

MINUTES
Board of Supervisors
County of Prince George, Virginia

November 26, 2019

County Administration Bldg. Boardroom, Third Floor
6602 Courts Drive, Prince George, Virginia

MEETING CONVENED. A regular meeting of the Board of Supervisors of the County of Prince George, Virginia, was called to order at 5:00 p.m. on Tuesday, November 26, 2019 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Donald R. Hunter, Chairman.

ATTENDANCE. The following members responded to Roll Call:

Donald R. Hunter, Chairman	Present
Floyd M. Brown, Jr., Vice-Chairman	Present
Alan R. Carmichael	Present
Marlene J. Waymack	Present
T. J. Webb	Present

Also present was: Percy Ashcraft, County Administrator; Jeff Stoke, Deputy County Administrator; Betsy Drewry, Deputy County Administrator; and Dan Whitten, County Attorney.

CLOSED SESSION

E-1. Resolution; Closed Session for (i) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officers, appointees or employee of the public body; I further move that such discussion shall be limited to (a) the County Administrator, and (b) appointments to the US Census Complete Count Committee. Mrs. Waymack made a motion, seconded by Mr. Webb, that the Board convene closed session for (i) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officers, appointees or employee of the public body; I further move that such discussion shall be limited to (a) the County Administrator, and (b) appointments to the US Census Complete Count Committee.

R-19-140

E-1.

RESOLUTION; CLOSED SESSION FOR (I) SECTION 2.2-3711.A.1 – DISCUSSION OR CONSIDERATION OF THE ASSIGNMENT, APPOINTMENT, PROMOTION, PERFORMANCE, DEMOTION, SALARIES, DISCIPLINING OR RESIGNATION OF A SPECIFIC PUBLIC OFFICERS, APPOINTEES OR EMPLOYEE OF THE PUBLIC

BODY; I FURTHER MOVE THAT SUCH DISCUSSION SHALL BE LIMITED TO (A) THE COUNTY ADMINISTRATOR, AND (B) APPOINTMENTS TO THE US CENSUS COMPLETE COUNT COMMITTEE WITH TOPICS AND CODE SECTION REFERENCES TO BE PROVIDED AT BOARD MEETINGS

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of November, 2019, does hereby vote to enter closed session for (i) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officers, appointees or employee of the public body; I further move that such discussion shall be limited to (a) the County Administrator, and (b) appointments to the US Census Complete Count Committee.

On roll call the vote was:

In favor: (5) Hunter, Brown, Waymack, Webb, Carmichael

Opposed: (0)

Abstained: (0)

E-2. Resolution; Certification of Closed Session. At 6:07 p.m., Mr. Brown made a motion, seconded by Mr. Webb, that the Board adjourn the closed session and enter open session, certifying that to the best of each Board Members' knowledge (1) only public business lawfully exempted from open meeting requirements were discussed and (2) only matters identified in the convening motion were discussed. Chairman Hunter asked if any Board member knew of any matter discussed during the closed session that was not announced in its convening legislation. Hearing no comment from the Board, the Chairman asked that the roll be called on the motion.

R-19-140A

E-2.

RESOLUTION; CERTIFICATION OF CONTENTS OF CLOSED SESSION PURSUANT TO SEC. 2.2-3711, ET SEQ., CODE OF VIRGINIA (1950, AS AMENDED)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of November, 2019 does hereby certify that, to the best of each Board Member's knowledge, (1) only public business lawfully exempted from open meeting requirements were discussed, and (2) only matters identified in the convening motion were discussed.

On roll call the vote was:

In favor: (4) Waymack, Webb, Carmichael, Hunter

Opposed: (0)

Absent: (1) Brown

WORK SESSION

Mr. Dan Whitten, County Attorney, gave a presentation on the transfer of special exceptions. Mr. Whitten stated that per Virginia Code, a zoning ordinance may include reasonable regulations and provisions relating to the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. The Virginia Code states that any locality may regulate, restrict, permit, prohibit, and determine the use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses. Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of the property. The Virginia Code contemplates zoning as regulating property and giving rights to use property in specified ways. Zoning does not give personal rights to particular property owners. A landowner's right shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner is the beneficiary of a significant affirmative governmental act which includes the granting of a special exception. In 1978, the case *Cole v. City Council*, The Virginia Supreme Court held it is fundamental that "zoning regulates the use of the property." "Zoning is concerned with the use of specific existing buildings and lot, not primarily with their ownership. The use of property, the height of buildings, and the density of population, not the ownership or title of the property involved, are at issue in zoning cases." According to Dillon Rule, a local governing body may take action in connection with zoning matters only if it has been expressly granted the power or if the power can be implied necessarily from powers expressly granted. Any doubt as to the exercise of the authority must be resolved against the locality. There is no authority in the Virginia Code for localities to base land use decisions on who owns the property. The governing body can't limit a special exception to a particular owner. Virginia Code § 15.2-2309(6) states Board of Zoning Appeals may impose conditions on a special exception which include limiting the duration of the permit. Some localities believe the Board of Zoning Appeals has authority to limit a special exception to a particular owner. In 1999, Henrico County attempted to add language to Virginia Code 15.2-2286(A)(3) to limit the duration of special exceptions which could allow the locality to limit the special exception to a particular owner. The bill failed because of opposition from property rights groups. The Prince George County Board of Supervisors currently has language in their special exceptions that states "It is not transferable and does not run with the land." The remedy for current special exceptions is when there is a request for a special exception to be transferred to a new property owner/user, the transfer request should be placed the Board of Supervisors regular agenda without the need for a public hearing at the Planning Commission or the Board of Supervisors. The Board of Supervisors should remove the condition that states "it is not transferable and does not run with the land." Mr. Whitten stated that for special exceptions that have not been approved by the Board, the Board should not add a condition that states "it is not transferable and does not run with the land." Mr. Brown asked if this means they need to go back and address any special exceptions that have that language in it. Mr. Whitten stated that the best way to handle it is to wait until a new owner/user comes to purchase it, then address the issue. He stated that there are some pending special exceptions now, but we can go ahead with them and address this with future special exceptions and requests. Mr. Webb stated that it should be corrected across the Board and the County should notify the people that have already gone through the special exception process. Mr. Brown concurred. Mr. Whitten stated that they could

