

July 15, 2022

At the special meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Friday, the 15th day of July, 2022; at 5:30 p.m., there were present:

Pattie Cooper-Jones
J. David Emert
Llew W. Gilliam, Jr.,
Odessa H. Pride
Carol R. Stiff
Jerry R. Townsend

Also present: Douglas P. Stanley, County Administrator; Sarah Elam Puckett, Assistant County Administrator; and Terri Atkins Wilson, County Attorney.

Chairman Pride called the special meeting to order.

Chairman Pride 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.

Chair Pride offered the invocation and led the Pledge of Allegiance.

Chair Pride welcomed Supervisor Carol R. Stiff.

In Re: Closed Session

Chairman Pride made a motion, seconded by Supervisor Emert, that the Board convene in Closed Session for discussion and consideration of the applications for the appointment to fill the District 7 seat on the Board of Supervisors, pursuant to the exemption provided for in Section 2.2-3711(A)(1) of the *Code of Virginia*; the motion carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	J. David Emert		
	Llew W. Gilliam, Jr.		
	Odessa H. Pride		
	Carol R. Stiff		
	Jerry R. Townsend		

The Board returned to regular session by motion of Supervisor Emert, seconded by Supervisor Townsend and adopted as follows:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Odessa H. Pride Carol R. Stiff Jerry R. Townsend	Nay: None
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On motion of Chair Pride, and seconded by Supervisor Cooper-Jones, and carried by the following roll call vote:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Odessa H. Pride Carol R. Stiff Jerry R. Townsend	Nay: None
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the following Certification of Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act:

WHEREAS, the Prince Edward County Board of Supervisors convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the *Code of Virginia* requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Prince Edward County Board of Supervisors hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Prince Edward County Board of Supervisors.

In Re: Board Vacancy – District 7 (West End)

At its June 14, 2022 reconvened meeting, the Board authorized the County Attorney to file the petition for a Writ of Election from the Prince Edward County Circuit Court for a special election to be held on November 8, 2022 and authorized County staff to advertise for applicants for an interim appointment to fill the vacancy for the District 7 (West End-Farmville) seat on the Board of Supervisors.

A public notice was advertised in The Herald (copy attached) and placed on the County's website and Facebook page asking for any resident and qualified voter of District 7, who wishes to be considered, to complete and return a Board of Supervisors Vacancy - Citizen Application to the County Administrator's Office by no later than 4:00 p.m. on Friday, July 8, 2022. A press release was also issued.

To date the County has received a total of two (2) applications for the seat. Based on the 45-day time limit, the Board must make an appointment by July 29, 2022. If the Board desires, it could call a special meeting and interview the candidates prior to the deadline.

Upon appointment, this individual will serve on the Board of Supervisors and exercise all powers of the elected office until the Special Election to fill the vacancy is held on Tuesday, November 8, 2022 and the person so elected has qualified. Supervisor Wilck’s term of office would have ended December 31, 2025. The winner of the November 8th special election for District 7 will then serve until December 31, 2025 and could run for re-election, if they so choose.

A vote was taken on the candidates, as follows:

<u>Candidate</u>	<u>Vote</u>
Bruce Davis	Jerry R. Townsend
Brett Von Cannon Watson	Pattie Cooper-Jones
	J. David Emert
	Llew W. Gilliam, Jr.
	Odessa H. Pride
	Carol R. Stiff

Brett Von Cannon Watson will fill the interim position on the Board of Supervisors and hold office until the vacancy is filled by special election and the person so elected has qualified.

In Re: Board Vacancy – District 1

Mr. Stanley stated that if the Board of Supervisors wishes to fill the vacancy of the seat held by Supervisor Beverly M. Booth - District 1, the Code of Virginia requires that a petition for a special election be filed with the Circuit Court within fifteen (15) days of the creation of the vacancy (by July 20, 2022). The appointment to fill the vacancy until the special election can be held must be made within 45 days (by August 19, 2022).

