

MINUTES
Board of Supervisors
County of Prince George, Virginia

September 22, 2020

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 6:00 p.m. on Tuesday, September 22, 2020 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:

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| Donald R. Hunter, Chairman | Present |
| Alan R. Carmichael, Vice-Chairman | Absent |
| Floyd M. Brown, Jr. | 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; Julie Walton, 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 Attorney, (b) Crater Regional Workforce Development, (c) Police Department, and (d) Utilities Department; and; (ii) Section 2.2-3711.A.3 for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; such discussion shall be limited to utility easements. 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 Attorney, (b) Crater Regional Workforce Development, (c) Police Department, and (d) Utilities Department; and (ii) Section 2.2-3711.A.3 for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; such discussion shall be limited to utility easements.

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 ATTORNEY, (B) CRATER REGIONAL WORKFORCE DEVELOPMENT, (C) POLICE DEPARTMENT, AND (D) UTILITIES DEPARTMENT; AND; (II) SECTION 2.2-3711.A.3 FOR DISCUSSION OR CONSIDERATION OF THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PURPOSE, OR OF THE DISPOSITION OF PUBLICLY HELD REAL PROPERTY, WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY; SUCH DISCUSSION SHALL BE LIMITED TO UTILITY EASEMENTS

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 22nd day of September, 2020, 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 Attorney, (b) Crater Regional Workforce Development, (c) Police Department, and (d) Utilities Department; and; (ii) Section 2.2-3711.A.3 for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; such discussion shall be limited to utility easements.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

E-2. Resolution; Certification of Closed Session. At 7:00 p.m., Mr. Webb made a motion, seconded by Mr. Brown, 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.

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 22nd day of September, 2020 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) Brown, Waymack, Webb, Hunter

Opposed: (0)

Absent: (1) Carmichael

Invocation. Mr. Brown gave the Board's invocation.

Pledge of Allegiance to U.S. Flag. Mrs. Waymack 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 7:04 p.m. There was no one to speak and the public hearing was closed.

APPROVAL OF AGENDA. Mr. Brown made a motion, seconded by Mrs. Waymack, to adopt the agenda as presented. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

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

C-1. Draft Minutes – September 8, 2020 Regular Meeting minutes were approved as presented.

R-20-134

C-2.

RESOLUTION; COMMENDATION; 100TH ANNIVERSARY OF THE FOUNDING
OF THE HOPEWELL/PRINCE GEORGE CHAMBER OF COMMERCE

WHEREAS, the Hopewell/Prince George Chamber of Commerce District has been serving the businesses and the community for 100 years and are committed to the mission of growing the local economy, and

WHEREAS, several of the enterprises who were in existence when it was founded in 1920 are still in existence today employing many Prince George County residents,

WHEREAS, we, as members of the Prince George Board of Supervisors wish to extend our utmost appreciation for the work that this organization does in promoting the community and facilitating connections and initiatives that improve the business climate,

WHEREAS, the Board wishes to extend our sincere best wishes for continued success in accomplishing your mission,

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors, Prince George County recognizes and appreciates the service of the Hopewell/Prince George Chamber of Commerce and wishes them well in all future endeavors, and, further, that this resolution of Appreciation and Support be duly recorded and shared on this 22nd day of the month of September in the year 2020.

R-20-134A

C-3.

RESOLUTION; AUTHORITY TO EXECUTE MEMORANDUM OF AGREEMENT BETWEEN THE U.S. FISH AND WILDLIFE SERVICE NORTH ATLANTIC APPALACHIAN REGION JAMES RIVER NATIONAL WILDLIFE REFUGE AND PRINCE GEORGE COUNTY CONCERNING ENHANCED NATURE-BASED RECREATIONAL OPPORTUNITIES

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 22nd day of September, 2020, does hereby authorize the execution of a Memorandum of Agreement Between the U.S. Fish and Wildlife Service North Atlantic Appalachian Region James River National Wildlife Refuge and Prince George County Concerning Enhanced Nature-Based Recreational Opportunities.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

PRESENTATIONS

S-1. Resolution; Commendation; Hopewell/Prince George Chamber of Commerce; 100-Year Milestone. Mrs. Waymack presented the commendation to members of the Chamber, including Ms. Becky McDonnough, Delegate Emily Brewer, Dr. Lisa Pennycuff, Mr. Chris Strosnider, and Mr. Jim Williams.

Delegate Emily Brewer addressed the Board and reminded the public that it is National Voter Registration Day. Early voting has already begun in every County and will continue through October 31. There will also be additional voting two Saturdays prior to the election. Delegate Brewer thanked the Board and County Staff for doing their absolute best during the pandemic.

SUPERVISORS' COMMENTS

Mrs. Waymack asked the public to keep the Prince George County Schools in their prayers and to give them all of the support they can.

Mr. Webb echoed Mrs. Waymack's comments.

Mr. Brown stated that he and Mr. Webb had a great day giving out produce to the citizens on September 19 as part of the CARES Act. He thanked all of the County employees who participated as well.

Chairman Hunter stated that it was a nice event today at Powell's Creek for the opening of the new nature trail there. He also recently visited the new Amazon facility and was very pleased and impressed.

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Percy Ashcraft, County Administrator, stated that Absentee Voting will be ongoing through October 31 in the Voter Registrar's Office. The Prince George Farmers Market will be on September 26 from 8 a.m. to 12 Noon at Scott Park. The Planning Commission will meet on September 24 at 6:30 pm. Prince George TRIAD will meet on September 28 at 1 p.m. at the Prince George Library. County Government Offices remain open. The public continues to be greeted at the door and temperature tests taken with new computerized technology. The requirement of wearing a mask exists under all conditions; County employees inside of buildings will wear a mask when interacting with the public. 768 confirmed cases of the coronavirus and three deaths have been reported in Prince George County according to the Crater Health District statistics through September 21; one County employee in the Sheriff's Office has tested positive and has since returned to work. As of September 17, there have been 2,617 Prince George residents who have filed new unemployment claims since March 14; 502 claims are continuous. As of September 18, 983 new applications have been received for SNAP, Medicaid & TANIF benefits in Social Services. Prince George Food Bank representatives continue to see an increase in visitors since non-essential businesses have closed. Donations are necessary to keep up with the increasing demand for services. The next testing site in Prince George County is Prince George High School on September 24 from 6-7:30 p.m. Testing is for people experiencing symptoms to the coronavirus. Drive-ups only. Other continuing test sites are the Rite Aid and Patient First in Colonial Heights. Prince George County Government is seeking public input on update of its website: https://pgcountyva.formstack.com/forms/county_website_survey. Departments and agencies are updating their pages and website provider Revize will be conducting upgrades through the end of the year. Department of Corrections plans public hearing on October 28 to receive public comment regarding locating two proposed facilities at the Crossings. Prince George County 2020 Census response is 71.8; 2010 response was 73.7.

Delegates Brewer & Coyner hosted a virtual meeting September 18 to discuss improvements to the Benjamin Harrison Bridge. Congressman McEachin opens nominations for inaugural ‘Veteran of the Year’ award. Hours for trick-or-treat activities on October 31 in Prince George will be from 5-9 p.m. throughout the County; Center for Disease Control (CDC) is discouraging the public from participating because of the pandemic. As of 1 p.m. today, 636 people have voted either in-person or by absentee. That is almost three percent of registered voters in Prince George County.

PUBLIC HEARINGS

P-1. Public Hearing; Re-adoption of an Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with Pandemic Disaster.

Mr. Dan Whitten, County Attorney, stated that on April 14, 2020, the Board of Supervisors of Prince George County adopted an Emergency Continuity of Operations Associated with Pandemic Disaster Ordinance. On May 26, 2020, after public notice, the Board of Supervisors of Prince George County re-adopted the Emergency Continuity of Operations Associated with Pandemic Disaster Ordinance. This ordinance will expire on October 14, 2020 unless amended, rescinded or re-adopted by the Board of Supervisors after public notice in accordance with Virginia Code Section 15.2-1427(F). The County Attorney recommends the re-adoption of the Ordinance since the local state of emergency is still in effect. Under the re-adopted Continuity Ordinance, the County Administrator is authorized to (i) modify, limit or suspend County programs, functions or services as needed to ensure the effective continuity of government; (ii) restrict County staff and public from entering or congregating around County-owned buildings, facilities and real property as necessary to ensure the health, safety and welfare of the public and staff; and (iii) regulate the use of such buildings, facilities and real property for the public health, safety and welfare. In no event shall the ordinance be effective for more than 6 months. Chairman Hunter opened the public hearing at 7:30 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 an Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with the Pandemic Disaster. Roll was called on the motion.