do some at each meeting until they are all caught up. He is not sure at this point how many there are. Once he finds out how many there are, they can start working on it after the first of the year.

Police Chief Keith Early gave a brief update on the public safety land mobile radio project. This contract was originally presented to the Board on September 24. The project began with a needs assessment in January, 2017. After a competitive procurement process with vendor prequalification, two responsive proposals were received from Motorola and L3Harris. There was a meticulous evaluation and negotiations with both vendors. A County Evaluation Committee scored L3Harris the highest by a significant margin. L3Harris was more compliant with requirements and offered a significantly lower cost. The system includes a 20-year maintenance agreement at an annual cost of \$563,824 for 19 years after the first year. The total net system price is \$11,240,746. Chief Early introduced the evaluation committee, including Brad Owens, Director of Fire and EMS; Captain Mike Taber of the Police Department; Lieutenant Sean Moore of the Police Department; and Lieutenant Chris Taylor of Fire and EMS and offered their expertise to answer any of the Board's questions. Mr. Carmichael asked if this was the entire team. Chief Early stated that they are the core team. Lieutenant Moore clarified for Mr. Carmichael that this was discussed with the School System in 2017 and they will have access to the new system in the case of an emergency. The School System is fully aware of the changes that will be made. Mr. Brown asked Mr. Owens if some of the additional radios listed are truly needed right out of the gate. Mr. Owens stated that they could be phased in. Chief Early clarified for Mr. Brown that the benefit for entering into the contract now is that a technician would be offered to the County as soon as it is signed. Mr. Brown asked Mr. Duff with L3Harris to explain a previous conversation he had with him regarding the potential of working with others in the regional. Mr. Duff explained that any other agency or jurisdiction that is already implemented in a P25 system could have interoperability. In addition, with the County investing in multi-band radio technology, even some of the Counties have UHF or VHF conventional systems could have interoperability. If there is another County that is pursuing a P25 system in the area, they could potentially, with an agreement, take advantage of the infrastructure that the County is already investing in by adding on to that resulting in a cost sharing opportunity.

Mr. Mike Purvis, General Services Director, gave a brief update on the Human Services Building heating system. It is up and running with the new boiler. They are going through some balance verifications and they will identify the comfort throughout the building for an environment that conducive for everyone.

Chairman Hunter called a recess at 6:37 p.m. Mr. Brown left the meeting at 6:44 p.m. for a family emergency. The meeting reconvened at 7:00 p.m.

Invocation. Mrs. Waymack gave the Board's invocation.

Pledge of Allegiance to U.S. Flag. Mr. Carmichael led the Pledge of Allegiance to the U.S. Flag.

PUBLIC COMMENTS. Chairman Hunter announced that anyone wishing to come before the Board may do so at this time. He noted that this was the time for unscheduled general public comments. He opened the public comments at 7:02 p.m.

Leyla Myers (8711 Second Ct., Disputanta, VA 23842). Ms. Myers spoke in favor of the Second Amendment Sanctuary. She stated that the Police and Sheriff's Departments are doing a great job keeping the community safe. She stated that Mayor Bloomberg spent millions to influence Virginia elections and now he wants our local law enforcement to do his dirty job. She stated that we do not need our neighbors and friends to be used to advance his radical agenda in Prince George County. The 1994 assault weapon ban had a grandfather clause, sunset clause, and a study to be conducted afterward on its effect. The long list of radical gun control bills coming in 2020 has none of these provisions. These measures are a sign of pure terrene. It will make felons out of law abiding Virginians overnight come July 1, 2020. Those who know the history know this is not about hunting. One gun a month is the government's way to ration liberty and self-defense. Gun control is people control. Ms. Myers was born in the Soviet Union and stated that her life was full of thought control, speech control, and lies. She is the only descendant of her great-grandfather who owns a piece of land in Prince George. She stated that self-defense is a human right and she implores everyone to keep it so.

Alfred Dodson (no address provided). Mr. Dodson quoted Associate Justice Marshall of the US Supreme Court saying "the Constitution does not prohibit the legislator from enacting stupid laws." He stated that under the present circumstances and the political agendas, Prince George County needs to become a sanctuary county to protect its Second Amendment rights. However, Prince George County must continue to challenge these laws to maintain the rights of its citizens. He is a member of the Virginia Citizens Defense League. Their website is VCDL.org.

