

Board of Supervisors, August 8, 2022

A meeting of the Board of Supervisors was held in and for the County of Mecklenburg on August 8, 2022, at 9:30 a.m. in the Board of Supervisors meeting room of the Goode Bank Building.

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

The Chairman called the meeting to order.

Those present stood for the Pledge of Allegiance.

Upon motion of Mr. Spain, the Board voted unanimously to approve the minutes of the July 11, 2022, Board Meeting. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

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

Upon a motion of Mr. Brankley, the Board voted unanimously to adopt the following resolution honoring the 100<sup>th</sup> Birthday of Mr. Howard Robinson. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'. Mr. Brankley presented the resolution to Mr. Robinson.

**RESOLUTION**

**WHEREAS**, the Mecklenburg County Board of Supervisors does hereby wish to honor Mr. Howard E. Robinson on reaching the milestone of his 100<sup>th</sup> birthday, and;

**WHEREAS**, Mr. Robinson was the youngest of 10 children who grew up in a time of segregation which didn't allow for the free education in public schools for minorities, which therefore made him work at the Thyne Institute in order to pay his tuition, and;

**WHEREAS**, Mr. Robinson graduated as valedictorian of his class at the Thyne Institute and went on to the Virginia State College, now VSU, where he earned a full four year scholarship and met and married his wife Anna Smith, and;

**WHEREAS**, upon graduation, Mr. Robinson taught at the Thyne Institute, before being drafted into the Army in 1942 for World War II, and therefore becoming a member of the greatest generation, who defended America against armed aggressors, and;

**WHEREAS**, upon returning from War, he again returned to Thyne and taught several curriculums before he transferred to teaching at East End High School in September of 1953, in the first free public education school in the County and where he taught for another 35 years until his retirement in 1987, and

**NOW THEREFORE BE IT RESOLVED** that the Mecklenburg County Board of Supervisors does hereby wish to honor Mr. Howard E. Robinson who taught, counseled and motivated over 10,000 students in his 50 plus years of teaching in Mecklenburg County for his 100<sup>th</sup> Birthday.

A public hearing was held on the application by Sidney Scott Parrish to rezone from Residential R-1, to Agriculture to allow for personal livestock. This property identified as County Tax Number 202000-(A)082, zoned as Residential R-1 is located on the south side of Hwy 903, at its intersection with Starboard Drive, Election District 6, County of Mecklenburg. Reference Deed Book LR-19-253.

Mrs. Parks was present to answer questions. Mrs. Parks advised the Board that she did not know that pigs were not allowed on her property, zoned as residential, therefore she is seeking the rezoning to be compliant. She explained that the pigs were more like pets than livestock. Mrs. Parks stated that she had to bottle feed some of the pigs and had them in her home. She advised the Board that there is a cow pasture across the street from her property.

Mr. Bill Jones addressed the Board on behalf of the Homeowner's Association of Portside Subdivision speaking against the application. He stated that they are concerned with run-off from the pig farm.

Mr. Chad Barbour of Starboard Drive in the area addressed the Board against the application. He stated that the applicants are using their privately maintained road to access the pigs and that he is concerned about selling the pigs and then becoming a commercial enterprise, which also would not be allowed on the residentially zoned property. He is asking for the pigs to be removed from the property.

Mr. Rick Cutler with the Pointe Realty Group addressed the Board against the application. He stated that the adjacent lot is for sale and that rezoning this property would be considered spot zoning.

Upon a motion of Mr. Wilkinson, the Board voted unanimously to deny the application by Sidney Scott Parrish to rezone from Residential R-1, to Agriculture to allow for personal livestock. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

Mr. Alex Gottschalk addressed the Board in reference to the Decennial Redistricting. He advised the Board that the action taken today would be the Board's final step before staff distributes the changes to the Mecklenburg County Electoral Board, the Mecklenburg County School Board, the Secretary of the Commonwealth, the Virginia Department of Elections, and the Virginia Division of Legislative Services, and submits a request for certification of no objection from the Virginia Office of the Attorney General. This request shall be submitted no later than the last day of the month of September.

Upon a motion of Mr. Hargrove, the Board voted by roll call vote 9-0 to adopt the following ordinance to adopt electoral district maps for Mecklenburg County and amend Article II of

Chapter 30 of the Mecklenburg County Code of Ordinances. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted ‘aye’.

