

December 14, 2021

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 14<sup>th</sup> day of December, 2021; at 7:00 p.m., there were present:

Beverly M. Booth

Pattie Cooper-Jones

J. David Emert

Llew W. Gilliam, Jr.

Robert M. Jones

Odessa H. Pride

Jerry R. Townsend

James R. Wilck

Also present: Douglas P. Stanley, County Administrator; Sarah E. Puckett, Assistant County Administrator; Trey Pyle, Deputy Emergency Management Coordinator; Robert Love, Planning and Community Development Director; Terri Atkins Wilson, County Attorney; Dr. Barbara Johnson, Superintendent, Prince Edward County Public Schools; and Scott Frederick, P.E., VDOT Resident Engineer.

Chairman Emert called the December meeting to order.

Chairman Emert stated:

*Due to the COVID-19 Emergency, the Prince Edward County Board of Supervisors is operating pursuant to and in compliance with its "EMERGENCY CONTINUITY OF OPERATIONS ORDINANCE." Effective August 1, 2021, the Board has re-opened meetings to in-person participation by the public; however, there could still be limited available seating. Citizens are strongly encouraged to participate in meetings through in-person participation, written comments, and/or remote participation by calling: 1-844-890-7777, Access Code: 390313 (If busy, please call again.) Additionally, citizens may view the Board meeting live in its entirety at the County's YouTube Channel, the link to which is provided on the County's website.*

The Prince Edward County Board of Supervisors strongly encourages citizen input and engagement in our County government. Due to COVID-19, the Board of Supervisors, Planning Commission, and other County committees, boards, etc. are operating pursuant to the following protocols for public input and public participation.

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Public Participation and Public Hearing comments and information regarding the limited number of seats for in-person participation at County meetings are coordinated through Karin Everhart, Deputy Clerk to the Board of Supervisors, as follows:

- In-Person Participation:** While county meetings have re-opened to the public, there could still be limited seating, if social distancing is needed. To enter the Prince Edward County Courthouse, unvaccinated and vaccinated individuals are required to wear a mask at all times and socially distance. Based on the uncertainty of social distancing requirements, the exact number of seats available in the Board/Planning Commission meeting room is uncertain. The County appreciates the public's patience as staff continues to adapt to the public safety recommendations and guidelines of the Virginia Department of Health and the CDC.

2. **Written Comments:** Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.
  - a. **Mailed:** Board of Supervisors (or Planning Commission)  
P.O. Box 382, Farmville, VA 23901.
  - b. **E-Mailed:** Board of Supervisors: [board@co.prince-edward.va.us](mailto:board@co.prince-edward.va.us)  
Planning Commission: [info@co.prince-edward.va.us](mailto:info@co.prince-edward.va.us)
3. **Remote Participation:** Citizens may participate remotely during the meeting. To call in to the meeting, please dial: **1-844-890-7777**. When prompted for an Access Number: **390313**. Citizens may provide comments during Public Participation and/or for a specific Public Hearing on the agenda. Citizens are encouraged to pre-register with the County Administrator's Office at 434-392-8837 by 2:00 p.m. the day of the meeting. Callers must be on the line and ready to speak when called upon by the Chair. Please state your name and district of residence. Based upon the # of speakers, the Chair will determine the time allotted to each speaker.
4. **County YouTube Channel:** Citizen may also view the monthly Board of Supervisors meeting live at the County's YouTube Channel: (link is also on County website under Meetings & Public Notices.) <https://www.youtube.com/channel/UCyfpsa5HEjIWejBSc5XwplA/featured> .

Supervisor Townsend offered the invocation and led the Pledge of Allegiance.

#### In Re: Recognitions

*"Recognitions" is an opportunity for the Board of Supervisors to recognize achievements in our community, with a focus on the accomplishments of the students at the Prince Edward County Public Schools and Fuqua School, and our employees and our citizen volunteers who serve the County of Prince Edward.*

Mr. Stanley stated long-time retiring employee Coy Leatherwood has been with Prince Edward County since April 1, 1985. Mr. Leatherwood is the second longest tenured employee in Virginia. Mr. Leatherwood has been a faithful public servant and has an excellent working relationship with contractors and the public. He has been recognized by the Association as a mentor to many across the state.

Chairman Emert and Mr. Stanley presented Coy Leatherwood with a plaque for his years in service, from April 1, 1985 through December 31, 2021.

#### In Re: Public Participation

*Public Participation is a time set aside for citizens to share their thoughts, ideas and concerns. An official record is made of each person's contribution tonight and will be directed to the County Administrator for follow-up; any necessary follow-up will be noted and tracked. Follow-up may consist of an immediate response, or planned action by the County Administrator or Board, or by placement on a future Board agenda. Tonight's agenda cannot be changed, because the public needs advance knowledge of and the opportunity to review related materials regarding*

*items addressed by the Board. To further assist public information, the Board requests the Administrator, Attorney or county staff to immediately correct any factual error that might occur.*

Jesse Yates, Lockett District, expressed his concern regarding the need to have a perk test on property on which he intended to grow trees. He said he isn't sure why he was the only one that had to have it done.

Chairman Emert said he hadn't been aware that it was necessary.

Mr. Stanley said it is his understanding that the Code requires a subdivision to have a perk test; it does not allow an exemption for forestal or agricultural use. Mr. Stanley added that the topic is on the agenda to review that section of the Code. He thanked Mr. Yates for bringing it to the County's attention. Some discussion followed.

Cyndi Gable, Farmville District, expressed her concern regarding the one-time bonus awarded to most employees of Prince Edward County in November. She stated due to the computation of hours during the specified time parameters, she was ineligible as she works seasonally on the Home Energy Program. She stated that had the hours worked been computed differently, she would have been eligible, working more than the minimum required. She requested the Board reconsider the issue.

Mr. Stanley said he spoke with the Social Services Director and learned that Ms. Gable was not the only employee that did not qualify for the bonus. He explained the procedure that would be needed to revisit the topic. Discussion followed. Mr. Stanley stated he would provide background information to the Board including the number of employees that did not qualify.

In Re: Board Comments

The Board members wished everyone a Merry Christmas and Happy Holidays; Chairman Emert thanked the citizens for their input.

In Re: Consent Agenda

On motion of Supervisor Wilck, seconded by Supervisor Cooper-Jones, and carried:

|      |                      |      |      |
|------|----------------------|------|------|
| Aye: | Beverly M. Booth     | Nay: | None |
|      | Pattie Cooper-Jones  |      |      |
|      | J. David Emert       |      |      |
|      | Llew W. Gilliam, Jr. |      |      |
|      | Robert M. Jones      |      |      |
|      | Odessa H. Pride      |      |      |
|      | Jerry R. Townsend    |      |      |
|      | James R. Wilck       |      |      |

the Board accepted the October 2021 Treasurer’s Report; the minutes of the meeting held November 9, 2021; Accounts and Claims; and Salaries.

**Prince Edward Treasurer's Report - October 2021**

| <b>Name of Bank</b>                | <b>Bank Balance</b> | <b>Available Balance</b>          |
|------------------------------------|---------------------|-----------------------------------|
| Benchmark Pooled Fund Account      | \$10,008,852.50     | \$10,008,852.50                   |
| Benchmark Social Services          | \$154,601.66        | \$154,601.66                      |
| Benchmark School Fund              | \$1,347,152.69      | \$1,347,152.69                    |
| Benchmark Food Service             | \$254,489.55        | \$254,489.55                      |
| TOTAL                              |                     | \$11,765,096.40                   |
| <br><b>Certificates of Deposit</b> |                     |                                   |
| Benchmark                          |                     | \$624,666.04                      |
| Farmers Bank                       |                     | \$4,452,759.97                    |
| Benchmark 5 Yr CD-letter of credit |                     | \$654,873.77                      |
| TOTAL                              |                     | <u>\$5,732,299.78</u>             |
| <br>GRAND TOTAL                    |                     | <br><u><u>\$17,497,396.18</u></u> |

In Re: FY22 Appropriations – PPEA

The County received a proposal review fee for the submission of the unsolicited proposal by Prince Edward County Infrastructure, LLC, for the anticipated costs of processing, reviewing and evaluating the proposal.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Townsend, to approve the FY22 Budget Amendments and appropriate the same funds, as follows:

| <b>Rev/Exp</b> | <b>Fund</b> | <b>Dept</b> | <b>Object</b> | <b>Description</b>               | <b>Debit</b> | <b>Credit</b> |
|----------------|-------------|-------------|---------------|----------------------------------|--------------|---------------|
| 3 (Rev)        | 135         | 10000       | 0001          | PPEA Contractor                  |              | \$50,000.00   |
| 4 (Exp)        | 135         | 10000       | 3150          | Legal Services                   | \$30,000.00  |               |
| 4 (Exp)        | 135         | 10000       | 3160          | Professional Services – Engineer | \$10,000.00  |               |
| 4 (Exp)        | 135         | 10000       | 3175          | Professional Services – Finance  | \$9,000.00   |               |
| 4 (Exp)        | 135         | 10000       | 9999          | General Expenses                 | \$1,000.00   |               |

The motion carried:

|      |                                                                                                                                                                |      |      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|

In Re: FY 22 Budget Amendments – Prince Edward County School Board Grants

The County has received a request from Prince Edward County Public Schools requesting an appropriation in the amount of \$127,536.62 to the school operating budget. These funds are a combination of state and federal reimbursement grants. There is no County match required.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Townsend, to approve the FY 22 Budget Amendments and appropriate the same funds, as follows:

| Rev/Exp | Fund | Dept  | Object | Description             | Debit        | Credit      |
|---------|------|-------|--------|-------------------------|--------------|-------------|
| 3 (Rev) | 250  | 33020 | 0041   | SIG – Elementary School |              | \$52,629.97 |
| 3 (Rev) | 250  | 33020 | 0041   | SIG – Middle School     |              | \$74,907.35 |
| 4 (Exp) | 250  | 61000 | 0001   | Instruction             | \$127,536.62 |             |

The motion carried:

|                                                                                                                                                                     |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Aye: Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: None |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

In Re: Appointment of Building Official

Mr. Phillip A. Moore, County Building Official effective January 1, 2022 pending official appointment by the Board, introduced himself and presented a brief review of his credentials, including certifications as Certified Building Official, Erosion and Sedimentation Control Administrator, and Fire Marshall.