John Bukoffsky (18890 Halifax Road). Mr. Bukoffsky stated that he hope the Board considers a truck restriction on Halifax Road. He has damaged trash cans and is unable to back his camper out of his driveway because of the truck traffic. He stated that Halifax Road was not built for that kind of traffic.

Stephanie Greene (17900 Halifax Road). Ms. Greene also asked that the Board consider a truck restriction on Halifax Road. She stated that the amount of tractor trailers that come down that road is increasing. Her husband and been run off of the road and she is very concerned about her horses and livestock. She too stated that Halifax Road was not built for that kind of traffic.

Stephanie and Robert Merritt (18050 Halifax Road). Mr. and Mrs. Merritt stated that they have lost numerous mailboxes and trash cans. There are tracks on their property where the trucks come through and they do not have enough room on the road. They also stated that the road has deteriorated in front of their home. They are terrified for their teenage son to drive on Halifax Road. The truck drivers do not have respect for others on the road.

William Steele (County Line Drive). Mr. Steele asked the Board to consider Arwood Road as well as something needs to be done about the condition of that road.

There being no one else to speak, the public comments period was closed at 7:17 p.m.

APPROVAL OF AGENDA. Mr. Webb added Item A-10 to discuss a strategic planning meeting. Mr. Carmichael added Item A-11 for consideration of Arwood Road in addition to Halifax, Lampe, Lansing and Rowanty. Mr. Carmichael made a motion, seconded by Mrs. Waymack, to adopt the agenda as amended. Roll was called on the motion.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Absent: (1) Brown

ORDER OF CONSENSUS. Mr. Webb made a motion, seconded by Mr. Carmichael, that the consensus agenda be approved as presented. Roll was called on the motion.

C-1. Draft Minutes – October 22, 2019 Regular Meeting Minutes and the October 24, 2019 Joint Meeting with the School Board Minutes were approved as presented.

R-19-141

C-2.

RESOLUTION; SMALL BUSINESS SATURDAY; NOVEMBER 30, 2019

WHEREAS, the government of Prince George County, Virginia celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States, they represent 99.7 percent of all firms with paid employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and

WHEREAS, small businesses employ 47.3 percent of the employees in the private sector in the United States; and

WHEREAS, 94% of consumers in the United States value the contributions small businesses make in their community; and

WHEREAS, 96% of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

WHEREAS, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

WHEREAS, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

WHEREAS, Prince George, Virginia supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, BE IT RESOLVED that the Board of Supervisors of the County of Prince George, does hereby proclaim, November 30, 2019, as:

SMALL BUSINESS SATURDAY

And urges the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

R-19-141A

C-3.

RESOLUTION OF COMMENDATION; DIXIE ALL-STAR BASEBALL STATE CHAMPIONS

WHEREAS, After just the County's third year in the Dixie Youth AA Coach Pitch competition, the 2019 Prince George Parks and Recreation Dixie All-Star Coach Pitch Baseball Team, including Mr. Cullen Felty, Mr. Bryce Kegley, Mr. Rayner Sweitzer, Mr. Cooper Hatton, Mr. Jake Spivey, Mr. Tyler Harrison, Mr. Jayson Ward, Mr. Hunter Crawford, Mr. Caden Kirk, Mr. Edricco Bain, Mr. Trent Moody, and Mr. Korbin Sulc, under the direction of Manager Brent Hatton and Coaches Wayne Kegley, Rusty Moody, Ryan Kirk, and Morgan Felty had a championship season that brought the thrill of victory to Prince George County; and

WHEREAS, All of the young men on the Dixie All-Star Baseball Team played in the Prince George County Parks and Recreation during the regular season; and

WHEREAS, The Dixie All-Star Baseball Team's overall post-season record was 6-4 in the AA Coach Pitch Division; and

WHEREAS, The Dixie All-Star Baseball Team won the State Tournament with a 5-1 record in South Boston, winning the Championship Game 7-0; and

WHEREAS, The Dixie All-Star Baseball Team went on to represent Virginia in the AA Coach Pitch World Series finishing the tournament with a 1-3 record in Ruston, Louisiana; and

WHEREAS, Throughout this victorious season, the members of this team conducted themselves with a dignified team spirit that made Prince George County proud of their many accomplishments and their post-season success cast a bright light on boys' baseball in Prince George County.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of November, 2019, hereby commends and congratulates the Dixie All-Star Baseball Team State Championship.

R-19-141B

C-4.

RESOLUTION: ACCEPTANCE OF AGREEMENT BETWEEN COUNTY
AND VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)
PROPOSING IMPROVEMENTS TO THE INTERSECTION OF RIVES
ROAD/BULL HILL ROAD (RTE. 630) AND ROUTE 460

WHEREAS Virginia Department of Transportation (VDOT) is proposing improvements to the intersection of Rives Road/Bull Hill Road (Route 630) and Route 460. This project will require minor adjustments to the County's water and sewer facilities located within the project limits; and

WHEREAS it has been determined that VDOT is responsible for bearing 100% of the cost of the water and sewer adjustments indicated on the improvement plans. It will be to the best interest of the County to have these adjustments included in the highway contract and performed by the highway contractor;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors does hereby authorize the County Administrator to execute an agreement allowing VDOT to perform the necessary adjustments to the County's water and sewer facilities in order to complete their road improvements at no cost to the County on behalf of the County.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Absent: (1) Brown

PRESENTATIONS

S-1. Resolution; Commendation; Dixie All-Star Baseball State Champions. Chairman Hunter presented the commendation to Mr. Cullen Felty, Mr. Bryce Kegley, Mr. Rayner Sweitzer, Mr. Cooper Hatton, Mr. Jake Spivey, Mr. Tyler Harrison, Mr. Jayson Ward, Mr. Hunter Crawford, Mr. Caden Kirk, Mr. Edricco Bain, Mr. Trent Moody, and Mr. Korbin Sulc,

under the direction of Manager Brent Hatton and Coaches Wayne Kegley, Rusty Moody, Ryan Kirk, and Morgan Felty.

