

MINUTES
Board of Supervisors
County of Prince George, Virginia

February 28, 2023

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

MEETING CONVENED. Chairman Donald R. Hunter called a regular meeting of the Board of Supervisors of the County of Prince George, Virginia, to order at 5:00 p.m. on February 28, 2023 in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia.

ATTENDANCE. The following members responded to Roll Call:

Donald R. Hunter, Chairman	Present
T. J. Webb, Vice-Chairman	Present
Floyd M. Brown, Jr.	Present
Alan R. Carmichael	Present
Marlene J. Waymack	Present [Electronically from home for medical purpose]

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

CLOSED SESSION

E-1. Resolution; Closed Session for (1) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officer, appointee or employee of the public body; I further move that such discussion shall be limited to (a) Senior Task Force and (b) Appomattox River Water Authority; and (ii) Section 2.2-3711.A.5 – Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Such discussion shall be limited to a business off Rives Road; and (iii) Section 2.2-3711.A.8 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, and such discussion shall be limited to (a) an Agreement for the use of Opioid Settlement Funds and (b) an amendment to the L3 Harris contract. Mr. Webb made a motion, seconded by Mr. Brown, that the Board convene closed session for (1) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officer, appointee or employee of the public body; I further move that such discussion shall be limited to (a) Senior Task Force and (b) Appomattox River Water Authority; and (ii) Section 2.2-3711.A.5 – Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Such discussion shall be limited to a business off Rives Road; and

(iii) Section 2.2-3711.A.8 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, and such discussion shall be limited to (a) an Agreement for the use of Opioid Settlement Funds and (b) an amendment to the L3 Harris contract.

R-23-042

E-1.

RESOLUTION; CLOSED SESSION FOR (1) SECTION 2.2-3711.A.1 – DISCUSSION OR CONSIDERATION OF THE ASSIGNMENT, APPOINTMENT, PROMOTION, PERFORMANCE, DEMOTION, SALARIES, DISCIPLINING OR RESIGNATION OF A SPECIFIC PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF THE PUBLIC BODY; I FURTHER MOVE THAT SUCH DISCUSSION SHALL BE LIMITED TO (A) SENIOR TASK FORCE AND (B) APPOMATTOX RIVER WATER AUTHORITY; AND (II) SECTION 2.2-3711.A.5 – DISCUSSION CONCERNING A PROSPECTIVE BUSINESS OR INDUSTRY OR THE EXPANSION OF AN EXISTING BUSINESS OR INDUSTRY WHERE NO PREVIOUS ANNOUNCEMENT HAS BEEN MADE OF THE BUSINESS' OR INDUSTRY'S INTEREST IN LOCATING OR EXPANDING ITS FACILITIES IN THE COMMUNITY. SUCH DISCUSSION SHALL BE LIMITED TO A BUSINESS OFF RIVES ROAD; AND (III) SECTION 2.2-3711.A.8 FOR CONSULTATION WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY SUCH COUNSEL, AND SUCH DISCUSSION SHALL BE LIMITED TO (A) AN AGREEMENT FOR THE USE OF OPIOID SETTLEMENT FUNDS AND (B) AN AMENDMENT TO THE L3 HARRIS CONTRACT

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of February, 2023, does hereby vote to enter closed session for (1) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officer, appointee or employee of the public body; I further move that such discussion shall be limited to (a) Senior Task Force and (b) Appomattox River Water Authority; and (ii) Section 2.2-3711.A.5 – Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Such discussion shall be limited to a business off Rives Road; and (iii) Section 2.2-3711.A.8 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, and such discussion shall be limited to (a) an Agreement for the use of Opioid Settlement Funds and (b) an amendment to the L3 Harris contract.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

E-2. Resolution; Certification of Closed Session. At 5:41 p.m., Mr. Carmichael 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.

R-23-042A

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 28th day of February, 2023 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: (5) Waymack, Webb, Hunter, Carmichael, Brown

Opposed: (0)

Absent: (0)

Chairman Hunter called a recess at 5:42 pm. The meeting reconvened at 6:00 pm.