Supervisor Booth’s term of office would have ended December 31, 2023. The individual elected in the special election for District 1 will serve until December 31, 2023 and is then eligible to run for re-election in the November 2023 election, if they so choose.

In order to file a petition with the Circuit Court, it requires a motion and affirmative vote from the Board of Supervisors to request a special election to fill the vacancy left by the resignation of Supervisor Booth. It also requires a motion if the Board wishes to conduct the special election with the general election on November 8, 2022. Thirdly,

it requires the County Attorney to prepare and file with the Circuit Court a petition for a special election that sets forth those facts as well as prepare a Writ-of-Election to be endorsed by the Judge and entered as an Order of the Court.

Mr. Stanley said the Board may appoint someone to fill the vacancy in the interim. If a majority of the remaining members of the Board cannot agree, or do not act, the judges of the Circuit Court of the County may make the appointment. If agreeable, Mr. Stanley suggested the Board authorize County staff to advertise for applicants for the interim appointment with a deadline the last week of July and a meeting to be held the first week of August.

Following some discussion, Supervisor Emert made a motion, seconded by Supervisor Cooper-Jones, to request a special election to be held to fill the vacancy on the Board of Supervisors for District 1, and that the special election be held in conjunction with the General Election on November 8, 2022; to authorize the County Attorney to file the petition and see a Writ of Election from the Prince Edward County Circuit Court for a special election to be held on November 8, 2022; and that the Board authorize County staff to advertise for applicants for an interim appointment for the District 1 seat; and to set July 29, 2022 at 4:00 p.m. the deadline for those applications; the motion carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	J. David Emert		
	Llew W. Gilliam, Jr.		
	Odessa H. Pride		
	Carol R. Stiff		
	Jerry R. Townsend		

Following some discussion, a special meeting will be held Thursday, August 4, 2022 at 5:30 p.m. to discuss the appointment of an interim member to fill the vacancy for the District 1 seat on the Board of Supervisors

In Re: PPEA Interim Agreement

Mr. Stanley stated that on December 9, 2021, the Prince Edward County Board of Supervisors accepted the unsolicited proposal of Prince Edward County Infrastructure, LLC (PECI) for the design and construction of a water system serving the County; and further move the Board make a determination to use competitive negotiation in selecting a contractor; and to authorize the County Administrator to post the non-confidential portions of the proposal and advertise for the receipt of competing proposals for a period of not less than 45 days. The County received no competing proposals.

Since that time, County staff and our selected consultants have been negotiating an interim agreement with PECI for the development, design and construction of the water treat plant and distribution system consistent with the

Design-Builder's proposal and the County's guidelines and procedures concerning the Public-Private Education facilities and Infrastructure Act of 2002 as adopted on July 8, 2008.

Per Section IX.C of the County's guidelines, 30 days prior to entering into an interim agreement the County shall provide an opportunity for public comment. Such public comment shall include a Public Hearing held by the Board of Supervisors.

Staff has considered the Proposal and has determined in the interest of developing a water supply system it is in the best interest of the County to proceed and established the 30-day period for public comment. The draft interim agreement has been reviewed by our PPEA Legal Counsel – Sharon Pandek (Pandek & Taves, PLLC) and our Engineering consultant – Tom Frederick (Pennoni Engineering). Based on their input a number of changes have been made to the Agreement. As currently written the County will be responsible for up to \$1 million of design cost of the project if the project does not move forward to construction. One of the issues with the 2009 project effort was the concern that the County spent over \$2 million with Crowder Construction to advance the PPEA. Not all of the work was deemed “throw away” and helped with the current project effort. We have worked to try to limit the exposure to the extent possible for the County on this latest effort.

