

Board of Supervisors, January 9, 2023

A meeting of the Board of Supervisors was held in and for the County of Mecklenburg on January 9, 2023, at 8:30 a.m. in the Board of Supervisors meeting room of the Goode Bank Building.

MEMBERS PRESENT: Glenn Barbour, Chairman; David Brankley; Andy Hargrove; Jim Jennings; Claudia Lundy; Tom Tanner

MEMBER ABSENT: Charles Jones; Sterling Wilkinson

The Chairman called the meeting to order.

Those present stood for the Pledge of Allegiance.

Upon a motion of Mrs. Lundy, the Board voted unanimously to approve the minutes of the December 12, 2022, meeting. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner vote 'aye'.

Upon a motion of Mr. Hargrove, the Board voted unanimously to adopt the amended agenda as presented. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner vote 'aye'.

Upon motion of Mr. Tanner, the Board voted unanimously to convene in Closed Session pursuant to Virginia Code Section 2.2-3711(A), (5). Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

Upon motion of Mr. Hargrove, the Board voted unanimously to go back into Open Session. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

Upon motion of Mrs. Lundy, the Board voted to adopt the following Certification Resolution. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

**CERTIFICATION OF CLOSED SESSION**

**WHEREAS**, the Mecklenburg County Board of Supervisors convened a Closed Session on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the Mecklenburg County Board of Supervisors that such Closed Session was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Mecklenburg County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Session to which this certification resolution applies, and (ii) only such

public business matters as were identified in the motion convening the Closed Session were heard, discussed or considered by the Mecklenburg County Board of Supervisors.

VOTE:                    AYE:                    NAYE:  
                              Barbour  
                              Brankley  
                              Hargrove  
                              Jennings  
                              Lundy  
                              Tanner

Chairman Barbour advised that during closed session, the Board came across some statutory issues, and he turned the floor over to Mr. Russell Slayton, County Attorney.

Mr. Russell Slayton, County Attorney advised that under Virginia State Law, the Board has 45 days from Mr. Spain’s death to fill the unexpired term of Election District 2. Mr. Slayton stated that he is aware that two individuals are present that wish to take the seat of Election District 2. The law requires that the new appointee resign in the new Election District 2 that was adopted last year and was approved by the Attorney General’s Office. Mr. Slayton stated that with that said, the Board needs more time to see if the two individuals present tonight do not in fact live in the new district. Mr. Slayton gave a sincere apology to them and stated their time and effort were appreciated. He stated that this Board Meeting will be adjourned tonight until Tuesday, January 17<sup>th</sup> to consider the vacant seat.

Upon a motion of Mr. Jennings, the Board adopted the following resolution. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted ‘aye’.

**RESOLUTION**

**WHEREAS**, The Mecklenburg County Board of Supervisors has learned of the recent 102<sup>nd</sup> Birthday of Mrs. Fannie Falls Simmons, and;

**WHEREAS**, Mrs. Simmons was born in Mecklenburg County on December 13, 1920, and;

**WHEREAS**, Mrs. Simmons graduated from Chase City High School in 1939, and married Thomas Taylor Simmons in 1942, and;

**WHEREAS**, Mrs. Simmons was the youngest of fourteen siblings and has a family of her own, consisting of three children, four grandchildren, eleven great grandchildren and one great-great grandchild, and;

**WHEREAS**, she spent her life working in the textile industry and raising her children and grandchildren who are and have always been the light of her life.

**NOW THEREFORE BE IT RESOLVED** that the Mecklenburg County Board of Supervisors does hereby wish to honor Mrs. Fannie Falls Simmons on reaching her 102 birthday.

Mr. Jennings presented Mrs. Simmons her resolution.

The Chairman announced that the first meeting in January 2023, is designated as the organizational meeting for the Board of Supervisors. The County Attorney, Russell Slayton, as Parliamentarian, presided over this portion of the meeting.

Mr. Slayton stated that the offices of Chairman and Vice-Chairman would be elected to serve a one-year term at the onset of the organizational meeting.

The County Attorney announced that the floor was now open for nominations.

Mr. Tanner nominated Mr. Barbour to serve as Chairman.

Mr. Slayton stated that with no further nominations, the nominations would be closed.

By unanimous vote, Mr. Barbour was elected as Chairman. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

Mr. Brankley nominated Mr. Jennings to serve as Vice-Chairman.