WORK SESSION

Colonel James D. Hoyman, Garrison Commander of Fort Lee, requested that the Board save the date for the Redesignation of Fort Lee to Fort Gregg-Adams planned for 27 April 2023. The ceremony will take place on Fort Lee. Official invites will follow with ceremony details. He stated that they look forward to the Board joining them for this momentous occasion. Colonel Hoyman went on to explain the history behind the name Gregg-Adams. It is the combination of two namesakes, Lt. General Arthur Gregg and Lt. Col. Charity Adams. Lt. General Arthur Gregg is the only living member namesake. He is 94 years young and was the highest-ranking African-American Officer in the Army when he retired in 1981. He entered the Army after WWII and at that time it was a segregated Army. Therefore, at that time on Fort Lee he was not allowed to use the Lee Club. Col. Hoyman is pleased to announce that the Lee Club will be changed to the Arthur Gregg Club. Lt. General Gregg will be present at the ceremony. Fort Lee, when it was Camp Lee, was the home of the Women's Auxiliary Corp. Fort Lee today houses the Women's Army Museum. Lt. Col. Charity Adams is highlighted there as the first female battalion commander in WWII and the highest-ranking African-American female officer. Her story will be captured in a Netflix documentary this summer. She is deceased. However, her family will be a part of the Redesignation Event. Col. Hoyman stated that this redesignation will

be a process and the signs outside the base may not change right away. In addition, the bridge will be changed to the Gold Star Bridge to represent the families that have lost loved ones in combat. Lastly, Col. Hoyman presented the Board with a key to Fort Lee.

Mr. Frank Haltom, County Engineer, gave an update on the Advanced Metering Infrastructure (AMI) Project. The project was awarded early last year and they expect it to be completed by the end of this calendar year. There are currently 10 Data Collector Unit (DCU) Poles that they are planning to install as part of the AMI network. They are hoping that all of the meters will arrive by October. They do not expect any other change orders or adjustments at this point after the final scope of work. They should be ready by January, 2024 for cleanup and start. The 10 DCUs will be mounted on 30-35' tall wooden poles and also installed on five elevated water towers and one above ground water tank. The DCUs will collect information from water meters and convey it to the office. They will be installed on the Jordan on the James Well Lot, Beechwood Park, Bicorn Well Lot at River's Edge, the Treatment Plant Lot on River Road, the Volunteer Fire Department (Company 2)/Appomattox Regional Library in Disputanta, and Walton Elementary School. Mr. Haltom assured Mr. Carmichael that the equipment would be far enough up that it would be safe. If the equipment were to be damaged, the vendor is responsible for repairing it, even in the case of vandalism. The purchase and installation of the poles have been added to the contract. There is almost \$31,710 remaining in Contingency, which they do not plan on using at this point.

Mr. Haltom gave an update on other Utilities projects. (1) Food Lion Tank and Booster Station - final flushing, disinfection, and testing is scheduled to occur over the next two to three weeks. (2) Waterline Extension to Route 10 Corridor - project awarded to Walter C. Via. Working on final contract/agreement. (3) Temple Avenue Tank and Booster Station - easement acquisition needed to finalize route of water main. (4) Waterline under Appomattox River - plans submitted to VDH, Colonial Heights and Chesterfield for review and approval. (5) Southpoint Business Park Force Main Realignment - one property owner still negotiating easement. Notice to Proceed March 1. Receiving contractor's submittals of materials for review by consultant. (6) Blackwater Swamp Gravity Interceptor and Pump Station - consultant working on basis of design and preliminary design drawings. Letters requesting entry for land surveying were sent to property owners. A public meeting will be held on March 6 to give property owners a chance to ask additional questions regarding the project. (7) Route 301/Exit 45 Water Withdrawal Permit - public notice for comments was published February 22 and comment period ends March 24. Consultant is working with VDH to get the new well site approved adjacent to existing tank. (8) Utilities Master Plan Update - kick-off meeting held February 23. Will schedule meeting in March with Planning and Economic Development to discuss projections for population, land use, and growth areas. (9) Route 156 Tank and Booster Station - consultant is coordinating water model with VA American Water. Preliminary design started on the tank and pump station. (10) Golf Course Drive Force Main Easement - a recorded easement was found during the title search.

Chairman Hunter called a recess at 6:35 pm. The meeting reconvened at 7:00 pm.

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.

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. Chairman Hunter opened the public comments at 7:02 p.m.

Mr. Randy Banton, Jr. (10000 Golf Course Drive). Mr. Banton has a property beside him that is zoned commercial and for sale by the County. He stated that it splits two residential properties and is not sure why it is zoned commercial and is concerned about the future of that property if sold and how it may affect his property and his family.

There being no one else to speak, the public comment period was closed at 7:04 p.m. Mrs. Waymack left the meeting at 7:05 p.m. due to technical difficulty.

APPROVAL OF AGENDA. After requesting that Item A-8 be deleted, Mr. Carmichael made a motion, seconded by Mr. Brown, to adopt the agenda as amended. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Waymack

ORDER OF CONSENSUS. Mr. Webb made a motion, seconded by Mr. Brown, to adopt the Order of Consensus as presented. Roll was called on the motion.

