by this ordinance.

## **Section 10-7. PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS**

- A. Violators of this ordinance shall be guilty of a Class I misdemeanor.
- B. Any person who violates any provision of Va. Code §§ 62.1-44.15:55, 62.1-44.15:56 shall, upon a finding of the District Court of Scott County, be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000. Any such civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of § [62.1-44.15:63](#).
- C. The Conservation Specialist, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Scott County to enjoin a violation or a threatened violation of Va. Code §§ 62.1-44.15:55, 62.1-44.15:56, without the necessity of showing that an adequate remedy at law does not exist.
- However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.
- D. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of the Erosion and Sediment Control Law may be liable to Scott County in a civil action for damages.
- E. Without limiting the remedies which may be obtained in this section, 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 not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the Scott County Attorney or the Commonwealth's Attorney.
- Any civil penalties assessed by a court shall be paid into the treasury of Scott County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- F. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, or order of the VESCP authority the County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection B or E.
- G. The Commonwealth's Attorney shall, upon request of the County or the Conservation Specialist, take legal action to enforce the provisions of this ordinance.
- H. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

## **Section 10-8. APPEALS AND JUDICIAL REVIEW**

Final decisions of the Conservation Specialist under this ordinance shall be subject to review by the Scott County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

## **Section 10-9. SEVERABILITY**

Should any provisions of this Ordinance be held unconstitutional or invalid, such declaration shall not affect or impair the remainder of this Ordinance.

**Section 10-10. EFFECTIVE DATE/REPEAL OF PRIOR ORDINANCES. EFFECT AND EXTENT**

This Ordinance shall be in force and effect from the date of its passage. Any previous ordinances on this subject are hereby repealed as the effective date of this Ordinance; provided, the repeal of any previous ordinances shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, occurred or occurring on or before such date, or any prosecution, suit or action pending on the effective date of this Ordinance. Except as may be herein otherwise provided neither the repeal of any prior to the effective date of this Ordinance, and prosecutions, suits or actions for such offenses shall be governed by the prior ordinance, which is continued in effect for that purpose. For the purposes of this section, an offense was committed prior to the effective date of this Ordinance, if any of the essential elements of the offense occurred prior to the effective date of this Ordinance.

LAND DISTURBING PERMIT FEES

|                                                             |                                                         |
|-------------------------------------------------------------|---------------------------------------------------------|
| Agreement in lieu of a plan<br>(farm structure)             | \$0.00                                                  |
| Agreement in lieu of a plan<br>(single family construction) | \$75.00                                                 |
| 3 ½ Acres or less                                           | \$150.00                                                |
| Greater than 3 ½ Acres to 10 Acres                          | \$500.00                                                |
| Greater than 10 Acres                                       | Additional \$25.00 per acre<br>(Not to exceed \$700.00) |

|             |                                                                                                                                                |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Voting aye: | Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,<br>Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington. |
| Voting nay: | None.                                                                                                                                          |

David Rose with Davenport and Company presented a plan of finance for Weber City Elementary and Yuma Elementary renovations. (Said plan attached to the minutes of this meeting; Minute Book 35 Attachment No: 68).

County Administrator Josh Wilson pointed out that the School Board met, heard the presentation, and voted unanimously to proceed.

Mr. Rose stated that John Ferguson contacted him about two bids for Yuma and Weber City schools. He went on to say that Mr. Ferguson requested that Davenport and Company along with approval from the School Board and the Board of Supervisors assist with the two bids. Mr. Rose reviewed the two bids in the amount 5.2 million. He went on to say that the

school system will not be coming to the Board of Supervisors for any financial assistance. Mr. Rose stated that he needs certain approvals from the Board of Supervisors and possibly a public hearing. Mr. Rose reviewed a plan of finance that includes going out for a direct bank loan and apply to the Virginia Public School Authority. The hope is that we will get some good results from the direct bank loan. The two schools will be collateral. With the Virginia Public School Authority, the county needs to agree to make the payments if there is a shortfall. Mr. Rose went on to say that they would be working with the Economic Development Authority depending on the direction of the financing. Mr. Rose stated that he is hopeful to borrow on a tax-exempt rate. If we do not get a rate that we like, Mr. Rose stated he would move on to the Virginia Public School Authority. Mr. Rose noted that he will ask the County Administrator to advertise the public hearing at six million dollars if we go through the Virginia Public School Authority. A public hearing may or may not be necessary with a direct bank loan. Mr. Rose requested a motion in support of this from the Board of Supervisors.

