

February 14, 2023

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 February, 2023; at 7:00 p.m., there were present:

Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Victor "Bill" Jenkins  
E. Harrison Jones  
Odessa H. Pride  
Jerry R. Townsend  
Cannon Watson

Also present: Douglas P. Stanley, County Administrator; Sarah Elam Puckett, Assistant County Administrator; Chelsey White, Director of Economic Development and Tourism; Terri Atkins Wilson, County Attorney; Scott Frederick, PE, VDOT Resident Engineer; Scott Davis, Farmville Town Manager; and Dr. Barbara Johnson, Superintendent, Prince Edward County Public Schools.

Chairman Gilliam called the February meeting to order.

Supervisor Townsend offered the invocation; Chairman Gilliam led the Pledge of Allegiance.

In Re: Conflict of Interest Act

(None)

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 students, employees and our citizen volunteers who serve the County of Prince Edward.

Mrs. Cheryl Stimpson, Director of Finance, stated the Board would like to recognize Natasha Parker as Employee of the Month for February. "Natasha has an extensive background with Child Protective Services (CPS). She takes initiative to "promote collaboration and partnerships across the county and has proved to be a valuable asset" to Prince Edward Department of Social Services. Mrs. Parker is confident, pleasant and always willing to lend a helping hand. We'd like to thank Natasha for her commitment, dedication, and light she shines on our community."

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.*

Joni Beachley, Farmville Downtown Partnership, presented a work plan for 2023 which touched on highlights of FDP activities. She said that as a non-profit, they are eligible for grants that, when they partner with other organizations in the Town and County, it will further all of the goals and help all organizations financially. She reviewed several grants awarded that assisted with a feasibility study towards the goal of a purchase of two buildings. She said there is a large fundraiser planned in August and will take place on Main Street.

Jessica Buracker, Longwood University student of Social Work, requesting the Board to proclaim April as Child Abuse Prevention Month. She said there are planned service projects.

Ian Danielson, Assistant Professor of Social Work at Longwood University and Faculty Advisor to the Social Work Honors Fraternity, Phi Alpha, stated that in observance of Child Abuse Prevention Month, the group would put on training activities which would be inclusive of Longwood faculty, staff, members of the community and would like to expand their efforts and include members of Hampden-Sydney [College] as well. He said they are in partnership with the Department of Social Services to have pinwheel gardens and awareness-raising activities. The training is Stewards of Children training, of which Mr. Danielsen is an authorized facilitator; this is a national sexual abuse prevention training that helps anyone in the lay community recognize the signs and how to respond to protect children. He said if the Board would agree to partner and declare April Child Abuse Prevention Month, they could finalize the proclamation in March.

Taylor Morrison, with Phi Alpha, Social Work Department, requested the Board partner with their organization to declare April as Child Abuse Prevention Month.

In Re: Board Comments

The Board thanked all in attendance for coming out.

Supervisor Jenkins said the Child Abuse Prevention Month would be a good thing.

Supervisor Watson agreed and thanked the citizens for bringing issues to the Board's attention.

Supervisor Townsend thanked the citizens for their support, and extended condolences to Mr. Stanley on the loss of his father.

Supervisor Emert stated he appreciates citizens bringing their concerns to the Board, and thanked Mr. Danielsen in his efforts for Child Abuse Prevention.

Supervisor Jones welcomed all and wished all a happy Valentine’s Day. He appreciates all that take the time to be involved in local government. He said Mr. Danielsen is going above and beyond the regular college experience by leading the Social Work group in this action.

Supervisor Cooper-Jones thanked all for being in attendance and thanked Mr. Danielsen for his efforts. She thanked the Farmville Downtown Partnership for the information on their activities, and the Town Manager for attending.

Supervisor Pride agreed with the other Supervisors, and thanked all for coming out to take part of this process.

Chairman Gilliam thanked Mr. Danielsen and the students for what they are doing, and concurred with the other Board members’ comments.

In Re: Consent Agenda

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

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Victor “Bill” Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	Nay: None
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the Board accepted the December 2022 Treasurer’s Report; the minutes of the meeting held January 10, 2023 at 5:00 p.m. and January 10, 2023 at 7:00 p.m.; Accounts and Claims, Board Mileage Sheets; and Salaries.

**Prince Edward Treasurer's Report - December 2022**

<b>Name of Bank</b>	<b>Ref #</b>	<b>Int. Rate</b>	<b>Bank Balance</b>	<b>Available Balance</b>
Benchmark Pooled Fund Account	7654		\$19,118,606.62	\$19,118,606.62
Benchmark Social Services	9746		\$222,847.23	\$222,847.23
Benchmark School Fund	3352		\$1,322,596.66	\$1,322,596.66
Benchmark Food Service	3742		\$555,066.29	\$555,066.29
<b>TOTAL</b>				<b>\$12,029,704.23</b>

\***Note:** School Fund and Cafeteria Fund balances shown above are estimated balances.

<b>Certificates of Deposit</b>				
Benchmark	0994	1.00	\$122,275.88	
	0995	1.00	\$122,275.88	
Recreation Fund	0998	0.50	\$17,507.66	
Benchmark 5 Yr CD-letter of credit	0632	1.00	\$661,447.11	\$923,506.53
Benchmark Investment Acct	L796	3.35	\$2,438,386.88	\$2,438,386.88
Farmers Bank	2465	0.50	\$109,906.26	
	2466	0.50	\$109,906.26	
Underground Storage	2478	0.60	\$22,938.96	
	2501	2.09	\$2,236,971.94	
	3418	3.75	\$2,500,000.00	
	3419	3.35	\$2,500,000.00	\$7,479,723.42
TOTAL				<u>\$10,841,616.83</u>
GRAND TOTAL				<u><u>\$32,060,733.63</u></u>

In Re: Highway Matters

Mr. Scott Frederick, VDOT Resident Engineer, P.E., reviewed VDOT activities:

Old Ridge Road – a traffic study had been done previously and advance warning and curve signs were placed. He said the speed limit and center line had not been placed at that time; he recommends a new road study.