Supervisor Townsend made a motion, seconded by Supervisor Booth, to appoint Phillip A. Moore to the position of County Building Official, effective January 1, 2022, per the requirements of 13VAC5-63-50. Section 105;

the motion carried:

|                                                                                                                                                                     |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Aye: Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: None |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

In Re: Highway Matters

Scott D. Frederick, P.E., VDOT Resident Engineer, was not present for the meeting; the following concerns will be forwarded to his office:

Supervisor Townsend stated trash needs to be picked up along Route 15 North and South.

Supervisor Gilliam said the straps on the sides of roll-off trucks need to be fastened down.

Chairman Emert said the entrance to the Dollar General as mentioned last month still presents a sight hazard.

Mr. Love stated the grass height does impact visibility but the entrance meets minimum sight requirements.

In Re: Public Hearing – 2232 Review, CEP Solar LLC, Utility Scale Solar Energy Facility

Chairman Emert announced that this was the date and time scheduled for a public hearing regarding a request by CEP Solar LLC for Review of a Special Use Permit to determine if the project is substantially in accordance with the Prince Edward County Comprehensive Plan for the proposal to construct and operate a 25MWac solar energy facility on Tax Map Parcels 79-5-3 and 92-A-31, Rice Creek Road Rice, Virginia. Notice of this hearing was advertised according to law in the Wednesday, December 1, 2021, and Wednesday, December 8, 2021 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Robert Love, Planning and Community Development Director, stated the County has received an application for a Special Use Permit from CEP Solar LLC to construct and operate a 25MWac solar energy facility on Tax Map Parcels 79-5-3 & 92-A-31, containing a total of 304.6 +/- acres.

Mr. Love stated the purpose of the review under Virginia Code Section 15.2-2232 is as follows:

As required by VA Code § 15.2-2232, that the Planning Commission reviewed the proposed development at their November 16, 2021 meeting and found it to be substantially in accord with the Comprehensive Plan and subsequently held a public hearing directly afterwards for the Special Use Permit. No one spoke in opposition and the County has received no other correspondence opposing the request. The Planning Commission unanimously recommended approval with conditions, forwarding the request to the Board of Supervisors for Public Hearing.

Mr. Love stated the application property consists of mostly timber land with the prior use being agricultural. It is bordered by existing agricultural land consisting of pasture and timber land, as well as a few single-family residential homes. The property is zoned A-1, Agricultural Conservation and is adjacent to Rice Creek Road. The property is shown as Agricultural and Forestal on the Future Land Use map as described in the Prince Edward County Comprehensive Plan.

Mr. Love reviewed Prince Edward County Comprehensive Plan Citations:

Chapter VI, Special Policy Areas, on Pg. 75 notes "When future development requests require Commission review and Board of Supervisors approval, the economic and quality of life benefits of open space and agricultural and forest land uses should be considered as well as the adequacy of public facilities and services to the area."

Goals, Objectives, and Strategies, Land Use on Pg. 94-95 "Goal: Ensure optimal use of land resources within Prince Edward County, and promote and support an environmentally sound future land use pattern that provides for a variety of community needs, minimizes conflicts between existing, and proposed land uses, and can be supported by adequate public facilities."

Land Use Objective #1: Strategies on Pg. 95 "Utilize well planned site designs and effective buffer areas to mitigate the impacts of adjacent land uses of differing intensities."

Historic and Cultural Resources Strategies on Pg. 105. "Evaluate the impact of new development on local historic structures and areas. Support development proposals and site designs that respect and promote the character of adjacent or nearby historic properties."

Chairman Emert opened the public hearing.

There being no one wishing to speak, Chairman Emert closed the public hearing.

Supervisor Townsend made a motion, seconded by Supervisor Wilck, that the CEP Solar LLC proposed 25MW ac utility scale solar energy facility as described the Special Use Permit application, is substantially in accord with the Prince Edward County Comprehensive Plan and promotes the Goals, Objectives, and Strategies noted in the Plan; the motion carried:

|      |                      |      |      |
|------|----------------------|------|------|
| Aye: | Beverly M. Booth     | Nay: | None |
|      | Pattie Cooper-Jones  |      |      |
|      | J. David Emert       |      |      |
|      | Llew W. Gilliam, Jr. |      |      |
|      | Robert M. Jones      |      |      |
|      | Odessa H. Pride      |      |      |
|      | Jerry R. Townsend    |      |      |
|      | James R. Wilck       |      |      |

In Re: Public Hearing – Special Use Permit, CEP Solar, LLC, Utility Scale Solar Energy Facility

Chairman Emert announced that this was the date and time scheduled for a public hearing regarding a request by CEP Solar LLC for a Special Use Permit to construct and operate a 25MWac solar energy facility on Tax Map Parcels 79-5-3 and 92-A-31, Rice Creek Road Rice, Virginia. Notice of this hearing was advertised according to law

in the Wednesday, December 1, 2021, and Wednesday, December 8, 2021 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County of Prince Edward has received an application for a Special Use Permit from CEP Solar, LLC to operate a 25-megawatt alternating current 25-megawatt (MWac) utility scale solar energy facility on Tax Map Parcel 92-A-31 & 79-5-3, with a total acreage of 304.6 acres located along the eastern side of State Route 647, "Rice Creek Road." This parcel is in an A1, Agricultural Conservation zoning district and this use is allowed in the district only after approval of a special use permit.

The facility will utilize approximately 70% of the property for the locating of solar panels. The project site is crossed by existing Southside Electric distribution lines, and it will not require the construction of an additional substation.

The purpose of the Special Use is to allow for the location of a utility scale solar energy generation facility. The applicant stated that the proposed facility will not be seen nor heard and will not impact adjacent properties. The facility will not generate noise, light, dust, odor, fumes, or vibrations. Water quality will be addressed according to Virginia Stormwater Management Permit requirements and the site will not generate any significant amount of traffic with the main traffic occurring temporarily during the construction phase.

The Planning Commission held a public hearing on November 16, 2021 and no one spoke in opposition and the County has received no other correspondence opposing the request. The Planning Commission unanimously recommended approval with conditions, forwarding the request to the Board of Supervisors for Public Hearing.

The County had a third-party assessment report conducted by consulting engineering firm, Summit Design and Engineering, to determine whether the SUP application met the requirements of the Zoning Ordinance, SUP and Site Plan requirements and the intent of the adopted Comprehensive Plan.

Mr. Love presented an updated set of conditions to the Board members.

Mr. Stanley noted Vivian Giles from Sands Anderson had been retained by the County to review the application and siting agreement. Ms. Giles requested the applicable approval of conditions; she stated that on a project of this size, there is a statutory requirement that the applicants negotiate a siting agreement. She recommended that the Conditions be linked and tied to the siting agreement. She said the other element of the project is the Special Use Permit (SUP) which has more enforcement options. She one of the conditions that was added is a reference to specifically requiring that the siting agreement be adhered to. She said the siting agreement itself requires a public hearing which may be held in January [2022]. In order to move the project forward, a fully executed siting agreement



from the applicant has been presented and is recommended to be attached to the Conditions requiring that the applicant comply with that siting agreement. Discussion followed.

Chairman Emert opened the public hearing.

Ms. Giles stated there is an addition to the draft siting agreement; following the “Annual Supplement Payments” following the second paragraph that begins, “For example,” the following should be added: *“Notwithstanding any of the foregoing, in the event the County’s Solar Revenue Share Ordinance is repealed, and personal property taxes are imposed on the project, then the annual supplement payment will be \$0.”*

Mr. Joe Hines stated the property is his family farm and gave a brief history; he stated there are not many options for small farms that are taken out of the acting farming use. He said he wishes to be a good community neighbor; an alternative energy project would benefit project partners and is good for the environment. He respectfully requested approval of the special use permit with the contingency of the site agreement being approved.

Supervisor Jones questioned if the land will be leased; Mr. Hines answered to the affirmative.

Supervisor Jones then questioned the decommissioning process. Mr. Utt stated the decommissioning amount is generated through the engineering firm and is updated during the life of the project, and reassessed on a five-year basis. Mr. Utt said bonds will be placed with the County to ensure funds will be available at the end of the project’s useful life.

Mr. Tyson Utt, CEP (Commonwealth Energy Partners), gave a brief presentation on the project.

Supervisor Jones then asked if this is expected to be operational within a year. Mr. Utt said the goal is to have this project operational no later than 2023 and they are working with Southside Electric Cooperative.

There being no one further wishing to speak, Chairman Emert closed the public hearing.

Mr. Stanley commended Mr. Love and Ms. Giles on their work; he said this is a good template for moving forward.

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, to approve the Special Use Permit request by CEP Solar LLC for a proposed 25MWac utility scale solar energy facility with conditions as recommended by the Planning Commission and with amendments following the public hearing regarding the site agreement to be held in January 2022; the motion carried:

Aye: Beverly M. Booth  
Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Robert M. Jones  
Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

Nay: None

**CEP Solar, LLC**  
**PRINCE EDWARD COUNTY, VIRGINIA**  
**Special Use Permit Conditions**

**SECTION I. GENERAL PROVISIONS**

1. This Special Use Permit applies to the following properties for which a special use permit application was submitted:  
Tax Map Parcel Identification Number: 79-5-3 & 92-A-31  
The Special Use Permit application was submitted on 09/30/2021 by CEP Solar, LLC on behalf of the owners of the said properties, and compliance with these conditions is the express duty of, and these conditions shall bind, the Applicant and any successor or assignee of the Applicant who operates the Solar Facility.
2. The Site shall be developed, constructed, operated, and decommissioned in compliance with all of the following:
  - a. All applicable federal, state, and local laws, statutes, ordinances, and regulations.
  - b. All written agreements entered into between the Applicant and the County, expressly including, but not limited to, the Solar Facility Siting Agreement attached hereto as **Exhibit A**.
  - c. The Site Plan approved by Prince Edward County.
  - d. The Decommissioning Plan approved by Prince Edward County.
  - e. The Emergency Response Plan approved by Prince Edward County.
  - f. The Construction Traffic Management Plan approved by Prince Edward County.
  - g. The Erosion and Sediment Control Plan approved by Prince Edward County.
  - h. The Stormwater Management Plan approved by Prince Edward County and/or DEQ.

Violation by the Applicant or by any one or more of Applicant's agents, employees or contractors of any terms, conditions, or provisions of any of the foregoing shall constitute a violation of this Special Use Permit if Applicant has failed to begin and diligently pursue (or has failed to cause its agents, employees or contractors, as applicable, to begin and diligently pursue) correction of the violation within thirty (30) days after written notice by the County to Applicant.