SUPERVISORS COMMENTS

Mrs. Waymack reminded the public that we have a lot to be thankful for in Prince George County.

Mr. Webb had a small wood fire get out of control and thanked everyone in Fire and EMS that helped him.

Mr. Carmichael wished everyone a great and safe holiday.

Chairman Hunter stated that it was a joy to commend those young men on the Dixie All-Star Team.

COUNTY ADMINISTRATOR COMMENTS

Mr. Percy Ashcraft stated that County offices will be closed for the Thanksgiving Holiday on November 27 at 12:30 p.m. and November 28. Small Business Saturday is November 30. The Prince George County Business Roundtable Graduation Ceremony will be on December 4 at 12:00 Noon at Nanny's Restaurant. The Annual Christmas Tree Lighting Ceremony will be on December 4 at 7 p.m. at the Old Courthouse Lawn. Real Estate Taxes are due on December 5 at 5 p.m. in the Treasurer's Office. The Police Department 'Wreath Laying Ceremony' will be on December 6 at 9 a.m. and 11 a.m. at Merchant's Hope Cemetery & Southlawn Memorial Park. The Annual Christmas Parade will be on December 7 at 3 p.m. on Courthouse Road. Fire & EMS Director Brad Owens graduated from the LEAD Virginia Leadership Program last weekend. Last weekend, Assessor Rod Compton received the Outstanding Member Award from the Virginia Association of Assessing Officers; and also was awarded the Assessment Administration Specialist (AAS) designation from the International Association of Assessing Officers (IAAO). VFW Post 637 honored Prince George Firefighter Jim Ninnis and Prince George Police Officer Kelly Borshch at an awards ceremony on November 16. Prince George County has again received the Distinguished Budget Award for FY '20 reporting and accounting. Career Fire & EMS personnel got together to provide winter coats for students at Walton Elementary School. Comcast will adjust rate schedule for certain channels and packages effective December 20. FM Network will be off the lineup effective January 1. Dominion Energy introduces new app for customers to use during power outages.

PUBLIC HEARINGS

P-1. SPECIAL EXCEPTION SE-19-06: Request of James and Rhonda Hamlin pursuant to § 90-103(12) to permit an equine-assisted psychotherapy business as a home professional office in a R-A, Residential – Agricultural District. The request property is located at 12000 Prince George Drive and is identified as Tax Maps 440(0A)00-079-B & 440(06)00-004-0. The Comprehensive Plan indicates the property is suitable for residential uses. Mr. Tim Graves of the Planning Department stated that the applicants are proposing to operate a therapy office on the premises of their home property, which is approximately 9.55 acres in area and located at 12000 Prince George Drive. The therapy sessions involve the aid of

horses to service the needs of customers. The sessions are targeted to individuals with special needs such as autism, and may occasionally include family members or occasionally consist of small groups of up to 8 individuals with special needs. The “equine-facilitated psychotherapy” services will be conducted by applicant Rhonda Hamlin, a Licensed Clinical Social Worker (LCSW) and equine specialist in mental health and learning. The use will occur within fenced areas outdoors and occasionally in the barn on the property. Off-street parking will be provided in the interior of the property, and customer visits will be defined by the number of sessions per day, length of sessions, and the number of visitors within each session. Operating hours will be between 8am and 6pm Monday through Saturday, by appointment only, with a typical session having a duration of 50 minutes, with a maximum of 5 sessions per day. No personnel other than the family members living on the property are currently planned be involved with the use. County Staff and Planning Commission recommend approval of the proposed use, subject to the following conditions intended to minimize the impact on surrounding property owners and ensure that this use complies with all local, state and federal requirements: (1) this Special Exception is granted for a Home Professional Office to James S. and Rhonda A. Hamlin on Tax Map parcels 440(0A)00-079-B and 440(06)00-004-0 for the purpose of equine-facilitated psychotherapy, so long as the two parcels are both owned by the applicants. This Special Exception is not transferable and it does not run with the land; (2) the owner/operator shall accommodate unannounced inspections by County Animal Services Officers during regular business hours in order to ensure proper treatment of the animals at the facility; (3) the hours of operation for the use shall be between 8:00am and 6:00pm Monday through Saturday; (4) sufficient off-street parking equivalent to at least four (4) standard vehicle spaces shall be provided for visitors, located in the interior of property; (5) the maximum number of visitors for the use in a given day shall be limited to five (5) sessions of one individual or family, or equivalent combination of visitors and sessions, by appointment only, with no more than one (1) session per seven (7) days of groups of between five (5) and ten (10) people; (6) one (1) non-illuminated, freestanding sign, no greater than four (4) square feet, may be placed for directional purposes near the main entrance, located outside of the VDOT right-of-way and meeting setback requirements; (7) if the requested use of the premises is abandoned for a period of twenty-four (24) consecutive months, then the Special Exception shall become null and void; and (8) this Special Exception may be revoked by Prince George County or by its designated agent for failure to comply with any of the listed conditions or any provision of federal, state or local regulations. The County Attorney recommended that the last sentence be stricken from condition number one. Chairman Hunter opened the public hearing at 7.47 p.m. There was no one to speak and the public hearing was closed. Mr. Webb made a motion, seconded by Mrs. Waymack, to approve the special exception with Mr. Whitten’s recommendation. Roll was called on the motion.