- Rice Depot area – speed limit signs are placed, and people are exceeding the current speed limit. It needs more enforcement or traffic calming methods.
- Ditch line flooding along Route 460 East in Rice has been addressed.
- Route 460 at Pisgah Church Road, pothole has been filled.
- Work order has been issued for the route number sign to be replaced on Dempsey Road.
- Trees trimmed on Routes 633 and 634.
- Shoulder stone put down on Route 633.
- Patching on Oliver Road.
- Stop sign on Hampden-Sydney Road straightened.

Mr. Frederick said VDOT continues with the regular winter routine maintenance, such as adding shoulder stone, both boom axes are running. He said work has been done on Route 460 clipping the high shoulders down and adding stone in the low areas. Three winter weather events have been handled.

Mr. Frederick then said the work group for the School Traffic will meet Friday.

Supervisor Pride said new homes are being built on Route 633, and the heavy rains appear to be getting ready to flow into someone's yard. She asked if it is left to the individual who owns the land to do pipes so it flows better, because the water is standing on the road. Mr. Frederick said when a house is built, the owner has to get a driveway permit; he said it sounds as though what was built isn't working right. He said he will talk with the builder.

Supervisor Townsend said the bridge on Worsham Road is still rough and is coming apart. Mr. Frederick said rotten timber was replaced last year; he said he will find out when it will be replaced.

Supervisor Townsend then asked about contract work (trash pickup) done on Route 15, north and south. Mr. Frederick said several areas are adopted through the Adopt-a-Highway program first and then will go from there.

Supervisor Emert reported Isham Road off Rattler's Branch is in bad shape; he added the culvert at Peak's Church is filling up.

Supervisor Pride asked for the completion date for the project on Route 15 S. Mr. Frederick said they are behind schedule; he will find out the date and report back.

Supervisor Pride then asked if she can make a right turn on red onto County Line Road because of the construction. Discussion followed.

Chairman Gilliam reported that at the wood processing plant on Singleton [Road], the culvert is stopped up below his entrance. He added that on Five Forks [Road], the water is not going through a section that was recently timbered. Chairman Gilliam then stated that on Route 460 at Route 307, a car from South Carolina was in the right lane and needed the whole road to make it through the intersection. Mr. Frederick said the intersection will be narrowed to one lane before the half-mile signs; he said the striping will indicate a lane drop. Everyone will get into the left lane well in advance of the intersection; at Route 307 drivers will be able to make the right turn. The entire area will be resurfaced with new asphalt, with the new traffic pattern so there will be no confusion and this should be completed by May 21st. Discussion followed.

Supervisor Jenkins questioned how to change the name of a road. Mr. Frederick said he will look into it.

#### In Re: Community Partner Update – Town of Farmville

C. Scott Davis, LP.D., Town Manager, stated Town Council's work on the Charter amendment is going well in the General Assembly and is in crossover; he said was passed on both sides of the House. This should be ready for

the Governor's signature. He said the Town is in the budget process; he said they forecast for the Town that they will see the Meals Tax and Lodging are doing quite well as two of the largest revenue sources for the Town.

Mr. Davis said Town Council had a retreat on Friday and Saturday; they set their work plan for the next year and tentatively came up with a new mission and vision statement. He said strategic goals include studies to see what the costs will be for water and sewer lines, to replace those of significant age. Many of the streets and sidewalks were ADA compliant when installed but may need updates when they are replaced. He said the Comprehensive Plan calls for transportation and mobility in the Town, and will look at implementing bike lanes in the future. He said he looks forward to working with the County in different initiatives; one conversation will be to combine the Emergency Communications Center.

Supervisor Cooper-Jones asked what is being built on Fourth Street; Mr. Davis said Longwood University is moving their facilities building to that location, and they have been funded for a new music facility where the current facilities structure is.

Supervisor Jones asked who he needs to speak to regarding paving within Town limits. Mr. Davis said there is a schedule for paving, based on need, location and age. He said they can meet to discuss Supervisor Jones' concerns.

In Re: Community Partner Update – Prince Edward County Public Schools

Barbara A. Johnson, Ed.D., Superintendent, reported on updates for Prince Edward County Public Schools. She recognized the school system, parents and students, stating that the January attendance was at 91% across the board. She stated the Elementary Parents & Teacher Organization (PTO) demonstrated their appreciation for the staff by providing a duty-free catered lunch. Dr. Johnson reported that the track is now open; she thanked the Board for setting aside funds to assist. She invited the Board and community to use the track as long as the students are not practicing.

Dr. Johnson then reported that Moseley Architects have been employed to create the design and they will be in town in a few weeks to speak to faculty, the PTO, and will hold general community meetings to speak about design. She said the public is welcome to attend. She then reported Prince Edward County Schools were not chosen for the first round of the grant for electric buses, but will be able to apply again, with the hopes of getting at least three.

Dr. Johnson reported that the Boys and Girls Middle Schools Basketball teams won the Southside Middle School Western Division Title and Championship, which is the equivalent of the State Championship. They are at

the top. They are being honored on February 15 at Hampden-Sydney College during halftime at the Men's Basketball game. She invited the Board members to attend, and asked that the students be permitted to come to the Board meeting in March.

In Re: Public Hearing – Special Use Permit, Robert W. & Betsy Jenkins, III

Chairman Gilliam announced that this was the date and time scheduled for a public hearing on a request by Robert W. & Betsy Jenkins, III for a Special Use Permit to operate a Wedding & Events Center with Lodging on Tax Map Number 053-A-3, located at 3286 Poorhouse Road, Rice, VA. Notice of this hearing was advertised according to law in the Wednesday, February 1, 2023, and Wednesday, February 8, 2023 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application request by Robert W. & Betsy Jenkins III for a Special Use Permit to operate a Wedding & Events Center with Lodging on Tax Map Number 053-A-3, located at 3286 Poorhouse Road, Rice, VA. 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 Planning Commission held a public hearing on January 17, 2023; no one spoke in opposition of the application and the County has received no correspondence opposing the request. The Planning Commission recommended approval with conditions, forwarding the request to the Board of Supervisors for Public Hearing. The Board was provided a list of updated Potential Conditions as recommended by the Planning Commission.

County staff is of the opinion that the use is generally compatible with the zoning district and will have minimal impact on surrounding properties.

Chairman Gilliam opened the public hearing.