3. The following terms shall have the following meanings if or when used in these Conditions:
  - a. **"Abandoned"** means the discontinuation of power generation by the Solar Facility for a period of at least 180 consecutive days, except in the event of a force majeure event.
  - b. **"Applicant"** means CEP Solar, LLC and any successor or assignee of the Applicant who operates the Solar Facility.
  - c. **"Approved Site Plan"** means the detailed drawing showing all equipment, excavation, landscaping, and other changes or improvements to be made to the real property or properties for the development of the Project following approval of the Special Use Permit Application by the Prince Edward County Planning Commission, and the Prince Edward County Board of Supervisors and administrative review and approval by Prince Edward County staff.
  - d. **"Board"** means the Board of Supervisors of Prince Edward County, Virginia.

- e. **“Commercial Operation”** means the period beginning on the date that the sale of electricity generated from the Solar Facilities to a third party through the Grid commences pursuant to a Power Purchase Agreement and terminating contemporaneously with the commencement of Decommissioning.
  - f. **“County”** means Prince Edward County, Virginia.
  - g. **“County Administrator”** means the county administrator of Prince Edward County, Virginia.
  - h. **“Decommission” or “Decommissioning” or “Decommissioning Activities”** means the work on the Solar Facility to remove improvements on the real property and to otherwise comply with the Decommissioning Plan.
  - i. **“Decommissioning Commencement Date”** means the earliest date on which Decommissioning is required to begin under the terms set forth in these Special Use Permit Conditions.
  - j. **“Decommissioning Plan”** means the plan for Decommissioning Activities submitted by Applicant and approved by the County.
  - k. **“Grid”** means the interconnected network for delivering electricity from producers to consumers (consisting of generating stations, electrical substations, high voltage transmission lines, and distribution lines that connect individual customers) to which the Project is connected and provides power.
  - l. **“Investor Owned Utility Company”** means an electric utility as defined in Section 56-576 of the Code of Virginia.
  - m. **“Operator”** means any party which undertakes the management, maintenance, and operation of the Solar Facility, including, but perhaps not limited to, as assignee of the Applicant.
  - n. **“Power Purchase Agreement”** means the written agreement pursuant to which electricity generated from the Solar Facilities is sold to a third party.
  - o. **“Project”** means the Solar Facility on the Site, including the following: (i) the development, design, procurement, construction, installation, commissioning, testing, interconnection, and start-up of the Solar Facility on the Site; (ii) the operation, repair, replacement, and maintenance of the Solar Facility on the Site; and (iii) the decommissioning and removal of the Solar Facility from the Site.
  - p. **“Related Entity” or “Related Entities”** means any two or more entities described in I.R.C. § 267(b).
  - q. **“Site” or “Solar Facility Site”** means all properties to be leased or purchased by the Applicant or any Related Entity for development in connection with the Project, identified as follows: Prince Edward County Tax Map Identification Number 79-5-3 & 92-A-31.
  - r. **“Site Plan”** means the detailed drawing showing all equipment, landscaping, roads, retention facilities, fencing, buffers, and other changes or improvements to be made to the real property or properties for the development of the Project.
  - s. **“Solar Facility” or “Solar Facilities”** means the Site together with all equipment, apparatus, or other items of personal property used for the Construction, Operation, or Decommissioning of the Project.
  - t. **“Surety Review Date”** means the date by which the Applicant will update the cost estimate in the Decommissioning Plan every seven (7) years and reimburse the County for the actual and reasonable, out-of-pocket costs of each such independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.
4. The Site shall be developed in general conformance with the information and exhibits submitted with the Special Use Permit application (the “SUP” Application), except as modified by associated conditions, the Approved Site Plan, and as required by the land development ordinances of Prince Edward County.
  5. This Special Use Permit (SUP) is issued to the owners of the properties for which the special use permit application was submitted (the Properties) and shall run with the land unless and until this SUP is revoked, expires, or is voided.
  6. An approved site plan (the “Approved Site Plan”) shall be required for this use.

7. Prior to the issuance of construction permits, the Applicant shall record in the Circuit Court Clerk's Office of Prince Edward County, Virginia a plat of survey delineating the property boundary and total acreage.
8. The Applicant shall submit an Emergency Response Plan (the "ER Plan") with the submission of the Site Plan. The ER Plan shall include fire suppression methods that can be deployed during both the construction and operation of the project. The ER Plan shall also include a program of education and training to be provided for County emergency response staff covering onsite emergency response.
9. Unless approved in writing by the County, no signage shall be permitted on the Site; except that signage containing notices, warnings, or other information, if required by law or by applicable codes and standards, or deemed by the County to be in the interest of the safety and welfare of the community, shall be required.
10. Applicant will reimburse, or cause to be reimbursed, to the County all reasonable, out-of-pocket costs and fees incurred for professional services engaged for purposes of assisting the County during the application process and during Construction, including, but not limited to, legal fees and consulting fees; however legal fees shall not be assessed to Applicant after construction is completed. The purpose of the reimbursement payments is to defray the costs and expenses incurred by the County in connection with (i) the zoning and permitting processes related to the approval of the Solar Facility, (ii) the permitting process with federal and state agencies, as applicable, and (iii) the construction of the Solar Facility. Should the special use permit application submitted by Applicant for the Project not be approved by the County, no reimbursement under this paragraph will be owed by Applicant to the County.

## **SECTION II. BUFFERS, HEIGHTS, AND SETBACKS**

11. Buffers throughout the Site shall include the following:
  - a. All setbacks shall be no less than those shown on the site plan approved by Prince Edward County.
  - b. The Site Plan will identify a Maximum Extent of Project Area, outside of which solar panels or other equipment will not be located. The solar panels or other equipment of the Solar Facility will not be located within the standard setbacks established by Section 7-110 (D) of the County Ordinance.
  - c. The Site Plan will include a vegetative buffering plan (the "Vegetative Buffer Plan") that will limit the visibility of the Solar Facility from the public rights-of-way adjacent to the Site. For purposes of this Condition, "Solar Facility" does not include the perimeter security fencing, gravel access road, or interconnection equipment. Also, the "Solar Facility" is not an objectionable feature, within the meaning of County Ordinance Section 7-110 (F). All vegetative buffering areas, as shown on the Vegetative Buffer Plan, shall enable insolation of the Solar Facility and may be both natural and planted, shall be a part of the approved Project, and should be protected from harvest so long as the Site is operated as a solar facility.
  - d. Vegetative buffering areas shall be installed and, as necessary, managed to ensure health and preservation of the vegetation. Any vegetative buffering that is dead during the operating period shall be removed and replaced in conformance with the approved site plan, within a six (6) month time period during a typical growing period. The type and height of replacement vegetation shall be similar to that of which was originally planted during construction. In the event that the vegetative buffering is severely damaged due to an unusual weather occurrence or natural catastrophe, the Project shall have one year or one growing season, whichever is sooner, to replace or replant.

- e. A 15' screening buffer shall be observed with any bordering standing timber harvested after construction of the solar facility.
- f. Electrical lines leaving the solar facility shall be underground until the point of reaching the first pole outside of the facility as to not impact the screening plan unless: (a) otherwise approved by the County in the final site plan; (b) otherwise approved by the County in connection with building permit approvals, including electrical permits; (c) underground lines conflict with other applicable permitting standards, including environmental permits; or (d) underground lines are not reasonably practical given site constraints.
- g. Any historical resources of significance as determined by the Virginia Department of Historic Resources Map shall be assessed in consultation with VDHR, and if VDHR requires preservation measures, these will be reflected on the Site Plan.
- h. The maximum height of ground mounted systems, equipment, and structures, as measured from the grade or base of the improvements to the highest point, shall not exceed eighteen (18) feet in height. Excluded from this height requirement are overhead electric distribution and transmission lines and poles, project substation, and utility switchyard.

### **SECTION III. CONSTRUCTION, TRAFFIC, and ROAD REPAIRS**

- 12. Subject to compliance with applicable site safety requirements and upon reasonable prior notice, the County Administrator, building official, zoning administrator, or environmental codes and compliance officer, or any party or parties designated by any one or more of those county officials, including other federal, state, or local government officials, shall be allowed to enter the Site at any time during construction. Once the Solar Facility has commenced Commercial Operation, subject to compliance with applicable site safety requirements, County officials may enter the Site upon at least one week's advance notice to the Solar Facility Liaison.
- 13. All construction entrances for the Site shall be in general conformance with the information and exhibits submitted with this Special Use Permit application and must be authorized and approved by the Virginia Department of Transportation (VDOT).
- 14. All construction activity shall be conducted during daylight hours Monday-Saturday. Activities allowed on Sundays include only the following: onsite planning, walking and riding the Site by passenger vehicle (not heavy construction trucks or equipment), office work, and other activities that do not produce large quantities of traffic on the surrounding roads or loud construction noises within the Site. The Applicant shall comply with the Prince Edward County Noise Ordinance (Code \_\_\_\_\_) during operation but shall not be required to do so during construction.
- 15. All heavy construction traffic, including, but perhaps not limited to, dump trucks, tractors and trailers, supplier vehicles, and trucks hauling equipment shall enter the Site at the designated private driveway along Route 647 (Rice Creek Road).
- 16. The Applicant shall submit a Construction Traffic Management Plan ("CTMP") as part of the Site Plan. The CTMP shall address traffic control measures, an evaluation of the condition of the public roads along the Delivery Routes prior to construction, and a description and an estimate of any anticipated repairs to public roads that may arise due to damages attributable to construction of the Solar Facilities, which CTMP must be reviewed by a third-party selected by the County and paid by, and at the sole cost of, the Applicant.
- 17. Dust containment measures shall be utilized at all times, as necessary, to contain dust from constituting a nuisance to nearby residents.
- 18. No burning of stumps and/or debris will be allowed onsite at the subject Solar Facilities.