C-1. Draft Minutes – February 14, 2023 Regular Meeting Minutes.

R-23-043

C-2.

RESOLUTION; APPROPRIATION VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT NEXT-GEN 911 “DELTA” FUNDS (\$66,456.72)

WHEREAS, the Virginia Department of Emergency Management will be providing state funding to assist localities who have upgraded to required NextGen 911 systems by paying the difference between monthly recurring charges from legacy systems to new AT&T services (referred to as Delta Payments); and

WHEREAS, Prince George County has received year one VDEM NextGen 911 Delta payments in the amount of \$66,456.72 which have not been appropriated to the FY2023 budget.

NOW, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of February, 2023, does hereby authorize and appropriate the following increase of funds within the 2022-2023 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>
General Fund		
Expenditures:		
0100-03-100-0603-45230	ECC Telephone Charges	\$66,456.72
Revenues:		
0100-20-601-8203-323104	VDEM NextGen 911 Funds	\$66,456.72
		R-23-043A

C-3.

RESOLUTION; APPROPRIATION (\$49,833.00 STATE LIBRARY OF VIRGINIA RECORDS PRESERVATION GRANT)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of February, 2023, does hereby authorize the following increase of funds within the 2022-2023 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>
GENERAL FUND		
<u>Expenditure:</u>		
0100-02-010-0202-43550	Clerk of Court Records Preservation Services	\$49,833.00
<u>Revenue:</u>		
0100-20-601-8205-323102	State Records Preservation Grant	\$49,833.00

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Waymack

SUPERVISORS COMMENTS

Mr. Hunter announced that Aidan Bryant won on America's Got Talent and that he represented our County well and we would like to congratulate him.

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Jeff Stoke, Deputy County Administrator, stated that there will be a Grand Opening / Ribbon Cutting Ceremony on March 10 for Leora Bridal at 12:00pm at 5503 Ruffin Road, Prince George, VA 23875 (The Barns of Kanak). "Family Fun Day" w/ Home Run Heroes Softball Tournament for Special Olympics will be held at JEJ Moore Sports Complex, 11455 Prince George Drive, from 10:00am - 4:00pm on March 11. Major General Mark Simerly has announced the Combined Arms Support Command and United States Army Garrison requests you SAVE THE DATE for the Redesignation of Fort Lee to Fort Gregg-Adams planned for 27 April 2023. The ceremony will take place on Fort Lee. Official invites to follow with ceremony

details. We look forward to you joining us for this momentous occasion.

ORDER OF BUSINESS

A-1. Resolution: Approval of Lease Agreement Amendment with Petersburg Cellular Partnership D/B/A Verizon Wireless for a Space on the Water Tank Located on Sawmill Road. Mr. Frank Haltom, County Engineer, stated that Verizon Wireless entered into a Lease Agreement with the County to place their equipment on the Courthouse water tank in July, 2018. Upon the County performing maintenance on the tower, this equipment must be relocated to allow better access for Utility's Staff and contractors to the top of the tank. The Lease Agreement identifies the location of equipment on the tower. Therefore, the Lease Agreement must be amended to identify the new location of the equipment. Exhibit A of the Lease Agreement identifies the location of the equipment on the tank and on the property. The only change is on page 4 of 6 of Exhibit A. The previous page 4 will be replaced with a new page 4. Mr. Brown made a motion, seconded by Mr. Webb, to adopt a resolution approving the first amendment to the Lease Agreement. Roll was called on the motion.

R-23-044

A-1.

RESOLUTION: APPROVAL OF LEASE AGREEMENT AMENDMENT WITH PETERSBURG CELLULAR PARTNERSHIP D/B/A VERIZON WIRELESS FOR A SPACE ON THE WATER TANK LOCATED ON SAWMILL ROAD

WHEREAS, the County approved a lease agreement dated July 10, 2018 to Petersburg Cellular Partnership d/b/a Verizon Wireless, for space on the water tank located on Sawmill Road, Tax Map 230(0A)00-041-C; and

WHEREAS, an amendment is required to identify the new location of the Verizon Wireless equipment to address the accessibility of the tank.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 28th day of February, 2023, hereby approve the First Amendment to the Lease Agreement.

