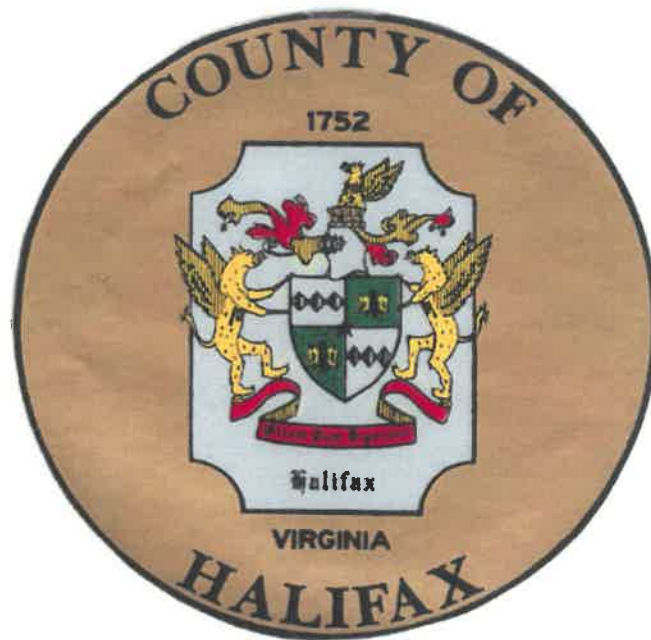


Halifax County Board of Supervisors Regular Meeting



**Mary Bethune Office Complex
1030 Mary Bethune Street, Room 201
Halifax, Virginia**

**June 6, 2022
6:30 p.m.**

AGENDA
HALIFAX COUNTY BOARD OF SUPERVISORS
Mary Bethune Office Complex
1030 Mary Bethune Street, Room 201
Halifax, Virginia
Monday, June 6, 2022 / 6:30 PM

A. CALL TO ORDER – Chairman Short

Invocation – Supervisor Claiborne
Pledge of Allegiance – Chairman Short

B. ATTENDANCE ROLL CALL

C. ADOPTION OF AGENDA

D. MINUTES CORRECTIONS / APPROVAL

- | | | | |
|----|--------------|---|-------------|
| 1. | May 2, 2022 | Board of Supervisors Regular Meeting | pages 6-28 |
| 2. | May 17, 2022 | Board of Supervisors & IDA Joint Meeting | pages 29-33 |
| 3. | May 17, 2022 | Board of Supervisors & Planning Commission Joint Meeting | pages 34-44 |
| 4. | May 23, 2022 | Policy & Personnel Committee Meeting | pages 45-48 |
| 5. | May 24, 2022 | Finance Committee Meeting | pages 49-62 |
| 6. | May 24, 2022 | Board of Supervisors Regular Meeting | pages 63-64 |
| 7. | May 31, 2022 | Buildings & Grounds Committee Meeting | pages 65-70 |

E. CONSENT AGENDA APPROVAL

- | | | |
|----|-----------------------------|---------|
| 1. | Warrants – April 2022 | page 72 |
| 2. | Supplemental Appropriations | page 73 |

F. RECOGNITIONS

1. None

G. CITIZENS' COMMENTS

Comments will not be heard regarding items on the Agenda for which a public hearing is scheduled or has already been held.

H. PUBLIC HEARINGS

- | | | |
|----|--|-------------|
| 1. | Budget Amendment | pages 76-78 |
| | a. Consideration of Resolution 2022-19 Approving a Budget Amendment and Appropriation for the Fiscal Year 2021-2022 | |
| 2. | Solid Waste Management Plan | pages 79-94 |
| | a. Consideration of Resolution 2022-18 of Acceptance for the SRPSA Solid Waste Management Plan | |

I. PRESENTATIONS

- | | | |
|----|---|---------|
| 1. | Southstone Recovery Center – Operational Update Lisa Hatcher | page 96 |
|----|---|---------|

J. COMMITTEE REPORTS

- | | | |
|----|---|---------------|
| 1. | Policy & Personnel - May 23, 2022 | |
| | a. Board Bylaw Revisions | pages 98-101 |
| | b. Vacation Payout | |
| 2. | Finance – May 24, 2022 | |
| | a. Web Design Request for Proposal | pages 102-104 |
| | b. Halifax County Service Authority Agreement | pages 105-106 |

- 3. Finance – June 6, 2022
 - a. School Appropriation Transfer Request pages 107-109
- 4. Buildings & Grounds -
 - a. Red Cross Space Lease pages 110-117
 - b. Fairgrounds Operator pages 118-124
 - c. Wildlife Fencing Project Bid page 125
 - d. Firearms in County Buildings pages 126-127

K. NEW BUSINESS

- 1. Conditional Use Permit Application ED # 3: pages 129-130
 Applicant: Christopher Hudson and Brad Miller
 Landowner: Kenneth Hodges
 PRN: 25761
 Location: 1191 Sinai Road
 Business Name: 4 Meats Processing Facility
 Proposed Use: Meat Processing
- 2. Consideration of Resolution 2022-20 Potential Grant Funding from USDA for Generators at Three Emergency Communications Towers pages 131-132

L. PENDING MATTERS/UNFINISHED BUSINESS

- 1. Staff Updates
 - a. Solar Project Status pages 134-135
 - b. Broadband-Empower Agreement Approval pages 136-157
 - c. General Requests pages 158-161

M. MOTION TO ENTER CLOSED SESSION PURSUANT TO VIRGINIA CODE §2.2-3711

Subsection (a)(1): Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. (Appointments)

Subsection (a)(3): Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. (Real Estate)

Subsection (a)(5): Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Business)

N. MOTION TO RECONVENE IN OPEN SESSION

O. MOTION TO ADOPT RESOLUTION FOR CERTIFICATION OF CLOSED SESSION

WHEREAS, the Halifax County Board of Supervisors has 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, § 2.2-3712 of the Code of Virginia requires a certification by this governing body that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that this governing body 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 governing body.

ROLL CALL VOTE

P. ACTION RESULTING FROM CLOSED SESSION

1. Appointments
2. Other

Q. SUPERVISOR COMMENTS

R. CONTINUE MEETING TO TUESDAY, JUNE 14, 2022 AT TBD

NEXT MEETING(S)

| | |
|--|---------------------------|
| Board of Supervisors Continued Meeting | June 14, 2022 (TBD) |
| Board of Supervisors & Planning Commission Joint Meeting | (Cancelled) |
| Board of Supervisors Regular Meeting (July) | June 27, 2022 (6:30 p.m.) |

HALIFAX COUNTY BOARD OF SUPERVISORS Standards of Conduct

Recognizing that persons holding a position of public trust are under constant observation by the media and interested County residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Halifax County Board of Supervisors should adhere to the following Standards of Conduct.

1. Avoid during public meetings and during the performance of public duties the-use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the County, state, or national government.
3. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the County government.
4. Make a conscientious effort to be well prepared for each meeting.
5. Recognizing the dignity of each individual, the Board shall attempt to avoid offering public criticism of colleagues or County employees.
6. Work to create a positive environment in public meeting where citizens will feel comfortable in their roles as observers or participants.
7. Maintain an attitude of courtesy and consideration toward all colleagues and staff during all discussions and deliberations.
8. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
9. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel, or colleagues. Be concise.
10. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

Board members should always remember, "There is no right way to do the wrong thing."

HALIFAX COUNTY BOARD OF SUPERVISORS

CONDUCT OF THE PUBLIC

The efficient and dignified conduct of public business is an ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum. The Board's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Board will permit no behavior which is not in keeping with this policy. Prohibited conduct at meetings shall include:

1. Campaigning for public office, soliciting of funds, or promoting private business ventures.
2. Using profanity, vulgar language or gestures.
3. Language or actions which insult or demean any person or group of persons or which, when directed at a public official or employee is not related to his official duties.
4. Disruptive behavior.
5. Making non-germane or frivolous statements.
6. Discussions of a sectarian or partisan nature.
7. Smoking or eating in the Board Room.
8. Addressing question or statements to anyone other than the Chairman (Questions shall be presented to the Chairman, who will, at their discretion, solicit a response from the appropriate board or staff member.)
9. Standing in the back or side isles of the Board Room as long as there are sufficient seats available (except for law enforcement personnel).
10. Persons in attendance at the meeting addressing the Board while members of the Board are considering any motion, resolution or ordinance preliminary to a vote on the same, except at the discretion of the Chairman.
11. Any persons addressing comments or questions to someone other than the Chairman.
12. Wearing hats, caps or other types of headgear.
13. Applause is permitted only during presentations, awards, proclamations and special recognition periods.

The Board of Supervisors welcomes and encourages citizen participation in its meetings. To insure fair and timely participation, the following procedures are observed by the Board:

1. All presenters are asked to state their name
2. Each speaker on a general matter, whether an individual or a representative for an organization, is limited to four (4) minutes.
3. Speaker's comments are limited to a presentation on his or her point of view only – questions of clarification may be entertained only by the board members;
4. All comments are to be directed to the board;
5. Debate between a recognized speaker and audience members or between board members and the speaker is not permitted;
6. Courtesy between the speaker and audience is expected at all times;
7. Speakers are requested to leave any written statement and / or comments with the clerk to the board;
8. Individuals speaking on behalf of an organized group are required to file with the clerk written authorization from the group allowing the individual to represent that group;
9. By applying to speak as a representative for an organization, the individual confirms they are recognized as an official representative of that organization; and
10. Presentation to the board by groups should:
 - a. Obtain prior approval from the chairman of the board;
 - b. Submit all written materials and data no later than ten days prior to the meeting in time to be included in the board's agenda packet distributed a week before each regular monthly meeting;
 - c. Limit presentations to fifteen minutes; and
 - d. File with the clerk written authorization from the group allowing the individual to represent that group.
11. A timer-controlled lighting system will be implemented in full view of the speaker. When three minutes are up, amber light will come on which will indicate that the speaker has one minute to conclude his/her comments. At the end of that one-minute period (completion of the full four-minute period), a red light will come on that will indicate that the speaker must relinquish the podium to the next speaker. Staff will notify the Chairman that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the chairman.

The Chairman shall preserve order and decorum at all meetings. The Chairman may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incite violence or disorder, subject to appeal to the Board. Any person so expelled shall not be readmitted for the remainder of the meeting from which he was expelled. Any person who has been so expelled and who at a later meeting again engages in words or actions justifying expulsion may be barred from attendance at future meetings of the Board for a specified and reasonable period of time not to exceed six months or upon a still subsequent expulsion, a period not to exceed one year either by the Chairman, subject to appeal to the Board, or by motion passed by the Board.

MINUTES

HALIFAX COUNTY BOARD OF SUPERVISORS
Regular Meeting
Mary Bethune Office Complex
1030 Mary Bethune Street, Room 201
Halifax, Virginia
Monday, May 2, 2022 / 6:30 PM

A. CALL TO ORDER – Chairman Short

Chairman Short called the meeting to order at 6:30 p.m.

Supervisor Brandon gave the invocation.

Chairman Short led the Pledge of Allegiance.

B. ATTENDANCE

Board of Supervisors members attending were: Mr. C. Short, ED1; Mr. L. Roller, ED2; Mr. H.W.H. Pannell, ED3; Mr. R. Duffey, ED4; Mr. D.E. Throckmorton, ED5; Mr. S. Brandon, ED6; Mr. G. Ricketts, ED7; and Mr. W. B. Claiborne, ED8.

Board of Supervisors members absent: Mr. W. Smith, Tie Breaker

Staff members attending were: Mr. Scott Simpson, County Administrator; Mrs. Stephanie Jackson, Finance Director; Mr. Detrick Easley, Planning/Zoning Administrator; Ms. Olivia Epps, Strategic Programs Coordinator; Otis Vaughan, Director of Buildings & Grounds; and Mrs. Charlene Hendricks, Executive Assistant.

News reporters attending were: Alexis Dolbert, The Gazette-Virginian; Tom McLaughlin, The News & Record.

Security was provided by: Halifax County Sheriff's Department

C. ADOPTION OF AGENDA

Chairman Short said Resolution 2022-17 declaring May 1-7, 2022 as National Travel and Tourism Week in Halifax County is requested to be added to the Agenda under Item F.

Motion made by Vice Chairman Ricketts, seconded by Supervisor Throckmorton, to adopt the Agenda as amended.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

D. MINUTES CORRECTIONS / APPROVAL

- | | | |
|----|----------------|---|
| 1. | March 29, 2022 | Agriculture Development Advisory Committee |
| 2. | March 30, 2022 | Finance Committee Work Session |
| 3. | April 4, 2022 | Board of Supervisors Regular Meeting |
| 4. | April 14, 2022 | Policy & Personnel Committee Meeting |
| 5. | April 14, 2022 | Redistricting Committee Meeting |
| 6. | April 19, 2022 | Board of Supervisors & Planning Commission Joint Meeting |
| 7. | April 20, 2022 | Board of Supervisors & IDA Joint Meeting |

Motion made by Supervisor Throckmorton, seconded by Supervisor Brandon, to adopt the minutes as presented.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

E. CONSENT AGENDA APPROVAL

1. Warrants – March 2022
2. Treasurer’s Report – February 28, 2022
3. Treasurer’s Report – March 31, 2022
4. Support Letters
 1. Water Treatment Plant Upgrades
 2. SOVA Innovation Campus
 3. Highway 58 Water System

Motion made by Vice Chairman Ricketts, seconded by Supervisor Duffey, to approve the Consent Agenda as presented.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

F. RECOGNITIONS

1. 2022-17 Resolution Declaring May 1-7, 2022 as National Travel and Tourism week in Halifax County

Chairman Short said Resolution 2022-17 is declaring May 1-7, 2022 as National Travel and Tourism week in Halifax County.



**HALIFAX COUNTY
BOARD OF SUPERVISORS**

1050 Mary Bethwee Street
P. O. Box 699
Halifax, VA 24508-0699
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CALVIN SHORT, CHAIRMAN
GABRIEL BICKNAP, MEMBER
LARRY P. BULLER, MEMBER
H. W. H. PANNELL, MEMBER
RONNIE E. DUFFEY, MEMBER
D. E. THROCKMORTON, MEMBER
STANLEY BRANSON, MEMBER
W. BRAYTON CLAIRBORNE, MEMBER

2022-17

**A RESOLUTION DECLARING MAY 1-7, 2022 AS
NATIONAL TRAVEL AND TOURISM WEEK IN HALIFAX COUNTY**

WHEREAS, tourism is a consistent driver of Halifax County's economy and workforce, and,
WHEREAS, a robust travel industry provides significant economic benefits for the nation, generating more than \$2.6 trillion in economic output prior to the pandemic, with \$1.2 trillion spent directly by travelers in the U.S.; and,
WHEREAS, travel has been the foundation of a healthy workforce, serving as one of the largest private-sector employers in the U.S., supporting 17 million jobs in prior to the pandemic; and,
WHEREAS, spending by travelers has aided state and local governments alike, generating \$90 billion in state and local tax revenue prior to the pandemic to support essential services and programs; and,
WHEREAS, future of travel is connecting the U.S. with the global community and safely and securely welcoming back international travelers to every community in the country, including Halifax County; and,
WHEREAS, Halifax County saw a 20% decrease in direct visitor spending in 2020, diminished local tax receipts, and a significant decrease in employment; and,
WHEREAS, the travel industry cannot recover without the full return of in-person meetings and events by both domestic and international visitors; and,
WHEREAS, the Future of Travel will prioritize diversity, equity, and inclusion initiatives, powering a future that values all cultures, embraces new perspectives, and reflects the faces and ideas of the full American society; and,
WHEREAS, the Future of Travel will foster a faster recovery, create a more sustainable, seamless and secure traveler experience, and rebuild Halifax County's workforce driving us toward a more prosperous future; and,
NOW, THEREFORE BE IT RESOLVED, the Halifax County Board of Supervisors does hereby proclaim May 1 through 7, 2022 to be National Travel and Tourism Week in Halifax County, and,
BE IT FURTHER RESOLVED, the Halifax County Board of Supervisors urges the citizens of Halifax County to recognize the critical role of tourism in Halifax County
Adopted this 2nd day of May, 2022

Calvin R. Short, Chairman
Halifax County Board of Supervisors

ATTEST:

Scott R. Simpson, P.E., Clerk
Halifax County Board of Supervisors

Motion made by Supervisor Brandon, seconded by Supervisor Throckmorton to approve Resolution 2022-17 declaring May 1-7, 2022 as National Travel and Tourism Week in Halifax, County.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one
Abstained: No one
Absent During Vote: No one
Absent During Meeting: No one

G. CITIZENS' COMMENTS

Chairman Short said comments will not be heard regarding items on the Agenda for which a public hearing is scheduled or has already been held. He opened Citizen Comment time and asked anyone desiring to speak to come forward one at a time and to state their name and address.

James Dixon

Mr. Dixon introduced himself and he said he lives in Clover. He said he owns property in the Dryburg area and he is concerned about the trash boxes located on Highway 717, Dryburg Road. He stated citizens come to him and express their concerns about the conditions at the trash boxes. He said the conditions continue to get worse and the trash boxes need to be removed or a depot should be placed there. Mr. Dixon passed out pictures of the trash site to the Board. He asked the Board members if a new collection center would be placed in the Scottsburg area as previously discussed at a prior Board meeting. Chairman Short verified that the issue has been addressed and the Board is working on a new collection center site.

Brandon Lopez and Erica Throckmorton

Mr. Lopez and Ms. Throckmorton introduced themselves and Mr. Lopez said they live on Osborn Lane in South Boston. He said Osborn Lane is not a State maintained road and his concern is the potholes continue to get worse. He said he had spoken to Supervisor Brandon and Supervisor Claiborne about the problem. He stated the road is a cul-de-sac and there are currently 8 modular homes on the road. He said he had also spoken with VDOT about his concern and they came out to look at the road. He indicated that VDOT referred him to Supervisor Brandon. He wanted to know if there is any assistance available to assist with getting the road maintained. Ms. Throckmorton presented photos of the road and she stated they also have a signed petition from all of the property owners on the road.

Danyelle Villines

Ms. Villines introduced herself and she said her concern is with highway maintenance. She said she is aware funds are available for infrastructure. She said Route 711, Denniston Road, in the Black Walnut District is narrow. She stated she understands it is a rural community but the road is narrow and dangerous. She wanted to know if the road could be extended on each side by at least 6-12 inches. She stated she also has concerns about the trees being so close to the highway and hanging over into the highway. She said she is concerned that assessments for highways such as Route 711 are being overlooked. She stated other highways, such as Cherry Hill Road and Paradise Road, are narrow too and she is concerned with trees hanging over into those roads as well. Ms. Villines said that she had spoken with a VDOT representative and the representative told her to make her concerns known with the Board of Supervisors. She stated VDOT has made some repairs to potholes but her main concern is the roads are too narrow.

Thomas Majors

Mr. Majors introduced himself and he said he lives in the Town of Halifax. He said he wanted to address his concerns pertaining to a prior board meeting for the Board of Supervisors. He said the Tie Breaker was called upon because there was a tied vote of 4-4. He stated the Tie Breaker requested to see how the other Supervisors voted and he does not understand why the Chairman allowed that to happen. He said the Tie Breaker's action represented a buddy system and the Chairman should have told him he needed to vote on the issues and not by which Board member voted yes or no.

Barbara Coleman-Brown

Ms. Coleman-Brown introduced herself and said she is the President of the Halifax/South Boston NAACP. She is speaking in regards to a redistricting article that ran in the local newspaper. She said there are 2 voting precincts which are not in compliance. She stated the newspaper article indicated ED#4 is under by 355 individuals and ED#7 has an overage of 252 individuals. She said according to the newspaper to get those districts to balance out, 234 individuals would need to be moved from ED#5 to ED#4 and 42 individuals from ED#7 to ED#8. Ms. Coleman-Brown stated she is concerned with how these changes will impact diversity. She is also concerned about the notoriety of the Committee meeting. She stated more input is needed from the citizens. She wanted to know if the individuals being moved are of the same race and how it will impact election outcomes. She emphasized it is important for the Board of Supervisors to remain diverse and to be sure election precincts are not created that would take minorities back to the 1950's.

Mark Krogh

Mr. Krogh introduced himself and he said he lives in Clover. He stated his wife has a book and she would like to share it with the Board members because it would make his request clearer. He said in 1781 during the Revolutionary War, the British Army entered Virginia and came through Halifax County coming close to Woodlawn Plantation in Clover, Virginia. He said during the war, the British committed many atrocities including burning homes of the revolutionary who favored independents from England. He stated Woodlawn is located along Staunton River in Halifax County and at that time Woodlawn was owned by Delegate John Coleman. He said Mr. Coleman was in favor of independence from Great Britain but if the British Army had thought of crossing the river, they knew they could not. He said they could not cross the river with their men to burn or otherwise destroy Woodlawn because the Halifax militia were in Clover. The British went North to Richmond and failed to capture General Lafayette. He said their attempt to capture Governor Jefferson was spoiled by Jack Jouett who overheard their plan

when they stopped at his tavern and then he rode all night to warn Jefferson at Monticello. He said Cornwallis and the British Army eventually ended up in Yorktown and the rest is history.

Mr. Krogh stated Woodlawn is facing another attack of a different Army. He said the threat is brought by Dominion Power. He said his home is one and a quarter mile past the Dominion Power Plant in Clover. He said he received notice that their intention is to construct high tension power lines and towers on properties bounding Clover Road and going from their plant all the way to Mecklenburg, Virginia. He stated they want to start the project in 2024 and the project would be bad. Mr. Krogh said they will take property for their use and only pay property owners pennies on the dollar as if there are no such things as liberty, equality, and democracy. He said high tension wires are not a pleasant addition to anyone's property. Chairman Short advised Mr. Krogh his time had expired for Citizens' Comments. He explained to Mr. Krogh that he could mail a letter to the County Administrator's office to complete stating his concerns.

Michael Terry

Mr. Terry introduced himself and he said he lives on Highway 716. He said he had previously come before the Board members requesting Highway 716 to be widened. He stated he is coming before the Board again with the same request and an additional request to reopen the bridge on Highway 92. He said the bridge on Highway 92 between Halifax County and Charlotte County needed to be replaced or reopened.

With no one else wishing to speak, Chairman Short declared Citizen Comment time complete.

H. PUBLIC HEARINGS

1. VDOT Secondary 6 year plan

Chairman Short said the next item on the agenda is the VDOT Secondary 6-Year Plan.

Kenneth Martin with VDOT introduced himself and he said Mr. Craddock is unable to attend the meeting. Mr. Martin took a moment to answer Mr. Terry's question from Citizens' Comments and he verified that the bridge on Highway 92 is currently being designed. He said he could not provide an exact date that the bridge would reopen but he would look it up and get back to Mr. Terry.

Mr. Martin said §33.2-331 of the Code of Virginia as amended requires that the County Board of Supervisors in conjunction with VDOT formulate a 6-year Secondary improvement plan priority list. He said this is done on a yearly basis but the public hearing tonight is being conducted for FY2023-2028. He stated the purpose of the public hearing is to receive public comments on the proposed secondary roads 6-year plan for FY2023-2028 for Halifax County and on the secondary system. He wanted to point out this year's plan is not a construction plan but an allocation. He said in the next 6 years, VDOT would allocate money to the projects listed towards the construction of the road.

Mr. Martin discussed the following tele-fee and unpaved road funds that VDOT will receive:

| | <u>Tele-fee</u> | <u>Unpaved Road</u> |
|--------|-----------------|---------------------|
| FY2023 | \$75,001 | \$124,039 |
| FY2024 | \$75,001 | \$147,825 |
| FY2025 | \$75,001 | \$147,825 |
| FY2026 | \$75,001 | \$159,941 |
| FY2027 | \$75,001 | \$159,941 |
| FY2028 | \$75,001 | \$159,951 |

Mr. Martin said the total money for the 6-year plan is \$450,006 for tele-fee and \$899,512 for unpaved roads. He said the unpaved road money typically will go towards rural rustics but some individual projects could be worked on with the tele-fee money. He stated VDOT already has the rural rustic list in place. He said Clay's Mill Road in Supervisor Roller's district is currently in the process of being resurfaced and it should be completed by early summer 2022.

Mr. Martin stated VDOT has 2 projects for 2022 that already has funding in place and those projects are located on Chaffin Trail in Supervisor Duffey's district and Crossroads Trail in Supervisor Roller's district. He discussed some of the other roads which are listed for future projects such as Shelton Road, Clements Trail, John Puryear Trail, and White Oak Trail. He said funding for the Halifax Countywide-Transportation Services will become available in October 2024.

| ROAD ID | ROAD NAME | ROUTE | STATUS | EST. COST | EST. DATE |
|---------|--------------------|--------|--------------------------------|-----------|-----------|
| 1112 | Chaffin Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1113 | Crossroads Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1114 | Shelton Road | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1115 | Clements Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1116 | John Puryear Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1117 | White Oak Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1118 | Osborne Lane | US 421 | Open End/End State Maintenance | 4.15 | 2022 |

| ROAD ID | ROAD NAME | ROUTE | STATUS | EST. COST | EST. DATE |
|---------|--------------------|--------|--------------------------------|-----------|-----------|
| 1119 | Shelton Road | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1120 | Clements Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1121 | John Puryear Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1122 | White Oak Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1123 | Osborne Lane | US 421 | Open End/End State Maintenance | 4.15 | 2022 |

| ROAD ID | ROAD NAME | ROUTE | STATUS | EST. COST | EST. DATE |
|---------|--------------------|--------|--------------------------------|-----------|-----------|
| 1124 | Shelton Road | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1125 | Clements Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1126 | John Puryear Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1127 | White Oak Trail | US 421 | Open End/End State Maintenance | 4.15 | 2022 |
| 1128 | Osborne Lane | US 421 | Open End/End State Maintenance | 4.15 | 2022 |

Chairman Short opened the Public Hearing to receive public comments for the VDOT Secondary 6-year plan. He asked anyone desiring to speak to come forward one at a time and to state their name and address.

Barbara Coleman-Brown

Ms. Coleman-Brown introduced herself and she said she lives in Scottsburg. She stated Highway 716 is a dangerous road because it is narrow. She stated the Board recognized tourism week and Highway 716 is heavily used for citizens traveling to the Staunton River State Park. She said vehicles had to get completely out of the road to allow RV campers to pass through going down to the park. She commented reconsideration is also needed to include Highway 344 and Highway 716 in the 6-year plan due to the traffic traveling to the park.

Chairman Short asked Mr. Martin if Highway 344 is an unpaved road. Mr. Martin said Highway 344 is a primary road and he stated the public hearing being held tonight is regarding secondary roads.

Danielle Villines

Ms. Villines introduced herself and she wanted to verify that there is an allotment for unpaved roads and the tele-fee fund is used for maintenance to other highways. Mr. Martin verified that is correct. She stated Highway 711 also has a bridge with dips at the beginning and at the end of it. She is concerned that the bridge assessments are not being completed in a timely manner.

Mr. Martin said for clarity to the public, bridge inspections are paid for through separate funding and it is an ongoing process. He said planned inspections are conducted on bridges. He said bridges are continuously rated and once they reach a certain state of deterioration, they are replaced at that time through the State of Good Repair funding.

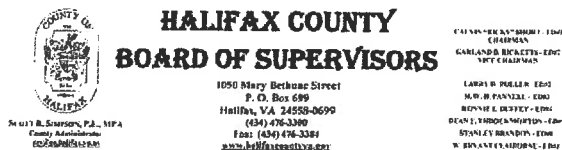
Supervisor Brandon wanted to add Osborne Lane to the list for unpaved roads. Mr. Martin said Osborne Lane is not currently in the system and he stated for a road to come into the system, it needed to be brought up to VDOT standards prior to going into the system. He said the road would also need to be

paved and the responsibility falls on the citizens who live on the road because VDOT no longer brings in unpaved roads. Mr. Martin said it could be put on the list to be discussed with the Board of Supervisors for a revenue sharing project. Supervisor Brandon requested for Osborne Lane to be put on the list for further discussion with the Board members.

Chairman Short asked Mr. Martin what it cost per mile to pave a road and Mr. Martin said it is approximately \$100,000 per mile.

Supervisor Claiborne asked Mr. Martin to verify that road improvements are based on State funding and not funds from the County. Mr. Martin said that is correct. Supervisor Claiborne commented that citizens could express their concerns and make requests through their Delegate representative regarding the amount of available funding.

Motion made by Supervisor Throckmorton, seconded by Supervisor Brandon, to adopt Resolution 2022-16 along with the new roadways in yellow to be included in the 6-year plan for fiscal years 2023-2028.



2022-16

**A RESOLUTION APPROVING THE SIX-YEAR PLAN
FOR SECONDARY ROADS IN HALIFAX COUNTY
FOR FISCAL YEARS 2023 THROUGH 2028**

WHEREAS, Section 33 2-331 of the Code of Virginia, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan and

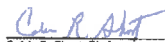
WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures and


WHEREAS, this Board participated in a public hearing on the proposed Plan (fiscal years 2023 through 2028) on May 2, 2022 after duly advised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan; and

WHEREAS, Joseph Craddock, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2023 through 2028) for Halifax County.

NOW THEREFORE, BE IT RESOLVED, that since said Plan appears to be in the best interests of the Secondary Road System in Halifax County and of the citizens residing on the Secondary System said Secondary Six-Year Plan (2023-2028) is hereby approved

Adopted this the 2nd day of May 2022


Calvin R. Short, Chairman

ATTEST:

Scott R. Simpson, Clerk

I. PRESENTATIONS

1. Fire Commission Report

Mr. Simpson said Emergency Services Director, Jason Johnson at the last minute is and unable to attend the meeting. He said the information that Mr. Johnson planned to report on is in the Board packet and if Board members had any questions, they could contact him or Mr. Johnson at the County Administration office.

J. COMMITTEE REPORTS

1. Agriculture Development Committee

Chairman Short said the Agriculture Development Committee held a meeting on March 29, 2022. The Committee recommended to the Board of Supervisors an adjustment in the per head fee charged at the

Agriculture Marketing Center for sales of livestock. He said the Committee is recommending to increase the fee for cattle to \$4.00 per head and \$3.50 per head for sheep and goats.

Supervisor Roller explained the fees help to support the expenses associated with the Agriculture Marketing Center and fiber broadband was just completed at the facility, which will improve the auction process.

Motion made by Supervisor Roller, seconded by Supervisor Throckmorton, to increase the fee for cattle to \$4.00 per head and \$3.50 per head for sheep and goats.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

Supervisor Roller said The Agriculture Development Committee also recommended to the Board of Supervisors to add a position to the Committee to represent the small ruminant (sheep & goats) producers.

Motion made by Supervisor Roller, seconded by Supervisor Throckmorton, to add a small ruminant representative to the Agriculture Development Advisory Committee.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

2. Finance Committee

Chairman Short said the Finance Committee held a meeting on March 30, 2022. He said the County received a request from the Town of South Boston to participate in the fireworks display for the 4th of July and the requested amount is for \$4,000. He said the motion has been made by the Committee and it is open for discussion.

Vice Chairman Ricketts wanted to clarify this is not a recommendation to proceed with the donation from the Finance Committee. He said the Finance Committee is recommending that the Full Board of Supervisors discuss the matter.

Supervisor Claiborne stated the Board of Supervisors had participated for years and he felt the County should continue to support the fireworks display.

Motion made by Supervisor Claiborne, seconded by Supervisor Brandon, to allocate funding in the amount of \$4,000 towards the Town of South Boston 4th of July fireworks display.

VOTE

Motion passed 7-1 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: Mr. D.E. Throckmorton

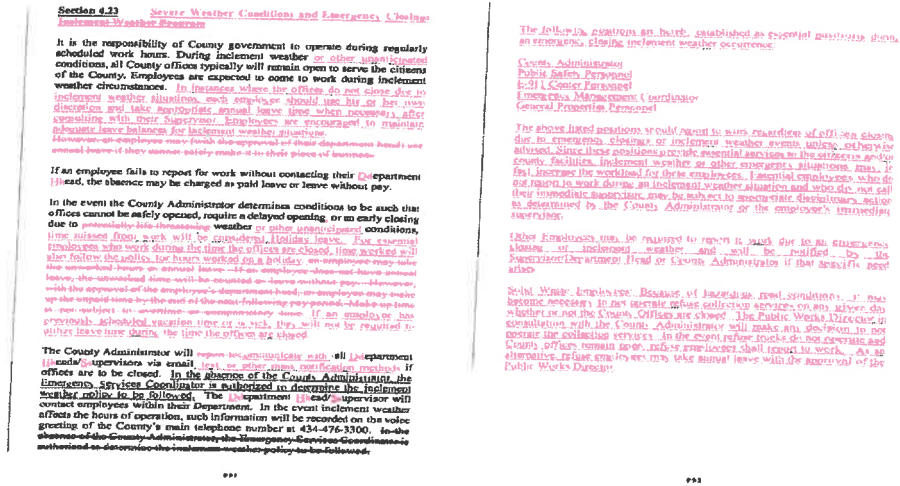
Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

3. Policy & Personnel Committee

Chairman Short said the Policy & Personnel Committee met on April 14, 2022 and the Committee is recommending amendments to Section 4.23 addressing Severe Weather Conditions and Emergency Closings to be adopted to the Halifax County Personnel Handbook.



Motion made by the Policy and Personnel Committee to adopt the changes to Section 4.23 for Severe Weather Conditions and Emergency Closings.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

Chairman Short said there is another recommendation coming from the Policy & Personnel Committee meeting on April 14th. He said the Committee is recommending an amendment 2.3.1 New Section to the Halifax County Board of Supervisors Bylaws addressing Committee assignments.

Supervisor Brandon said he had questions regarding some of the language being deleted. Mr. Simpson clarified there are two separate items. He said one item is a completely new section which is 2.3.1 and it relates to the Board. He said the second item is a modification of 4.4 for Citizens' Comment period. He stated currently the Bylaws indicate the Board will set Committees but it does not indicate how many, the type, and how they act and the new section will memorialize all of those items.

Motion made by the Policy and Personnel Committee to adopt New Section 2.3.1 to the Bylaws for the Board of Supervisors.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

Chairman Short said the last item presented from the Policy & Personnel Committee is the Committee's recommendations to address amendments to 4.4 Citizen's Comment Period. He said some of the redlines are repetitious. He discussed some of the new language and the Board members had any questions.

4.4. Citizen Comment Period

- A. At each regular meeting ~~of the month~~ of the Board ~~of Supervisors~~, the Board shall set aside a citizens' comment period. During the citizens' comment period, speakers wishing to address the Board shall clearly state their name and address and shall be subject to such time limitations as the Chairman in his or her discretion may impose. Speakers may address any issue not on the public hearing calendar for the day. ~~Speakers shall also not address any item which has been subject to a previous public hearing and action on the subject has not occurred.~~
- B. No individual citizen or organization shall be permitted to address the Board for more than four (4) minutes. ~~Speakers shall sign up ahead of time by calling County Administration or signing up in person directly prior to the start of the meeting.~~
- ~~C. Individuals who have previously spoken on a subject at a public hearing shall not be allowed to readdress the Board during the citizens' comment period. Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff member.~~
- ~~D. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.~~
- ~~C. Any citizen may request to appear before the Board at any regular Board meeting no more than four times per year and no more than once within a three-month period. Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period. Speakers may only address issues not on the public hearing calendar for the day. Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff person. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.~~
- ~~F. D. A timer-controlled lighting system will be implemented in full view of the speaker. When three minutes are up, an amber light will come on which will indicate that the speaker has one minute to conclude his/her comments. At the end of that one-minute period (completion of the full four-minute period), a red light will come on that will indicate that the speaker must relinquish the podium to the next speaker. Staff will notify the Chairman that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the Chairman.~~

Supervisor Brandon said our Citizens should be able to approach the Board as many times as needed. He said it is the duty of the Board members to represent Citizens on any issues or concern and Citizens should be able to approach the Board as many times as needed throughout the year.

Supervisor Claiborne said the Citizens have a right to free speech and he thought the verbiage should be deleted from the Bylaws.

Mr. Simpson clarified Section C has always been in the Bylaws regarding how many times a Citizen can speak but it has never been enforced. He explained the language is not new and it has always been in the Bylaws so this is nothing new from the Committee. He said any recommendations coming from the Committee could be sent back for revisions if the Board felt it needed more work.

Motion made by Supervisor Pannell, seconded by Supervisor Duffey, to withdraw the recommendation for revisions to 4.4 Citizens' Comments period from the Policy and Personnel Committee.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

Motion made by Vice Chairman Ricketts, seconded by Supervisor Claiborne, to return the proposed changes to 4.4 for Citizens' Comment period back to the Policy and Personnel Committee for further consideration.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

Supervisor Brandon commented when recommendations from the Committees are presented to the full Board, the motion has already been made and seconded. He said the full Board can discuss the matter but the Board doesn't really get a complete understanding of the matter because all of the work has been done through the Committee meetings. He said the Committee's should send their recommendations to the full Board and then the motion should be made and voted on by the full Board.

