



**Prince Edward County Planning Commission
Meeting Minutes
February 20, 2024
7:00 pm**

Members Present: Brad Fuller Llew W. Gilliam, Jr.
Clifford Jack Leatherwood Whitfield M. Paige
John “Jack” W. Peery, Jr. John Prengaman
Teresa Sandlin Rhett Weiss
Henry Womack

Staff Present: Robert Love, Planning/Zoning Director Doug Stanley, County Administrator

The Prince Edward County Planning Commission strongly encourages citizens to participate in public 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.

Public Hearing comments for Planning Commission meetings will be subject to the “Citizen Guide for Providing Input During Public Participation and Public Hearings For Prince Edward County Government Meetings” revised October 12, 2022.

Chairman Prengaman called the February 20, 2024 meeting to order at 7:00 p.m., established there was a quorum, and led the Pledge of Allegiance.

Conflict of Interest

Commissioner Weiss presented the following statement:

As a member of the Prince Edward County Planning Commission, I, Rhett Weiss, am disclosing that I have a personal interest in the transaction under Agenda Item # 11, the consideration of the Special Use Permit application for an Elevated Water Storage Tank with Booster Pump Station, located on Tax Map Parcel #039-A-3 and filed on behalf of the Prince Edward County Industrial Development Authority (IDA), 111 North South Street, Farmville, VA 23901. I am the owner and CEO of DEAL TEK, Ltd., which has a contract with the IDA to provide economic development, marketing, and related advisory services regarding this parcel commonly known as the Heartland Innovative Technology Park (HIT Park), the value of which is in excess of \$5,000 per year. Also, the IDA has listed the HIT Park for sale with Cottonwood Commercial LLC, the real estate firm at which I have my real estate license. In accordance with Sections 2.2-3112(A), 2.2-3115(F), and 2.2- 3115(0) of the Code of Virginia, I am disclosing my personal interest and declaring for recordation in the meeting minutes that I am unable to participate in all discussions and votes on the Planning Commission's consideration of this Special Use Permit application.

I have filed a declaration of disclosure with the Office of the Prince Edward County Administrator, a copy of which is available for public review.

Election of Chairman

Chairman Pregaman called for nominations for the position of Chairman for 2024. Commissioner Sandlin nominated Commissioner Pregaman, seconded by Commissioner Fuller. Chairman Pregaman called for any additional nominations. There being none, he closed nominations. The motion carried:

Aye: Brad Fuller
Clifford Jack Leatherwood
Llew W. Gilliam, Jr.
Whitfield M. Paige
John “Jack” W. Peery, Jr.
Teresa Sandlin
Rhett Weiss
Henry Womack

Nay:

Abstain: John Pregaman

Election of Vice-Chairman

Chairman Pregaman called for nominations for the position of Vice-Chairman. Commissioner Sandlin nominated Commissioner Peery, seconded by Commissioner Womack. Chairman Pregaman called for further nominations; there being none, he called for the vote for Commissioner Peery as Vice-Chairman. The motion carried:

Aye: Brad Fuller
Clifford Jack Leatherwood
Llew W. Gilliam, Jr.
Whitfield M. Paige
John “Jack” W. Peery, Jr.
Teresa Sandlin
Rhett Weiss
Henry Womack

Nay:

Abstain: John Pregaman

Adoption of Bylaws

Chairman Pregaman called for suggestions regarding the Bylaws.

Commissioner Womack made a motion, seconded by Commissioner Peery, to adopt the Bylaws as presented; the motion carried:

Aye: Brad Fuller
Clifford Jack Leatherwood
Llew W. Gilliam, Jr.
Whitfield M. Paige
John “Jack” W. Peery, Jr.
Teresa Sandlin
Rhett Weiss
Henry Womack

Nay:

Abstain: John Pregaman

**Bylaws Of
Prince Edward County Planning Commission**

- 1) Meetings shall be held on a monthly basis, normally on the third Tuesday of the month at 7:00 P.M. in the Board of Supervisor's room. The schedule may be altered at any regularly scheduled meeting. Meetings may be cancelled due to lack of business; but the Commission shall meet at least every two months.