**An Ordinance to Adopt Electoral District Maps for Mecklenburg County and Amend Article II of Chapter 30 of the Mecklenburg County Code of Ordinances**

**Whereas**, Article VII, Section Five of the Constitution of Virginia commands local governments to “reapportion the representation in the governing body among the districts” every ten years, after the conclusion of the decennial Census conducted by the United States;

**Whereas**, the date of the ten-year period for election districts instructed by the Constitution and § 24.2-304.1(B) of the Code of Virginia and for precincts by § 24.2-307 of the Code of Virginia was 2021; however, due to delays in the transmission of Census data as a result of the Pandemic, such information was unavailable to conduct redistricting procedures in 2021;

**Whereas**, such information, now being present and available, has been distributed by the United States Census Bureau and the Virginia Division of Legislative Services to Mecklenburg County and will be used to apportion districts for the County for the next regularly scheduled election for county offices in Mecklenburg;

**Whereas**, the Mecklenburg County Board of Supervisors received introductory information on current and ideal district populations and residential compositional changes within the County since 2011 at its December 13, 2021 session;

**Whereas**, the Board conducted work sessions on redistricting on March 14, 2022 and March 30, 2022 to adjudicate the assignment of wards in the Town of South Hill, in accordance with the requirements of §§ 24.2-307 and 24.2-310(A) of the Code of Virginia and the present policies of the Virginia Department of Elections, to county electoral districts, and this act formed the County’s first districting principle for the 2020s decennial redistricting process;

**Whereas**, multiple map options for the entire county were then drafted and presented at the Board’s April 11, 2022 session, and these maps were posted in interactive format on the County’s GIS website, with corresponding information posted on the County’s website, a comment box for citizen feedback was made available on the County’s website, public notice was run in a newspaper having general circulation in the County’s election districts, and coverage of the process was detailed in those said newspapers;

**Whereas**, no public comment was received in person or in writing at the Board’s May 9, 2022 session;

**Whereas**, the Board decided, by consensus, to move forward with “Option C” as the base of the final draft map;

**Whereas**, the final adjusted draft map, as amended, was presented on June 13, 2022;

**Whereas**, following posting in an interactive format on the County’s GIS website,

corresponding information uploaded onto the County's website, a comment box made available for citizen feedback on the County's website, public notice run in a newspaper having general circulation in the County's election districts, and coverage of the process detailed in those said newspapers, a public hearing was held on July 11, 2022;

**Whereas**, there were no speakers on July 11; nor were any comments submitted prior to July 11;

**Whereas**, it is the policy of the current Board of Supervisors that a minority opportunity supervisor district shall comprise of a district in which the non-white voting age population exceeds the white voting age population;

**Whereas**, this map conforms with the terms of the consent decree, as concurred to by all parties, to provide three minority opportunity supervisor districts, in *King v. Blalock*, No. CA-88-0811-R (E.D. Va. June 6, 1989) and enacted by resolution of the Board of Supervisors in March 1989, and

**Whereas**, this map is comprised of compact and contiguous territory with clearly defined and clearly observable boundaries, as instructed by § 24.2-305(A) of the Code of Virginia.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MECKLENBURG COUNTY, VIRGINIA THAT:**

1. The Election Map, shown in Attachment A and described, in accordance with § 24.2-304.3 of the Code of Virginia, in Attachment B, is hereby adopted and shall serve as the 2020s decennial reapportionment plan for Mecklenburg County.
2. This map will govern all elections for the 2023 Mecklenburg County Board of Supervisors contests. All presently serving officers will complete their terms in office from their current districts until such time as those elected in the 2023 elections are certified and sworn into office. Those Supervisors elected in 2023 shall ascend into the district seat from which they were elected.
3. An official copy of this ordinance and its attachments shall be distributed to the Mecklenburg County Electoral Board, the Mecklenburg County School Board, the Secretary of the Commonwealth, the Virginia Department of Elections, and the Virginia Division of Legislative Services, and the County shall submit a request for certification of no objection from the Virginia Office of the Attorney General. This request shall be submitted no later than the last day of the month of September.
4. In accordance with § 24.2-311(B) of the Code of Virginia, the maps adopted by this action are effective immediately; however, as required by § 24.2-129(A).3 and § 24.2-129(D) of the Code of Virginia, no election shall be held under such maps until notice of no objection is received from the Virginia Office of the Attorney General or sixty days has elapsed from the date of the submission of the County's request. As the notice is not anticipated to be received prior to the date specified within § 24.2-306(A) of the Code of

Virginia, the general election of 2022 shall proceed under the precincts and polling places in effect as of the day prior to the enactment of this ordinance.

Mr. Ted Cole with Davenport addressed the Board in reference to financing options for Clarksville Elementary following up on the July 11<sup>th</sup> meeting. He walked through the options for bank financing versus the VPSA Pool. He stated that they sent out a RFP to banks and received 3 proposals. Truist Bank had the most attractive interest rate at 3.39% fixed for 20 years, tax exempt. He stated that the recommendation of Davenport is to select Truist's proposal. The Truist proposal provides the lowest interest rate locked-in through final maturity, while maintaining the flexibility to prepay the loan at any time. By moving forward with the Truist proposal, the County is able to lock-in its borrowing rate now and avoid approximately 75 days of interest rate volatility associated with the VPSA option.

Mr. Ben Wills, Attorney with Kaufman and Canoles was present. He presented the Board with a resolution authorizing the lease financing through the IDA. The resolution authorizes the IDA to award its bond to Truist Bank. Mr. Wills advised the Board that in their packet was also a lease agreement with the County and the School Board leasing the Clarksville Elementary property to the IDA and a bond purchasing lease agreement, leasing the property back to the School Board and the County.