Supervisor Roller said the full Board still has the opportunity to discuss any issues or concerns when the recommendations are coming from the Committee's.

Supervisor Claiborne commented that the public has a right to know what the Board is voting on. He agreed with Supervisor Brandon that the recommendation should come from the Committee but the full Board should be able to vote on the matter.

Supervisor Throckmorton commented that all of the Committee meetings are open to the public.

4. Redistricting Committee

Chairman Short said the Redistricting Committee held a meeting on April 14, 2022 and they are recommending the adjustment of 234 individuals from ED#5 to ED#4 and 42 individuals from ED#7 to ED#8 and to pursue the pre-clearance process with the State.

Chairman Short there had been a comment at Citizens' Comment regarding the redistricting process. Supervisor Claiborne asked Mr. Simpson to provide an overview on the matter for the public.

Mr. Simpson explained every 10 years when there is a new census, the new population of the County is divided by the 8 Election Districts which provides a targeted number of citizens per district so the districts are equal. He stated there is a 5 percent variance, plus or minus, in each district. He explained ED#7 had too many individuals and ED#4 didn't have enough individuals. He said since those 2 districts don't touch, they can't move individuals between the 2 districts. Mr. Simpson said 2 other districts that adjoin are needed. He said the individuals are not registered voters but population

within the districts. He provided an example of a household with 6 individuals only having 2 voters but 6 individuals would still be moving. He said the census gave a new population count of 34,022 individuals in the County and when that number is divided by 8 districts, it equals 4,253 individuals per district and the 5 percent variance is 213 individuals. He stated ED#1 is under the 4,253 by 168 individuals, ED#2 is under the 4,253 by 145 individuals, ED#3 is over the 4,253 by 170 individuals, ED#4 is under the 4,253 by 355 individuals, ED#5 is over the 4,253 by 205 individuals, ED#6 is over the 4,253 by 194 individuals, ED#7 is over the 4,253 by 252 individuals, and ED#8 is under the 4,253 by 153 individuals.

Mr. Simpson said the ideal number, over or under, for each district is no more than 213 and all districts are okay with the exception of ED#4 which needs a minimum of 150 individuals added and ED#7 which needs to move approximately 40-50 individuals into an adjacent district. He stated ED#8 is adjacent to ED#7 and ED#8 has enough capacity to accept 50 individuals because ED#8 is under by 153 individuals. He said ED#6 is also adjacent to ED#7 but ED#6 is over by 194 individuals so that district would go over if more than 20 individuals were moved which doesn't solve the issue for ED#7 and the only other district that touches ED#7 is ED#8. He discussed the maps and the movement of individuals and the different plans. Mr. Simpson explained ED#3 and ED#8 are minority majority districts. He said if you begin to move individuals out of ED#3 and into ED#4, it could potentially change the fact that ED#3 is a minority majority district. Mr. Simpson said in reviewing those numbers, the only district with availability is ED#5 to move into ED#4 because that district could move 150 individuals.

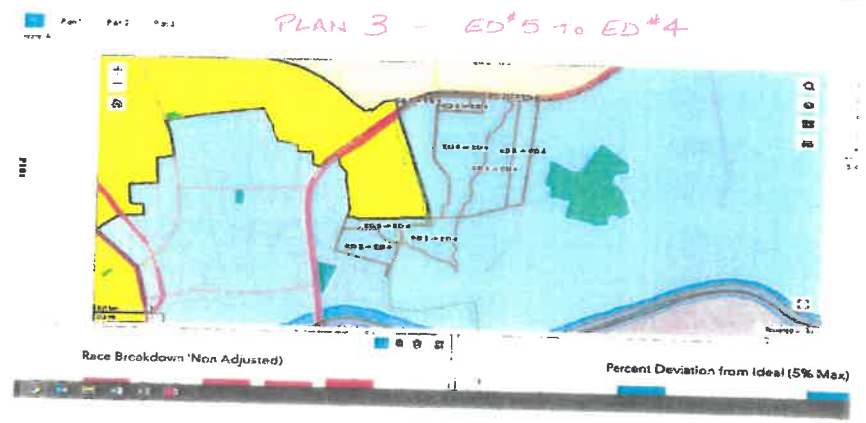
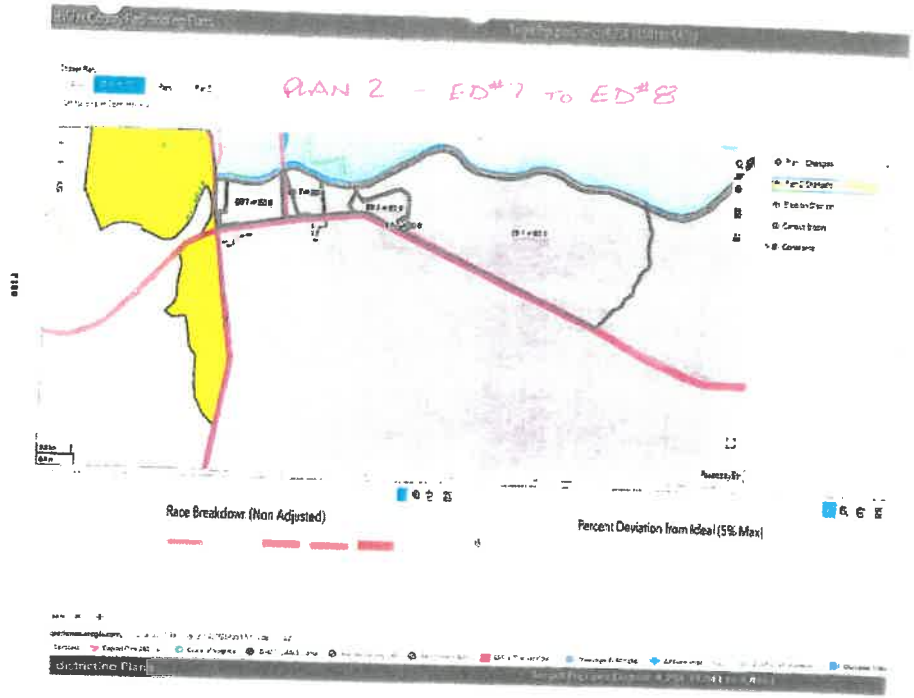
Mr. Simpson said there are no district specific elections in the current election cycle this year. He said there is a Countywide election for Tie Breaker in November 2022 but it is Countywide and not district specific. He said 2 plans were compiled for ED#7 and ED#8 and Supervisor Claiborne and Vice Chairman Ricketts determined Plan 2 was the best plan for their individuals between their 2 districts. He explained the next step in the process is to send the information along to the State through a preclearance process and the State will go through all of the Election Districts and the populations to include race, gender, and several other factors to ensure the items in the Census Block being proposed does not negatively affect either district. He said ED#7 the adjustment boundaries with ED#8 affects 42 individuals in 8 different Census Blocks.

Mr. Simpson explained there were 2 proposed plans for ED#5 moving individuals to ED#4 but neither of the plans appeared to work for the Supervisors so a Plan 3 was generated. He said Plan 3 has been included in the Board packet and it is the same process. He stated 234 individuals would move from 7 Census Blocks from ED#5 to ED#4. He said all of the districts would be within the number range. He said if the Supervisors are in agreement, the next step would be to send it to the State for preclearance or conduct public meetings for review. Once the preclearance is approved, an Ordinance is required from the Board of Supervisors. He said Citizens would also have the opportunity to come in and speak at the public hearing.

Mr. Simpson stated the Plans that are being proposed are the best set of plans without causing any issues with the minority majority districts. He said the recommendations from the Redistricting Committee is to formalize the Plans to be sent along to the State for preclearance and once it's sent back, the final steps can be finalized.

| ED # | Adj Pop | Tot Pop | |
|-------------------|---------|---------|---|
| ED 4 | 107 | 102 | Myrtle St |
| From ED 5 to ED 4 | 52 | 52 | Eastover Dr (south side) |
| From ED 5 to ED 4 | 30 | 29 | Belt Blvd (West side) |
| From ED 5 to ED 4 | 10 | 10 | James D Haggood, east of Belt Blvd |
| From ED 5 to ED 4 | 17 | 17 | Shepherd's Gate Rd (North and west side) |
| From ED 5 to ED 4 | 12 | 12 | James D Haggood, Belt Blvd (east side) |
| From ED 5 to ED 4 | 6 | 6 | DN of end of Eastover, south side |
| | 234 | 228 | |
| ED 8 | 10 | 10 | Along Bill Tuck Hwy, across from Hite Ln |
| From ED 7 to ED 8 | 12 | 12 | N corner of Bill Tuck & Foster Ln |
| From ED 7 to ED 8 | 20 | 20 | End of Foster Ln |
| | 0 | 0 | (5 Other blocks for continuity, have no population) |
| | 42 | 42 | |

| | 2020 Population (Adj) based on 2011 District Boundaries | Gains from redistricting | Loss from redistricting | 2020 Population (Adj) based on Plan 3 |
|------|---|--------------------------|-------------------------|---------------------------------------|
| ED 1 | 4086 | 0 | 0 | 4086 |
| ED 2 | 4309 | 0 | 0 | 4309 |
| ED 3 | 4424 | 0 | 0 | 4424 |
| ED 4 | 3899 | 234 | 0 | 4133 |
| ED 5 | 4459 | 0 | 234 | 4225 |
| ED 6 | 4448 | 0 | 0 | 4448 |
| ED 7 | 4506 | 0 | 42 | 4464 |
| ED 8 | 4301 | 42 | 0 | 4343 |
| | 34032 | 276 | 176 | 34032 |



Chairman Short said the redistricting process is a detailed process and the proposed changes would need to go to the State for preclearance. He asked if any of the Board members had any questions.

Supervisor Pannell said Mr. Simpson did an excellent job of explaining the process to the Board members. He stated that Ms. Coleman-Brown had mentioned valid concerns. He said the Board needed to do their due diligence with regards to the proposed redistricting changes.

Supervisor Claiborne said he wanted to verify the proposed changes from the Redistricting Committee would not affect the minority majority districts.

Mr. Simpson said Supervisor Claiborne is correct. He used Supervisor Claiborne's district as an example and he verified that the minority majority districts ED#8 would only be affected by 1 percent at most. He emphasized the Redistricting Committee had taken every precaution to prevent changing the numbers in the minority majority districts.

Motion made by the Redistricting Committee to begin the process of preclearance with the State for Plan 2 in ED#7 and ED#8 and Plan 3 for ED#4 and ED#5.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

K. NEW BUSINESS

1. Consider Ordinance 2022-9 Amending Solar Revenue Share

Chairman Short said the Board of Supervisors is considering Administrative Changes to Solar Revenue Share Ordinance Section 53-162 which currently imposes a \$1,400 per megawatt revenue share on qualifying solar systems. He said the Code of Virginia 58.1-2636 was recently amended to allow the maximum amount of revenue share to be increased on July 1, 2026 and every 5 years thereafter by 10 percent and the Code was also amended to add Energy Storage as qualifying systems. He said Ordinance 2022-9 will provide for these edits.

HALIFAX COUNTY BOARD OF SUPERVISORS
2022-9
ORDINANCE
AN ORDINANCE AMENDING AND REENACTING CHAPTER 53, ZONING, OF THE CODE OF THE COUNTY OF HALIFAX, VIRGINIA, 2006 BY AMENDING AND REENACTING SECTION 53-162, REVENUE SHARING.
WHEREAS, the 2020 Session of the Virginia General Assembly passed Virginia Code § 58.1-2636, which permitted a license to assess, by ordinance, a revenue share of up to \$1,400 per megawatt on certain solar photovoltaic projects; and
WHEREAS, the Board of Supervisors of the County of Halifax, Virginia the "Board" on April 6, 2022, passed and adopted Ordinance No. 2022-13 amending Section 53-162, Revenue Sharing, to assess a \$1,400 per megawatt revenue share on qualifying solar photovoltaic projects; and
WHEREAS, Virginia Code § 58.1-2636 was amended, effective July 1, 2021, to provide for the maximum amount of the revenue share that may be imposed on certain solar photovoltaic projects shall be increased on July 1, 2026 and every five years thereafter by 10 percent; and
WHEREAS, Virginia Code § 58.1-2636 also was amended, effective July 1, 2021, to provide the authority to assess, by ordinance, a revenue share of up to \$1,400 per megawatt on certain energy storage systems, with revenue assessment shall be increased on July 1, 2023 and every five years thereafter by 10 percent; and
WHEREAS, the Board has determined that in the best interests of the County of Halifax, Virginia it should increase the revenue share on qualifying solar photovoltaic projects and qualifying energy storage projects on July 1, 2026 and every five years thereafter by 10 percent; and
WHEREAS, the Board has determined that in the best interests of the County of Halifax, Virginia the "Board" is authorized to assess the \$1,400 per megawatt revenue share on qualifying energy storage projects and to provide for a 10 percent increase of the amount of

the revenue share that may be imposed on qualifying solar photovoltaic projects and qualifying energy storage projects, beginning on July 1, 2026 and occurring every five years thereafter; and
WHEREAS, this Ordinance has been advertised as required by Virginia Code §§ 15.2-1427 (7) and 15.2-2204 and has undergone properly advertised public hearings by the Halifax County Board of Supervisors on April 6, 2022
NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HALIFAX, VIRGINIA
Section 1. That Chapter 53, Zoning, of the Code of the County of Halifax, Virginia, 2006, is hereby amended and re-enacted by amending and re-enacting Section 53-162, Revenue Sharing, as follows:
Sec. 53-162. - Revenue sharing.
(a) In accordance with the authority granted pursuant to Section 58.1-2636 of the Code of Virginia (1980, as amended), the County hereby amends, (i) a revenue share of \$1,400 per megawatt, as measured in alternating current (AC) generation capacity of the renewable capacity of the facility based on interconnection by the facility owner to the interconnecting utility, on any solar photovoltaic (photovoltaic) project and (ii) a revenue share of \$1,400 per megawatt, as measured in alternating current (AC) storage capacity, on any energy storage system.
(b) The revenue share of \$1,400 per megawatt imposed pursuant to subsection (a) of this section shall be increased on July 1, 2026, and every five years thereafter, by 10 percent.
(c) The provisions of this subsection (b) shall not apply to solar photovoltaic projects or energy storage systems for which an application was filed with the locality as defined by subsection (d) of § 58.1-3650 and such application was approved by the locality prior to January 1, 2021.
(d) The provisions of the subsection (c) shall apply to all solar photovoltaic projects and energy storage systems for which an application is approved by the locality on or after January 1, 2021.
(e) For purposes of this section, "solar photovoltaic (photovoltaic) energy project" shall not include any project that is (i) described in § 55.504, 55.564.01, or 55.564.2 or Chapters 354 and 362 of the Code of Virginia or 20.5, as amended, (ii) 20 megawatts or less, as measured in net capacity, (iii) generation capacity, for which an initial interconnection request form has been filed with the electric utility or a regional transmission organization on or before December 31, 2018, or (iv) has megawatts or less (Ord. No. 2001-15, § 1, 4-4-2021; Ord. No. 2022-9, § 1, 4-4-2022)
Basis law references—Revenue share for solar energy projects and energy storage systems § 58.1-2636
§58.1-2636.2 Section 1 of this Ordinance shall be made a part of the Code
Section 3 This Ordinance shall become effective retroactively

Passed and adopted by the Board of Supervisors of the County of Halifax, Virginia the 7th day of May, 2022
C. Short
Chairman
Attest:
Debra R. Short, Chairman
County Attorney
Approved as to form

A public hearing was held on April 19 jointly with the Planning Commission and the Planning Commission recommends adoption of the revised Ordinance.

Motion made by Supervisor Pannell, seconded by Supervisor Throckmorton, to adopt Ordinance 2022-9 to allow the maximum amount of revenue share to be increased on July 1, 2026 and every 5 years thereafter by 10 percent and amend to add Energy Storage as qualifying systems.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

2. Consider Proposed Solar Facility Siting Agreement with Staunton Solar, LLC (ED #5)

Chairman Short said there is a proposed Siting Agreement for Staunton Solar, LLC. He said Virginia Code Section 15.2-2316.7 designates that any applicant for a solar project or an energy storage project shall give to the host locality written notice of the applicant's intent to locate in such locality. He said the Siting Agreement between Halifax County and Staunton Solar, LLC is presented for review and a public hearing was held jointly with the Planning Commission on April 19, 2022. Mr. Short stated the Planning Commission is recommending that the Board of Supervisors enter into the agreement as presented.

Motion made by Supervisor Throckmorton, seconded by Supervisor Brandon, for the County to enter into the Siting Agreement with Staunton Solar, LLC as presented.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

3. Conditional Use Permit Application ED #5

Applicant: Staunton Solar, LLC

Landowners: Robert Harris, Talley & Diane Cook, Ronald Reel, Francis & Gus Mitchell, & Bobby & Susan Snead

PRN 14590, 14591, 6321, 15987, 18803 & 23217

Location: Dryburg and MacDonald Road

Proposed Use: Install a 47 MW Solar Facility

Chairman Short said the Virginia Code §15.2.2232 requires the local planning commission and governing body to consider if the general location, character, and extent of the proposed solar facility is substantially in accordance with the County's Comprehensive Plan. He said the Halifax County Planning Commission conducted a review and motioned to approve the location of the proposed Staunton Solar, LLC project at their November 16, 2021 joint meeting.

Motion made by Supervisor Throckmorton, seconded by Supervisor Brandon, pursuant to Virginia § 15.2-2232 (A), that the Halifax County Board of Supervisors find that the general location or approximate location, character, and extent of the proposed Staunton Solar, LLC solar facility is substantially in accord with the adopted Halifax County Comprehensive Plan and, furthermore, that the proposed, Staunton Solar, LLC solar facility be approved as being substantially in accord with the adopted Halifax County Comprehensive Plan.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

Chairman Short said Staunton Solar, LLC applied for a Conditional Use Permit (CUP) to install a 47.00 mw(AC) solar facility. He said the proposed project is located on MacDonald and Dryburg Road in Scottsburg and the properties are owned by Robert Harris, Talley & Diane Cook, Ronald Reel, Francis Mitchell, and Bobby & Susan Snead.

Mr. Easley referred the Board members to page 149 in the Board's packet for the site conditions. He said solar facilities are normally given 3 years for commencement of the work to start construction. He stated the applicant has requested an extension of the 3 years to 5 due to backlogs in the PJM process. He said also in Condition #28 verbiage has been added to mirror the siting agreement which was approved earlier in tonight's meeting.

Supervisor Brandon wanted to know why they needed the extension. Mr. Easley said that solar companies associated with the Pennsylvania, New Jersey and Maryland (PJM) Interconnection line are taking longer to receive their approval. Mr. Easley noted the applicant is present and could answer questions from the Board members.

Motion made by Supervisor Throckmorton, seconded by Supervisor Brandon, to approve the Staunton Solar, LLC Conditional Use Permit including the 29 site conditions.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

4. School Building Reversion to County

Chairman Short said the School Board has voted to transfer the Bruce Library Building back to the County. He said the Board of Supervisors will need to accept the property and authorize staff to begin the process of the transfer with a final approval at a future Board of Supervisors meeting. He said the Board will need to determine what to do with the building.

Motion made by Supervisor Pannell, seconded by Supervisor Duffey, to accept the transfer of the Bruce Library Building and authorize staff to begin the transfer with a final approval to be held at a future Board of Supervisors meeting.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

No one Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

5. Disbursement of Donation from Waterstrider Solar (ConEdison)

Chairman Short said the Waterstrider Solar Facility located in ED#1 previously donated \$1,000,000 to the County towards community needs to be determined by the Board of Supervisors.

Mr. Simpson said ED#1 Supervisor Chairman Short and Finance Chair Ricketts have met with staff several times to discuss needs and opportunities for the dedication of these funds and a list of proposed uses was emailed to the Board ahead of the meeting as it was finalized late in the week.

Chairman Short said in discussions regarding the donation from Waterstrider Solar, consideration is for 1/3 of the funds to go into ED#1 where the solar site is located. He said the allocation for use of the funds are: \$250,000 to the North Halifax Fire Department Building, \$50,000 to the purchase of an ambulance for North Halifax, \$10,000 to Brookneal Fire Department, \$15,000 to Liberty Fire Department, \$100,000 for generators and compound for the County communication system, \$50,000 for Fire/EMS Training Reimbursement Fund, \$15,000 for Meat processing facility incentive match payment, and \$25,000 Live Here/Work Here Initiative with the Chamber of Commerce and IDA. He said North Halifax Fire Department, Liberty Fire Department, and Brookneal Fire Department completed extensive training regarding solar sites. He discussed salaries for EMS/Rescue Personnel and noted North Halifax needs to fill 1 position, Turbeville needs to fill 1 and a half positions, and the Rescue Squad needs to fill 1 position. He noted \$100,000 is being suggested for 2 compaction collection centers in ED#1.

Supervisor Roller said with regards to \$250,000 going to the North Halifax Building and being applied to their existing debt, they could then refinance the building which would allow the department to have available operational funds to assist with their staffing needs.

Supervisor Claiborne wanted to know why the majority of the funds were being allocated to ED#1. Chairman Short said Waterstrider is located in ED#1. Supervisor Brandon commented that the donation from ConEdison was to the County. Supervisor Claiborne said it would only be fair to distribute the funds to some of the other districts.

Supervisor Brandon said Board members have numerous responsibilities that needed to be considered such as Public Safety and Broadband. He said if some of the solar facilities in his district provided a generous donation such as ConEdison, the allocation of funds would need to be distributed fairly amongst the other districts within the County. He suggested readjusting some of the funds to support all of the districts.

Supervisor Throckmorton said Station 8 and Station 9 are dispatched daily and they respond consistently all day long.

Supervisor Pannell said he is concerned with reviewing the suggested use of funds from the Waterstrider donation because it appears a large sum of the monies is going to one specific district. He commented the donation should be distributed fairly between the districts and to support what is in the best interest of the County.

Supervisor Roller said he agreed that the needs for the County as a whole needed to be considered. He said the suggested amount going to ED#1 is for 1/3 of the funds.

Chairman Short emphasized EMS needs of the County needed to be a top priority consideration. Supervisor Claiborne agreed with Chairman Short but he said the \$250,000 allotment going to the North Halifax Building seemed unfair because there are other fire department buildings in the County that provide the same services and the funds could be distributed more fairly.

Mr. Simpson said the funds for other projects, such as Staunton Solar just approved, go into Capital Funds. He stated the intent of the suggested allocation for the Waterstrider donation was an attempt to track the funds received from ConEdison. He said the dedication of funds could be readjusted. He stated the Board could approve parts of the distribution if they chose to do so. He clarified that the donation of \$100,000 towards Public Safety is for the entire County because the Public Safety Network covers all of the County.

Chairman Short suggested sending the matter to the Finance Committee for further consideration.

Motion made by Supervisor Pannell, seconded by Vice Chairman Ricketts, to forward the Waterstrider Solar Donation to the Finance Committee for further consideration of the dedication of funds.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

L. PENDING MATTERS/UNFINISHED BUSINESS

1. Conditional Use Permit Application ED #5

Applicant: Mary W. Blakeslee & others
PRN: 6867,6868,6869,6870,6871,6872,6873,6874(Tabled)
6875,6876,6877,6878,6879,6880 (Approved March 15, 2022)
Location: Shepherds Gate Road
Proposed Use: Rezone 8 parcels from M-1; Industrial to R-1; Residential

Chairman Short said the next item on the agenda is the Conditional Use Permit Application request to rezone the eight remaining parcels from M-1 to R-1 in the Shepherd's Gate Subdivision.

Supervisor Throckmorton said he had hoped for some kind of compromise between the landowners and adjoining property owners. He commented that he had learned a tremendous amount of information in the last few weeks in regards to rezoning.

Mr. Simpson gave a brief update to this matter and he said at the March 7, 2022 meeting the Board of Supervisors approved six parcels to be rezoned from M-1 to R-1 in the Shepherds Gate Subdivision and it was requested to table the remaining eight parcels to allow for continued discussion with the applicant, as a means to find compromise with the adjoining parcel owners about the remaining eight parcels.

Motion made by Supervisor Throckmorton, seconded by Supervisor Brandon, to rezone parcels 6867, 6868, 6869, 6870, 6871, 6872, 6873 and 6874 property owned by Mary W. Blakeslee & Others at Shepherds Gate Road from M-1 to R-1.

ROLL CALL VOTE

| | |
|------------------------------|-----------|
| Supervisor Stanley Brandon | Yes |
| Supervisor Bryant Claiborne | Yes |
| Supervisor Ronnie Duffey | Abstained |
| Supervisor Hubert Pannell | Yes |
| Vice Chairman Ricketts | Abstained |
| Supervisor Larry Roller | Yes |
| Chairman C. Ricky Short | Yes |
| Supervisor Dean Throckmorton | Yes |

Motion passed 6-0.

2. Budget Update

Chairman Short said the General Assembly adjourned without a state budget and has reconvened twice to address several items but still has not adopted a State Budget. He said all Counties require direction from the Commonwealth through the State Budget for many items including Constitutional Offices, mandates, and most importantly, School Funding. He said without a state budget defined, the County must continue to postpone adoption of our local budget and school budget and most likely the County budget adoption will not occur until sometime in mid-June.

3. Requests Update

Chairman Short said there is a synopsis included in the Board packet on pages 176-178 in an attempt to consolidate the inquires and responses, and status of requests made by Citizens or Board members.

Staff Updates on Requests

4/1/2022

| DATE OF REQUEST | REQUEST | ACTION | RESPONSE | ADDITIONAL ACTION | RESOLUTION | DATE OF REQUEST | REQUEST | ACTION | RESPONSE | ADDITIONAL ACTION | RESOLUTION |
|-----------------|--|--|--|---|------------|-----------------|---|---|--|-------------------|------------|
| 11/17/2021 | Supervisor Brandon said he has concerns with VDOT not being present at Board of Supervisors' meetings. He said the Board members and citizens who may speak about Citizen Concerns, often have concerns and questions related to County roadways. | Mr. Egge contacted Jay Craddock with VDOT. | We are still under the guidelines that we should avoid face-to-face public hearings and meetings as much as possible. Except for the 8-year plan meetings, we generally don't have anything extremely pressing to share just the general updates. And as far as the Board being able to contact us, please let Mr. Brandon know, that can contact Kenneth or myself anytime by phone. My cell number is 434-316-6508 and Kenneth's is 434-378-5520. If there are any pressing issues that come up, and we really need to be at the meeting to discuss, please let us know. | A VDOT representative will attend the April and May Board meetings as part of the 8-year plan process. | | 12/9/2021 | Chairman Pannell made a request to contact VDOT regarding placement of a farm vehicle storage in Election District 1 on Route 800 near H & H Grocery. | Mr. Egge contacted Jay Craddock at VDOT following the holidays, and received a response in February, including a form to be filled out. | Mr. Craddock responded that the farm machinery sign should be a problem. We got that the requestors fill out the attached form so we can locate where the issues actually are. Usually these are filled out by the farmers themselves or someone who lives in the immediate area so Mr. Pannell may want to pass this along to whoever makes the request to him. If so, the citizen can contact me directly with the completed form and does not necessarily have to go through a Board member. | | |
| 11/17/2021 | Supervisor Duffey expressed concern about the need for additional signage on Route 626 from VA360 to Maroon's Tail. He said residents are having to accelerate hard, opening gravel, just to get out of their driveways ahead of some of the speeding big trucks. He said the road is posted at 45 mph, with trucks at 45 mph, but there continues to be an issue with speed, especially big trucks. He has asked that VDOT look into the issue and would like to know what can be done and/or additional signage which can be placed. | Mr. Egge contacted Jay Craddock at VDOT on 1/16. | Mr. Craddock responded via email on 1/15 and stated he had submitted some requests to traffic engineering for review, and they will be added to the "pending" list that shows up on the monthly Board reports. | On 3/29/22 Mr. Craddock provided the Traffic Engineering Work Order for the RT 626 request, stated that the review was complete and the item would be moved from the "Pending" list on the monthly report. The Traffic Engineering Work Order, including feedback, was provided to Supervisor Duffey via email. | | 3/7/2022 | Michael Terry - a citizen from Southburg - said he and members of his family had been requesting in time Route 714 widened for a number of years. He asked if he could make a request from the Board in trying to accomplish that goal. | Mr. Egge made a note during Mr. Terry's comments and followed up via email with Jay Craddock at VDOT. | Response from Jay Craddock: 3/6/22 We could look at doing some minor widening, without moving the right-of-way, similar to what was done on Rt. 655 (St. Charles Rd) and Rt. 653 (Turbotville Rd) over the past several years. This year we already have planned to widen up Rt. 655, which we believe is a top priority due to the fact that it is used as a detour when Riverside Road. That seems to happen more and more in recent years, and that this necessary road has to carry all of the traffic that is normally on Rt. 655. Once we complete Rt. 655 this year, we can then begin work on Rt. 714 next year. However, I will note about last to the years' worth of funding to complete the entire length. I think we should begin with the section that carries the most traffic and see how that goes. We can work our way south as funding becomes available. | | |

| DATE OF REQUEST | REQUEST | ACTION | RESPONSE | ADDITIONAL ACTION | RESOLUTION |
|-----------------|--|--|----------|-------------------|------------|
| 4/28/2022 | Supervisor Duffey provided photos related to roadway washing issues on Leasedo Drive | Ms. Eggs provided the photos and explanation of concern to Jay Craddock via email on 4/28/22 | | | JV 2, 2022 |

8/14

M. MOTION TO ENTER CLOSED SESSION PURSUANT TO VIRGINIA CODE §2.2-3711

Motion made by Supervisor Brandon, seconded by Supervisor Throckmorton, to enter into closed session pursuant to Virginia Code §2.2-3711, subsection (a)(1) and subsection (a)(5) to discuss appointments, business prospects, and actual litigation.

Subsection (a)(1): Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. (Appointments)

Subsection (a)(5): Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Prospective Business)

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

The Board entered into Closed Session at 8:45 p.m.

N. MOTION TO RECONVENE IN OPEN SESSION

Motion made by Supervisor Brandon, seconded by Supervisor Claiborne, that the Board arise from Closed Session and return to its Regular Meeting.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one
Absent During Meeting: No one

The Board returned to Open Session at 9:24 p.m.

O. MOTION TO ADOPT RESOLUTION FOR CERTIFICATION OF CLOSED SESSION

Motion made by Vice Chairman Ricketts, seconded by Supervisor Brandon, to adopt the following certification:

WHEREAS, the Halifax County Board of Supervisors has 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, § 2.2-3712 of the Code of Virginia requires a certification by this governing body that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that this governing body 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 governing body.

ROLL CALL VOTE

| | |
|------------------------------|-----|
| Supervisor Stanley Brandon | Yes |
| Supervisor Bryant Claiborne | Yes |
| Supervisor Ronnie Duffey | Yes |
| Supervisor Hubert Pannell | Yes |
| Vice Chairman Ricketts | Yes |
| Supervisor Larry Roller | Yes |
| Chairman C. Ricky Short | Yes |
| Supervisor Dean Throckmorton | Yes |

Motion passed 8-0.

P. ACTION RESULTING FROM CLOSED SESSION

1. Appointments

Social Services Board

Motion made by Supervisor Claiborne, seconded by Supervisor Brandon, to reappoint Patricia Taylor to the Social Services Board for a four-year term from July 1, 2022 to June 30, 2026.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one
Absent During Vote: No one
Absent During Meeting: No one

Southside Virginia ASAP Appointment

Motion made by Supervisor Brandon, seconded by Supervisor Throckmorton, to reappoint Sheriff Fred Clark to the Southside Virginia Alcohol Safety Action Program for a two-year term from March 31, 2022 to March 31, 2024.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one
Abstained: No one
Absent During Vote: No one
Absent During Meeting: No one

Southern Virginia Higher Education Center Foundation

Motion made by Supervisor Brandon, seconded by Supervisor Claiborne, to appoint Rick Short to the Southern Virginia Higher Education Center Foundation Board for a three-year term beginning June 29, 2022 and ending June 28, 2025.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one
Abstained: No one
Absent During Vote: No one
Absent During Meeting: No one

Mr. Simpson said the Board of Supervisors has taken into consideration of entering into a loan agreement with the IDA in the amount of \$700,000 at a 2.5 percent interest rate with a 5 year term for the up-fit of 2 new sections of the Daystrom Building for the use by an unannounced economic development prospect.

Motion made by Supervisor Claiborne, seconded by Supervisor Roller, to enter into a loan agreement with the Industrial Development Authority for the amount of \$700,000 at a 2.5 percent interest rate with a 5 year term for the up-fit of 2 new sections of the Daystrom Building for the use by an unannounced economic development prospect.

ROLL CALL VOTE

Supervisor Stanley Brandon Yes
Supervisor Bryant Claiborne Yes

| | |
|------------------------------|-----|
| Supervisor Ronnie Duffey | Yes |
| Supervisor Hubert Pannell | Yes |
| Vice Chairman Ricketts | Yes |
| Supervisor Larry Roller | Yes |
| Chairman C. Ricky Short | Yes |
| Supervisor Dean Throckmorton | Yes |

Motion passed 8-0.

Q. SUPERVISOR COMMENTS

Supervisor Roller said he learned some helpful information tonight regarding the VDOT schedule for repairs to roads and highways. He said there is still a great deal of information that he does not know yet. He stated he had a concern that had been brought to him regarding Highway 610, Clays Mill Road, because it has been patched in multiple places several times. Supervisor Roller stated it is his understanding the roads with a traffic count over 3,500 per day that funding is available but for the roads below the 3,500 count, there is no available funding. He commented it appears the roads in the County continue to deteriorate but there are no State funds available to assist in maintaining them other than maybe VDOT patching the road. He said he would like to know more about what is involved so that he could try to explain it to his constituents when they call him with their concerns. Supervisor Brandon advised Supervisor Roller that he could provide Mr. Craddock's number to constituents who reach out to him with concerns.

Mr. Simpson provided an update on the School financing. He said the bonds were sold on April 20, 2022 and the final interest rate came in at 3.7 percent. He said he is waiting on the final analysis on how the money will flow to cover the expenses.

R. CONTINUE MEETING TO TUESDAY, May 17, 2022 AT 4:00 P.M. JOINT MEETING WITH HALIFAX COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

Motion made by Supervisor Brandon, seconded by Supervisor Claiborne, to continue the meeting to Tuesday, May 17, 2022 at 4:00 p.m. for a joint meeting with the Halifax County Industrial Development Authority.

VOTE

Motion passed 8-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

The meeting recessed at 9:38 p.m.

**HALIFAX COUNTY BOARD OF SUPERVISORS
AND
HALIFAX COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY
JOINT MEETING
Mary Bethune Office Complex
1030 Mary Bethune Street, Room 201
Halifax, Virginia
Tuesday, May 17, 2022 / 4:00 PM**

A. CALL TO ORDER

The Board of Supervisors' meeting was called to order at 4:03 p.m. by Chairman Ricky Short.

B. ATTENDANCE ROLL CALL

Board of Supervisors members attending were: Mr. C. Short, ED1; Mr. L. Roller, ED2; Mr. H.W.H. Pannell, ED3; Mr. D.E. Throckmorton, ED5; and Mr. G.B. Ricketts, ED7; and Mr. W. Smith, Tie Breaker.

Board of Supervisors members absent were: Mr. R. Duffey, ED4; Mr. S. Brandon, ED6; and Mr. W.B. Claiborne, ED8

Staff members attending were: Mr. Scott Simpson, County Administrator; Ms. Olivia Epps, Strategic Program Coordinator; and Mrs. Charlene Hendricks, Executive Assistant.

Industrial Development Authority members attending were: Mr. Rick Harrell, Mr. Robert Bates, Mr. Jeremy Catron, Mr. Ryland Clark, Mrs. Nancy Pool, and Dr. Nettie Simon-Owens.

Industrial Development Authority member absent was: Mr. Jeremy Satterfield,

IDA Staff members attending were: Mrs. Kristy Johnson, IDA Director, and Ms. Blair Jeffress, Operations Manager.

C. ADOPTION OF AGENDA

Motion made by Supervisor Pannell, seconded by Supervisor Throckmorton, to adopt the Agenda as presented.