O-19-21

P-1.

SPECIAL EXCEPTION SE-19-06: Request of James and Rhonda Hamlin pursuant to § 90-103(12) to permit an equine-facilitated psychotherapy business as a home professional office in a R-A, Residential – Agricultural District. The

request property is located at 12000 Prince George Drive and is identified as Tax Maps 440(0A)00-079-B & 440(06)00-004-0. The Comprehensive Plan indicates the property is suitable for residential uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-19-06 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a Home Professional Office to James S. and Rhonda A. Hamlin on Tax Map parcels 440(0A)00-079-B and 440(06)00-004-0 for the purpose of equine-facilitated psychotherapy, so long as the two parcels are both owned by the applicants.
2. The owner/operator shall accommodate unannounced inspections by County Animal Services Officers during regular business hours in order to ensure proper treatment of the animals at the facility.
3. The hours of operation for the use shall be between 8:00am and 6:00pm Monday through Saturday.
4. Sufficient off-street parking equivalent to at least four (4) standard vehicle spaces shall be provided for visitors, located in the interior of property.
5. The maximum number of visitors for the use in a given day shall be limited to five (5) sessions of one individual or family, or equivalent combination of visitors and sessions, by appointment only, with no more than one (1) session per seven (7) days of groups of between five (5) and ten (10) people.
6. One (1) non-illuminated, freestanding sign, no greater than four (4) square feet, may be placed for directional purposes near the main entrance, located outside of the VDOT right-of-way and meeting setback requirements.
7. If the requested use of the premises is abandoned for a period of twenty-four (24) consecutive months, then the Special Exception shall become null and void.
8. This Special Exception may be revoked by Prince George County or by its designated agent for failure to comply with any of the listed conditions or any provision of federal, state or local regulations.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Absent: (1) Brown

TABLED ITEMS

T-1. Resolution; Award of Contract (\$11,514,371.13 Public Safety Radio System). Mr. Carmichael made a motion, seconded by Mr. Webb, to approve the resolution as presented. Roll was called on the motion.

R-19-142

T-1.

RESOLUTION; AWARD OF CONTRACT (\$11,514,371.13 PUBLIC SAFETY RADIO SYSTEM)

WHEREAS, On January 17, 2018 a Request for Proposals was advertised by the Police Department, Fire/EMS and the Finance Department to obtain proposals for replacing the existing Public Safety Radio System (RFP 18-0117-1). The RFP closed on May 17, 2018 with two (2) responses from pre-qualified vendors. The most qualified, highest scoring and firm with the best pricing was L3Harris. The final negotiated pricing with L3Harris for a turnkey system is \$11,514,371.13, with additional Fire/EMS radios, and staff is recommending an award of contract to L3Harris for this amount; and

WHEREAS, \$11,514,371.13 is available from bond proceeds from Series 2017 and Series 2018 borrowings; and

WHEREAS, Staff is requesting authorization for the County Administrator to enter into a contract with L3Harris in the amount of \$11,514,371.13 to move forward with replacing the County's existing Public Safety Radio System.

NOW, THEREFORE, BE IT RESOLVED That the Board of the Supervisors of the County of Prince George this 26th day of November, 2019, hereby awards the contract for Public Safety Radio System replacement to L3Harris in the amount of \$11,514,371.13 and authorizes the County Administrator to execute a contract with L3Harris.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Absent: (1) Brown

ORDER OF BUSINESS

A-1. Adoption of Resolution Regarding the State Land Evaluation and Advisory Council (SLEAC) Agricultural Land Use Rates. Mr. Rod Compton stated that the Code of Virginia (Section 58.1-3239) established the State Land Evaluation Advisory Council (SLEAC) with the mandate to determine and publish use-value estimates of eligible land for each jurisdiction participating in the use-value taxation program. Prince George County had adopted the SLEAC as presented since 1976. The SLEAC rates experienced a meteoric rise from 2009-2013. To try to slow the increase in rates, the Board directed the Assessor to use a 3-year moving average of SLEAC Agricultural rates for valuation purposes. Since then, the 3-year moving average calculation has lowered the tax burden of qualified agricultural land use participants

when compared to the stated SLEAC rates between 2% and 35% annually. For 2020, the SLEAC Agriculture rates have decreased by +/-20%. Maintaining the 3-year moving average will result in a slight increase in Agricultural Land Use Rates, while reverting back to adopting the SLEAC rates will result in a decrease in Land Use Rates. The request before the Board this evening is to direct the Assessor to move forward with one of the following two options: (OPTION 1) continue to use a 3-year moving average of the SLEAC Agriculture Rates; or (OPTION 2) adopt the SLEAC Agricultural Rates as presented. Mr. Webb asked what would happen if they went with Option 2 and waited a year since it is a lagging two-year average. Mr. Compton stated that if the rates continue to decrease, and we decided the three-year moving average was the way to go, then it would still be lower. Either way, there will probably be a decrease in that rate next year. Mr. Carmichael made a motion, seconded by Mrs. Webb, to approve Option 1. Roll was called on the motion.