Supervisor Eddie Skeen reminded Mr. Rose that some members of the Board of Supervisors met with him in Richmond a couple years ago. Supervisor Skeen stated that Mr. Rose addressed an eight to ten-year time line for aging schools. He questioned if Mr. Rose is suggesting that more funding be put into these aging schools. At that time, Mr. Rose recommended consolidation.

Mr. Rose expressed appreciation to the Board for visiting his office. He went on to say that we are non-engineers and do not make recommendations about school consolidation. If we are able to demonstrate financially that there could be some cost savings or benefits, we would concur with that. At this point in time, we were provided that this is what the school system plans to do. Mr. Rose pointed out that Davenport and Company was not asked if this makes sense, but this would be helpful to do for the life of the schools. Over the last two years, the legislature has agreed to allow local government to go to referendum for a one percent sales tax that could only be used for school construction; however, Governor Youngkin vetoed that. Mr. Rose stated that it appears that either of the two upcoming Governors would be in favor of that. Nine other counties have made a formal request to the legislature for referendum and were approved. Scott County could make a formal request to the legislature; however, the hope is that it will finally pass for the entire state to do that this upcoming year.

Supervisor Skeen reported that he and Supervisor Casteel visited Yuma and Weber City Schools this week. Yuma definitely needs help. He noted that his concern is that we are putting money in a school and later will not have that school. A third of the students are from Tennessee and do not pay tuition.

Mr. Rose replied that he has known about that.

County Administrator Josh Wilson noted that the school has funds to move forward and will not be asking the Board of Supervisors for extra funds.

Supervisor Michele Glover stated that she is in support of this and sees the schools thriving.

Chairman Chris Maness reminded the Board that it is not their responsibility to decide on school renovations. That lies with the School Board. At a certain point, we have to trust them. It is up to us to say that we support them.

Supervisor Danny Casteel mentioned that some members of the Board of Supervisors met with Mr. Rose in Richmond and were told that Scott County had some of the oldest schools in the State of Virginia and should consider consolidation. Supervisor Casteel addressed the percentage of Tennessee students attending Scott County schools.

Mr. Rose replied that he would not have known if Scott County has the oldest schools. He went on to say that older schools do get renovated, and some decide to consolidate. Mr. Rose stated that he knows a lot about Scott County finances and knows that Scott County has increased the county fund balance. He went on to say that he does not make an opinion on whether the money is being used wisely for Yuma or Weber City schools. The School Board knows the schools better. From a financial point, Mr. Rose stated that he takes comfort in the school system not asking the Board of Supervisors for any funds. Mr. Rose pointed out that the school system has been responsible financially, and he is here to get the support from the Board of Supervisors to move forward.

Supervisor Michael Brickey stated that the county taxpayers voted for the School Board to run our schools and appointed the Superintendent to run the schools. The Board of Supervisors' role is to determine if we back that. We are not here to determine the needs for those buildings. He suggested having a public hearing no matter how the financing occurs.

Mr. Rose replied that bond counsel prefers having a public hearing and citizens to come and provide their input.

County Administrator Wilson stated the only thing needed today is to get this started with an RFP. The public hearing will come later.

Supervisor Darrel Jeter inquired about both the projects being done at one time. He also inquired about the Federal funds that the school system is seeking

Superintendent of Schools John Ferguson replied that they would both be done at one time. Mr. Ferguson stated that application was made for assistance, but he has not heard any results from that.

Supervisor Darrel Jeter stated that he did not know if that would hinder paying this back if the federal funds were cut out.

Chris Maness inquired about a grant that the school applied for and that affecting the amount to finance.

Mr. Ferguson replied that he has not heard anything back.

Mr. Rose pointed out that if funds are received, it would help pay down some of that debt. It would not be a negative. It would be a positive.

On a motion by Stefanie C. Addington, duly seconded by L. Michele Glover, this board hereby authorizes Davenport & Company to distribute an RFP for a direct bank loan for Weber City Elementary and Yuma Elementary renovations.

Voting aye: Darrel W. Jeter, L. Michele Glover, Michael K. Brickey,  
Christopher S. Maness, and Stefanie C. Addington.