19. The Solar Facilities shall be enclosed within chain link security fencing not less than six (6) feet in height.
20. The Project will not utilize permanent lighting. If installed at a later date, lighting will be downward facing, motion activated security lighting located at the Project entrance gate or at the control panels near the equipment pad.
21. Prior to commencement of construction, the Applicant shall provide the County a bond equal to 100% of the cost of the anticipated repairs to be made to the public road along the Delivery Routes, as defined in paragraph 22 below, including the entire public right of way along the Delivery Routes. The bond may be in the form of a letter of credit, a surety bond, or a cash bond given to the County, to be held by the County without interest, but the form of any surety bond must be approved by the County Administrator. The County will release, return, and terminate the roadway surety upon completion of construction and Commercial Operation of the Project.
22. Delivery Routes to the site shall include Route 647 (Rice Creek Road) from its intersection with Route 630 (Meherrin Road) to the Site.
23. Construction of the Solar Facilities shall commence within three (3) years of the date of approval this Special Use Permit. The Zoning Administrator may approve one or more extensions of up to one (1) year each upon written request from the Applicant detailing the need for an extension.
24. Solar Panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used by the Applicant. Notwithstanding any of the foregoing, the use of any materials prohibited by federal or state agencies is not permitted at any time, whether in construction, maintenance, or operation of the facility.
25. Storage on the Site of power generated by the Facility or generated elsewhere is prohibited.
26. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a floodplain.
27. Upon completion of the construction of the Solar Facilities, the Applicant shall submit a post-construction evaluation of the condition of the roads along the Delivery Routes to the County Administrator for approval. The post-construction evaluation shall include a plan for repairing any damage caused to the public roads along the Delivery Route directly attributable to the Applicant, which shall be made at the sole expense of the Applicant. The Applicant shall be responsible for causing such repairs to be completed and shall be responsible for coordination of repairs with VDOT.

#### **SECTION IV. ENVIRONMENTAL**

28. The Applicant shall submit a Stormwater Management Plan and an Erosion and Sediment Control Plan as part of the Site Plan. The Applicant shall reimburse, or cause to be reimbursed to, the County all reasonable, out-of-pocket costs incurred by the County related to retaining such third-party inspectors, plan reviewers, and advisors as reasonably necessary for project review and inspections. All such payments shall be remitted to the County within thirty (30) days of invoicing. The County shall retain the right to inspect the Site to verify the findings of the third-party inspectors upon reasonable, prior notice and subject to compliance with site safety requirements. The phasing of land disturbance shall be detailed in the Erosion and Sediment Control plan and accompanying project narrative.

29. Stabilization of the Site shall be maintained at all times in compliance with Virginia Department of Environmental Quality (DEQ) standards, rules, requirements, and regulations. The Applicant and the Operator, or either one of them, shall notify the County within twenty-four (24) hours of receiving any DEQ notice of less than full compliance by the Project and shall, within forty-eight (48) hours of receipt, provide the County with a copy of the notice. Thereafter, the Applicant and the Operator, or either one of them, shall provide to the County within forty-eight (48) hours of transmission or receipt copies of all correspondence with DEQ regarding the Project noncompliance issue until such time as the matter is fully resolved to the satisfaction of DEQ.
30. Soil testing shall be conducted on the Site as follows:
  - a. Testing shall be conducted in no less than three (3) locations on the Site, at least one location being within proximity to panels of each different type or manufacturer. Samples will be collected from a depth of six inches below ground surface.
  - b. Testing shall be conducted prior to the issuance of a land disturbance permit and every five years thereafter. Testing also shall be conducted immediately prior to Decommissioning and immediately following the termination of Decommissioning.
  - c. Samples shall be analyzed for Priority Pollutant 13 Metals (arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc) in accordance with EPA methods SW 6020, SW 6020A, SW1312, and 200.8.
  - d. Testing shall be performed by a service provider retained by the Operator but approved by the County.
  - e. A test report for each testing event, including an executive summary, shall be provided to the Prince Edward County zoning administrator within ten (10) days of the completion of such report.
  - f. No costs shall be incurred by Prince Edward County for soil testing or reports of soil testing provided to Prince Edward County.

## **SECTION V. DECOMMISSIONING**

31. Decommissioning shall be conducted in accordance with the Decommissioning Plan approved by Prince Edward County.
32. The Applicant or the Operator shall provide a Notice of Decommission to the County Administrator of Prince Edward County within thirty (30) days of a determination to cease Operation of the Solar Facility.
33. Prior to the commencement of Construction, the Applicant shall submit to the County and receive County approval of a Decommissioning Plan. The Applicant shall comply with all terms and conditions of the Decommissioning Plan as approved by the County. The Decommissioning Plan at a minimum shall include provisions regarding the following:
  - a. Specifications for the removal of all solar equipment, buildings, cabling, electrical components, foundations, pilings, and fencing.
  - b. A requirement that all Site real property must be restored to the condition of the property as of the date Construction commences (reasonable wear and tear excepted).
  - c. A requirement that the property must be stabilized so as to adequately control, prevent, and minimize any and all erosion or sediment runoff, consistent with the approved Erosion and Sediment Control Plan.

34. Decommissioning shall begin immediately after the Facility has, for a period of six (6) consecutive months, ceased operating as a solar energy facility distributing energy to the electrical grid and shall be diligently pursued, as determined by the County in its sole but reasonable discretion, and completed within eighteen (18) months from the Decommissioning Commencement Date. Prior to its expiration, the County may extend this Decommissioning period by six (6) months if the County finds that the Operator commenced Decommissioning the Solar Facility diligently and continuously worked to Decommission the Facility throughout the Decommissioning period, and is reasonably expected to complete the Decommissioning within the additional six month period.
35. Periods during which the Facility is not operational for maintenance, repair, or due to a catastrophic event beyond the control of Applicant, during which time Applicant works diligently to return the Facility to full Commercial Operation, shall not constitute the cessation of operations requiring the initiation of Decommissioning requirements herein. Applicant must provide written notice and evidence of the Solar Facility status and repair efforts to the County Administrator during the period in which the Solar Facility is not fully operational. Such notice shall identify the last day on which the Facility was fully operational. Regardless of the efforts of Applicant to return the Solar Facility to full Commercial Operation, if the Solar Facility does not operate as a solar energy facility distributing energy to the electrical grid after the catastrophic event for a period of eighteen (18) months, the Project shall be deemed Abandoned and Applicant shall commence Decommissioning no later than the 548th day after the catastrophic event.
36. Any change of party responsible for Decommissioning of the facility, or change in any part of the contact information, shall be reported to the County Administrator within sixty (60) days of the change(s).
37. If Decommissioning Activities are not completed within the allotted time, or if the Project is Abandoned, the County may complete or have completed at its expense the Decommissioning Activities required under the terms of the Decommissioning Plan and may recover all costs of completing those Decommissioning Activities from the surety provided as set forth herein.
38. To secure the costs of Decommissioning, Applicant shall at all times, beginning at commencement of construction and until the termination of Decommissioning, provide financial surety in a form and in an amount approved by the County. If the Solar Facility is transferred to a public utility or an Investor or Member Owned Utility Company (e.g.,: Dominion Energy, Old Dominion Electric Cooperative or its successor entity), the surety required of the Applicant may be cancelled at the time of the transfer and no further surety will be required.
39. The amount of the surety required shall be 100% of the estimated Decommissioning costs estimated at each Surety Review Date, less the scrap or repurposing value of the Solar Facility. The estimated costs and surety to meet the above requirements shall be reviewed by the County Administrator on each Surety Review Date, at which time the County Administrator shall determine if the estimates adequately reflect the Decommissioning costs and any scrap or repurposing value and that the surety will guarantee performance. Should the County Administrator determine that estimated costs and surety are insufficient, the County Administrator and Applicant shall mutually agree to determine the correct surety amount; and Applicant shall then provide the agreed, adequate surety within one hundred eighty (180) days following the Surety Review Date or, if later, within thirty (30) days after the County Administrator and Applicant agree on the adequate surety amount.
40. Surety must be provided in the form of a cash bond deposited with the County; by an irrevocable letter of credit provided for the County's benefit; or by a surety bond listing the County as the obligee, an hypothecated account, an escrow account, or a guaranty issued by a credit-worthy entity, or as otherwise provided in Section 15.2-2241.2 of the Code of Virginia.
  - a. A cash bond shall be in the form of a cashier's check or certified check deposited with the County which has cleared all issuing institutions. Any interest accruing on such funds shall be added to the total amount and retained by the County for Decommissioning. The deposit



shall be accompanied by a letter agreement, acceptable to, and issued by, the County Administrator, confirming that the cash deposit is to be held by the County to guarantee the performance of the Decommissioning work required herein, and should the Solar Facility be Abandoned or should the Decommissioning work not be diligently undertaken or performed according to the requirements herein, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, the County may expend the deposited funds to undertake the Decommissioning work required herein, without more, after providing written notice to the person identified as owner of the property in the land records of Prince Edward County as of the date of the notice. Within six (6) months of the completion of the Decommissioning work required herein by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the cash bond and accrued interest, less any amounts expended by the County as allowed herein, shall be released and paid to Applicant or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.

- b. An irrevocable letter of credit shall mean an instrument provided by a lending institution guaranteeing payment to the County within seventy-two (72) hours of the County's written notice to the institution that the Solar Facility has been Abandoned or the Decommissioning Activities have not been diligently undertaken or performed according to the requirements herein and demand to the institution for the funds, without more. The letter of credit shall have no expiration date or required renewal and shall remain in effect for the benefit of the County and shall under no circumstances be withdrawn before the Decommissioning Activities required herein are completed or the amount guaranteed has been fully drawn by the County. The letter of credit shall require that the County be notified thirty (30) days prior to any cancellation or alteration of the letter of credit. Should the County receive notice that the letter of credit will be cancelled or otherwise become unavailable or decrease, or should this Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof by Applicant, the County may, immediately draw down the entirety of the letter of credit and convert the surety to a cash bond to be deposited with the County and subject to the terms herein; this shall be specifically reflected in the language of the irrevocable letter of credit. The County may expend the guaranteed funds, without more, to undertake the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan after providing written notice to Applicant or, if the Project is Abandoned, to the person identified as the owner of the Property in the land records of Prince Edward County as of the date of the notice. Within six (6) months following the completion of the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the letter of credit shall be released by the County and any amounts drawn on the letter of credit, less any amounts expended by the County as allowed herein, shall be released and paid to Applicant or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.
- c. A surety bond shall mean a bond issued by a company with an AM Best rating of A++, that is treasury listed, and that is licensed to do business in the Commonwealth of Virginia. The surety bond shall list the County as an obligee and shall remain in effect for the benefit of the County and shall under no circumstances be withdrawn or cancelled before the Decommissioning Activities required herein and required by the terms of the Decommissioning Plan are completed or the amount guaranteed has been fully paid to the County. The surety bond shall require that the County be notified thirty (30) days prior to any cancellation or alteration of the bond. Should the County receive notice that the surety bond will be cancelled or otherwise become unavailable or decrease below the limits required herein, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof by Applicant, the County may, immediately file a claim, for the entirety of the amount of the bond, the guarantor shall pay the amounts guaranteed and the County shall convert the surety to a cash bond to be deposited with the County and subject to the terms herein; this shall

be specifically reflected in the language of the surety bond. The County may expend the guaranteed funds, without more, to undertake the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan, after providing written notice to Applicant, or, if the Project is Abandoned, to the person identified as the owner of the Property in the land records of Prince Edward County as of the date of the notice. Within six (6) months following the completion of the Decommissioning Activities required herein by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the surety bond shall be released by the County, and the bond funds paid to the County less any amounts expended by the County as allowed herein, shall be released and paid to Applicant or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.