O-20-19

P-1.

ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 16, 2020 at 08:41:37, in accordance with Virginia Code § 44-146.21, the Prince George County Director of Emergency Management declared a local state of emergency in Prince George County.

WHEREAS, on April 9, 2020, the Board of Supervisors of Prince George County, Virginia confirmed, pursuant to Virginia Code § 44-146.21 the amended declaration of local emergency made by the local director of emergency management on March 16, 2020; and

WHEREAS, on April 14, 2020, the Board of Supervisors of Prince George County, Virginia adopted an emergency ordinance for continuity of operations associated with the pandemic disaster; and

WHEREAS, on May 26, 2020, the emergency ordinance was re-adopted by the Board of Supervisors after public notice in accordance with Virginia Code § 15.2-1427(F); and

WHEREAS, the provisions of the continuity ordinance remain in full force and effect for a period of 6 months until October 14, 2020, unless amended, rescinded or readopted by the Board of Supervisors of Prince George County.

WHEREAS, the Board of Supervisors of Prince George County, Virginia finds that COVID-19 continues to constitute a real and substantial threat to public health and safety and continues to constitute a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

WHEREAS, while the Board of Supervisors values transparency in government and public engagement, it also finds that emergency measures are still necessary to mitigate the spread of COVID-19 and to protect the health, safety, and welfare of residents and employees, while still providing for government operations to continue during this state of emergency; and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the Board of Supervisors of Prince George County, Virginia may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, Virginia Code § 15.2-1200 provides the county with authority to adopt necessary regulations to prevent the spread of contagious diseases among its residents; and

WHEREAS, the Board of Supervisors also has the inherent authority to vary the county’s policies, procedures and practices to assure the continuity of government operations; and

WHEREAS, this ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Prince George County, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Board of Supervisors, the Industrial Development Authority, the Planning Commission, Board of Zoning Appeals, Board of Equalization (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted

to ensure the continuity of government during this emergency and disaster:

- a. Any meeting or activities which require the physical presence of members of the Public Entities, where essential functions need to be considered, may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
- b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
- c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
- d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and
- e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and
- f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED that the County Administrator is authorized to (i) modify, limit or suspend County programs, functions or services as needed to ensure the effective

continuity of government; (ii) restrict County staff and the public from entering or congregating around County-owned buildings, facilities and real property as necessary to ensure the health, safety and welfare of the public and staff; and (iii) regulate the use of such buildings, facilities and real property for the public health, safety and welfare.

IT IS FURTHER ORDAINED, that the provisions of this ordinance shall remain in full force and effect until the earlier of its repeal or six months from the date of adoption. The ordinance may be readopted if the Board deems it necessary. Upon repeal or expiration of this ordinance, normal practices and procedures of government shall resume.

IT IS FURTHER ORDAINED that nothing in this ordinance shall prohibit Public Bodies from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

P-2. Public Hearing; SPECIAL EXCEPTION SE-19-12: Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District, for the use of a 20 MW solar energy facility. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(0A)00-054-0. The Comprehensive Plan indicates the property is suitable for residential uses. Mr. Horace Wade of the Planning Department stated that Sebera-Winstead, LLC is proposing a 20 MW large-scale solar energy facility on 182+/- acre parcel in a R-A, Residential-Agricultural Zoning District. The applicant anticipates the project will encompass 150 acres of the overall 182 acres (an unrecorded plat survey shows the parcel is 212 acres) with approximately 86,000 photovoltaic panels. The panel arrays will be mounted on fixed-tilt structures made of galvanized steel with no moving parts or noise associated with the arrays. The panel arrays will not exceed 10 feet in height. Associated electrical equipment will be located in the interior portions of the site. Inverters will not be any closer than 200 feet from any perimeter property line. Solar panels will be distributed across the site to minimize and avoid impacts to wetland areas. It is contemplated that up to three (3) small pre-fabricated sheds (approximately 10 feet in height) will be located on the property to store various maintenance equipment, replacement parts, and supplies. The area encompassing the solar energy facility will be ringed with a minimum six (6)-foot high security fence, with up to three (3) vehicular entry gates as depicted on the Special Exception Plan. The primary vehicular access point will be on Sebera Road; up to two additional vehicular access points may be located on Lawyers Road. Personnel gates at multiple locations throughout the facility may be considered for operational safety and maintenance convenience. Personnel can be expected to be on-site one to three times per month, performing routine inspections, maintenance, and repairs as needed. The Comprehensive Plan Future Land Use Map identifies this subject area as appropriate for residential or agricultural uses. The applicants held a community meeting at Sycamore United Methodist Church on December 3, 2019. All adjoining property owners, all property owners along both sides of Sebera Road from Old Stage

Road to Prince George Drive, and all property owners along both sides of Lawyers Road from Old Stage Road to and include Mt. Hope Baptist Church were invited to attend. Approximately 20-25 citizens, two (2) Planning Commissioners and staff attended the meeting. Many citizens participated by asking questions, expressing concerns and also expressing support for the project. The concerns of the community primarily included: (a) the visibility of the solar panels from adjoining properties, (b) the possibility of declining property values, (c) noise made by the inverters, (d) environmental contamination (and radiation) as a result of the solar energy facility, and (e) who is responsible for maintaining buffers and screening for the life of the project. The applicant addressed each concern. Based on discussions with other County departments, Planning & Zoning Staff recommends that conditions for the Special Exception should consider the surrounding parcels and should address: rollback taxes, site plan requirements, buffering, screening structure height, and decommissioning in the proposed conditions. On February 27, 2020 the Planning Commission recommended approval to the Board of Supervisors 7-0. The public hearing was held on January 23, 2020 and there were three (3) property owners that provided input in the public hearing. The Planning Commission postponed the case until February 27, 2020 to provide the Commission time to review the case against the proposed solar energy facility policy. On February 27, 2020 the Planning Commission received revisions from the applicant and also recommended approval of the solar energy facility policy. The applicant provided an updated Special Exception Plan 09-01-2020 and agreed to additional conditions as required by the adopted Solar Energy Facility Siting Policy. Planning Commission and Staff recommend approval of the proposed large-scale solar energy facility. Planning Commission and Staff have proposed recommended conditions to ensure this use minimizes the impact on surrounding property owners and ensures the use complies with all applicable local, state and federal requirements. Chairman Hunter opened the public hearing at 7:43 p.m.

Mr. Timothy Trant (Kaufman & Canoles, Representative of the Applicant). Mr. Trant stated that the Busch family purchased this property back in 2008 and their original interest in this property was for residential development. In light of recession, they had to rethink their intentions for the property. They have a working relationship with KDC Solar and decided to move forward with this project. Mr. Trant stated that the major take away from the citizen meeting was they would rather see a solar facility over a residential development. Mr. Trant stated that this plan does have substantial environmental features and one of the benefits of this property is that it is a very dense tree area. He stated that they plan to exceed the recommendations of the siting policy by utilizing not only a setback but a berm and planting evergreen shrubs on top of that berm. He presented the Board with visual simulations of what that will look like. This is not a permanent land use and it enhances the County's tax base. Chairman Hunter expressed a concern about the few houses on Old Stage Road that may be affected. Mr. Trant assured that they will have same screening and buffer as those on Lawyers Road and Sebera Road.

There was no one else to speak and the public hearing was closed at 7:56 p.m. Mr. Brown made a motion, seconded by Mr. Webb, to approve the special exception ordinance as presented. Roll was called on the motion.

P-2.

