

Board of Supervisors, July 12, 2021

A meeting of the Board of Supervisors was held in and for the County of Mecklenburg on July 12, 2021, at 9:30 a.m. in the Board of Supervisors meeting room of the Goode Bank Building.

MEMBERS PRESENT: Glenn Barbour, Chairman; Glanzy Spain, Jr., Vice-Chairman; Andy Hargrove; Jim Jennings; Charles Jones; Claudia Lundy; Tom Tanner; Sterling Wilkinson

MEMBERS ABSENT: David Brankley

The Chairman called the meeting to order.

Those present stood for the Pledge of Allegiance.

Upon motion of Mr. Spain, the Board voted unanimously to approve the minutes of the June 14, 2021 Board Meeting. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

Upon motion of Mr. Tanner, the Board voted unanimously to approve the agenda as presented. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

A public hearing was held to amend Zoning Ordinance Article 19 Administration and Interpretation to add the following:

19.2 Fees

g. Erosion and Sediment Control Land Disturbing Fee

A. Application fee

1. Residential – Single Family Home \$50.00
2. Commercial/Solar - \$200.00

B. Land Disturbing Inspection Fee (Commercial/Solar)

1. A prepaid fee of \$200.00 per month through completion date.
2. A fee of \$400.00 per month after the proposed completion date.

C. Commercial/Solar permit application shall require a project completion date to be stated by the applicant. No refund on prepaid fees for early completion of the project. If the project goes over the projected completion date, the performance bond will not be released until extra fees are paid.

There was no public input.

The public hearing was closed.

Upon a motion of Mr. Tanner, the Board voted unanimously to approve the amendments to Article 19 of the Zoning Ordinance with an effective date of August 1, 2021. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

A public hearing was held on an appeal of the Comprehensive Plan Review by Mecklenburg CSG 1 LLC. The project, a small-scale solar facility, has applied for a 2232 review to determine if the project complied with the Comprehensive Plan. The Planning Commission denied the request.

Mr. Kieran Siao, with Dimension Renewable Energy presented an overview of the proposed project to be located at 294 Noblin Farm Road. Mr. Siao explained to the Board that the property would be leased and not purchased, giving homeowners the opportunity to purchase green energy from the project. Mr. Siao showed the Board pictures indicating it would be hidden from view of the roads by tree screening.

The parcel is 233 acres and the proposed project will use 25 acres under panels. The area around the proposed use is low-density housing and the applicant will add additional screening to the East. Dimensions also stated that they would put into a Public Improvement Agreement to pay to the County a fee of \$1,400/MW annually, just like utility scale solar projects for a total of \$7,000 annually.

Mr. Matt Roberts, Attorney for the applicant stated that the Planning Commission erred in denying the application due to the project being within 1 mile of a town. That is a recommendation and should be lowered for smaller scale community solar projects. As to any buffers, they can be looked at during the Special Exception Permit process.

Mr. Gregg Gordon, property owner addressed the Board stating that this project is outside of the town limits and it would not take away from the Town's growth in the future in any way. He stated that his family currently uses solar power to grow plants in greenhouses as their business and he sees this proposed project as the same business model. He urged the Board to approve this appeal. If the County uses the 1-mile line around each Town, then the Comprehensive Plan will affect 47,000 acres of land negatively.

Mr. Bruce Woerner, Vice Mayor of the Town Council stated the Town had adopted a resolution opposing solar projects within 1 mile of the Town of Clarksville. The Board of Supervisors needs to uphold the Planning Commission's denial of the 2232 review

Mr. Patrick Newton, resident of 399 Noblin Farm addressed the Board stating that this proposed project is directly across from his residence. He asked the Board to deny this application. He submitted a petition of the adjoining property owners opposing the project.

Eric Gordon asked for reasons why the Town is opposing the project.

The public hearing was closed.

Mr. Hargrove asked the applicant how many households could purchase electricity from the site and what would happen if not enough Clarksville residents participated. Mr. Siao stated that the project would supply electricity to approximately 1000 homes and that there are 10,000 homes in

Dominion's territory in Mecklenburg County alone, but could go to any Dominion user statewide.

Upon a motion of Mr. Hargrove, the Board voted unanimously to deny the Comprehensive Plan Review Appeal by Mecklenburg CSG 1 LLC. due to the fact that it is within a one-mile radius of the Town of Clarksville and opposition from the area residents. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

A public hearing was held on an appeal of the Comprehensive Plan Review by Mecklenburg CSG 2 LLC. The project is a small-scale solar project outside of the Town of Chase City, which was denied a 2232 compliance review by the Planning Commission.

Mr. Kieran Siao, with Dimension Renewable Energy presented an overview of the proposed project. Mr. Siao explained to the Board that the property would be leased and not purchased, giving homeowners the opportunity to purchase green energy from the project. Mr. Siao showed the Board pictures indicating it would be hidden from view of the road by a combination of natural and planted tree buffers.

Matthew Roberts, Attorney representing the applicant addressed the Board advising that a comprehensive plan is just recommendations and urged the Board to approve the project. He stated that the project is near other commercial/industrial uses, there is a 3-phase line near the property, it will only impact the area under panel in order to minimize the impact to prime farmland and there should not be any environmental concerns.