R-19-143

A-1.

ADOPTION OF RESOLUTION CONTINUING A THREE-YEAR AVERAGE
OF STATE LAND EVALUATION AND ADVISORY COUNCIL (SLEAC)
AGRICULTURAL LAND USE RATES

WHEREAS, the Real Estate Land Use Program administered by the Real Estate Assessor's Office develops Agricultural Land Use Rates annually by averaging the rates published by the State Land Evaluation and Advisory Council (SLEAC) from the most current three previous years; and

WHEREAS, the Agricultural Land Use Rates published by the SLEAC have experienced a decrease of 20% for TY 2020, the continuation of calculating the Agricultural Land Use Rates annually by averaging the rates published by the SLEAC would result in an increase in rates of approximately 1% while reverting to adopting the SLEAC rates as presented would decrease the rates by approximately 2.6%; and

WHEREAS, §58.1-3236, Code of Virginia, 1950, as amended, allows localities the discretion to locally adopt agricultural land use rates; and

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby directs the Assessor's Office to calculate the Agricultural Land Use Rates annually by averaging the rates published by the State Land Evaluation and Advisory Council (SLEAC) from the most current three previous years.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Absent: (1) Brown

A-2. Resolution; Appropriation from CIP Fund, Fund Balance (\$16,630.47 Courthouse Furniture). Ms. Betsy Drewry, Finance Director, stated that with the recent Courthouse lower level renovation, there has been interest expressed in replacing some of the existing lobby and common area furnishings. Much of the current furniture is original to the Courthouse when built in 1990. General Services worked with the Procurement Officer to obtain pricing to replace furniture in the General District Court lobby/waiting area. Pricing was obtained from W. B. Mason Interiors (formerly R&R Office Solutions) under a cooperative contract with the City of Petersburg. The quote is for \$16,630.47. Because the price is below \$50,000, the Board is not required to formally authorize the award of contract and the County Administrator can authorize the purchase. However, this purchase is not currently budgeted in the County’s adopted budget and an appropriation is needed. The recommended funding source is an appropriation from the Capital Improvement Fund, Fund Balance from accumulated SNAP interest revenues (bond issuance Series 2015). A future request will be made for Courthouse carpet and painting. An appropriation of \$16,630.47 from the Capital Improvement Fund, Fund Balance is being recommended for approval. Mr. Webb made a motion, seconded by Mrs. Waymack, to approve the resolution as presented. Roll was called on the motion.

R-19-144

A-2.

RESOLUTION; APPROPRIATION FROM CIP FUND, FUND BALANCE (\$16,630.47 COURTHOUSE FURNITURE)

WHEREAS, \$16,630.47 is available from CIP Fund, Fund Balance from accumulated State Nonarbitrage Program (SNAP) interest from Series 2015 bonds.

NOW, THEREFORE BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of November, 2019, does hereby authorize and appropriate the following increase of funds within the 2019-2020 Budget, such line items increased as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

<u>FUND/ORGANIZATION</u>	<u>AMOUNT</u>
Tourism Fund	
Expenditures:	
0311-02-010-3198-48130	CIP – Courthouse Furniture & Improvements \$16,630.47
Revenues:	
0311-40-900-8208-399999	CIP Fund, Fund Balance \$16,630.47

On roll call the vote was:
 In favor: (4) Waymack, Hunter, Webb, Carmichael
 Opposed: (0)
 Absent: (1) Brown

A-3. Road Acceptance for Brickhouse Landing Subdivision.

1) Agreement of Declaration of Covenants for Inspection and Maintenance and Stormwater Management Facilities and BMPs for Brickhouse Landing.

2) Stormwater Detention Agreement for Brickhouse Landing, Section 1 between Prince George County and Commonwealth of Virginia, Department of Transportation (VDOT) for the Purpose of Satisfying 24 VAC 30-91-110 of the Subdivision Street Requirements for the Addition of Subdivision Streets for this Development.

3) Resolution; Acceptance of Brickhouse Landing Section 1 into Virginia Department of Transportation/Secondary System of Roads Maintenance. Ms. Julie Walton, Director of Community Development stated that the Virginia Department of Transportation (VDOT) proposes to accept Brickhouse Landing Subdivision, Section 1, into the VDOT Secondary System for road maintenance purposes. There are 2 agreements that are required:

1) Agreement of Declaration of Covenants for Inspection and Maintenance and Stormwater Management Facilities and BMPs for Brickhouse Landing; and 2) Stormwater Detention Agreement for Brickhouse Landing, Section 1, between Prince George County and Commonwealth of Virginia, Department of Transportation (VDOT) for the Purpose of Satisfying 24 VAC 30-91-110 of the Subdivision Street Requirements for the Addition of Subdivision Streets for this Development. Additionally, there is a resolution for the acceptance of Brickhouse Landing, Section 1 into the Virginia Department of Transportation Secondary System of Roads Maintenance. Mr. Carmichael made a motion, seconded by Mr. Webb, to approve the resolution as presented. Roll was called on the motion.

R-19-145

A-3.