On roll call the vote was:

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

Opposed: (0)

Absent: (1) Waymack

A-2. Resolution: Authorization to Submit DWSRF/VDH Grant Application for Lead Service Line Inventory. Mr. Haltom stated that the Environmental Protection Agency (EPA) has mandated that all public water systems create an inventory of the water service line pipe materials throughout the system. The inventory must include the pipe materials for both the public side and private side of the water service lines. The inventory must be completed by

October 2024. Cornwell Engineering Group is assisting the County to apply for funds for the replacement of these water lines through the Drinking Water State Revolving Fund (DWSRF) administered by the Virginia Department of Health (VDH). A successful application could provide grant funds or a low interest loan for projects that demonstrate a benefit to drinking water systems. The cost to perform the necessary fieldwork and research of existing records is estimated at \$100,000. All costs are eligible for funding. Any funds received through this application will reduce the costs to the County to perform this mandated activity. In order to submit a strong application, it is recommended the Board adopt a resolution in support of the project. Additionally, Staff is seeking Board authorization to apply for funding through the Drinking Water State Revolving Fund (DWSRF) administered by the Virginia Department of Health (VDH). Mr. Carmichael made a motion, seconded by Mr. Brown, to adopt a resolution authorizing the application for funding through the Drinking Water State Revolving Fund (DWSRF) administered by the Virginia Department of Health (VDH). Roll was called on the motion. Mrs. Waymack returned to the meeting electronically at 7:13 p.m.

R-23-045

A-2.

RESOLUTION: AUTHORIZATION TO SUBMIT DWSRF / VDH GRANT APPLICATION FOR LEAD SERVICE LINE INVENTORY

WHEREAS, the County desires to make an application for funding through the Drinking Water State Revolving Fund (DWSRF) administered by the Virginia Department of Health (VDH) to fund the cost of a lead service line inventory; and

WHEREAS, an award of funding would reduce the costs to the County for the EPA mandate to perform a lead service line inventory.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 28th day of February, 2023, hereby authorizes an application for funding through the Drinking Water State Revolving Fund (DWSRF) administered by the Virginia Department of Health (VDH) to perform a lead service line inventory.

On roll call the vote was:

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

Opposed: (0)

Abstained: (0)

A-3. Resolution; Authority to Advertise an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as Amended, by Amending §§ 82-236 and 82-511 to Require Payment of Connections Fees Prior to Issuance of a Building Permit. Mr. Haltom stated that due to the remaining amount of water capacity in the central water system and the high volume of requests for capacity, amendments to Chapter 82 are recommended to clarify when the payment of water and sewer connections fees are required. The amendments to ordinance include the following: Sec. 82- 236 & Sec. 82-511– Payment of utility bills. Currently

allows single-family dwelling connection fees be paid at the time of application (i.e. prior to meter installation). The amendment will require connection fees for all uses be paid prior to receiving a building permit. Staff requests the authority to advertise a public hearing for March 28, 2023 to consider the amendment and adoption of the County ordinance. Mr. Webb made a motion, seconded by Mr. Brown to approve the advertisement of an Ordinance for a public hearing on March 28, 2023, amending the code requiring payment of connections fees prior to issuance of building permit. Roll was called on the motion.

R-23-046

A-3.

RESOLUTION; AUTHORITY TO ADVERTISE AN ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA,” AS AMENDED, BY AMENDING §§ 82-236 AND 82-511 TO REQUIRE PAYMENT OF CONNECTIONS FEES PRIOR TO ISSUANCE OF A BUILDING PERMIT

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Prince George this 28th day of February, 2023, does hereby authorize the advertisement of a public hearing on March 28, 2023 for an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as amended, by amending §§ 82-236 and 82-511 to require payment of connections fees prior to issuance of a building permit.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

A-4. Resolution: Authority to Advertise a Public Hearing for Eminent Domain for Utility Easement. Mr. Haltom stated that the Utilities Department is experiencing a breakdown in the negotiations with the owner of a parcel, identified as Tax Map 340(0A)00-007-G, for a necessary easement for the Southpoint Business Park Wastewater Pump Station force main realignment project. The Board must have a public hearing before the quick take procedure can begin. The County Attorney’s office must send a 30-day notice to the property owner after the quick take is approved by the Board. 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. Carmichael made a motion, seconded by Mr. Brown, to approve the authority to advertise Eminent Domain for a Utility Easement for a public hearing on March 28, 2023. Roll was called on the motion.

R-23-047

A-4.