By unanimous vote, Mr. Jennings was elected as Vice-Chairman. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

Upon a motion of Mr. Tanner, the Board voted to accept the following schedule of meetings for the Year 2023. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

## **MECKLENBURG COUNTY BOARD OF SUPERVISORS**

### **2023 SCHEDULE OF MEETINGS**

<u>January 9th</u>	<u>8:30 AM</u>
<u>February 13th</u>	<u>9:30 AM</u>
<u>March 13th</u>	<u>7:00 PM</u>
<u>April 10th</u>	<u>9:30 AM</u>
<u>May 8th</u>	<u>9:30 AM</u>
<u>June 12th</u>	<u>7:00 PM</u>
<u>July 10th</u>	<u>9:30 AM</u>

Board of Supervisors, January 9, 2023

<u>August 14th</u>	<u>9:30 AM</u>
<u>September 11th</u>	<u>7:00 PM</u>
* <u>October 10th</u>	<u>9:30 AM</u>
* <u>November 6th</u>	<u>9:30 AM</u>
<u>December 11th</u>	<u>7:00 PM</u>

\* October 9th is a State Holiday

\* VACo Conference - November 12th-14<sup>th</sup>

All meetings are held at 350 Washington Street in Boydton, Virginia at the Goode Bank Building in the Board of Supervisor's Meeting Room and are live streamed on YouTube.

Upon a motion of Mr. Hargrove, the Board voted unanimously to adopt the Robert Rules of Order and those rules previously adopted by the Board. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

Mrs. Robin Jones addressed the Board to report on the 2021-2022 Audit. She went over a few changes in the audit report from the previous year. She stated that the audit shows no deficiencies and that the County is in a clean financial state. She advised that a new lease program was implemented this year, she thanked staff for the extra work.

A public hearing was held on an application to appeal by Antlers Road Solar, LLC (RWE Renewables Americas, LLC) on a Comprehensive Plan review that was denied by the Mecklenburg County Planning Commission pursuant to Virginia Code 15.2-2232. The proposed four hundred eighty-nine-point four (489.04) acres out of one thousand and nine (1,009) acres, 90 MW solar energy facility is to be located on the west side of Antlers Road (Route 678) and approximately one (1) mile south of its intersection with highway 58. These properties are located in the Boydton District of Mecklenburg County.

Ms. Ann Neil Cosby addressed the Board on behalf of Antlers Road Solar, LLC (RWE Renewables Americas, LLC). She stated that this project is much different than any previous projects that have been before the Board. She stated that the Planning Commission listed two reasons for denial, and they were removal of 489 acres of agricultural land and the Mines Creek being on the property. She stated that those reasons are not in the comprehensive plan and are not valid reasons for denial. She urged the Board to find this project to be substantially in accord with the County's Comprehensive Plan.

Ms. Cosby advised that this project would be on six parcels of land that are owned by the same person, consisting of approximately 1,009 acres of forested land. The solar project development would be limited to 489 acres, with only 330 acres under solar panels and the remaining 520 acres will continue to be managed for commercial timber. She stated that at the end of the project, the land may be converted back to commercial forestry or used for agriculture.

Mr. Gene Coleman, lifelong resident of Mecklenburg County and adjoining landowner addressed the Board in opposition of the proposed solar project. He stated that the proposed location is a large timber tract, home of an extensive amount of wildlife and has three creeks that run through the property.

Mr. Pete Hancock, Timberlands Manager for the Forestry Company that owns the property of the proposed project addressed the Board asking that they approve the Comprehensive Plan Review Appeal Application.

Mr. Dave Whilden, Antlers Road Resident urged the Board to deny the application due to the three creeks on the property and the abundance of wildlife it would disturb.

Mr. Charles Jackson addressed the Board stating that he was not in favor.

Ms. Betty Upton, Antlers Road Resident addressed the Board urged they deny. She advised that she is an adjoining landowner, cattle farmer and that her property would be directly affected. She is concerned about erosion into the creeks that her cattle and horses use for drinking water.

Mr. Dan Wilbourne, adjoining landowner, and Forester addressed the Board encouraging them to withhold the decision of the Planning Commission and deny the application.

Ms. Patricia Pearson, Antlers Road Resident addressed the Board stating that she is concerned about the toxins that the solar panels are made of and the displacement of wildlife. She urged the Board to deny the application.