SPECIAL EXCEPTION SE-19-12: Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District for the use of a 20 MW solar energy facility. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(0A)00-054-0.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-19-12 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a large-scale solar energy facility use to Sebera-Winstead, LLC and is located on Tax Map 250(0A)00-054-0. This Special Exception may be transferred provided that Condition 10(b) is met relative to the proper surety.
2. Payment of all rollback taxes for the parcel subject to this Special Exception and enrolled in the Land Use program shall be a pre-condition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility.
3. Site Plan Requirements. In addition to all State and County site plan requirements, the Applicant shall provide the following plans for review and approval as a part of the site plan for the solar energy facility prior to the issuance of a building permit:
 - a. Construction Management Plan. The applicant shall prepare a Construction Management Plan for each applicable site plan for the solar energy facility, which shall address the following:
 - i. Construction Traffic Management Plan including mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and Planning Division for review and approval. The Plan shall address traffic control measures, pre-and post-construction road evaluation, and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT prior to site construction occurring on the premises.
 - ii. Site access planning, directing employee and delivery traffic to minimize conflicts with local traffic.

- iii. A site parking and staging plan shall be submitted as a part of the Site Plan approval and be submitted for various stages of the site construction process. All subsequent construction processes shall also adhere to submitting a parking and staging plan prior to the commencement for expansion or decommissioning.
 - iv. Fencing. The applicant shall install temporary security fencing prior to the commencement of construction activities occurring on the solar energy facility (excluding clearing and grading) and may be phased.
 - v. Lighting. During construction of the solar energy facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties.
- b. Construction Mitigation Plan. The applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the solar energy facility to the satisfaction of the Planning Division. Each plan shall address, at a minimum:
- i. The effective mitigation of dust. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not be of a general nuisance to the adjoining property owners during site construction and/or site expansion for a solar energy facility.
 - ii. Burning operations.
 - iii. Hours of construction. All pile driving shall be limited to eight (8) daily during the hours from sunrise to sunset Monday through Saturday. No Sunday pile driving shall occur during site construction, expansion, or operation of the facility. All other normal on-site construction activity is permitted Monday through Sunday in accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Prince George County Police Department.
 - iv. Access and road improvements.
 - v. General construction complaints.
- c. Grading Plan. The solar energy facility shall be constructed in compliance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities in coordination with the Erosion and Sediment Control Plan. The owner or

operator shall construct, maintain, and operate the project in compliance with the approved plan. An E&S bond will be posted for the construction portion of the project. The grading plan shall:

- i. Clearly show existing and proposed contours;
 - ii. Note the locations and estimated amount of topsoil to be removed (if any) and the percent of the site to be graded;
 - iii. Limit grading to the greatest extent practicable by avoiding slopes greater than fifteen (15) percent except where required for access roads and enhancement of natural topographic features for stormwater management;
 - iv. Require an earthwork balance to be achieved on-site with no import or export of soil, unless it can be demonstrated to the satisfaction of the Planning Manager that doing so would create more clearing and grading than by allowing the import or export of soil;
 - v. Require topsoil to first be stripped from areas proposed to be permanent access roads which will receive gravel or in any areas where more than a few inches of cut are required, and stockpiled on-site to be later used to increase the fertility of areas intended to be seeded.
- d. Solar Facility Screening and Vegetation Plan. A separate surety shall be posted for the ongoing maintenance of the project's vegetative buffers in the amount of 120% of the installation cost of all planted vegetation for three (3) years following the Commercial Operation date, as defined in Section 14 below.
- i. Site groundcover for the solar energy facility shall consist of a variety of native groundcovers that benefit birds, and bees, and other beneficial insects.
 - ii. Groundcover shall be expeditiously established following the completion of construction activities to minimize erosion and loss of soil.
 - iii. Use of synthetic herbicides to control and maintain groundcover post-construction shall not be permitted.
- e. The design, installation, maintenance, and repair of the solar energy facility shall be in accordance with the most current National Electrical Code (NFPA 70).

4. Operations.

- a. Permanent Security Fence. The applicant shall install a permanent security fence, consisting of chain link 2-inch square mesh, (or comparable fencing) a minimum of 6 feet in height, around the Solar Facility prior to the commencement of operations of the Solar Energy Facility. Failure to maintain the fence in a good and functional condition after the expiration of the below described cure period will result in revocation of the special exception.
 - b. Lighting. Any on-site lighting shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
 - c. Noise. Daytime noise generated by the facility post-construction will be under an average of 67 dBA per day, measured at the property line, throughout the day with no noise emissions at night. However, the operator may seek temporary waivers from the Planning Division for specific repair or maintenance needs which waivers may be granted by the Planning Division at discretion.
 - d. Ingress/Egress. Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.
 - e. All newly installed utilities including, but not limited to, electric, fiber, cable, and telephone lines serving the site which are visible from the ground-level view of adjacent properties zoned residential or agricultural, and public rights-of-ways, shall be screened from view or shall be placed underground, unless (i) such utilities are placed on existing above-ground utility infrastructure, (ii) above-ground installation is required by the utility company, or (iii) prohibited by the state or federal agency regulating them.
 - f. All solar energy facility structures, racks, and associated facilities shall have a non-reflective finish or appearance. Silicon-based, or similar panels shall be used; cadmium-based panels are prohibited. The solar collectors shall be designed to maximize absorption and minimize glare outward towards adjoining properties and upward towards military and general aviation aircraft or other similar aircraft. Vehicles traveling on adjoining state-maintained roads shall also be protected from potential glare, including elevated tractor trailer cabs.
5. Buffers.
- a. Setbacks.
 - i. Eastern Boundary Setback. A minimum 150-foot setback along the eastern boundary of the property shall be maintained from a

principal Solar Energy Facility structure to the edge of the public right-of-way.

- ii. Northern Boundary Setback. A minimum 100-foot setback along the northern boundary of the property shall be maintained from the principal Solar Energy Facility to the edge of the public right-of-way or adjacent property lines, as applicable.
- iii. Southern Boundary Setback. A minimum 100-foot setback along the southern boundary of the property shall be maintained from the principal solar energy facility to adjacent property lines.
- iv. Western Boundary Setback. A minimum 500-foot setback area along the western boundary of the property adjacent to Tax Map 240(OA)00-106-A shall be maintained from the principal solar energy facility to adjacent property lines.
- v. A minimum 200-foot setback from all exterior property lines shall be required for placement of all inverters associated with the solar energy facility.

The foregoing described setbacks are more particularly shown and depicted on the Special Exception Plan dated September 1, 2020, on file in the Community Development and Code Compliance Department. Erosion and sediment control features and stormwater management features are permitted within the described setback areas.

b. Screening.

- i. Eastern Boundary: A minimum 150-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if panel areas F, G and H depicted hereon are developed for solar arrays and if determined by the Planning Manager to be necessary to screen views of the solar panels from Lawyers Road. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- ii. Northern Boundary (from Lawyers Road to western boundary line of Tax Map 250(OA)00-053-A): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from adjacent residential properties. The foregoing screening requirement shall not include utility crossings which are

permitted.

- iii. Northern Boundary (from western boundary line of Tax Map 250(OA)00-053-A to intersection of western boundary line of Tax Map 250(OA)00-054-B and Sebera Road): A landscaped berm approximately 4.5-foot tall planted with evergreen trees/shrubs (min. 2' at planting) as depicted on the screening and buffering detail on the "Special Exception Plan" dated September 1, 2020, on file in the Community Development and Code Compliance Department. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- iv. Northern Boundary (from intersection of western boundary line of Tax Map 250(OA)00-054-B and Sebera Road to western boundary line of property): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from Sebera Road. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- v. Southern Boundary (from Lawyers Road to western boundary line of Tax Map 250(12)00-005-0): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from adjacent residential properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- vi. Southern Boundary (from western boundary line of Tax Map 250(12)00-005-0 to southern boundary line of Tax Map 240(OA)00-106-A): A minimum 75-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from adjacent properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- vii. Southern Boundary: In addition to the screening described in vi. Above, green or black screening slats will be added to the solar

facility perimeter fence for panel area H as determined by the Planning Manager if needed to further screen views of the solar panels from the residential structure located on Tax Map 250(12)00-005-0.

- viii. Western Boundary (adjacent to Tax Map 240(0A)00-106-A): A minimum 500-foot existing vegetative buffer. The foregoing screening requirement shall not include utility crossings which are permitted.
- ix. The species of any proposed supplemental evergreen understory plantings, such as wax myrtle, ligustrum, cherry laurel, and Russian olive (or plantings with similar screening and hardiness characteristics if availability or seasonal limitations require), shall be approved by the Planning Manager at the time of site plan approval.

The foregoing described screening is more particularly shown and depicted on the "Special Exception Plan" dated September 1, 2020, on file in the Community Development and Code Compliance Department.