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

Supervisor Emert made a motion, seconded by Supervisor Townsend, to approve the Special Use Permit request by Robert W. & Betsy Jenkins III to operate a Wedding & Events Center with Lodging with the conditions as recommended by the Planning Commission; the motion carried:

Aye: Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Victor "Bill" Jenkins  
E. Harrison Jones  
Odessa H. Pride  
Jerry R. Townsend  
Cannon Watson

Nay: None

**Special Use Permit – Robert W. & Betsy Jenkins, III**  
**Tax Map # 053-A-3**  
**CONDITIONS**

**SITE PLAN**

1. Development activities on the site shall be limited to those as specified in the Special Use Permit Application and Site Plan. The final locations of incidental facilities may be adjusted provided no such adjustment violates any buffers, setbacks, or other statutory requirement. The concepts reflected in the filed special use permit dated 12/04/2022 are hereby made part of these development conditions.
2. Final site plan approval for the Wedding and Events Center with Lodging Facility shall be submitted to the Prince Edward County Community Development Department for final review and approval pursuant to Article IV Development Standards of the Prince Edward County Code (Zoning Ordinance).
3. Any proposed expansion of the operation, change of activities or additional facilities or activities shall be submitted to the Prince Edward County Planning and Community Development office for review prior to implementation. Any changes may be subject to Permit amendment procedures, including Public Hearings.
4. All buildings within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.
5. All landscaping shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Planning and Community Development Director. Any vegetation found to be of poor condition shall be replaced and/ or improved at the reasonable direction of the Planning and Community Development Director or his designee.

**ENVIRONMENTAL**

6. All erosion and sediment control measures, storm water control facilities, and all construction activities shall comply with the requirements of the appropriate federal, state, and local regulations and ordinances.
7. All facilities for the provision of potable water and sanitation and wastewater disposal systems shall be approved by the Virginia Department of Health.
8. Any development activities of structural of land disturbing nature not specifically addressed by these Conditions shall be in conformance with applicable provisions of federal, state, and local statues and regulations.

**TRANSPORTATION**

9. All entrance permits must be authorized by the Virginia Department of Transportation (VDOT). Development activities shall comply with all requirements of VDOT.



10. All internal roads used for public access shall be of compacted earth, or have a minimum of a four (4) inch stone base, or shall be paved.
11. Adequate area shall be provided on site to accommodate parking of all employees and patrons. It shall be the responsibility of the Permittee to assure that employees and patrons park only on site and not on any highway right-of-way, or on adjoining or adjacent parcels unless written consent is provided by the owner or owners thereof.

### **GENERAL**

12. Site is limited to a total of ten (10) short-term rental homes.
13. Guests may stay no more than 30 consecutive nights in any one calendar year.
14. Quiet time shall be 11 p.m. to 8 a.m.
15. All exterior lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All lighting shall be full cut-off type fixtures.
16. Outdoor storage of trash containers shall be situated at the rear of buildings and shall be appropriately screened.
17. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site appearance.
18. This Permit is non-transferable, except and unless written notice from the Permittee regarding the transfer, and a signed document from the proposed new Permittee is received by the Planning and Community Development Office which states that the new Permittee agrees to comply with all terms and Conditions imposed with the original Permit Issuance. If the proposed new Permittee desires to amend the original Permit Conditions, amendments must be addressed by the Prince Edward County Planning Commission and Board of Supervisors through the Special Use Permit process.
19. Failure of Permittee to full conform to all terms and conditions may result in revocation of this Special Use Permit if said failure or failures are not corrected or addressed to the satisfaction, not to be unreasonably withheld, of the County within thirty (30) days of written notice from the County.

### **In Re: Constitutional Officer Update**

Sheriff Tony Epps provided an update to the Board of Supervisors on the work and accomplishments of his office. He reviewed statistics on the number of calls and services to citizens of Prince Edward County. He reported on the activities of his deputies, the number of and types of calls to which they responded; he added that most people don't know what sorts of things the deputies are called upon to do.

Sheriff Epps thanked his staff for serving and protecting Prince Edward County citizens and stated he is proud of each and every one of them. He then thanked the Board for its support, and asked for its continued support for law enforcement, fire and rescue, and the safety of the citizens.

Supervisor Jones thanked Sheriff Epps for all the work he and his deputies do, and asked if Sheriff Epps has found fentanyl in the county. Sheriff Epps answered to the affirmative.

Supervisor Jones asked what the process is to take of the issue of known drug houses, and asked what the Board can do to assist his office. Sheriff Epps said first, probable cause is needed to get into the house; he said this takes funding. Sheriff Epps said he has some of the top investigators in the state and others like him, and we don't want to lose him. Sheriff Epps said one deputy works traffic and the deputy with the K-9 can follow him; there isn't need for probable cause that his partner stops. He said that is being done more often and is successful in drug arrests from traffic stops.

Supervisor Watson asked what happens with the seized money. Sheriff Epps said that the Sheriff's office receives a certain percentage; the Task Force now is down to four agencies, including Buckingham, Cumberland, Farmville Police and Prince Edward County Sheriff's department, and the Commonwealth Attorney receives a small portion as well. Sheriff Epps stated his office has used the funding to purchase the K-9 and drug investigation equipment.

#### In Re: Transient Occupancy Tax, Emergency Ordinance

Localities across Virginia that have implemented local Transient Occupancy Tax Ordinances have historically encountered some difficulties working with out of state "accommodations intermediaries" (VRBO, Airbnb, etc.). As a result, during its 2022 Session the General Assembly adopted Senate Bill 651 which:

1. Changed the process by which sales and transient occupancy taxes are collected from accommodations sales involving accommodations intermediaries. The bill required accommodations intermediaries to collect such taxes and remit them to the Department of Taxation or a locality, as applicable.
2. The bill also provided that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes shall be the sole party liable for the tax.
3. Accommodations intermediaries shall submit to localities information on accommodations facilitated by the intermediary on a monthly basis.
4. The bill directed the Department of Taxation to publish guidelines on implementation of the bill by August 1, 2022, and to convene a work group to examine the processes used to collect local transient occupancy taxes and make recommendations for improvements.

As a result of the SB 651 Work Group, Commissioners of Revenue across the state have been provided a model Transient Occupancy Tax Ordinance with an action call to encourage their local governing body to amend the local ordinance and to adopt the model ordinance provided by the Work Group. The purpose is to establish uniformity with

local ordinance for accommodations intermediaries which will facilitate the collection and remitting of the tax to localities.