VOTE

Motion passed 5-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H.W.H. Pannell, Mr. D. E. Throckmorton, and Mr. G.B. Ricketts

Nays: No one

Abstained: No one

Absent During Vote: Mr. R. E. Duffey, Mr. S. Brandon, and Mr. W. B. Claiborne

Absent During Meeting: No one

Mr. Simpson said he appreciated the Strategic Planning Team meeting again to continue with discussions from the last meeting in April.

D. FACILITATED DISCUSSION WITH STRATEGIC PLANNING TEAM

Beth Doughty introduced herself and she stated Neal Barber will discuss the data that he has collected. Mr. Barber presented the Analysis of the Business and Industry Sites with the Virginia Economic Development Partnership (VEDP) Pipeline and the Demographic and Economic Comparisons. He discussed recruitment activity and what the referrals have been for business prospects and projects. He gave a brief overview of the declining population, employment, and the tight labor market. He stated the unemployment rate for Southside Virginia is at approximately 4 percent. He provided information on worker commuting for Halifax County and surrounding localities both inbound and outbound.

Mr. Barber said there are approximately 1,000 employers in the County with 90 percent of those employers having fewer than 20 employees, and 71 percent of employees work for companies with more than 20 employees. He said Halifax employers are similar to neighboring localities. He stated that the industry sector concentration is manufacturing, health care, transportation, and warehousing. He said underrepresented sectors in the economy are finance, real estate, and professional, scientific, and technical services. He explained the wages by industry sector and noted the average weekly pay for Halifax County is \$815.

Mr. Barber stated 2 key questions are:

1. How does Halifax County compare with business prospect activity, referrals and announcements; and
2. Is the supply of commercial real estate, "product" (sites and buildings), suitable and competitive to accommodate future business expansions?

He said referrals, announcements, and projects declined during the pandemic but the economy is on a rebound to a "pre-pandemic" level. He discussed the sites and buildings and how they are competitive and suitable for business expansions. He said the Halifax IDA Shell Building is a major competitive advantage since the majority of prospects are searching for a building to move into.

Mr. Barber said Danville, Pittsylvania County, and Henry County are the major Regional competitors and some considerations to improve the County's competitive position are as follows:

1. Increase the VEDP "Business Ready" tier rating of existing sites;
2. Invest in Development of a Greater Variety of "Quality" sites;
3. Continue to invest in Shell Buildings;
4. Facilitate Development of Class A Office space – Professional Services and Corporate Services Industrial Clusters; and
5. Strengthen relationships with VEDP and Regional Partners.

Ms. Doughty said the Strategic Planning Team is still in the discovery phase. She stated the meeting in April was productive and continuing the conversation at this meeting would allow the team to collect pertinent information. She encouraged everyone to continue with discussions and comments.

Supervisor Throckmorton asked in the present economic climate if there is an anticipated reduction in large businesses. Ms. Doughty said she anticipates an increase based off of the information documented by VEDP which is showing larger projects compared to the past few years.

Mr. Clark wanted to know if there is a way to evaluate prospects to determine if they will be a good long term investment. Ms. Doughty indicated the team would do some additional research and bring it back to the steering committee for further discussion.

Chairman Short asked if the workforce for the County is regional. Mrs. Johnson confirmed that is correct and approximately 130,000 are included in the labor pool.

Ms. Doughty stated she had some work projects in the Danville area. She said when asking individuals in the Danville area what they could tell her about Halifax County, the average response received was not much. She asked for some insight on why nobody could tell her anything about Halifax County. There was some discussion that Danville offered more eating and shopping places so people would most likely travel to places that offered more variety versus going to smaller locations.

Chairman Harrell commented the decrease in population is mainly because of the lack of jobs and the cost of living compared to surrounding areas such as the City of Danville and Pittsylvania County. He said he felt like there had been more collaboration with surrounding counties to the west as opposed to the east.

Mrs. Pool said during her tenure with the Chamber of Commerce, there had been collaboration with Danville and Martinsville because the businesses are so similar. She stated to the east of Halifax County there had been no collaboration.

Mr. Clark commented in regards to smaller locations versus larger locations and he said most people would travel to Danville to eat instead of traveling to Charlotte County because there are more options to choose from in the Danville area. He emphasized that people tend to go to the more populated areas because those locations offer a better variety of food, shopping, and events.

Ms. Doughty asked what are some of the opportunities to collaborate with neighboring counties to the east. Mr. Simpson said there is currently a regional landfill with Mecklenburg and Charlotte Counties so collaboration is already established with those counties. He stated there are also anticipated opportunities in the future. He said the Board of Supervisors don't meet with Pittsylvania County and Danville as a Board but staff participates in various meetings on a routine basis. Mrs. Johnson noted Pittsylvania County and Danville are in a different planning district commission so that presents a natural barrier.

Supervisor Pannell said there needs to be more interaction and representation from Halifax County with Pittsylvania County and Danville for some of the larger events.

Dr. Nettie Simon-Owens commented there is a need for more investments in property.

Mr. Simpson said in order to be successful in some of the ideas being discussed, it does take investment. He stated those investments could be in raw property being developed into sites or investing in another shell building. He said those type of investments required funds and the Board of Supervisors would need to be comfortable with investing into that realm. He commented that the IDA for Halifax County is unique because they own buildings which are leased out to industry. He said the IDA operations are independent from the County from that aspect. He said if the IDA didn't have that business model, the question is would the County have those industries or the economic prosperity that exist now. He stated the IDA owned the facilities and leases them out, it generates a small amount of positive revenue from those facilities. He said that revenue funds the operations for the IDA which has allowed the Board of Supervisors not needing to invest in an Economic Development Director and staff, and all of the other parts that would go into running an economic development office. He said it is hard to go wrong

investing into economic development but if the IDA model in the County was different, there would be a need for the Board of Supervisors to invest money into forming an office to do the same thing that the IDA is doing now.

Mr. Simpson said the most difficult part of economic development is you are judged on your successes and not on your effort. He said the decision making of whether an industry decides to come into an area is based on many different things such as the makeup and needs of a specific project. Ms. Doughty concurred that the process matrix is as important as the outcome matrix in economic development.

Chairman Harrell commented the largest setback is the County does not have any buildings to provide for large projects other than the shell building which doesn't fit everybody. Ms. Doughty said real estate is the foundation for economic development.

Ms. Doughty asked everyone to think about the to-do-list without thinking about money and time. She said the need for investing in more sites had already been determined.

Dr. Simon-Owens said continued conversations is a priority.

Chairman Harrell said workforce is needed. He stated he recently spoke with a plant manager in the County who indicated they need 40 additional employees. He emphasized to have growth, businesses and industries need employees.

Mr. Catron commented he understands the need for more sites but there is also a need to create more opportunities for businesses and larger companies. He said according to the statistics, we have a declining population and it is hard enough to support the existing businesses and industries with workforce.

Ms. Doughty asked the IDA Board and the Board of Supervisors on a scale from 1-10 what is their appetite for risk. Chairman Harrell said he would say an 8 because he had lived his life taking risks in investments. Chairman Short said he would say 3 because the Board of Supervisors have to consider the taxpayer's money. Supervisor Throckmorton said he would be willing to go a little higher on the scale. Dr. Simon-Owens said with as much information gathered as possible on a business or entity, she agreed with an 8 because growth is needed to move forward. Mr. Bates commented we can't be afraid to be the first one to take the risk. He said instead of following suit, we needed to lead. Supervisor Roller said with a good executed plan, you have to take some risk.

Mr. Simpson said the responses are different from each Board due to their responsibilities. He said the Board of Supervisors have to consider the taxpayers so they may not be as willing to take the larger risk.

Ms. Doughty asked how is the County better today than it was 5 years ago. Supervisor Pannell said there is a better working relationship between the Board of Supervisors and IDA. He said the trust factor has made a great deal of improvement. Dr. Simon-Owens said the growth and development between the Town of Halifax and the Town of South Boston is evident and has improved significantly. Chairman Harrell said Mr. Pannell made a good point because in the past there had been a lack of confidence between the IDA, Board of Supervisors, and many other different groups in the County. Mr. Clark said holding joint meetings with the Board of Supervisors had educated him more about their responsibilities. He said trust and good relationships are vital and that the Boards need to walk together instead of just working together.

Ms. Doughty asked how is the IDA better today than it was 5 years ago. Mrs. Pool said the IDA is more stable, there is excellent leadership, and the Board is collaborative, engaged, and working toward the same goals.

Ms. Doughty asked if there is anything in regards to Economic Development that the IDA or Board of Supervisors wished they had been handled differently over the past 5 years. Mrs. Johnson stated it takes 5 years to prepare a site for redevelopment and she wished a site with 200-250 acres had been purchased. Vice-Chairman Ricketts said he wished both groups had made an effort to push for formation of a regional foundation which would have made a positive effect on the community. Chairman Harrell said there was a lack of confidence between the IDA and Board of Supervisors 5 years ago and if both Boards had been working together then, they would have seen more investments in specific sites.

Ms. Doughty asked both Boards what would they be proud of in the next 5 years. Chairman Short said he hoped that the County would have on an average 1 new industry per year. Mrs. Pool said she hoped the County would see expanded growth. Mr. Catron said he hoped the population would increase. Dr. Owen-Simons said she hoped that both Boards would continue to commit their time and effort resulting in growth and additional investments. Mrs. Johnson said she hoped the County would be reaping the benefits from growth and additional investments. Mr. Clark said he would like to see the continuance of good relationships being made regionally which would provide a more established footprint with surrounding localities. Vice-Chairman Ricketts said he would like to see some type of interaction between both Boards for the influence of solar projects because those type of projects are huge for the County. He said it is an attractive source of revenue for the County whether it be producing the panels or the addition of more solar sites. He said he is not sure what the outcome will be for solar projects but those conversations should be taking place.

Ms. Doughty asked if there was any other information the Boards wanted to address or discuss. Chairman Harrell said he would like to see the competitive nature of the industrial business be taken to a multi-state level because so many things have changed. He commented what used to work doesn't work anymore. Dr. Simon-Owens commented that she would like to see more micro-high impact sectors that would provide advantages and benefits to the community.

Mr. Simpson said he wanted to go back to the previous question about risks. He said if nobody is willing to take risks in the next 5 years, then the outcome will be the same as what we have now. He said the appetite to work together to try to position ourselves for growth is imperative.

Ms. Doughty stated the feedback from both Boards is great. She said she appreciated all the time and effort from everyone and it will assist their team with finalizing the strategic plan.

E. CONTINUE MEETING TO May 17, 2022 AT 6:30 PM for JOINT MEETING WITH THE PLANNING COMMISSION

The meeting recessed at 6:01 p.m.

**Halifax County Board of Supervisors
Halifax County Planning Commission
Joint Meeting
Mary Bethune Office Complex
1030 Mary Bethune Street, Room 201
Halifax, VA 24558
Tuesday, May 17, 2022 / 6:30 PM**

A. CALL TO ORDER

Chairman Short called the Board of Supervisors meeting to order at 6:30 p.m.

Madam Chair Cowen called the Planning Commission meeting to order at 6:30 p.m.

Planning Commissioner Dustin Francis gave the invocation.

Chairman Short led the Pledge of Allegiance.

B. ATTENDANCE

Board of Supervisors members attending were: Mr. C. Short, ED1; Mr. L. Roller, ED2; Mr. H.W.H. Pannell, ED3; Mr. D.E. Throckmorton, ED5; Mr. S. Brandon, ED6; Mr. G. Ricketts, ED7, and Mr. W.B. Claiborne, ED8. Also attending was Mr. W. Smith, Tie Breaker.

Board Member absent: Mr. R. Duffey, ED4.

Staff members attending were: Mr. Scott Simpson, County Administrator; Mr. Detrick Easley, Planning/Zoning Administrator; Ms. Olivia Epps, Strategic Programs Coordinator; and Mrs. Charlene Hendricks, Executive Assistant.

News reporters attending were: Ashley Conner, The Gazette-Virginian.

Board of Supervisors conducted Roll Call and determined a quorum was present.

C. ADOPTION OF AGENDA

Motion made by Supervisor Pannell, seconded by Supervisor Claiborne, to adopt the Agenda as presented in the meeting packet.

VOTE

Motion passed 7-0 by the following vote:

Ayes: Mr. C. Short, Mr. G. Ricketts, Mr. L. Roller, Mr. H.W.H Pannell, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: Mr. R. Duffey

Absent During Meeting: Mr. R. Duffey

D. BUSINESS ITEMS

Public Hearings

1. Conditional Use Permit Application ED # 3:

| | |
|----------------|------------------------------------|
| Applicant: | Christopher Hudson and Brad Miller |
| Landowner: | Kenneth Hodges |
| PRN | 25761 |
| Location: | 1191 Sinai Road |
| Business Name: | 4 Meats Processing Facility |
| Proposed Use: | Meat Processing |

a. Zoning Administrator Overview

Mr. Easley said the public hearing tonight is for a meat processing facility to be located at 1191 Sinai Road. He said the applicants are Mr. Christopher Hudson and Mr. Brad Miller. He stated the property is owned by Mr. Kenneth Hodges. Mr. Easley said Mr. Hodges plans to renovate the existing building at this location and lease it out to the applicants. He said the proposed operating hours for the facility are Monday – Friday from 8:00 a.m. to 5:30 p.m. He said the facility will employ 2 fulltime employees and 3 part-time employees. He stated the drop-off for the animals will be once per week and they will provide custom cut beef, pork, chicken, and lamb.

Mr. Easley said VDOT has confirmed the existing entrance into the property does meet requirements for a low volume commercial entrance. He said the applicants held a community meeting at the TJM community center on May 9, 2022. He stated approximately 30 citizens attended the meeting and there were some concerns regarding odor, traffic, appearance, and visibility screening of the facility from the road and adjacent houses. Mr. Easley said staff has prepared potential site conditions to provide some mitigation regarding those concerns. He said the applicants would like to present their proposal and then the site conditions could be discussed.

b. Application Presentation

Mr. Hudson introduced himself and he said he was born and raised in Halifax County. He said since he was 14 years old, he has been a member of Cluster Springs Volunteer Fire Department, and he has worked hard to serve and support his community and County. He stated he is currently the Chief for Cluster Springs Volunteer Fire Department. He said he has owned and operated 2 successful pressure washing businesses in the County. He stated he is a former Deputy Sheriff and worked 7 years at the Halifax County Sheriff's Department. He said he is asking for the opportunity to work with Mr. Miller to create a meat processing facility in the County that will support our local farmers.

Mr. Miller introduced himself and he said he has lived in Virgilina all of his life. He said he currently raises cattle along with his father. He commented he has fond childhood memories of going to the livestock market with his father. He stated the community needed to pull together to make improvements which will benefit everyone. He discussed the Community Center in Cluster Springs which is owned and operated by him and his father. He said there are site conditions for the Community Center and they have implemented and complied with all of those conditions. He emphasized their intentions are to help Halifax County by providing a meat processing facility.

Mr. Hudson presented a slide presentation. He said the proposed meat processing center will be located at 1191 Sinai Road which is an agriculture zoned area. He discussed the goals for the meat processing center as follows:

- To ease the burden on the meat supply chain issue within our County and surrounding areas;
- Provide a local option for farmers of Halifax County;
- Provide locally raised meat to our community and surrounding areas;
- Provide jobs to our citizens;
- Provide revenue to our local farmers; and
- Provide custom-cut beef, pork, chicken, lamb, and venison.

Mr. Hudson said the custom-cut beef would be both custom exempt, and USDA certified. He discussed the start-up of the facility and indicated they will process, weigh, and package the product for consumption. The customer can pre-sell the meat to consumers before the processing has begun. He stated once the business gets better established, the facility will be USDA certified and an inspector will be in-house to assist with packaging label certification for customers. He stated the inspector will be responsible for certifying the product throughout the process.

Mr. Hudson said the meat consumption in the United States has continued to increase. He said local farmers have limited access to meat processing facilities with lengthy wait times for processing. He discussed the meat processing facilities in surrounding counties. He said a feasibility study was conducted in 2014 by Matson Consulting and it was determined that a meat processing facility could be both technically and economically viable in Halifax County. He said there were concerns regarding the appearance of the proposed facility. He provided pictures of Pleasant Valley Meats located in Farmville, VA and The Butcher's Block located in Dryfork, VA and he commented both facilities are located in residential areas and there is no clutter or debris at either facility.

Mr. Hudson said all operations will take place inside of the building which will eliminate any excess noise. He said the holding area will be to the rear of the building covered with a roof and sides. He stated the holding area has a maximum hold time of 1 hour but their goal is a 10-minute hold time which will reduce the chance of an animal defecating in the holding area. He said if there is any animal waste, it will be disposed of daily. He emphasized operations for drop-off will be scheduled and pick-up by appointment only which will help keep traffic at a minimum. He stated the facility will be overseen by USDA inspectors, EPA, Virginia DEQ, VDOT, and Halifax County Building Officials. He said all processing by-products will be contained and stored in a refrigerated walk-in cooler and disposed of by an Animal By-Products company. He stated they are confident with their mitigation techniques, the likelihood of any nuisance smell from the facility will be minimal but the goal is to have zero smell from the facility. He said the facility will be clean and well kept on the inside and outside, the driveway will be gravel with a gravel parking lot, all trash will be picked up and disposed of in garbage containers, and USDA will provide guidance and expectations on cleanliness for the facility to be able to package USDA certified meats.

He said the main complaint about the facility is the appearance of the building. He stated if the CUP is approved, they would start working on updates to the facility. He said a fence will be installed around the entire property which will block the sight from the adjacent properties and if a cow should get loose, it will contain the cow to the property.

Madam Chair Cowan asked if there was a reason that pictures for the proposed site was not shared. Mr. Hudson said there was no reason and he had pulled the building up on Google maps at the community meeting. Madam Chair Cowan said she had recently visited the property and she asked Mr. Hudson if the vehicles would be removed. Mr. Hudson stated the property owner would remove the vehicles and any remaining vehicles would be lined up in an orderly fashion on the gravel but most of the vehicles will be moved off of the property.

Madam Chair Cowan asked what method would be used to put the animals down. Mr. Hudson said they have decided to use a bolt gun. She wanted to know if that is a noise that could be heard by the neighbors. Mr. Hudson said it will be done on the inside of the building. He stated in that area of the building there will be extra insulation to keep the sound at a minimum. Commissioner Francis compared the noise of a bolt gun to being the same as a nail gun.

Commissioner Riddle asked how many employees did they plan to hire. Mr. Hudson said they plan to hire 2 fulltime employees and 3 part-time employees.

Commissioner Smith-Mangum asked how close did they live to the proposed site for the facility. Mr. Hudson said he lives 12 miles from the proposed site. Mr. Miller said he lives 15 miles from the facility. Mr. Hudson emphasized there would not be any live animals left overnight at the facility.

Commissioner Francis asked how many animals did they anticipate coming to the facility on a weekly basis. Mr. Hudson said the number would vary but they anticipate approximately 2,400 annually. Madam Chair Cowan wanted to confirm that the by-products would be removed weekly and Mr. Hudson verified that is correct.

Supervisor Claiborne stated in reviewing the pictures from the Pleasant Valley Meats location, there does not seem to be any houses located near the facility. He wanted to know what is the closest house to the facility and the approximate distance. Mr. Hudson verified that the closest house is located on the same driveway. Supervisor Claiborne said the Pleasant Valley building doesn't compare to the proposed building located on Sinai Road. He wanted to know if there are any formulated plans for the proposed site. Mr. Hudson said they plan to utilize the building at the rear of the property and not the front building closest to the road. Mr. Hudson commented there is a walk-in cooler at the proposed building on Sinai Road and some type of meat processing had previously been done at that location. He said there is a track system inside the building which had been used to store the carcass. He said they will use the existing structure, replace the roof and siding and close in the front of the building. Supervisor Claiborne asked if there would be any outside stalls. Mr. Hudson explained there would be 3-4 outside stalls used for the holding area which will have a roof and two enclosed sides. He explained that one farmer may bring 3 cows at one time so that is why there are additional holding stalls. Supervisor Claiborne asked if they had spoke with the owner of the building to determine what updates are needed for the building. Mr. Hudson confirmed that they have communicated with the property owner but they have not finalized plans yet.

Supervisor Throckmorton asked if the septic system would be able to handle the washdown for the facility. Mr. Hudson said the septic system should be able to handle it but the Department of Health has no record of the existing well or size of the septic system. He confirmed there is an existing well and septic system and both are functional. Mr. Hudson explained there would be very little water going into the septic system.

Madam Chair Cowan asked Mr. Hudson if the CUP is approved, how soon will it be before the facility opened. He said they would begin work immediately on the facility and the plans are to be open by January 2023 but it would depend on how quickly they are able to work through the process.

Commissioner Reese asked what type of perimeter fence they planned on installing. Mr. Hudson asked Mr. Easley to confirm if there was a stipulation on how tall the fence needed to be. Mr. Easley verified there is not a required height for the privacy fencing. Mr. Easley said the height of the privacy fencing had been mentioned at the community meeting but currently there is no privacy fencing requirement in the CUP site conditions. Mr. Easley said the Board could recommend what type of privacy fencing, trees, or screening to be installed and it could be applied to the site conditions.

Supervisor Claiborne said he went out and looked at the facility and there is a house which is located approximately 15 to 20 yards from the back door. Supervisor Claiborne stated if the CUP is

approved, he would recommend an 8-foot privacy fencing to be put in place. Mr. Hudson said the adjacent property owners would only see the building and none of the activities. He verified they would comply with all of the site conditions.

Vice Chairman Watts asked how many kill days would they have each week. Mr. Hudson said they only have one day planned for now but as business picked up, they might need to increase it to 2 days per week. He explained that aging cooling played a vital role in the process. Mr. Watts asked how many carcasses could be held in the cooler at one time. Mr. Hudson verified 20 carcasses could be held in the existing cooler.

Madam Chair Cowan asked if the aging process took 14 days and Mr. Hudson verified that is correct. She wanted to know when the aging process is taking place, if there is less activity at the facility and Mr. Hudson said that is correct. Mr. Hudson said the only activity to be seen would be on drop off day when the pickup trucks and cattle trailers would be coming into the facility. He said the traffic flow on Sinai would remain normal.

Supervisor Brandon wanted to know the terms for the lease of the building. Mr. Hudson said the lease is for a minimum of 5 years. Supervisor Brandon said during the presentation, they indicated the defecation of the animals would be removed daily. He asked Mr. Hudson how they would be removing the waste. Mr. Hudson said the waste would be put in containers and hauled to a compost pile located on his property.

Mr. Easley stated deer hunters can hunt on Saturdays. He asked Mr. Hudson what would the protocol be if a hunter wanted to bring a deer to the facility on a Saturday. Mr. Hudson verified the hours would be Monday through Friday and those hours would not change for any reason. He commented that the facility would not stop processing cattle to process venison because their primary goal is to process beef. He stated they had applied for an AFID grant to get extra funding for a second line to process venison, pork, chicken, and lamb. Mr. Easley asked if they anticipated working on any Saturdays in the future. Mr. Hudson stated they have no intentions of working on any Saturdays.

Supervisor Brandon asked if they could explain the USDA process for a private owner's meat versus someone who owns a label for packaging to be sold at a store front. Mr. Hudson said in order for someone to label and resell, the meat would need to be USDA certified beef. He said the inspector on site during the various stages of processing, and will be certifying the meat meets the guidelines to be certified and sold. He said the customer exempt process is where the meat is not being sold retail but the owner of the meat is allowed to presell shares of the animal before it has been processed while the animal is alive.

Mr. Hudson said as they work through the process, Phase 3 of the process is to have a store front but the store front will be at a different location zoned for retail. He said their goal would be to reach out to local farmers only to determine a rotation process to purchase beef from them to be sold at a retail location.

Supervisor Brandon wanted to verify that the packaging for wildlife, such as venison, would be stamped not for sale. Mr. Hudson and Mr. Miller said that is correct.

- c. Board of Supervisors Open Public Hearing
Planning Commission Open Public Hearing

Board of Supervisors Chairman Short opened the Public Hearing on behalf of the Board of Supervisors. Planning Commission Chairman Cowan opened the Public Hearing on behalf of the Planning Commission.

d. Public Comment

Madam Chair Cowan asked that anyone in favor of the meat processing facility to come forward to speak.

Jimmy Anderson

Jimmy Anderson introduced himself and he said he has lived in Halifax County all of his life. He stated he raises cattle. He said gas is high, fertilizer is higher, and beef is high. He emphasized the meat processing facility would be an opportunity for the farmers to make some money and also an opportunity for the public to purchase beef at a better price. He said he recently carried 2 steers to a slaughter house in Gladys, VA. He said while there he made an appointment for 2023 and the earliest appointment available is July 14, 2023. He stated while he was at that facility, there was no order, no noise, and no flies. He said if it wasn't for the business sign out next to the road, you wouldn't know that it was a meat processing facility. He commented that a meat processing facility is a needed service in the County.

Garland Comer

Garland Comer introduced himself and he said he is a farmer and he has lived in Halifax County all of his life. He stated he is the President at Halifax County Farm Bureau and they are in support of the meat processing facility. He said Mr. Hudson and Mr. Miller attended their board meeting to present their project. Mr. Comer commented they have a good business plan and they have went above and beyond doing research for the facility. He expressed concerns that if they are not allowed to open up the proposed meat processing facility in Halifax County, they will move on to another County. He asked that the Commissioners and Board of Supervisors give consideration to Mr. Hudson and Mr. Miller's request for the CUP so they could open the proposed meat processing facility.

Craig Hudson

Craig Hudson introduced himself and he said he resides in Halifax. He stated his family owns approximately 600 head of cattle. He said they are hauling cattle miles away to get the meat processed. He asked the Commissioners and Board members to allow Mr. Hudson & Mr. Miller a chance to open up the meat processing facility.

Danyelle Villines

Danyelle Villines introduced herself and she said she lives in Halifax County. She stated she is friends with Mr. Hudson and Mr. Miller. She said Mr. Hudson utilizes a pasture owned by her family. She said Mr. Hudson walks in integrity, he is consistent, honorable, loyal and a person who has a servant's heart. She stated Mr. Hudson is a volunteer fire fighter, a former police officer, and a goodhearted person.

Ms. Villines said she has known Mr. Miller and his family all of her life. She said his grandparents are friends with her parents and there is a long generational history between the two families. She stated she understood some of the issues that need to be reviewed and addressed for the community. She commented that the meat processing facility would generate jobs and revenue. She said there is a history of the community pushing away things that would generate money. She stated with the proper safeguards in place, the meat processing facility could work well for everyone. She commented that the facility could also help promote tourism for the County and the facility would be a win-win situation.

Dale Miller

Dale Miller introduced himself and he said he lives in Halifax County. He stated he is speaking on behalf of Mr. Hudson and Mr. Miller and he has known both of them for a long time. He asked the

Commissioners and Board members to give them an opportunity and a chance because the meat processing facility is needed in Halifax County.

John Hammock

John Hammock introduced himself and he said he wanted to speak on the credibility of Mr. Hudson and Mr. Miller. He said Mr. Miller has done work for him through his other business and he completed the job in a timely fashion. He said the processing facility would be a great asset to Halifax County. He said Commissioner Francis and Commissioner Reese participated in the Halifax County Junior Livestock Show. He commented that 99 percent of the animals raised for the livestock show would go to a slaughter house located outside of the County. He said he anticipates a food shortage would most likely happen due to the state of the economy and having a local slaughter house would be beneficial for the County.

April Miller

April Miller introduced herself and she said she is Mr. Miller's wife and the meat processing facility is a great opportunity for the County. She said Mr. Miller is a hard worker and he is passionate about providing this type of service in Halifax County. She said there are a lot of cattle in Halifax County and currently farmers are having to take cows to Lynchburg or surrounding locations to be processed. She said the facility would allow farmers to have a local service and it would also bring revenue into the County from surrounding areas.

Norman Talley

Norman Talley introduced himself and he said he is a pastor in Virgilina. He said he has lived in Halifax County all of his life. He stated he has known Mr. Miller and his family all of his life and he has known Mr. Hudson for 16 years or more. He said their proposed plan is a good plan and he trusted that they would implement the proper guidelines and comply with all of the conditions which are set. He stated he supports the meat processing facility and believes it will be an asset to the County.

Madam Chair Cowan asked that anyone in opposition of the meat processing facility to come forward to speak.

Frank Carr

Frank Carr introduced himself and he said he is a pastor in Halifax and the Commander of the American Legion Post 99. He said the American Legion is one of the closest adjacent properties to the proposed meat processing facility. He said he is in favor of having a meat processing facility in Halifax County but there are other suitable locations that are not in a residential neighborhood. He stated one of his main concerns is the ground water. He said septic tanks have drain fields and the wash down being done at the facility could potentially seep into the ground water over a certain amount of time. He stated he has a relative that lives near a meat processing plant in North Carolina and he said there is odor from the plant. He emphasized there are other locations in the County for the facility that would not effect a residential community. He said a fence will not solve the issues of the facility being an eye sore and a devaluation to the adjacent residential properties.

Portia Ballou-Logan

Portia Ballou- Logan introduced herself and she said she grew up in the Sinai Community. She said she had previously submitted an opposition letter by email in regards to the proposed meat processing facility. She stated she decided the letter was not enough and that is why she decided to attend the public hearing and speak for her parents who live adjacent to the property and the neighbors within the Sinai community. She commented that she has attended all of the meetings and spoke with District Representatives, Commissioner Pearce and Supervisor Pannell, as well as other community leaders to insure she completely understood the proposal. She stated she had done the research and the Sinai Community does not want this facility in their backyard.

Ms. Ballou-Logan expressed concerns about the noise, traffic, and odor associated with the facility. She said the proposed plan is a good plan, but the location needed to be different. She stated if the Sinai area is zoned as agricultural use, then why not beautify the property by creating a greenhouse or a botanical or serenity garden, which would benefit the landowner and the community. She said the upcoming renovations set to be done on one end of Sinai road and the prospering Sinai Elementary on the other end of the road, the Sinai community could not afford such an eye sore in the community. She asked the Commissioners and Board members if they would want their families witnessing and smelling the odor that is associated with the facility. She discussed other property owned by Mr. Hudson, Mr. Miller, and Mr. Hodges and she wanted to know why the facility could not be located somewhere else. She provided a Petition signed by members of the Sinai Community who are in opposition of the facility.

Emily Childress

Emily Childress introduced herself and she said she lives in the Sinai Community on Lincoln Drive. She stated she is opposed to the meat processing facility. She expressed concerns with the facility and she said there is already a sewage issue that needed to be addressed on Lincoln Drive, the odor from the gas line located across the road from Westside Apartments, and the additional traffic and trash that would be generated from people going to the facility. She commended Mr. Hudson and Mr. Miller for their vision for the facility, but she emphasized it needed to be in a different location because it will hurt the Sinai Community.

Tamika Ferrell

Tamika Ferrell introduced herself and she said the members of the Sinai Community respect and value the friendships and relationships that are involved in the process for the project. She commended Mr. Hudson and Mr. Miller for their proposal to bring a meat processing facility to Halifax County, but she said it needs to be in a different location. She said Sinai Road is an adopted highway and no one is cleaning it. She urged the Commissioners and Board members to take a look at the highway for themselves. She commented the ditches are full of trash and nervous drivers travel through the area because the road is barely wide enough to pass one another and not hit a pedestrian. She stated there are sidewalks on Sinai Road but no one is insuring the safety of those sidewalks. She said the proposed property for the facility has broken down vehicles and two buildings that are falling down. She said the Sinai Community is becoming more and more undesirable because of unfilled promises. She stated everything the Sinai Community has been told is for their good has been the opposite and she wanted to know where is the return to the Sinai Community.

James Claiborne

James Claiborne introduced himself and he said he has lived in the Sinai Community all of his life. He said he remembers when there was a slaughter house in the Town of South Boston but nobody wants to talk about it. He said the FDA shut it down. He stated previously there had been a slaughter house located in the same building that Mr. Hudson and Mr. Miller are proposing to use. He said the proposed property has 2 low spots and any of the runoff from the facility would run into the Dan River or Staunton River. He acknowledged the County needs a slaughter house but he said it needs to be in a different location.

Anthony Womack

Anthony Womack introduced himself and he said he is opposed to the meat processing facility being located on Sinai Road. He commented none of the individuals that spoke in favor of the facility lived in the Sinai Community. He said if those individuals lived in the Sinai Community, they would also be opposed. He commended Mr. Hudson and Mr. Miller for their proposal for the slaughter house and he recognized it is a service that is needed in the County. He said the facility needed to be in a different location. He mentioned some of the projects that have been done to improve the quality of living on Sinai Road. He said a slaughter house would be a negative project for the area and it would decrease property value. He said the store front building would be placed in a different location so Sinai would not reap the benefits from the project. He stated the research he had done

on slaughter houses indicate there is an increase in crime, PTSD, isolation from families, and mental issues. He said the Community is trying to improve the quality of life and they do not want any of those negative effects.

Stephanie Hubbard

Stephanie Hubbard introduced herself and she said she is a native of the Sinai Community. She said the proposed slaughter house would only bring a few jobs to the County. She stated everyone is talking about the revenue it will bring but it is bringing revenue to the County and not the community. She said the traffic through the area would increase. She said there has been discussions about "the break-ins" so the community has already been labeled. She stated the Sinai Community does not need any more negativity.

Barbara Womack

Barbara Womack introduced herself and she said she has lived in Halifax County all of her life and currently resides on Sinai Road. She said she has been an educator for 42 years. She said she came to the meeting to observe but she decided she could not sit there and not fight for her community. She stated she is against the slaughter house coming to the Sinai Community. She said she heard the comments about the character for Mr. Hudson and Mr. Miller but their character is not what's in question. She emphasized the issue is how the slaughter house is going to effect the Sinai Community. She asked the Commissioners and Board members to respectfully decline the CUP that they are requesting for the meat processing facility. She commented that she agreed there is a need for a meat processing facility but it needed to be in a different location that is not in a residential neighborhood.

Leland Luck

Leland Luck introduced himself and he said resides at 1187 Sinai Road next door to the proposed site for the meat processing facility. He stated that he has lived on Sinai Road for 53 years and moved to the County to teach vocational agriculture. He said he wanted to commend Mr. Hudson and Mr. Miller for their foresight and insight for putting the proposed plan together. He commented that he agreed there is a need for the service but it does not need to be located at 1191 Sinai Road. He listed the following reasons that he is in opposition:

1. Traffic is too Heavy for a successful operation;
2. Livestock confined in unfamiliar spaces could potentially create unsafe conditions; and
3. Odor control.

Mr. Luck said for those 3 reasons, he respectfully requests that the proposal be rejected for the meat processing facility.

James Clark, Jr.

James Clark, Jr. introduced himself and he said he resides in Halifax County and he raises cattle. He said he opposes the project for the proposed meat processing facility because of the location. He commented the statement "not in my backyard" will always exist. He commended Mr. Hudson and Mr. Miller on their proposal for the project but he thinks it should be in a different location. He said he went to the meeting held at the TJM Community Center. He said he had 3 pages of questions at that meeting and he received unexpected answers. He stated he has sold custom beef for over 20 years and in those years, he has traveled over 60 miles from his home to sell his beef.

Mr. Clark explained when he takes his cattle in February, he is given a date for 12 months later for his next cattle. He said when Covid first became an issue, he had many callers wanting to purchase a cow to be slaughtered because there had been a lack of beef at the grocery stores. He said there is a profit to be made when selling beef and cattle farmers should have that opportunity. He stated there are 4 families that live in close proximity of the proposed location for the slaughter house and he does not agree with it being in a residential community.

Martha Ballou

Martha Ballou introduced herself and she said lives on Sinai Road next door to the proposed location for the slaughter house and she is opposed to the facility. She stated she does not want it in her back yard, the front yard or the side yard. She said she does not have a problem with Mr. Hudson or Mr. Miller but she doesn't want the facility in the Sinai Community. She commented there is enough activity going on in front of her house and behind her house. She said positive things are needed to be done to pull the Sinai Community up and a slaughter house is not it.

Dorothy Barber

Dorothy Barber introduced herself and she said she resides on Sinai Road. She said she is opposed to a slaughter house being located on Sinai Road. She stated there are other locations it could be at versus being close to a residential area where families are trying to raise their children. She said she had met Mr. Hudson and Mr. Miller and they are nice gentlemen. She stated she does not have any issues with the applicants but she does have a problem with the facility being located on Sinai Road. She said Sinai Road would become known as slaughter house road and she did not want to live on a road that is known by that name. She said the meat processing facility does not need to be located on Sinai Road.

Clarice Bailey

Clarice Bailey introduced herself and she said she lives on Sinai Road. She said Sinai Road is not a good location for a slaughter house. She stated the location is too close to houses in the neighborhood.