- c. Wildlife Corridors. The applicant shall identify an access corridor for wildlife to navigate through and/or around the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing, if any, shall be kept open to allow for the movement of migratory animals and other wildlife.
 - d. Wetlands. The applicant shall provide a 50-foot minimum setback from all wetlands that are not located in the Chesapeake Bay Preservation Areas. Minor encroachments, for access roads, stormwater management facilities and utility lines only, excluding specifically solar panels and inverters, may be permitted within the buffer at the discretion of the Planning Manager. In instances where the buffer encroachments are proposed, equal or greater wetland buffer area(s) shall be provided elsewhere on the site as a condition of approval.
6. Height of Structures. Solar Energy Facility structures shall not exceed 10 feet; however, towers constructed for electrical lines may exceed the maximum permitted height as provided in the zoning district regulations, provided that no structure shall exceed the height of 25 feet above ground level, unless required by applicable code to interconnect into existing electric infrastructure or necessitated by applicable code to cross certain structures.
7. Inspections. The applicant will allow designated County representatives or employees access to the facility for inspection purposes at any time during the

construction process and thereafter upon 24 hours advance notice. The applicant will maintain current contact information on file with the Planning Division.

8. The applicant, owner or operator shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
9. Compliance. The Solar Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
10. Decommissioning.
 - a. Decommissioning Plan. A decommissioning plan shall be developed by the applicant, owner or operator prior to the approval of a site plan being issued for a solar energy facility. The purpose of the decommissioning plan is to specify the procedure by which the applicant or its successor would remove the solar energy facility after the end of its useful life and to restore the property for prior or future usage consistent with the Comprehensive Plan or future zoning. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to Prince George County in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. This shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following:
 - i. Anticipated life of the solar energy facility project;
 - ii. The estimated cost of the decommissioning in the future as expressed in current dollars by a State licensed professional engineer;
 - iii. Method estimate was determined;
 - iv. The manner in which the project will be decommissioned; and
 - v. The name and physical address of the person or entity responsible for the decommissioning plan and a performance bond for the life of the use.
 - b. Surety. Unless the solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed

to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within thirty (30) days of the project receiving its occupancy permit or equivalent from Prince George County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator, and provided to the County. If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate replacement surety is provided for the solar energy facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.

- c. Applicant/Property Owner Obligation. Within six (6) months after the cessation of use of the solar energy facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the solar energy facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to decommission the solar energy facility within six (6) months, the property owner shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire solar energy facility arising out of a default by the applicant or its successor, any remaining surety funds held by the County shall be distributed to the property owner.
- d. Applicant/Property Owner Default; Decommissioning by the County.
 - i. If the applicant, its successor, or the property owners fail to decommission the solar energy facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property.
 - ii. If applicable, any excess decommissioning surety funds shall be returned to the current owner of the property after the County has completed the decommissioning activities.
 - iii. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County (1) the right to access the property, and (2) an interest in the solar energy facility equipment and materials to complete the decommissioning upon the applicant's and property owner's default. Such instrument(s) shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the

County to enforce the obligations of the applicant, including under the County's zoning powers.

- e. **Equipment/Building Removal.** Unless otherwise approved by the Planning Division, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, shall be removed following disturbance caused in the removal process. Perimeter fencing will be removed and recycled or reused.
 - f. **Infrastructure Removal.** Unless otherwise approved by the Planning Division, all access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner to leave all or a portion of these facilities in place for use by the landowner. Access roads will be removed within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance, unless a written request is received from the current or future landowner proposing alternative development plans for the property.
 - g. **Partial Decommissioning.** Any reference to decommissioning the solar energy facility shall include the obligation to decommission all or a portion of the solar energy facility whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire solar energy facility, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the solar energy facility; the remaining portion of the solar energy facility would continue to be subject to the decommissioning plan.
11. **Power Purchase Agreement.** Prior to the issuance of any building permit for the solar energy facility, the applicant shall have executed either a power purchase agreement with a third-party, or a sale agreement to transfer the project to a regulated utility. Upon the County's request, the applicant shall provide the County and its legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
12. This Special Exception shall become null and void if the use of a large-scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
13. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to cure, within 30

days after receipt of notice from the County, any non-compliance with any of the listed conditions or any provision of federal, state or local regulations.

14. The Commercial Operation Date for this solar energy facility shall be deemed the date that the solar power facilities subject to this Special Exception first supply power to the electrical grid. This Special Exception shall become null and void on the date which is forty (40) years following the Commercial Operation Date, subject to the following limitations:
 - a. Should the applicant intend to continue the Special Exception, the owner/operator shall provide written notice to the Board of Supervisors to amend, renew or re-issue a new Special Exception or other permit as may then be required.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

REPORTS

Update on New Elementary School – Dr. Lisa Pennycuff introduced Mr. Stephen Halsey from Mosely Architects. Mr. Halsey gave an update on the new school and shared with the Board the school and site designs. It will be a two-story school to accommodate 850 students with 171 parking spaces and 132 additional event parking spaces. It will also accommodate 163 car stacking for pick-up/drop-off. They are on schedule to start the review process and put the project out to bid sometime in January, 2021. Construction should begin sometime around late winter or early spring. The School should be finished by mid-summer of 2022 and open on September 2022. Mr. Webb asked if there will be any road improvements for turning lanes on Middle Road. Mr. Halsey stated that there will be a widening of Middle Road of about 750 feet in each direction to allow turning lanes. Mr. Halsey confirmed with Chairman Hunter that they are currently working with the Utilities Department to ensure that there will be enough access room to the water tower behind the school. Mr. Webb added that it needs to be also accessible for a crane without creating damage to the asphalt for tank maintenance. Mrs. Waymack expressed a concern about the courtyards and would like to see them maintained. Mr. Brown asked if the ball fields in the plan will be in the initial rollout of the plan. He did not realize that was part of the initial monetary plan. Mr. Halsey stated that they will need to work with Mr. Rotzoll on that. Dr. Pennycuff gave a brief update on how the new school year is going with the pandemic. She thanked the Board and the families of the children for all of their support.

Update on CARES Funding – Ms. Betsey Drewry, Deputy County Administrator and Finance Director, stated that round one of CARES Funds were provided on June 1 and were amended to FY20 budget following a June 9 public hearing to do so. The second half of another \$3,346,151 was received on August 5, 2020 and was amended to the FY2021 budget following a September 8 public hearing. The total received is \$6,692,302. Federal law indicates that those funds can only be spent on necessary expenditures incurred due to COVID-19 or responding to COVID-19, including expenditures not accounted for in the adopted budgets, and expenditures that are incurred in between March 1 and December 30, 2020. This is one-time funding and should not

be used for ongoing services and/or base operations. Round One was allocated for a variety of purposes with the largest percentage going to community relief initiatives in the amount of over \$1.75 million with the largest component being small business grants. Mr. Jeff Stoke, Deputy County Administrator, stated that they have qualified 44 small business grants totaling \$1.175 million with \$524,000 remaining. To date, they have received 119 applications and there are 1,347 active licenses in the County. The money is mainly going to the needy business sectors, including hotels, restaurants and entertainment. The program ends on October 30 and they will continue to process forms on a weekly basis. The maximum grant loan amount is \$50,000. They do envision to tap out at \$1.75 million. Ms. Bertha Judge, Social Services Director, stated that 57 applications have been submitted and 19 families have assisted with 35 pending verification and three denied. The total amount allocated thus far has been \$39,168.19. These families are being assisted with rent/mortgage, food, clothing/personal care, boys hair cuts, girls salon services, electricity, and garbage services. There is a drop box outside the agency for applications. The application is also online. Ms. Drewry stated that they have tentatively worked up a hazard pay plan in the amount of \$429,000. Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19. This pay will go to sworn police officers, Fire/EMS first responders, and Sheriff Department first responders. It will be paid out retroactive to March 1 at \$1.70 per hour for hours worked in three increments, October 15, December 15, and December 31. To date, \$1.2 million has been spent on community relief initiatives. These initiatives include the small business grant program, and the initiatives Ms. Judge spoke of earlier. In addition, other moneys were designated to the local food bank, outreach of mobile home parks, and a pet food distribution effort. There was a \$2.1 million allocation to the School Division with \$138,241.41 expended to date. Technology initiatives were estimated to be at about \$213,993 and \$69,000 has been spent and obligated to date. There was also a variety of cleaning and protective health measures and employee compensation and benefits. Other monies have been allocated for Courthouse needs in the amount of \$40,396.89, Sheriff needs in the amount of \$67,378.76, General Services/Building needs in the amount of \$50,000, and Public Safety Requests in the amount of \$768,383.78. Out of contingency to date, \$2.2 million has been spent and obligated.