To that end, Prince Edward County's Commissioner of the Revenue, Edna Goldman, met with the County Administrator, County Attorney and Assistant County Administrator; an updated Transient Occupancy Tax Ordinance has been drafted. The new ordinance does not change the County's local transient occupancy tax rate, but brings the format of our ordinance into alignment with the model ordinance provided by the SB 651 Work Group.

At this point, the Board has two options for the consideration and enactment of the proposed ordinance:

1. The Board may adopt the ordinance at its February 14 meeting as an emergency ordinance and authorize advertising a public hearing at the March meeting and re-adopt the ordinance in March, per the authority provided in Section 15.2-1427 of the Code of Virginia. The benefit of this process is that it immediately brings the County's ordinance into alignment with the model ordinance and enables the Commissioner of Revenue to immediately establish the working relationship with the accommodations intermediaries; or
2. The Board may authorize advertising a public hearing at the March meeting and following the public hearing adopt the ordinance. This process only delays by one month action on the County ordinance.

The proposed draft ordinance has been reviewed and approved by the County Attorney.

Supervisor Emert made a motion, seconded by Supervisor Cooper-Jones, to repeal in totality *Chapter 70, Taxation, Article VIII, Transient Occupancy Tax*, of the County Code, and approve and immediately enact the updated Transient Occupancy Tax Ordinance as an emergency ordinance and authorize a public hearing on the updated ordinance at the March 14, 2023 meeting; the motion carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	J. David Emert		
	Llew W. Gilliam, Jr.		
	Victor "Bill" Jenkins		
	E. Harrison Jones		
	Odessa H. Pride		
	Jerry R. Townsend		
	Cannon Watson		

**DRAFT UPDATE (BASED ON MODEL ORDINANCE)**

**Chapter 70 – TAXATION  
ARTICLE VIII. TRANSIENT OCCUPANCY TAX – 2023 REVISION**

**Section 70-221. Definitions.**

The following words and phrases when used in this Article, for the purposes of this Article, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

*Accommodations* means any room or rooms, lodgings, accommodations, or space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

*Accommodations fee* means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

*Accommodations intermediary* means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

*Accommodations intermediary* does not include a person:

- (1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belonging to that person;
- (2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person; or
- (3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 et seq.) of Chapter 21 of Title 54.1 of the *Virginia Code*, when acting within the scope of such license.

*Accommodations provider* means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

*County* means the County of Prince Edward, Virginia.

*"Commissioner of the Revenue"* shall mean the Commissioner of the Revenue of the County of Prince Edward, Virginia, or any duly authorized deputies or agents.

*Discount room charge* means the full amount charged by the accommodation provider to the accommodation intermediary, or an affiliate thereof, for furnishing the accommodations.

*Lodging Facility* means any public or private hotel, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers Short Term Lodging, or other place within the County offering accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes accommodations to any transients as hereinafter defined.

*Person* means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

*Room charge* means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at any such Lodging Facility before taxes. "Room charge" includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.

*Retail Sale* means a sale to any person for any purpose other than for resale.

*Transient* means any person who, for any period of less than thirty consecutive days either at his own expense or at the expense of another, obtains accommodations in any Lodging Facility as hereinabove defined, for which a charge is made.

**Section 70-222. Levy; amount of tax.**

(a) Pursuant to *Virginia Code* § 58.1-3819, in addition to all other taxes, there is hereby imposed and levied a tax equivalent to seven percent of the total room charge paid by or for any such transient for the use or possession of accommodations; provided however, that the tax imposed by this subsection will not be imposed on any transient occupancy in any Lodging Facility that is located within any town that has imposed a tax on transient occupancy.

(b) The revenues collected from that portion of the tax from a rate over two percent but not exceeding five percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the county.

**Section 70-223. Exemptions.**

No tax is payable hereunder on the total room charge paid for accommodations to any hospital, medical clinic, convalescent home, or home for the aged.

**Section 70-224. Collection of tax.**

(c) For any retail sale of accommodations facilitated by an accommodation intermediary, the accommodations intermediary will be deemed a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

(d) For any retail sale of accommodations not facilitated by an accommodation intermediary, the accommodations provider must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

**Section 70-225. Report and remittance of tax.**

(a) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary must remit the tax imposed pursuant to this Article to the Commissioner.

(b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this Article to the Commissioner.

(c) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this Article prohibits such parties from making an agreement regarding which party will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.

(d) The person collecting any such tax required pursuant to this Article must make out a report on such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of total room charges collected, and the tax required to be collected, and must sign and deliver the same to the Commissioner with a remittance of such tax.

(e) Such reports and remittances must be made monthly on or before the 20th day of the month and covering the amount of tax collected during the preceding month. If the remittance is by check or money order; it must be

payable to the County and all remittances received hereunder by the Commissioner must be promptly delivered to the Treasurer.

(f) Each accommodations intermediary must submit to the Commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in Prince Edward County, Virginia, on a monthly basis.

**Section 70-226. Interest and penalties upon failure or refusal to remit tax.**

If any accommodations provider or accommodations intermediary fails or refuses to remit to the Commissioner, the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, the Commissioner will add a penalty of *ten* percent, and if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest will be charged on the unpaid balance at the rate of seven percent of the tax on such return or \$10.00, whichever is greater; provided however, that the penalty shall in no case exceed the tax amount. Such interest will accrue from the date on which the tax was due and payable.

**Section 70-227. When the Commissioner to determine the amount of tax due.**

If any person required to collect and remit the tax imposed by this Article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed; the Commissioner may proceed to determine the amount due to the County pursuant to *Va. Code* § 58.1-3903.

**Section 70-228. Tax immediately due and payable upon cessation of business.**

Whenever any person required to collect and pay to the County a tax under this Article quits or otherwise disposes of the business, any tax payable under the provisions of this Article to the County becomes immediately due and payable, and such person must immediately make a report and pay the tax due.

**Section 70-229. Powers and duties of Commissioner generally; rules and regulations.**

The Commissioner will ascertain the name of every person operating a Lodging Facility in the County liable for the collection of the tax levied by this Article. The Commissioner or Treasurer has the power to adopt rules and regulations not inconsistent with the provisions of this Article and the *Code of Virginia* for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations will be on file and available for public examination in the Commissioner's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section is a violation of this Article.