Upon a motion of Mr. Spain, the Board voted by roll call 9-0 to adopt the following resolution. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

**A RESOLUTION APPROVING A PLAN OF LEASE FINANCING WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MECKLENBURG COUNTY, VIRGINIA, APPROVING THE FORM OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE SAME**

**WHEREAS**, the Board of Supervisors (the "County Board") of the County of Mecklenburg, Virginia (the "County"), desires to finance all or a portion of the costs of various capital improvements for school and other governmental purposes, including but not limited to the demolition of existing infrastructure for the Clarksville Elementary School, and the acquisition, design, construction, and equipping of a new elementary school, along with the costs of issuance of the Bond (as hereinafter defined) (collectively, the "Project");

**WHEREAS**, the Industrial Development Authority of Mecklenburg County, Virginia (the "Authority"), was created under and is authorized to exercise all the powers set forth in the Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49, Code of Virginia, as amended (the "Act"), which include, among other things, the powers (a) to make loans to, among others, a county in furtherance of the Act, (b) to finance or refinance facilities and lease facilities

for use by, among others, a county, (c) to issue its revenue bonds, notes and other obligations from time to time for such purposes, and (d) to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from the leasing by the Authority of such facilities or from any source, as security for the payment of principal of and interest on any such obligations;

**WHEREAS**, the County Board desires to undertake the Project through a lease financing structure with the School Board of the County of Mecklenburg, Virginia (the “School Board”), and the Authority, pursuant to which the County and the School Board would lease the Clarksville Elementary School property (as more specifically described in the hereinafter defined Prime Lease, the “Premises”) to the Authority pursuant to the terms of the Prime Lease (as hereinafter defined) and the Authority would lease such property back to the School Board and to the County pursuant to the terms of a Lease Agreement (as hereinafter defined);

**WHEREAS**, the County Board desires to request that the Authority (a) issue a lease revenue bond (the “Bond”) pursuant to the terms of the Lease Agreement, (b) loan the proceeds of the Bond to the County and the School Board pursuant to the terms of the Lease Agreement to pay the costs of the Project, including all or a portion of the costs of issuing the Bond, and (c) secure the repayment of the Bond by a lease of the Premises back to the County and the School Board pursuant to the terms of the Lease Agreement;

**WHEREAS**, the County has requested Davenport & Company LLC, as the County’s financial advisor (the “Financial Advisor”), to solicit bids from banking and other financial institutions to make a loan to the Authority as evidenced by the purchase of the Bond;

**WHEREAS**, the County Board has reviewed the bids received and has determined to request that the Authority award the Bond to Truist Bank, a national banking association, or its affiliate (together with its successors and assigns, the “Bank”); and

**WHEREAS**, there have been presented to this meeting drafts of the following documents (collectively, the “Documents”) that the County proposes to execute in support of the transactions described above, copies of which shall be filed with the records of the County Board:

(a) Prime Lease (the “Prime Lease”), among the Authority, the County and the School Board, pursuant to which the County and the School Board will lease the Premises to the Authority; and

(b) Bond Purchase and Lease Agreement (the “Lease Agreement”), among the Authority, the County, the School Board and the Bank (as hereinafter defined), pursuant to which (1) the Authority will issue the Bond, (2) the Authority will agree to sell, and the Bank will agree to purchase, the Bond, (3) the Authority will use proceeds thereof to finance the Project and (4) the Authority will lease the Premises back to the County and the School Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MECKLENBURG, VIRGINIA:**

1. The Authority is hereby requested to assist the County and the School Board with the following plan of lease financing for the Project, which is hereby approved: (a) the Authority shall issue the Bond in a principal amount not to exceed \$25,200,000, (b) the County and the School Board will lease the Premises to the Authority pursuant to the terms of the Prime Lease, with an expiration not later than December 31, 2047, and (c) the Authority will lease the Premises back to the County and the School Board pursuant to the terms of the Lease Agreement, with an expiration not later than December 31, 2042. The County will undertake to make payments to the Authority of basic rent (“Basic Rent”) and additional rent (“Additional Rent”) under the terms of the Lease Agreement in amounts sufficient to pay when due the principal of, and premium (if any) and interest on the Bond and to pay the fees and expenses of the Authority. The obligation of the Authority to pay principal of and premium, if any, and interest on the Bond will be limited to the payments of Basic Rent and Additional Rent received from the County. The undertaking by the County to make payments of Basic Rent and Additional Rent will be subject to appropriations from time to time by the County Board of sufficient amounts for such purposes. Upon an event of default or an event of non-appropriation by the County Board under the Lease Agreement, the Authority shall have the right to exercise any remedies provided in the Lease Agreement, including the right to terminate the Lease Agreement and exclude the County and the School Board from possession of the Premises for the remainder of the term of the Prime Lease. The Bond will be secured in part by an assignment to the Bank of the Authority’s rights to receive payments of Basic Rent. This plan of lease financing shall contain such additional requirements and provisions as the County Administrator (which term for purposes of this Resolution includes any Assistant or Deputy County Administrator) may approve and determine to be in the best interests of the County.