Joe Hines, Timmons Group, stated \$2 million worth of work was completed in 2009; he said use data to put in a proposal which the State viewed as reasonable to get the project done within a three-year period. One basic element that is in place is we do have a Memorandum of Agreement with the Department of General Services with a verified demand; they have given us a 30-year projection of 1 million gallons per day of water that they would need. He added there is minimal risk because of having customers now that it didn't have back then. Mr. Hines said they have accounted for the economic development opportunities within the water withdrawal application. He said water is a fundamental building block within a successful community with successful economic development effort. He said that in the state, there are only 25 reservoirs like this and it is a unique asset. Mr. Hines said there have been multiple billion-dollar projects come across his desk; the current client list has over \$20 billion in active projects with over 10,000 jobs. He stated that this project will partner with Nottoway County and the State facilities there will allow for regional efforts. He then provided examples of some other projects.

Mr. Hines said the design-build process is a two-step process. He said Timmons has applied for a number of grants to help offset the costs.

Ms. Pandak said all is covered in an attempt to solidify the agreement.

Tom Frederick, Pennoni Engineering, said they conducted a review of the PPEA document including all the technical criteria that was put into that report, checked references; they received good feedback and the proposal is sound. He said a key in the success of this project is in removing the organic garbage from the water in the reservoir and the design/build team has a good handle on what needs to be done to make sure that the appropriate treatment is provided. He said in reviewing the Agreement, he said to make sure the County has the necessary cost estimates to minimize the risk and promotes the most options for the County so that it dovetails with the financial review that Davenport will be doing, to make sure it is not just a technically sound project but also a financially sound project.

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, to accept the interim agreement as drafted with Prince Edward County Infrastructure, LLC for Design and Construction of Sandy River Reservoir Water Treatment and Distribution Project for the purposes of posting for a 30-day comment period, and to authorize the public hearing to receive public comment on the Interim Agreement on August 23, 2022 in accordance with the County's PPEA Guidelines; the motion carried:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Odessa H. Pride Carol R. Stiff Jerry R. Townsend	Nay: None
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In Re: Closed Session

Chairman Pride made a motion, seconded by Supervisor Townsend, that the Board convene in Closed Session for consultation with and a briefing by the County Administrator and County Attorney pertaining to pending litigation related to the appeal of the decision of the Board of Zoning Appeals in the Bowman matter, where such briefing in an open meeting would adversely affect the litigating posture of the County, pursuant to the exemption provided for in Section 2.2-3711(A)(7) of the *Code of Virginia*; the motion carried:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Odessa H. Pride Carol R. Stiff Jerry R. Townsend	Nay: None
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The Board returned to regular session by motion of Supervisor Emert, seconded by Supervisor Townsend and adopted as follows:

Aye: Pattie Cooper-Jones
J. David Emert
Llew W. Gilliam, Jr.
Odessa H. Pride
Carol R. Stiff
Jerry R. Townsend

Nay: None

On motion of Chair Pride, and seconded by Supervisor Cooper-Jones, and carried by the following roll call vote:

Aye: Pattie Cooper-Jones
J. David Emert
Llew W. Gilliam, Jr.
Odessa H. Pride
Carol R. Stiff
Jerry R. Townsend

Nay: None

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Supervisor Emert made a motion, seconded by Supervisor Townsend, to direct legal counsel to file and pursue an appeal to the Prince Edward County Circuit Court of the June 21, 2022 decision of the Board of Zoning Appeals in the Bowman matter; the motion carried:

Aye: Pattie Cooper-Jones
J. David Emert
Llew W. Gilliam, Jr.
Odessa H. Pride
Carol R. Stiff
Jerry R. Townsend

Nay: None

On motion of Supervisor Townsend, seconded by Supervisor Emert, and adopted by the following vote:

Aye:	Pattie Cooper-Jones	Nay: None
	J. David Emert	
	Llew W. Gilliam, Jr.	
	Odessa H. Pride	
	Carol R. Stiff	
	Jerry R. Townsend	

the meeting was adjourned at 6:56 p.m.