**Section 70-230. Penalty for violation of Article.**

Any person convicted of willful failure or refusal to file a tax return at the times required by this Article will be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is \$1,000 or less, then such failure or refusal to file will be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more than \$1,000, then such failure or refusal to file will be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this Article, the penalty will be based on the amount due to the County as determined by the Commissioner. Each such failure or refusal will constitute a separate offense. Such conviction will not relieve any such person from the payment, collection, or remittance of such tax, plus penalties and interests, as provided in this Article.

**Secs. 70-231-70-240. Reserved.**

In Re: Flood Zone Ordinance Amendment

Mr. Love stated that after years of data compilation, studies, and community meetings, the latest Flood Insurance Rate Maps (FIRMs) have been finalized for Prince Edward County. We received a Letter of Final Determination (LFD) from FEMA regarding the FIRM update and requirements for participating in the National Flood Insurance Program (NFIP). When a community participates in the NFIP, it must ensure that its floodplain management ordinance and enforcement procedures meet NFIP requirements (44CFR 59.22), including amending that ordinance to adopt the new maps. The process for amending the floodplain ordinance to adopt the new maps before the FIRM effective date of April 19, 2023 is required in order to remain in the NFIP. The ordinance amendment, adoption, and agency reviews must all be completed before the effective date of the new maps. This effective date will be included in the LFD.

To complete this process in the time allowed, DCR recommends the following schedule:

- Prince Edward County submits the draft ordinance to DCR within 45 days of receipt of the LFD.
- DCR returns the ordinance within two weeks (60 days after LFD).
- Prince Edward County makes necessary revisions and coordinates review with DCR.
- Prince Edward County notices and holds public hearings as needed (no later than 120 days after LFD).
- Prince Edward County holds a public meeting to adopt the ordinance (no later than 150 days after LFD).
- Prince Edward County submits the final, adopted ordinance to DCR no later than 30 days prior to the effective date.
- DCR reviews the final, adopted ordinance within two weeks and submits the ordinance to FEMA for final review. FEMA requires approximately two weeks to review the ordinance and update its records.

The ordinance must be amended, adopted, and reviewed by both agencies before the FIRM effective date, or the community will be suspended from the NFIP.

Supervisor Emert made a motion, seconded by Supervisor Townsend, to authorize staff to advertise a public hearing in order to amend and re-ordain the Flood Zone Ordinance at the March 14<sup>th</sup> regular Board of Supervisors meeting; the motion carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	J. David Emert		
	Llew W. Gilliam, Jr.		
	Victor "Bill" Jenkins		
	E. Harrison Jones		
	Odessa H. Pride		
	Jerry R. Townsend		
	Cannon Watson		

In Re: Planning Commission Annual Report

An annual report is submitted as required by Title 15.2, Chapter 22, Section 2221 of the *Code of Virginia*, which requires an annual report be submitted to the Governing Body concerning the operation of the Planning Commission and the status of planning within Prince Edward County.

The 2022 annual report provides a summary of the Planning Commission’s public hearing activities concerning zoning cases and special use permits, code amendments, major activities, and accomplishments over the past year. Also included are Community Development permitting activities and progress made on items contained in the Capital Improvement Plan (CIP).

Mr. Love reviewed his annual report.

In Re: AFID Grant

At its January meeting, the Board approved acceptance of the \$50,000 Agriculture and Forestry Industries Development (AFID) Grant to assist with additional investments to improve the operational efficiency at the cannery. The grant requires The Board asked County staff to move forward with the procurement of the items included in the grant and to come back in March with a final grant budget. The items proposed in the grant and the cost for each is as follows:

<b>Item</b>	<b>Original Grant Estimate</b>	<b>Final Cost</b>
Steam pipes, traps, valves and gauges	\$77,500.00	\$68,500.00*
½-Ton Chain Hoist	\$4,000.00	\$2,972.00
Pressure/Temperature Recorders	\$5,000.00	\$5,041.82
Steam Pot Stems	\$1,800.00	\$1,710.00
Robot Coupe Blades	\$700.00	\$547.00
<b>TOTAL PROJECT COST</b>	<b>\$89,000.00</b>	<b>\$78,770.82</b>

\*Note: The County received three bids on the "steam pipes" line item: \$68,500, \$92,000, and \$96,559.

Based on the bids and proposals received through the County procurement, the anticipated cost of the project is well within the original grant budget. The grant guidelines indicate the project qualifies for a reduced total match, as it benefits multiple small-scale agricultural products at a shared use facility. The required total match is \$1.00 for every \$2.00 requested from the AFID program is the match, or a minimum of \$25,000.

There is one additional item not included in the original grant project that Cannery staff have asked if the Board would consider. An electric-powered utility cart/wagon which will help them transport items from the outside storage shed into the cannery. The anticipated cost is \$1,100. This would bring the total anticipated project cost to



\$79,870.82. Board approval and appropriation of the local match is now needed. The goal is to complete the majority of the grant project prior to the June opening of the cannery.

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, to accept the low bid of \$68,500 for the “steam pipes, traps, etc.,” and to approve and appropriate \$30,000 of local matching funds for a total project cost not to exceed \$80,000, and to authorize the County Administrator to execute all grant documents on behalf of the County; the motion carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	J. David Emert		
	Llew W. Gilliam, Jr.		
	Victor “Bill” Jenkins		
	E. Harrison Jones		
	Odessa H. Pride		
	Jerry R. Townsend		
	Cannon Watson		

In Re: Economic Development & Tourism Department Update

Chelsey White, Director of Economic Development and Tourism, presented her report to the Board:

- Attended Tobacco Commission's Southern Virginia Committee meeting in Richmond.
- Participated in VEDP Business Outreach Meeting with YakAttack regarding talent solutions.
- The IDA had a very productive meeting at the end of last month. The IDA is currently working on the following projects that are being coordinated by staff:
  - The IDA is pursuing a consultant for data center industry outreach and marketing consulting for the HIT park. Generally, the consultant will identify and contact relevant data center developers, owners, operators, and users to understand their needs for a large-scale site, to inform them about the HIT Park. The consultant will also advance discussions on HIT Park's feasibility to meet the prospects' needs in developing and operating data centers. Marketing materials will also be updated. The consultant will also attend data center conferences to promote the HIT Park to target prospects.
  - The IDA is pursuing the development of an economic development strategic plan to attract and retain key industries and strengthen Prince Edward County's local economy. There is an opportunity to get more than half of this project's cost covered through grant funding and the IDA has directed staff to pursue this grant opportunity.
  - There is interest in several commercial and industrial lots throughout the county, and in the Prince Edward County Business Park in particular. We've had positive meetings and correspondence with developers regarding proposed projects.
- Participated in the grant-funded GOVA Region 3 Minority Engagement Workgroup. The regional entrepreneurship/innovation implementation grant includes a strong commitment to diversity, equity, and inclusion in programs developed.
- Continued to participate in economic development programs, collaborations, and educational opportunities through regional and state organizations including VEDP, SOVA, Longwood SBDC, RISE, and the Virginia Economic Development Association (VEDA).
- Continued participation in County marketing efforts with Letterpress Communications.
- Continued to participate in local, regional, and state organizations including THOYA, Virginia's Crossroads, and the Virginia Tourism Corporation in marketing the County's tourism opportunities.

- Overall, our Visitor Center tourism numbers are up as compared to last year during this time. We plan to increase the visibility of tourism assets in the county through targeted social media advertising campaigns.
- Recent articles that feature Farmville/Prince Edward County:
  - <https://www.countryliving.com/life/travel/g42201852/best-small-towns-in-america/>
  - <https://www.virginiabusiness.com/article/farmville-seed-hub-seeks-to-grow-innovation/>

Mr. Stanley said the grant for the Strategic Plan is from the Governor’s AFID program; because Prince Edward County has a strong agricultural base, they are interested in supporting agriculture as well as other industry. He said the County has approximately \$20,000 in reserve from last year’s budget which could easily cover the \$15,000 [needed for the grant match]. In addition, the IDA wants the Board’s financial commitment, but ultimately the Strategic Planning Committee would partner and serve on the Steering Committee with the IDA representatives and be part of that discussion. Mr. Stanley said it needs to be determined who we want to target and market to; we have the Data Center site but with the Industrial Access Road that is under construction, we will have some assets to market and it would be good to have a plan to be able to identify what types of businesses are going to locate in Farmville and Prince Edward County.

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, to appropriate \$15,000 from the Special Projects Fund for a grant match for the development of an economic development strategic plan to attract and retain key industries and strengthen Prince Edward County's local economy; the motion carried:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Victor “Bill” Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	Nay: None
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In Re: Frazier Associates Wayfinding Signage Planning and Design Services

In October of 2021, a draft scope of work for a wayfinding master plan for the County was provided by Frazier Associates which has been broken up into two phases. As outlined, Phase One will provide data gathering, sign needs and locations, and development of schematic designs (\$24,975) while, based on the approved destinations, Phase Two will provide a sign program and maps showing the content of each sign and mapped locations as well as the development of construction documents developed and coordinated through VDOT (\$24,500).

In November of 2022, the \$30,000 VTC ARPA grant spending plan for tourism recovery was submitted and approved. This grant will fund Phase One and part of Phase Two of the wayfinding masterplan project.

Competition will be utilized for contracts for professional services, such as engineering, and with a budget of between \$20,001 to \$50,000, whenever feasible, but the Board may establish alternate procedures for the acquisition of services. Given that Frazier Associates has recently been involved in a wayfinding signage program with the Town of Farmville, to ensure the cohesiveness of both entities' signage programs, it is recommended by staff that the Board waive solicitation of proposals.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Townsend, to approve and authorize the County Administrator to sign a contract with Frazier Associates for planning and design services; the motion carried:

Aye:	Pattie Cooper-Jones	Nay: None
	J. David Emert	
	Llew W. Gilliam, Jr.	
	Victor "Bill" Jenkins	
	E. Harrison Jones	
	Odessa H. Pride	
	Jerry R. Townsend	
	Cannon Watson	

In Re: Rice Convenience Site

The County has a total of seven convenience sites to serve its citizens for solid waste disposal dispersed throughout the County in Rice, Green Bay, Worsham, Prospect, Darlington Heights, and Virso. In addition, the County operates the Tuggle site which is located adjacent to the landfill. The current sites are primitive with few amenities. The County is looking to upgrade each of the sites to provide a better customer experience. Upgrades would include paving, new fencing, signage, concrete pads for compactors, and site lighting. Current convenience sites are unpaved, typically have potholes, and do not have adequate screening/lighting. They are uninviting to the public and reflect poorly on the community. These improvements would serve the entire community with those living outside Farmville town limits getting the most benefit.

As part of the 2022-2024 Prince Edward County Capital Improvement Plan, the County included the upgrading of the sites. They were tied as the #2 project in the plan. The concept of renovation of the Rice site has grown since initial conception. In addition to paving and replacement of fencing, the Rice site needed reconfiguration and expansion to accommodate future growth and demand. As proposed, the improvements include:

- Expanded site footprint
- New commercial entrance (closed entrance close to 460 that does not meet VDOT sight distance)
- Stormwater management (none currently exists)
- Leachate Collection system (none currently exists)
- Expanded recycling container space (space for spares for swap)
- Paving
- Fencing
- Modern LED (high efficiency) lighting
- New signage
- Site landscaping
- Space for two compactors in the future

Funding for implementation of all County capital improvement projects is included in the Capital Projects budget (94000-0053). Current year funding has been expended on the Courthouse Chiller and Courthouse Lawn projects. We have \$419,213 in funding in Special Projects which can be used to offset a portion the costs, but to move forward we would need the Board to appropriate additional funding from fund balance. As reported with the FY 2022 Audit, the County has a fund balance of \$18,095,991. This total does not include any return to the School Board for unspent FY 2022 funds (\$1,867,853), Sandy River project funding, or County match that will be needed on the Prince Edward County Industrial Park Access Road project (\$1,395,796). Even with those commitments, the County is in good shape. Completion of this project would be a good first step towards implementing the critical upgrade of the County convenience sites.