41. Should this Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, the County may immediately draw down all of the surety funds and convert them into a cash bond for purposes of Decommissioning as set forth hereunder and as set forth in the Decommissioning Plan. In such case, no contractual agreement shall be required for the cash bond. This shall be reflected in the surety provided.
42. Should the funds guaranteed for the Decommissioning Activities for any reason not be sufficient for the County to complete the Decommissioning Activities as allowed for herein and as set forth in the Decommissioning Plan, Applicant shall be and shall remain liable to the County for the difference between the guaranteed funds and the amounts required to Decommission the Solar Facility and shall pay the difference to the County upon demand. The County shall not be liable to any party in any way for the funds drawn pursuant to the conditions set out herein and expended in relation to Decommissioning.
43. Should the Facility be Abandoned, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, or should the Decommissioning Activities not be diligently undertaken or performed, and should the County draw down the funds for the purpose of performing the Decommissioning Activities and mobilize its contractors to perform the Decommissioning Activities or otherwise incur liability to its contractors for the performance of the Decommissioning Activities, Applicant, or its agent, shall have no right to perform the Decommissioning Activities unless specifically authorized by the County in a writing that confirms that the County has incurred no liability to any contractors to perform the Activities or that any such liability is transferrable as deemed acceptable to the County. The Applicant or the Operator shall immediately, upon written demand by the County or any person or entity authorized to act on behalf of the County, without more, grant or release to the County, or any person or entity authorized to act on behalf of the County, under terms deemed acceptable by the County, all necessary real property rights, personal property rights, either or both, as determined solely by the County, other than fee simple ownership or a leasehold interest of the real property, so that the County or any person or entity authorized to act on behalf of the County may undertake any required Decommissioning Activities that have not otherwise been performed as required. This shall include, but may not be limited to, releasing any interest in the personal property, facilities, fixtures, and structures which are to be removed and recycled, disposed of, or otherwise demolished.

In Re: Public Hearing – Highway Corridor Overlay District Ordinance Amendment

Chairman Emert announced that this was the date and time scheduled for a public hearing regarding an Ordinance Amendment to amend and re-ordain Section 2-1300 of the Prince Edward County Code, Highway Corridor Overlay, to include additional architectural standards and to expand the overlay district area to include State Routes

628, 778 and 779. Notice of this hearing was advertised according to law in the Wednesday, December 1, 2021, and Wednesday, December 8, 2021 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the Highway Corridor Overlay District was created to protect scenic beauty and viewsheds, enhance levels of transportation service along the major County access roads, and increase property values. The district only covers a very small portion of major thoroughfares within the County, while there is development and permitting just outside of the boundary of the current district. Staff prepared a Draft with additional corridor areas along with new language and description of development standards for consideration that will enhance and expand the coverage of the district. The newly proposed areas include both Commerce and Dominion Drive, as well as extending the southern boundary along Farmville Road to its intersection with Abilene Road at Worsham.

The Planning Commission held a public hearing on November 16, 2021; no one spoke in opposition and the County has received no other correspondence opposing the proposed Ordinance Amendment. The Planning Commission unanimously recommended approval, forwarding it to the Board of Supervisors for Public Hearing.

Chairman Emert opened the public hearing.

There being no one wishing to speak, Chairman Emert closed the public hearing.

Supervisor Jones made a motion, seconded by Supervisor Wilck, to approve the Ordinance Amendment to amend and re-ordain Section 2-1300 of the Prince Edward County Code, Highway Corridor Overlay; the motion carried:

|      |                      |      |      |
|------|----------------------|------|------|
| Aye: | Beverly M. Booth     | Nay: | None |
|      | Pattie Cooper-Jones  |      |      |
|      | J. David Emert       |      |      |
|      | Llew W. Gilliam, Jr. |      |      |
|      | Robert M. Jones      |      |      |
|      | Odessa H. Pride      |      |      |
|      | Jerry R. Townsend    |      |      |
|      | James R. Wilck       |      |      |

In Re: Public Hearing – American Rescue Plan Act (ARPA) Funding

Chairman Emert announced that this was the date and time scheduled for a public hearing regarding amendments to the FY22 County and School Budgets to accept and appropriate \$4,706,166.87 of additional CARES Act – ESSER III Funding received by the Prince Edward County Public Schools. Notice of this hearing was advertised

according to law in the Wednesday, December 1, 2021, and Wednesday, December 8, 2021 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Stanley said that prior to the expenditure and in accordance with Section 15.2-2507, *Code of Virginia*, the Board must hold a public hearing to increase the FY22 County and School Budgets, accepting the distribution of federal funds and appropriate the funding to the FY 22 County and School Budgets.

Chairman Emert opened the public hearing.

There being no one wishing to speak, Chairman Emert closed the public hearing.

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, to approve the increase to the FY 22 County Budget and FY 22 School Budget by \$4,706,166.87 and appropriate the same funds to enable the expenditure of the federal ARPA funding; the motion carried:

|      |                                                                                                                                                                |      |      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|

In Re: Citizen Volunteer Appointments – Board of Zoning Appeals

Supervisor Cooper-Jones made a motion, seconded by Chairman Emert, to recommend Russell Dove to the Circuit Court Judge for appointment to the Board of Zoning Appeals, for a term of five years, beginning January 1, 2022 and ending December 31, 2026; the motion carried unanimously:

|      |                                                                                                                                                                |      |      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|

In Re: Citizen Volunteer Appointments – Planning Commission

Supervisor Cooper-Jones made a motion, seconded by Supervisor Townsend, to recommend reappointment of Teresa Sandlin and appointment of Brad Fuller to the Prince Edward County Planning Commission, with terms of four years beginning January 1, 2022 and ending December 31, 2025; the motion carried unanimously:

|      |                                                                                                                                                                |      |      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|

In Re: Citizen Volunteer Appointments – Crossroads Community Services Board

A vote was taken on the candidates for Crossroads Community Services Board:

| <u>Candidate</u> | <u>Vote</u>                                                                |
|------------------|----------------------------------------------------------------------------|
| Bernetta Watkins | Beverly M. Booth<br>J. David Emert<br>Odessa H. Pride<br>Jerry R. Townsend |
| Thomas Woodall   | Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Jim R. Wilck                    |
| Abstain          | Pattie Cooper-Jones                                                        |

Ms. Bernetta Watkins will be reappointed to the Crossroads Community Services Board for a term of three years beginning January 1, 2022 and ending December 31, 2024.

In Re: Redistricting

Mrs. Sarah Elam Puckett, Assistant County Administrator, stated that at the August meeting, the Board of Supervisors authorized the creation of the Citizen Advisory Committee for Redistricting and appointed its members comprised of one representative each of the County Democratic Party, the County Republican Party and the NAACP. Additionally, the Committee will be supported by staff from the Registrar's Office and County Administrator's Offices, the County Attorney, and with the technological and redistricting software support from the Commonwealth Regional Council.

The Committee has not yet started its work, pending the completion of the state redistricting process. The failure of the State Redistricting Commission to successfully complete the redistricting maps moved the authority and responsibility of redistricting to the Supreme Court of Virginia.

Mrs. Puckett drew the Board's attention to draft maps drawn by the Special Masters appointed by the Virginia Supreme Court and the press release explaining the public input process for the redistricting maps.

County staff has reached out to the Commonwealth Regional Council to ascertain the impact of the draft maps on the County's redistricting process and will have that information assimilated and ready to discuss with the Board at the December 14th meeting.

Mrs. Puckett stated as drawn, the County will be split into two districts. She said this is not the first time in its history, but due to changes in the Code of Virginia, "each precinct wholly contained of governing body \_\_\_\_" She said Lockett District has been carved out which is a concern when allocate population the eight districts must be 5% +/- as drawn, Lockett District has a population greater than 5% allowed for redistricting. She said there will have to be one census district moved into another district. Mrs. Puckett stated the County can ask them to adjust their map only if the Supreme Court agrees to make the amendment to their map.

Mr. Stanley stated that when the County gets split, the citizens actually have less representation; Prince Edward County is the only County being split. He requested direction from the Board on how to respond.

The Board concurred to authorize the County Administrator to speak on behalf of the Board and request that Prince Edward County be kept whole in both the House and Senate Districts, so as not to disenfranchise any communities of interest within our rural County.

#### In Re: 2022 Legislative Priorities

Mr. Stanley reviewed the Board's Legislative Priorities for 2022:

1. 1% Sales Tax for Local School Construction or Renovation - The Board of Supervisors of Prince Edward County has requested that Delegate Edmunds introduce a bill in the upcoming General Assembly session that would add Prince Edward County to the list of counties that are enabled to collect up to 1% in additional sales tax revenue for the construction or renovation of schools within the locality. Currently localities listed under §58.1-602 include Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville. The County has estimated that a 1% increase in sales tax would generate an estimated \$3,000,000-\$3,500,000 in annual revenue based on collections over the past five years. This is based on the County's share of 50% of local collections and our proportionate split of the remaining 50% with the Town of Farmville based on school age population. This would provide enough revenue to support significant improvements to the County elementary school as well as middle and high schools.
2. Term Contracts - The Board of Supervisors of Prince Edward County requests an amendment to Chapter §2.2-4303.1 of the Code of Virginia to increase the maximum the fee for any single project from \$150,000 to \$500,000 and the sum for all projects from \$750,000 to \$1 million in total. As we have found, with the ever-increasing inflation the Code has not kept up with the cost of these services. Term

contracts are a great way for localities to meet the needs for such services while minimizing the time needed in the procurement process.

3. FOIA Changes - The Board of Supervisors of Prince Edward County opposes changes proposed by the Virginia Freedom of Information Advisory Council (FOIA Council) to allow every citizen of the Commonwealth, and representatives of newspapers and magazines with circulation in or into the Commonwealth to make four free two-hour FOIA requests per 31 consecutive days. The bill, which would give eight (8) free hours of FOIA requests per person, per month (or 96 free hours per person per year), would overwhelm even the best staffed localities as the FOIA officers would still have to respond to all requests within the five-workday deadline.
4. In addition, we have the Board supporting the VACO Legislative Priorities.