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

WHEREAS, Brenden S. and Kayli N. Merritt are the owners of the real property known as Tax Map Number 340(0A)00-007-G (“Property”) in Prince George County referenced on a plat dated December 2, 2022, by Bowman Consulting entitled “16’ Sanitary Sewer Easement, Brenden S. and Kayli N. Merritt;” and

WHEREAS, Prince George County Utilities Department has requested a sanitary sewer easement for the purpose of the force main realignment project across the “Property”; and

WHEREAS, the owner of the “Property” and Prince George County Utilities 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” owner before the quick take procedure can begin.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 28th day of February, 2023, does hereby authorize the advertisement of a public hearing on March 28, 2023 for Eminent Domain for a Utility Easement.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

A-5. Resolution; Authority to Advertise an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as Amended, by Amending §§ 74-301, 74-302, 74-304, 74-306 and 74-310 and by Enacting § 74-304.1 to Add New Definitions to Align with the State Code and to Change the Process by Which Transient Occupancy Taxes are Collected from Accommodation Providers and Accommodation Intermediaries. Mr. Dan Whitten, County Attorney, stated that definitions regarding Transient Occupancy Tax are being changed to align with State Code definitions. Section 74-304 is being changed to explain the Collection of Tax process for Accommodations facilitated by an Accommodation Intermediary and those without an Accommodation Intermediary. Enacting Section 74-304.1 will set out the steps to report and remit Transient Occupancy Taxes to the Commissioner of Revenue’s office. A motion approving authority to advertise the ordinance for a public hearing on March 28, 2023 is requested. Mr. Brown made a motion, seconded by Mr. Webb, to authorize the advertisement of an Ordinance for a public hearing on March 28, 2023 adding new definitions to align with the State Code and to change the process by which transient occupancy taxes are collected. Roll was called on the motion.

RESOLUTION; AUTHORITY TO ADVERTISE AN ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA,” AS AMENDED, BY AMENDING §§ 74-301, 74-302, 74-304, 74-306 AND 74-310 AND BY ENACTING § 74-304.1 TO ADD NEW DEFINITIONS TO ALIGN WITH THE STATE CODE AND TO CHANGE THE PROCESS BY WHICH TRANSIENT OCCUPANCY TAXES ARE COLLECTED FROM ACCOMMODATION PROVIDERS AND ACCOMMODATION INTERMEDIARIES

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Prince George this 28th day of February, 2023, does hereby authorize the advertisement of a public hearing on March 28, 2023 for an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as amended, by amending §§ 74-301, 74-302, 74-304, 74-306 and 74-310 and by enacting § 74-304.1 to add new definitions to align with the State Code and to change the process by which transient occupancy taxes are collected from accommodation providers and accommodation intermediaries.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

A-6. Resolution: Amendment 4 to the Communications Systems Agreement Between L3Harris Technologies, Inc., Communication Systems Segment and the County of Prince George, Virginia. Mr. Whitten stated that L3Harris Technologies, Inc. and Prince George County entered into a Communications System Agreement on December 6, 2019. L3Harris Technologies has requested Amendment 4 to the agreement as set out as follows: (a) The Warranty Period for the System commenced on February 13, 2023; (b) Liquidated Damages are no longer applicable to this agreement; (c) Prince George County will accept the system upon completion of the mutually agreed upon punch list as well as all requirements of the Agreement, as amended; (d) Page 3 of 45 of the Master Services Agreement dated November 13, 2020 is deleted in its entirety and replaced with Attachment 1 to this Amendment; (e) There shall be no cost to the Buyer for year 2 of the Master Services Agreement; and (f) The seller shall provide and install two consoles at the Emergency Communications Center. Mr. Webb made a motion, seconded by Mr. Brown to approve the resolution to authorize the County Administrator to sign Amendment 4 to the Communications Systems Agreement between L3Harris Technologies, Inc., Communication Systems Segment and the County of Prince George, Virginia. Roll was called on the motion.

R-23-049

A-6.

RESOLUTION: AMENDMENT 4 TO THE COMMUNICATIONS SYSTEMS AGREEMENT BETWEEN L3HARRIS TECHNOLOGIES, INC., COMMUNICATION SYSTEMS SEGMENT AND THE COUNTY OF PRINCE GEORGE, VIRGINIA

NOW, THEREFORE, BE IT RESOLVED that the Prince George County Board of Supervisors this 28th day of February, 2023, does hereby authorize the County Administrator to execute Amendment 4 to the Communications Systems Agreement between L3Harris Technologies, Inc., Communication Systems Segment and the County of Prince George, Virginia.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

A-7. Resolution Approving Participation in the Proposed Settlement of Opioid-Related Claims Against Teva, Allergan, Walmart, Walgreens, CVS, and Their Related Corporate Entities. Mr. Whitten stated that Prince George County, through outside counsel, has filed suit against Teva, Allergan, Walmart, Walgreens, CVS and certain of their related corporate entities for their role in the distribution, manufacture, and sale of pharmaceutical opioid products that have fueled the opioid epidemic. Settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them. Prince George County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “Virginia MOU”), and affirms that these pending settlements with Teva, Allergan, Walmart, Walgreens, and CVS shall be considered “settlements” that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen. Outside counsel has recommended that Prince George County participate in the settlements in order to recover its share of the funds that the settlement would provide. Staff recommends that the Board approve the participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities. Mr. Brown made a motion, seconded by Mr. Webb, to adopt a Resolution confirming Prince George County’s participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities.