Voting nay: Eddie N. Skeen and Danny M. Casteel.

Supervisor Eddie Skeen stated that he would be in favor of a public hearing as Supervisor Brickey recommended.

BREAK: 10:45 a.m.

RECONVENE: 11:00 a.m.

Kim Howell with Planning District One Behavioral Health presented updates to the Planning District One Behavioral Health Performance Contract for the board to consider.

On a motion by Darrel W. Jeter, duly seconded by Stefanie C. Addington, this Board hereby approves updates to the Planning District One Behavioral Health Performance Contract (Said contract attached to the minutes of this meeting; Minute Book 35 Attachment No: 63).

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

Department of Social Services Director Lana Mullins requested advertisement for a public hearing on an Ordinance to Provide the 1.5 Percent Bonus that was approved for Full-Time Employees.

On a motion by L. Michele Glover, duly seconded by Stefanie C. Addington, this Board hereby authorizes a public hearing on an ordinance to be held in September to provide the 1.5 percent bonus for full-time employees.

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

Ms. Mullins reported on the PIPP Program or Percentage of Income Payment Program. She went on to say that this is in regards to utility bills, and the result of the Virginia Clean Economy Act. It was developed to offer low income households the opportunity to have electric bills based on a percentage of their income. She added that this is per code, and it is only applicable to phase one utility companies which is Appalachian Power. The program is funded through the utility companies. It is a universal service fee. Eligibility is determined by the local Department of Social Services. Social Services takes applications. The enrollment or disenrollment is through the utility company. Social Services only determines eligibility. This helps income challenged customers manage their electric bills year-round. The monthly bill is based on a percentage of household income and the type of heat source. This is based on the federal poverty scale. The power bill payments must be made timely. The payments must be on time and in full for 12 consecutive months in order for the remainder of the bill to be eliminated. Each month there is an actual electric bill, but the customer only makes the PIPP payment. At the end of 12 months, the balance is waived if all the payments have been made on time and in full. At any point in time, the funds could be depleted, and they could be responsible for the entire bill.

Board members inquired about the number who have applied for the program and clarified that customers are responsibility for the full amount if they do not pay on time or in-full. It was noted that an emergency could occur preventing them from making a payment. In addition, the Board asked how to apply for this benefit.

Ms. Mullins stated that approximately 300 households have applied. She noted that the Department of Social Services only determines eligibility. Then, it goes to the utility company. She pointed out that people can apply at the Department of Social Services or online at Common Health.

Commissioner of the Revenue Tammy Tiller spoke about the next general reassessment for Scott County. She went on to say that any county with a total population of 50,000 or less may elect by majority vote of its Board of Supervisors to conduct a general reassessment at either five-or six-year intervals. She pointed out that it has been six years in the past.

On a motion by Stefanie C. Addington, duly seconded by Darrel W. Jeter, this Board hereby approves an extension from four years to six years for the next general reassessment to be completed in 2027 and effective January 1, 2028 as requested by the Commissioner of the Revenue Tammy Tiller.

|             |                                                                                                                                             |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Voting aye: | Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Christopher S. Maness, Danny M. Casteel, and Stefanie C. Addington. |
| Voting nay: | None.                                                                                                                                       |

On a motion by L. Michele Glover, duly seconded by Danny M. Casteel, this Board hereby authorizes a refund in the amount of \$87.20 for an unused building permit to Jimmy Laforce (Said request for refund attached to the minutes of this meeting; Minute Book 35 Attachment No: 64).

|             |                                                                                                                                             |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Voting aye: | Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington. |
| Voting nay: | None.                                                                                                                                       |

On a motion by Stefanie C. Addington, duly seconded by L. Michele Glover, this Board hereby authorizes that building permit refunds up to \$200 be presented to the County Administrator for approval.

|             |                                                                                                                                             |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Voting aye: | Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington. |
| Voting nay: | None.                                                                                                                                       |

On a motion by Stefanie C. Addington, duly seconded by L. Michele Glover, this Board hereby approves voting yes on the Purdue Plan for the opioid settlement (Said plan being attached to the minutes of this meeting; Minute Book 35 Attachment No: 66).

|             |                                                                                                                                             |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Voting aye: | Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington. |
| Voting nay: | None.                                                                                                                                       |

On a motion by L. Michele Glover, duly seconded by Stefanie C. Addington, this Board hereby approves signing a GESA Release Agreement for the opioid settlement (Said agreement attached to the minutes of this meeting; Minute Book 35 Attachment No: 65).