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, to approve the 2022 Legislative Priorities list as presented; the motion carried:

|      |                                                                                                                                                                |      |      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|

In Re: Term Contracts for Architectural & Professional Engineering

Mr. Stanley stated Chapter §2.2-4303.1 of the *Code of Virginia* sets the maximum to increase the fee for any single project at \$150,000 and the sum for all projects at \$750,000 in total. As we have found, with the ever-increasing inflation the Code has not kept up with the cost of these services. Term contracts are a great way for localities to meet the needs for such services while minimizing the time needed in the procurement process.

Mr. Stanley said staff would like to ask that Delegate Edmunds and Senator Mark Peake file a bill to increase the fee for any single project to \$500,000 and the sum for all projects to \$1,000,000 for architectural and engineering term contracts.

Working through the Commonwealth Regional Council, we have recently set up a regional term contract list of firms that are available to the localities in Southside. The proposed amendment would increase the ability of all the localities in the region to utilize these services.

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, to request that Delegate Edmunds and Senator Mark Peake file a bill in the 2022 General Assembly session to amend Chapter §2.2-4303.1 of

the *Code of Virginia* to increase the fee for any single project to \$500,000 and the sum for all projects to \$1,000,000 for architectural and engineering term contracts; the motion carried:

|      |                                                                                                                                                                |      |      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|

In Re: Financial Advisory Services Annual Term Contract with Davenport & Company, LLC

Mr. Stanley said the County of Chesterfield issued a request for proposals (RFP), due February 1, 2021, for financial advisory services. There is language in the RFP which allows other localities to use the resultant contract which is allowed under the cooperative procurement regulations in the Virginia Code. The County of Chesterfield entered into the attached agreement with Davenport & Company, LLC for the period of July 1, 2021 through June 30, 2022. The agreement allows for the option of automatic renewal for up to four (4) additional years.

The request is for the Board of Supervisors to approve and authorize the County Administrator to sign an agreement with Davenport & Company, LLC for the period of December 15, 2021 to December 14, 2022 for financial advisory services. Prince Edward County would have the option to renew the contract for four additional years.

The hourly rates for the financial advisory services provided by Davenport & Company, LLC will not change from the current rates.

Prince Edward County has utilized the financial advisory services of Davenport & Company, LCC for a number of years. In recent years, the County has engaged Davenport & Company, LLC to provide financial advisory services for projects such as the Courthouse bond and the Social Services/Steps building renovation.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Wilck, to approve and authorize the County Administrator to sign an annual term contract with Davenport & Company, LLC to provide financial advisory services for a one-year period from December 15, 2021 to December 14, 2022; the motion carried unanimously:

|      |                                                                                                                                                                |      |      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|



In Re: Health Department Funding – Unspent Funds

Mr. Stanley stated the County received a letter from Dr. Almond requesting consideration of the return of a portion of unspent funding for FY 2020-2021 in the amount of \$25,763.34. This compares to the balance of \$7,906.00 from FY 2019-2020. They have stated that they would like to use half (12,881.67) of the funds to make purchases that will replace outdated or broken medical equipment, purchase needed medical equipment, replace broken workspace furniture, and purchase needed workspace furniture in the Prince Edward County Health Department and District Office. Mr. Stanley said he advised them that their request might be better received if they were purchasing something specific.

Buildings and Grounds staff is looking at the potential of making repairs to the flooring in the Health Department Office. An estimate of \$36,144 has been received to replace the flooring. Based on the price we will need to obtain two additional quotes. Dr. Almond has requested that the other half of fund be placed in a special projects line for the repairs/replacement of the flooring in the lower level.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Townsend, to approve the request to return unspent FY 2020-2021 funds in the amount of \$12,881.67 to the Piedmont Health District and \$12,771.67 be appropriated to replace the flooring in the Prince Edward County Health Department clinic; the motion carried:

|      |                                                                                                                                                                |      |      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|

In Re: Courthouse Telephone System Replacement

Mr. Stanley said there is a need for replacement of the current 15-year-old telephone system at the Courthouse with a new Voice Over Internet Protocol (VOIP) system. Currently there are 162 telephone lines and 17 fax lines in the Courthouse. There may be the need to replace/upgrade some of the cabling in the building to Category 5/6.

The proposed system will bring the office into the 21st century and improve departmental business processes by providing electronic document storage and management. A functional telephone system is essential to operations

at the Courthouse. The COVID-19 pandemic has only exacerbated the need given the closing of public offices to the general public.

Mr. Stanley stated that he and Randy Cook, Building and Grounds Supervisor, have been working on the project off and on for the past 9+ months. As part of the discussion process, a total of six vendors were solicited to provide proposals on the project. Proposals were received from Comm World (current vendor at Courthouse), Kinex (current vendor at DSS), Total Technology, ACOM, LLC, Granite, and Cisco (Buckingham vendor).

Mr. Stanley reviewed a summary the bids analyzing purchase cost, installation cost, and monthly/ongoing costs and savings from the current system. The recommendation is to go with the proposal from Kinex.

Among the features included, the quote includes the following:

- The system will be compliant with Kari's Law (no need to dial 9 prior to dialing 911 for an outside line).
- The system will support 911 'Dispatch Location' information in accordance with Ray Baum's Act.
- The system can enact an "emergency alert" feature to page phones in the event of an emergency.
- The system can provide IP connectivity to the Visitor Center and Piedmont Court Services for phone services.
- The system provides internal CDR reporting that can be accessed by administrative staff and IT.
- Power supplies will be provided for phones, but it is highly advisable that Power over Ethernet switches are purchased by the county and deployed for centralized UPS backup power for stations.
- Along with Power over Ethernet switches, it is advised that a separate, logical virtual network is implemented to segment VOIP phone traffic from regular network traffic.
- Kinex will provide assistance in configuration changes, station updates and handset troubleshooting to end users.
- The Polycom TRIO supports extra microphones for larger conference spaces and speaking members over 20.
- The PBX has a self-hosted conference option that allows users to dial in with PIN access.
- While call recording is supported, there is a limited amount of disk space so if the option is to have all calls recorded then we suggest network attached storage for audio files versus storing them locally to the server.
- Long distance is unlimited.

Mr. Stanley said the County will see monthly savings based on the going to Voice over Internet Protocol (VoIP) from our current provider (SEGRA). He added the proposed agreement is for three (3) years, after which the agreement will go month-to-month. Mr. Stanley said this project is part of the CIP and will offer some flexibility.

Supervisor Jones made a motion, seconded by Supervisor Wilck, to approve the proposal from Kinex dated November 3, 2021 to replace the County telephone system at the Courthouse and Visitor's Center in the amount of \$46,445.00 with a 3-year contract for monthly recurring costs in the amount of \$1,102.50, and to authorize the County Administrator to sign the contract with Kinex and authorize any necessary change orders in an amount up to 10% of the total project cost; the motion carried:

|      |                      |      |      |
|------|----------------------|------|------|
| Aye: | Beverly M. Booth     | Nay: | None |
|      | Pattie Cooper-Jones  |      |      |
|      | J. David Emert       |      |      |
|      | Llew W. Gilliam, Jr. |      |      |
|      | Robert M. Jones      |      |      |
|      | Odessa H. Pride      |      |      |
|      | Jerry R. Townsend    |      |      |
|      | James R. Wilck       |      |      |

#### In Re: Economic Development & Tourism Update

Chelsey White, Economic Development Director, presented an update to the Board:

- Worked with the South-Central Virginia Workforce Development Board to coordinate and host a job fair, scheduled for September 15th, at the Fireman's Sports Arena for citizens of Prince Edward and surrounding counties.
- Applied to the Virginia Economic Development Partnership's (VEDP) Virginia Business Ready Sites Program (VBRSP) on behalf of Prince Edward County for the HIT Park. The Timmons Group provided technical assistance for this application submission. As a part of this program, a request for \$1,975,000 in grant funding was made to fund wet utility (water and sewer) and transportation engineering design services to increase site marketability and attractiveness to prospective users while also advancing this site to a Tier Four infrastructure and business-ready site. A follow-up Virtual Site Tour took place followed by an in-person site tour. Award offers for this program will be made in December of 2021.
- Worked with CRC to submit a joint application on behalf of Prince Edward, Cumberland, and Lunenburg counties to the Virginia Department of Housing and Community Development's Virginia Telecommunication Initiative to request \$15,000,000 to fund a broadband expansion project. This project consists of broadband fiber buildout in parts of Prince Edward, Cumberland, and Lunenburg Counties, and will provide broadband to nearly 7,600 eligible service locations. Awards will be announced in late December.
- Convened for meetings with staff from VDOT, the Commonwealth Regional Council, and the Timmons Group concerning the development of industrial park access road project and grant management.
- Convened for meetings with Longwood University and Southside Virginia Community College about potential workforce development partnership opportunities in preparation for the development of the HIT Park.

- Continued to work with industrial and commercial developer prospects to find sites around Prince Edward County including the Prince Edward Business Park and privately-owned industrial properties.
- Working with the IDA to get all of the IDA-owned lots appraised to better market them to prospects and potential developers
- Completed the updating of signage at the Prince Edward County Business Park to better market lots to potential developers.
- Participated in the Governor's Reception for Rural Prosperity, hosted at Longwood University, representing Prince Edward County.
- Attended the Virginia Economic Development Association conference. Participated in VEPD Partner Kick-off Call to review event goals, logistics, industry overview, key messaging, etc. for scheduled virtual Austin and San Antonio call trip slated to start on January 17, 2022.
- Convened for meetings regarding the Mary E. Branch Community Center and plans to get a feasibility study completed to determine the future of the space.
- Convened for meetings to coordinate the updating of Civil War Trials signage in Prince Edward County.
- Convened for meetings with Sandy River Retreat to coordinate the submission of grant applications for marketing and expanding their operations, including adding a distillery.
- Convened for meetings to discuss the development of a wayfinding signage system for Prince Edward County.
- Continued to participate in regional and state organizations including Virginia's Crossroads and the Virginia Tourism Corporation on marketing the county's tourism opportunities.
- The Marketing Assistant position has been filled; the new hire will begin on December 13th.
- Prince Edward County has been featured in Travel + Leisure Magazine's article titled "The 12 Best Small Towns in Virginia to Add to Your Travel List". In particular, the article highlights the Moton Museum and the High Bridge Trail State Park: <https://www.travelandleisure.com/trip-ideas/best-small-towns-in-virginia>

In Re: County Credit Card

Mrs. Cheryl Stimpson, Director of Finance, stated that as the Board is aware, the County currently has two credit cards through Benchmark Community Bank in the names of the County Administrator and the Assistant County Administrator.