R-23-050

A-7.

**RESOLUTION APPROVING PARTICIPATION IN THE PROPOSED SETTLEMENT OF
OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS,
CVS, AND THEIR
RELATED CORPORATE ENTITIES**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Prince George County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Prince George County’s various departments and agencies; and

WHEREAS, Prince George County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Prince George County; and

WHEREAS, Prince George County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Prince George County; and

WHEREAS, The County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, Walgreens, and CVS shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, Prince George County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW, THEREFORE, BE IT RESOLVED that the Prince George County Board of Supervisors approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

**A-9. Consideration of Appointments – Board, Commissions, Committees, Authorities:
Resolution of Appointment(s):**

A. Resolution; Appointments (Four Members); Senior Task Force. Mr. Carmichael made a motion, seconded by Mr. Brown, to appoint Ms. Renee Garnett, Ms. Terri Holman, Ms. Victoria Robinson, and Ms. Ruth Parham to the Senior Task Force. Roll was called on the motion.

R-23-051

A-9A.

RESOLUTION; FOUR APPOINTMENTS; SENIOR CITIZEN TASK FORCE

WHEREAS, On March 9, 2021, the Prince George County Board of Supervisors established a task force to address the needs of the growing number of senior citizens in the County; and

WHEREAS, the Senior Citizen Task Force consists of seven citizens of the County; and

WHEREAS, There are currently four terms expiring on February 28, 2023.

NOW, THEREFORE BE IT RESOLVED: That the Board of Supervisors of the County of Prince George this 28th day of February, 2023, does hereby appoint Ms. Renee Garnett, Ms. Terri Holman, Ms. Victoria Robinson, and Ms. Ruth Parham to serve on the Prince George County Senior Citizen Task Force effective March 1, 2023, and ending on February 28, 2025.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

B. Resolution; Appointment (One Alternate); Appomattox River Water Authority. Mr. Carmichael made a motion, seconded by Mr. Webb, to reappoint Mr. Frank Haltom as the alternate representative on the Appomattox River Water Authority. Roll was called on the motion.

R-23-052

A-9B.

RESOLUTION; APPOINTMENT (ONE ALTERNATE) TO APPOMATTOX RIVER WATER AUTHORITY BOARD FOR FOUR-YEAR TERM

WHEREAS, The term of Mr. Frank Haltom as an alternate of the Appomattox River Water Authority will expire on February 28, 2023.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of February, 2023 does hereby reappoint Frank Haltom as Prince George County's alternate representative to the Appomattox River Water Authority Board for a four-year term beginning February 28, 2023 and ending on February 28, 2027.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

PUBLIC HEARINGS

P-1. Public Hearing; Ordinance to Amend “The Code of the County of Prince George, Virginia,” as Amended, by Amending §74-265 to Clarify that Simple Interest Shall Be Added to Rollback Taxes at the Rate Applicable to Delinquent Taxes in the County. Mr. Whitten stated that Section 74-265 states that a roll-back tax is imposed upon any property as to which the use changes to a non-qualifying use or the zoning thereof is changed to a more intensive use at the request of the owner. The amendment to Section 74-265 will state the roll-back tax shall be equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on such roll-back tax at the rate applicable to delinquent taxes in the County for each of the tax years. A motion approving the ordinance is requested. Chairman Hunter opened the public hearing at 7:32 p.m. There was no one to speak and the public hearing was closed. Mr. Brown made a motion, seconded by Mr. Webb, to approve an Ordinance clarifying simple interest added to roll-back taxes at the rate applicable to delinquent taxes in the County. Roll was called on the motion.

O-23-07

P-1.

ORDINANCE TO AMEND § 74-265 OF “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, TO CLARIFY THAT SIMPLE INTEREST SHALL BE ADDED TO ROLLBACK TAXES AT THE RATE APPLICABLE TO DELINQUENT TAXES IN THE COUNTY

BE IT ORDAINED by the Board of Supervisors of Prince George County:

- (1) *That § 74-265 of The Code of the County of Prince George, Virginia, 2005, as amended, is amended as follows:*

CHAPTER 74 TAXATION

Article VII. REAL PROPERTY TAX GENERALLY

DIVISION 3. – SPECIAL ASSESSMENT FOR LAND PRESERVATION

Sec. 74-265. – Roll-back tax imposed.