Industrial Zoning Districts Ordinance Amendment – Ms. Julie Walton, Deputy County Administrator and Director of Community Development and Code Compliance, stated that County Staff has received requests from industrial developers to amend the County Ordinance to allow M-1 uses in the M-2 Zoning District, and to allow M-1 and M-2 uses in the M-3 Zoning District. Consultants for industrial developers and Economic Development Staff support the Ordinances being amended to allow what is called “pyramid zoning.” In Prince George County’s version, the less intense Limited Industrial uses would be permitted in the Heavy Industrial District. The proposed amendment would benefit County businesses by providing flexibility in uses at the facilities, reduce delays and costs for businesses who expand or change uses, and will offer additional options to property owners and industrial developers. It will also lead to reduced costs and Staff time for the County. The proposed ordinance changes would result in a slight reduction in fees charged by the Planning and Zoning division, but would be offset by reductions in advertising costs and Staff resources for case development. There is a public hearing scheduled for the Planning Commission on September 24. If recommended, it will come before the Board at a later date. Chairman Hunter stated that he is in favor of this. Mr. Webb stated that this could be very beneficial to the business park. Ms. Walton did clarify

for Mr. Brown that there is one business that is already in the downgrade process, but they are in an enterprise zone and do not pay any fees. Mr. Brown asked that the Planning Commission look to see how many businesses have downgraded in the past when they consider this ordinance amendment.

TABLED ITEMS

T-1. Resolution; Approval of Debt Refunding Option (Virginia Resources Authority Pool Bond Program or Prince George County Direct Public Bond Issuance). Ms. Drewry stated that on September 1 and September 8, Ted Cole, Senior Vice-President, Davenport & Company, LLC (the County's contracted financial advisor), provided the Board an overview of potential savings if we refund (refinance) several of the County's existing debt obligations to take advantage of lowered borrowing rates. Davenport provided an analysis that compared possible savings and costs refunding County debt through two options: Option 1, refunding through Virginia Resources Authority (VRA) fall 2020 borrowing pool and Option 2, issuance of County Debt in public bond market. On September 1 and 8, Mr. Cole, Board members and staff discussed possible risks and costs for both options. Estimated savings under the options are VRA Fall Pool Savings, \$2,934,758 and County Public Issuance, \$3,473,060. The County Public Issuance total is subject to change with change in bond market rates. Savings in costs for County issuance versus VRA is \$311,690. The staff recommendation is to issue County debt in the public bond market to maximize savings and realize lower fees. Staff seeks approval from the Board on the preferred option to refund debt. Mr. Brown made a motion, seconded by Mr. Webb, to approve Option 1, refunding through Virginia Resources Authority. Chairman Hunter stated that he cannot see the County giving up the savings. Roll was called on the motion. It was tied with Mr. Brown and Mr. Webb in favor, and Chairman Hunter and Mrs. Waymack dissenting.

On roll call the vote was:

In favor: (2) Webb, Brown

Opposed: (2) Hunter, Waymack

Absent: (1) Carmichael

The deadline for the VRA option is September 25. After the County Attorney gave the Board its options, Mr. Brown made a motion, seconded by Mr. Webb, to postpone the matter to September 23 at 5:00 p.m. when Mr. Carmichael could be present. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

T-2. Resolution; Two Appointments – Crater Regional Workforce Development. Mr. Brown made a motion, seconded by Mrs. Waymack to postpone this item to October 27, 2020. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

ORDER OF BUSINESS

A-1. Resolution; Proposed Revisions; Prince George County Personnel Policies; Section 47.1.1 through 47.4 entitled Communicable Disease and Section 24.1 through 24.23 entitled Lease. Ms. Corrie Hurt, Human Resources Director, stated that Staff has revised the personnel policy entitled “Leave” for the Board’s consideration. The Human Resources Director has revised the Leave policy to include the Families First Coronavirus Leave Act requirements that will remain in effect through the end of 2020. There are no additional changes. The Human Resources Director, in an attempt to comply with DOLI regulations on creating a “return to work” policy, has created the communicable diseases policy to address and give a footprint of how to deal with various illnesses to include COVID-19. This policy will help Directors identify the steps that should be taken in these circumstances. This policy creation will pave the way to finalize the infectious disease response plan that is due in September. Ms. Hurt thanked Mrs. Waymack for her assistance on this policy addition. Mr. Webb made a motion, seconded by Mrs. Waymack to approve the policy revisions as presented. Roll was called on the motion.

R-20-135

A-1.

RESOLUTION; PROPOSED REVISIONS; PRINCE GEORGE COUNTY PERSONNEL POLICIES; SECTION 47.1.1 THROUGH 47.4 ENTITLED *COMMUNICABLE DISEASE* AND SECTION 24.1 THROUGH 24.23 ENTITLED *LEAVE*

WHEREAS the Prince George County Personnel Policy Manual has been reviewed by staff and it has been recommended that the new policy entitled *Communicable Diseases* and the revised policy *Leave*, be reviewed and considered for revision in the County’s Personnel Policies;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Prince George, this 22nd day of September, 2020 does hereby amend the Prince George County Personnel Policy by approving a revision to the policy entitled *Leave* and the inclusion of a new policy entitled *Communicable Diseases* as requested.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-2. Resolution: Appropriation (\$49,590 DCJS Coronavirus Emergency Relief Funds – Commonwealth’s Attorney). Ms. Drewry stated that on August 31, 2020 the Prince George County Commonwealth’s Attorney received an email notice of an award of a Department of Criminal Justice Services (DCJS) Coronavirus Emergency Supplemental Funding grant in the

amount of \$49,590. We received the formal notice of award and Statement of Grant Award on September 10. Susan Fierro, Commonwealth's Attorney, applied for the grant (which does not require a local match) on June 30, 2020. The funds will be used to pay for Compensation and FICA tax for a part-time COVID-19 Response Docket Facilitator in the amount of \$49,240.00 and supplies and equipment totaling \$350.00. Mrs. Waymack made a motion, seconded by Mr. Brown, to approve the budget amendment / increase in General Fund revenues and expenditures. Roll was called on the motion.

R-20-136

A-2.

RESOLUTION; APPROPRIATION (\$49,590 DCJS CORONAVIRUS EMERGENCY RELIEF FUNDS – COMMONWEALTH'S ATTORNEY)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 22nd day of September, 2020, does hereby authorize the following increase of funds within the 2020-2021 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> |
|--|---------------|
| <u>Expenditure:</u> | |
| GENERAL FUND | |
| 0100-02-020-0205-41300 CA CESF Grant – PT Wages | \$45,741.00 |
| 0100-02-020-0205-42100 CA CESF Grant – FICA Tax | \$ 3,499.00 |
| 0100-02-020-0205-46001 CA CESF Grant – Office Supplies | \$ 100.00 |
| 0100-02-020-0205-46024 CA CESF Grant – Data Processing Supplies | \$ 250.00 |
| TOTAL | \$49,590.00 |
| <u>Revenue:</u> | |
| 0100-30-601-8305-330315 General Fund: DCJS CESF Grant Comm. Atty | \$49,590.00 |

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-3. Resolution; Appropriation (\$91,103.89 Plus Accrued Interest State Non-Arbitrage Program (SNAP) and Virginia Investment Pool (VIP) Investment Interest Proceeds).