2. The County Board hereby directs the County Administrator to request the Authority award and sell the Bond to the Bank in accordance with the terms of this Resolution.

3. The County Administrator is authorized and directed to execute the Documents, which shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. In making completions to the Lease Agreement, the County Administrator shall provide for payments of Basic Rent on terms equivalent to the Bond, which (a) shall mature in installments ending no later than December 31, 2042; (b) shall have an aggregate principal amount not exceeding \$25,200,000; (c) shall have an interest rate not exceeding 3.39% per year (subject to adjustment upon a determination of taxability pursuant to the terms of the Lease Agreement); (d) shall be subject to redemption prior to maturity at the option of the Authority, at the direction of the County, at any time in whole with a 1% prepayment penalty during the first half of the Bond’s term and at par for the remainder of the Bond’s term; and (e) shall be sold to the Bank at a price not less than 100% of the aggregate principal amount thereof. Following the sale of the Bond, the County Administrator shall file a certificate with the records of the County Board setting forth the final terms of the Bond and the Lease Agreement. The actions of the County Administrator in approving the terms of the Bond and the Lease Agreement shall be conclusive, and no further action shall be necessary on the part

of the County. As set forth in the Lease Agreement, the County undertakes to pay from legally available funds such “late charges” and other charges as described therein.

4. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all actions necessary or desirable in connection with the execution and delivery of the Documents and the completion of the lease financing.

5. The undertaking by the County to pay any amounts under the Lease Agreement shall be limited obligations payable solely from funds to be appropriated by the County Board for such purpose. Nothing herein or in the Lease Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

6. The County Board believes that funds sufficient to make payment of all amounts payable under the Lease Agreement can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the County Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future County Boards do likewise during the term of the Lease Agreement. The County Board directs the County Administrator or such other officer who may be charged with the responsibility for preparing the County’s annual budget, to include in the budget request for each fiscal year during the term of the Lease Agreement an amount sufficient to make the payment of all amounts payable under the Lease Agreement. So long as the Bond is outstanding, if at any time during any fiscal year of the County, the amount appropriated in the County’s annual budget in such fiscal year is insufficient to pay when due the amounts payable under the Lease Agreement, the County Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County’s annual budget, to submit to the County Board a request for a supplemental appropriation sufficient to cover the deficit.

7. (a) The County covenants that it will not take or omit to take any action the taking or omission of which will cause the Bond to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the “Code”), or otherwise cause the interest due on the Bond to be includable in the gross income for federal income tax purposes of the holder thereof under existing statutes. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the funds received under the Lease Agreement, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being includable in the gross income for federal income tax purposes of the holder thereof under existing law.

(b) The County covenants that during the term of the Lease Agreement it shall not permit the proceeds of the Bond or the facilities financed therewith to be used in any manner that would result in (i) 10% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to

the County's use of such facilities, (ii) 5% or more of such proceeds or facilities being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (iii) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal income tax purposes of the holder thereof under existing law, the County need not comply with such covenants.

8. Such officers of the County as may be requested by bond counsel for the County are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Lease Agreement in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with bond counsel for the County, and such elections shall be made after consultation with bond counsel.

9. The County has heretofore received and reviewed the Information Statement describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "SNAP Contract"), and the County has determined to authorize the County Administrator or Treasurer to utilize SNAP in connection with the investment of the proceeds of the Bond, if the County Administrator or Treasurer determine that the utilization of SNAP is in the best interest of the County. The County acknowledges the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the SNAP Contract.

10. In adopting this Resolution authorizing actions related to the issuance of the Bond, the County declares its official intent to use proceeds from the Bond to reimburse itself, the School Board, and/or the Authority for expenditures with respect to the Project, as contemplated by the specific authorizing legislation and by Treasury Regulations 1.150-2 promulgated pursuant to the Internal Revenue Code of 1986, as amended.

11. All costs and expenses incurred in connection with the financing of the Project, the issuance of the Bond, and the leasing of the Premises, including the Authority's fees and expenses and the fees and expenses of bond counsel, counsel for the Authority, the Bank and counsel to the Bank, shall be paid from the proceeds of the Bond or other legally available funds of the County. If for any reason the Bond is not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

12. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

13. All other actions of the officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of this lease financing are approved and ratified.
14. All resolutions or parts of resolutions in conflict herewith are repealed.
15. This Resolution shall take effect immediately.

There was no public comment for the Board meeting.

Mr. Kevin Smith, VDOT Assistant Resident Engineer addressed the Board with a monthly update. He advised that the rural rustic road projects, Staunton River Road, Reese's Dead End and Sweetwater Lane are in progress and should be finished this fall. Mr. Smith advised that the old bridge in Clarksville at Highway 58/Highway 15 will be closed this week from 5am -5pm for pump repairs for the Town of Clarksville. He said that Old Cox Road improvements are continuing and that rumble strips will begin soon on Highway 92 and Highway 49.