- 2) Additional meetings may be held at any time upon the call of the chairman, or by a majority of the members of the commission, or upon request of the Board of Supervisors following at least twenty-four hours' notice to each member of the commission.
- 3) The commission at its regular meeting in January of each year shall elect a chairman and vice-chairman. The recording secretary shall be the Director of Planning and Community Development or a designated alternate, who shall make an audiotape of the proceedings of each meeting and prepare minutes for the permanent records of the commission.
- 4) The duties and powers of the officers of the planning commission shall be as follows:
 - A. Chairman
 - Preside at all meetings of the commission.
 - Call special meetings of the commission in accordance with the bylaws.
 - Sign documents of the commission.
 - See that all actions of the commission are properly taken.
 - B. Vice-Chairman

During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all duties and be subject to all the responsibilities of the chairman.
 - C. Recording Secretary
 - Prepare an audiotape of the proceedings of each meeting of the commission.
 - Prepare minutes from the audiotape of each meeting in detail sufficient to include the tenor of public comments and the commission's reasoning underlying each decision or recommendation.
 - Circulate a copy of the minutes to each member of the commission before the next meeting.
 - Prepare the agenda for all commission meetings.
 - Be custodian of commission records.
 - Inform the commission of correspondence relating to business of the commission and attend to such correspondence.
 - Handle funds allocated to the commission in accordance with its directives, state law, and county ordinances.
 - Sign official documents of the commission.
- 5) All maps, plats, site plans, and other materials submitted to the commission shall be filed in the office of the Director of Planning and Community Development and maintained for public access until the project to which they relate has been completed or vacated. Minutes of the commission's meetings shall be permanently filed in the office of the planner and maintained for public access.
- 6) Matters referred to the commission by the Board of Supervisors shall be placed on the calendar for consideration and possible action at the first meeting of the commission after the referral and appropriate public notification.
- 7) A majority of the members of the commission shall constitute a quorum for the transaction of business, but no quorum shall be required for informational meetings at which no action is to be taken.
- 8) Reconsideration of any decision of the commission may be taken when the interested party for such reconsideration makes a showing satisfactory to the chairman that, without fault or deliberate omission on his own part, essential facts were not presented to the chairman.

- 9) Roberts Rules of Order for Committees shall govern the commission's proceedings in all cases not specifically ordered by these bylaws.
- 10) Order of consideration of agenda items in a public hearing:
- Director of Planning and Community Development or other staff member presents report including summary of all comments (written, electronic and verbal) received from interested parties and makes a recommendation.
 - Commission members may question the staff member on the presentation.
 - Proponent(s) of the agenda item make presentations as appropriate.
 - Opponent(s) of the agenda item make presentations as appropriate.
 - Applicant make rebuttal of objections not previously covered.
 - Commission members may question applicant, proponents, or opponents or may offer comments on the agenda item.
 - Commission may opt to gather additional information about the matter and take action at a future meeting, or vote on recommendation, whether approving or denying request, to Board of Supervisors.
- 11) Any member of the commission who has any personal or financial interest in any matter before the commission shall declare the nature of that interest and shall if the interest constitutes a legal conflict of interest by Virginia law recuse him/herself from the deliberations on that matter, including lobbying other members, participating in the discussions, or voting on the matter. In cases where the interests do not raise to the level of legal conflict of interest by Virginia law, a member may voluntarily recuse him/herself in the interest of avoiding the appearance of conflict. All commission members shall be sensitive to the importance of impartiality and shall endeavor to always avoid any actual or appearance of conflict of interest.
- 12) Each member of the commission who has knowledge that he/she will be unable to attend a scheduled meeting of the commission shall notify the County Administrator's office at the earliest opportunity. The Director of Planning and Community Development shall notify the chairman if projected absences will produce a lack of quorum. Members who are absent from three consecutive meetings, or who are absent from more than half of the commission's meetings during a calendar year, will be referred to the Prince Edward County Board of Supervisors for possible replacement.
- 13) The vice-chairman shall succeed the chairman if he vacates his office before his term is completed. A new vice-chairman shall be elected at the next regular meeting.
- 14) These bylaws may be recommended for amendment at any meeting having a quorum present by a majority vote, provided that notice of such proposed amendment has been given to each member in writing at least two weeks prior to its consideration. If recommended for approval, proposed amendments must then be adopted by the Board of Supervisors before becoming effective.
- 15) Planning Commission members are strongly encouraged to attend a Virginia Certified Planning Commissioner's Training Program within two years of their appointment to the Planning Commission. This certification course will provide a basic foundation of planning law, history, and technical expertise needed by planning commissioners to maximize their competency and ability to render legally defensible decisions and recommendations. Costs associated with the program will normally be paid by Prince Edward County.