RESOLUTION; ACCEPTANCE OF BRICKHOUSE LANDING SECTION 1 INTO VIRGINIA DEPARTMENT OF TRANSPORTATION/ SECONDARY SYSTEM OF ROADS MAINTENANCE

WHEREAS, the Brickhouse Landing Section1 has been completed, and

WHEREAS, the streets of Brickhouse Landing Section 1 meet the public service criteria of the Subdivision Street Requirements; and

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

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

NOW THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the

Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

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

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Absent: (1) Brown

A-4. Resolution; to Submit a Request of the Virginia Department of Transportation to Begin the Process of a Through Truck Restriction on the Portion of Halifax Road located between the Prince George County Line and South Crater Road, Pursuant to § 46.2-809, Code of Virginia (1950, as Amended). Mr. Tim Graves of the Planning Department stated that VDOT requires a resolution from the Board of Supervisors to proceed with the process for a Through Truck Restriction. This step is the first of many. If the Board passes a resolution for VDOT to proceed, a public hearing will be required. The process takes four to six months to completion. There are four Truck Restrictions before the Board this evening for a portion of Halifax Road, Lampe Lane, Lansing Road, and Rowanty Road. Mr. Carmichael asked Mr. Graves if this would take care of the issues on Arwood Road as well. Mr. Graves stated that it would be a separate topic since the citizens are not requesting a Truck Restriction on that road. The concerns on Arwood Road are more maintenance. The County Attorney stated that he could bring Arwood Road forward on December 10. Mr. Carmichael made a motion, seconded by Mrs. Waymack, to approve the resolution for Halifax Road as presented. Roll was called on the motion.

R-19-146

A-4.

RESOLUTION TO SUBMIT A REQUEST OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO BEGIN THE PROCESS OF A THROUGH TRUCK RESTRICTION ON THE PORTION OF HALIFAX ROAD LOCATED BETWEEN THE PRINCE GEORGE COUNTY LINE AND SOUTH CRATER ROAD, PURSUANT TO § 46.2-809, CODE OF VIRGINIA (1950, AS AMENDED)

WHEREAS, § 46.2-809 of the Code of Virginia provides that a locality may formally request that VDOT restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

WHEREAS, there was a request submitted to County Administration requesting a “Through Truck Restriction” along this portion of Halifax Road; and

WHEREAS, The procedures and requirements for initiating and implementing these measures are stipulated by the policy adopted by the Commonwealth Transportation Board on October 16, 2003, "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways."

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Prince George County requests that the Virginia Department of Transportation begin the process of a "Through Truck Restriction" on the portion of Halifax Road located between the Prince George County Line and South Crater Road.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Absent: (1) Brown

A-5. Resolution; to Submit a Request of The Virginia Department of Transportation to Begin the Process of a Through Truck Restriction on Lampe Lane Located Between Lansing Road and South Crater Road, Pursuant To § 46.2-809, Code Of Virginia (1950, as Amended). Mrs. Waymack made a motion, seconded by Mr. Webb, to approve the resolution as presented. Roll was called on the motion.

R-19-147

A-5.

RESOLUTION TO SUBMIT A REQUEST OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO BEGIN THE PROCESS OF A THROUGH TRUCK RESTRICTION ON LAMPE LANE LOCATED BETWEEN LANSING ROAD AND SOUTH CRATER ROAD, PURSUANT TO § 46.2-809, CODE OF VIRGINIA (1950, AS AMENDED).

WHEREAS, § 46.2-809 of the Code of Virginia provides that a locality may formally request that VDOT restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

WHEREAS, there was a request submitted to County Administration requesting a "Through Truck Restriction" along this portion of Lampe Lane; and

WHEREAS, The procedures and requirements for initiating and implementing these measures are stipulated by the policy adopted by the Commonwealth Transportation Board on October 16, 2003, "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways."

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Prince George County requests that the Virginia Department of Transportation begin the process of a "Through Truck Restriction" on Lampe Lane located between Lansing Road and South Crater Road.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Absent: (1) Brown

A-6. Resolution; to Submit a Request of the Virginia Department Of Transportation to Begin the Process of a Through Truck Restriction on Lansing Road Located Between Halifax Road and Templeton Road, Pursuant to § 46.2-809, Code of Virginia (1950, as Amended). Mr. Webb made a motion, seconded by Mr. Carmichael, to approve the resolution as presented. Roll was called on the motion.

R-19-148

A-6.

RESOLUTION TO SUBMIT A REQUEST OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO BEGIN THE PROCESS OF A THROUGH TRUCK RESTRICTION ON LANSING ROAD LOCATED BETWEEN HALIFAX ROAD AND TEMPLETON ROAD, PURSUANT TO § 46.2-809, CODE OF VIRGINIA (1950, AS AMENDED).

WHEREAS, § 46.2-809 of the Code of Virginia provides that a locality may formally request that VDOT restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

WHEREAS, there was a request submitted to County Administration requesting a “Through Truck Restriction” along this portion of Lansing Road; and

WHEREAS, The procedures and requirements for initiating and implementing these measures are stipulated by the policy adopted by the Commonwealth Transportation Board on October 16, 2003, “Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways.”