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

On a motion by L. Michele Glover, duly seconded by Stefanie C. Addington, this Board hereby approves participation in settlements with nine additional opioid defendants.

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

On a motion by Stefanie C. Addington, duly seconded by L. Michele Glover, this Board hereby adopts the Federal Awards Administration Policy (Said policy attached to the minutes of this meeting; Minute Book 35 Attachment No: 62).

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

On a motion by L. Michele Glover, duly seconded by Christopher S. Maness, this Board hereby authorizes a letter in support of an application for the Emergency Medical Services Council to serve as the region’s designated Emergency Medical Services Council (Said letter being attached to the minutes of this meeting; Minute Book 35 Attachment No: 61).

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

Amy Vicars presented bookkeeping.

On a motion by Stefanie C. Addington, duly seconded by Danny M. Casteel, this Board hereby accepts (DCJS) Department of Criminal Justice Services 543671-2025 Operation Ceasefire Forensic & Analytical Technology Grant# 547929 with total award amount \$57,195.00 and establish the following expense codes:

Police Supplies (1000-31290-406015-000-0000-0000—01305)  
Equipment Additions (1000-31290-408205-000-0000-0000-0000-01305)

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

On a motion by Stefanie C. Addington, duly seconded by Danny M. Casteel, this Board hereby accepts VA 9-1-1 Services Board FY26 NG911 additional Funding PSAP Grant with total award amount of \$150,000.00 and establish the following budget codes:

Expenses:

Office Supplies – NG911 (1000-31400-406001-000-0000-0000-0000-08032)  
Supplies – Other NG911 (1000-31400-406013-000-0000-0000-0000-08032)  
Furniture & Fixtures Rep NG911 (1000-31400-408109-000-0000-0000-0000-08032)  
Tech-Hardware Replace NG911 (1000-31400-408110-000-0000-0000-0000-08032)  
Capital Software Replace NG911 (1000-31400-408130-000-0000-0000-0000-08032)

Revenue  
MISC 911 Grant Funds Received (1000-02404-324761-000-0000-0000-0000)

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,  
Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

Tina Seay presented applications for appointment.

Planning Commission Appointment

Stefanie C. Addington nominated Ashley Snodgrass

On a motion by Christopher S. Maness, duly seconded by Darrel W. Jeter, this Board hereby ceases nominations and, by acclamation, appoints Ashley Snodgrass to serve a four-year term on the Planning Commission.

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,  
Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

Since there were no applicants, the Building Code Appeals Board was postponed until the September meeting.

On a motion by Stefanie C. Addington, duly seconded by Darrel W. Jeter, this Board hereby appoints County Administrator Joshua Wilson to serve on the Regional Industrial Facilities Authority.

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,  
Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

On a motion by Darrel W. Jeter, duly seconded by Stefanie C. Addington, this Board hereby appoints County Administrator Joshua Wilson to serve on the Regional Improvement Commission.

Voting aye: Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,  
Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: None.

On a motion by Stefanie C. Addington, duly seconded by L. Michele Glover, this Board hereby appoints County Administrator Joshua Wilson to serve on the Community Criminal Justice Board.

- Voting aye:

Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.
- Voting nay:

None.

On a motion by L. Michele Glover, duly seconded by Stefanie C. Addington, this Board hereby appoints County Administrator Joshua Wilson to serve on the Mountain Empire Regional Business Incubator (MERBI).

- Voting aye:

Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.
- Voting nay:

None.

On a motion by Stefanie C. Addington, duly seconded by Christopher S. Maness, this Board hereby authorizes the County Attorney to advertise public hearings for updates to ordinances according to General Assembly action.

- Voting aye:

Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey, Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.
- Voting nay:

None.

County Administrator Josh Wilson presented the claims and related reports (Said reports being attached to the minutes of this meeting; Minute Book 35 Attachment No: 69).

- M – Glover
- 2<sup>nd</sup> – Casteel
- VA – All

County Administrator Josh Wilson spoke about the lawn mower at Keith Memorial Park. He explained that the mower has seen better days and appears to be leaking oil regularly. However, it still works. Mr. Wilson invited Larry Vicars to speak.