Ms. Drewry stated that with an impending bond refunding to take advantage of lowered interest rates, remaining SNAP and Virginia Investment Pool investment interest for older and taxable borrowings needs to be appropriated and drawn down from the SNAP investment and VIP interest accounts. As of September 14, SNAP and VIP Interest Account Balances for older and taxable borrowings totaled \$91,103.89. Staff recommendation for use and appropriation is to (1) apply \$67,807.04 to debt repayments made on August 1 reducing General Fund Transfer to Debt Fund by that total and increasing budgeted General Fund Contingency, (2) apply \$10,000 to the purchase of hotspots, purchased from PG Rural Band, and the remaining \$172.32 plus accrued interest to debt repayment made on August, reducing General Fund Transfer to Debt Fund by \$172.32 and increasing budgeted General Fund Contingency, and (3) to apply \$13,124.53, plus

accrued interest to debt repayment made on August 1, and increase the Utility Capital Fund Contingency by that total. Mr. Brown made a motion, seconded by Mr. Webb, to approve the resolution as presented. Roll was called on the motion.

R-20-137

A-3.

RESOLUTION; APPROPRIATION (\$91,103.89 PLUS ACCRUED INTEREST STATE NON-ARBITRAGE PROGRAM (SNAP) AND VIRGINIA INVESTMENT POOL (VIP) INVESTMENT INTEREST PROCEEDS)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 22nd day of September, 2020, does hereby authorize the following increase of funds within the 2020-2021 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> |
|---|---------------|
| <u>Expenditure / Transfers Out:</u> | |
| MULTIPLE FUNDS [INCREASE / (DECREASE)]: | |
| 0311-09-401-3110-49173 CIP Fund Transfer to Debt Fund | \$67,979.36 |
| 0311-09-401-3110-49174 CIP Fund Transfer to Econ Dev Fund | \$10,000.00 |
| 0100-09-401-0917-49173 General Fund Transfer to Debt Fund | (\$67,979.36) |
| 0100-09-401-0917-49199 General Fund Contingency | \$67,979.36 |
| 0215-08-301-2151-48108 Econ Dev Fund – Broadband | \$10,000.00 |
| 0401-09-401-4000-49127 Debt Fund – Series 2014AB Debt Pmt. | \$25,412.55 |
| 0401-09-401-4000-49127 Debt Fund – Series 2014AB Debt Pmt. | (\$25,412.55) |
| 0401-09-401-4000-49229 Debt Fund – Series 2014C Debt Pmt. | \$15,053.73 |
| 0401-09-401-4000-49229 Debt Fund – Series 2014C Debt Pmt. | (\$15,053.73) |
| 0401-09-401-4000-49233 Debt Fund – Series 2015B Debt Pmt. | \$27,340.76 |
| 0401-09-401-4000-49233 Debt Fund – Series 2015B Debt Pmt. | (\$27,340.76) |
| 0401-09-401-4000-49243 Debt Fund – Series Fall 2019 Taxable Debt Pmt. | \$ 172.32 |
| 0401-09-401-4000-49243 Debt Fund – Series Fall 2019 Taxable Debt Pmt. | (\$ 172.32) |
| 0620-04-104-7004-49233 Utility Cap Fund – Series 2015B Debt Payment | \$13,124.53 |
| 0620-04-104-7004-49233 Utility Cap Fund – Series 2015B Debt Payment | (\$13,124.53) |
| 0620-04-104-7016-49199 Utility Cap Fund – Contingency | \$13,124.53 |

Revenue / Transfers-In:

MULTIPLE FUNDS [INCREASE / (DECREASE)]:

| | |
|---|---------------|
| 0311-40-900-8208-399999 CIP Fund, Fund Balance (Interest) | \$77,979.36 |
| 0620-40-900-8208-399999 Utility Capital Fund, Fund Balance (Int.) | \$13,124.53 |
| 0401-90-901-8207-399110 Debt Fund, Transfer from CIP Fund | \$67,979.36 |
| 0401-90-901-8207-399100 Debt Fund, Transfer from Gen Fund | (\$67,979.36) |
| 0215-90-901-8207-399199 Econ Dev Fund, Transfer from CIP Fund | \$10,000.00 |

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-4. Resolution; Affirmation Not to Allow Employee Payroll Tax Deferral Permitted by Executive Order / IRS Notice 2020-65. Ms. Drewry stated that President Trump issued an Executive Order allowing the deferral of social security tax withholdings. The IRS issued Notice 2020-65 related to this executive order. Participation in the deferral is optional for employers (not mandatory). The potential deferral applies to *only the employee portion of Social Security taxes* (6.2%) between September 1, 2020 and December 31, 2020, and eligible employees are those with taxable wages of \$4,000 or less for a bi-weekly payroll (comparable to \$4,333.33 for our semi-monthly payroll). The deferral does not apply to federal or state income tax withholdings. The deferral requires repayment between January 1, 2021 and April 30, 2021 and employees would “double up” on social security withholdings during that time period. We contacted several localities, and all polled indicated they were not allowing the tax deferral. [Colonial Heights, Chesterfield, Dinwiddie, Isle of Wight, Rockingham, Virginia Beach, Chesapeake]. The employer is ultimately liable for repayment of the deferred taxes. We run the risk of being responsible for repayment if an employee leaves employment prior to repayment completion; and bearing the expense for an employee withholding. The staff recommendation is to not allow employees to defer these taxes. If the Board would like to allow, the earliest implementation would be October 1, to allow for communication to employees and distribution and collection of information and forms. Additionally, Staff recommends having employees sign a form authorizing the County to collect the full amount of remaining tax deferral due from employees who separate employment prior to making full repayment. Staff also recommends not allowing participation by part-time temporary employees, as those employees may not work during time period of scheduled deferral repayment. Mrs. Waymack made a motion, seconded by Mr. Webb, to approve the resolution as presented. Roll was called on the motion.

R-20-138

A-4.

RESOLUTION; AFFIRMATION NOT TO ALLOW EMPLOYEE PAYROLL TAX DEFERRAL PERMITTED BY EXECUTIVE ORDER / IRS NOTICE 2020-65

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 22nd day of September, 2020, does hereby affirm that Prince George County will not allow employee deferral of payroll taxes permitted by Executive Order / IRS Notice 2020-65.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-5. Resolution: Award of Contract for Sewer Extension to Hopewell - Preliminary Engineering Report. Mr. Frank Haltom, County Engineer, stated that at the Board’s June retreat, options were presented to address the future wastewater capacity needs for the Southpoint Business Park and the County. One option is the extension of the wastewater infrastructure to the Hopewell Wastewater Treatment Facility. To further evaluate this option, Staff has recommended a Preliminary Engineering Report (PER) to be performed. The Engineering and Utilities Department has received a proposal from Dewberry Engineers to perform a PER to determine the required improvements, easements acquisition requirements, force main alignment, and project costs. This project will be completed utilizing the Annual

Engineering Services Contract. Staff recommends an award of the contract for the Sewer Extension to Hopewell PER to Dewberry Engineers for \$19,335. Mr. Webb made a motion, seconded by Mrs. Waymack, to approve the resolution as presented. Roll was called on the motion.

R-20-139

A-5.

RESOLUTION: AWARD OF CONTRACT FOR SEWER EXTENSION TO HOPEWELL - PRELIMINARY ENGINEERING REPORT.

WHEREAS, at the Board's June retreat, options were presented to address the future wastewater capacity needs for the Southpoint Business Park and the County, one option being the extension of the wastewater infrastructure to the Hopewell Wastewater Treatment Facility.

WHEREAS, staff has recommended a Preliminary Engineering Report (PER) to be performed to further evaluate this option; and

WHEREAS, The Engineering and Utilities Department has received a proposal from Dewberry Engineers to perform a PER to determine the required improvements, easements acquisition requirements, force main alignment, and project costs; and

WHEREAS, the project will be completed utilizing the Annual Engineering Services Contract. Staff recommends an award of the contract for the Sewer Extension to Hopewell Preliminary Engineering Report to Dewberry Engineers in the amount of \$19,335.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 22nd day of September, 2020, hereby awards the contract for the Sewer Extension to Hopewell Preliminary Engineering Report to Dewberry Engineers for \$19,335.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-6. Resolution: Award of Contract and Appropriation for the Route 156 Water Line Extension (\$2,601,513.40 Award to Perkinson Construction, LLC; \$323,576.24 Appropriation of Additional Funds). Mr. Frank Haltom, County Engineer, stated that the Route 156 Water Line Extension is a project planned as part of the County's Capital Improvement Plan that will extend the County's central water system from Mount Sinai Road to Pine Ridge Mobile Home Park. The construction plans were advertised for bid and five bids were received by the due date of August 27th and Perkinson Construction, LLC submitted the low bid of \$2,672,877.00. The County's consultant, Dewberry Engineers, have evaluated the bids received and recommend award to the lowest responsive bidder, Perkinson Construction,

LLC. Alternate Bid Item #3 is also recommended to be awarded for a total of \$11,613.00, reducing Base Bid Item #4 by 49 linear feet for a credit to the Total Base Bid of \$82,976.60, a savings of \$71,363.60, which reduces the total project cost to \$2,601,513.40. While Alternate Bid Items #2, #4, and #5 also provided the opportunity for additional cost savings, the savings are not as substantial, and the benefit of the steel casing pipe outweighs the cost savings. Staff recommends award of the project to Perkinson Construction LLC for the \$2,601,513.40, and an appropriation of funds in the amount of \$323,576.24 from Utilities Cash Reserves / Fund Balance to the Capital Improvement Plan to fund the project. Mr. Brown made a motion, seconded by Mr. Webb, to adopt the resolution as presented. Roll was called on the motion.