Mr. Mike Crutchfield addressed the Board in opposition to the proposed Antlers Road Solar Project. He stated that he does not want to see the trees to cut down and the agricultural land disturbed.

Mr. Jimmy Thompson addressed the Board suggesting that solar panels be placed on Microsoft's buildings, so that two projects can be on the same site. He is concerned about wildlife and the creeks on the property. He advised the Board that he had some property in Union Level, they could have for solar panels near a junk yard.

Upon a motion of Mr. Jennings, the Board voted unanimously to withhold the Planning Commission's decision and deny the application to appeal by Antler's Road Solar LLC, (RWE Energy). Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

A public hearing was held on an application by Jeffrey Melton for a special exemption as a hobby mechanic to repair vehicles in his garage in the evenings and on weekends. The property

is located on the south side of Hwy 668 (Dry Creek Rd) and approximately 1 (One) west of its intersection with Hwy 664 (Union Level Rd), Election District 6, County of Mecklenburg. Reference Deed Book LR-19-371 and Will Book B&P 47-797.

There was no public input.

The public hearing was closed.

Upon a motion of Mr. Hargrove, the Board voted unanimously to approve the application by Jeffrey Melton for a special exemption as a hobby mechanic to repair vehicles in his garage in the evenings and on weekends. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

A public hearing was held on the proposed abandonment of Route 9437, the Buckhorn School Bus Loop. The school is closed and the need for this public road is unnecessary.

There was no public input.

The public hearing was closed.

Upon a motion of Mr. Tanner, the Board voted unanimously to adopt the following resolution. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

**WHEREAS**, a public notice was posted as prescribed under §33.2-909, *Code of Virginia*, announcing this Board's intention to abandon the segment of road described below from the Secondary System of State Highways, and

**WHEREAS**, after considering all evidence available, the Board is satisfied that no public necessity exists for the continuance of the segment of Secondary Route 9437 from Route 647, Gordons Lake Road to Route 647, Gordons Lake Road; and

**WHEREAS**, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject segment of road, and

**WHEREAS**, the segment of Route 9437, identified on the attached Form AM 4.3, is no longer needed as part of the Secondary System of State Highways.

**NOW, THEREFORE, BE IT RESOLVED**, this Board abandons the above described segment of road and removes it from the Secondary System of State Highways, pursuant to §33.2-909, *Code of Virginia*.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Under public comment:

Mr. Richard Carroll addressed the Board on behalf of the South Hill Food Pantry/Bread Box. He wanted to thank the Board for grant opportunities and their contributions in 2022. He stated that with the extra funds available, they were able to assist 1,157 families in need, which was approximately 28,830 pounds of food costing \$52,976.00.

Mr. Kevin Smith, Assistant VDOT Resident Engineer addressed the Board with a monthly update. He advised that phase 1 is wrapping up on the Highway Ninety-Two Bridge Project and they are getting ready for snow removal.

Mr. Tanner questioned if rubble strips would be installed on more Mecklenburg County routes in the future. Mr. Smith advised yes, and he would provide a schedule in the future.

#### Joint Education Committee Minutes

### **1. CALL TO ORDER**

The meeting was called to order by Mrs. Claudia Lundy, Committee Chair

### **2. ROLL CALL**

Members present: Mrs. Claudia Lundy, Board of Supervisor, Mrs. Dora Garner, School Board, and Mr. Glenn Edwards, School Board. Also present were Mr. Wayne Carter, County Administrator, Mr. Alex Gottschalk, Deputy County Administrator, Mr. Scott Worner, Assistant Superintendent, Mr. Brian Dalton, Executive Director of Facilities and Maintenance, and Ms. Paula Giammatteo, Clerk.

### **3. ADOPTION OF THE AGENDA**

#### **A. ADOPTION OF THE AGENDA**

Mr. Edwards made a motion to approve the agenda. The motion was seconded by Mrs. Garner with all committee members voting in approval.

### **4. INFORMATION ITEMS**

#### **A. FINAL REVIEW OF THE NEW MIDDLE AND HIGH SCHOOL**

Mr. Dalton provided information regarding the completion of the new middle and high school complex. The anticipated close date of all punch list items will be January or February 2023. A final Certificate of Occupation will be given at that time. An LED sign is being constructed at the Highway 58 entrance of the complex. Members discussed adding row markers to the main event parking lot. Members also discussed if the new complex was fully staffed, how many long-term and short-term subs were teaching students, and the cell phone policy.