Commissioner Gilliam remotely joined the meeting at this time.

Set Day, Time and Place of Regular Meetings

Chairman Pregarman called for suggestions regarding the regular meeting schedule.

Commissioner Paige made a motion, seconded by Commissioner Fuller, to hold the regular Planning Commission meetings on the third Tuesday of the month at 7:00 p.m. in the Board of Supervisors room of the Courthouse; the motion carried:

Aye: Brad Fuller
Clifford Jack Leatherwood
Llew W. Gilliam, Jr.
Whitfield M. Paige
John “Jack” W. Peery, Jr.
Teresa Sandlin
Rhett Weiss
Henry Womack

Nay:

Abstain: John Pregelmann

Adoption of Rules of Procedure for Public Hearings

Mr. Love stated the Board of Supervisors have updated their Rules of Procedure for Public Hearings to provide for transparency and accountability. He presented these for consideration by the Planning Commission, which are the same as adopted by the Board of Supervisors in January; he reviewed several notable changes.

Commissioner Weiss asked if approving these will supersede the ones previously adopted in the Bylaws; Mr. Love answered in the affirmative.

Commissioner Weiss made a motion, seconded by Commissioner Peery, to adopt the Rules of Procedure for Public Hearings, and to adjust the Bylaws to reflect the new procedure; the motion carried:

Aye: Brad Fuller
Clifford Jack Leatherwood
Llew W. Gilliam, Jr.
Whitfield M. Paige
John “Jack” W. Peery, Jr.
Teresa Sandlin
Rhett Weiss
Henry Womack

Nay:

Abstain: John Pregelmann

**PLANNING COMMISSION PUBLIC HEARINGS
RULES OF PROCEDURE - 2024**

1. Public Hearings – the order of presentation shall be as follows, unless varied by the Chairman.
 - a. Staff report.
 - b. Applicant’s presentation.
 - c. Questions of the applicant by members of the Planning Commission.
 - d. Comments from members of the public. Speakers shall be heard in the order in which they registered on the public sign-in sheet.
 - e. Rebuttal by applicant/applicant’s representative (time determined by Chair).
 - f. Questions by the Commission members of speakers.

2. Following discussion of all matters to be considered and once the public hearing has been closed, the Commission will consider one of the following three actions regarding each matter:
 - a. Approval (with conditions, as applicable);
 - b. Denial; or
 - c. Table for further review.

PUBLIC HEARING GUIDELINES

- Individuals wishing to speak should register using the sign-in sheet posted outside the Board of Supervisors room on the night of the meeting. Individuals wishing to participate remotely may register in advance with the Deputy Clerk or call into the meeting and remain on the line until acknowledged by the Board Chair.
- Speakers will be asked to stand at the lectern and address the Commission, if able, unless participating remotely, and to provide their name and district.
- Speakers arriving after the commencement of the hearing or who are participating remotely, and who are not on the sign-up sheet, will be recognized after the registered speakers have finished and at the discretion of the Chair.
- The Chair may establish a time limit for each speaker and to limit or decrease time for any portion of the public hearing due to the number of potential speakers, or repetition, or any other concern.
- All comments shall be directed to the members of the Planning Commission. Debate is prohibited. This includes debate among speakers or speakers/Commission members/staff. Citizen comments may be supplemented by written comments and/ or handouts and should bring ten copies for distribution to the Planning Commission.
- Speakers are asked to keep comments brief and to avoid repetitive testimony. Each speaker may speak once at a hearing. Remarks shall be confined to the matter under discussion and shall be relevant.
- The Chair has the authority to vary these guidelines as may be necessary and to end a presentation or comments that violate the rules or for other cause. The Commission will not tolerate personal attacks by anyone on any participant in the proceedings.
- Once the public comment period has been closed, no further public input will be permitted unless clarification is requested by a Commission member. The response shall address only those questions raised by the member.