There is hereby imposed a roll-back tax, in such amount as may be determined under Code of Virginia, § 58.1-3237, upon any property as to which the use changes to a nonqualifying use or the zoning thereof is changed to a more intensive use at the request of the owner or his agent. **The roll-back tax shall be equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on such roll-back taxes at the rate applicable to delinquent taxes in the county for each of the tax years.**

- (2) *That this Ordinance shall be effective upon adoption.*

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

P-2. Public Hearing Ordinance to Amend § 30-62 of “The Code of the County of Prince George, Virginia”, 2005, as Amended, to Change the Polling Locations for the Rives Precinct and Jefferson Park Precinct. Mr. Whitten stated that Walton Elementary School is the current polling location for the Rives (104) Precinct. Walton Elementary School closed February 17, 2023. The new Middle Road Elementary School opened for students February 21, 2023. Faith Baptist Church on Middle Road is the current polling location for the Jefferson Park (205) Precinct. There are concerns about accessibility from the parking lot to the rear basement entrance. You have to walk down a steep hill, which could be dangerous in inclement weather. Also, there are ADA concerns since there is limited handicap parking by the rear entrance. The Board of Elections and Registrar’s office has been able to secure new polling locations for the Rives and Jefferson Park Precincts. Rives Precinct polling location will be Sacred Heart Catholic Church at 9300 Community Lane, located on Route 460, County Drive. Jefferson Park Precinct polling location will be the new Middle Road Elementary School, 5400 Middle Road. To make these changes, the Board will need to amend County Code § 30-62 to designate new polling locations. The Registrar’s office will mail letters to the public advising them of the new polling locations. A motion approving the new polling locations by amending County Code § 30-62 is requested. Deborah Young, Secretary of the Electoral Board, stated that they are recommending Sacred Heart Catholic Church as the new location for the Rives precinct. She stated that additional locations have been reviewed and they have considered the Central Wellness Center. On behalf of the Electoral Board she thanked Faith Baptist for their cooperation and assistance over the years in the Jefferson Park Precinct, but believe that the new elementary school would be a much better fit. Ms. Janice Ganoë has been an Elections Officer for over 30 years and has been in the Jefferson Park Precinct for the last six as Chief Election Officer. She stated that while Faith Baptist Church has been very generous, there are liability concerns regarding accessibility from the parking lot to the rear basement entrance and ADA concerns since there are limited handicapped parking spaces. She stated that schools are multi-use buildings that serve elections well. She stated that moving the location from Faith Baptist Church to the Middle Road Elementary School sooner rather than later would be the right choice. In regard to the Rives Precinct, Ms. Young went over the pros for Sacred Heart Church versus the cons for the Central Wellness Center. Sacred Heart Church is near the existing polling location and 95% of the population lives in the vicinity. Location, parking, and accessibility is good at Sacred Heart Church. It is located between two traffic signals, reducing potential safety concerns. In addition, voters may exit behind the 7-Eleven and there are no voter suppression concerns. The Central Wellness Center is 5.1 miles from the existing polling location and only 5% of the population lives in this area. She stated that it is a 15 minute additional drive time on Rt. 460. In addition, there is exposure to the Food Lion Distribution truck traffic and Route 156 left turn safety hazards with the left turn lane back-up. Also, there is a blind spot to the traffic light if you are behind one of those trucks. There is also a potential perception of voter suppression where only 5% of voters are located. Chairman Hunter opened the public hearing at 7:51 p.m.

Ms. Tammie Miller Jennings (Sandy Ridge Road). Ms. Jennings spoke against the new location in the Rives Precinct at Sacred Heart Catholic Church and in favor of the Central Wellness Center. The Central Wellness Center has undergone major renovation and is the central location for catastrophic emergencies. It has a generator, locker room and shower facilities. There is a separate ingress and egress which is far superior to the entrance at Sacred Heart Church. Moving a precinct should be thoughtfully and carefully considered for future growth. Sacred Heart is located in the heart of a heavily travelled, growing area. If we are going outside of a voting precinct for the best location, the Central Wellness Center only makes sense. She added that early voting is not permanent in the Constitution and should not be used as a reason to negate traffic to a polling location.