#### **B. UPDATE ON THE CLARKSVILLE ELEMENTARY SCHOOL PROJECT**

Mr. Dalton provided the proposed layout of the new Clarksville Elementary

School. The contract to design and build the new school is with Blair Construction and Grimm & Parker Architects. The plans for the new building are in the conceptual design phase. Members discussed the key features of the design including; early childhood education accommodations, the proposed gym, playgrounds, parking and traffic flow, and the assimilation of the newer parts of the existing building in the new design. demolition will start after the end of the school year and the estimated completion date is in 2025. Work on Chase City Elementary will begin after the completion of Clarksville Elementary. The School Division will retain the Bluestone High School property until Clarksville and Chase City are complete.

## **5. MEMBER REMARKS**

### **A. MEMBER REMARKS**

No member remarks

## **6. ADJOURNMENT**

### **A. ADJOURNMENT**

Mr. Edwards made a motion to adjourn the meeting with a second by Mrs. Garner. All members voted yes to adjourn. The meeting adjourned at 3:34 p.m.

Under the County Administrator's report:

Mr. Gottschalk advised that new construction continued to be on the rise in the Building Official's monthly report, the Zoning Administrator's monthly indicated plans and fees are still increasing for Erosion and Sediment Control Plans, with that said, the new position created for an Erosion and Sediment Control Inspector will begin work on February 1<sup>st</sup>. Mr. Gottschalk advised that the Animal Warden's report and the Sheriff's monthly report are included in the packet for review.

Mr. Gottschalk advised the Board that a letter has been received from the VCU Community Memorial Hospital Foundation thanking the Board and informing them that their pledge for funding has been completed.

Mr. Gottschalk provided the Board with a brief update on the Broadband project and advised that the State's holiday schedule is included in the packet.

Mr. Gottschalk advised that bids were received for a 500,000-gallon elevated storage tank at the Roanoke River Campus. The lowest bid was received from Phoenix Fabricators and Erectors, LLC, for a cost of \$2,118,411.00.

Upon a motion of Mr. Tanner, the Board voted unanimously to accept the bid by Phoenix Fabricators and Erectors, LLC, for a 500,000-gallon elevated storage tank at a cost of



\$2,118,411.00. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted ‘aye’.

Jon Taylor introduced Mr. Jeff Bunnell to the Board as the new EMS Training Coordinator.

Alex Gottschalk provided the Board with the following update on the General Assembly:

- In Governor Youngkin’s Proposed Amendments to the 2022-2024 Biennial Budget, the focus of the Governor is on further tax reform. This session, the taxes the Governor has particularly called out are adjustments to the personal income and the corporate tax. However, the Governor is also acting very cautiously, out of concern for a potential economic downturn. As a result, the income tax rate proposal is contingent; if governmental revenue does not continue to perform, this tax proposal would not be implemented.
- While Governor Youngkin did not specifically reference the sales tax on food for human consumption (commonly known as the grocery tax) in his budget message, the executive document, or in the budget bill, several legislators have introduced bills that would return to this subject and amend the compromise that was reached last session (removal of the Commonwealth’s portion of the tax and leaving the local option intact).
- These bills are marketed as “net neutral” or as ones that would “make localities whole” but in function they do not. While a similar amount of funds may initially return to the locality, their distribution would cause disruptions for local governments. This is because bills take what is now an unrestricted General Fund revenue source that can be used for anything and everything, from law enforcement to libraries, and would convert it into a payment from the Commonwealth for a “supplemental school payment.” By using the term “supplemental”, it is inferred this would be above and beyond current payments (another problem of the bill is there is no enumeration of what is an eligible use of the payment). Thus, local governments would lose directly controlled revenue with no set replacement. In Mecklenburg, the revenue impact of this tax is estimated at about \$850,000 for the County and an additional about \$150,000 for the towns.
- There is another bill regarding the sales tax on food consumption that would simply make it optional for the local government to impose the local option sales tax on these products.
- The bill that would make emergency medical service provision “essential” in the Commonwealth is slimer than promised. Initial discussion of the bill included a potential study that would suggest potential options for providing assistance from the Commonwealth for EMS, in accordance with the notion that the Commonwealth provides such assistance for fire and law enforcement. However, the bill, as introduced, is merely a couple words and does not include any reference to finances. Thus, it is our hope that another bill may be forthcoming on the subject.
- There has been much discussion of the Governor’s desire to increase funds appropriated for site development. However, reading the budget language for the program reveals that the Site Acquisition Pilot Program is a Commonwealth driven initiative, whereby VEDP

and the Department of General Services will find and buy or further develop three sites on their own for whatever needs or industries are determined by the Commonwealth. Therefore, any hope that it would be a grant program that localities, including Mecklenburg, could draw down upon to develop our own sites is not to be.