R-20-140

A-6.

RESOLUTION: AWARD OF CONTRACT AND APPROPRIATION FOR THE ROUTE 156 WATER LINE EXTENSION (\$2,601,513.40 AWARD TO PERKINSON CONSTRUCTION, LLC; \$323,576.24 APPROPRIATION OF ADDITIONAL FUNDS).

WHEREAS, the Route 156 water line extension is a project planned as part of the County's Capital Improvement Plan; and

WHEREAS, Route 156 water line construction plans were advertised for bid and five bids were received by the due date of August 27th and Perkinson Construction, LLC submitted the low bid of \$2,672,877.00; and

WHEREAS, Alternate Bid Item #3 is awarded for a total of \$11,613.00, reducing Base Bid Item #4 by 49 linear feet for a credit to the Total Base Bid of \$82,976.60, a savings of \$71,363.60, which brings the total project cost to \$2,601,513.40; and

WHEREAS, \$2,640,000 for the Route 156 Water Line Extension was included as part of the General Obligation borrowings, Bond Series Spring 2019. Total project encumbrances and expenditures to date are \$341,562.84, which includes engineering design, construction administration, inspection services, title search and easement acquisition; leaving \$2,298,437.16 available for construction; and

WHEREAS, Award of this contract requires additional appropriation of funds totaling \$323,576.24 which is available in Utility Cash Reserves / Fund Balance; and

WHEREAS, Award of this contract will provide for the extension of the Route 156 Water Line, and staff recommends award of the project to Perkinson Construction LLC with an appropriation of \$323,576.24 from Utilities Cash Reserves / Fund Balance.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 22nd day of September, 2020, hereby awards the contract for the Construction of a Route 156 Water Line Extension to Perkinson Construction LLC for \$2,601,513.40.

NOW, THEREFORE BE IT FURTHER RESOLVED That the Board of Supervisors of the County of Prince George this 22nd day of September, 2020, does hereby authorize and appropriate the following increase of funds within the 2020-2021 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> |
|--------------------------|--------------------------------------|---------------|
| Utilities Fund | | |
| Expenditures: | | |
| 0620-04-104-7003-49472 | Utilities – Transfer to CIP | \$323,576.24 |
| Revenues: | | |
| 0620-40-900-8208-399999 | Utilities Fund, Fund Balance | \$323,576.24 |
| CIP Fund | | |
| Expenditures: | | |
| 0311-04-104-3179-48405 | CIP – Route 156 Water Line Extension | \$323,576.24 |
| Revenues: | | |
| 0311-90-901-8207-399104 | CIP – Transfer from Utility Fund | \$323,576.24 |

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-7. Resolution; Award of Contract; (Central Wellness Center Renovations Phase I, \$1,470,000). Mr. Mike Purvis, General Services Director, stated that the Board of Supervisors approved Phase I code compliance renovations to the Central Wellness Center as a FY2020 capital project. The Board authorized a Fall Series 2019 bond issuance on November 13, 2019, and \$1,420,000 was borrowed for the CWC renovations. Another \$500,000 was borrowed in the spring of 2018 for a Central Wellness Center feasibility study and possible improvements. Total borrowing for this project is \$1,920,000. Commitments and expenditures to date total \$290,823.83 for the feasibility study and A/E services for the design and construction management of Phase I renovations. The amount available for Phase I renovations (construction) is \$1,629,176.17. The Architectural and Engineering work for the renovation was awarded to Enteros Design on December 10, 2019, and the Board was provided an overview of design plans and items to possibly include as bid alternate deducts on June 23, 2020. This overview provides information on the building improvements and systems that will be addressed in Phase I renovations, and on the four items that were included as bid alternates IFB#21-20-0504 “Central Wellness Center Renovation” was issued on August 4, 2020 with a September 9 closing date. This IFB and any addenda can be viewed on the County Finance website at <https://m.vendor.eprocgipdc.com/Viewer/public/AllOpportunities?agencyname=Prince%20George%20County>. Seven (7) bids were received. Staff is recommending award of contract to Centennial Contractors Enterprises, Inc. as the lowest responsive and responsible

bidder, for \$1,470,000, to include all bid alternates. Mrs. Waymack made a motion, seconded by Mr. Brown, to award the contract as presented. Roll was called on the motion.

R-20-141

A-7.

RESOLUTION; AWARD OF CONTRACT (CENTRAL WELLNESS CENTER RENOVATIONS PHASE I, \$1,470,000)

WHEREAS, \$1,629,176 for Phase I Renovations to Central Wellness Center is available from the General Obligation borrowings, Bond Series spring 2018 and Bond Series Fall 2019; and

WHEREAS, The Prince George County Board of Supervisors authorized design work for Phase I renovations to the Central Wellness Center to include improvements to address necessary code concerns related to:

- handicapped accessibility;
- mechanical systems;
- plumbing;
- electrical systems; and
- fire protection;

and to include as possible bid alternate deducts:

- a new generator;
- the addition of a new exterior ramp and stairs;
- renovations to the locker room; and
- a new domestic water line; and

WHEREAS, An Invitation for Bids (IFB # 21-20-0504) for Phase I renovations to the Central Wellness Center was issued on August 4, 2020 with responses due on September 9, 2020; and

WHEREAS, seven bids were received with the lowest bid received from Centennial Contractors Enterprises, Inc. in the amount of \$1,470,000 which includes all bid alternates; and

WHEREAS, Staff is requesting authorization for the County Administrator to enter into a contract with Centennial Contractors Enterprises, Inc. for \$1,470,000 to move forward with the Phase I renovations to the Central Wellness Center, including all bid alternates.

NOW, THEREFORE, BE IT RESOLVED That the Board of the Supervisors of the County of Prince George this 22nd day of September, 2020, hereby awards the contract for Phase I Renovations to the Central Wellness Center, including all bid alternates, to Centennial Contractors Enterprises, Inc. for \$1,470,000 and authorizes the County Administrator to execute a contract with Centennial Contractors Enterprises, Inc.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-8. Resolution: Authority to Advertise a Public Hearing for Eminent Domain for Utility Easement. Mr. Dan Whitten, County Attorney, stated that the Utilities Department notified the County Attorney's office that there was a breakdown in the negotiations for a necessary easement for the waterline construction project on US 460. The easement is shown on the plat. The Board must have a public hearing before the quick take procedure can begin. The County Attorney's office must also send a 30 day notice to the property owners which are noted in the enclosed Deed of Easement. Once the quick take procedure is approved by the Board after a public hearing, the County Attorney's office will file a certificate of quick take with the Circuit Court and also post a certificate of deposit for the value of the property. The County Attorney's office will then have 180 days to file the petition for condemnation with the Circuit Court to determine the just compensation. However, construction can immediately begin within the Easement after the certificate of quick take is filed with the Circuit Court. Mr. Webb made a motion, seconded by Mr. Brown, to authorize the advertisement of a public hearing on October 13. Roll was called on the motion.

R-20-142

A-8.