In Re: Approval of Minutes

Commissioner Weiss pointed out a correction needed to a typographical error in the December 19, 2023 meeting minutes.

Chairman Prengaman made a motion, seconded by Commissioner Peery, to approve the meeting minutes from December 19, 2023, as corrected; the motion carried:

Aye:	Brad Fuller	Nay:		Abstain:	John Prengaman
	Clifford Jack Leatherwood				
	Llew W. Gilliam, Jr.				
	Whitfield M. Paige				
	John “Jack” W. Peery, Jr.				
	Teresa Sandlin				
	Rhett Weiss				
	Henry Womack				

In Re: Public Hearing – Special Use Permit – Prince Edward County IDA

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering a request by Douglas P. Stanley, County Administrator on behalf of the Prince Edward County Industrial Development Authority for an elevated water storage tank not to exceed 265' in total height with booster pump station on land denoted at Tax Map Parcel 039-A-3, located on the south side of Kelly Lane, at its intersection with Persimmon Tree Fork Road (Route 638). Notice of this hearing was advertised according to law in the Wednesday, February 7, 2024 and Wednesday, February 14, 2024 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application for a Special Use Permit by Douglas P. Stanley, County Administrator, on behalf of the Prince Edward County Industrial Development Authority for an elevated water storage tank not to exceed 265' in total height with booster pump station on land denoted as Tax Map Parcel 039-A-3, located on the south side of Kelly Lane, at its intersection with Persimmon Tree Fork Road (Route 638). This parcel is in the C1, General Commercial zoning district and the use requires a Special Use Permit.

County staff is of the opinion the use is generally compatible with the zoning district and will have minimal impacts on surrounding properties. Potential Conditions were presented to the Commissioners for their consideration; a revised set was provided at the dais. No comments were received from the public.

Joe Hines, Timmons Group, stated there is a good amount of data center activity going on [in the region]. He introduced Bruce Strickland, Engineer of Record.

Bruce Strickland, Timmons Group, presented an overview of the tank. He said this is a one-million-gallon elevated water storage tank. It is composite construction, with a concrete shaft and a steel ball at the top. The overflow elevation is about 235' above grade, which means that is the maximum water surface elevation that can be achieved in the tank. There is a greater height listed in application to be conservative. He said the dome on the top of the tank, hand railings and potentially any cellular antennas that would go on top of the tank are included in that height. As to how the tank will be supplied, there is a separate project to get water from the Town of Farmville to the tank; it would connect to the existing system on Sunchase Lane, go down Third Street to Persimmon Tree Fork Road over to the tank site location. In the base of the tank, there will be booster pumps; the Town of Farmville's [water] pressure is lower than the pressure that this elevated tank would provide, so the water would need to be pumped up into the tank, and then the tank would be essentially dedicated to the HIT Park, but could allow for return flow back into the Town system in emergency situations, such as fire flow. He said there is a pressure reducing valve in the base of the tank that will prevent the pressure from getting too high on the Town's system and also once it drops to a certain point, the valve would open and allow the flow to return to the system.

Commissioner Fuller asked if part of the infrastructure is for the proposed technology park, and if there is no other use than to supply the HIT Park at this point.

Mr. Hines stated while Timmons is planning to develop the Sandy River Water System as well, this is intended to be an interim connection with Farmville but also can connect to the Sandy River system to this tank. There is a larger systematic use for this tank; the connection to the Town of Farmville will also allow for redundancy in case of a drought situation. He said data centers, at peak, literally would use millions of gallons, and this would have adequate holding capacity as well. He added for a fire flow component, it normally has to [supply water for] two hours, and that flow can range from 2,000 gallons per minute to 3,000 gallons per minute, which is essentially 250,000 gallons. The tank at the Industrial Park is a little too small to allow for fluctuations in fire flow plus normal usage on a regular basis.

Commissioner Fuller asked that the lines be used for fire [hydrants] and also for cooling. Mr. Hines said yes, they can be used for both data center cooling and fire flow prevention.

Chairman Prengaman opened the public hearing.