Dwight Overby

Dwight Overby introduced himself and he is one of the homeowners adjacent property to the proposed location of the meat processing facility. He stated he agreed that the County needs a slaughter house but Sinai is not the place for it to be located. He said some of his property is currently being used without his permission. He expressed concerns about the wash down getting into the water system and he said the traffic is already dangerous on Sinai Road.

Hubert Ballou

Hubert Ballou introduced himself and he said he lives at 1182 Sinai Road and he is opposed to the slaughter house being located on Sinai Road. He stated the slaughter house would be too close to families who own adjacent property. He emphasized it would generate more noise and traffic and it needs to be located at a different location.

- e. Planning Commission Close Public Hearing
Board of Supervisors Close Public Hearing

Hearing no further comments, Planning Commission Madam Chair Cowan closed the Public Hearing on behalf of the Planning Commission. Board of Supervisors Chairman Short closed the Public Hearing on behalf of the Board of Supervisors.

E. PLANNING COMMISSION RECESS FOR 5 MINUTES

Planning Commission Madam Chair Cowan said the Planning Commission would recess for 5 minutes.

F. BOARD OF SUPERVISORS CONTINUED MEETING

Mr. Simpson said the Finance Committee had a request from the School Board for reallocation of appropriations for the School System. He stated in anticipation of a decision from the Finance Committee, it would necessitate a decision from the Board of Supervisors. He commented that the issue being discussed is time sensitive. He said County Staff anticipates it is possible the payroll related to the School System's budget will exceed the appropriation currently available in some of the categories. He stated the Board of Supervisors would need to be proactive and make a decision on the School budget appropriations to avoid any issues with the School System's payroll.

Mr. Simpson said the Finance Committee will meet on Tuesday, May 24, 2022 at 10:30 a.m. He said they should be able to make a recommendation regarding the request from the School System and the Board of Supervisors would need to meet on the same day possibly directly after the Finance Committee meeting is concluded or later in the evening since the School System's payroll would need to be addressed before May 25th.

Motion made by Supervisor Brandon, seconded by Supervisor Claiborne, for the Board of Supervisors to continue their meeting to Tuesday, May 24, 2022 at 12:30 p.m.

VOTE

Motion passed 7-0 by the following vote:

Ayes: Mr. C. Short, Mr. G. Ricketts, Mr. L. Roller, Mr. H.W.H Pannell, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: Mr. R. Duffey

Absent During Meeting: Mr. R. Duffey

The Board of Supervisors recessed at 8:09 p.m.

**HALIFAX COUNTY BOARD OF SUPERVISORS
POLICY & PERSONNEL COMMITTEE
Mary Bethune Office Complex
County Administration Conference Room
1050 Mary Bethune Street
Halifax, Virginia
May 23, 2022 / 4:00 PM**

CALL TO ORDER

Committee Chairman D. Throckmorton called the meeting to order at 4:00 p.m.

ATTENDANCE

Board of Supervisors present were: Policy & Personnel Committee Chairman D. Throckmorton, Supervisor R. Duffey, and Supervisor H. Pannell.

Staff members present were: Mr. Scott Simpson, County Administrator; and Mrs. Charlene Hendricks, Executive Assistant.

NEW BUSINESS

Board of Supervisors Bylaws

1. Citizens Comment Period (Section 4.4)

Mr. Simpson said the Board of Supervisors referred the Citizens Comment Period (Section 4.4) back to the Committee for further review. He said the redline items represent what has been adjusted and everything else has been in the Bylaws for decades. He said the wording which states citizens can address the board no more than four times per year and no more than three times within any 12- month period has been in the Bylaws for years. He stated this was an issue at last month's meeting, but that specific guideline has never been enforced. He said if the Board is not going to enforce the language, it should be struck from the guidelines or the Board should start enforcing it. He said there is also a 4-minute time period which had been increased from 3 minutes up to 4 minutes. He said the Committee might want to consider adjusting the speaker's time limit if not limiting the number of times.

Supervisor Duffey said he recommended deleting that specific verbiage completely. He said at the last Board meeting, it appeared that the language adjustment was coming from the Policy and Personnel Committee even though the verbiage has been in the Bylaws for a long time. Committee Chairman Throckmorton agreed and he said he did not have a problem with deleting the verbiage.

Supervisor Pannell wanted verification about the language which is being proposed to be deleted. Supervisor Duffey explained the verbiage they are addressing states that speakers can address the Board no more than four times per year and no more than three times within any 12-month period. He said deleting the verbiage would allow speakers to speak as many times per year as they needed. Supervisor Pannell stated he thought the language had been addressed properly at the last Policy and Personnel Committee meeting. He said it is his understanding some of the Board members would like for the speakers to be able to address the Board as many times during the year as necessary. Supervisor Duffey said if the verbiage is taken out, it would allow speakers to address the Board as many times per year as necessary. Supervisor Pannell said he is in agreement to delete the language.

Mr. Simpson wanted to verify that Supervisor Duffey is talking about Item C which states any citizen may appear before the Board at any regular Board meeting no more than four times per year and nor more than once within a three-month period. Supervisor Duffey confirmed that is the language he is recommending to be taken out. Supervisor Duffey said he recommended keeping the last two sentences of the paragraph which states the following: Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff person. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.

Supervisor Pannell agreed and he suggested addressing all of the portions of Section 4.4 so it is clear that speakers could come as many times necessary within a 12-month period. Supervisor Duffey said the language in the Bylaws which states speakers shall not address any item which has been subject to a previous public hearing and action on the subject has not occurred needed to remain in the Bylaws. He said if that verbiage is struck out, it would affect the joint meetings with the Planning Commission and scheduled public hearings would be less important.

Mr. Simpson said there seems to be a few parallel issues. He discussed Section A and the sentence that starts with speakers shall also not address any item. He said that sentence is being recommended because when it comes to citizen's time and if a previous public hearing had taken place. He said that sentence is not intended to limit time for speakers because they have already been given an opportunity to speak at the specific public hearing.

Supervisor Pannell said he believes some of confusion is that a few of the Board members are misunderstanding the verbiage and perceiving it as putting a time limit on how long speakers can talk. Mr. Simpson said he interpreted it as some of the Board members thought it would be limiting speaker's freedom of speech. He said that is not the intent because if a public hearing had been conducted, the speaker had already had an opportunity to speak. Supervisor Pannell and Supervisor Duffey agreed that Item C should be deleted. Supervisor Pannell also suggested decreasing the citizens comment period to 3 minutes. Mr. Simpson said 3 minutes is the standard time limit and what it was previously.

4.4. Citizen Comment Period

- A. At each regular meeting of the month of the Board of Supervisors, the Board shall set aside a citizens' comment period. During the citizens' comment period, speakers wishing to address the Board shall clearly state their name and address and shall be subject to such time limitations as the Chairman in his or her discretion may impose. Speakers may address any issue not on the public hearing calendar for the day. ~~Speakers shall also not address any item which has been subject to a previous public hearing and action on the subject has not occurred.~~
- B. No individual citizen or organization shall be permitted to address the Board for more than four (4) minutes. ~~Speakers shall sign up ahead of time by calling County Administration or signing up in person directly prior to the start of the meeting.~~
- C. ~~Individuals who have previously spoken on a subject at a public hearing shall not be allowed to readdress the Board during the citizens' comment period. Specific questions should be received prior to the meeting by contacting a Board member or the appropriate staff member.~~
- D. ~~Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.~~
- E. ~~Any citizen may request to appear before the Board at any regular Board meeting no more than four times per year and no more than once within a three-month period. Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period. Speakers may only address issues not on the public hearing calendar for the day. Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff person. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.~~
- F. ~~A timer-controlled lighting system will be implemented in full view of the speaker. When three minutes are up, an amber light will come on which will indicate that the speaker has one minute to conclude his/her comments. At the end of that one-minute period (completion of the full four-minute period), a red light will come on that will indicate that the speaker must relinquish the podium to the next speaker. Staff will notify the Chairman that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the Chairman.~~

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Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to eliminate the verbiage pertaining to how many times per year and how many times within a 3-month period a Citizen can speak at any regular Board meeting. Motion passed 3-0 unanimously.

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to decrease the time limit to 3 minutes for each speaker at Citizens Comment Period. Motion passed 3-0 unanimously.

Solid Waste Employee Carryover Vacation Payout Request

Mr. Simpson said the next item on the agenda is regarding a payout request for two employees that work in Public Works. He provided an overview to the Committee and he said on page 3 of the packet, there is a chart which is out of the Employee Handbook Manual. He said after certain years of service, employees accrue a certain amount of time for vacation or annual leave, but an employee can only carryover a specific amount of time on January 1 of each year. He said Solid Waste still has a shortage of drivers and they are not able to take time off or use much of their accrued time. He stated the County Administrator is authorized to approve excess annual carryover with specified limits. He explained there are employees in Solid Waste who have not

been able to use their carryover time due to the shortage of drivers. He said one employee's total payout would be \$1,800.24 and the other employee's total payout would be \$651.42 and FICA would need to be added to those amounts. Mr. Simpson said those funds are available within the Solid Waste budget.

Section 4.3 Annual Leave

A. Annual leave is accrued monthly at the rate reflected in the following chart. However, leave shall not be accrued during a pay period in which the employee is on leave without pay including nonpaid FMLA.

Maximum accumulation of annual leave each fiscal year shall not exceed that reflected in the following table:

**Annual Leave Accrual Rates
And Maximum Carryover Limits**

| Years of Service | AL Hours Accrued Per Pay Period | AL Hours Accrued Per Year | Maximum AL Carryover Limits | Maximum AL Payment Limits |
|------------------|---------------------------------|---------------------------|-----------------------------|---------------------------|
| Up to 5 years | 10 hours | 120 hours (15 days) | 240 hours (30 days) | 240 hours (30 days) |
| 5 years | 12 hours | 144 hours (18 days) | 288 hours (36 days) | 288 hours (36 days) |
| 10 years | 14 hours | 168 hours (21 days) | 336 hours (42 days) | 288 hours (36 days) |
| 15 years | 16 hours | 192 hours (24 days) | 384 hours (48 days) | 336 hours (42 days) |
| 20 years | 18 hours | 216 hours (27 days) | 432 hours (54 days) | 336 hours (42 days) |
| 25 years | 20 hours | 240 hours (30 days) | 480 hours (60 days) | 336 hours (42 days) |

- B. Annual leave may be used by an employee for vacation and other personal purposes including sickness, or for absences in excess of hours available for other types of leave.
- C. Annual leave shall be accrued and taken in increments no smaller than thirty (30) minutes.
- D. All employee(s) must accrue annual leave before it may be taken.

- E. Employee(s) must request annual leave in advance on the appropriate County form. All requests are subject to approval by the employee's department head. However, if the leave request meets the criteria of the Family Medical Leave Policy, the leave shall be approved and credited against the employee's annual FMLA leave entitlement. It is the department head's responsibility to manage the leave schedules within the department.
- F. The County Administrator may approve annual carryover above the limits specified above.

Section 4.4 Sick Leave

A. Sick leave may be used by a full-time classified employee for paid absences for only the following reasons:

1. A personal illness, injury, or disability, which incapacitates the employee from being able to perform assigned duties;
2. Appointments related to health when approved in advance by the department head and when such appointment cannot reasonably be scheduled during non-work hours;
3. An illness or appointment related to health of an immediate family member (spouse, parent, spouse's parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, OR any person residing in the same household of the employee) requiring the attendance of the employee;
4. Death in family.

B. When it becomes evident an employee shall be unable to work for a period of time exceeding five (5) consecutive working days, or when requested by the department head, the employee shall furnish the department head with a written statement from a physician or health care provider specifying:

1. The nature of the employee's or immediate family member's condition;
2. The expected date on which the employee will be able to return to normal work duties;
3. The approximate date of medical release by the physician or health care provider.

C. Sick leave shall be accrued in the amount of ten (10) hours per month of completed service.

D. Sick leave shall be accrued from date of employment, and may be taken in

Supervisor Duffey asked Mr. Simpson if the employees are in agreement with the payout. Mr. Simpson confirmed that Mr. Nelson, Director of Public Works, has spoken with the employees and they are in agreement to receive the payout. Mr. Simpson said he is not authorized to approve a payout according to the Employee Handbook Manual and he felt it is appropriate to bring the matter before the Committee. He said this decision would not set precedence for any other department since the only reason this request is being made is due to staffing levels in Solid Waste. Mr. Simpson said these hours are for calendar year 2021.

Motion made by Supervisor Pannell, seconded by Supervisor Duffey, to recommend authorization of County staff to payout vacation carryover amounts as discussed. Motion passed 3-0 unanimously.

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to adjourn the meeting.

The meeting adjourned at 4:27 p.m.

**HALIFAX COUNTY BOARD OF SUPERVISORS
FINANCE COMMITTEE
Mary Bethune Office Complex
County Administration Conference Room
1050 Mary Bethune Street
Halifax, Virginia
May 24, 2022 / 10:30 AM**

CALL TO ORDER

Committee Chairman Ricketts called the meeting to order at 10:35 a.m.

ATTENDANCE

Committee members attending were: Committee Chairman G. Ricketts and Supervisor D. Throckmorton.

Committee member absent: Supervisor S. Brandon.

Other Board of Supervisor member present: Chairman R. Short.

Staff members attending were: Scott Simpson, County Administrator; Stephanie Jackson, Director of Finance; Olivia Epps, Strategic Programs Coordinator; and Charlene Hendricks, Executive Administrative Assistant.

News Reporter attending: Ashley Conner, The Gazette Virginian.

School Board attendees were Valdivia Hall, Interim Superintendent; Dr. Scott Worner, Interim Supervisor of Secondary Instruction; Donna Henderson, Business Manager;

School Board members were: Kathy Fraley; Jay Camp; and Lacey Shotwell.

BUSINESS ITEMS

1. Transfer of Funds Request from School Board

Mr. Simpson said the first item on the agenda is the request to transfer funds request between categories from the School Board. He said when the budgets were adopted for the current fiscal year, the Board of Supervisors appropriated the school budget by category. He stated instead of a lump sum appropriation, the budget is done by categories and any adjustments of funds between categories requires the Board of Supervisors approval. He said the School System approved internally the transfer request and a copy of the request is on page 2 of the packet.



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HALIFAX COUNTY
PUBLIC SCHOOLS

Valkiria T Hall
Interim Superintendent of Schools

(434) 476-3120
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vthall@halack12.wa.us

May 12, 2022

To: Halifax County Board of Supervisors
Mr. Scott Simpson, County Administrator

From: Valkiria T. Hall, Interim Superintendent

Re: School Budget End-of-Year Funding 2022

The Halifax County School Board respectfully submits a school budget categorical transfer request for 2021-22 as indicated below.

Transfer \$215,000 from instruction health insurance to administration health insurance.
Transfer \$480,000 from instruction health insurance to pupil transportation health insurance.
Transfer \$350,000 from instruction health insurance to maintenance health insurance.
This is due to updated DCE reporting requirements. We will be required to provide accurate categorically funds within our payroll software reports.

Transfer \$380,000 from instruction to administration. This is due to therapist vacancies which are paid through administration contracted services.

Transfer \$208,000 from instruction to maintenance. This is due to the rising cost of utilities.

Transfer \$60,250 from instruction to maintenance. This is due to pre-construction services for the new high school.

| | BUDGET | TRANSFER | ADJUSTED BUDGET |
|----------------------|-------------------|------------|-------------------|
| INSTRUCTION | 41,615,173 | -1,693,250 | 39,921,923 |
| ADMINISTRATION | 3,960,209 | +595,000 | 4,555,209 |
| PUPIL TRANSPORTATION | 4,223,120 | +480,000 | 4,703,120 |
| MAINTENANCE | 4,415,347 | +618,250 | 5,033,597 |
| FACILITIES | 0 | 0 | 0 |
| TECHNOLOGY | 0 | 0 | 0 |
| FEDERAL | 4,738,288 | 0 | 4,738,288 |
| CAFETERIA | 2,850,000 | 0 | 2,850,000 |
| CARES ACT/ESSER | 6,526,804 | 0 | 6,526,804 |
| TOTAL | 68,328,941 | 0 | 68,328,941 |

"Children First for a Brighter Future"

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Mr. Simpson said the memorandum outlines approximately \$1.7 million to be transferred out of the instructional category to be utilized across Administration, Transportation, and Maintenance categories. He said the chart indicates the amounts and reasons as to why the transfer is necessary. He stated several questions have been asked and responses to some of those questions have been received but hopefully responses to the unanswered questions can be provided today so a decision can be determined by the Finance Committee.

Ms. Hall said she appreciated being invited to attend the Finance Committee meeting to discuss the School System's request for the transfer of funds. She said Dr. Worner would explain the request which has already been approved by the School Board. She stated the School System is currently in the process of finding a Finance Director but they currently have a financial consultant. Ms. Hall said that she will be retiring soon, as well as Mrs. Henderson, so they felt it was best to have other individuals present so they could help to continue moving forward with the process.

Dr. Worner said the memorandum presented had been read at the School Board meeting. He said the first set of transfers are from instruction health insurance to

administration health insurance, instruction health insurance to pupil transportation health insurance, and instruction health insurance to maintenance health insurance line items were due to the Virginia Department of Education (DOE) reporting requirements. He said at the beginning of each school year, there is a report that requires that all columns and rows equal and, in this case, they have changed some of the stipulations for reporting. He said they now want specific line items to match up with what the expenditures are with regards to health insurance. Mrs. Henderson verified DOE requires the information to be shown for each category. Ms. Hall stated the requirements from DOE is why the transfer of funds between the categories are being requested to support the expenditures.

Mr. Simpson said it appears from the backup information the School System never budgeted health insurance for any of the other categories. He said the health insurance has always been absorbed in the instruction category so there is no way to determine the true cost for employees in all of the categories because the health insurance has never been budgeted that way. Mr. Simpson stated he is surprised this is a new requirement of the DOE because the County has a line item for health insurance in all of their departments.

Mr. Simpson said looking at the backup information for the School System there is \$4.7 million allocated in the instruction category for health insurance, but nothing is budgeted at all for administration, transportation, or maintenance. Mrs. Henderson said that is correct, but when the report is prepared, it is charged to the right category. She said the DOE recently did a study and they are now requesting that the budget match the annual report. Mr. Simpson said those requirements are not new from the DOE. He stated the issue is not the DOE reporting but it is appropriately budgeting the funds in the correct category. Mrs. Henderson said in the study done by the DOE this year, they recommended to get the issue corrected. She said they are in agreement and it does need to be fixed. Ms. Hall said Mrs. Henderson had shared the information with the former Finance Director and she thought his intentions were to get it corrected. Ms. Hall said now the school year is coming to the end of the fiscal year and those adjustments need to be completed.

Supervisor Throckmorton wanted to know when the School System had been made aware of the issue. Mrs. Henderson stated the DOE completed their study back in the Fall of 2021 and they received the report in January 2022. She said a meeting had been held with Mr. Aylor and a recent meeting had been held last week with DOE. She stated DOE had allowed a year for the School System to get the issue corrected. Mrs. Henderson said it is a study and the DOE does expect the School System to get the issues corrected. She said this year would need to be corrected and from this point moving forward, it would be appropriated to the correct departments. She stated everything is based on the annual report. She said they run a report in January and then another one in the Spring. Mr. Simpson asked if the budget proposal for the upcoming fiscal year reflects the health insurance in the proper categories and Mrs. Henderson responded that is correct.

Dr. Worner stated there is a transfer in the amount of \$380,000 from instruction to administration and this is due to therapist vacancies which are paid through administration contracted services. He said the therapists provide a service for students with disabilities who need special education through and Individualized Education Program (IEP).

Ms. Hall said they have approximately 401 students receiving therapy services which is based on the contents of their IEP plan. She said there are also students with disabilities and legally the School System is required to provide those services with no cost to the parents. She said currently they have contracted services with several different agencies and they are as follows: the Center for Pediatric Therapies, which includes 3 speech therapists, 1 language pathologist, and 1 physical therapist; Pediatric Therapist which includes 3 occupational therapists, 3 occupational therapist assistants, and 1 speech therapist; Stepping Stones, which includes 3 speech therapists and 1 language pathologist; and another agency which includes occupation therapy assistants, 1 speech and 1 language pathologist.

Dr. Worner said you can only estimate the anticipated cost of therapy and some of those funds are reimbursed, but he said there is no way to anticipate what child might move into a community that will need those types of services or what child might experience issues and need those types of services throughout the school year. He stated school districts are not allowed to use the excuse that they don't have the resources for those services. He said they try to find the services most efficiently but, in some cases, they have to provide services which are demanded, expected, and sometimes litigated. He stated the School System could not tell a parent that the school does not offer those services. He said the \$380,000 transfer from instruction to administration would be to fill those vacancies that already existed and any other services that were required during that period of time.

Ms. Hall said the School System is actively recruiting for those vacancies but those positions are not easy to fill. She stated when they aren't able to find employees to fill those positions, they have to contract the services out. Mr. Simpson wanted to know when they have therapists on staff if it is an instruction expense or an administration expense. Dr. Worner said it is an instruction expense but if it is a therapy the School System doesn't offer, it would then need to be contracted out. Mr. Simpson asked if the way the service is provided changed which category it is put in. Mrs. Henderson said attendance and health services is coded 6200 which is the code for administration. She explained how sometimes the therapist is listed under instruction but the service is outsourced and it would then be coded differently. She said Mr. Aylor knew the funds were available in another line item and it would need to be transferred. Mrs. Henderson provided the DOE guidelines that she uses for the expenses to be coded for therapy services. She said the School System codes the expenses to the best of their knowledge according to the DOE guidelines.

Mr. Simpson asked if the funds were budgeted properly at the beginning of the school year for contracted services. Mrs. Henderson said at the beginning of the school year, there is no way to determine how much money is needed for the contracted services until the need for those services took place.

Dr. Worner stated that when the budget is developed and approved by the Board of Supervisors, the School System would most likely have teachers who had left and when you can't fill the positions, those positions would need to be contracted out. He said the Standards of Quality (SOQ) funds specific positions in school divisions and some do not. He said that might be why the DOE develops line items or codes for things that would fall under administration. Mrs. Henderson said they code the items according to the DOE guidelines and regulations.

Mr. Simpson said if the County had to outsource work for the maintenance department due to not having the proper number of staff to do the work, it would still be paid out of the maintenance department. He said he is trying to understand if the need for the services have increased, then it would be understandable to move funds to cover the need. He said the request is not that the need has increased but it is for the vacancies that were paid through outsourced contracts. He asked if the DOE requires contracted work to be paid out of administration. Mrs. Henderson said no and she said they have codes for contracted services codes for various departments but the health services are different.

Mr. Simpson asked if the health services are coded under Administration or Instruction. Mrs. Henderson said contracted services are budgeted under Administration but this year it exceeded the budget. He asked if the request is due to therapy vacancies which were contracted out and exceeded the budget. He stated that is not what is referenced on the request.

Ms. Hall stated the School System is down to the final numbers and there are adjustments that now need to be made. She stated funds are in the overall budget and the funds need to be adjusted for the items that were overspent. She said contracted services are estimated and they exceeded the estimate. She emphasized the IEP changes throughout the year depending on recovery and the issues which are being addressed. Mr. Simpson wanted to verify the \$380,000 from Instruction to Administration is because the cost for contracted services exceeded the original budget. Ms. Hall said it was budgeted under Instructional but the DOE has told the School System that the funds have to be moved to a different line item now. She stated the request is for two reasons: the DOE has requested it and the final fiscal year adjustments are being completed.

Supervisor Throckmorton wanted to know if the School System had just been made aware of the issue from the DOE. Ms. Hall stated that the School System was previously aware of the requirements and changes from the DOE to the codes and line items regarding expenditures. She said Mr. Aylor was aware and she assumed he would have made those adjustments at the end of the school year.

Chairman Short wanted to know when funds are moved out of Instruction if that would compromise funds paid to teacher contracts. Ms. Hall said no because the funds would have been kept there had it not been for the study being completed by DOE and their requirement changes. She said throughout the years, Instruction had been a coverall for most everything. Chairman Short expressed concerns about a possible shortage in the Instruction funds.

Dr. Worner said there is a request for the adjustment of \$208,000 from Instruction to Maintenance due to the rise of cost in utilities. Mrs. Jackson asked if they were able to determine what utilities had increased. Mr. Simpson said an analysis had been run for the County utilities and the County had a decrease in the expense for utilities. Mrs. Henderson provided the year-to-date amount and she indicated there had been an increase in utilities for all of the buildings. Mrs. Henderson said the increase is a combination between the electricity and water expenses. Mrs. Jackson asked if they thought the increase was due to the buildings being occupied by students versus the buildings being unoccupied in the previous year due to the Covid pandemic. After some

discussion, it was noted that utility costs had not increased but the increase was due to the buildings being occupied by students being back at school.

Committee Chairman Ricketts wanted to know if there had been a lower budget allowed for utilities based from the usage from the previous school year. Mrs. Henderson said the previous year numbers had not been researched but she assumed the cost from the previous year is what had been carried over into this year's budget. Mr. Simpson stated it appeared that all of the buildings are budgeted in one spot so it is hard to determine what the cost of utilities are for each specific building. Mr. Worner commented it is his understanding that Mr. Brumfield does have an analysis prepared which provides the breakdown for each building. Mr. Simpson discussed the numbers for expenditures and what had been allowed in the budget and he said it appears to be \$340,000 needed to pay utilities for May and June.

Dr. Worner said there is a request to transfer \$60,250 Instruction to Maintenance for pre-construction services. He discussed the PPEA process and clarified a construction management agent is being used. He said there is also an upcoming request for pre-construction services and a request to change the alignment of where the new high school will be regarding the Powell property. He referenced revenues from the PPEA verified the amounts included on the memorandum and funds that were used for expenses. He said legal fees are approximately \$9,500 in regards to an incumbrance for the Powell property. He stated the School System did not want to use tax payers money to maintain a road used by several businesses.

Mr. Simpson discussed task 9 and 10 and he asked when all of it occurred. Mr. Worner said task 9 and 10 were just finished. He said the topography service was for an ariel flyby and some research which had been completed through B&B Consultants. He said there was also a survey back in early March to develop the Powell property and that was one of the contingencies from the seller. He stated there were some inconclusive results found and B&B Consultants have requested another \$12,000 for additional research. Mr. Simpson said he is trying to determine when the expenses occurred. Mr. Worner verified the topography and wetland's delineation was completed in April. Mr. Simpson asked about the initial \$52,000 expense for the initial technical investigation to Hurt and Profit and Mr. Worner stated it was completed last week. Mr. Simpson wanted to know how it's being charged under Grim and Parker and Mr. Worner verified that it is but there is also expense for subcontractors. Mr. Simpson asked for clarification if those expenses were part of the contract budget. Mr. Simpson asked about the \$11,000 to Skanska and Mr. Worner stated that expense had not been brought before the School Board for approval yet. They also discussed the \$12,000 amount for additional investigation and Mr. Worner said it also needs the School Board's approval.

Mr. Simpson said he is trying to find the line item for the pre-construction for due diligence and he inquired about the line item that denotes the staking, drilling, and various tasks. Mr. Simpson said that is money which is already part of the \$109 million budget for the new high school and it shouldn't come out of the School Board's maintenance budget. Mr. Worner said the \$60,250 is not for the new high school and it should have been written as part of the School Board's contract with Branch Builds RRM back in December 2020 for the elementary study for the options to renovate or rebuild. He said the last sentence should not be for preconstruction services but due to an interim contract for review of the future projects for the elementary schools. Mr. Worner said when the memorandum was put together, he doesn't believe it was correctly

understood. Mrs. Jackson wanted to know if it was paid in December 2020. Mr. Worner said no because December 2020 was when the contract was initiated. He said after Branch Builds RRM's presentation, the School Board needed to accept it and then close the contract so the School Board would own that information. He said if they had not paid the agreed upon fee, they would have still maintained as proprietary information. Mrs. Jackson asked if the fee should be in facilities instead of maintenance. Mrs. Henderson said it is listed in facilities and maintenance is also included for the fee. Mr. Worner said that was an error in this presentation.

Supervisor Throckmorton said it appears the \$60,250 is part of the grand scheme of the study of the schools and it should be included as an item for the 1 percent sales tax. Mr. Worner said it was not part of the high school project and there has been approval for the contingency of \$25 million to go towards the elementary school project but none of those funds have been borrowed yet so it cannot be credited towards it. Mr. Simpson said no funds have been borrowed towards the elementary school projects because there is no defined project. Mr. Simpson said that number will be adjusted because the borrowing for the high school project ended up being a lot more in interest than what was planned so there is less funding available in the future. Mr. Worner said the \$60,250 is something that should be coming from maintenance because it has nothing to do with any identified projects because it is identifying the issues.

Mr. Simpson said it appears that the expenses are paid out of the maintenance budget and then there are available funds in instruction in order to cover those expenses. He said the concern is the next to the last month of the school year is here and it appears that some these issues have been known for a long time. He stated it is frustrating in knowing that the overcommitment of salaries occurred back in February and the Board of Supervisors have received no answers at all as to how that is going to get addressed and how approximately \$400,000 is going to be absorbed. He said \$150,000 of the \$400,000 is in the maintenance department and it appears the \$400,000 currently lies between administration, maintenance, and transportation. He stated the Board of Supervisors are being asked to transfer funds to come up with money into those categories to cover the over expenditure and overcommitment of salaries which is concerning because the Board of Supervisors never received any answer as to how, why, or what is going to happen to the overcommitment of salaries. He commented that is the hesitation on transferring funds to perpetuate the lack of response and ownership of the issue.

Ms. Hall said she wanted it to be known that they are trying to be good stewards of taxpayer's dollars. She commented that Ms. Henderson was not the Finance Director so she had not been privy to some of those conversations. Ms. Hall stated at that time she was in Human Resources and now they are taking the knowledge that they have and trying to work through some of the issues. She commented they are making judgments to the best of their ability. She said there were some conversations but they were not privy to them. She referred back to the meeting on March 3, 2022 when the over expenditure had been discussed. She said Mrs. Henderson submitted information which explained the bottom-line budget. Ms. Hall stated bus drivers had not been included in the original plan and there are some issues with the salary scale adjustments. Ms. Hall acknowledged there are also some inconsistencies with how the salary adjustments were implemented and she stated they are taking steps to work through them. She commented they were not a part of it but they understand some adjustments are now needed. Ms. Hall said they have spoke with their attorney and they are moving forward.

Ms. Hall stated they have a financial consultant who is reviewing all of those items. She said they are in the process of adjusting those salary scales and they are not necessarily using the salary scales that were implemented by Mr. Aylor. Ms. Hall said they are working diligently to make the proper adjustments to be prepared for the FY2023 school year. She said they are looking forward to determine what can be done differently. Ms. Hall commented that some of the salary adjustments were not anticipated and they were surprised. She said there is a School Board meeting scheduled on June 1, 2022 and they are doing their research before issuing any contracts. She stated the School Board is aware of the impact it will have on individuals and there would possibly be some individuals who will lose money. She said they have to make notification to those individuals by June 15, 2022 and it is an ongoing process with finding a resolution.

Mr. Simpson referred to the meeting held on March 3, 2022 and he said the Board of Supervisors agreed to increases of \$2.6 million which had been requested by the School System. He said the School System has implemented approximately \$3.4 million to all of the employee contracts that were issued. He stated that is an additional \$800,000 committed to people above what the Board of Supervisors agreed to fund. He said if you break that in half, because there was insistence to implement it mid-year and by adjusting these categories, you are asking the Board of Supervisors to absorb the \$400,000. He emphasized the issue was brought up as soon as the information came out. He said staff members from both Boards met in March and nothing has been done to rectify the concerns and issues for the over expenditures. Mr. Simpson pointed out the categories with the over expenditures are in the exact same categories that are in need for the transfer of funds. He said there will be no carryover money from year-to-year because the money is already spent.

Mr. Simpson said he keeps getting informed that there is nothing that can be done about it because the contracts have already been signed. He wanted to know how adjustments and modifications can be done to contracts to raise them but adjustments and modifications cannot be done to lower them. He emphasized these questions have been asked and they are being ignored like they will go away because on July 1, 2022 the fiscal year will be over. He said if the majority of the salaries are not lowered to get down to the \$2.6 million number, the next fiscal year will start \$800,000 in the red which would result in the School Board asking the Board of Supervisors to absorb more money. He said these questions are being asked well before the budget process. He commented the General Assembly is closer to adopting a State budget but right now nobody knows how much money is there.

Mr. Simpson said the other concern is ESSER funds. He stated there is \$4 million of ESSER funds going towards the budget for the new high school. He said there is \$105 million of borrowed funds in the bank and there is supposed to be \$4 million of ESSER funds to total the \$109 million budget. He stated according to the School System's appropriations, half of the ESSER funds have already been spent. He said so the question is where is the \$4 million of ESSER funds for the new high school.

Mr. Simpson stated the Finance Committee will hopefully make a recommendation from this meeting to the Board of Supervisors. He said the Finance Committee would take the recommendation to the Board of Supervisors at the next regular meeting scheduled on June 6th and he wanted to know if that is a problem for the School System.

Ms. Hall said when Mrs. Henderson came to her with the request for the transfer of funds, she asked her if it had anything to do with salaries. She said Mrs. Henderson verified that it did not have anything to do with salaries. Ms. Hall wanted to clarify that the transfer of categories had nothing to do with salaries and nothing to do with the mid-year salary increases. Ms. Hall asked Mr. Worner if he had any comments regarding the ESSER funds. Mr. Worner stated the ESSER funds were being overseen by Pam Eakes and Mr. Aylor. He said there are three sets of ESSER funds: ESSER 1; ESSER 2; and ESSER 3. He stated he would need to speak with Ms. Eakes and research it. Mr. Simpson stated there is approximately \$6.5 million of ESSER money and currently there is a remainder of \$2.6 million. Mr. Worner commented he would research it to get some answers. Mr. Simpson said it is concerning because there appears to be a budget of \$6.5 million of ESSER funds but there is only \$2.6 million left and \$4 million should be going towards the new high school. Mr. Worner discussed the three sets of ESSER funding and he said he would follow up and get some additional information on which set of ESSER funds are being used for the high school project.

Ms. Hall stated they are trying to be as transparent as possible with the line item adjustments. She said if they were making adjustments to allow for the mid-year salary increases, she would be forthcoming about it. Mrs. Jackson wanted to verify that June 6th is okay for the Board of Supervisors to approve the transfer of funds. Ms. Hall said additional money out of instruction needed to be moved to maintenance. She said there was a tree removal project at the high school which took place when Mr. Aylor was employed. She said the tree removal project was a security issue because there was a camera being utilized for the student parking lot and the trees were obstructing the view. Ms. Hall said there was additional security needed for deputies which was not accounted for in the budget. Mrs. Jackson asked Mrs. Henderson if that was contracted under maintenance or administration and Mrs. Henderson verified it was under maintenance. Mrs. Henderson said the adjustment needed for those items is a total of \$161,800 and it would include the South Boston Elementary school project for the field. Mrs. Henderson verified the cost for South Boston Elementary school project was \$95,000.

Chairman Short wanted to know if the \$208,000 included the tree removal and field projects. Ms. Hall said it does not include those expenses. She said preparing for this meeting, they found some expenses that were not in the budget but those expenses had been approved to be done. Mr. Simpson wanted to know if those items had been completed and paid for, but they were not included in the budget. Ms. Hall said that is correct and she stated Mr. Aylor gave the approval for those projects. Chairman Short wanted to verify the total amount for those projects and Mrs. Henderson said the total amount is \$161,800. She said the tree removal expense was \$31,550, South Boston Elementary project for the field was \$95,250, and the additional expense for security at the high school was \$35,000. Mrs. Henderson said she would need to check to see if the \$35,000 security expense would go through the rest of the school year.

Supervisor Throckmorton wanted to know if it cost \$31,550 to remove one tree. Ms. Hall verified the tree removal project was for several trees. Mr. Simpson wanted to know if they are asking to move the funds from instruction for those expenses and Ms. Hall said that is correct. Mr. Simpson asked if a subsequent request would be submitted for those expenses and Ms. Hall said yes. Mrs. Jackson asked if the School Board approved the projects and Ms. Hall said the School Board approved it as an expenditure. Ms. Fraley said in regards the South Boston Elementary School project, the School Board approached Mr. Brumfield and Dr. Lineburg about upgrading the baseball field behind

Sydnor Jennings Elementary and the project is still incomplete. She said at that time, Mr. Brumfield informed her there was a project at the South Boston Elementary School and she didn't recall hearing anything else about it. Ms. Hall said she had reviewed some of the minutes from the School Board meetings and some of the notes from the security report and there were some notes regarding the tree removal.