Mr. Vicars stated that the mower is leaking oil around the head, pulling oil through the valves, and creates a lot of smoke. Mr. Vicars spoke about the time he spends as a volunteer at the park as well as others and the time he spends driving and spending his own money for gas. Mr. Vicars stated that the mower still works, but he does not know for how long. In addition, Mr. Vicars stated that he had mentioned that the mower needed to be replaced in past meetings.

Mr. Wilson stated that everyone appreciates all the volunteers are doing. He went on to say that the park and recreation budget does not have anything budgeted this year for a mower or even mowers that were requested during budget workshops for the golf course. Mr. Wilson pointed out that the mower is still operational, and that could end today or tomorrow. Either way, the property will be maintained.

There was discussion as to \$19,000 in the Keith Memorial Park Fund.

Mr. Vicars replied that money was left from the C. R. Keith donation and is being held back for other projects that might require a grant match. He mentioned that new playground equipment is needed. Mr. Vicars pointed out an agreement with the county and Keith Memorial Park along with an agreement with Twin Springs High School and Keith Memorial Park regarding the baseball field. He added that this is a unique partnership that has worked very well. He suggested reviewing the agreement with the county later on.

Supervisor Darrel Jeter made a motion to provide funding in the amount of \$6,657.67 from Board Contingency to buy the mower. Supervisor Michael Brickey second the motion.

There was discussion as to quotes obtained for the mower. After much discussion, the motion was amended.

On a motion by Darrel W. Jeter, duly seconded by Michael K. Brickey, this Board hereby funds \$6,700.00 from board contingency for Keith Memorial Park to purchase a mower.

Voting aye:            Darrel W. Jeter, L. Michele Glover, Eddie N. Skeen, Michael K. Brickey,  
                              Danny M. Casteel, Christopher S. Maness, and Stefanie C. Addington.

Voting nay:           None.

Josh Wilson reported that he reached out to Terry Kilgore and Todd Pillion about attending a meeting as directed by the Board of Supervisors at the July meeting, but he did not hear anything back from them. He went on to say that he would continue to work on getting a meeting scheduled. In addition, he spoke about litter control, and the work that the Stacy Cookenhour and Jake Dougherty have been doing to obtain a conviction. Also, there are five other cases that are being looked into. In addition, Mr. Wilson spoke about a low-income Home Energy Assistance Program. He reported that Appalachian Power helped nearly 30,000 Virginia Customers access that program in 2024. Mr. Wilson mentioned that there are payment extensions and payment plans that can be explored on their website [appalachianpower.com/assist](http://appalachianpower.com/assist). He also referenced the PIPP Program that was presented by Lana Mullins earlier today.

Supervisor Eddie Skeen requested that the Appalachian Power information be placed on the county website.

Mr. Wilson reported that restitution funds for Mountain Top Timber would be arriving soon in the amount of \$18,000. He went on to say that previous board action directs those funds to the Economic Development Authority. He pointed out that the Department of Agriculture has received approximately 40 percent from a previous restitution payment and will be receiving 40 percent of future payments.

Supervisor Eddie Skeen inquired about an agreement to that affect.

County Administrator Josh Wilson confirmed with County Attorney Sally Kegley that the Department of Agriculture and the county are the only two remaining. The Tobacco Commission was paid back.

Supervisor Darrel Jeter stated that he does not know why the Economic Development Authority is getting the money when the county paid \$250,000 back.

County Administrator Josh Wilson pointed out that the Department of Agriculture paid a lot as well.

Supervisor Skeen asked if there was an agreement to pay them first.

County Attorney Sally Kegley replied that there is an agreement to reimburse.

Chairman Chris Maness stated that it will be a mark against us if we need funds from the Department of Agriculture and do not reimburse them.

Supervisor Skeen pointed out that there is a balance remaining after the Department of Agriculture receives their portion. His concern is that the Economic Development Authority has the balance remaining.

County Administrator Josh Wilson clarified that previous board action directed that to the Economic Development Authority in hopes that would foster growth within the county. He went on to say that John Kilgore is working on a project that would utilize those funds. When the Economic Development Authority or any organization is trying to obtain a grant, matching funds are needed. Those funds will be used for that. Mr. Wilson noted a precedent that has been set for the restitution funds to go to the Economic Development Authority.