The County received and opened on January 11, 2023, a total of two (2) bids:

<b>Company</b>	<b>Total Bid Price (\$)</b>
J. R. Caskey, Inc.	\$1,031,864.88
Webb Development, LLC	\$879,292.00

The bids received were reviewed by Timmons. A Recommendation for Award Letter was received from Timmons which indicates that they have evaluated the two bids received. Both bids contained the mandated 5% Bid Bond. The low bid of \$879,292.00 is approximately 13% lower than the engineer's estimate of \$1,006,706.00. Based on the interest in the project and two competitive bids, Timmons feels we have a fair bid that is commensurate with the work involved. They recommend award of the bid to Webb Development, LLC.

Supervisor Townsend made a motion, seconded by Supervisor Jones, to award the lump sum contract for \$879,292.00 to Webb Development, LLC and include a 5% contingency amount for any necessary change orders for the reconstruction of the Rice Convenience Site as outlined, and to authorize the County Administrator to sign the

contract with Webb Development, LLC and authorize any necessary change orders in an amount up to 5% of the total project cost; the motion carried:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Victor “Bill” Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	Nay: None
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In Re: Professional Pre-Audit Services

Mr. Stanley stated that to enable the County of Prince Edward to meet the requirements of the Statement of Auditing Standards 115 (SAS 115) issued by the American Institute of Certified Public Accountants, and provide guidance to external auditors on how they should communicate internal control related matters identified in their audit to an organization's financial statements, the staff is recommending the County engage professional accounting services to provide a pre-audit scope of work. Mary K. Earhart, PLLC provided this scope of service to the County for the previous year's audit, and continues to provide the same scope of services to neighboring counties, to include Lunenburg, Charlotte, Appomattox and Cumberland. Her letter of engagement includes her scope of services and fee schedule. Staff anticipate she will start pre-audit services on or about June 1, 2023.

Supervisor Townsend made a motion, seconded by Supervisor Emert, to approve hiring Mary K. Earhart, PLLC, and to authorize the County Administrator to execute the agreement; the motion carried:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Victor “Bill” Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	Nay: None
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In Re: PPEA Appropriation

Mr. Stanley stated that at its August 23, 2022 meeting, the Board approved an Interim Agreement with Prince Edward County Infrastructure, LLC (PECI) for the design and construction of the Sandy River Reservoir Water Treatment and Distribution Project. As part of the agreement, the County was responsible for up to \$1 million of

design costs of the project. At this time, we are requesting that the Board appropriate funds to help cover the cost of the design. Ultimately, if the Board decides to move forward with the project, the County can recoup these upfront design costs through bonds sold to construct the infrastructure.

<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	41050	0100	Transfer from Gen Fund		\$380,000.00
4 (Exp)	135	10000	3150	PPEA Legal Services	\$5,482.00	
4 (Exp)	135	10000	3160	PPEA Prof Serv Engineer	\$4,606.00	
4 (Exp)	135	10000	3161	PPEA Prof Serv SR	\$36,912.00	
3 (Rev)	100	41050	0200	From General Fund Balance		\$380,000.00
4 (Exp)	100	93000	0135	Transfer to General Fund	\$380,000.00	

Supervisor Emert made a motion, seconded by Supervisor Jones, to approve the FY23 Budget Supplement presented above and appropriate the same funds; the motion carried:

Aye: Pattie Cooper-Jones  
 J. David Emert  
 Llew W. Gilliam, Jr.  
 Victor "Bill" Jenkins  
 E. Harrison Jones  
 Odessa H. Pride  
 Jerry R. Townsend  
 Cannon Watson

Nay: None

In Re: Committed Funds Appropriation

Mrs. Stimpson said that additionally, the Board is asked to transfer \$100,000.00 from the Sandy River Project committed funds and \$164,033.00 from the Capital Improvement Project committed funds to the Sandy River and courthouse chiller line items, respectively, within the General Fund to cover previously approved expenditures, 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)	100	41050	0202	Transfer from SP Fund		\$264,033.00
4 (Exp)	100	94000	0003	Sandy River	\$100,000.00	
4 (Exp)	100	94000	0054	Courthouse Chiller	\$164,033.00	
3 (Rev)	202	41050	0202	From SP Fund Balance		\$264,033.00
4 (Exp)	202	93000	0100	Transfer to General Fund	\$264,033.00	

Supervisor Emert made a motion, seconded by Supervisor Jones, to approve the appropriation as presented above; the motion carried:

Aye: Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Victor “Bill” Jenkins  
E. Harrison Jones  
Odessa H. Pride  
Jerry R. Townsend  
Cannon Watson

Nay: None

In Re: County Attorney Update

Mrs. Terri Atkins Wilson, County Attorney, stated this has been a busy month. She said work continues on the easement and drainage at Lowe’s, and began communicating with the Town of Farmville on their part of the discussion on the agreement with Lowe’s. She said she will record the sale of the SCOPE building in the morning. Mrs. Atkins Wilson said work was done on the Transient Occupancy Tax Ordinance, the Board’s FOIA training on January 10, and continues to work on the opioid information for the coming months.

Mr. Stanley said at some point, a meeting will be held; he said the Jail, Crossroads, the Health District, and the Commonwealth Attorney are interested. He said that at some point, someone will need to fill out the paperwork to spend those funds, but we still aren’t aware how much we will be getting in total. Those funds have been placed in a special fund, and any funds spent must be reported quarterly.

In Re: County Administrator Update

Mr. Stanley thanked the Board and staff for all the support for him and his family on the loss of his father.

Mr. Stanley reviewed a letter sent to the Virginia Department of Wildlife Resources.

Mr. Stanley presented his report:

- Convenience Site Improvements – Buildings and Grounds staff have completed cleanup and repairs to the Worsham and Prospect convenience sites.
- Landfill/Equipment – On Friday, February 10<sup>th</sup>, the County took possession of the new John Deere 755K Loader. Picture attached. Employee training on the equipment occurred on Monday, February 13<sup>th</sup>.
- County Code Review – County staff have worked with County Attorney and Commissioner of Revenue to draft amendments to our Transient Occupancy Tax (TOT) ordinance to bring it in line with recommended changes from the General Assembly regarding Accommodations Intermediaries (platforms like Airbnb and VRBO). The Board will be asked at our meeting on February 14<sup>th</sup> to adopt as an emergency ordinance and then follow up in March with a public hearing to put the changes permanently in place.