Mr. Simpson stated he has some concerns that budgets are not being followed. Ms. Fraley said the two individuals who gave the approval for these expenditures are no longer with the School System which leaves the School Board employees and members in a difficult situation to answer questions that they were not privy to. Mr. Simpson said he understood all of that but the difficulty for the Board of Supervisors and County staff is if the budget had not been appropriated by category this current year, all of these expenditures would have been internally moved around. He gave examples such as increases for the cost of utilities needing to be accounted in the new budget and health insurance needed to be determined by departments. He commented moving forward those items need to be tracked and addressed accordingly along with salary increases. He said he understands the point when everyone is stating the transfer of funds request is not due to salary increases but if those salary increases had not taken place, all of these over expenditures would not have occurred because the funds would have been there to absorb the expenditures.

Mr. Simpson said the next meeting for the Board of Supervisors is on June 6, 2022 and he asked if the approval for their request to transfer funds is okay to wait until then. Ms. Hall confirmed that is fine. She stated there is also additional funding in the compensation plan with upcoming retirements and Mrs. Henderson has started following those numbers. She said they anticipate approximately \$600,000 from employees who are retiring and there are many employees who have not made it known yet if they plan to retire or not. She said the \$600,000 is on target or above with attrition and there is also a principal that will be leaving. Mr. Simpson asked if that is the delta between the retirement and new hires and Ms. Hall stated that is correct.

Mrs. Jackson asked if the contracts for FY2023 would be included in the \$2.6 million. Ms. Hall said they are looking at those figures now and the salary scales are still being developed. Mrs. Jackson said the salary scale doesn't really have anything to do with the contract. She said the scale indicates this person should make between \$30,000 - \$60,000. She stated they are trying to determine the amount of the actual contracts to what the Board of Supervisors approved versus to how the contracts were written. Ms. Hall said the scale does make a difference because the employee would be paid based on their experience. She said the salary scales would include steps to be followed. Mrs. Jackson asked if they anticipated an additional \$800,000 in reduced contracts. Ms. Hall said she anticipated having a scale in place and at the meeting on June 1, 2022, they would look at how the employees fall on the scale. Mrs. Jackson asked if the budget they are working on is for \$2.6 million which is the total amount including benefits and compensation that the Board of Supervisors approved in December 2021 when all of the changes were made.

Mr. Simpson said the total cost for the teachers was going to be \$1.8 million and at the last minute, administration and support staff had been included in the salary increases which totaled \$797,000. He said the total amount for scale adjustments was \$2.6 million. Mrs. Jackson said those numbers included salary and benefits. Mr. Simpson said if you take the spreadsheet the Board of Supervisors received in February and the

delta between what the December salaries were and the employee salaries for January and February, then the delta is \$2.7 million for salaries. He said then adding in the benefits, it a total of \$3.4 million so that is how the \$800,000 amount is determined. He said if you take the benefits off of that amount, there is approximately \$650,000 above just on raw salary. Mr. Simpson said there had been a tremendous amount of discussion on the issue including memorandums back from at least a year ago. He said the approval and consent from the Board of Supervisors was for a total increase of \$2.6 million. He stated \$400,000 needed to be absorbed for the current year but there is also \$800,000 to be absorbed for the next fiscal year and changes are imperative for that to happen. He said whatever is entered into for next year, needed to be less than this year because it is not an authorized use of funds. Mrs. Jackson said the teacher scales and the teacher adjustments appear appropriate and had been done consistently and she stated the issue is the other salary increases.

Mr. Simpson verified that the School System would provide a revised memorandum to include the \$161,800. Mrs. Jackson asked if the School System wanted their request for transfer of funds to be addressed at the June 6th meeting and Ms. Hall said that is correct. Mrs. Jackson asked if there is a total amount for the School System's May payroll. Ms. Hall said the May payroll is still being prepared. Mrs. Henderson said she could not provide the May payroll because they are still working on it. Mr. Simpson asked if they could provide the April payroll total for maintenance category.

Mr. Simpson said the Board of Supervisors are concerned because the May payroll file is not going to get approved by the treasurer's office because there are not enough funds appropriated. He said they are trying help the School System but nobody will provide any of the requested information. He discussed the amount of funds left in appropriations for the maintenance category. He said there are not enough funds appropriated in maintenance so when payroll is submitted, there will not be enough funds appropriated to make payroll for all school employees. He stated the treasurer would have to return the May payroll file. Mr. Simpson stated he has asked numerous times throughout the meeting, if the request for the transfer of funds could wait until the June 6th meeting and the answer has continued to be yes. Mrs. Henderson asked what can be done before the June 6th meeting so that the May payroll can be met.

Mr. Simpson said the Board of Supervisors is trying to help the School System to prevent the May payroll from being returned because there are not enough funds appropriated. He said upon County staff's advice, the Board of Supervisors continued their meeting to today at 12:30 p.m. in order to make an appropriation in the maintenance category so that the School System's May payroll would be covered. Mr. Simpson said the School System needed to provide a number for the May payroll or at the very least the number for the April payroll. He said the Board of Supervisors could not help them if they won't provide those numbers. Mrs. Henderson said she does not have the numbers for the May payroll but she can provide an estimate. Mr. Simpson said the payroll does not significantly change from month-to-month. He said he is concerned that the School System's employees stand to not get paid at the end of the week or whenever the May payroll gets paid. He emphasized again that the Board of Supervisors are trying to be proactive. Mr. Simpson read an email that he sent out on May 18th which included the information he had requested to insure that the School System's payroll for May is met. Ms. Hall stated that she informed the School System employees of the additional information requested from Mr. Simpson.

Mrs. Jackson said the concerning point is during this meeting, the question had been asked 4 times if the transfer of funds request could wait until the June 6th meeting and all 4 times the answer had been yes. She stated the School System's May payroll is only going to be met because County staff advised the Board of Supervisors of what they anticipated. Ms. Hall said they are trying to get an understanding of exactly is needed from them. Mrs. Jackson said the School System is aware of their appropriations because it is listed in the memorandum. Mrs. Henderson said it was her understanding on June 30th as long as everything totaled correctly, it would balance. She said she did not realize the request for transfer of funds needed to be completed before the Board of Supervisors on June 6th meeting. Mrs. Jackson said the School System provides a report by category with the individual line items to the treasurer's office which is recorded into their system. Mrs. Jackson stated the treasurer is also tracking funds according to the information which is provided on that report. Mrs. Jackson said after the May payables were received, the year to date expense was totaled and the funds that were left for the remainder of the year, which included the May payroll and everything that is completed in the month of June. Mrs. Henderson said she assumed if the Board of Supervisors addressed the request for transfer of funds at the June 6th meeting, it allowed enough time.

Chairman Short asked if the School System has an approximate figure of how much money is needed to make the May payroll. He said the Board of Supervisors has a meeting in 30 minutes and a total number is needed. Mr. Simpson said the Instruction payroll is approximately \$3.1 million, the Federal program estimated payroll is \$284,000, Administration and Health is \$206,000, Transportation is \$310,000, Operation and Maintenance is \$235,000, the money coming out of CARES line item is \$141,000, and Food Services is \$31,000. He said if those payrolls are taken from funds which are currently available, it's short of \$155,000 in the maintenance line item. Mrs. Henderson said the total amount that she calculated is \$234,701. Mr. Simpson said to answer Chairman Short's question, the request would need to be approximately \$200,000 to approve a transfer from instruction to maintenance. Mrs. Henderson said there is also \$86,000 for the utilities which are due this coming week so it needed to be added to that amount. Chairman Short verified the requested amount would need to be for \$300,000. Mr. Simpson stated the payroll file should be submitted before the payable file.

Chairman Short said the Finance Committee and the Board of Supervisors wanted to be sure the School System employees got their May paychecks.

Committee Chairman Ricketts asked when did they anticipate the adjustments for the salary scales to be complete for the School System employees. He said he is inquiring because those numbers would be needed for the upcoming budget. Ms. Hall said there is a scheduled meeting on June 1, 2022 but she is unsure of how much progress will be made at that time. She stated they have to advise employees of any adjustments by June 15, 2022. She said their goal is to have everything completed by June 1, 2022, but she cannot promise that will happen. Committee Chairman Ricketts stated it is imperative that a budget is in place by July 1, 2022 and the County would need the information to be sure that it is appropriate when completing the County budget. Ms. Hall stated they do understand the impact and a special meeting would need to take place for the School Board members. Ms. Hall verified they are making corrections to avoid any errors being carried over into the next fiscal year budget.

Motion made by Supervisor Throckmorton, seconded by Vice-Chairman Ricketts, to recommend to approve the transfer of funds request from the School Board from instruction to maintenance not to exceed \$300,000. Motion carried 3-0 unanimously.

Ms. Fraley asked Mr. Simpson what was the purpose of the newspaper article. She commented if the intention was to help the School Board, the newspaper article did not do that. She stated she had received numerous phone calls and she had to explain things to calm those individuals down. Mr. Simpson said that Mr. McLaughlin called him Friday afternoon and he wanted to know why the Board of Supervisors had a scheduled meeting at 12:30 p.m. on a Tuesday because that time is unusual. He stated he told Mr. McLaughlin he anticipated an appropriation of funds for the School System. She stated Mr. McLaughlin also sent a lengthy email to her on Sunday requesting a response and she said she did not respond to his request. She stated both Boards needed to work together for the education of the children.

Mr. Camp said he was also not happy with the article in the newspaper; however, today's meeting had brought clarity regarding the intent and motive. He stated paying the School System employees is imperative and he appreciated the Board of Supervisors and the County Administrator for their help in getting that done. He said the Board of Supervisors and the School Board have made strides in coming together.

Mr. Simpson acknowledged comments from Ms. Fraley and Mr. Camp. He said when he recognizes problems and issues and then no answers are provided to even try to quietly figure a solution, he doesn't run to the newspaper. He stated if Mr. McLaughlin or Mrs. Conner, or anyone else from the newspaper, called asking for a statement or if they inquired about the agenda, it's his duty to respond. Mr. Simpson said he has concerns because he is ultimately responsible for the entire County budget which does involve the School System budget. He said he doesn't know who has the answers and he is unable to get any of the information from the School System.

Mr. Camp said there is also a tremendous amount of frustration on the School Board's part. He said nobody from the School Board knew anything regarding the salary scale for the pay increases. He said then the Superintendent and Finance Director resigned. Mr. Camp stated the entire situation is an embarrassment. He commented he is willing to work with everyone involved to get a resolution.

Ms. Hall commented it is hard to communicate through an email. She said better communication is needed such as picking up the telephone and calling someone to let them know about any concerns or issues. She stated she tried to distribute the requested information to various departments to provide some answers. She said the School System would like to work together with the Board of Supervisors and they are not trying to destroy relationships.

Mr. Simpson said the next item on the agenda is to discuss the Web Site Design. He said a Request for Proposal had been completed for a new company to design it. He asked if the Finance Committee members would like to be involved in the vetting of the individual companies. He said County staff could do the vetting and make a staff recommendation to the Board of Supervisors if that is what the committee preferred.

Motion made by Supervisor Throckmorton, seconded by Committee Chairman Ricketts, to approve for County Staff to interview and vet the Proposals received from different

entities for the new Web Site Design and make their recommendation to the Board of Supervisors. Motion carried 2-0 unanimously.

Mr. Simpson said Item C is the Memorandum of Understanding (MOU) with the Service Authority and a copy of the MOU is on page 21 of the packet. He stated the agreement is between the County and the Service Authority regarding some of the stimulus money that has been categorically committed to extend water and sewer in the technology park at VIR and also assist with the Loop to increase water service in the Sinai area relating to the West End project. He said the County Attorney is reviewing the agreement and this copy is the first version but he anticipated a second version with minor edits. He asked the Committee if they would like for the agreement to go to the full Board of Supervisors at the Regular meeting on June 6, 2022.

Motion made by Supervisor Throckmorton, seconded by Committee Chairman Ricketts, to recommend the Memorandum of Understanding between the County of Halifax and the Halifax County Service Authority to be presented to the Board of Supervisors for consideration at the regular meeting on June 6, 2022. Motion carried 2-0 unanimously.

Mr. Simpson said Item D is regarding the use of funds for the Waterstrider Donation and it would take a considerable amount of time for further discussion. He suggested scheduling another Finance Committee Meeting to address the matter.

ADJOURN

Motion made by Supervisor Throckmorton, seconded by Vice Chairman Ricketts to adjourn the Finance Committee meeting.

The meeting adjourned at 12:24 p.m.

HALIFAX COUNTY BOARD OF SUPERVISORS
Regular Meeting
Mary Bethune Office Complex
1030 Mary Bethune Street, Room 201
Halifax, Virginia
Tuesday, May 24, 2022 / 12:30 PM

A. CALL TO ORDER – Chairman Short

Chairman Short called the meeting to order at 12:30 p.m.

B. ATTENDANCE

Board of Supervisors members attending were: Mr. C. Short, ED1; Mr. L. Roller, ED2; Mr. D.E. Throckmorton, ED5; Mr. G. Ricketts, ED7; Mr. W.B. Claiborne, ED8; and Mr. W. Smith, Tie Breaker.

Board of Supervisors members absent: Mr. H.W.H. Pannell, ED3; Mr. R. Duffey, ED4; and Mr. S. Brandon ED6.

Staff members attending were: Mr. Scott Simpson, County Administrator; Mrs. Stephanie Jackson, Finance Director; Ms. Olivia Epps, Strategic Programs Coordinator; and Mrs. Charlene Hendricks, Executive Assistant.

C. ADOPTION OF AGENDA

Motion made by Supervisor Throckmorton, seconded by Vice Chairman Ricketts, to adopt the Agenda as presented.

VOTE

Motion passed 5-0 by the following vote:

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|------------------------|--|
| Ayes: | Mr. C. Short, Mr. L. Roller, Mr. D. E. Throckmorton, Mr. G.B. Ricketts, and Mr. W.B. Claiborne |
| Nays: | No one |
| Abstained: | No one |
| Absent During Vote: | Mr. H.W.H. Pannell, Mr. R.E. Duffey, and Mr. S. Brandon |
| Absent During Meeting: | Mr. H.W.H. Pannell, Mr. R.E. Duffey, and Mr. S. Brandon |

D. NEW BUSINESS

1. Finance Committee Recommendation School System/Budget
Transfer of Categorical Funding

Vice Chairman Ricketts said the Finance Committee met today and they felt like the full Board of Supervisors should participate with some discussion before taking any action regarding the request to transfer funds from the School System. He said the proposed action is to transfer \$300,000 from the instructional category to the maintenance category.

Mr. Simpson said the request from the School System was more than \$300,000 and the remainder of the request will be addressed at the June 6, 2022 Board of Supervisors regular meeting. He stated the Finance Committee wanted to act on the \$300,000 transfer in order to insure there are not any issues at the close of the month of May.

Supervisor Claiborne wanted to know what category are the funds being transferred from and Mr. Simpson said the transfer is from instruction to maintenance. Mr. Simpson said the request is approximately \$1.9 million of total categorical adjustments from instruction to various categories. He stated the Finance Committee is not prepared to make that full recommendation but they wanted to address what the need would be to cover their expenses through the end of May which is approximately \$300,000.

Supervisor Claiborne wanted to know if the School System would attend the June 6, 2022 to answer questions for the Board of Supervisors and to provide a summary of the funds. Mr. Simpson said he would ask the Superintendent to attend the June 6, 2022 meeting to address any of the Board's questions.

Supervisor Claiborne wanted to know why the transfer of the \$300,000 is necessary. Chairman Short said the transfer request is to cover maintenance payroll and increases for the cost of utilities.

Mr. Simpson stated when the Board of Supervisors appropriated the school budget for the current year by category, those categories have an amount of money assigned to them. He said in order to adjust funds due to additional costs or needs for certain categories, it requires the consent from the Board of Supervisors to move money between categories. He said in the past when the School System budget had been appropriated as a lump sum, they moved money in between the different line items as needed with no secondary oversight or approvals appropriated. Mr. Simpson said in order to finalize the month of May with payroll and accounts payable, their appropriation in the maintenance category is approaching an amount that cannot be paid without the transfer of funds. He said there are legitimate reasons for the transfer of funds. He said the Finance Committee felt the Board of Supervisors could consider moving the funds to get through the month of May and it would allow additional discussion for the month of June and to gather more detailed information.

Motion made by Vice Chairman Ricketts, seconded by Supervisor Roller, to approve the transfer of funds for the School System of \$300,000 from the instructional category to the maintenance category.

VOTE

Motion passed 5-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. D. E. Throckmorton, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: Mr. H.W.H. Pannell, Mr. R.E. Duffey, and Mr. S. Brandon

Absent During Meeting: Mr. H.W.H. Pannell, Mr. R.E. Duffey, and Mr. S. Brandon

E. ADJOURN

Motion made by Supervisor Roller, seconded by Supervisor Throckmorton, to adjourn the meeting.

VOTE

Motion passed 5-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. D. E. Throckmorton, Mr. G.B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: Mr. H.W.H. Pannell, Mr. R.E. Duffey, and Mr. S. Brandon

Absent During Meeting: Mr. H.W.H. Pannell, Mr. R.E. Duffey, and Mr. S. Brandon

The meeting adjourned at 12:42 p.m.

**HALIFAX COUNTY BOARD OF SUPERVISORS
BUILDINGS AND GROUNDS COMMITTEE
1050 Mary Bethune Street
County Administration Conference Room
Halifax, Virginia
May 31, 2022 / 3:00 PM**

A. Call to Order

Committee Chairman Brandon called the meeting to order at 3:00 p.m.

B. Attendance

Committee members in attendance were Committee Chairman Stanley Brandon, Supervisor Dean Throckmorton, and Supervisor Larry Roller.

County Staff in attendance were Scott Simpson, County Administrator; Otis Vaughan, General Properties and Inspections Director; Olivia Epps, Strategic Programs Coordinator; and, Charlene Hendricks, Executive Administrative Assistant.

C. Business Items

1. Discussion of Red Cross Lease Agreement

Mr. Simpson explained that the Red Cross has had a presence and an office space in the Mary Bethune building for many years and the Mary Bethune gymnasium is often used for blood drives. He said there often had to be extensive coordination of schedules to due to other activities in the gym, and more recently the addition of activities has made that coordination that much more difficult.

Mr. Simpson said there has been an effort to find a space better suited for the Red Cross which will not require coordination with gym activities. He explained that when the Registrar was adjusted last year into their new space on the back side of the Mary Bethune building, that freed up the Registrar's old office space and the large room where they stored voting equipment.

Mr. Simpson stated Mr. Vaughan had been working with Ginger Weaver on using the space and they have determined the Red Cross could permanently set up in for blood drives using the large room and the Registrar's old office space across the hall will adequately accommodate their office needs.

Mr. Simpson said what is before the Buildings & Grounds Committee is an agreement which would formally recognize and approve the use of that new space for the Red Cross. Mr. Simpson said the space totals approximately 1,400 square feet and would provide a good service for the community in a space that works well.

The Committee discussed the benefits of the Red Cross being in the new space, including better handicapped access and more efficient control of room temperature in the large room versus the entire gymnasium. Supervisor Roller asked about the number of people who could be set up to give blood at the same time and Mr. Vaughan said they could set up as many as 5; however, 4 people seems to be the number the Red Cross staff would deem best in the new large room. Mr.

Vaughan said the benefit of the new space is that blood drives could be held twice per month with less hassle and coordination because it is a dedicated space.

Motion made by Supervisor Throckmorton, seconded by Supervisor Roller, to recommend the Board of Supervisors execute the agreement with the Red Cross for the adjusted location and space. Motion passed, 3-0 unanimously.

2. Requests for Proposal

A. Audio/Visual for the Board Room and Airport Consultant

Mr. Simpson said the AV System and Airport Consultant RFP discussion could be done together. He explained that proposals have been received for both items and the question for the Buildings & Grounds Committee is regarding how much involvement the Committee would like to have in the review of the proposals and the interview process.

The Committee members agreed they felt comfortable allowing staff to review proposals and conduct necessary interviews without involvement of the Committee.

Mr. Simpson said in light of a pressing issue involving the airport, he and Mr. Vaughan would likely work to bring a recommendation for the Airport Consultant to the June 6 Board meeting. He said a recommendation for the AV System RFP would likely come to the June 27 Board meeting.

B. Fair Promoter Contract

Mr. Simpson said the Fair Promoter Contract was advertised in February and RFP proposals were due in March. He said there had been one proposal received and it is the same entity/person, James Edmunds, that has previously operated the fair. He said a meeting took place in March to discuss some of the problematic items in the past. He stated in the past, the County received \$5,000 in revenue plus 10 percent of the ticket purchases.

Mr. Simpson discussed a spreadsheet prepared by Mrs. Jackson and he discussed the revenue generated from the fair in the past. He also discussed operational expenses for water, electrical and sewer. He said the primary goal of the fair is to benefit the citizens of the County and not necessarily to make a profit but operational costs needed to be covered.

Mr. Simpson said the new proposed agreement states the fair operator will cover the operational expenses for water, electrical, and sewer and the County will receive a payment of \$3,000. He said basically the \$3,000 is a rental fee and the operator covers the expenses. He stated the proposed agreement is for the 2022, 2023, and 2024 fairs with an option to renew the agreement for the 2025 and 2026 fairs.

Supervisor Brandon inquired about the expenses for water, electric and sewer in previous years. The Committee members and County Staff discussed all of the expenses from previous years in further detail noting that there is no way to determine ahead of time what those final number will be for the cost of operation because it depends on attendance and several other factors. Mr. Simpson commented the event is an important component of the community.

Motion made by Supervisor Roller, seconded by Supervisor Throckmorton, to recommend the Fair Promoter Contract to the Board of Supervisors for approval. Motion passed 3-0 unanimously.

3. Review of Wildlife Fencing Bid

Mr. Simpson said the wildlife fencing bid is for the airport. He said the County authorized moving forward with the bid for fencing. He stated that one bid was received in the amount of \$1.8 million. He said there was an engineer's estimate at approximately \$600,000. Mr. Simpson said federal funds would need to be obligated by June 1st or returned. Mr. Vaughan verified there are \$78,000 in federal funds.

Mr. Simpson said he met with Mr. Vaughan on Friday and they prepared a grant application to submit to the FAA. He said a positive response is anticipated and the funds will be obligated to design a lighting project. Mr. Simpson said staff recommendation to the Committee is to reject the bid for wildlife fencing due to the project being out of budget and to move forward with another project.

Supervisor Roller wanted to know who submitted the bid for the wildlife fencing project. Mr. Vaughan verified the bid received was from Fence Builders, Inc. Mr. Vaughan said the wildlife fencing project was not anticipated to be a complicated project but it far exceeded the budget.

Mr. Simpson discussed the new grant cycle and other possible options to consider to avoid losing the grant funds.

Mr. Vaughan said stimulus funds are being received each year in the amount of \$159,000 for the next 5 years. He said he attended a meeting last week and more grant funds are expected to become available.

Motion made by Supervisor Roller, seconded by Supervisor Throckmorton, to reject the Wildlife Fencing bid due to the bid exceeding available funding. Motion passed 3-0 unanimously.

4. Interest in County Owned Property

Mr. Simpson said in the past 2 weeks, there have been inquires on some of the property owned by the County which surrounds the fairgrounds. He referenced page 17 of the packet and he said the first property is located adjacent to Plywood Trail and Highway 360. He stated in late 2018 or early 2019, Mr. Wilkins is located in the middle of the property and he purchased additional property surrounding his property. He said a prospective business has made an inquiry to acquire this parcel containing 22 acres which is outlined in red.

Mr. Simpson said if there is interest in making the property available, the process is to advertise a public hearing and to receive comments from the public. He stated the potential buyer and purchase amount does not need to be disclosed at this time. He said he thought it was appropriate to bring it to the Building and Grounds Committee first to see if there is any interest to move forward. He stated a purchase price has not been discussed yet. He said the potential buyer would like to be close to Highway 360 and the South Boston speedway.

Motion made by Supervisor Throckmorton, seconded by Supervisor Roller, to recommend the Board of Supervisors to conduct a public hearing on the disposal of certain real property containing 22 acres owned by the County. Motion passed 3-0 unanimously.



Mr. Simpson said the second part is for another large parcel of land which is on page 18 of the packet. He said the 2 parcels outlined in red are County owned property and the fairground is located in between the parcels. He said the large parcel on the right is wooded area and contains approximately 110 acres. He said the parcel to the left outlined in red is contains approximately 35 acres. He stated both parcels are timbered with small pines replanted.

Mr. Simpson said the request he has received on this property is from a potential partner who is proposing to lease the parcels. He said numbers have not been discussed and he is bringing it forth to the Committee to see if there is any interest to move forward. Mr. Simpson commented that a lease would be long term revenue to the County and the partner company would also provide revenues from associated taxes and other related items.

Supervisor Brandon wanted to know how much County property would be left located next to the fairgrounds and Mr. Simpson said approximately 45 - 50 acres including the fairgrounds and all property discussed is currently unused and planted in 3 year old pines.

Motion made by Supervisor Throckmorton, seconded by Supervisor Roller, to recommend to the Board of Supervisors to discuss in closed session the proposal to lease County owned property. Motion passed 3-0 unanimously.



5. Code Section 15.2-915 Section E – Firearms Prohibition

Mr. Simpson said over the last 6 months, he had been asked about why metal detectors are not being used going into the board room. He said the reason is when the court house was being renovated, Circuit Court was held in the Board Room. He said the Mary Bethune building and the Board Room were classified as Court facilities which allowed certain restrictions. He said the Board of Supervisors benefited from that because the Sheriff could then check everyone coming into the facility. Mr. Simpson said when the court house renovation was completed, the rules changed for the Mary Bethune building from a security standpoint.

Mr. Simpson said subsequent to all of the above, Code Section 15.2-195 was adopted by the General Assembly last year. He said a copy of the Code Section is included in the packet on pages 19 and 20. He discussed Item E with the Committee members which allows localities the authority to restrict firearms from public operating spaces. Mr. Simpson discussed some of the concerns for allowing firearms to be carried into some of the County buildings. He said he wanted to advocate for County employees to have safe working environments and also for the Board of Supervisors and County staff that are attending board meetings to have a safe environment.

Motion made by Supervisor Throckmorton, seconded by Supervisor Roller, to recommend to the Board of Supervisors to discuss the firearms being restricted from County buildings. Motion passed 3-0 unanimously.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 9. General Powers of Local Government

§ 15.2-915. Control of firearms; applicability to authorites and local governmental agencies.

A. No locality shall adopt or enforce any ordinance, resolution, or motion, as permitted by § 15.2-1625, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services based on behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from working at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-121, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governmental entity, department, or agency.

B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is revised.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "workplace" means "workplace of the locality."

E. Notwithstanding the provisions of this section, a locality may adopt an ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way in any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Notwithstanding this section, such ordinance shall apply only to the part of the building that is being used for a governmental purpose and where such building, or part thereof, is being used for a governmental purpose.

Any such ordinance may include security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit by a person with any firearm.

ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

The provisions of this subsection shall not apply to the activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports teams recognized by a public or private institution of higher education where the sport engaged in by such program, or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions.

F. Notice of any ordinance adopted pursuant to subsection E shall be posted (i) at all entrances of any building, or part thereof, owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) at all entrances of any recreation or community center facilities operated by the locality, or by any authority or local governmental entity created or controlled by the locality, and (iv) at all entrances or other appropriate places of ingress and egress to any public street, road, alley, or sidewalk, or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

1987, c. 625, § 15.1-29.15, 1918, c. 392, 1997, re. 250, 267, 2002, c. 884; 2003, c. 943; 2004, cc. 832, 823; 2009, cc. 725, 722; 2012, c. 223; 2020, cc. 1205, 1247.

Supervisor Roller inquired about the status on the media center which has been returned to the County. Mr. Simpson confirmed there has been some interest and inquires but nothing has transpired yet.

D. Adjourn

Motion made by Supervisor Roller, seconded by Supervisor Throckmorton, to adjourn.

Motion passed, 3-0.

The meeting adjourned at 4:15 p.m.

CONSENT AGENDA

MONTH:

APRIL 2022

BILL WARRANT NUMBERS:

130208 - 130424

3615-3634

PAYROLL WARRANT NUMBERS:

35325-35529

| <u>GENERAL FUND:</u> | <u>TOTAL EXPENDED</u> |
|---|-----------------------|
| | |
| BILLS | \$1,832,209.95 |
| PAYROLL | \$858,064.23 |
| | |
| <u>GRANT FUND:</u> | |
| | |
| BILLS | \$15,420.18 |
| PAYROLL | \$106,228.21 |
| | |
| <u>E 911 FUND:</u> | |
| | |
| BILLS | \$17,520.49 |
| PAYROLL | \$81,929.78 |
| | |
| <u>OTHER:</u> | |
| CAPITAL EXPENDITURES | \$2,139.83 |
| COMM. DEBT ACCOUNT | |
| COURTHOUSE MAINTENANCE FUND | |
| DRUG PROSECUTOR FORFEITURE | |
| HERITAGE | \$3,571.49 |
| GENERAL OBLIGATION FUND (LANDFILL) | |
| AIRPORT | \$33,476.93 |
| AIRPORT CAPITAL | \$6,674.00 |
| LAW LIBRARY | |
| UNEMPLOYMENT FUND | |
| WAR MEMORIAL | |
| DRUG PROS. FUND | |
| SCHOOLS | |
| LIBRARY - VRS HYBRID | \$51.89 |
| ANTHEM HEALTH PREMIMUM | |
| SOCIAL SERVICES | \$394.89 |
| TOTAL | \$2,957,681.87 |

JUNE 6, 2022

SUPPLEMENTAL APPROPRIATIONS

| ORG | OBJ | DEPARTMENT/DESCRIPTION | PURPOSE | AMOUNT |
|----------|--------|--|---------------------------|--------------|
| 10052216 | 503500 | CLERK CIR CT - PRINTING/BINDING | REIMBURSEMENT RECEIVED | 3,605.97 |
| 10052216 | 505210 | CLERK CIR CT - POSTAGE | REIMBURSEMENT RECEIVED | 491.85 |
| 10052216 | 503500 | CLERK CIR CT - PRINTING/BINDING | TECHNOLOGY FUNDS RECEIVED | 7,360.08 |
| 10023307 | 230701 | CLERK CIR CT REVENUE | REIMBURSEMENT RECEIVED | (11,457.90) |
| 10052211 | 501100 | CIR COURT - SALARIES | FUNDS REQUIRED | 9,039.62 |
| 10052211 | 502100 | CIR COURT - FICA | FUNDS REQUIRED | 691.53 |
| 10051124 | 508102 | TREASURER - EQUIPMENT | FUNDS REQUIRED | 3,000.00 |
| 10011106 | 110602 | PENALTIES | FUNDS REQUIRED | (12,731.15) |
| 10053312 | 501205 | SHERIFF - SCH OVERTIME | REIMBURSED FEES | 32,000.00 |
| 10018000 | 189914 | SCH SECURITY REIMBURSEMENT | REIMBURSED FEES | (32,000.00) |
| 10054423 | 501200 | PUBLIC WORKS - OT | FUNDS REQUIRED | 35,000.00 |
| 10054423 | 502100 | PUBLIC WORKS - FICA | FUNDS REQUIRED | 2,678.00 |
| 10011106 | 110602 | PENALTIES | FUNDS REQUIRED | (37,678.00) |
| 10052216 | 503500 | CLERK CIR CT - PRINTING/BINDING | REIMBURSEMENT RECEIVED | 716.72 |
| 10052216 | 505210 | CLERK CIR CT - POSTAGE | REIMBURSEMENT RECEIVED | 223.75 |
| 10052216 | 503500 | CLERK CIR CT - PRINTING/BINDING | TECHNOLOGY FUNDS RECEIVED | 6,692.00 |
| 10023307 | 230701 | CLERK CIR CT REVENUE | REIMBURSEMENT RECEIVED | (64,042.28) |
| 10052216 | 506012 | CLERK CIR CT - BOOKS AND SUBSCRIPTIONS | REIMBURSEMENT RECEIVED | 50,000.00 |
| 10052216 | 506001 | CLERK CIR CT - OFFICE SUPPLIES | REIMBURSEMENT RECEIVED | 6,409.81 |
| 10058817 | 505601 | TOURISM - CONTRIBUB FROM HC | REIMBURSEMENT RECEIVED | 120,000.00 |
| 10018000 | 189998 | TOURISM REPAYMENT OF SALARIES | REIMBURSEMENT RECEIVED | (120,000.00) |
| 10058824 | 501100 | SOIL AND WATER SALARY | REIMBURSEMENT RECEIVED | 2,280.00 |
| 10058824 | 502100 | SOIL AND WATER FICA | REIMBURSEMENT RECEIVED | 182.00 |
| 10058824 | 502220 | SOIL AND WATER HYBRID VRS | REIMBURSEMENT RECEIVED | 542.00 |
| 10058824 | 502300 | SOIL AND WATER HOSPITALIZATION | REIMBURSEMENT RECEIVED | 1.00 |
| 10058824 | 502400 | SOIL AND WATER GROUP INSURANCE | REIMBURSEMENT RECEIVED | 129.00 |
| 10019000 | 190203 | REIMB SWCD SALARY | REIMBURSEMENT RECEIVED | (3,134.00) |
| 10053351 | 506001 | ANIMAL CONTROL OFFICE SUPPLIES | FUNDS RECEIVED | 880.00 |
| 10016606 | 160601 | ANIMAL REDEMPTIONS | FUNDS RECEIVED | (880.00) |
| 10053351 | 506004 | ANIMAL CONTROL - MEDICAL SUPPLIES | RESTITUTION RECEIVED | 826.26 |
| 10018000 | 189961 | ANIMAL CONTROL SERVICE REVENUE | RESTITUTION RECEIVED | (826.26) |
| 21015000 | 150201 | AIRPORT REVENUE | REVENUE GENERATED | (75,000.00) |
| 21054440 | 506024 | AIRPLANE GAS PURCHASE | REVENUE GENERATED | 75,000.00 |
| 10053322 | 505653 | FIRE PROGRAMS FUND | CARRYOVER | 23,003.18 |
| 10041000 | 419999 | USE OF FUND BALANCE | CARRYOVER | (23,003.18) |
| 10059916 | 330256 | CARES PASSTHROUGH FUNDS | FUNDS RECEIVED | (45,373.81) |
| 10059916 | 509202 | CARES PASSTHROUGH EXP | FUNDS RECEIVED | 45,373.81 |
| 20100282 | 505935 | LOCAL PROBATION FEES EXP | REVENUE RECEIVED | 675.00 |
| 20132000 | 406000 | MISC LOCAL REIMBURSEMENT | REVENUE RECEIVED | (675.00) |

RECOGNITIONS

PUBLIC HEARINGS



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|------------------------------|---|
| Meeting Date: | June 06, 2022 | Staff Members: Scott Simpson Stephanie Jackson |
| Item # | H – 1 | |
| Ordinance # | | |
| Department: | County Administration | |
| Subject: | Budget Amendment | |

Background:

With the recent closing and funding of the VPSA Bonds for the High School project, the County needs to account for the additional \$105,223,433 of funds to flow through the County Capital Budget. Since this budget amendment exceeds 1% of the existing FY 2021-2022 budget total, a public hearing is required in order to receive input from the public regarding the amendment.

The public hearing is also to advise the public and receive input regarding amending the advertised FY2022-2023 budget for the same reason.

Needed Action:

Open Public Hearing

Receive Public Comment

Close Public Hearing

Consider Resolution 2022-19 Approving a Budget Amendment and Appropriation for the 2021-2022 Fiscal Year Budget.

5/26/2022

NOTICE OF BUDGET AMENDMENT

**County of Halifax, Virginia - Budget Amendment for the Fiscal Years Ending
June 30, 2022 and June 30, 2023**

A Public Hearing will be held by the Board of Supervisors on a proposed 2021-2022 and 2022-2023 County Budget Amendment in the Board Meeting Room at the Mary Bethune Administrative Complex, 1030 Mary Bethune Street, Halifax, Virginia on Monday, June 6, 2022 at 6:30PM, or as soon thereafter, at which time any citizen of Halifax County shall have the right to attend and state their views.

There is no allocation or designation of any funds of this County for any purpose until there has been an appropriation for that purpose by the Board of Supervisors. This Amendment will not be considered for adoption until after the Public Hearing. This Notice is published pursuant to Section 15.2-2507 of the Code of Virginia (1050) as amended. The following is a description of the Budget Amendment.