Superintendent Paul Nichols addressed the Board reflecting on the ribbon cutting ceremony and the flag raising ceremony that was held on Friday, August 5<sup>th</sup> at the new Middle/High School Complex. He thanked the Board for taking part in the ceremony and stated how fortunate Mecklenburg County is to have had Governor Youngkin attend. Next, he advised that the teachers will return to work on August 22, the first High School football game is September 2, 2022, Convocation is September 9, 2022 and the schools will open for students on September 12, 2022.

The Budget & Finance Committee met on Monday, August 8, 2022, at 8:30 a.m. in the Board of Supervisors Meeting Room.

MEMBERS PRESENT: Glanzy Spain, Chairman; David Brankley; Jim Jennings; Charles Jones; Sterling Wilkinson

ALSO PRESENT: Glenn Barbour; Claudia Lundy; Andy Hargrove; Tom Tanner; Wayne Carter, County Administrator; Judy Sheffield, Assistant County Administrator; Alex Gottschalk, Deputy County Administrator; Sheriff Bobby Hawkins; Major Andy Ezell; Sandra Langford, Treasurer

The Chairman called the meeting to order.

The School Board is requesting the following budget transfer and a supplemental appropriation in the FY23 Budget.

Transportation (Fund 1): \$120,000.00

Technology (Fund 1): \$13,000.00

Administration (Fund 1): \$30,000.00

Instruction (Fund 1): \$246,641.00

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Food Services (Fund 2): \$200,000.00

The School Board is requesting the following budget transfer and a supplemental appropriation in the FY22 Budget.

New High School Fund (Fund 6): \$2,439.56

Upon a motion of Mr. Brankley, the Committee voted unanimously to recommend approval of the supplemental appropriations for the School Board's FY23 Budget.

Upon a motion of Mr. Jennings, the Committee voted unanimously to recommend approval of the supplemental appropriation for the School Board's FY22 Budget.

Mr. Carter discussed a request for a supplemental appropriation to the Library Budget due to them spending \$5,437.51 over their appropriated amount. The funds went towards a book return for the Boydton Public Library.

Upon a motion of Mr. Wilkinson, the Committee voted unanimously to approve a supplemental appropriation in the amount of \$5,437.51 for the Library's FY22 budget.

Sheriff Hawkins was present and advised the Committee that his office applied for additional School Resource Officer grant positions and they have been awarded four new positions. They will be filled later this year.

There being no further business, the meeting was adjourned.

Upon a motion of Mr. Spain, the Board voted unanimously to approve the supplemental appropriations for the School Board's FY23 Budget totaling \$609,641.00. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

Upon a motion of Mr. Spain, the Board voted unanimously to approve the supplemental appropriations for the School Board's FY22 Budget for \$2,439.56. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

Upon a motion of Mr. Spain, the Board voted unanimously to approve a supplemental appropriation in the amount of \$5,437.51 for the Library's FY22 budget. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

The Economic Development Committee met on Monday, August 8, 2022, at 8:45 a.m. in the Board of Supervisor's Meeting Room, Boydton, Virginia.

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

OTHERS PRESENT: Glenn Barbour; David Brankley; Claudia Lundy; Sterling Wilkinson; Andy Hargrove; Wayne Carter, County Administrator; Alex Gottschalk, Deputy County Administrator; Angie Kellett, Economic Development Director

The Chairman called the meeting to order.

Mr. Carter reviewed the bids received for the Hillcrest Campus Water Supply Contract C- Booster Station. Three bids were received. The lowest bid was received from Waco Inc. at a cost of \$2,973,000.00.

Upon a motion of Mr. Tanner, the Committee voted unanimously to recommend approving the bid received by Waco, Inc. for the Hillcrest Campus Water Supply Contract C- Booster Station at a cost of \$2,973,000.00.

There being no further business, the meeting was adjourned.

Upon a motion of Mr. Jones, the Board voted unanimously to accept the bid by Waco, Inc. for the Hillcrest Campus Water Supply Contract C- Booster Station at a cost of \$2,973,000.00. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

Under the County Administrator's report:

Mr. Carter advised that the Building Official's report shows new home construction continuing to hold above last year, as well as zoning permits. Erosion and Sediment Control Plans have increased. Mr. Carter advised that the Sheriff's monthly report is included in the packet.

Mr. Carter advised the Board that the County, along with Brunswick, Halifax, Charlotte and the Southside Planning District Commission have again applied to the Virginia Department of Housing and Community Development for a VATI grant to bring Empower Broadband to our areas.

Upon a motion of Mr. Tanner, the Board voted unanimously to write a letter of support for the VATI Grant and authorize a local match. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

Mr. Alex Gottschalk presented the Board with a proposed policy regarding electronic meeting participation by Board Members. Adopting this policy would allow Board Members to participate in Board Meetings regardless of their physical location.

The Board discussed the matter and decided to table it until the next meeting.

Under the Chairman's report.

The term of Mr. Charles Jones on the Lake Country Regional Airport Commission expired on June 30, 2022. He is eligible for re-appointment.