Mr. Alden Fahringer, Mayor of Chase City addressed the Board in support of the project. He stated that the Town would like to see mature trees obscuring the view, a wash plant for vehicles and shoes that would help with the cleanliness around town and that local citizens are hired for permanent jobs on this project, local contractors hired for all maintenance of the site and finally a berm built to obscure the site.

Mr. Gregg Gordon spoke in favor of this project, stating that he is glad the town is supporting it as well.

Mr. Patrick Newton spoke against this application.

The public hearing was closed.

Upon a motion of Mr. Jennings, the Board voted by roll call 6-1-1 to deny the appeal of the Comprehensive Plan Review by Mecklenburg CSG 2 LLC. due to it being within 1 mile of the Town and the opposition at the Planning Commission meeting. Supervisors Barbour, Spain, Jennings, Tanner, Wilkinson, Hargrove voted "aye" Supervisor Jones voted 'naye' and Supervisor Lundy abstained.

Superintendent Paul Nichols addressed the Board with a presentation and of update on the New Middle/High School Project. Mr. Nichols stated that the project continues to be on schedule and on budget. He advised the Board that the Joint Education Committee is planning to have a meeting and a tour on July 20th at 5:00 p.m. and invited everyone to attend.

Board of Supervisors, July 12, 2021

The Economic Development Committee met on Monday, July 12, 2021, at 8:30 a.m. in the Board of Supervisor's Meeting Room, Boydton, Virginia.

MEMBERS PRESENT: Charles Jones, Chairman; Glanzy Spain, Jim Jennings; Tom Tanner

OTHERS PRESENT: Glenn Barbour; Sterling Wilkinson; Claudia Lundy; Andy Hargrove; Angie Kellett, Economic Development Director; H. Wayne Carter, III., County Administrator

The Chairman called the meeting to order.

Mr. Carter reviewed the bids received for the Highway 58 West Intermediate Booster Station bid results. Three bids were received H. G. Reynolds Company Inc. was the lowest bid with a base total of \$1,080,497.00.

Upon a motion of Mr. Jones, the Committee voted unanimously to recommend awarding the bid for the Highway 58 West Intermediate Booster Station to H. G. Reynolds Company for a base bid total of \$1,080,497.00.

Mr. Carter presented a MOU between Dominion Power, Empower, Mecklenburg Electric and Mecklenburg County. The MOU will establish guidelines to provide a fiber to the home broadband solution for the entire County. The areas to be covered are those underserved and unserved census blocks throughout Mecklenburg County. The matter was discussed at last month's PDC Meeting. This project is part of a pilot program being developed throughout the state by Dominion Energy and local cooperatives. John Lee, CEO of MEC presented and discussed the MOU and buildout proposed in 3 years of the County.

Upon a motion of Mr. Tanner, the Committee voted unanimously to recommend adoption of this MOU to the Board.

There being no further business, the meeting was adjourned.

Upon a motion of Mr. Jones, the Board voted unanimously to award the bid for the Highway 58 West Intermediate Booster Station to H. G. Reynolds Company for a base bid total of \$1,080,497.00. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

Upon a motion of Mr. Jones, the Board voted unanimously to adopt the MOU between Dominion Power, Empower, Mecklenburg Electric and Mecklenburg County. The MOU will establish guidelines to provide a fiber to the home broadband solution for the entire County. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

Under the County Administrator's Report:

Mr. Carter stated that Building Permits remained steady in June. Total permits for the year are up again at 1,389 for the year and fees are double last years at \$1,436,355.00. Zoning permits remained steady. Under the Animal Warden's report, we were able to return to the owner or

adopt out over 80% of the dogs picked up so far this year. The Sheriff's report is included. The Board questioned him about the speed for reckless driving and when you can be charged. He stated that it has increased to 85 mph on the interstate and 20 above on all other roads effective July 1.

Mr. Kevin Smith, Assistant VDOT Resident Engineer addressed the Board stating that crews have been cleaning up from Tropical Storm Elsa, mowing is still underway, Hwy 92 detour is still in place in the Town of Boydton for a sewer line replacement and that Hanford Road was temporarily shut down to prepare for bridge replacement.

Sheriff Hawkins introduced four new Road Deputies to the Board.

Mr. Carter advised the recent update from Southside Behavior Health is included in the packet for informational purposes.

Mr. Carter advised the Board that he has been contacted by the U.S. Selective Service requesting that the Board recommend two citizens to be appointed to serve on the local Board.

The Board advised staff to get more information.

Mr. Carter advised the Board that the Voter Registrar's Office is planning to relocate to the Old Bruce Library Building by September 15, 2021. As such, the Registrar needs to hold a public hearing on the matter and keep it open for 60 days. The process needs to begin today for him to move prior to the next election.

Upon a motion of Mr. Spain, the Board voted unanimously to approve the relocation of the Voter Registration Office. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

Under the Chairman's Report:

The terms of Mrs. Lundy and Mr. Brankley on the Lake Country Development Corporation will expire on September 30, 2021.