Halifax County closed on the borrowing with VPSA on May 17, 2022 for the High School Project. The proposed amendment accepts these funds and appropriates them for subsequent expenditure in both fiscal year 2022 and 2023.

| REVENUES | FY2022 PROPOSED |
|---|------------------------|
| Capital Fund - VPSA 2022A Loan Proceeds | \$105,223,433 |
| TOTAL REVENUES | \$105,223,433 |

| EXPENDITURES | FY2022 PROPOSED |
|------------------------------------|------------------------|
| Capital Fund - High School Project | \$105,223,433 |
| TOTAL EXPENDITURES | \$105,223,433 |

| REVENUES | FY2023 PROPOSED |
|---|------------------------|
| Capital Fund - VPSA 2022A Loan Proceeds | \$105,003,433 |
| TOTAL REVENUES | \$105,003,433 |
| EXPENDITURES | FY2023 PROPOSED |
| Capital Fund - High School Project | \$105,003,433 |
| TOTAL EXPENDITURES | \$105,003,433 |



HALIFAX COUNTY BOARD OF SUPERVISORS

SCOTT R. SIMPSON, P.E., MPA
County Administrator
srs@co.halifax.va.us

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CALVIN "RICKY" SHORT - ED#1
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VICE CHAIRMAN

LARRY ROLLER - ED#2
H. W. H. PANNELL - ED#3
RONNIE DUFFEY - ED#4
DEAN THROCKMORTON - ED#5
STANLEY BRANDON - ED#6
W. BRYANT CLAIBORNE - ED#8

2022-19

RESOLUTION APPROVING A BUDGET AMENDMENT AND APPROPRIATION FOR THE FISCAL YEAR 2021-2022 THE COUNTY OF HALIFAX, VIRGINIA

The Board of Supervisors of Halifax County, Virginia ("Board"), at its regular meeting on the 6th day of June 2022, adopts the following resolution:

WHEREAS, Virginia Code Section 15.2-2507 states that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year; and

WHEREAS, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing once in a newspaper having general circulation in that locality at least seven days prior to the meeting date; and

WHEREAS, notice was provided in the local newspaper on May 26, 2022, as well as placed on the County website; and

WHEREAS, the Board held a properly advertised public hearing regarding the proposed budget amendment on June 6, 2022; and

WHEREAS, the Board finds that the Capital Fund – VPSA 2022A funding of \$105,223,433 proposed Amendment is in the best interests of the County; and

NOW, THEREFORE, BE IT RESOLVED: the Board, therefore, desires to adopt the Amendment of \$105,223,433 to the budget for a New Total Budget for FY2022 in the amount of \$247,882,479; and

BE IT FURTHER RESOLVED: That the Board of Supervisors hereby appropriates the Amendment of \$105,223,433 for a total appropriation amount of \$247,882,479

BE IT STILL FURTHER RESOLVED: That this resolution shall take effect immediately.

VOTE:

Ayes: _____
Nays: _____
Absent During Vote: _____
Absent During Meeting: _____

Resolution adopted this 6th day of June 2022.

Calvin "Ricky" Short, Chairman

ATTEST:

Scott R. Simpson, Clerk



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|------------------------------------|---|
| Meeting Date: | June 06, 2022 | Staff Members: Scott Simpson |
| Item # | H - 2 | |
| Ordinance # | | |
| Department: | County Administration | |
| Subject: | Solid Waste Management Plan | |

Background:

Halifax County is a partner member of the Southside Regional Public Service Authority (Regional Landfill). The first DRAFT of the Solid Waste Management Plan has been completed and is ready for review. The following pages are the narrative portion of the document; the entire full document with all attachments is 277 pages. This is a major amendment to the plan. The plan had not been updated since 2004/2005 so was very out of date relative to landfills in operation and closures.

The purpose of the public hearing is to acquaint the public with the proposed Plan and to allow the public an opportunity to comment on the Plan. Suggestions and comments will then be forwarded to the SRPSA for consideration for inclusion in the final Plan prior to submittal to DEQ.

Needed Action:

Open Public Hearing

Receive Public Comment

Close Public Hearing

Consider Resolution 2022-18 Resolution for Acceptance of the SRPSA Solid Waste Management Plan by the Halifax County Board of Supervisors.

5/26/2022

**Halifax County, Virginia
Notice of Public Hearing
SRPSA Solid Waste Management Plan - Major Amendment**

Pursuant to the requirements of 9 VAC 20-130-130 of the Virginia Solid Waste Planning and Recycling Regulations, Halifax County, Virginia will hold a public hearing to discuss the proposed Southside Regional Public Service Authority (SRPSA) Solid Waste Management Plan - Major Amendment - Draft 1, dated April 1, 2022 (the Plan). The Planning Region (Region) consists of the Counties of Charlotte, Halifax and Mecklenburg and their incorporated Towns. The Plan by regulation must address collection, disposal and recycling in the Region for a 20-year period. The planning period under consideration runs from 2020 through 2040. The Plan must be submitted by the SRPSA to the Virginia Department of Environmental Quality (DEQ) for approval.

The purpose of the public hearing is to acquaint the public with the proposed Plan and to allow the public an opportunity to comment on the Plan. Suggestions and comments will then be forwarded to the SRPSA for consideration for inclusion in the final Plan prior to submittal to DEQ.

The public hearing will be held on Monday, June 6, 2022 during the regularly scheduled Board of Supervisors meeting at 6:30 p.m., in Public Meeting Room 201 of the Mary Bethune Office Complex. Comments on the Solid Waste Management Plan will be accepted until 5:00 PM on June 3, 2022. Written comments should be addressed to ph@co.halifax.va.us. A copy of the Solid Waste Management Plan can be reviewed at Halifax County Administration, 1050 Mary Bethune Street, Halifax, Virginia 24558 between the hours of 8:00 AM and 5:00 PM. For more information, contact the County Administrator's office.



SCOTT R. SIMPSON, P.E., MPA
County Administrator
srs@co.halifax.va.us

HALIFAX COUNTY BOARD OF SUPERVISORS

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DEAN E. THROCKMORTON - ED#5
STANLEY BRANDON - ED#6
W. BRYANT CLAIBORNE - ED#8

2022-18

RESOLUTION FOR ACCEPTANCE OF THE SRPSA SOLID WASTE MANAGEMENT PLAN BY THE HALIFAX COUNTY BOARD OF SUPERVISORS

WHEREAS, Section 10.1-1411 of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning, and

WHEREAS, the Virginia Waste Management Board has promulgated such regulations entitled, "Solid Waste Planning and Recycling Regulations (the Regulations), as 9 VAC 20-130 *et seq.*, through the Virginia Department of Environmental Quality, and

WHEREAS, the Southside Regional Public Service Authority (SRPSA) Planning Region consists of the Counties of Charlotte, Halifax and Mecklenburg and their respective incorporated Towns, and

WHEREAS the original SRPSA Solid Waste Management Plan (the Plan) was approved by the members of the Region, submitted to the Virginia Department of Environmental Quality (VDEQ) and approved by VDEQ on September 22, 2005 and

WHEREAS the Regulations set forth criteria for identifying amendments to the Plan under 9VAC20-130-175 and established a process for public participation for approval of major amendments under 9VAC20-130-130, and

WHEREAS the current amendment to the SRPSA Plan constitutes a major amendment given the significant changes in the solid waste management system of the Region since the original Plan was approved, and

WHEREAS, the Southside Regional Public Service Authority (SRPSA) has enlisted the services of Draper Aden Associates to complete the major amendment to the Plan (Document entitled "Solid Waste Management Plan - Major Amendment - Southside Regional Public Service Authority - Draft 1," dated April 1, 2022), and

WHEREAS, the County has provided time for the public to review and comment on said Plan and held a public hearing relative to the plan on June 6, 2022, and

WHEREAS, the County recognizes its responsibility to notify the SRPSA should anything change in its program from that reported in the Solid Waste Management Plan - Major Amendment 1 recognizing that changes will require an amendment to the Plan as required by the regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Halifax County has reviewed the plan and addressed the Plan at their meeting in regular session on June 6, 2022, and hereby adopts that portion of the Plan which applies directly to the County, and authorizes its submittal to the Virginia Department of Environmental Quality.

Adopted this 6th day of June 2022.

Calvin R. Short, Chairman

Attested:

Scott R. Simpson, Clerk

EXECUTIVE SUMMARY

The following solid waste management plan (the Plan or SWMP) for the Southside Regional Public Service Authority (Region or Authority) is submitted in accordance with 9 VAC 20-130-10 et seq. This submittal is considered a Major Amendment to the 2004 Plan, although 5-year updates via letter have been submitted and accepted by DEQ since the original acceptance of the 2004 Plan. Because of the closure of landfills and the opening of the Butcher Creek Landfill (SWP 598) in 2008, this submittal is considered a Major Amendment to the older Plan.

The Region officially formed a regional public service authority on September 21, 2004. A copy of the Articles of Incorporation is included in **APPENDIX 1** and a copy of the signed Member Use Agreement is included in **APPENDIX 2**. The Authority consists of the Counties of Charlotte, Halifax, and Mecklenburg. The Region includes the County of Charlotte and the incorporated towns of Charlotte Court House, Drakes Branch, Keysville, and Phenix; the County of Halifax and the incorporated towns of Halifax, Scottsburg, South Boston and Virgilina; and the County of Mecklenburg and the incorporated towns of Boydton, Chase City, Clarkesville, LaCrosse, and South Hill.

The following table summarizes important key elements of the Region’s existing programs in 2020:

**TABLE 1A
 KEY ELEMENTS OF EXISTING SOLID WASTE PROGRAM
 SOUTHSIDE PLANNING REGION**

| LOCALITY | PROGRAM | ELEMENTS |
|-------------------------|----------------|--|
| Charlotte County | Collection | <ul style="list-style-type: none"> • 7 staffed collection/recycling centers currently in operation for collection of residential household waste, large household items and recyclables. • No curbside collection is provided. • County Public Works Department manages the collection system. |
| | Disposal | <ul style="list-style-type: none"> • Transports waste to the Southside Regional Public Service Authority regional landfill. |
| | Recycling | <ul style="list-style-type: none"> • Newspaper, shredded paper, corrugated cardboard, glass, scrap metal and aluminum, clothing, and tires are accepted for recycling at all 7 centers. • Co-mingled recycling (including newspaper, cardboard, paperboard, magazines, mixed paper, aluminum and steel cans, and #1 & #2 plastics) is accepted at the Charlotte Court House recycling center only. • County transports recyclables to various private recycling businesses. • County provides information to Authority for recycling rate reports. |

| LOCALITY | PROGRAM | ELEMENTS |
|----------------------------------|------------|---|
| | Treatment | <ul style="list-style-type: none"> There are no treatment activities as defined by the regulations. |
| Towns in Charlotte County | | |
| Charlotte CH | Collection | <ul style="list-style-type: none"> Not available. |
| Drakes Branch | Collection | <ul style="list-style-type: none"> Not available. |
| Keysville | Collection | <ul style="list-style-type: none"> Not available. |
| Phenix | Collection | <ul style="list-style-type: none"> Not available. |
| Halifax County | | |
| | Collection | <ul style="list-style-type: none"> 6 convenience center / recycling collection centers available. County Public Works Department manages collection system. |
| | Disposal | <ul style="list-style-type: none"> All waste transported to Southside Regional Public Service Authority regional landfill. Continue post-closure care of its closed landfill (Permit 092); closed in 2003. |
| | Recycling | <ul style="list-style-type: none"> Co-mingled recycling is available at all recycling centers. Co-mingled recyclables include cardboard, mixed paper, metals, and plastics (#1 and #2) |
| | Treatment | <ul style="list-style-type: none"> There are no treatment activities as defined by the regulations. |
| Towns in Halifax County | | |
| Halifax | Collection | <ul style="list-style-type: none"> Residential curbside trash collection provided by Town. |
| | Recycling | <ul style="list-style-type: none"> Mandatory recycling Co-mingled recyclables picked up one day per week. Recyclables include aluminum cans, metal cans, newspapers, milk/soda/water bottles (#1 and #2 plastics), and corrugated cardboard. |
| Scottsburg | Collection | <ul style="list-style-type: none"> No information available. |
| South Boston | Collection | <ul style="list-style-type: none"> Residential curbside refuse collection provided one day per week by Town free of charge. Commercial refuse collection is offered 1-3 days per week at charge to Town commercial customers. Bulk waste collection throughout the year that includes appliances, metal debris, household furniture, brush, and limbs. |
| | Disposal | <ul style="list-style-type: none"> Continue post closure care of its closed landfill (Permit 031); closed in 2008. |
| Virgilina | Collection | <ul style="list-style-type: none"> Not available. |

| LOCALITY | PROGRAM | ELEMENTS |
|------------------------------------|------------|---|
| Mecklenburg County | Collection | <ul style="list-style-type: none"> • Green box system (consisting of approximately 162 locations, 542 boxes). • 2 convenience center locations. • Collected by County |
| | Disposal | <ul style="list-style-type: none"> • All waste transported to Southside Regional Public Service Authority regional landfill located in Mecklenburg County near Chase City. • County residents may dispose of household waste at no charge. • Continue post closure care of its closed landfill (Permit 014); closed in 2008. |
| | Recycling | <ul style="list-style-type: none"> • County provides eight public recycling drop off sites. • Most facilities accept newspaper, cardboard, and aluminum. • One facility accepts used motor oil. • One facility accepts metal and household appliances, non-split tires |
| | Treatment | <ul style="list-style-type: none"> • There are no treatment activities as defined by the regulations. |
| Towns of Mecklenburg County | | |
| Boydton | Collection | <ul style="list-style-type: none"> • Residential curbside collection is provided weekly for a fee. • Residential collection is done by Town trucks. Commercial collection is done privately. |
| Chase City | Collection | <ul style="list-style-type: none"> • Residential collection is done by Town trucks. Commercial collection is done privately. |
| Clarksville | Collection | <ul style="list-style-type: none"> • A manned convenience center is under construction, and should be completed by July, 2022. • Residential curbside collection is provided weekly for a fee. • Commercial collection is provided for a fee. • Residential collection is done by Town trucks. Commercial collection is done privately. |
| LaCrosse | Collection | <ul style="list-style-type: none"> • Manned convenience center. • Residential collection is done by Town trucks. Commercial collection is done privately. |

| LOCALITY | PROGRAM | ELEMENTS |
|------------|------------|---|
| South Hill | Collection | <ul style="list-style-type: none"> • Manned convenience center. • Town trucks collect commercial waste. • Residential collection is done by Waste Industries. • Collection is weekly. • Carts are provided by the private company. • Grass, brush, and leaves are collected by the Town on a seasonal basis. • Bulky items are collected monthly. • Special bulky items may be collected by calling the Town. |
| | Recycling | <ul style="list-style-type: none"> • Curbside comingled recycling is provided to residential and small commercial customers. • Town contracts with private company for these services. • Recycling is collected every other week. • Carts are provided by the private company. • Recycling include newspaper, mixed paper, cardboard, plastic containers (#1 and #2), aluminum and steel cans, and glass bottles. |

The three Counties became the Southeast Public Service Authority on September 21, 2004. They are bound via the User Agreement to use the Butcher Creek Landfill (SWP 598), located in Mecklenburg County. Halifax County constructed a transfer station (PBR 539) for transport of waste from the County to the Butcher Creek landfill. The Counties (and Towns as applicable) are responsible for waste collection, recycling, and post closure care of their landfills.

Goals for the solid waste program within the Region for 2020 through 2040 include the following:

Collection - Goals and Objectives: (By members)

- Members will continue to provide cost-effective collection systems for the citizens of the Region.

Disposal - Goals and Objectives: (By Authority)

- Each member with a closed landfill shall maintain its landfill in an environmentally sound manner and in accordance with all federal, state, and local regulations for the 30-year post closure period (minimum).
- Authority to continue to operate regional landfill in cost effective manner.
- Authority to schedule periodic aerial surveys to determine landfill capacity and construction schedules.
- Authority will plan for construction and financing of new cells based on survey information.

- Authority will manage all leachate generated by the facility and install required storage capacity per Permit Amendment No. 4. Leachate is currently treated at the South Hill Wastewater Treatment Facility under a Leachate Disposal Agreement.
- Authority to consider additional tonnage from new regional partners or private sector as interest may dictate.

Recycling - Goals and Objectives: (By members)

- Expand recycling within government offices and schools as interest dictates.
- Work with community groups to expand recycling opportunities as appropriate.
- Establish additional drop off facilities or expand existing recycling services as interest dictates.
- Expand cardboard recycling as interest dictates.
- Authority to consider regionalizing or developing some programs or recordkeeping systems.
- Authority to improve reporting system to facilitate tracking for VDEQ reporting.
- Authority to consider feasibility of composting.

Litter Control – Goals and Objectives:

Continue to support existing programs.

Treatment – Goals and Objectives

No treatment activities are planned by the Region.

Section 8.0 describes the future long-term goals for the program in greater detail and includes a list of action items.

Record Keeping

In addition to the daily record keeping, the region documents or will document their solid waste activities in several ways:

- Annual reports to and periodic communications with the Southside Regional Public Service Authority prepared by the Executive Director or similar person of responsibility of the Authority.
- Annual reports to the Counties Board of Supervisors by the Authority as may be requested.
- Annual submittal to DEQ by March 31 of each year of the Waste Information and Assessment Report (Form 50-25) by Authority.
- Annual submittal to DEQ by April 30 of each year of the Recycling Rate Report (Form 50-30) by Authority (after compiling information from the Counties).
- Annual submittal to DEQ of the update to financial assurance by the Authority for the regional landfill. (Localities responsible for financial assurance for their closed landfills and Halifax County for the transfer station.)

All these reports, updates and DEQ submittals as well as all background and permitting information on the landfill are kept in the central archive (files) of the Southside Regional Public Service Authority which are currently identified as the files of Mecklenburg County who will be an acting agent on behalf of the Authority. The files are located in the County Administration Building at 350 Washington Street, Boynton, VA 23917 (Phone: 434-738-6191) The Director of DEQ or other DEQ representatives receive copies of appropriate information relative to the Region's solid waste management program through the following sources:

- Direct submittal to DEQ of Forms 50-25 and 50-30 on an annual basis
- Permit applications
- Permit amendment applications
- Updates to the solid waste management plan
- General correspondence which may be required from time to time

Funding

Programs are funded and will be funded in the following ways.

**TABLE 1B
 PROGRAM FUNDING
 SOUTHSIDE REGIONAL PLANNING REGION**

| LOCALITY | FUNDING MECHANISMS |
|-------------------------|---|
| Charlotte County | <ul style="list-style-type: none"> • Pays tipping fees to regional landfill for waste delivered by County. • Collection costs, recycling expenses and tipping fees are paid from General Fund, which is funded from tax revenues. • Businesses and industries, which deliver their waste directly to the regional landfill or other disposal facility, pay the facility directly. |
| Halifax County | <ul style="list-style-type: none"> • County funds its collection and disposal services from the General Fund. • Charges tipping fees at the transfer station for non-residential waste and residential private waste service providers. • All department costs are funded from the General Fund and a per household solid waste fee of \$75 annually. • Businesses and industries, which deliver their waste directly to the regional landfill or other disposal facility, pay the facility directly. |

| LOCALITY | FUNDING MECHANISMS |
|----------------------------------|---|
| Mecklenburg County | <ul style="list-style-type: none"> • Costs for collection and recycling are funded from the General Fund. • Costs for disposal at the regional landfill are funded from the General Fund. • Businesses and industries, which deliver their waste directly to the regional landfill or other disposal facility, pay the facility directly. |
| Authority (Regional Landfill) | <ul style="list-style-type: none"> • The Authority operates as an enterprise fund and funds its obligations for operations, construction of cells through tipping fees. • Each locality that is a member of the Authority under its User Agreement with the Authority is bound to deliver all waste under its control and is asked to pledge its "moral obligation" to fund any deficits in the Authority's operation. The localities would fund this from their General Fund or reserve funds. |

**SOUTHSIDE REGIONAL PUBLIC SERVICE AUTHORITY
SOLID WASTE MANAGEMENT PLAN - 2020 UPDATE
COLLECTION SYSTEM
GOALS AND ACTION ITEMS**

| Item Number | Goal | Action Item | Schedule | Budget | Responsible party |
|--------------------|--|--|----------------------------------|--|--------------------------|
| C-1 | Continue to provide a cost-effective collection system for the citizens of the Region. | <ul style="list-style-type: none"> • No specific action items required or under implementation at this time. • Collection of waste is the responsibility of each member. • Collection systems adjusted as required. Some collection is public and some is privatized. Contracts negotiated by individual members. | Determined by individual member. | Included in annual budgets of each member. | Individual members |

**SOUTHSIDE REGIONAL PUBLIC SERVICE AUTHORITY
SOLID WASTE MANAGEMENT PLAN - 2020 UPDATE
DISPOSAL SYSTEM
GOALS AND ACTION ITEMS**

| Item Number | Goal | Action Item | Schedule | Budget | Responsible party |
|--------------------|--|--|------------------------|--|--------------------------|
| D-1 | Each member with a closed landfill shall maintain its landfill in an environmentally sound manner and in accordance with all federal, state and local regulations for the 30-year post closure period (minimum). | A. Provide adequate training to all personnel in the closure and post closure of the landfill. (By locality). B. Conduct internal inspections to assure compliance. (By locality). C. Contract professional engineering services as necessary to assure compliance during post closure period. (By locality). D. If post closure care is terminated under the VDEQ regulations provide the Authority with a copy of approval by VDEQ. | On-going | Included in annual budgets of each member. | Individual members |
| D-2 | Authority to continue to operate regional landfill in cost effective manner. | Annually assess operations to identify modifications as may be needed or to adjust tipping fees. | Annually | No cost. | Authority |
| D-3 | Authority to periodically schedule an aerial survey of operating area, to determine remaining capacity. | Authority will solicit a proposal from professional engineer to evaluate remaining capacity. | Completed periodically | Included in Authority's annual budget | Authority |

| Item Number | Goal | Action Item | Schedule | Budget | Responsible party |
|-------------|--|---|---------------------------|---|-------------------|
| D-4 | Based on capacity values, planning for construction of the next cell will be completed in a timely manner. | Construction document preparation/bidding/construction/CQA | To be determined | Will be funded by loan from VRA or other lending institution. | Authority |
| D-5 | Permit Amendment No. 4 included additional capacity requirements of the leachate collection system. (Leachate Management Plan) | Authority to integrate a second 500,000-gallon tank for the leachate collection system. | To be determined | Will be funded by loan from VRA or other lending institution. | Authority |
| D-6 | Authority to consider additional tonnage from new regional partners or private sector. | When requests are received, the Authority will consider and Board will determine required actions. If new regional membership, SWMP will be modified accordingly. For contractual usage, not requiring membership, VDEQ will be notified if the service area is expanded. | As requests are received. | NA | Authority |

**SOUTHSIDE REGIONAL PUBLIC SERVICE AUTHORITY
SOLID WASTE MANAGEMENT PLAN - 2020 UPDATE
RECYCLING
GOALS AND ACTION ITEMS**

| Item Number | Goal (2015) | Action Item | Schedule | Budget | Responsible party |
|--------------------|---|--|-------------------------------------|-----------------------------|---------------------------------|
| R-1 | Expand recycling within government offices and schools | <ul style="list-style-type: none"> No specific action items required or under implementation at this time. Recycling is the responsibility of each member. | As interest is expressed by member. | By member. | Individual members |
| R-2 | Work with community groups to expand recycling opportunities as appropriate. | <ul style="list-style-type: none"> No specific action items required or under implementation at this time. | As interest is expressed by member. | By member. | Individual members |
| R-3 | Establish additional drop off facilities or expand existing recycling services. | <ul style="list-style-type: none"> No specific action items required or under implementation at this time. | As interest is expressed by member. | By member. | Individual members |
| R-4 | Expand cardboard recycling | <ul style="list-style-type: none"> No specific action items required or under implementation at this time. | As interest is expressed by member. | By member. | Individual members |
| R-5 | Authority to consider regionalizing or developing some programs or recordkeeping systems. | Tracking system for commercial business recycling | As interest is expressed. | NA | Individual members or Authority |
| | | Mulching programs | As interest is expressed. | As required if implemented. | Individual members or Authority |
| | | Tire recycling programs. | As interest is expressed. | As required if implemented. | Individual members or Authority |

| Item Number | Goal (2015) | Action Item | Schedule | Budget | Responsible party |
|-------------|--|--|---|-----------------------------|---------------------------------|
| | | Tracking system for abandoned cars/boats/mobile homes | As interest is expressed. | NA | Individual members or Authority |
| | | Expansion of scrap metal recycling | As interest is expressed. | As required if implemented. | Individual members or Authority |
| | | Tracking system for pallets | As interest is expressed. | NA | Individual members or Authority |
| | | E-waste recycling | As interest is expressed. | As required if implemented. | Authority |
| | | Household hazardous waste collection | As interest is expressed. | As required if implemented. | Authority |
| R-6 | Improve reporting system to facilitate tracking for VDEQ reporting | Coordinate and streamline tracking systems. Develop consistency between reporting members. | Annually discuss with members to consider improvements. | NA | Authority |
| R-7 | Authority to consider feasibility of composting. | Discussions with membership. | As interest is expressed. | As required if implemented. | Authority |
| R-8 | Expand awareness of source reduction and reuse opportunities | No specific action items required or under implementation at this time. | As interest is expressed by member. | By member. | Individual members |

PRESENTATIONS



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|--|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson |
| Item # | 1 - 1 | |
| Ordinance # | | |
| Department: | Zoning Administrator | |
| Subject: | Operational Update – Southstone Recovery Center | |

Background:

Ms. Lisa Hatcher, Director of the Southstone Recovery Center, will present to the Board of Supervisors an Operational Update of the Facility.

The Conditional Use Permit issued for the Facility requires Quarterly Updates regarding their operations and any issues encountered.

Needed Action:

None.

COMMITTEE REPORTS



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|---------------------------------------|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson |
| Item # | J - 1 | |
| Ordinance # | | |
| Department: | County Administration | |
| Subject: | Policy and Personnel Committee | |

Background:

The Policy and Personnel Committee met on May 23, 2022 and rendered 3 recommendations. Reference to the Committee Minutes is encouraged for the appropriate information and synopsis.

The following page indicates the 3 recommendations and additional backup documents are also included.

Needed Action:

Consideration of the 3 recommendations from the Committee.

Policy and Personnel Committee Recommendations/Updates

Meeting dated May 23, 2022, 4:00 p.m.

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to eliminate the verbiage pertaining to how many times per year and how many times within a 3-month period a Citizen can speak at any regular Board meeting. Motion passed 3-0 unanimously.

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to decrease the time limit to 3 minutes for each speaker at Citizens Comment Period. Motion passed 3-0 unanimously.

Motion made by Supervisor Pannell, seconded by Supervisor Duffey, to recommend authorization of County staff to payout vacation carryover amounts as discussed. Motion passed 3-0 unanimously.

4.4. Citizen Comment Period

- A. At each regular meeting ~~of the month~~ of the Board of Supervisors, the Board shall set aside a citizens' comment period. During the citizens' comment period, speakers wishing to address the Board shall clearly state their name and address and shall be subject to such time limitations as the Chairman in his or her discretion may impose. Speakers may address any issue not on the public hearing calendar for the day. Speakers shall also not address any item which has been subject to a previous public hearing and action on the subject has not occurred.
- B. No individual citizen or organization shall be permitted to address the Board for more than ~~four~~ Three (3) minutes. ~~Speakers shall sign up ahead of time by calling County Administration or signing up in person directly prior to the start of the meeting.~~
- ~~C. Individuals who have previously spoken on a subject at a public hearing shall not be allowed to readdress the Board during the citizens' comment period. Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff member.~~
- ~~D. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.~~
- ~~E.C. Any citizen may request to appear before the Board at any regular Board meeting no more than four times per year and no more than once within a three-month period. Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period. Speakers may only address issues not on the public hearing calendar for the day. Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff person. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.~~
- ~~F.D. A timer-controlled lighting system will be implemented in full view of the speaker. When ~~three~~ two (2) minutes are up, an amber light will come on which will indicate that the speaker has one minute to conclude his/her comments. At the end of that one-minute period (completion of the full ~~four~~ three (3)-minute period), a red light will come on that will indicate that the speaker must relinquish the podium to the next speaker. Staff will notify the Chairman that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the Chairman.~~

4.4. Citizen Comment Period

- A. At each regular meeting of the Board of Supervisors, the Board shall set aside a citizens' comment period. During the citizens' comment period, speakers wishing to address the Board shall clearly state their name and address and shall be subject to such time limitations as the Chairman in his or her discretion may impose. Speakers may address any issue not on the public hearing calendar for the day. Speakers shall also not address any item which has been subject to a previous public hearing and action on the subject has not occurred.
- B. No individual citizen or organization shall be permitted to address the Board for more than Three (3) minutes.
- C. Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff person. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.
- D. A timer-controlled lighting system will be implemented in full view of the speaker. When two (2) minutes are up, an amber light will come on which will indicate that the speaker has one minute to conclude his/her comments. At the end of that one-minute period (completion of the full three (3)-minute period), a red light will come on that will indicate that the speaker must relinquish the podium to the next speaker. Staff will notify the Chairman that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the Chairman.



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|---|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson |
| Item # | J - 2 | |
| Ordinance # | | |
| Department: | County Administration | |
| Subject: | Finance Committee – May 24, 2022 | |

Background:

The Finance Committee met on May 24, 2022 and rendered 3 recommendations. Reference to the Committee Minutes is encouraged for the appropriate information and synopsis.

The Board of Supervisors addressed Recommendation #1 at their May 24, 2022 meeting.

The following page indicates the 3 recommendations and additional backup documents are also included.

Needed Action:

Consideration of the 2 remaining recommendations from the Committee.

Finance Committee Recommendations/Updates

Meeting dated May 24, 2022, 10:30 a.m.

Motion made by Supervisor Throckmorton, seconded by Vice-Chairman Ricketts, to recommend to approve the transfer of funds request from the School Board from instruction to maintenance category not to exceed \$300,000. Motion carried 3-0 unanimously.

Motion made by Supervisor Throckmorton, seconded by Committee Chairman Ricketts, to approve for County Staff to interview and vet the Proposals received from different entities for the new Web Site Design and make their recommendation to the Board of Supervisors. Motion carried 2-0 unanimously.

Motion made by Supervisor Throckmorton, seconded by Committee Chairman Ricketts, to recommend the Memorandum of Understanding between the County of Halifax and the Halifax County Service Authority to be presented to the Board of Supervisors for consideration at the Regular meeting on June 6, 2022. Motion carried 2-0 unanimously.

**The County of Halifax has open Requests for Proposals
on the following opportunities:**

WEB SITE DESIGN AND HOSTING

The Successful Proposer will provide a solution for planning, restructuring, revising, programming, testing, implementing, hosting, securing, and supporting a modern, professional, mobile-friendly website to serve citizens of Halifax County for all County government-related needs.

Proposals due 2 p.m., May 20, 2022.

AUDIO/VISUAL SYSTEM DESIGN AND INSTALLATION

The Successful Proposer will provide a solution for planning, designing, installing, testing, implementing, and supporting a modern, professional audio/visual system serving the needs of the Halifax County Board of Supervisors and Halifax County Planning Commission in the new County Administration Board Room.

Proposals due 2 p.m., May 20, 2022.

**Please call 434-476-3300, ext.3303
or email ooe@co.halifax.va.us for a full copy of the RFP
or to answer any questions.**

**Agreement Between the County of Halifax and the
Halifax County Service Authority to Effectively Extend,
Improve, and/or Replace Water and /or Sewer Lines
within multiple locations.**

WHEREAS, the Halifax County Service Authority (HCSA) was organized as such by comprehensive agreement dated June 30, 2007 in which HCSA was created to exercise all the powers of a Public Service Authority in acquiring, financing, constructing, operating, managing, and maintaining the water and wastewater systems previously owned by the County of Halifax (County).

WHEREAS, the County has requested that HCSA contract with engineering and construction firms of its choice to accomplish both water and sewer design and project work specifications and construction for the following projects and general budgets:

- | | |
|--|-----------|
| 1. VIRginia Motorsport Technology Park | \$300,000 |
| 2. Sinai Loop and Interconnection | \$275,000 |

WHEREAS, the County will participate and cooperate with HCSA in the management oversight of the project's contracts to ensure any federal or state requirements for ARPA or ARF Act compliance, and as the recipient, the County will remain responsible for reporting to the Treasury on their subrecipients' use of payments from the Fiscal Recovery Funds for the duration of the award; and,

WHEREAS, the HCSA will keep the County informed of progress during design and construction stages; and the HCSA will notify the County of initial project budgets and any changes thereto in excess of 10% at any stage of design or construction.

WHEREAS, a reimbursement and hold harmless agreement is required by the Halifax County Service Authority to participate in the cooperative project, the following agreement is made an integral part of this agreement:

REIMBURSEMENT AND HOLD HARMLESS AGREEMENT

This Reimbursement and Hold Harmless Agreement is dated as of June 06, 2022, by and between the Halifax County Service Authority (the "Authority"), a water and wastewater services authority formed and existing pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 1 5.2 of the 1950 Code of Virginia, as amended) ("Act") and the County of Halifax, Virginia (the "County"), a Virginia local government entity.

WITNESSETH:

WHEREAS, heretofore the Authority will undertake cooperative and concurrent projects assisting the County in the extension of selected water and sewer utility infrastructure and fire protection appurtenances used by the Authority and County for water quality and fire protection services known as the "Projects"; and,

WHEREAS, the County has procured certain funds under the American Rescue Plan Act (ARPA) to provide for improvements and the extension of approximately .35 miles of water and sewer infrastructure at the VIRginia Motorsport Technology Park; and approximately .75 miles of water main in the Sinai community;

NOW THEREFORE, the parties agree as follows:

1. The HCSA will endeavor to commence the projects as soon as practical and endeavor to complete the projects prior to December 31, 2024; the current final date for ARPA funding eligibility.
2. The County will reimburse and hold the Halifax County Service Authority harmless from any claim based upon the untimely application of the ARPA funds and specifically, if due to weather, construction hardships, or any other condition the Project is not completed in time to be funded with ARPA funds.
3. The Authority agrees to provide the highest professional standards to its procurement and its contracting so that the ARPA funds will have a reasonable opportunity to be correctly employed.
4. Ultimately the water and wastewater utilities extended, improved or replaced by the Project will remain and/or become part of the Authority's water and sewer infrastructure system and will be assets of the Authority.
5. This Agreement shall be governed by the laws of the Commonwealth of Virginia.
6. If any clause, provision or section of this Agreement shall be held illegal or invalid by any court, the illegality or invalidity of such clause, provision or section shall not affect the remainder of this Agreement which shall be construed and enforced as if such illegal or invalid clause, provision or section had not been contained in this Agreement.
7. This Agreement may be executed in counterparts each of which shall be an original and all of which together shall constitute but one and the same instrument. Facsimile and electronic signatures may substitute for and have the same effect as original signatures.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

HALIFAX COUNTY SERVICE AUTHORITY

By: _____
Mark S. Estes, Executive Director

COUNTY OF HALIFAX, VIRGINIA

By: _____
Scott R. Simpson, County Administrator



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|---|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson |
| Item # | J – 3 | |
| Ordinance # | | |
| Department: | County Administration | |
| Subject: | Finance Committee – June 2, 2022 | |

Background:

The Finance Committee met on June 2, 2022 and rendered 2 recommendations regarding categorical budget transfer requests from the School Board. The first recommendation was to approve the first 5 transfers totaling \$1,333,000. The second recommendation was to pass onto the full board for discussion the remaining 2 requested items which total \$222,050.

The following page is the request letter received from the School Board.

The Committee also discussed the allocation of the ConEdison/Waterstrider Funds and set a future meeting date of June 10, 2022 at 3:00pm to continue these discussions as well as finalize the County budget recommendation now that a State Budget has been adopted.

Needed Action:

Consideration of the recommendations from the Committee.

Finance Committee Recommendations/Updates

Meeting dated June 2, 2022, 12:00 p.m.

Motion made by Supervisor Throckmorton, seconded by Supervisor Brandon, to recommend to the Board of Supervisors to approve the request from the School Board for the following categorical transfers of appropriated funds from instruction totaling \$1,333,000: \$215,000 to administration; \$480,000 to pupil transportation; \$50,000 to maintenance; \$380,000 to administration; and \$208,000 to maintenance. Motion carried 3-0 unanimously.

Motion made by Supervisor Brandon, seconded by Supervisor Throckmorton, for the Board of Supervisors to further discuss the request from the School Board for the following categorical funding requests from instruction to maintenance: \$161,800 for purchases not budgeted in FY22; and \$60,250 for pre-construction services. Motion carried 3-0 unanimously.