Upon a motion of Mr. Jennings, the Board voted unanimously to re-appoint Mr. Charles Jones to the Lake Country Regional Airport Commission. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

The term of Mr. Ricky Harris on the Industrial Development Authority will expire on August 30, 2022. He is eligible for re-appointment.

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

Ms. Linsey Carroll on the Industrial Development Authority has resigned. Her term expires on September 30, 2023.

The Board agreed to table this matter until next month.

The Board members each submitted a name at the May Board Meeting of an individual to serve on the County's Agricultural Development Committee.

Upon a motion of Mr. Jennings, the Board voted unanimously to appoint the following individuals to serve on the County's Agricultural Development Committee. Brian Calhoun, Irving Matthews, Mark Moody, Mark Warren, Chuck Nelson, Bill McBride, Chris Reamy, Chris Jones and Mark Brankley, Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

Upon a motion of Mr. Spain, the Board voted unanimously to approve the consent calendar as it relates to the July bills list. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

Under the County Attorney's report:

Mr. Slayton advised the Board that he has written a resolution that would have the Planning Commission review the County's Comprehensive Plan and make amendments in regards to Solar Facilities per the Board's request.

Mr. Slayton stated that this resolution would refer to the Planning Commission for recommendation a Comprehensive Plan amendment which would impose a ceiling of 5% of the total acreage within the Circle which is subject to approved SEP applications for solar facilities, and the Board proposes that SEP applications for solar facilities would be evaluated in light of the Board's proposed Comprehensive Plan amendment.

The Board discussed this matter at length.

Upon a motion of Mr. Brankley, the Board voted unanimously to adopt the following resolution adding that the Planning Commission also look at the proximity to rivers and lakes and revisit the fence-to-fence terminology. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

## **RESOLUTION**

### **RE: INITIATION OF POTENTIAL AMENDMENT TO COMPREHENSIVE PLAN**

Board of Supervisors, August 8, 2022

**WHEREAS**, three applications, each of which is for a solar facility located in close proximity to the boundaries of the Town of Chase City (“Town”), for Special Exception Permits (“SEP”) to develop and operate solar facilities have heretofore been approved by the Mecklenburg County Board of Supervisors (“Board”);

**WHEREAS**, using the intersection of Highway 92 and Highway 47 in the Town as the center of a circle, and then drawing a circle with a five-mile radius (“Circle”), there are now two pending applications for solar facilities within the Circle, the acreage of which solar facilities, if approved and when added to the acreage of three solar facilities within the Circle previously permitted by the County, would result in approved solar facilities on approximately 5% of the acreage located within the Circle;

**WHEREAS**, the County’s Comprehensive Plan and Zoning Ordinance were previously amended to permit the development of solar facilities under reasonable regulations;

**WHEREAS**, despite the Board’s past approval of SEP applications for solar facilities, the Board is concerned about changing the character of that portion of the County which is located in close proximity to the Town;

**WHEREAS**, the Board now desires to avoid too great a concentration of solar facilities in close proximity to the Town;

**WHEREAS**, the County’s Comprehensive Plan is intended to serve as a guide of future land use and development of areas within the County;

**WHEREAS**, the Board believes that a percentage limitation of the total acreage within the Circle should be added to the County’s Comprehensive Plan;

**WHEREAS**, the Board hereby initiates the process for a potential amendment to the County’s Comprehensive Plan, and directs that the Planning Commission review and make a recommendation to limit the concentration of solar facilities within the Circle;

**WHEREAS**, the Board believes that no more than 5% of the total acreage within the Circle should be approved for development and operation of solar facilities;

**WHEREAS**, the Board is aware that SEP applications for solar facilities are currently pending and such pending applications will be subject to the proposed change in the County’s Comprehensive Plan, even if such applications were filed prior to the initiation or adoption of the Comprehensive Plan amendment addressed herein;

**WHEREAS**, the Board’s present intent is to allow the review of the two pending SEP applications for solar facilities, each of which is at a location within the Circle, without reference to any Comprehensive Plan amendment, but subject to the Board’s reserving the right to approve, or deny, either or both of the two pending SEP applications;

**WHEREAS**, if any SEP application is hereafter tendered for a solar facility which would be located within the Circle, the Board believes that such solar facility would be inconsistent with the Board’s proposed amendment to the County’s Comprehensive Plan.

IT IS, ACCORDINGLY, HEREBY RESOLVED by the Mecklenburg County Board of Supervisors as follows:

1. The Board hereby refers to the Planning Commission for recommendation on a Comprehensive Plan amendment which would impose a ceiling of 5% of the total acreage within the Circle which is subject to approved SEP applications for solar facilities, and the Board proposes that SEP applications for solar facilities would be evaluated in light of the Board's proposed Comprehensive Plan amendment.

2. The Board's proposal being referred to the Planning Commission is whether the County's Comprehensive Plan should be amended to provide that the Comprehensive Plan discourages the approval of SEP applications for solar facilities which would cause more than 5% of the acreage within the Circle to be used for solar facilities.

3. After the Planning Commission has followed the process required under Virginia law to make its recommendation to the Board, and voted to evidence the recommendation determined by the Planning Commission, the Planning Commission will forward its recommendation to the Board.