Supervisor Skeen stated that he does not have a problem if it is requested from the Board when there is a need. There has not been a lot of success over the past 20 years with projects, and he does not see continuing to have a slush fund for potential projects. He specified that he prefers a funding request be made for any special projects John Kilgore is pursuing.

Mr. Wilson expressed concern with that due to the delay when seeking a grant. He went on to say that, to apply for a grant, those funds need to be available. If the Economic Development Authority already has those funds, they can move forward with their Board to obtain the grant.

Supervisor Eddie Skeen made a motion for all future funds to come to the Board of Supervisors first to redirect. Danny Casteel second the motion.

Supervisor Eddie Skeen stated that he would like to see more discussion with the Board.

Supervisor Stefanie Addington stated that she does not have enough information as to what Supervisor Skeen is talking about. She asked if that includes all funds.

Supervisor Skeen clarified that he is referring to future restitution payments.

Mr. Wilson confirmed that Supervisor Skeen would like any future restitution funds be brought to the Board of Supervisors to determine how those funds will be distributed.

Chairman Chris Maness stated that is what we are doing.

Stefanie Addington stated that she does not understand.

Chairman Chris Maness questioned what advantage it is for the Board of Supervisors to keep money from the Department of Agriculture.

Supervisor Skeen asked the County Attorney if there is an agreement with the Department of Agriculture.

Ms. Kegley replied that there were agreements to get funds from those organizations, and the Economic Development Authority was held responsible if the company did not produce and did not pay it back. The county had to pay back the Tobacco Commission based on that agreement. The Department of Agriculture is the same based on that agreement. She went on to say that this is a unique situation for the county to get restitution from a company that defrauded the county and the Economic Development Authority. There is not a specific agreement addressing that. She added that it is our obligation to pay the Department of Agriculture with the funding we get back.

Supervisor Addington stated that she wants to do the right thing.

Chairman Chris Maness confirmed that Supervisor Skeen wants to have discussion every time the county receives restitution and questioned how that is different.

Supervisor Skeen asked the County Administrator if he wants to direct those funds to the Economic Development Authority.

Mr. Wilson replied that would be his recommendation.

Supervisor Skeen disagreed.

Mr. Wilson stated that he would recommend following the precedent set with the previous restitution payment.

Chairman Maness inquired about any agreement that states we have to do that.

Mr. Wilson replied it is just a recommendation.

Supervisor Darrel Jeter asked if the Department of Agriculture paid anything back like the county did.

Mr. Wilson replied that the Department of Agriculture is out the money that they put in.

Sally Kegley stated that the Department of Agriculture was a funder like the Tobacco Commission. The Tobacco Commission was chosen to be paid back and not the Department of Agriculture.

Chairman Maness suggested making a plan that we adhere to.

Supervisor Addington referred to Supervisor Skeen voting to direct the funds to the Economic Development Authority.

Supervisor Skeen replied that he made a mistake. There is a party missing in this discussion, and that is the taxpayers, and we are here to represent their interest not the Department of Agriculture.

It was noted by the Board of Supervisors that the taxpayers fund the Department of Agriculture.

Chairman Maness clarified the motion is to discuss disbursement of restitution funds each time. In addition, there is a recommendation based on a previous motion that those funds be sent to the Economic Development Authority with the Economic Development Authority reimbursing a percentage of that to the Department of Agriculture. Each time the funds are sent to the Economic Development Authority, a portion of those funds would be sent to the Department of Agriculture. That would be the procedure moving forward with the Mountain Top Timber restitution funds.

Supervisor Skeen replied the difference in our opinions is who has the oversight. Supervisor Skeen pointed out that with this plan, it is Economic Development Authority.

Supervisor Stefanie Addington made a motion to proceed with the precedent that we give the funds to the Economic Development Authority to disburse in accordance with the restitution payments.

Chairman Maness asked if a cap needed to be placed on that.

There was no indication that a cap needed to be placed on it.

Supervisor Darrel Jeter stated that he did not agree because the county paid the bills, and the funds are going to the Economic Development Authority. He went on to say that is not right. The Board of Supervisors paid \$250,000, but you want to give it the Economic Development Authority to do whatever they want with it. In addition, the Board of Supervisors pays for property, the Economic Development Authority sells it, and the county is left out. Supervisor Jeter stated that is not thinking straight.