There being no one else to speak, Chairman Hunter closed the public hearing at 7:54 p.m. Mr. Brown stated that he has nothing against Sacred Heart Church being the new polling location. However, he is very concerned about the growth and the traffic in that area. He agrees that a new polling location should be considered for future growth. He is fully aware of how much has been invested in the Central Wellness Center and understands the concern of the Distribution Center truck traffic, but he does think the Central Wellness Center would be a better location and the best facility. He stated that he is more concerned about the truck traffic and railroad crossing at Rives Road. He supports the Jefferson Park move to the new elementary school, but he cannot support the Rives Road location to Sacred Heart Catholic Church. Mr. Carmichael agreed with Mr. Brown. He is in favor of using a County building. Mr. Webb agrees with the Central Wellness Center as well. He stated it is not their job to make people mindful of the law when they are speeding to get to a voting location or running a red light. He too is concerned about the railroad crossing at Sacred Heart. Mrs. Waymack stated that she is in favor of using a County building as well. Mr. Whitten stated that they would need to readvertise a public hearing for the Rives Precinct for March 28 offering both Sacred Heart Catholic Church and the Central Wellness Center as options. They could move forward with the Jefferson Park Precinct this these evening if they are in agreement to do so. Mr. Carmichael made a motion, seconded by Mr. Brown, to approve the Middle Road Elementary School as the new polling location for Jefferson Park Precinct (205) and to readvertise the Rives Precinct (104) for a public hearing on March 28 for the options of a new polling location at either Sacred Heart Catholic Church or the Central Wellness Center. Roll was called on the motion.

O-23-08

P-2.

ORDINANCE TO AMEND § 30-62 OF “THE CODE OF THE COUNTY OF
PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED,
TO CHANGE THE POLLING LOCATION FOR THE JEFFERSON PARK PRECINCT

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) *That § 30-62 of The Code of the County of Prince George, Virginia, 2005, as amended, is amended as follows:*

CHAPTER 30 – ELECTIONS

ARTICLE II. – ELECTIONS DISTRICTS

DIVISION 2. – PRECINCTS AND POLLING PLACES

Sec. 30-62. - Polling places designated.

Pursuant to authority contained in Code of Virginia, 1950, as amended, §§ 24.2-305—24.2-310.1, the polling places for each precinct are established as follows:

ELECTION DISTRICT NO. 1

Precinct No.	Polling Place
101	Richard Bland College, Richard Bland Barn Theater, 11301 Johnson Road, Petersburg, Virginia 23805, located on Johnson Road approximately one-half mile from the southern border of the City of Petersburg.
102	Templeton, South Elementary School, 13400 Prince George Drive, Disputanta, Virginia 23834, located on State Highway Route No. 156 at its intersection with State Highway Route No. 626.
103	Union Branch, Union Branch Church, 3356 Union Branch Road, Petersburg, Virginia 23805, located on Route 649, Union Branch Road.
104	Rives, Walton Elementary School, 4101 Courthouse Road, Prince George, Virginia 23875, located at the intersection of Route 460, County Drive and Route 106, Courthouse Road on Courthouse Road.
105	Harrison, David A. Harrison Elementary School, 12900 East Quaker Road, Disputanta, Virginia 23834, located on State Highway Route No. 629.

ELECTION DISTRICT NO. 2

Precinct No.	Polling Place
201	Bland, N. B. Clements Jr. High School, 7800 Laurel Spring Road, Prince George, Virginia 23875, located at 7800 Laurel Spring Road, the intersection of State Highway Route No. 616 (Laurel Spring Road) and State Highway Route No. 156 (Prince George Drive).
202	Blackwater, Prince George Parks and Recreation Community Center, 11100 Old Stage Road, Prince George, Virginia, located on State Highway Route No. 609.
203	Brandon, Friends of Burrowsville Community Center, located at 18701 James River Drive, Disputanta, Virginia 23842.
204	Courts, Abundant Life Church, 6500 Middle Road, Prince George, Virginia 23875.

205	Jefferson Park, Faith Baptist Church, 5501 Middle Road, Prince George, Virginia 23875. <u>Middle Road Elementary School, 5400 Middle Road, Prince George, Virginia 23875.</u>
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(2) *That the Ordinance shall be effective immediately.*

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

ADJOURNMENT. Mr. Brown moved, seconded by Mr. Carmichael to adjourn. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Absent: (0)

The meeting adjourned at 8:09 p.m.

[Draft Minutes prepared March 3, 2023 for consideration on March 14, 2023; adopted by unanimous vote.]

Donald R. Hunter
Chairman, Board of Supervisors

Jeffrey D. Stoke
County Administrator