**HALIFAX
COUNTY
PUBLIC SCHOOLS**

1030 Mary Bethune Street, Suite 100
P. O. Box 1849
Halifax, Virginia 24558

(434) 476-2171
Fax (434) 476-1858
www.halifax.k12.va.us

Mrs. Valdivia T. Hall
Interim Superintendent of Schools

(434) 476-3120
Fax (434) 476-3121
vhall@halifax.k12.va.us

May 24, 2022

TO: Halifax County Board of Supervisors
Mr. Scott Simpson, County Administrator

FROM: Valdivia T. Hall, Interim Superintendent

SUBJECT: End of Year Funding 2022

Halifax County School Board is requesting a school budget categorical transfer request for the following reasons:

- ① Transfer \$215,000 from instruction to administration health insurance.
- ② Transfer \$480,000 from instruction to pupil transportation health insurance.
- ③ Transfer \$50,000 from instruction to maintenance health insurance.
This is due to updated DOE reporting requirements. We will be required to provide accurate categorially funds within our payroll software reports.
- ④ Transfer \$380,000 from instruction to administration. This is due to therapist vacancies which are paid through administration contracted services.
- ⑤ Transfer \$208,000 from instruction to maintenance. This is due to the rising cost of utilities.

\$1,333,000

Transfer 161,800 from instruction to maintenance. Purchases not budgeted in FY22 Budget.

Transfer \$60,250 from instruction to maintenance. Due to pre-construction services.

\$222,050

| | BUDGET | TRANSFER | ADJUSTED BUDGET |
|-----------------------------|-------------------|------------|-------------------|
| INSTRUCTION | 41,315,173 | -1,555,050 | 39,760,123 |
| ADMINISTRATION | 3,960,209 | +595,000 | 4,555,209 |
| PUPIL TRANSPORTATION | 4,223,120 | +480,000 | 4,703,120 |
| MAINTENANCE | 4,715,347 | +480,050 | 5,195,397 |
| FACILITIES | 0 | 0 | 0 |
| TECHNOLOGY | 0 | 0 | 0 |
| FEDERAL | 4,738,288 | 0 | 4,738,288 |
| CAFETERIA | 2,850,000 | 0 | 2,850,000 |
| CARES ACT/ESSER | 6,526,804 | 0 | 6,526,804 |
| TOTAL | 68,328,941 | 0 | 68,328,941 |

If you have any questions, please feel free to contact me.

VTH/rcm



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|---|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson |
| Item # | J – 4 | |
| Ordinance # | | |
| Department: | County Administration | |
| Subject: | Buildings and Grounds Committee – May 31, 2022 | |

Background:

The Buildings and Grounds Committee met on May 31, 2022 and rendered 6 recommendations as outlined on the following page. Reference to the Committee Minutes is encouraged for the appropriate information and synopsis.

The following page indicates the 6 recommendations and additional backup documents are also included for reference. 2 of the items are recommended to be discussed in Closed Session later in the meeting.

Needed Action:

Consideration of the recommendations from the Committee.

Buildings & Grounds Committee Recommendations/Updates

Meeting dated May 31, 2022, 3:00 p.m.

Motion made by Supervisor Throckmorton, seconded by Supervisor Roller, to recommend the Board of Supervisors execute the agreement with the Red Cross for the adjusted location and space. Motion passed, 3-0 unanimously.

Motion made by Supervisor Roller, seconded by Supervisor Throckmorton, to recommend the Fair Promoter Contract to the Board of Supervisors for approval. Motion passed 3-0 unanimously.

Motion made by Supervisor Roller, seconded by Supervisor Throckmorton, to reject the Wildlife Fencing bid due to the bid exceeding available funding. Motion passed 3-0 unanimously.

Motion made by Supervisor Throckmorton, seconded by Supervisor Roller, to recommend the Board of Supervisors to conduct a public hearing on the disposal of certain real property containing 22 acres owned by the County. Motion passed 3-0 unanimously.

Motion made by Supervisor Throckmorton, seconded by Supervisor Roller, to recommend to the Board of Supervisors to discuss in closed session the proposal to lease County owned property. Motion passed 3-0 unanimously.

Motion made by Supervisor Throckmorton, seconded by Supervisor Roller, to recommend to the Board of Supervisors to discuss the firearms being restricted from County buildings. Motion passed 3-0 unanimously.

STANDARD FORM OF SPACE LICENSE AGREEMENT
FOR THE TEMPORARY USE OF
FACILITIES

(CUBICLE OR ROOM)

TERMS AND CONDITIONS

Effective Date: The date upon which this Agreement is effective, which will be the later of the dates of the signatures of Licensor and Licensee on this Form.

Owner of the Facility (the "Licensor"):

County of Halifax

Legal Name of the User of the Room (the "Licensee"):

The American National Red Cross, a nonprofit corporation, a Federally chartered instrumentality of the United States, and a body corporate and politic under the laws of the United States (36 U.S.C. §§ 300101-300111 (2007)).

Date Upon which the Licensee May Begin to Use the Room (the "Start Date"):

2/1/2022

Date Upon Which the Licensee Must Vacate the Room (the "Expiration Date"):

1/31/2027

Building Owner and Licensor's Business Address:

P.O. Box 699, Halifax, VA 24558

Room User and Licensee's Business Address:

9450 SW Gemini Dr, #75048, Beaverton, OR 97008-7105

Street Address Building of the Building Where the Room is Located:

1030 Cowford Rd., Halifax, VA 24558

Permitted Use(s) of Licensed Room (check those applicable):

- General Office
- Training and/or Testing
- Storage

Description of Licensed Room:

Suites 102 & 102A, approximately 1,426 square feet as shown in Exhibit A.

This Temporary Space License Agreement (the "Agreement") is dated and intended to be effective as of the Effective Date set forth above, and made by and between the Licensor and the Licensee named above. Under the Agreement, the Licensee is permitted to use and occupy, on a temporary basis, the space described above (the "Room") in the Building at the Location set forth above (the "Building").

1. **Grant of License.** Licensor grants Licensee the right to use the Room for the Permitted Use(s) described above. This license includes reasonable ingress and egress to and from the Room through the Building's common areas. Licensee shall not have the right to use any other space in the Building (such as library, conference rooms, break room, coffee room) or any equipment belonging to Licensor unless the Licensor gives written permission to do so. This Agreement is not a lease and Licensee is granted no leasehold interest in the Room.
2. **Term.** Licensee's right to use the Premises shall begin on the Start Date and shall end on the Expiration Date. On or before the Expiration Date, Licensee shall vacate the Room. Licensee shall repair all damage caused by Licensee's occupancy, at Licensee's sole cost and expense.
3. **Early Termination.** Either party may terminate this agreement for any reason upon ninety (90) days prior written notice to the other party.
4. **License Fee.** Licensee shall pay, as a license fee, the amount of \$0.00.
5. **Licensee's Conduct.** Licensee agrees to keep the Room in good condition and promptly repair all damage to the Premises or the Building caused by Licensee's

negligence, and not to disrupt, adversely affect or interfere with other occupants of the Building.

6. Condition of Premises and Building. Licensors make no warranty or representation about the Room or the Building. Licensee accepts the same "AS IS." Licensor is under no obligation to prepare or repair the Room or the Building for Licensee.
7. Indemnification. Licensee shall defend, hold harmless, and indemnify Licensor against any legal liability, including reasonable attorney fees, in respect to bodily injury, death, and property damage arising from the negligence of the said Licensee during its use of the Room.
8. Insurance. Licensee shall carry the following insurance coverage:
 - A. Commercial General Liability with an occurrence limit of at least one-million dollars (\$1,000,000) and an aggregate limit of at least two-million dollars (\$2,000,000);
 - B. Commercial Automobile Liability with a combined single limit of at least one-million dollars (\$1,000,000);
 - C. Workers Compensation coverage with statutory limits for the jurisdiction in which the premises are located and Employers' Liability with limits of at least one million dollars (\$1,000,000.00) per accident, one million dollars (\$1,000,000.00) disease – each employee and one million dollars (\$1,000,000.00) disease – policy limit.
9. Licensor's Right to Revoke License. Upon reasonable prior written notice to Licensee, Licensor may revoke the license represented by this Agreement if Licensee (a) fails to pay any fee or payment required hereunder or (b) breaches any other obligation hereunder and such breach continues after written notice from Licensor describing same. If this license is so revoked, Licensee shall forthwith vacate the Room in a neat and orderly manner. Licensor shall have all rights and remedies available to it under applicable law.
10. No Assignment. Licensee shall not, and shall not have any right to, assign or transfer, or sublicense this Agreement. Licensor shall have no obligation to consider or approve any such transfer, regardless of the circumstances.
11. Casualty or Condemnation Affecting Premises. Notwithstanding anything in this Agreement to the contrary, in the event that damage or casualty to all or a

part of the Room, this License shall terminate and Licensee shall have no right to restoration of the Room or to receive any compensation whatsoever.

12. Notice. Notice shall be deemed to have been duly given three (3) business days after having been mailed by certified or registered mail, return receipt requested, to the party's address set forth at the beginning of the Agreement, or upon receipt if delivered by hand or recognized overnight delivery service. Either party may change its address for the purpose of notice hereunder by providing the other party with notice of the new address.
13. Governing Law and Binding Effect. This Agreement shall be governed by and construed under the laws of the state in which the Building is located. This Agreement shall be binding on the parties and their respective, successors, transferees and assigns.
14. Brokers/Consultants. Licensor and Licensee each represent to the other that there is no broker in this transaction. Each party shall indemnify the other against the claims of any broker.
15. Authority. Each party represents and warrants that it has the full power and authority to execute, deliver and perform under this Agreement.

Signatures are on the following page.

**AMERICAN NATIONAL RED CROSS
AND "LICENSEE:"**

By: _____
(Signature)

Name:

Title:

Date:

**BUILDING OWNER AND
"LICENSOR:"**

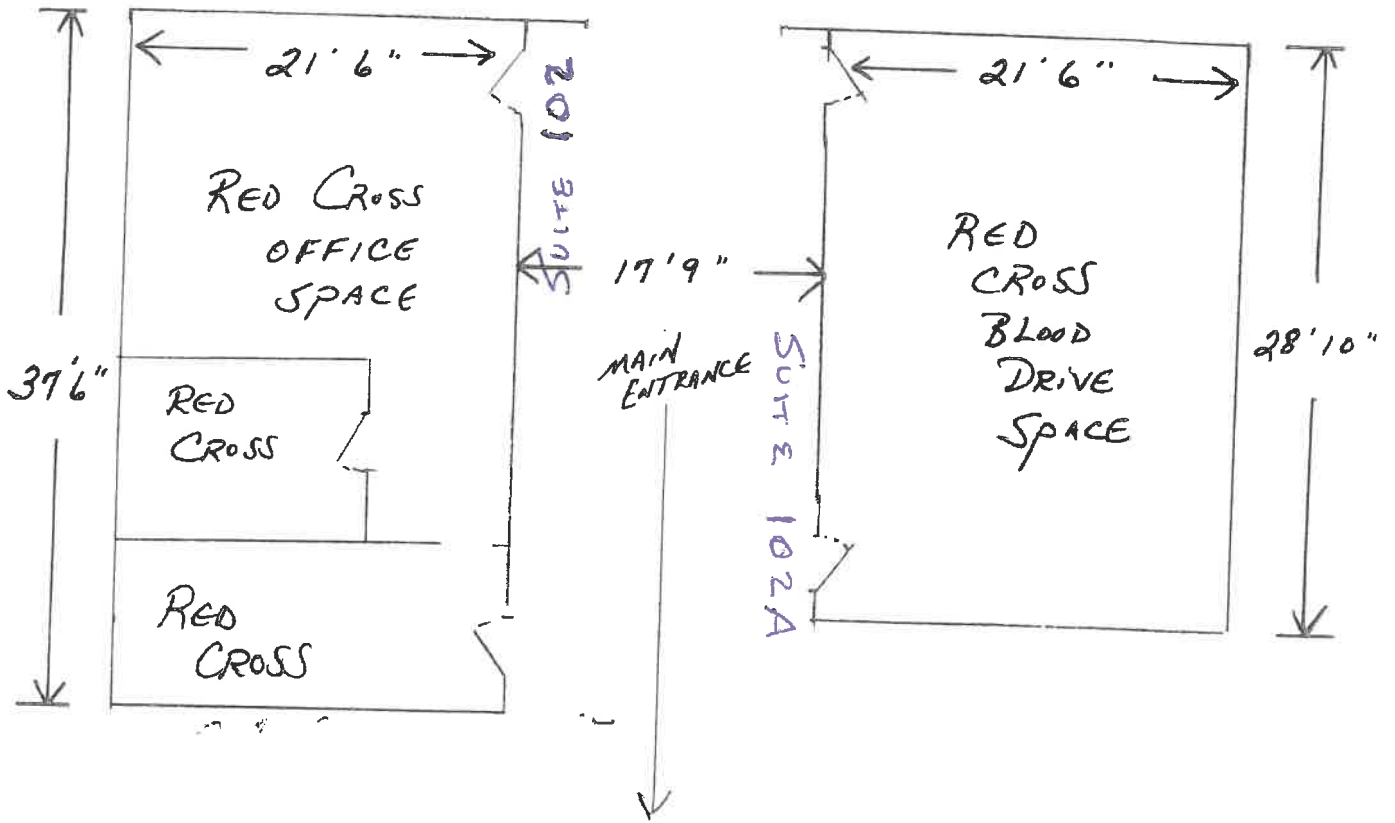
By: _____
(Signature)

Name:

Title:

Date:

EXHIBIT A



2/28/2022

**The County of Halifax has open
Requests for Proposals
on the following opportunities:**

FAIR OPERATOR

The Contractor will organize, manage, and operate the 2022, 2023, and 2024 Halifax County Fairs, including all events and functions to be held as part of the Fair.

Proposals due 2 p.m., March 9, 2022.

**AIRPORT ENGINEERING,
ARCHITECTURAL, AND
CONSULTING SERVICES**

The Consultant will provide professional engineering, architecture, surveying, and other services related to the William M. Tuck Airport in Halifax County, Virginia.

Proposals due 2 p.m., March 10, 2022.

Visit www.halifaxcountyva.gov

call 434-476-3300,

or email

ooe@co.halifax.va.us

for detailed information.

EXHIBIT 1

HALIFAX COUNTY, VIRGINIA HALIFAX COUNTY FAIR MANAGEMENT AND OPERATOR CONTRACT

This Halifax County Fair Management and Operator Contract is made this 6th day of June, 2022, by and between Halifax County, Virginia, a political subdivision of the Commonwealth of Virginia ("County"), and Fun at the Fair, LLC, a Virginia limited liability company (the "Contractor").

- 1. Scope of Work.** The Contractor will organize, manage, and operate the 2022, 2023, and 2024 Halifax County Fairs ("Fair"), including all events and functions to be held as part of the Fair. The County may extend this contract at their option for 2025 and 2026 Fairs. Contractor shall provide to the County all of the services, reports, and other deliverables set out in the Contract Documents (as defined below), including without limitation **Scope of Service** of a RFP dated 2/14/2022 for a Fair Operator and all items contained in the Contractor's Proposal dated March 9, 2022 (the "Services"). As part of the Services, Contractor shall, beginning April 1, update the Contract Administrator on a regular basis on the status of planning for the Fair. As part of the Services, Contractor shall sell admission tickets to the Fair at a price agreed to in advance by County, which agreement will not be unreasonably withheld. Contractor shall provide all of the materials, supplies, tools, equipment, labor and other work necessary to complete the Services in accordance with the Contract Documents. Contractor shall assign certified, qualified and experienced personnel and suitable materials, supplies, equipment and tools to perform the Services. Contractor shall provide, perform and complete the Services in strict accordance with the terms, conditions and provisions of the Contract Documents; and provide other management and cooperative efforts at the Fairgrounds throughout the year in preparation for the Fair.
- 2. Term of Contract; Date and Location of Fair.** The term of this Agreement shall begin on April 1, 2022 and continue until November 1, 2024 ("Term"). The dates of the 2022 Fair shall be set and announced as soon as reasonably possible. The Fair shall be held at the Halifax County Fairgrounds ("Fairgrounds").

By written notice delivered to Contractor prior to October 31, 2024, County may renew this Contract for the 2025 and 2026 Halifax County Fair. Any renewal of this Contract will be subject to the terms, conditions and provisions of the Contract Documents.

The parties will coordinate in determining the dates for future Fairs covered under this contract. However, all Fair dates shall be scheduled so as to not conflict with events scheduled at South Boston Speedway. Contractor shall be responsible for assuring this provision is verified with the management of South Boston Speedway.

The County has the right (with six month written notice to Contractor) to change the location of the Fair if economic development opportunities arise that require development of property in use as part of the Fairgrounds. The County will negotiate

an equitable settlement of any reasonable costs associated with entertainment, rides, vendors, etc., that Contractor may have committed to that cannot be accommodated due to loss of venue. Contractor shall perform the same Services at the new location should County exercise this right.

3. **Contract Documents**. This Contract consists of the following documents, all of which are incorporated herein by reference (collectively referred to herein as “Contract Documents”):
 - A. This signed Agreement (“Agreement”).
 - B. The terms, conditions, and provisions of a RFP dated 2/14/2022 for a Fair Operator, which is attached hereto as Exhibit A.
 - C. Contractor’s proposal dated March 9, 2022, which is attached hereto as Exhibit B.

The Contract Documents shall be read consistently with one another and to give effect to all of the terms, conditions and provisions contained therein. If there is any conflict between the terms, conditions and provisions of the Contract Documents, then this Agreement shall control over Exhibit A, which shall control over the Contract Proposal.

4. **Compensation and Payment**. In exchange for the right to organize, manage and operate the Halifax County Fair and perform the Services, all in accordance with the terms and conditions of the Contract Documents, Contractor shall make payment to the County of \$3,000 no later than August 1 each year.

In addition to the above \$3,000 fee, the Contractor shall reimburse the County for actual costs associated with Electricity usage, Water usage, and Sewage disposal for the duration of the event and any set-up and break-down activities bracketing the Fair.

5. **Access to Fairgrounds**. County will provide Contractor with access to the Fairgrounds and adjacent campground (collectively “Fairground”) as reasonably needed for Contractor to carry out the Services.

The Contractor will be responsible for payment of the use of electricity, water, and sewer at the Fairgrounds. Contractor will be responsible for telecommunications, website, email, etc. if required. The County will provide a link on the County website for promotion of the Fair; however, maintenance of the website for promotion of the Fair shall be the responsibility of Contractor. Should any maintenance concerns arise, the Contractor will be responsible for repairs using qualified and licensed persons.

6. **Contractor And Contractor’s Employees**. Contractor certifies that it understands that the following apply to the Contractor, its employees and/or subcontractors and their employees performing Services at the Fairgrounds:
 - A. The unlawful manufacture, distribution, dispensing, possession or use of alcohol or other drugs; and any impairment or incapacitation from the use of alcohol or other drugs except the use of drugs for legitimate medical purposes are prohibited. The

lawful consumption of prescription drugs that may impair the actions and judgments of the person is also prohibited.

- B. Appearing to be under the influence of alcohol or unlawful drugs shall not be permitted anywhere on the Fairgrounds. Appearing to be impaired due to prescription drugs shall not be permitted on the Fairgrounds.
 - C. All personnel must be readily identifiable by easily identifiable insignia or uniform while on the Fairgrounds.
 - D. Contractor, its agents, employees and/or subcontractors and their employees will exercise all caution to ensure the safety of people and property while on the Fairgrounds and will observe all safety and other rules and regulations that pertain to the Fairgrounds.
 - E. County reserves the right to request the removal of any Contractor's or subcontractor's employees from the Fairgrounds at any time for reasonable cause. The Contractor shall have such employee leave the premises upon receipt of such request. County shall have the right, upon written notice to the Contractor, to require the replacement of any Contractor's or subcontractor's employee on the County premises whose continued presence, in the opinion of the County, is not in the best interest of the County, its employees or the public; provided such replacement shall not contravene any local, state or federal law.
 - F. It shall be the Contractor's responsibility to see that his employees use all equipment and materials in a safe and orderly manner and in accordance with the manufacturer's instructions and guidelines and within all local, state and federal regulations.
 - G. Contractor, its agents, employees and/or subcontractors and their employees will comply with the requirements stated in Exhibit A.
7. **Contract Administrator.** The Halifax County Administrator shall serve as the Contract Administrator. This person will be authorized to administer all work performed in conjunction with the Contract and shall serve as interpreter of the conditions of the Contract. The Contract Administrator shall have authority to approve changes in the Scope of Work, and shall work directly with the Contractor in providing general direction under the Agreement. County may, by written notice to Contractor, designate another employee to carry out the functions of the Contract Administrator.
8. **Licensing Requirement; Legal Compliance.** Contractor shall procure and maintain at its expense all necessary licenses, permits and/or registrations needed to provide the Services required under this Contract. Contractor shall comply with all applicable federal, state and local laws, codes, ordinances and regulations that are in effect as of the date of the Contract.
9. **Notices.**

- A. All notices to the Contractor required or permitted under this Contract shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, to the Contractor addressed to:

Fun at the Fair, LLC
10025 River Road
Halifax, Virginia 24558
ATTN: Mr. James E. Edmunds, II

- B. All notices to County required or permitted under this Contract shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, to County addressed to:

Halifax County, Virginia
Post Office Box 699
Halifax, Virginia 24558-0699
ATTN: County Administrator

- C. Where, under the terms of this Agreement, a notice is sent by certified U.S. mail, postage prepaid, return receipt requested, such notice shall be deemed to have been given as of the date of mailing such notice. Each party to this Contract shall notify the other party of a new address at which to mail notices, which notice shall be given in the manner provided above, and unless and until such notice of new address is given, notices to a party hereto shall be sufficient if mailed to such party's address as specified in subsections A. or B. above.

- D. Where, under the terms of this Contract, a notice is required or permitted to be sent by certified U.S. mail, postage prepaid, return receipt requested, and such notice is not sent in such manner, the notice shall be effective if actually received by the party, or its appointed agent, to whom the notice is addressed.

10. Audit. Contractor shall retain all books, records and other documents relative to this Contract for three (3) years after final payment of utility charges, or until audited by the County, whichever is sooner. County auditors shall have full access to and the right to examine any materials during said period.

11. Hazardous Materials. While on the County's property, including without limitation the Fairgrounds, Contractor shall not transport, dispose of or release any hazardous substance, material or waste. Contractor shall comply with all federal, state and local laws, rules, regulations, and ordinances controlling air, water, noise, solid wastes and other pollution, and relating to the storage, transport, release, use or disposal of hazardous materials, substances or waste. Regardless of County's acquiescence, Contractor shall indemnify and hold County and its officers, trustees, directors, agents, employees, consultants and contractors harmless from all costs, liabilities, fines or penalties, including attorney's fees, resulting from Contractor's violation of this provision and reimburse County for all costs

and expenses incurred by the County in eliminating or remedying such violations. Contractor also agrees to indemnify County and its officers, trustees, directors, agents, employees, consultants and contractors who perform services connected with the Fair, harmless from any and all costs, expenses, attorney's fees and all penalties or civil judgments obtained against the County as a result of Contractor's use or release of any hazardous substance or waste onto the ground, or into the water or air from or upon the County's premises.

12. **Attorney's Fees And Costs.** Contractor shall pay all costs, litigation-related expenses, reasonable attorney's fees and consultants' fees incurred by County in the event County, as plaintiff, defendant or otherwise, prevails in whole or in part against Contractor in any judicial or administrative action or suit arising under this Contract or concerning any Services provided by Contractor. This provision for attorney's fees, expenses and costs shall be in addition to any other remedies available to County under the Contract, at law or in equity.
13. **Severable Provisions.** If any provision of this Contract, or the application of any provision hereof to a particular entity or circumstance, shall be held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of the Contract shall not be affected and all other terms and conditions of the Contract shall be valid and enforceable to the fullest extent permitted by law.
14. **Incorporation; Further Assurances.** It is the intent and understanding of the parties to this Contract that each and every provision of law required to be inserted in this Contract shall be and is inserted herein by reference. Furthermore, if through mistakes or otherwise, any such provision is not inserted in correct form, then this Contract shall upon application of either party, be amended by such insertion so as to comply strictly with the law and without prejudice to the rights of either party.
15. **Ethics in Public Contracting.** Contractor and its principal represent and warrant the following: (i) neither it nor any of its employees or agents enters this Contract as a result of any collusion or fraud; (ii) neither it nor any of its employees or agents has been offered or received any kickbacks or inducements in connection with this Contract; and (iii) neither it nor any of its employees or agents has conferred on any person having official responsibility for this transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration for substantially equal or greater value was exchanged. Contractor shall not offer or give a gratuity of any type to any County employee or agent.
16. **Debarment Status.** Contractor represents and warrants that neither it nor its principal is currently debarred by the Commonwealth of Virginia or any other locality from entering into contracts with public bodies for the type of services covered by this Contract, nor is it an agent of any person or entity that is currently so debarred.
17. **Entire Agreement.** The Contract Documents constitute the entire understanding between Contractor and County with respect to the Fair and may be amended only by written instrument signed by both the Contractor and County.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be legally bound thereby.

CONTRACTOR:

COUNTY:

Fun at the Fair, LLC

HALIFAX COUNTY, VIRGINIA

By: _____
James E. Edmunds, II

By: _____
Scott R. Simpson

Its: Authorized Member

Its: County Administrator

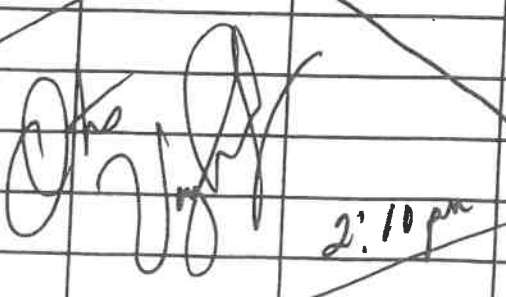
HALIFAX COUNTY BOARD OF SUPERVISORS

BID OPENING FORM

POST OFFICE BOX 699

HALIFAX, VA 24558

| | |
|------------------------|---------------------------------------|
| DESCRIPTION OF BID | W78- Wildlife Fencing Project |
| DATE BID DUE | MAY 27, 2022 |
| DATE OF OPENING | MAY 27, 2022 |
| TIME OF OPENING | 2:00 PM |
| PLACE OF OPENING | County Admin OFFICE |
| BID OPENING ATTENDEES: | OTIS VAUGHAN - County - Director HCGP |
| | TIM GRUEBEL - PARRISH AND PARTNER |
| | SCOTT SIMPSON - County Administrator |
| | |
| | |
| | |
| | |

| VENDOR NAME | BID RECEIVED DATE | BID RECEIVED TIME | BID SEALED | BID SUBMITAL COMPLETE | BID AMOUNT |
|---|----------------------|----------------------|---------------|-----------------------------|--------------|
| Fence Builders Inc | 5/27/22 | 9:54AM | ✓ | ✓ | 1,846,312.50 |
|  | | | | | |
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Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Chapter 9. General Powers of Local Governments

§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies.

A. No locality shall adopt or enforce any ordinance, resolution, or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.

B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "workplace" means "workplace of the locality."

E. Notwithstanding the provisions of this section, a locality may adopt an ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. In buildings that are not owned by a locality, or by any authority or local governmental entity created or controlled by the locality, such ordinance shall apply only to the part of the building that is being used for a governmental purpose and when such building, or part thereof, is being used for a governmental purpose.

Any such ordinance may include security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit by a person with any firearms,

ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

The provisions of this subsection shall not apply to the activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions.

F. Notice of any ordinance adopted pursuant to subsection E shall be posted (i) at all entrances of any building, or part thereof, owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) at all entrances of any recreation or community center facilities operated by the locality, or by any authority or local governmental entity created or controlled by the locality; and (iv) at all entrances or other appropriate places of ingress and egress to any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

1987, c. 629, § 15.1-29.15; 1988, c. 392; 1997, cc. [550](#), [587](#); 2002, c. [484](#); 2003, c. [943](#); 2004, cc. [837](#), [923](#); 2009, cc. [735](#), [772](#); 2012, c. [757](#); 2020, cc. [1205](#), [1247](#).

NEW BUSINESS



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|--|--|
| Meeting Date: | June 06,2022 | Staff Members: Detrick Easley Scott Simpson |
| Item # | K - 1 | |
| Ordinance # | | |
| Department: | Planning and Zoning | |
| Subject: | 4 Meats Processing - Conditional Use Permit | |

Background:

The Landowner and Applicants have withdrawn their Application for a Conditional Use Permit for the 4 Meats Processing Facility, please see the attached notification.

Needed Action:

No further action necessary on this application. File Closed.

Detrick Easley

From: Christopher Hudson <cshudson1822@gmail.com>
Sent: Friday, June 3, 2022 9:21 AM
To: Detrick Easley

Dear Board Members,

Due to the amount of negative input directly to the Hodges, Brad and I will be withdrawing our Conditional Use Permit. Although we have plans in place to satisfy each complaint, they still continue with things that are out of our hands. We will be pursuing this Business plan elsewhere in the county. Thank you for your time and support in this application.

Respectfully,

Chris Hudson
Brad Miller
4 Meats Processing Center



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|--|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson |
| Item # | K - 2 | |
| Resolution # | 2022-20 | |
| Department: | County Administration | |
| Subject: | USDA Grant Funding – Emergency Generators | |

Background:

The new tower locations in the County will require Emergency Generators in order to support the Radio Communication System in the event of commercial power disruption.

Staff has identified a grant opportunity which would pay approximately 35% of the costs associated with the equipment and installation. The County Staff will be completing the grant application in the coming weeks.

One of the final tasks in the application process is the Board of Supervisors adoption of a Resolution acknowledging the County's intent to abide by all of the covenants in the documents. The resolution also authorizes the County Administrator to execute any items necessary to apply for and accept the Grant Funding.

Needed Action:

Consider adoption of Resolution 2022-20.



SCOTT R. SIMPSON, P.E., MPA
County Administrator
srs@co.halifax.va.us

HALIFAX COUNTY BOARD OF SUPERVISORS

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CALVIN "RICKY" SHORT - ED#1
CHAIRMAN

GARLAND B. RICKETTS - ED#7
VICE CHAIRMAN

LARRY ROLLER - ED#2

H. W. H. PANSELL - ED#3

RONNIE DUFFEY - ED#4

DEAN THROCKMORTON - ED#5

STANLEY BRANDON - ED#6

W. BRYANT CLAIBORNE - ED#8

2022-20

A RESOLUTION AUTHORIZING AND ACCEPTING GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR GENERATORS AT THREE EMERGENCY COMMUNICATIONS TOWERS

WHEREAS, the governing body of the County of Halifax in a duly scheduled meeting held on the sixth day of June, 2022, at which time a quorum was present, resolved as follows:

BE IT RESOLVED, that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, in the development of generators to be located at emergency communications towers which will serve the community, the governing body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to executed.

BE IT FURTHER RESOLVED, the County Administrator of Halifax County, be authorized to execute on behalf of the Board of Supervisors, the above-referenced agreements, documents, and forms, and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in applying for, and obtaining, the said financial assistance.

This resolution is hereby entered into the permanent minutes of the meeting of the Halifax County Board of Supervisors.

Calvin R. Short, Chairman

Scott R. Simpson, Clerk

**PENDING
MATTERS &
UNFINISHED
BUSINESS**



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|------------------------------|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson Olivia Epps |
| Item # | L – 1a | |
| Resolution # | | |
| Department: | County Administration | |
| Subject: | Solar Projects Status | |

Background:

Many Solar projects approved by the Board of Supervisors are beginning construction activity. The attached listing gives an overview of the different projects and summarizes the extent of Solar in the County.

Ms. Epps will review the document with the Board and will be available to answer any questions.

Needed Action:

None.

Halifax County Solar Projects Overview

Total acres in solar projects: 6,873.69
 Total acres under panel: 3,938.30
 Total megawatts: 603.13

** Virginia's 2028 goal for solar in the Commonwealth is to have 5,500 mw under development.

| Name | Megawatts | Total Acres | Acres Under Panel |
|--------------------|---------------|-----------------|-------------------|
| Crystal Hill Solar | 65.00 | 629.00 | 300.00 |
| Alton Post Office | 80.00 | 808.00 | 225.00 |
| Sunnybrook | 51.00 | 337.00 | 245.80 |
| Powells Creek | 70.00 | 610.00 | 544.00 |
| Waterstrider | 80.00 | 1,042.00 | 900.00 |
| Foxhound | 83.00 | 1,141.50 | 502.00 |
| Mill Road | 4.00 | 43.00 | 20.00 |
| Piney Creek | 80.00 | 778.51 | 502.00 |
| Tanyard Branch | 5.00 | 198.00 | 60.00 |
| N. Tanyard Branch | 5.00 | 171.83 | 50.00 |
| Route 360 Solar | 5.00 | 110.00 | 40.00 |
| Halifax CSG | 3.13 | 42.94 | 21.50 |
| Knollwood | 5.00 | 131.41 | 35.00 |
| Watlington | 20.00 | 244.00 | 138.00 |
| Staunton Solar | 47.00 | 586.50 | 355.00 |
| TOTALS | 603.13 | 6,873.69 | 3,938.30 |

Completed/In operation:

Waterstrider

Currently under construction: (array)

Watlington

Phase 1 E&S permit acquired; started land disturbance

- Crystal Hill
- Sunnybrook
- Piney Creek
- Powells Creek (put on-hold for engineering design)

Phase 1 E&S permit under review

Foxhound (for substation)

Upcoming:

- 2 new solar projects CUP applications filed and under review
- Dominion; Dryburg Road & Ashcake Road; 90 mw
- Sedge Hill Solar; LP Bailey Hwy & Dudley Road; 80 mw



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|---------------------------------|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson |
| Item # | L – 1b | |
| Resolution # | | |
| Department: | County Administration | |
| Subject: | Broadband VATI Agreement | |

Background:

Since the award of the VATI grant to the Southside Planning District Commission, several pre-contract tasks have been occurring and the compilation of the information required was submitted to DHCD on April 18th for review and final acceptance. Once acceptance occurs, the DHCD and SSPDC Agreement can be executed and the 3-year completion deadline clock will begin.

Anticipating this, the attached agreement has been drafted to formalize the relationships between Empower, the SSPDC, and the 4 Counties involved in the project. The agreement also ties Empower to fulfilling all of the requirements of the Grant; including area of service, miles of fiber, number of passings, investment amount, and timeline for operation.

The agreement is currently being refined between the PDC and Empower attorneys, as well as each of the 4 individual County attorneys. A 95% draft is what is attached.

Needed Action:

Authorize execution of the attached agreement in substantial form with minor edits as determined by counsel.

**GRANT AGREEMENT
FIBER TO THE PREMISES BROADBAND SERVICE – SOUTHSIDE PDC /
EMPOWER BROADBAND**

THIS AGREEMENT (“Agreement”) is made and entered as of the _____ day of _____, 2022, by and between the SOUTHSIDE PLANNING DISTRICT COMMISSION (the “SPDC”), a body corporate and politic of the Commonwealth under the provisions of the Regional Cooperation Act, BRUNSWICK COUNTY, VIRGINIA, a political subdivision of the Commonwealth (“Brunswick County”), CHARLOTTE COUNTY, VIRGINIA, a political subdivision of the Commonwealth (“Charlotte County”), HALIFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth (“Halifax County”), MECKLENBURG COUNTY, VIRGINIA, a political subdivision of the Commonwealth (“Mecklenburg County”; each a “County” and collectively the “Counties”), and EMPOWER BROADBAND, INC., a Virginia stock corporation and a wholly-owned subsidiary of the Mecklenburg Electric Cooperative, a Virginia consumer utility services cooperative (“Empower”), for the purpose of providing grant funding from the Virginia Telecommunications Initiative (“VATI”), the Virginia Department of Housing and Community Development (“DHCD”), and the Counties to Empower in an effort to expand and improve broadband services to the citizens of the Counties. For their Agreement, the Parties state:

Recitals:

WHEREAS, the SPDC and the Counties have received grant funds from the DHCD VATI Program under its rules and regulations, as well as directly from the ARPA program, the original source of which is funds the United States government granted to the Commonwealth or to the Counties pursuant to the American Rescue Plan Act of 2021, P.L. 117-2, and the ARPA Final Rule, 87 Fed. Reg. 4338–4454; and

WHEREAS, the SPDC and the Counties recognize that in order to attain and maintain a high-quality level of broadband service to the citizens of the Counties, a close working relationship with the private internet providers is desirable and will be made possible in large part through state and federal grant funding opportunities; and

WHEREAS, studies have shown that access to high-quality broadband service stimulates economic activity, creates jobs, promotes industry and trade, increases the values of property, and otherwise serves the lawful purposes of the SPDC and the Counties; and

WHEREAS, the SPDC is a political subdivision of the Commonwealth of Virginia, authorized to carry out the purposes provided herein pursuant to the Regional Cooperation Act, Sections 15.2-4200 *et seq.* of the Code of Virginia, 1950, as amended, and the Counties are political subdivisions of the Commonwealth of Virginia, created by the General Assembly with all powers granted to political subdivisions operating under the traditional county form of government; and

WHEREAS, Empower is a Virginia stock corporation, with the technical and financial capability to provide telecommunications and information services, including broadband fiber to

the home; and

WHEREAS, in addition to the funds granted to the SPDC by DHCD under the VATI program, the Counties wish to make certain funds available to the SPDC, and the SPDC wishes to make available funds to Empower, for the purposes of incentivizing Empower to carry out the Project in the Counties, increase jobs and employment, enhance learning opportunities for students, and otherwise expand the tax base of the Counties while simultaneously assisting in preserving public health in the midst of the COVID-19 crisis. This Agreement sets forth the terms and conditions of this grant, in accordance with the Rule, as amended.