Upon a motion of Mr. Jennings, the Board voted unanimously to re-appoint Mrs. Lundy and Mr. Brankley to serve another term on the Lake Country Development Corporation. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

The term of Mr. Charlie Simmons on the Southside Planning District Commission expired on June 30, 2021.

Upon a motion of Mr. Hargrove, the Board voted unanimously to reappoint Mr. Charlie Simmons to serve another term on the Southside Planning District Commission. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

Chairman Barbour advised that the minutes of the Roanoke River Service Authority's May 25, 2021 meeting were included in the packet for informational purposes.

Upon a motion of Mr. Spain, the Board voted unanimously to approve the Consent Calendar as it relates to the June 2021 bills list. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

Under Public Comment:

Ms. Inez Arnette Farrar addressed the Board on behalf of the Clarksville Chapter AARP. She advised that her organization is concerned with the Board removing the dumpsters around the Clarksville area to the Pen Road Convenience Center. She advised that this would create hardships for the citizens, as they cannot afford to drive the extra distance to the site.

Mr. Jim Aulisio addressed the Board requesting them to look into a homestead tax exemption for senior citizens on fixed incomes.

Mr. Glen Reyes addressed the Board thanking them and the School Board for their hard work and dedication. He stated that the Board meetings are done orderly. He stated that we have a very diverse County with good honest leadership.

Under Board Member Matters:

Mr. Tanner thanked the School Board and Superintendent Nichols for allowing the South Hill Chamber of Commerce use of Park View High School for their 4th of July Fundraiser and Firework Show. He also commended Furr's Deli and the Exile Motorcycle Group of Bracey for their excellent firework display. He told the Board that he saw some Landfill Employees working at a dumpsite and stopped to let them know how much they are appreciated. Mr. Tanner stated that he is anxious to see the County's new website and invited the Board over to the 911 center after their meeting to tour the new mobile command center complete with three emergency dispatch stations.

Mr. Jones thanked Mr. Nichols for doing a great job.

Mr. Wilkinson stated that he feels the County is on the right track with our future Broadband plans. He also stated that he feels that each solar application should be looked at individually and that the County needs to be open minded on the matter.

Mr. Hargrove stated that we need to make sure of any precedence as we review solar applications. He advised that he looks forward to broadband coming to his area. He thanked Mr. Reyes and Mr. Nichols and stated that the mobile 911 center to awesome.

Mr. Jennings is pleased with the proposed countywide fiber to the home project and thanked Paul for his work on the new school.

Mr. Spain thanked citizens for coming to the meeting, he thanked Mr. Reyes for his comments and Mr. Nichols for his update and he shared his excitement for broadband coming to his area and warned everyone to beware of scammers.

Mr. Barbour also shared his excitement with broadband stating that our children deserve the best and told the Board about an upcoming procedure he is having.

Upon a motion of Mr. Tanner, pursuant to Virginia Code Section 2.2-3711, that the Mecklenburg County Board of Supervisors hold a closed meeting for the following purpose:

Pursuant to Virginia Code Section 2.2-3711.A.7, consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. Specifically, the Board will discuss the following:

- a. GS Virginia Land LLC v. County of Mecklenburg (CL19-292).
- b. Opioid litigation.

Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'

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

Upon motion of Mr. Jones, the Board voted to adopt the following Certification Resolution. Supervisors Barbour, Spain, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson 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
 Spain
 Lundy

Hargrove
Jennings
Jones
Tanner
Wilkinson

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

RESOLUTION

A RESOLUTION OF THE MECKLENBURG COUNTY BOARD OF SUPERVISORS
AUTHORIZING MECKLENBURG COUNTY'S OUTSIDE COUNSEL TO VOTE ON
MECKLENBURG COUNTY'S BEHALF TO SUPPORT THE PROPOSED
PURDUE PHARMA BANKRUPTCY PLAN

WHEREAS, Purdue Pharma and its corporate affiliates have filed for bankruptcy protection related to the liabilities they face as a result of their involvement in the marketing and sale of opioids; and

WHEREAS, Mecklenburg County has filed a Proof of Claim form in the Purdue bankruptcy proceeding and is a Creditor in said proceeding; and

WHEREAS, all creditors in the Purdue bankruptcy proceeding are entitled to vote, on or before July 14, 2021, on whether to accept a plan that has been proposed to resolve the Purdue bankruptcy proceeding;

WHEREAS, Mecklenburg County's outside opioid litigation counsel has recommended that the County approve the proposed bankruptcy plan; and

WHEREAS, the Mecklenburg County Attorney has reviewed the available information about the proposed bankruptcy plan and concurs with the recommendation of outside counsel.

IT IS, ACCORDINGLY, HEREBY RESOLVED by the Mecklenburg County Board of Supervisors that that the Mecklenburg County Attorney is authorized to direct Mecklenburg County's outside opioid litigation counsel to cast the vote of Mecklenburg County in favor of the proposed bankruptcy plan as recommended by outside counsel.

ADOPTED this 12th day of July 2021.

There being no further business, the meeting was adjourned until August 9th unless sooner called to order by the Chairman.