Chairman Maness inquired about tabling the matter in order to get more clarity.

Supervisor Darrel Jeter inquired about the remaining funds once the Economic Development Authority pays the Department of Agriculture a percentage.

Mr. Wilson replied that it would be used for Economic Development.

Chairman Maness stated that is why he wanted to know if it needed to be capped at \$100,000.

Supervisor Darrel Jeter stated that you want to give the funds to the Economic Development Authority, and the county will not get any of the \$250,000 back that was paid with the taxpayer's money.

On a motion by Eddie N. Skeen, duly seconded by Danny M. Casteel, this Board hereby directs that all future restitution funds for Mountain Top Timber be presented to the Board of Supervisors first for discussion and disbursement.

Voting aye: Darrel W. Jeter, Eddie N. Skeen, Danny M. Casteel.

Voting nay: L. Michele Glover, Michael K. Brickey, Christopher S. Maness, and Stefanie C. Addington.

Chairman Maness questioned the total amount Mountain Top Timber would have to pay back.

Mr. Wilson replied 1.2 million dollars.

Chairman Maness suggested putting a cap of \$100,000 on it to be fair.

On a motion by Stefanie C. Addington, duly seconded by Michael K. Brickey, this Board hereby proceeds with the previous board precedent directing that restitution funds for Mountain Top Timber be sent to the Economic Development Authority to disburse a percentage to the Department of Agriculture and caps that to \$100,000 received.

Voting aye: L. Michele Glover, Michael K. Brickey, Christopher S. Maness, and Stefanie C. Addington.

Voting nay: Darrel W. Jeter, Eddie N. Skeen, Danny M. Casteel.

Supervisor Eddie Skeen commented to the public that there was \$250,000 that the Board of Supervisors guaranteed to Mountain Top Timber is now being reimbursed by restitution. This Board has decided with the exception of three of us to direct the funds to the Economic Development Authority for their benefit and use. The taxpayers will not get reimbursed other than possible benefit through the Economic Development Authority. The taxpayers who paid for that will get zero

Chairman Maness stated that is not necessarily true. He went on to say that the Economic Development Authority built the parking lot at the Devils Bathtub and the Daniel Boone Interpretive Center in Duffield with grants and a local match.

Supervisor Skeen questioned the local match for the Devil's Bathtub parking lot.

Chairman Maness replied that the Economic Development Authority was the vehicle to disburse that. A lot of our incentives are tax incentives that flows through the Economic Development Authority.

Supervisor Danny Casteel questioned the Economic Development Authority overseeing the Bray Property and who is making the payments for that property.

Supervisor Skeen replied that the county is making the payments.

Supervisor Addington replied no.

Supervisor Darrel Jeter clarified that the county makes the payment every year.

Supervisor Skeen asked Supervisor Addington if she disagrees with that.

Supervisor Addington replied that she does not disagree.

Supervisor Skeen inquired about reconciliation with the Regional Jail.

Mr. Wilson replied that funds came back to the county, and that was good news from the Regional Jail Authority.

Chairman Maness thanked the Virginia Department of Transportation for cutting a lot of grass and bushes. He added that it really made improvements.

Supervisor Darrel Jeter stated that he has been working with Scott County Soil and Erosion to work out an agreement to move the Extension Agent to the building space once occupied by S.C.O.T.T. Service.

Supervisor Eddie Skeen reported on Virginia Department of Transportation projects. He noted that the Keith Memorial Park Pedestrian Bridge roof was repaired. He pointed out that the Antler Springs Road pipe replacement is complete, and the bus turnaround has been improved that a resident provided on Antler Springs Road. In addition, brush is being removed at that intersection. Mr. Skeen reported that Gate Road vegetation is overgrown and will be attended to quickly. He noted the second cycle mowing in the Gate City area and the second cycle mowing in Fort Blackmore this week. He also reported on the Ann Goode Cooper Road paving in late August. Eaton Hill Road paving that is planned when the Ann Goode Cooper paving is complete. Also, grading will begin on Obey's Creek Road after Eaton Hill Road grading is complete. Horton Summit Road work will begin after vegetation restrictions go away. He noted that the broken pavement on Twin Springs Road will be fixed in the next two weeks. Supervisor Skeen pointed out that a lot of people do not know about our Emergency Plan, everyone needs to know in case of a disaster, and he would like to get the plan in the hands of every individual. In addition, Supervisor Skeen noted that T-Mobile will be placing a satellite on the tower in Nickelsville, and there are rumors that a tower will be added on Long Hollow Road. He conveyed that the railroad bore in Daniel Boone for getting sewer across the railroad has been delayed again due to an underground cable. Supervisor Skeen stated that the overgrown vegetation is being addressed at Bush Mill.