Witnesseth:

NOW THEREFORE, in consideration of the foregoing premises, the mutual benefits, promises, and undertakings of the Parties to this Agreement as set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties covenant and agree as follows:

I. Definitions and Incorporations by Reference.

1.1. For the purposes of this Agreement, the following terms have the following meanings, unless context or the manifest purpose of this Agreement indicate otherwise:

Capital Investment means a capital expenditure by Empower or through a party with a contract with Empower to carry out work related to the Project as set out in the Grant Agreement. The total expected Capital Investment is not less than \$76,000,441.05, composed of \$33,660,442.78 by Empower and \$42,339,998.27 by Dominion Energy.

Change Order means an agreed change to the scope, schedule, or price of the work on the Project. All change orders must be memorialized by a writing signed by an authorized representative of the person or party to be charged thereon.

Commonwealth means the Commonwealth of Virginia.

Contract Period Performance Date means [REDACTED] (ML1), as may be extended pursuant to the rules and regulations of the VATI Program or as may otherwise be provided by law.

County Contribution has the meaning given to it in Section 2.3.

Grant or Grant Funds means the \$69,281,635 in funds that DHCD will make available to the SPDC, together with the Counties' Contribution in the total amount of \$8,677,113.95, that the Counties will make available to the SPDC, for a grant to Empower to carry out the Project. For the removal of ambiguity, the Parties agree that Empower is a contractor, not a subrecipient, for the purposes of 2 C.F.R. § 200.331.

Project means that broadband expansion project generally described in **Exhibit A**.

For the removal of ambiguity, it is expressly agreed by the Parties that Empower will be the ultimate owner of the infrastructure constructed in the Project.

Rule means the ARPA Final Rule, 87 Fed. Reg. 4338–4454, and any FAQs or administrative interpretations thereof. Some, although not all, obligations imposed by the Rule are contained in **Exhibit C**.

Targets means Empower’s obligation pursuant to this Agreement to make or cause to be made Capital Investments in the Project of at least \$76,000,441.05 as of the Contract Period Performance Date. Empower shall also, as of the Contract Period Performance Date, provide documentation to the SPDC and the Counties of (1) the number of takes and the take rate for the Project; and (2) the speeds achieved by the Project. The Project must have available to customers wireline internet meeting or exceeding 100/20 megabit per second scalable to 100/100 service.

Uniform Guidance means the Uniform Guidance for Grants and Agreements, 2 C.F.R. Part 200.

1.2. The following documents are incorporated by reference, and the requirements thereof are hereby adopted and reimposed on Empower:

Grant Application means the *Application to DHCD Submitted Through CAMS: Southside Planning District Commission’s Universal Broadband Coverage Initiative*.

Grant Agreement means the agreement between the Virginia Department of Housing and Community Development and the SPDC, dated as of [] ML2], for the Project, with DHCD Grant No. VATISF #2022-032.

Project Management Plan means the Project Management Plan, Department of Housing and Community Development Virginia Telecommunications Initiative, VATISF #2022-032, dated as of March 16, 2022, as amended.

In the event of a conflict among the requirements of the documents incorporated herein by this Section and this Agreement, the strictest requirement shall apply.

II. Targets & County Contributions.

2.1. Empower will construct and operate the Project in the Counties and make the Capital Investment by the Contract Period Performance Date. The initial construction of the Project must be complete by the Contract Period Performance Date. Empower must diligently use its best efforts for community outreach and marketing the services at all times, before and following the Contract Period Performance Date. The SPDC and the Counties will make reasonable efforts, consistent with all provisions of law, to assist Empower in meeting these goals. The Parties understand, however, that the number of customers who choose to subscribe is beyond the Parties’ control and is expressly not an item of consideration for this Grant.

2.2. Following the Contract Period Performance Date, as a condition of receipt of the

Grant, Empower is obligated to operate and maintain the Project in a manner at least as effective as initially designed for a period of not less than five (5) years.

2.3. The Counties shall make County Contributions totaling \$8,677,114 to the Grant Funds in the following amounts:

2.3.1. Brunswick County: \$2,267,457.76

2.3.2. Charlotte County: \$651,000

2.3.3. Halifax County: \$2,680,485.80

2.3.4. Mecklenburg County: \$3,078,170.39

County Contributions will be managed and spent as provided in the Project Management Plan.

2.4. Monthly reports shall be submitted to the SPDC and the Counties for transmission to DHCD as required by the Grant Agreement. Grant disbursements shall be made not more frequently than monthly upon submission by Empower to the SPDC of detailed invoices verifying expenditure of funds and delivery of goods, services, or construction work in furtherance of the Project. The total amount of all Grant Funds disbursed shall be not more than \$84,677,555.

2.4.1. The SPDC will schedule monthly project management team meetings to discuss, without limitation, payment, progress of the Project, or relations with subcontractors. Such meetings shall be at a mutually convenient time and may be held by electronic means or teleconference. Such meetings may be canceled in the discretion of SPDC if there is insufficient information to merit a meeting.

2.4.2. In the event the Grants are not made due to an event of non-appropriation or otherwise, Empower's obligations for performance under this Agreement shall be void and of no force and effect.

III. Application of Grant Funds & Reporting.

3.1. Empower agrees to apply the Grant Funds solely and exclusively to the payment, or reimbursement for the payment, of work on the Project. Empower further agrees to exhibit to the SPDC and the Counties the receipts, vouchers, statements, bills of sale, or other evidence of the actual payment of the same on a monthly or quarterly basis as directed by SPDC.

3.2. Empower is responsible for compliance with the applicable provisions of federal, state, and local labor relations guidelines and requirements applicable under the Rule. The Rule suggests compliance with prevailing wage requirements or use of project labor agreements as ways of complying with the requirements of the Rule; however, the manner of compliance is in the discretion of Empower. Empower shall be solely responsible for compliance and certification thereof as provided in the Rule. If Empower chooses to meet its requirements by meeting prevailing wage requirements, it shall use the wage scales provided by the U.S. Department of the Treasury for highway construction trades applicable in the Counties unless otherwise provided by law. Unless otherwise required by the Rule, reporting of labor need not be made to the U.S.

Department of Labor or the Virginia Commissioner of Labor of Industry; *provided*, however, that accurate records of wages and benefits must be kept so as to enable the SPDC and the Counties to audit compliance as provided in Section 5.1.

3.3. Each construction contractor employed in the accomplishment of any of the Project shall be required in the construction contract to furnish a performance bond and a payment bond each in an amount equal to one hundred percent (100%) of the particular contract price. Each contractor shall be required to maintain during the construction period covered by the particular construction contract builder's risk insurance, workers' compensation insurance, public liability insurance, property damage insurance, and vehicle liability insurance in accordance with Empower's policies and procedures for projects that it funds. In the event Empower elects to act as its own general contractor with respect to the Project or any part thereof, it shall provide bonds of like size and type, in an amount reasonably acceptable to the Executive Director of the SPDC or designee and in a form reasonably acceptable to the legal counsel to the SPDC. The SPDC and the Counties may, in their sole discretion, accept alternative security that adequately protects the use of the Grant Funds. Empower must timely present an alternative plan of security to the SPDC and the Counties not later than commencement of construction of the Project.^[ML3]

3.4. SPDC shall retain ten percent (10%) of the total grant funds provided by DHCD and the Counties. SPDC will not accept, and Empower shall not submit, any further progress payment requests after 90% of the grant funds have been drawn down by Empower. SPDC shall not release any of the retainage unless all conditions precedent to payment under this Agreement and the Grant Agreement with DHCD are met and Empower is not in default under the terms of this Agreement or the Grant Agreement. Upon the timely and proper completion of construction by Empower, and approval of the final closeout report by DHCD, Empower may submit a progress payment request for remaining grant funds, less any post-closeout retainages imposed by DHCD. Release of post-closeout retainages shall be as set forth in the Grant Agreement.

3.5. Empower shall provide, at its own expense, detailed verification reasonably satisfactory to the SPDC and the Counties of its progress on the Targets in aid of the County's reporting requirements to DHCD. Such progress reports will be provided monthly. For the purposes of verifying the accuracy of reports, and for no other purpose, Empower hereby waives its protections under Section 58.1-3 of the Code of Virginia, 1950, as amended, and authorizes the Commissioners of the Revenue for each County to provide verification to the SPDC and the Counties from their records; provided, however, that such disclosure shall not waive the protections of Section 58.1-3 as to any other person, nor authorize the SPDC and the Counties to disclose such information to any other person other than DHCD, the Virginia Department of Accounts, the U.S. Department of the Treasury, and other agencies authorized by law to audit or inspect the Project. Further, Empower grants the SPDC and the Counties the right to inspect any site at which work on the Project is or has been carried out or where materials are or have been stored during the term of this Agreement in order to verify work for which an invoice has been submitted.

3.6. Empower may apply for a Change Order at any time. A Change Order shall become effective upon its approval by the SPDC, the Counties, and DHCD; but no County shall be required to approve any change order, and no County shall have any liability by reason of its failure to approve a change order.

3.7. DHCD, in furtherance of the VATI grant, is expected to conduct Intermediate and Final Compliance Reviews. The Counties may also undertake reviews of the use of their grant funds in accordance with the requirements of the Rule. Empower must make all records available upon their request. DHCD anticipates the following reports from the SPDC and Empower:

3.7.1. Monthly progress reports, to be submitted not later than the 15th day of each month. The reports must meet all requirements of the DHCD VATI program. They must include key deliverables, including but not limited to construction status, numbers of passings of serviceable units, and number of subscribers.

3.7.2. A final progress report, to be submitted not later than the Contract Period Performance Date, detailing total funds expended on the Project and status of key deliverables.

3.7.3. Post-closeout reports on passings and subscribers at six (6) months, one (1) year, and each year until five (5) years after the Contract Period Performance Date.

3.7.4. Empower will assist the SPDC with providing the detailed verification information required by DHCD and uploading such information into CAMS.

3.7.5. In the event that DHCD or the United States government adopt regulations or guidelines requiring reporting exceeding the requirements of this Section, the requirements of this Section shall be construed to be amended to meet such requirements.

3.8. If the sum of the Grant Funds and the Empower match are insufficient cost of the total of all the Project, Empower will nevertheless complete the Project with the balance of the costs not covered by the Grant Funds and pledged Empower funds being at its own expense and these additional funds will not be entitled to any reimbursement from the Commission or the Counties. Should costs exceed the budget, SPDC staff will facilitate discussions with the Counties involved, DHCD, and Empower to determine the best course of action, including but not limited to seeking additional grant or loan funds, value engineering, or changes to the scope of the Project.

IV. Representations of Empower.

4.1. Empower has familiarized itself with the nature and extent of this Agreement and with all local conditions and state, federal, and local laws, ordinances, rules, and regulations, including but not limited to the rules and regulations of the VATI program, the Rule, and the Uniform Guidance.

4.2. Empower shall maintain a financial management system and financial records and shall use funds received pursuant to this Agreement in accordance with this Agreement and all applicable laws. Empower shall maintain detailed, itemized documentation and records of all income received and expenses incurred pursuant to this Agreement. [ML4]

4.3. Any item of expenditure by Empower under the terms of this Agreement which is found by auditors, investigators, and other authorized representatives of SPDC or the Counties, the SPDC's or the Counties' Independent Auditors, the U.S. Government Accountability Office or the Comptroller General of the United States, or DHCD or the Virginia Auditor of Public Accounts, or other authorized governmental authority to be improper, unallowable, in violation of

federal or state law or the terms of this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of Empower, shall become Empower's liability and must be repaid to SPDC by Empower within 30 days after notification of such finding from funds other than those provided by SPDC and the Counties under this Agreement or any other agreements between Empower and the SPDC and/or the Counties. This provision shall survive the expiration or termination of this Agreement.

4.4. Final payment request(s) under this Agreement must be received by the SPDC on or before the final date provided by the Grant Agreement, but in any event no later than October 31, 2026. No payment request will be accepted by the SPDC after this date. In consideration of the execution of this Agreement by the SPDC and the Counties, Empower agrees that acceptance of final payment from the SPDC will constitute an agreement by Empower to release and forever discharge the SPDC and the Counties, their agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which the Empower has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. Empower's obligations to the SPDC and the Counties under this Agreement shall not terminate until all closeout requirements are completed to the satisfaction of the SPDC and the Counties. Such requirements shall include, without limitation, submitting final reports to the SPDC and the Counties and providing any closeout-related information requested by SPDC and the Counties by the deadlines specified by the SPDC and the Counties.

4.5. Empower shall provide SPDC and the Counties with broadband service and coverage data and information ("Service Territory Data") in the time and formats established by DHCD in its Internet Service Provider Territory Data Submission Guidelines ("Data Submission Guidelines") pursuant to Section P of Item 114 of Chapter 552, 2021 Acts of Assembly, 2021 Special Session I (the "Budget Amendment"). Service Territory Data shall be submitted to SPDC and the Counties simultaneously with its being provided to the Commonwealth of Virginia as required by DHCD.

V. Miscellaneous.

5.1. Audits. Empower must allow the SPDC, the Counties, their auditors, and other persons authorized by them to inspect and copy its books and records for the purpose of verifying that monies provided to Empower pursuant to this Agreement were used in compliance with this Agreement and all applicable provisions of federal, state, and local law. Empower will retain all such records for not less than five years after the Contract Period Performance Date. Empower shall not issue any statements, releases, or information for public dissemination without prior approval of the SPDC and the Counties.

5.2. Permits and Compliance With Laws. Empower will obtain, in a timely manner, all required permits, licenses, and approvals, and will meet all requirements of all local, state, and federal laws, rules and regulations which must be obtained or met in connection with construction of the Project.

5.3. Independent Contractor Status. The parties agree that Empower, its agents,

employees, contractors, or subcontractors, are independent contractors for purposes of this Agreement and are not to be considered employees or agents of the SPDC or the Counties for any purpose. Empower and its agents, employees, contractors, or subcontractors, are not subject to the terms and provisions of the SPDC's or the Counties' personnel policies handbooks and may not be considered a SPDC or a County employee for workers' compensation or any other purpose. Empower, its agents, employees, contractors, or subcontractors, are not authorized to represent the SPDC or the Counties or otherwise bind the SPDC or the Counties in any way. Likewise, the SPDC and the Counties, their agents, employees, contractors, or subcontractors, are not authorized to represent Empower or otherwise bind Empower in any way.

5.4. Default and Termination. If Empower fails to comply with any condition of this Agreement at the time or in the manner provided for, the SPDC and the Counties may terminate this Agreement if the default is not cured within fifteen (15) days after written notice is provided to Empower. The notice will set forth the items to be cured. If the SPDC or the Counties fail to comply with any condition of this Agreement at the time or in the manner provided for, Empower may terminate this Agreement if the default is not cured within fifteen (15) days after written notice setting forth the items to be cured is provided to the SPDC and the Counties.

5.5. Limitation on Damages; Time for Asserting Claim.

5.5.1. In the event of a claim for damages by Empower under this Agreement, Empower's damages shall be limited to the total amount of the Grants contemplated in Section 1.1, and Empower hereby expressly waives any right to claim or recover consequential, special, punitive, lost business opportunity, lost productivity, field office overhead, general conditions costs, or lost profits damages of any nature or kind.

5.5.2. Prior to asserting any claim for damages of any kind or nature, Empower must first provide the SPDC and the Counties with written notice of its claim, the facts and circumstances surrounding and giving rise to the claim, and the total amount of damages sought by the claim, within ninety (90) calendar days of the facts and circumstances giving rise to the claim. In the event Empower fails to provide such notice, Empower shall waive all rights to assert such claim.

5.6. Dispute Resolution.

5.6.1. Any claim, controversy, or dispute between the parties, their agents, employees, or representatives shall be resolved first by negotiation between authorized personnel from each party duly authorized to execute settlement agreements. Upon mutual agreement of the parties, the parties may invite an independent, disinterested mediator to assist in the negotiated settlement discussions.

5.6.2. If the parties are unable to resolve the dispute within thirty (30) days from the date the dispute was first raised, then such dispute may only be resolved in a court of competent jurisdiction in compliance with the Choice of Law provisions of this Agreement.

5.7. Indemnity/Waiver of Claims/Insurance. Empower agrees to defend, indemnify, and hold harmless the SPDC, the Counties, and their agents, representatives, employees, and officers against all third-party claims, demands, suits, damages, losses, and expenses, including reasonable

defense attorney's fees, which arise out of, relate to, or result from Empower's (i) negligence, or (ii) willful or reckless misconduct.

5.7.1. The obligations of this Section shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity that would otherwise exist. The indemnification obligations of this Section must not be construed to negate, abridge, or reduce any common-law or statutory rights of the indemnitee(s) which would otherwise exist as to such indemnitee(s). Empower's indemnification obligations under this Section shall be without regard to and without any right to contribution from any insurance maintained by the SPDC or the Counties.

5.7.2. Should any indemnitee described herein be required to bring an action against Empower to assert its right to defense or indemnification under this Agreement or under Empower's applicable insurance policies required below the indemnitee shall be entitled to recover reasonable costs and attorney's fees incurred in asserting its right to indemnification or defense but only if a court of competent jurisdiction determines that Empower was obligated to defend the claim(s) or was obligated to indemnify the indemnitee for a claim(s) or any portion(s) thereof.

5.7.3. In the event of an action filed against SPDC or any County resulting from the SPDC's or any County's performance under this Agreement, the SPDC or such County may elect to represent itself and incur all costs and expenses of suit.

5.7.4. Empower also waives any and all claims and recourse against the SPDC or the Counties or their officers, agents or employees, including the right of contribution for loss or damage to person or property arising from, growing out of, or in any way connected with or incident to the performance of this Agreement except responsibility for fraud, for willful injury to the person or property of another, or for violation of law, whether willful or negligent, provided all actions are taken in good faith.

5.7.5. In addition to and independent from the foregoing, Empower shall at its own expense secure insurance coverage through an insurance company or companies duly licensed and authorized to conduct insurance business in Virginia which insures the liabilities and obligations specifically assumed by Empower in this Section. The insurance coverage shall not contain any exclusion for liabilities specifically assumed by Empower in this Section unless and to the extent coverage for such liability is not commercially available.

The insurance shall cover and apply to all claims, demands, suits, damages, losses, and expenses that may be asserted or claimed against, recovered from, or suffered by the SPDC or a County without limit and without regard to the cause therefore and which is acceptable to the SPDC, the Counties; and Empower shall furnish to the SPDC and the Counties an accompanying certificate of insurance and accompanying endorsements in amounts not less than as follows:

- Employers Liability Limits
 - Workers Compensation: Statutory
 - Bodily Injury by Accident: \$2,000,000
 - Bodily Injury by Disease: \$2,000,000 each employee

- Bodily Injury by Disease: \$2,000,000 policy limit
- General Liability: \$2,000,000 per occurrence
- Cybersecurity: \$500,000 + recovery support

The obligations of this Section shall survive termination of this Agreement.

5.8. Attorney's Fees and Costs. In the event it becomes necessary for a party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then all parties shall bear their own costs and the American Rule shall apply, unless specifically stated elsewhere in this Agreement. In the event the SPDC sues or is sued by Empower in relation to this Agreement, the Counties agree to pay its reasonable attorney's fees and costs related to such litigation to the extent such payment cannot be made out of the Grant Funds. In the event the litigation relates to the Project generally, then all the Counties will split fees as follows: Brunswick County: 20.8%; Charlotte County: 4.2%; Halifax: 32.8%; Mecklenburg 42.2%. In the event the litigation affects fewer than all of the Counties, then the Counties affected shall split fees in proportion to the percentages above. By way of example only, if litigation fees were incurred relating solely to construction in Halifax and Brunswick Counties, then Halifax County's share would be $32.8\% / (32.8\% + 20.8\%) = 61.2\%$, and Brunswick County's share would be the remainder of 38.8%.

5.9. Subject to Appropriation. Any obligation of a County to pay, set aside, or otherwise appropriate funds for the performance of this Agreement shall be construed to be current accounts that are subject to appropriation for work performed or services rendered, and shall not be construed to be unconditional obligations in derogation of Article VII, § 10 of the Virginia Constitution. The obligations of the SPDC under this Agreement, and the obligations of the SPDC relating to passing through VATI grant funds, are not general obligations of the SPDC but are limited obligations payable solely from revenues and receipts derived by the SPDC from the Counties pursuant to this Agreement or from the Commonwealth under the VATI grant. The obligations of the SPDC and the Counties hereunder shall not be deemed to constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or any political subdivision thereof, including the SPDC and the Counties.

5.10. Integration and Modification. This document, including the exhibits hereto and documents incorporated herein, contains the entire agreement between the parties and no statements, promises or inducements made by either party or agents of either party not contained in this written Agreement may be considered valid or binding. This Agreement may not be modified except by written agreement signed by all parties.

5.11. No Assignment. Empower may not assign its rights, including the right to Grant payments, or any other rights or duties arising hereunder, without the prior written consent of the SPDC and the Counties.

5.12. No Third-Party Beneficiary. The terms and provisions of this Agreement are intended solely for the benefit of each party and their respective successors and assigns. It is not the parties' intent to confer third-party beneficiary rights upon any other person or entity.

5.13. Choice of Law. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Virginia without regard to conflict of law provisions. The Parties agree to submit to the exclusive jurisdiction of the Circuit Courts of Mecklenburg County, Charlotte County, Halifax County, or Brunswick County.

5.14. Non-Waiver. Failure to insist on strict compliance with any of the terms or conditions of this Agreement shall not be construed to be a waiver thereof, and does not limit another party's right to enforce such term or conditions or to pursue any available legal or equitable rights in the event of any subsequent default or breach.

5.15. Severability. If any portion of this Agreement is held to be void or unenforceable, the balance of the Agreement shall continue in effect.

5.16. Counterparts. This Agreement may be executed in any number of counterpart copies, each of which when executed and delivered shall be deemed to be an original and all of which counterparts when taken together shall constitute a single instrument. Facsimile, electronic, or scanned signatures shall be binding as originals in accordance with the Virginia Uniform Electronic Transactions Act, Va. Code §§ 59.1-479, *et seq.*

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day, month, and year first stated in this Agreement:

Signatures on following pages

**SOUTHSIDE PLANNING DISTRICT
COMMISSION:**

Deborah Gosney
Executive Director

Signatures continue on next page

BRUNSWICK COUNTY, VIRGINIA:

Leslie Weddington
County Administrator

Approved as to legal form:

Paul Jacobson
County Attorney

Signatures continue on next page

CHARLOTTE COUNTY, VIRGINIA:

Daniel Witt
County Administrator

Approved as to legal form:

Russell Slayton
County Attorney

Signatures continue on next page

HALIFAX COUNTY, VIRGINIA:

Scott Simpson
County Administrator

Approved as to legal form:

Jeremy Carroll
County Attorney

Signatures continue on next page

MECKLENBURG COUNTY, VIRGINIA:

Wayne Carter
County Administrator

Approved as to legal form:

Russell Slayton
County Attorney

Signatures continue on next page

EMPOWER BROADBAND, INC.:

John Lee
CEO & President

Exhibit A

Specifications & Schedule

The specifications and schedule are as set forth in the Project Management Plan.

Exhibit B

Required Certifications and Disclosures

Certification of Eligibility & Non-Collusion Statement

My signature below certifies that this contract is not the result of, or affected by, any unlawful act of collusion with another person or company engaged in the same line of business or commerce, or any act of fraud punishable under the Virginia Governmental Frauds Act (§§ 18.2-498.1, *et seq.* of the Code of Virginia, 1950, as amended) or the False Claims Act (31 U.S.C. § 3729). I also understand and agree to comply with the provisions of the Virginia Conflict of Interests Act (§§ 2.2-3100, *et seq.*) and the provisions of the Virginia Public Procurement Act relating to Ethics in Public Contracting (§§ 2.2-4367, *et seq.*). Furthermore, I understand that fraud and unlawful collusion are crimes under the Virginia Governmental Frauds Act and the False Claims Act, as well as laws against bid rigging (§§ 59.1-68.6, *et seq.*), the Virginia Antitrust Act (§§ 59.1-9.1, *et seq.*), and Federal laws regarding the same matters. They can result in fines, prison sentences, and civil damages awards.

Furthermore, I hereby certify that (i) all information submitted to SPDC, the Counties and DHCD in connection with this Agreement or the application for funds to fund this Agreement and/or in connection with any contract or agreement that may arise in the future from such application are true and accurate in all material respects, (ii) no principal, shareholder, director, officer, member, manager or other employee of Empower with managerial control or responsibility over Empower or over any significant aspect of its operations in the Commonwealth were employed (a) by DHCD and involved in the evaluation and scoring of applications received for consideration of award within one year prior to the date of the announcement of the project awards, or (ii) by the Governor's administration during a period of two years prior to the date of execution of this Agreement.

I further certify that my firm is not a debarred entity under the System for Award Management (SAM) or by any agency or political subdivision of the Commonwealth of Virginia.

Name of Firm or Individual: _____

Address: _____

Signature: _____

Name (type/print): _____

Title: _____

Telephone: _____

Email: _____

FEIN: _____

Date: _____

Lobbyist Disclosure

The undersigned certifies, to the best of his or her knowledge or belief, that:

1. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the award of any federal contract, the making of any federal grant, the making of any federal loan, the modification of any federal contract, the entering of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the federal contract, grant, loan, or cooperative agreement, the undersigned must complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards of all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. The certification is a material representation of the fact on which reliance was placed is a prerequisite for making or entering into the transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned shall require that the language of this certification is included in the award documents for all subawards of all tiers (including subgrants, contracts under grants, cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

Organization

Name of Representative

Title of Representative

Signature of Representative

Exhibit C

American Rescue Plan Act Funds Special Terms and Conditions

- A. Nondiscrimination.** In performing this contract, the Contractor shall not exclude any person from participating in, deny them a benefit of, or discriminate against them because of race, color, religion, national origin, sex, disability, or age. *See* 42 U.S.C. §§ 3601, *et seq.*; 42 U.S.C. §§ 6101, *et seq.*; 29 U.S.C. § 794; 42 U.S.C. § 12132; and 49 U.S.C. § 5332. The Contractor also agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. *See* 29 U.S.C. § 623; 42 U.S.C. § 12101. In addition, the Contractor agrees to comply with applicable federal implementing regulations regarding the subject matter of this clause.
- B. Recycled Products.** The Contractor shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
- C. Clean Air Act (42 U.S.C. §§ 7401–7671q) and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251–1387), as amended.** Contractor agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. §§ 7401–7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. §§ 1251–1387). Violations of these standards by the Contractor shall be reported to the U.S. Department of the Treasury and the Regional Office of the Environmental Protection Agency (EPA).
- D. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.** Contractor certifies that it will not use equipment, services, or systems produced by Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company, or any subsidiary or affiliate of such entities.
- E. Domestic Preference.** Pursuant to 2 C.F.R. § 200.322, Contractor must, to the greatest extent practicable, prefer good, products, and materials produced in the United States, including but not limited to iron, aluminum, steel, cement, and manufactured products.



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|---------------------------------|--|
| Meeting Date: | June 06, 2022 | Staff Members: Scott R. Simpson Olivia Epps |
| Item # | L – 1c | |
| Ordinance # | | |
| Department: | County Administration | |
| Subject: | Staff Update on Requests | |

Background:

The attached synopsis is an attempt to consolidate the inquiries and responses, and status of requests made by Citizens or Board Members

Needed Action:

None.

Staff Updates on Requests

June 6, 2022

| DATE OF REQUEST | REQUEST | ACTION | RESPONSE | ADDITIONAL ACTION | RESOLUTION |
|-----------------|--|--|--|---|--|
| 11/1/2021 | Supervisor Brandon said he has concerns with VDOT not being present at Board of Supervisors' meetings. He said the Board members, and citizens who may speak during Citizen Comment time, often have concerns and questions related to County roadways. | Ms. Epps contacted Jay Craddock with VDOT. | We are still under the guidance that we should avoid face-to-face public gatherings and meetings as much as possible. Except for the 6-year plan meetings, we generally don't have anything extremely pressing to share - just the general updates. And as far as the Board being able to contact us, please let Mr. Brandon know, that can contact Kenneth or myself anytime by phone. My cell number is 434-316-8898 and Kenneth's is 434-579-5520. If there are any pressing issues that come up, and we really need to be at the meeting to discuss, please let us know. Continue monitoring. | A VDOT representative will attend the April and May Board meetings as part of the 6-year plan process. | Since Supervisor Brandon's request, VDOT has made efforts to have a representative present at Regular Board Meetings. Mr. Craddock has indicated that VDOT will continue to do so as much as possible. |
| 11/8/2021 | Supervisor Duffey expressed concern about the need for additional signage on Route 626 from VA360 to Marion's Trail. He said residents are having to accelerate hard, spinning gravel, just to get out of their driveways ahead of some of the speeding log trucks. He said the road is posted at 55 mph, with trucks at 45 mph, but there continues to be an issue with speed, especially log trucks. He has asked that VDOT look into the issue and would like to know what can be done and/or additional signage which can be posted. | Ms. Epps contacted Jay Craddock at VDOT on 11/9. | Mr. Craddock responded via email on 11/15 and stated he had submitted these requests to traffic engineering for review, and they will be added to the "pending" list that shows up on the monthly Board reports. | On 3/23/22 Mr. Craddock provided the Traffic Engineering Work Order for the Rt 626 request, stated that the review was complete and the item would be moved from the 'Pending' list on the monthly report. The Traffic Engineering Word Order, including feedback, was provided to Supervisor Duffey via email. | |
| 12/6/2021 | Chairman Pannell made a request to contact VDOT regarding placement of a farm vehicle signage in Election District 3 on Route 360 near H & H Grocery. | Ms. Epps contacted Jay Craddock at VDOT. Following the holidays, she received a response in February, including a form to be filled out. | Mr. Craddock responded that the farm machinery signs shouldn't be a problem. We just ask that the requestors fill out the attached form so we know exactly where the issues actually are. Usually these are filled out by the farmers themselves or someone who lives in the immediate area, so Mr. Pannell may want to pass this along to whomever made the request to him. If so, the citizen can contact me directly with the completed form and does not necessarily have to go through a Board member. | | |

| DATE OF REQUEST | REQUEST | ACTION | RESPONSE | ADDITIONAL ACTION | RESOLUTION |
|-----------------|---|--|---|---|--|
| 3/7/2022 | <p>Michael Terry – a citizen from Scottsburg – said he and members of his family had been requesting to have Route 716 widened for a number of years. He asked if he could receive support from the Board in trying to accomplish that goal.</p> | <p>Ms. Epps made a note during Mr. Terry's comments and followed up via email with Jay Craddock at VDOT.</p> | <p>Response from Jay Craddock: 3/30/22 We could look at doing some minor widening, without moving the ditchlines, similar to what was done on Rt. 699 (Mt. Carmel Rd) and Rt. 658 (Turbeville Rd) over the past several years. This year, we already have planned to finish up Rt. 658, which we believe is a top priority due to the fact that it is used as a detour when Riverdale floods. That seems to happen more and more in recent years, and that little secondary road has to carry all of the traffic that is normally on Rt. 58.</p> <p>Once we complete Rt. 658 this year, we can plan to begin work on Rt. 716 next year. However, it will take about four or five years' worth of funding to complete the entire length. I think we should begin with the section that carries the most traffic and see how that goes. We can work our way south as funding becomes available.</p> | <p>Mr. Terry spoke again on the same concerns during Citizen Comment Time at the 5/2/2022 Regular Board meeting. He additionally asked about the possibility of reopening the bridge on Rt 92.</p> | <p>Kenneth Martin of VDOT responded to Mr. Terry during the meeting and said the bridge replacement and reopening is in process. He also referenced the possibility of widening Rt 716 but indicated doing so would take time over a number of funding cycles.</p> |
| 4/28/2022 | <p>Supervisor Duffey provided photos related to roadway washing issues on Lakeside Drive.</p> | <p>Ms. Epps provided the photos and explanation of concern to Jay Craddock via email on 4/28/22</p> | | | |
| 5/2/2022 | <p>Brandon Lopez contacted the County Administration office on 3/31/2022. Ms. Epps spoke with him regarding repair of his road and suggested he contact is Supervisor as well as attend a Board meeting and/or the public hearing for the 6-Year Plan. She provided dates of meetings to Mr. Lopez and she followed up with Jay Craddock via email to see if he had spoken with Mr. Lopez (which he had not.) Mr. Lopez attended the May 2, 2022 Regular Board Meeting and spoke during Citizen Comment Time regarding support for repairing his road.</p> | <p>Ms. Epps again contacted Mr. Craddock who said he had already contacted Mr. Lopez once and left a voicemail. Mr. Lopez never called back.</p> | <p>Mr. Lopez and another Osborne Lane resident, Erica Throckmorton, attended the May 2, 2022 Regular Board Meeting and spoke during Citizen Comment Time regarding support for repairing his road.</p> | <p>Ms. Epps emailed Mr. Craddock again on 5/16/2022 to inquire about any follow up. Mr. Craddock said he had once again called and left a message for Mr. Lopez to call him. Mr. Craddock asked that if Mr. Lopez calls the County office again, please direct him to Mr. Craddock.</p> | |



HALIFAX COUNTY *Virginia*

AGENDA BRIEFING

| | | |
|----------------------|-----------------------------|--|
| Meeting Date: | June 6, 2022 | Staff Members: Scott R. Simpson |
| Item # | P - 1 | |
| Department: | County Administrator | |
| Subject: | APPOINTMENTS | |

Background: Several committee and agency appointments are expiring or have expired. A number of appointments should receive consideration as soon as possible and are noted below.

AGRICULTURE DEVELOPMENT COMMITTEE *(3-year term; not election district specific)*

- Vacant seat (agri-tourism) – will fill remainder of term ending 12/31/2023
- Andrea McKinney - option for small ruminant representative
 - Member of Southern Virginia Small Ruminant Association
 - Willing to serve on Agriculture Development Committee

HALIFAX COUNTY IMPROVEMENT COUNCIL *(election district specific; 2-year term)*

- Vacant seat (ED7) – current term to be filled is 1/1/2021-12/31/2022

HALIFAX COUNTY/SOUTH BOSTON LIBRARY BOARD *(4-year term; not election district specific)*

- Vacant seat – would begin 7/1/2022 and fill remainder of term ending 6/30/2024
- Vacant seat – term to be filled is 7/1/2022 – 6/30/2026
- Phyllis Smith – term expires 6/30/2022; willing to serve again
 - Judy Ward has previously served on the Library Board; she is willing to serve again
 - Thomas Lee (previous tie breaker applicant) has completed a Community Interest Form which includes interest in serving on the Library Board

LAKE COUNTRY AREA AGENCY ON AGING *(3-year term; at-large appointment)*

- Vacant seat (at-large appointment) – would fill remainder of term ending 9/30/2024

RECREATION ADVISORY COMMITTEE *(Appointed by election districts; 2-year term)*

- Vacant seat (ED2) – term of appointment 1/1/2022 – 12/31/2023
- Vacant seat (ED3) – term of appointment 1/1/2021 – 12/31/2022
- Vacant seat (ED5) – term of appointment 1/1/0222 – 12/31/2023

TRANSPORTATION SAFETY COMMISSION *(4-year term; election district specific)*

- Vacant seat (ED2) – would fill remainder of term ending 12/31/2023
- Vacant seat (ED3) – would fill remainder of term ending 12/31/2023