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Prince George County requests that the Virginia Department of Transportation begin the process of a “Through Truck Restriction” on Lansing Road located between Halifax Road and Templeton Road.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Abstained: (1) Brown

A-7. Resolution; to Submit a Request of the Virginia Department of Transportation to Begin the Process of a Through Truck Restriction on the Portion of Rowanty Road Located between South Crater Road and the Prince George County Line, Pursuant to § 46.2-809, Code Of Virginia (1950, as Amended). Mrs. Waymack made a motion, seconded by Mr. Carmichael, to approve the resolution as presented. Roll was called on the motion.

R-19-149

A-7.

RESOLUTION TO SUBMIT A REQUEST OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO BEGIN THE PROCESS OF A THROUGH TRUCK RESTRICTION ON THE PORTION OF ROWANTY ROAD LOCATED BETWEEN SOUTH CRATER ROAD AND THE PRINCE GEORGE COUNTY LINE, PURSUANT TO § 46.2-809, CODE OF VIRGINIA (1950, AS AMENDED)

WHEREAS, § 46.2-809 of the Code of Virginia provides that a locality may formally request that VDOT restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

WHEREAS, there was a request submitted to County Administration requesting a “Through Truck Restriction” along this portion of Rowanty Road; and

WHEREAS, The procedures and requirements for initiating and implementing these measures are stipulated by the policy adopted by the Commonwealth Transportation Board on October 16, 2003, “Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways.”

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Prince George County requests that the Virginia Department of Transportation begin the process of a “Through Truck Restriction” on the portion of Rowanty Road located between South Crater Road and the Prince George County Line.

On roll call the vote was:

In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)

Abstained: (1) Brown

A-8. Resolution; Award of Contract and Appropriation from CIP Fund, Fund Balance (\$75,427 Human Services Building Boiler and Pump System). Ms. Drewry stated that Human Services building HVAC replacement was submitted as a CIP project for the FY2021-2030 cycle. On Wednesday November 13, the heating system in the Human Services building was non-operational. The boiler went down and replacement parts are unavailable and the manufacturer is no longer in business. Pricing was obtained for boiler replacement, pump system, and associated costs from Warwick Mechanical Group, the County’s contracted HVAC company. Total pricing for boiler and pump system replacement, along with rental of temporary heating units and fuel tanks is \$75,427. Mr. Webb made a motion, seconded by Mrs. Waymack, to approve the resolution as presented. Roll was called on the motion.

R-19-150

A-8.

RESOLUTION; AWARD OF CONTRACT AND APPROPRIATION FROM CIP FUND, FUND BALANCE (\$75,427 HUMAN SERVICES BUILDING BOILER & PUMP SYSTEM)

WHEREAS, On November 13, 2019 the boiler in the Human Services Building became non-operational and **Warwick Mechanical Group**, the County’s contracted HVAC company was contacted to provide pricing for replacement of boiler and pump unit; and

WHEREAS Warwick Mechanical Group provided a quote for boiler and pump system replacement totaling **\$66,012**, and other required expenditure costs (rental of spot heaters and propane tank installation) were compiled at \$9,415, for a grand total project cost of **\$75,427**; and

WHEREAS, \$75,427 is available from CIP Fund, Fund Balance from accumulated State Nonarbitrage Program (SNAP) interest from Series 2018 bonds; and

WHEREAS, Staff is requesting authorization for the County Administrator to approve a purchase order to Warwick Mechanical Group in the amount of \$66,012 and to expend \$9,415 for spot heater rental and propane tank installation to move forward with restoring heat to the Human Services Building.

NOW, THEREFORE, BE IT RESOLVED That the Board of the Supervisors of the County of Prince George this 26th day of November, 2019, hereby authorizes preparation of a purchase order for a new boiler and pump system totaling \$66,012 and expenditure of an additional \$9,415 for spot heater rental and propane tank installation.

NOW, THEREFORE BE IT FURTHER RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of November, 2019, does hereby authorize and appropriate the following increase of funds within the 2019-2020 Budget, such line items increased as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

<u>FUND/ORGANIZATION</u>	<u>AMOUNT</u>
Tourism Fund	
Expenditures:	
0311-05-113-3199-48120	CIP – Human Services Boiler & Pump System \$75,427
Revenues:	
0311-40-900-8208-399999	CIP Fund, Fund Balance \$75,427

On roll call the vote was:
In favor: (4) Waymack, Hunter, Webb, Carmichael
Opposed: (0)
Abstained: (1) Brown

A-9. Naming of Central Wellness Center Trail. Mr. Carmichael made a motion, seconded by Mr. Webb to postpone this matter to December 10.

On roll call the vote was:
In favor: (4) Waymack, Hunter, Webb, Carmichael

Opposed: (0)
Abstained: (1) Brown

A-10. Discussion of Strategic Planning Meeting. The Board agreed by consensus to have a strategic planning meeting on December 7 at 10:00 a.m. in the Human Services Building.

ADJOURNMENT. Mr. Carmichael moved, seconded by Mr. Webb, to adjourn to December 7 at 10:00 a.m. in the Human Services Building. Roll was called on the motion.

On roll call the vote was:
In favor: (4) Hunter, Webb, Waymack, Carmichael
Opposed: (0)
Absent: (1) Brown

The meeting adjourned at 8:16 p.m.

[Draft Minutes prepared December 2, 2019 for consideration on December 10, 2019; adopted by unanimous vote.]

Donald R. Hunter
Chairman, Board of Supervisors

Percy C. Ashcraft
County Administrator