Supervisor Michael Brickey pointed out that Route 23 going North will be one lane traffic at Moccasin Gap and in Duffield. He urged people to be careful in those areas.

Supervisor Skeen pointed out the increase in Tourism in 2024 that indicates Southwest Virginia is getting back to pre-pandemic levels.

Supervisor Michele Glover expressed appreciation to Tourism Director Brittany Robertson for doing an excellent job.

Supervisor Eddie Skeen inquired about going into closed session.

County Administrator Josh Wilson stated that Supervisor Skeen mentioned going into closed session, but he did not give any details.

Supervisor Skeen asked the County Attorney the process for entering closed session.

Ms. Kegley stated that the Chairman will usually know ahead of time.

Supervisor Skeen asked the County Attorney if she knew about it.

Ms. Kegley replied that she knew that Supervisor Skeen had spoke with the County Administrator about that.

Mr. Wilson stated that Supervisor Skeen had talked with certain members of the Board.

Ms. Kegley stated that it is up to the Board to decide that.

Supervisor Skeen asked about the process.

Ms. Kegley stated that the Board has talked before about whether or not to have a closed session. Usually, she stated that someone will speak to her about it being legal, but she has not heard what this is about.

Supervisor Skeen asked why no one told him that.

Mr. Wilson stated that he asked him what it was about.

Chairman Maness stated that there will be no closed session for this meeting; however, Supervisor Skeen and Mr. Wilson can discuss it.

Supervisor Skeen requested that the Board of Supervisors discuss going into closed session now for personnel.

Ms. Kegley asked if he is referring to personnel being the County Administrator or the County Attorney.

He replied Public Works.

Chairman Maness replied that would fall under County Administrator, and he asked Supervisor Skeen what he wanted to discuss.

Supervisor Skeen replied that we are not allowed to discuss it during the open meeting, and he requested a closed meeting from the County Administrator.

Mr. Wilson replied that personnel would be for the County Administrator or County Attorney. Other personnel would fall under him, and he did not know who Supervisor Skeen was referring to at the time.

Chairman Maness stated that any grievance should be addressed with Mr. Wilson. If Mr. Wilson thinks it should be brought to the full board, he will bring it to me for closed session.

Supervisor Skeen asked about the entire board being aware of closed session that will be discussed.

Ms. Kegley replied that you should have been.

Supervisor Skeen stated that he has not been informed of that before.

Chairman Maness stated that the Chairman needs to know.

Supervisor Skeen stated that he thought the County Administrator would be the contact.

Mr. Wilson stated that he went to Ms. Kegley, but we did not have anything to go on.

Supervisor Skeen replied that he could have been contacted for more information, and it would have been provided. He went on to say that he was approached by two other Supervisors about this matter as well.

Chairman Maness stated that was not a majority.

Supervisor Skeen clarified that four members have to agree to go into closed.

Chairman Maness replied no, but you would have four Supervisors aware of what was going to be discussed.

Supervisor Skeen stated that the County Administrator did not ask for details.

County Attorney Sally Kegley advised Mr. Skeen that he needs to talk to the County Administrator about his employees. If the County Administrator has an employee issue that he wants input from the Board of Supervisors, he can ask for closed session.

Supervisor Michele Glover stated that is chain of command.

County Attorney Sally Kegley told Supervisor Skeen to ask her from now about going into closed session, and she will advise if it is proper and legal.

Supervisor Maness suggested that the Supervisors who are concerned should talk to Mr. Wilson individually about this complaint, and then we will see where to go from there. The County Administrator may be able to fix it. If Mr. Wilson needs the Board's help, we can go into closed session.

Chairman Chris Maness adjourned the meeting until September 3, 2025 at 9:00 a.m.

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CHAIRMAN

\_\_\_\_\_  
CLERK