The Department of Buildings & Grounds increasingly requires use of a credit card for the procurement of general purchases. The County may obtain an additional credit card through Benchmark, but it requires approval of the Board.

Supervisor Jones made a motion, seconded by Supervisor Cooper-Jones, to authorize the application of one additional county credit card with a credit limit of \$10,000 in the name of the Building & Grounds Supervisor; the motion carried:

Aye: Beverly M. Booth  
Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Robert M. Jones  
Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

Nay: None

In Re: Authorization to Update Management of County Accounts

Mrs. Stimpson said that the Board will wish to update its list of authorized contacts for the management of all County's vendor accounts and financial accounts, as follows:

Douglas P. Stanley, County Administrator  
Sarah Elam Puckett, Assistant County Administrator  
Cheryl L. Stimpson, Director of Finance  
Crystal L. Baker, Finance Manager

In the event additional accounts require Board of Supervisors action to change the County's authorized representatives, the Board has already provided authorization to the seated Board Chair and/or Vice Chair to approve such future actions, especially if it needs to be done between Board meetings. The signature of the Board Chair, but sometimes a second Board member, are sometimes required.

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, to update the Resolution authorizing the Board Chair and/or Vice Chair and designated County staff to act on behalf of the County and to execute necessary documents, as required, related to the management of county financial and vendor accounts; the motion carried:

Aye: Beverly M. Booth  
Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Robert M. Jones  
Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

Nay: None

**COUNTY OF PRINCE EDWARD, VIRGINIA  
A RESOLUTION OF THE  
BOARD OF SUPERVISORS OF THE COUNTY OF PRINCE EDWARD, VIRGINIA  
MANAGEMENT OF COUNTY FINANCIAL ACCOUNTS**

At a regular meeting of the Board of Supervisors of the County of Prince Edward, Virginia, held at the Prince Edward County Courthouse, Board of Supervisors Room, Tuesday, December 14, 2021, at 7:00 p.m.:

MEMBERS PRESENT: Beverly M. Booth MEMBERS ABSENT: None  
Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Robert M. Jones  
Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

On motion of Supervisor Townsend, seconded by Supervisor Cooper-Jones, and carried by the following vote:

AYE: Beverly M. Booth NAY: None  
Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Robert M. Jones  
Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

**WHEREAS**, the County of Prince Edward, Virginia, a political subdivision of the Commonwealth of Virginia, has various financial and/ or vendor accounts that require management by staff in the County Administrator's Office; and

**WHEREAS**, the Board of Supervisors of the County of Prince Edward, as the governing body, has the sole authority to designate the management of the financial and operational accounts of the County;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Prince Edward hereby authorizes the addition of the following representatives of the County of Prince Edward as managers of County accounts:

Douglas P. Stanley, County Administrator  
Sarah Elam Puckett, Assistant County Administrator  
Cheryl L. Stimpson, Director of Finance  
Crystal L. Baker, Finance Manager

**BE IT FURTHER RESOLVED**, that the Board of Supervisors of the County of Prince Edward hereby authorizes the Board Chair and Board Vice Chair to execute any and all documents needed to transition the management of an account.

In Re: Public Health Emergency Leave

Mrs. Stimpson said that on March 24, 2020, at the onset of the pandemic, the Board approved a Public Health Emergency Leave policy of 160 hours. The County amended the policy on August 10, 2021, to reduce the number of hours of Public Health Emergency Leave (PHEL) to 80 hours per leave year.

Mrs. Stimpson said the single most important change to the draft policy update for the County is that the 80 hours (or pro-rated amount for part-time employees) of PHEL that the Board approved effective August 10, 2021 will

become a one-time allocation, and once it is used, the employee would then use other leave balances as needed and appropriate.

Mrs. Puckett said the 80 hours is a one-time allocation and it is not necessary to renew that 80 hours on an annual basis. She said it is determined by the Board to end the Emergency Leave. Once the one-time leave is used, the employee could then use other leave.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Wilck, to approve the amendment to the PHEL policy and make the effective date August 10, 2021; the motion carried:

|      |                      |      |                   |
|------|----------------------|------|-------------------|
| Aye: | Beverly M. Booth     | Nay: | Jerry R. Townsend |
|      | Pattie Cooper-Jones  |      |                   |
|      | J. David Emert       |      |                   |
|      | Llew W. Gilliam, Jr. |      |                   |
|      | Robert M. Jones      |      |                   |
|      | Odessa H. Pride      |      |                   |
|      | James R. Wilck       |      |                   |

In Re: Emergency Management Update – FEMA Public Assistance

Mrs. Puckett introduced Marcus Ayoub who has been working part-time for the County managing our FEMA Public Assistance Grant process, for both COVID and the February Ice Storm.

Mr. Ayoub presented information on his activities to recuperate funds from FEMA and VDEM; he said \$41,200 will be reimbursed to Fire Departments, and the Sheriff's office, with 75% from Federal and 25% from State payouts. He said the County is being reimbursed for 100% of its request; \$2,100 was received for management costs.

Mr. Ayoub then presented a report on the vaccine distribution. He said the County will receive \$49,500 which is a 100% Federal reimbursement. He said \$3,000 will be paid for management.

In Re: Emergency Management Update – Declarations of Local Emergency

Mrs. Puckett stated that at the moment, the County of Prince Edward is operating under two Declarations of Local Emergency.

1. Burn Ban: The Local Declaration was effective December 2, 2021 at 4:00 p.m. Presented for the Board consideration is a resolution to affirm and continue the local declaration until sufficient precipitation reduces the fire danger in the County. Mrs. Puckett stated this is to provide a tool to the Sheriff's Office for enforcement.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Gilliam, to approve the Resolution Affirming Declaration of Local Emergency and Burn Ban; the motion carried:

Aye: Beverly M. Booth  
Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Robert M. Jones  
Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

Nay: (None)

**A RESOLUTION OF THE  
BOARD OF SUPERVISORS OF THE COUNTY OF PRINCE EDWARD, VIRGINIA  
~ AFFIRMING DECLARATION OF LOCAL EMERGENCY AND BURN BAN~**

**WHEREAS**, effective 4:00 p.m. on Thursday, December 2, 2021, Douglas P. Stanley, County Administrator, as the Director of Emergency Management of the County of Prince Edward, found that the County of Prince Edward, Virginia, could face dangerous public safety conditions due to abnormally dry weather and resulting severe fire danger, which necessitated a Declaration of Local Emergency and the establishment of a ban on all open-air fires and outdoor burning; and

**WHEREAS**, the continuing dry conditions create significant widespread fire hazards and elevated public safety risks for citizens and first responders; and

**WHEREAS**, Section 44-146.21 of the Code of Virginia requires that such Declaration of Local Emergency be approved and affirmed by Board of Supervisors, as the governing body of the County of Prince Edward, Virginia, within forty-five days of the declaration;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of Prince Edward, Virginia, that the Declaration of Local Emergency and Countywide Ban on Open Burning, dated December 2, 2021, attached hereto and incorporated herein fully by reference, be, and the same hereby is approved and affirmed; and

**BE IT FURTHER RESOLVED**, and affirmed by the Board of Supervisors of the County of Prince Edward, Virginia, that said Declaration of Local Emergency and Countywide Ban on Open Burning shall continue until the County of Prince Edward receives sufficient precipitation to reduce fire danger to allow for it to be rescinded.

**COUNTY OF PRINCE EDWARD, VIRGINIA  
DECLARATION OF LOCAL EMERGENCY  
County of Prince Edward, Virginia  
COUNTYWIDE BAN ON OPEN BURNING**

**WHEREAS**, as County Administrator and Director of Emergency Management of the County of Prince Edward, Virginia, I do hereby find:

1. The County of Prince Edward has received significantly less than normal precipitation over the past 30+ days ending December 2, 2021; and
2. Abnormally dry conditions exist across Prince Edward County; and
3. The potential for significant wildland fires is above normal in Prince Edward County; and
4. The National Weather Service has moderate to high confidence that precipitation amounts will be at or below normal over at least the next five days; and
5. The Virginia Department of Forestry currently has the Farmville area categorized as Class 3 -HIGH Fire Danger; and
6. Due to the forecasted continued dry conditions, the County of Prince Edward could experience elevated public safety risks for citizens and first responders; and



7. The severely dry conditions that currently exist are favorable for rapid fire spread which has the potential to impact life safety, cause peril to property and create significant widespread fire hazard conditions, which necessitates the proclamation of the existence of a local emergency; and
8. Under the authority of Section 44.-146.21 of the Code of Virginia, as Director of Emergency Management, I do hereby declare a Local Emergency for the County of Prince Edward, Virginia and institute a county-wide ban on open burning until further notice.
9. Under the authority of Section 15.2-922.1 of the Code of Virginia, I do hereby institute a county-wide ban on open-air burning and outdoor fires, until further notice.
10. Open burning is the burning of material wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. This includes, but is not limited to, burning of leaves, brush, woody debris and/or other vegetation.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that effective the date and time below, an emergency exists throughout the County of Prince Edward, Virginia; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of said emergency, the powers, functions, and duties of the Emergency Management Organization of the County of Prince Edward, Virginia, shall be those prescribed by State Law and the Ordinances, Resolutions, and approved plans of the Prince Edward County Board of Supervisors in order to mitigate the effects of said emergency.

2. COVID: Local Declaration was enacted March 16, 2020, amended April 7, 2020 and affirmed by the Board April 7, 2020. Section 44-146.21 of the Code of Virginia states: *The governing body, when in its judgement all emergency actions have been taken, shall take appropriate action to end the declared emergency.*

In Re: Emergency Management Update – Continuity of Government Ordinance

Mrs. Puckett said that as the Board will recall, on April 7, 2020, the County's Emergency Ordinance for Continuity of Government was adopted. It was re-adopted on June 9, 2020 following a public hearing which enabled the ordinance to remain in effect for a period not exceeding six months after the disaster has ended, or until repealed or amended by the Board of Supervisors. The state disaster declaration was terminated June 30, 2021, which means the County's Continuity of Government Ordinance will automatically expire, effective December 31, 2021. No Board action is required.