RESOLUTION: AUTHORITY TO ADVERTISE A PUBLIC HEARING FOR EMINENT DOMAIN FOR UTILITY EASEMENT

WHEREAS, Adrian Lamont Moore and the Estate of Bernice Walker are the owners of the real property known as Tax Map Number 450(0A)00-005-0 ("Property") in Prince George County referenced on a plat dated June 26, 2020, by Dewberry Engineers, Inc. entitled "Plat of a Variable Width Utility Easement Across the Property of Adrian Lamont Moore and the Estate of Bernice Walker TM 450(0A)00-005-0;" and

WHEREAS, Prince George County Utilities Department has requested a perpetual easement for the purpose of installing, constructing, maintaining, inspecting, operating, repairing, altering, replacing, and removing water mains, and other appurtenant facilities for the distribution and transmission of water within the Easement across the "Property"; and

WHEREAS, the owners of the "Property" and Prince George County Utility Department have had a breakdown in the negotiations for the necessary easement and a quick take is proposed; and

WHEREAS, the Board must have a public hearing and the County Attorney must send a 30 day notice to the "Property" owners before the quick take procedure can begin.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George County Board of Supervisors this 22nd day of September, 2020 does hereby authorize the advertisement of a public hearing on October 13, 2020 for Eminent Domain for a Utility Easement.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-9. Resolution; Authority to Advertise an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as Amended, by Enacting §§ 14-49 – 14-56 to Implement an Application Process and Regulations for Peddling and Soliciting in the County. Mr. Dan Whitten stated that the Police Department requested an Ordinance that would set an application process and regulations for peddling and soliciting in the County. A Solicitor is defined as any person who goes from door to door selling goods, wares, merchandise or services, or accepting or requesting donations. Such Solicitor will be required to register with the police department, fill out an application for a permit and pay an application fee. The Solicitor shall follow provisions of this article or face penalties. Exceptions to the application requirements include but are not limited to nonprofit religious, civic or charitable organizations who are registered with the police department, those selling fresh farm products, those canvassing for or on behalf of political candidates or referenda, and those twelve years of age or under. A motion approving authority to advertise the ordinance for a public hearing on October 27, 2020, is requested. Mrs. Waymack made a motion, seconded by Mr. Webb, that the Board approve advertisement of a public hearing on October 27 for an Ordinance implementing an application process and regulations for peddling and soliciting in the County. Roll was called on the motion.

R-20-143

A-9.

RESOLUTION; AUTHORITY TO ADVERTISE AN ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA,” AS AMENDED, BY ENACTING §§ 14-49 – 14-56 TO IMPLEMENT AN APPLICATION PROCESS AND REGULATIONS FOR PEDDLING AND SOLICITING IN THE COUNTY

NOW, THEREFORE, BE IT RESOLVED, that the Board Of Supervisors of the County of Prince George this 22nd day of September, 2020, does hereby authorize the advertisement of a public hearing for an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as amended, by enacting §§ 14-49 – 14-56 to Implement an Application Process and Regulations for Peddling and Soliciting in the County.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

A-10. Approval of Settlement Agreement with Pamela Bennett Related to Property Damage. Police Chief Keith Early stated that an officer was responding to a robbery during a rain event. He lost control of his patrol car, slid off of the roadway, and damaged a citizen's yard and mailbox. VACORP denied the claim. Staff would like to make the citizen whole and fix the problem that was created. He confirmed for Mr. Webb that the officer was fine. Mr. Brown moved, seconded by Mr. Webb, to approve the Settlement and Release Agreement. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

ADJOURNMENT. Mr. Brown moved, seconded by Mr. Webb, to adjourn to September 23 at 5:00 pm in the Boardroom. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Carmichael

The meeting adjourned at 9:37 p.m.

[Draft Minutes prepared October 1, 2020 for consideration on October 13, 2020; adopted by unanimous vote.]

Donald R. Hunter
Chairman, Board of Supervisors

Percy C. Ashcraft
County Administrator

MINUTES
Board of Supervisors
County of Prince George, Virginia

Adjourned Work Session
September 23, 2020
5:00 p.m.
County Administration Bldg. Boardroom, Third Floor
6602 Courts Drive, Prince George, Virginia

MEETING CONVENED. An adjourned meeting of the Board of Supervisors of the County of Prince George, Virginia, was called to order at 5:01 p.m. on Wednesday, September 23, 2020 in the Boardroom, County Administration Building, Third Floor, 6602 Courts Drive, Prince George, Virginia by Chairman Donald R. Hunter to take up the approval of a debt refunding option that was postponed from the September 22 Regular Meeting.

ATTENDANCE. The following members responded to Roll Call:

| | |
|-----------------------------------|---|
| Donald R. Hunter, Chairman | Present |
| Alan R. Carmichael, Vice-Chairman | Present [electronically from 9 th Street, Richmond, Virginia] |
| Floyd M. Brown, Jr. | Present |
| Marlene J. Waymack | Present |
| T. J. Webb | Present |

County Staff present was: Percy C. Ashcraft, County Administrator; Dan Whitten, County Attorney; Betsy Drewry, Finance Director and Deputy County Administrator; Julie C. Walton, Deputy County Administrator; and Teresa Knott, Clerk.

Invocation. Mr. Brown gave the Board's invocation.

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

APPROVAL OF AGENDA. Mrs. Waymack made a motion, seconded by Mr. Brown, to adopt the agenda as presented. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

TABLED ITEMS

T-1. Resolution; Approval of Debt Refunding Option (Virginia Resources Authority Pool Bond Program or Prince George County Direct Public Bond Issuance). Ms. Betsy Drewry, Deputy County Administrator and Finance Director, provided the two possible options for a possible savings and costs refunding County debt: Option 1, refunding through Virginia Resources Authority (VRA) fall 2020 borrowing pool and Option 2, issuance of County Debt in

public bond market. Mrs. Waymack made a motion, seconded by Mr. Carmichael, to approve Option 2 for the issuance of County Debt in the public bond market. Roll was called on the motion.

R-20-144

RESOLUTION AUTHORIZING THE PURSUIT OF A DEBT REFUNDING
THROUGH A DIRECT PUBLIC BOND ISSUANCE BY THE
COUNTY OF PRINCE GEORGE

WHEREAS, lower borrowing rates in the municipal finance market have created a potential opportunity for the Board of Supervisors (the "Board") of the County of Prince George, Virginia (the "County") to reduce annual debt service payments of the County if certain outstanding debt obligations are refunded; and

WHEREAS, on September 1, 2020 and September 8, 2020 Davenport & Company, LLC, the County's contracted financial advisor ("Davenport"), presented the Board with a list of outstanding bond issues that are candidates for refunding and two possible methods to refund the existing debt:

- 1) Refunding through the Virginia Resources Authority's ("VRA") Series 2020C Virginia Pooled Financing Program (the "VPFP"); or
- 2) Refunding through the direct issuance by the County of debt and the sale of its bonds in the public market.

WHEREAS, no action was taken by the Board as to the issuance of refunding bonds through either the VRA VPFP program or through the direct issuance of County bonds in the public market at its September 8, 2020 Board meeting; and

WHEREAS, after evaluating and discussing the potential risks and potential savings from each method further, the Board hereby elects to refund all or a portion of the refunding bond candidates identified by Davenport through the direct issuance by the County of refunding bonds in the public market.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Financing Option Selected. The Board on this 23rd day of September, 2020, hereby elects to pursue the refunding of certain existing debt obligations through the direct issuance by the County of its refunding bonds for sale in the public market.
2. Actions Authorized. The Board hereby authorizes and directs County staff to work with Williams Mullen, Bond Counsel, and Davenport, to move forward with necessary tasks to refund eligible debt from the candidates identified by Davenport through a direct issuance and sale of refunding bonds in the public marketplace.

3. Subsequent Board Action Required. Final approval of any refunding bond issue will occur through future Board action, and any resolutions associated with the refunding bonds will include guaranteed savings parameters that make such refunding beneficial to the County.

4. Ratification and Affirmation of Prior Actions. All actions previously undertaken by the County and its agents related to the direct issuance and sale of its refunding bonds is hereby ratified and affirmed.

5. Effective Date. This Resolution shall go into effect immediately.

On roll call the vote was:

In favor: (3) Waymack, Hunter, Carmichael

Opposed: (2) Brown, Webb

Absent: (0)

ADJOURNMENT. Mr. Webb made a motion, seconded by Mr. Brown, to adjourn at 5:06 p.m.

[Draft Minutes prepared October 1, 2020 for consideration on October 13, 2020; adopted by unanimous vote.]

Donald R. Hunter, Chairman
Chairman, Board of Supervisors

Percy C. Ashcraft
County Administrator