Delbert Southall, Lockett District, stated he is a property owner next to Kelly Lane; he asked if this would be used for fire protection and data center, would it be available for homeowners to have fire hydrants.

Mr. Hines said they can make sure hydrants are available; he said they have not designed a water line going into the site yet, but they could put it in the record that whatever line is laid in there, hydrants could be put in to accommodate the adjoining landowners.

Mr. Southall said Kelly Lane is a driveway which is an old road that shows up on maps from the 1800s, and was abandoned. He cleared it for his driveway and asked that it not be disturbed.

Mr. Hines stated the intent is to tie into Persimmon Tree Fork Road; Kelly Lane should remain private.

Chairman Pregelman asked if fire trucks could access the water to supplement their needs for water. Mr. Strickland stated the design does include a fire hydrant at the base of the tank, there will be one at the base of the site. Discussion followed.

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

Commissioner Pregelman stated this is a positive for County infrastructure.

Commissioner Fuller made a motion, seconded by Commissioner Peery, that the Planning Commission recommend approval to the Board of Supervisors of the Special Use Permit request by Douglas P. Stanley, County Administrator on behalf of Prince Edward County Industrial Development Authority for an elevated water storage tank not to exceed 265' in total height with booster pump station with the following conditions: the motion carried:

Aye:	Brad Fuller	Nay:	Abstain: John Pregelman
	Clifford Jack Leatherwood		Rhett Weiss
	Llew W. Gilliam, Jr.		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	Teresa Sandlin		
	Henry Womack		

Prince Edward County IDA – Special Use Permit 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 02/02/2024 are hereby made part of these development conditions.
2. 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.
3. 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.

4. The elevated water tank with all appurtenances shall not exceed 265' in total height. Obstruction lighting shall only be provided if required by Federal Aviation Administration.
5. All security lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All security lighting shall be full cut-off type fixtures.

ENVIRONMENTAL

6. All pollution control measures, 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. Any development activities of structural or of a land disturbing nature not specifically addressed by these Conditions shall be in conformance with applicable provisions of federal, state, and local statutes and regulations.

TRANSPORTATION

8. All entrance permits must be approved by the Virginia Department of Transportation. Development activities shall comply with all requirements of VDOT.

GENERAL

9. The elevated water storage tank shall be inspected every five years by a private firm contracted by the applicant. A copy of the inspection report shall be submitted to the Prince Edward County Planning and Community Development Office.
10. 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.
11. 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.

Old Business

Mr. Love stated Old Ridge Solar will be holding the project off for another month; the earliest it will go to the Board of Supervisors will be the April meeting. They are working with the neighbors and will hold another community meeting, which is tentatively March 4th. He said currently the project is on hold by their attorney.

New Business

Mr. Love stated the Blackwood Development, the developers of the Wawa, are requesting a sign to be placed on the back of the building to be visible from Commerce Road. He said he has drafted a modification to the Ordinance regarding signs, to apply only to corner lots, to allow more visibility. He said a public hearing will be scheduled for this ordinance amendment.

Commissioner Weiss stated that in the current language, the Code allows no more than two signs. He wanted to make the draft language to not allow more than requested. Mr. Love stated he would review the proposed language.

Commissioner Weiss made a motion, seconded by Commissioner Paige, to authorize advertisement for a public hearing on the Zoning Ordinance regarding signs, to be held at the March 19, 2024 meeting; the motion carried:

Aye:	Brad Fuller	Nay:	Abstain: John Pregelman
	Clifford Jack Leatherwood		
	Llew W. Gilliam, Jr.		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	Teresa Sandlin		
	Rhett Weiss		
	Henry Womack		

Mr. Love said CEP Solar filed an application to construct an 8MW site, called Piney Grove. They had a community meeting on the project. There is also a Miller Lake location with a 5MW site. Those will be scheduled for public hearings in March. He said the architectural plans came through for Harbor Freight; they have gone to the Building Official and we anticipate reviewing those next week. He added grading of the Wawa site has started.

Mr. Love reminded all about the Comprehensive Plan meeting, Thursday, February 22, 2024, at 6:00 p.m. at the Moton Museum.

Chairman Pregelman declared the meeting adjourned at 7:39 p.m.

Next Meeting: Tuesday, March 19, 2024 at 7:00 p.m.