In Re: Emergency Management Update – PEFYA Gymnasium

Mrs. Puckett stated the Piedmont Health District is requesting continued use of the PEFYA Gymnasium into 2022. The PEFYA Board met December 9, 2021 and they wish to continue the relationship with the County for the use of the building.

In Re: Emergency Management Update

Trey Pyle presented the Board Briefing #28; the Omicron variant is in Virginia; he said Prince Edward County is monitoring for spread, impact and outbreaks. Local and State case counts are trending upward since the Thanksgiving holiday. Mr. Pyle reported there are currently 10,878 first vaccines and 9,818 (43.1%) fully vaccinated individuals in Prince Edward County. He stated that if the Longwood University and Hampden-Sydney College fully-vaccinated students are counted in the numbers, that would increase the fully-vaccinated to 63.9%.

Mr. Pyle stated VDH will hold a "PCR" testing clinic at FEFYA Gym on December 20, 2021 from 1:00 – 4:00 p.m.

Mr. Pyle reported a very slight increase in EMS Agency calls from the same time last year; there were 300 calls in November 2021 compared with 295 in November 2020.

Mr. Pyle said work is being finalized on the design and messaging on a second county-wide mailer for boosters and vaccines. He said he continues to update and public vaccine and testing information via the County's website, Facebook and message boards. Currently, monitoring of the OSHA ETS (Emergency Temporary Standard) for COVID Vaccinations and Testing and its impact on Virginia. Currently this is on hold with the Court of Appeals and it would impact employers with more than 100 employees. The most impactful mandate would require employers to develop, implement and enforce a mandatory COVID-19 vaccination policy, with an exception for employers that instead establish, implement and enforce a policy allowing employees to elect either to get vaccinated or to undergo weekly COVID-19 testing and wear a face covering at the workplace at all times.

Mr. Pyle said the County is supporting VDH testing and vaccination clinics at FEFYA Gym with building operations and public information, and is maintaining situational awareness on the Omicron variant.

In Re: Opioid Settlement / County Attorney's Report

Mrs. Terri Atkins Wilson, County Attorney, stated that after years of negotiations, two proposed nationwide settlement agreements ("Settlements") have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, "Janssen").

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21 billion over 18 years and Janssen to

pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the "Settlement Amount"). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. Virginia has joined both Settlements. Second, the subdivisions within each participating state must then decide whether to participate in the Settlements. Generally, the more subdivisions that participate, the greater the amount of funds that flow to that state and its participating subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds.

Supervisor Booth made a motion, seconded by Supervisor Wilck, to approve the resolutions approving the County's participation in the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding and proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directing the County Administrator and/or the County Attorney to execute the documents necessary to effectuate the County's participation in the memorandum of understanding and settlement; the motion carried:

|      |                                                                                                                                                                |      |        |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | (None) |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------|

**A RESOLUTION OF THE PRINCE EDWARD COUNTY BOARD OF SUPERVISORS  
APPROVING OF THE COUNTY'S PARTICIPATION IN THE VIRGINIA OPIOID  
ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF  
UNDERSTANDING ("MOU")  
AND DIRECTING THE COUNTY ADMINISTRATOR TO EXECUTE THE  
DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN  
THE MOU**

**WHEREAS**, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting,

amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

**WHEREAS**, the Commonwealth of Virginia and its cities and counties have 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 Virginia; and

**WHEREAS**, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

**NOW THEREFORE BE IT RESOLVED** that the PRINCE EDWARD COUNTY Board of Supervisors, this 14th day of December, 2021, hereby authorizes and approves of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A," and directs the County Administrator to execute the MOU.

**A RESOLUTION OF THE PRINCE EDWARD COUNTY BOARD OF SUPERVISORS  
APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED  
SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL  
HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE  
ENTITIES, AND DIRECTING THE COUNTY ADMINISTRATOR AND THE COUNTY  
ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE  
COUNTY'S PARTICIPATION IN THE SETTLEMENTS**

**WHEREAS**, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

**WHEREAS**, the Commonwealth of Virginia and its cities and counties have 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 Virginia; and

**WHEREAS**, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them;

**NOW, THEREFORE, BE IT RESOLVED**, that the PRINCE EDWARD COUNTY Board of Supervisors, this 14th day of December, 2021, approves of the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County Administrator and the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

In Re: County Administrator's Report

Mr. Stanley presented an update on the following:

**Broadband** - \$15,000,000 has been awarded to help achieve universal broadband coverage in Prince Edward, Cumberland, and Lunenburg counties. This is a game changer for Prince Edward County! Access to broadband is essential for the success of our community moving forward. Thanks to our project partners including Kinex, Cumberland County, Lunenburg County, and the Commonwealth Regional Council, in particular Todd Fortune who helped us with the grant application.

**Lowes Access Issue** - The signed agreement from Lowes has been recorded. The County will be responsible for repaving the access road in the next 180 days (next spring). We are glad to put that issue behind us. Thanks to Chelsey White and Terri Atkins Wilson for their efforts on the project.

**Yak Attack** - The annual report for Yak Attack's Tobacco Region's Opportunity Fund (TROF) Grant/Loan has been submitted and approved by the Tobacco Commission. Yak Attack has met the Interim Performance Date requirements of 15 jobs paying an average salary of \$32,058 and a \$1.5 million investment. The final report will be required at the July 31, 2022 performance date.

**Solid Waste Maintenance Building** – The Contractor has completed the erection of the maintenance Building at the landfill. Staff will work on placement of conduit prior to pouring of the concrete floor. It is anticipated that the project should be completed over the next month.

**Courthouse Signage** - Outdoor signage is complete. We will be working to sign our other County facilities using the same signage so it is all uniform. We are also working on completing the replacement of the interior signage at the courthouse.

**HIT Industrial Park/Data Center Site** - The County hosted representatives from the Virginia Economic Development Partnership and their consultant, KPMG, this past Monday for a site tour of the site. This was part of their review of their Business Ready Sites Grant applications. Prince Edward has applied for \$1.7 million in funding to get the site elevated from Tier 3 (which we have currently funded) to Tier 4 status. Thanks to Chelsey White for her preparation and presentation to the group, and for the Chair and Vice-Chair of the Board for joining us for dinner.

**Convenience Site Attendant Buildings** - On Monday, the replacement building at the Tuggle site will be installed. The Green Bay and Virso sites will be installed the following week.

**Stormwater/E&S** - DEQ was in the County last week to review a couple of our Stormwater and Erosion and Sediment Control sites. They visited the Hampden-Sydney Science Building site and the Tharpe Trucking site on 460 East. Only minor issues were identified.

In Re: Proposed Road Addition – Briery Way Road

Mr. Stanley said that in the mid 2000's, the "Away at Briery" Subdivision was platted. There are currently three homes constructed. The entrance road off Route 15, Briery Way Road, was taken into the State Highway System except that there is approximately a 200' section before its intersection with Fire Trail Road that was not dedicated and taken into the system. This forces school buses and VDOT maintenance trucks to continue onto private property to the intersection to turn around. Resident Engineer Scott Frederick is requesting that this additional section be taken into the State Highway System so that VDOT can maintain it.

At this time, VDOT is requesting that the Board of Supervisors make a formal request to add an approximate 200' section of Briery Way Road to the State Highway System.

Chairman Emert made a motion, seconded by Supervisor Cooper-Jones, to adopt the attached resolution to add to add a portion of Briery Way Road to the State Highway System as depicted on the enclosed sketch and authorize the County Administrator to sign the necessary forms as required by VDOT; the motion carried:

|      |                                                                                                                                                                |      |        |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | (None) |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------|

**RESOLUTION**

**WHEREAS**, the Farmville Residency Office of the Virginia Department of Transportation recommends that the street referenced in this Board's resolution be added to the Secondary System of State Highways as a no cost rural addition pursuant to §33.2-705 of the Code of Virginia and Commonwealth Transportation Board Rural Addition Policy, because the street meets current minimum standards, the condition of the existing hard surface is good, the street has provided continuous public service since its establishment in 2008 and currently serves three owner-occupied residential dwellings; and

**WHEREAS**, the Farmville Residency Office of the Virginia Department of Transportation confirms that no Department funds are required to improve the street described on the attached additions Form AM 4.3 to meet current minimum design or maintenance standards of the Department.

**NOW, THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the street described on the attached additions Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705, Code of Virginia and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation.

**BE IT FURTHER RESOLVED**, this Board guarantees a clear and unrestricted right of way, as described on the attached Form AM 4.3, and any necessary easements for cuts, fills and drainage; and

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

In Re: PPEA – Legal, Financial, and Engineering Review Services

Mr. Stanley said that as part of the PPEA process the County will need to bring legal, financial, and engineering experts under contract to help the review of the application(s) and, potentially, development of contract(s). The County has received a proposal from Hefty Wiley Gore for legal services. Mr. Stanley said he has worked with Bill Hefty in the past and he is one of the top experts in the State on the PPEA process. They have proposed rates of \$400 /hour or a flat fee of \$30,000 that would provide services through the development of a contract. Staff believes that the flat fee will be more economical than an hourly rate. Legal services are exempt from the County's Purchasing Policies.

Pennoni has provided a proposal to provide an engineering review of the proposals. The proposal would review the Conceptual Phase of the unsolicited proposal submitted by Prince Edward County Infrastructure LLC and provide an opinion of its suitability and completeness in accordance with the Guidelines for the lump sum fee of \$7,500. They would also be available to review additional competing proposals if received. They have estimated that it would take 21 days to review the application which would allow it to be completed within the 45-day advertisement window.

Mr. Stanley said he has worked with Pennoni in the past on review projects including reviewing a septage receiving facility design. In this case, they have no connection with the project or other projects in the region. For professional services such as engineering, competition is not required for contracts less than \$20,000.

As part of the PPEA submittal, Prince Edward County Infrastructure, LLC has submitted a check in the amount of \$50,000 to offset review costs of the preliminary submittal to the County. This will help the County cover the costs of a significant portion of the legal, financial, and engineering evaluations. Please note that the legal proposal covers all work through contract execution.

Supervisor Jones made a motion, seconded by Supervisor Cooper-Jones, to approve and authorize the County Administrator to sign a contract with Hefty Wiley Gore for legal services and Pennoni for engineering services; the motion carried:

Aye: Beverly M. Booth  
Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Robert M. Jones  
Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

Nay: None

On motion of Supervisor Wilck, seconded by Supervisor Cooper-Jones, and adopted by the following vote:

Aye: Beverly M. Booth  
Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Robert M. Jones  
Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

Nay: None

the meeting was adjourned at 9:56 p.m.