4. After receipt of the Planning Commission's recommendation concerning this issue, and after complying with the process required under Virginia law, the Board may take action amending the County's Comprehensive Plan, or may decline to take action amending the County's Comprehensive Plan.

5. Until the process outlined above is completed and the Board has taken final action on the proposed Comprehensive Plan amendment, or declined to take such action, the Board will not accept SEP applications for solar facilities within the Circle until the Planning Commission makes its recommendations to the Board, and until the Board concludes its deliberations and takes such action as it deems appropriate.

Upon a motion of Mr. Tanner, the Board voted unanimously to adopt the following resolution to purchase water capacity from the Roanoke River Service Authority. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted 'aye'.

## **RESOLUTION**

### **RE: PURCHASE OF WATER ALLOCATION FROM ROANOKE RIVER SERVICE AUTHORITY**

**WHEREAS**, Roanoke River Service Authority ("RRSA") and Mecklenburg County, Virginia ("County") have negotiated terms and conditions on which the County will purchase potable water capacity from RRSA;

**WHEREAS**, a Contract of Purchase and Sale of Water Allocation ("Contract") negotiated with RRSA was presented to, and reviewed by, the County Board of Supervisors ("Board");

**WHEREAS**, the Board has concluded that terms and conditions of the Contract are in the best interest of the County, and accordingly, that Mecklenburg should enter into the Contract, as presented, or as hereafter revised with approval and agreement of the County Administrator and County Attorney.

**IT IS HEREBY RESOLVED** by the Board that the Contract is hereby approved as presented, or as hereafter revised with approval and agreement of the County Administrator and County Attorney, and that the County Administrator, or the Board Chair, either of whom may act alone, is authorized to execute the Contract on behalf of the County.

Upon a motion of Mr. Tanner, the Board voted unanimously to approve the following contract of purchase and sale of water allocation. Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner, and Wilkinson voted ‘aye’.

**CONTRACT OF PURCHASE AND SALE  
OF WATER ALLOCATION**

THIS CONTRACT is made and entered into this 8<sup>th</sup> day of August, 2022, by and between ROANOKE RIVER SERVICE AUTHORITY (“RRSA”) and MECKLENBURG COUNTY, VIRGINIA (“Mecklenburg”), a political subdivision of the Commonwealth of Virginia.

RECITALS:

- R-1 RRSA owns and operates a water treatment plant which adjoins the westernmost right-of-way for U.S. Highway 1 approximately five miles south of Big Fork in Mecklenburg County, Virginia.
- R-2 RRSA also owns and operates water distribution lines, and other water facilities associated with the production of potable water, and the distribution of potable water to customers of RRSA.
- R-3 RRSA has committed to an expansion and upgrade of its water treatment plant, the result of which will be additional water treatment capacity.
- R-4 The estimated completion date for the expansion and upgrade of the RRSA water treatment plant is January 1, 2025.
- R-5 To continue its economic development activities, Mecklenburg needs water treatment capacity reserved to it, so that capacity will be available when needed, on demand, for economic development purposes.
- R-6 The parties have negotiated terms on which Mecklenburg will pay to RRSA the sum of \$800,000 as consideration for reservation by RRSA of 400,000 gallons per day (gpd) of potable water, which reserved water shall be available to Mecklenburg on demand.
- R-7 Mecklenburg has agreed that it will remit its \$800,000 payment to RRSA within thirty (30) days of the effective date hereof, and RRSA has agreed that once the new and additional water treatment capacity is available, 400,000 gpd of that capacity will be reserved exclusively for use by Mecklenburg.
- R-6 The parties make and enter into this contract to evidence the purchase and sale terms and negotiated between them and to cause said terms to be binding on each of them.

WITNESSETH: That for and in consideration of the mutual and reciprocal benefits inuring to the parties hereunder, and in further consideration of the duties imposed upon the parties hereby, the parties covenant and agree as follows:

1. The date on which this contract has been signed by both parties shall be deemed the effective date hereof, and within thirty (30) days of the effective date hereof, Mecklenburg shall remit payment of \$800,000 to RRSA as consideration for the potable water capacity being reserved by RRSA for Mecklenburg use.
2. Mecklenburg acknowledges that its 400,000 gpd of reserved potable water capacity will not be available until completion by RRSA of its upgrade and expansion of its water treatment plant.
3. RRSA estimates that the completion date for the upgrade and expansion of its water treatment plant will be on or around January 1, 2025.
4. Once Mecklenburg begins use of all, or any portion of, the potable water capacity reserved to it, RRSA shall afford to Mecklenburg use of existing distribution lines, and all existing facilities which constitute a portion of the RRSA water system and are necessary to enable the delivery of potable water to the water customers utilizing a portion of the potable water capacity reserved to Mecklenburg.
5. Mecklenburg shall have the right to use existing RRSA water distribution lines, and other existing water facilities, at no additional charge; i.e., no charge other than the rate per 1,000 gallons charged by RRSA to Mecklenburg, or to a customer utilizing a portion of the potable water capacity reserved to Mecklenburg.
6. The water rate charged by RRSA to Mecklenburg, or to customers using a portion of potable water capacity reserved to Mecklenburg, shall be the member rate charged by RRSA to all of its customers who qualify for the member rate.
7. The parties agree that any new water facilities constructed to enable Mecklenburg to serve businesses which use a part of the potable water capacity reserved to Mecklenburg will be constructed on a cost-sharing basis negotiated and agreed to between Mecklenburg and RRSA.
8. RRSA covenants that once its new water production capacity is available, 400,000 gpd thereof shall be reserved exclusively for use as directed by Mecklenburg, and that the duration of Mecklenburg's reserved water rights shall be perpetual.
9. Mecklenburg shall advise RRSA whenever it wants all, or a portion of, its reserved water capacity utilized for a specific purpose, and any gpd used pursuant to such notice from Mecklenburg shall be deducted from Mecklenburg's 400,000 gpd reserved water capacity.
10. RRSA and Mecklenburg may hereafter amend the terms and conditions hereof, but until such amended terms and conditions become effective, the terms and conditions hereof shall remain in full force and effect.
11. The parties acknowledge that the terms and conditions hereof shall be interpreted, construed and enforced under the laws of the Commonwealth of Virginia. The parties further acknowledge that in the event of litigation under any of the terms and conditions

hereof, the Circuit Court/General District Court (as appropriate) for Mecklenburg County, Virginia, shall have exclusive jurisdiction.

12. The parts and provisions of this contract are severable. If any part or provision shall be held invalid by a Court of competent jurisdiction, the remainder of this contract shall remain in effect.
13. The parties covenant and agree that all terms and conditions hereof shall be binding upon the parties, their assigns and other successors in title.
14. The parties may sign this contract in counterparts with the same effect as if they signed the same document. Both counterparts shall be construed together and constitute one and the same document. Scanned copies of signatures shall be as enforceable as original signatures.

**IN WITNESS WHEREOF**, this contract is executed on behalf of RRSA and Mecklenburg by the duly authorized officer, agent or representative of each.

Under Board Member Matters:

Mr. Tanner thanked Mr. Nichols for all his work on the new school. Mr. Tanner recognized four members of the South Hill Volunteer Fire Department for collecting supplies and going to assist in Kentucky after their recent flooding. Next Mr. Tanner advised the Board that he recently attended a public information meeting with Dominion on where the proposed new transmission lines will run. He advised that he would like to see if they could relocate where they plan to cross the Meherrin River, as it is a scenic river. Mr. Tanner stated he was pleased to hear that the Sheriff's Office was awarded a grant for additional School Resource Officers and next shared a thank you letter from Impact Mecklenburg.

Mrs. Lundy thanked Alex Gottschalk for his work on redistricting and requested a paper map. She thanked Mr. Nichols and the Joint Education Committee for their vision for the new school facility, stating that it is a great investment for the County. Mrs. Lundy also stated that she is pleased the County is moving forward with Elementary financing.

Mr. Brankley advised that his constituents are pleased with road improvements. He thanked Mr. Nichols for his vision for the new school facility and hopes the children will take pride in what they have.

Mr. Jennings asked how vehicle valuations/personal property was trending. He stated that as far as reassessment goes, he has been in contact with the Department of Forestry and they will be reporting timber that has been cut to the Commissioner of the Revenue's Office.

Mr. Hargrove thanked the Board and stated that he enjoys working with them.

Mr. Wilkinson thanked Mr. Jennings for following up with the Forestry Department. He stated that the new school looks amazing and is a great investment for this area. He thanked the Planning Commission for their work.

Mr. Jones thanked the School Board and the Board of Supervisors for all the planning and dedication to the new school. He stated that education is very important for marketing Mecklenburg County. He thanked Davenport and agreed with moving forward with a bank loan.

Mr. Spain stated that he was still excited about how well the ribbon cutting ceremony at the new school was on Friday, August 12<sup>th</sup>. He remembered the beginning steps in the process and thanked everyone for their dedication.

Mr. Barbour thanked all the Board Members for attending the ribbon cutting ceremony at the new school and encouraged the public to go see it.

Upon motion of Mr. Hargrove, the Board voted unanimously to convene in Closed Session pursuant to Virginia Code Section 2.2-3711(A), (1),(3),(5). Supervisors Barbour, Spain, Brankley, Hargrove, Jennings, Jones, Lundy, Tanner and Wilkinson voted 'aye'.

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

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

### **CERTIFICATION OF CLOSED SESSION**

**WHEREAS**, the Mecklenburg County Board of Supervisors convened a Closed Session on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the Mecklenburg County Board of Supervisors that such Closed Session was conducted in conformity with Virginia law;

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

VOTE:	AYE:	NAYE:
	Barbour	
	Spain	
	Brankley	
	Hargrove	
	Jennings	
	Jones	

Board of Supervisors, August 8, 2022

Lundy  
Wilkinson

There being no further business, the meeting was adjourned until September 12, 2022 unless sooner called to order by the Chairman.