Under the Chairman's report:

Chairman Barbour advised that the minutes of the Lake Country Regional Airport Commission's October 18, 2022, meeting and Treasurer's report was included in the packet for informational purposes.

There is a vacancy on the Local Board of Social Services, due to the passing of Mr. Glanzy Spain. This term is effective until June 30, 2024.

Upon a motion of Mr. Jennings, the Board voted unanimously to appoint Mr. David Brankley to fill the unexpired term on the Local Board of Social Services. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

The term of Mr. James Jefferson on the Industrial Development Board will expire on January 30, 2023. He is eligible for reappointment.

Upon a motion of Mr. Jennings, the Board voted unanimously to re-appoint Mr. James Jefferson to serve another term on the Industrial Development Board. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

The term of Mr. Landon Hayes on the County Planning Commission will expire on January 30, 2023. He is eligible for reappointment.

Upon a motion of Mr. Tanner, the Board voted unanimously to re-appoint Mr. Landon Hayes to serve another term on the County Planning Commission. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

Mr. James Puryear on the County Planning Commission has resigned. His term was expiring on February 28, 2023.

Upon a motion of Mr. Jennings, the Board voted unanimously to appoint Ms. Debra Crowder to serve a term on the County Planning Commission. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

The term of Mr. Wayne Carter on the Lake Gaston Weed Council expired on November 30, 2022. He is eligible for reappointment.

Upon a motion of Mr. Tanner, the Board voted unanimously to re-appoint Mr. Wayne Carter to serve another term on the Lake Gaston Weed Control Council. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

The term of Mr. L.J. Dornak on the Lake Gaston Weed Council will expire on January 30, 2023. He is eligible for reappointment.

Upon a motion of Mr. Tanner, the Board voted unanimously to re-appoint Mr. L.J. Dornak to serve another term on the Lake Gaston Weed Control Council. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

Upon a motion by Mrs. Lundy, the Board voted unanimously to approve the Consent Calendar as it relates to the December bill's list. Supervisors Barbour, Brankley, Hargrove, Jennings, Lundy, and Tanner voted 'aye'.

Under Board Member Matters:

Mr. Tanner wished everyone a Happy New Year and took a moment to remember the loss of two great men that the County has lost recently, Brodnax Police Chief Joe Carey and Lacrosse Mayor, Billy Gill.

Mrs. Lundy stated that she was excited about the planning stages of the Clarksville Elementary School Project, she thanked the Food Pantry for the work they do for the community and stated that she continues to have the Jones Family in her prayers.

Mr. Brankley thanked Mr. Carroll with the Food Pantry for his contributions to the County and congratulated Mr. Jennings on becoming Vice-Chairman. Mr. Brankley also stated his concerns on more proposed Solar Projects.

Mr. Hargrove thanked Mr. Jennings for earlier correcting a comment about Forestry not being a part of agriculture. Mr. Hargrove congratulated Mr. Barbour and Mr. Jennings on being elected as Chairman and Vice-Chairman.

Mr. Jennings thanked everyone for the vote of confidence in becoming Vice-Chairman and stated that Mr. Spain would be a hard act to follow. He stated that he is looking forward to working with Alex Gottschalk on the upcoming budget. He stated that he is looking forward to the Ag Development Committee Meeting coming up in March.

Mr. Barbour thanked the Board for the vote of confidence in electing him as Chairman and congratulated Mr. Jennings. He thanked Mr. Carroll for all the community service he does in the area. Mr. Barbour took a moment to remember Mr. Randolph Jones, the County's first Economic Development Director and what a fantastic job he did, setting the County up for Industrial Development. He stated that he feels that the County has done their fair share of Solar Project approvals.

There being no further business, the meeting was adjourned until Tuesday, January 17, 2023, unless sooner called to order by the Chairman.