- The Planning Commission will be considering amendments to the Zoning Ordinance at its meeting on February 21<sup>st</sup>.
- Kinex Broadband Project – We received a VATI project update on February 10<sup>th</sup> that included:
  - Teams will be working on both sides of 460 in the next week with more Kinex Broadband service available to more customers.
  - In Price Edward County, fiber has been run to houses on Five Forks Road, Pin Oak Road, and by this Wednesday, Oliver Road.
  - Mailers have gone out to let residents know that their area is eligible to receive Kinex broadband service.
  - So far, 100 connection contracts have been signed between the three counties.
- Delinquent Taxes – The Treasurer’s Office mailed delinquent tax notices the week of February 6<sup>th</sup> to taxpayers. A list of delinquent properties will be advertised in the Farmville Herald on February 17<sup>th</sup>.
- Reassessment – I am working on the recommendation to the Board to get on the Board’s agenda on March 14<sup>th</sup> for approval. Fieldwork for the 2025 Reassessment will need to commence on or about July 1, 2023 to be completed by December 31, 2024.
- Prince Edward Elementary Renovation – Moseley Architects is working with the School System to schedule community engagement sessions in February/March.
- Flagpole BZA Appeal Case – The Substitute Judge ruled in favor of the Bowmans in the BZA appeal. The County will have 30-days from the date of the Court order to decide whether to appeal to the Virginia Court of Appeals.
- Courthouse – Last Friday the County had a contractor replace the backflow preventer for the Courthouse. The current one was failing.
- SCOPE Building – The closing of the sale of the SCOPE building occurred earlier today.
- Route 460/Litter – Scott Frederick indicated that their contractor completed litter pickup operations on Route 460 early this month
- Planning Department/Special Use Permit Applications – The County has received an SUP application for a Wawa convenience at the corner of Commerce Road and Farmville Road. The Planning Commission will hold a public hearing on the request at its February 21 meeting date.
- Polling Precinct Relocation – District 7 – Paperwork has been filed requesting a certificate of no objection (RCNO) with the Office of the Attorney General (OAG) for moving the voting precinct from the Farmville Fire Department to the Train Station. There is a 60-day notice period required. If we have not received an answer by March 13<sup>th</sup>, the OAG is deemed to have no objection and Prince Edward County can move forward with the new location for the June primary.
- Sandy River Project – Working with Davenport, we were able to get the application to the Virginia Resources Authority (VRA) for the Sandy River project submitted by the February 2<sup>nd</sup> deadline. Currently we are looking at putting the project under the Heartland Water and Sewer Authority name.
- Route 701 (Washout Road) – We are working with VDOT on the potential for applying for recreational access funds from VDOT to pave and improve the roadway. Dr. Pride continues to receive a number of



complaints about condition of the gravel roadway. With a traffic count under 50 vehicles per day (vpd) it typically will not get funded through the SSYP. As part of the process, we have to reach out to the Department of Wildlife Resources for their support of the project in order to qualify for the Recreational Access program.

In Re: Closed Session

Supervisor Emert made a motion, seconded by Supervisor Townsend, that the Board convene in Closed Session for consultation with legal counsel regarding specific legal matters about a Special Commissioner's Sale of delinquent real estate, pursuant to the exemptions provided for in Section 2.2-3711(A)(8) of the *Code of Virginia*, and for consultation with legal counsel pertaining to the discussion of the County's appeal of the Board of Zoning Appeal's decision to reverse the Notice of Violation, where such briefing in an open meeting would adversely affect the litigating posture of the County, pursuant to the exemptions 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. Victor "Bill" Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	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. Victor "Bill" Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	Nay: None
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On motion of Supervisor Emert and seconded by Supervisor Townsend, and carried by the following roll call vote:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Victor "Bill" Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	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.

Supervisor Emert made a motion, seconded by Supervisor Cooper-Jones, to re-purchase property at Tax Map Number 019-A-7, in order to rectify an issue of incorrectly identified property arising in the Special Commissioner's Sale of delinquent real estate; the motion carried:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Victor "Bill" Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	Nay: None
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Supervisor Cooper-Jones made a motion, seconded by Supervisor Watson, to authorize Counsel to appeal to the Court of Appeals the decision of the Circuit Court in the Bowman Board of Zoning Appeal; the motion carried:

Aye:	Pattie Cooper-Jones J. David Emert Llew W. Gilliam, Jr. Victor "Bill" Jenkins E. Harrison Jones Odessa H. Pride Jerry R. Townsend Cannon Watson	Nay: None
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Supervisor Emert stated he has received several calls regarding the Animal Control Office, that the shelter is full and they are not picking up more dogs. He said this is a problem.

Mr. Stanley said in the long-term, a new shelter will be built, but in the short-term, we have to manage the population. He said while we are a no-kill [shelter], sometimes they must be euthanized. He added that over the last few months, the dogs have been put up on the Facebook page as adoptable.

Mrs. Puckett said space is not available in public shelters, and while our officers have good relations with the larger adoption agencies and network, it is still challenging. She said if it is a dangerous dog, it is a different situation. Discussion followed.

In Re: Animal Warden's Report

Mr. Chris Riviere, Deputy Animal Control Officer, submitted a report for the month of January 2023, which was reviewed and ordered to be filed with the Board papers.

In Re: Building Official's Report

Mr. Phillip Moore, Building Inspector, submitted a report for the month of January 2023, which was reviewed and ordered to be filed with the Board papers.

In Re: Commonwealth Regional Council Items of Interest

Ms. Melody Foster, Executive Director, submitted a report for the month of January 2023, which was reviewed and ordered to be filed with the Board papers.

In Re: Tourism and Visitor Center Report

Ms. Chelsey White, Director of Economic Development and Tourism, submitted a report for the month of January 2023, which was reviewed and ordered to be filed with the Board papers.

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

Aye:	Pattie Cooper-Jones	Nay: None
	J. David Emert	
	Llew W. Gilliam, Jr.	
	Victor "Bill" Jenkins	
	E. Harrison Jones	
	Odessa H. Pride	
	Jerry R. Townsend	
	Cannon Watson	

the meeting was recessed at 9:55 p.m. until Wednesday, February 22, 2023 at 5:00 p.m. at FACES.