

HALIFAX COUNTY BOARD OF SUPERVISORS
County Administration Building
Board of Supervisors Meeting Room
1050 Mary Bethune Street
Halifax, Virginia
April 3, 2023 / 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 ROLL CALL

Board of Supervisors members attending were: Chairman 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; Mr. W.B. Claiborne, ED8 (arrived at 6:35 p.m.); and Mr. W. Smith, Tie Breaker.

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

News reporters attending were: Miranda Baines, The Gazette-Virginian, and Victoria Thompson, The News & Record

Security was provided by: Halifax County Sheriff's Department

C. ADOPTION OF AGENDA

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

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 2, 2023 Policy & Personnel Committee
- 2. March 6, 2023 Board of Supervisors Budget Work Session
- 3. March 6, 2023 Board of Supervisors Regular Meeting
- 4. March 20, 2023 Board of Supervisors Public Hearing & Work Session
- 5. March 21, 2023 Board of Supervisors & Planning Commission
Joint Meeting

Motion made by Supervisor Pannell, seconded by Supervisor Throckmorton, 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 –
 - a. February 28, 2023
- 2. Supplemental Appropriations
- 3. Treasurer’s Report –
 - a. February 28, 2023

Motion made by Supervisor Duffey, seconded by Supervisor Brandon, 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. None

Chairman Short said there are no formal recognitions on the agenda; however, he recognized Ms. Noble’s government class from the high school being in attendance.

G. CITIZENS’ COMMENTS

Chairman Short opened Citizen Comment time and asked anyone desiring to speak to come forward one at a time and to state their name and address.

Tim Bane

Mr. Bane introduced himself and said he would like to speak about short term rentals and zoning. He commented in 2005, he and his wife purchased property in the County that's located in an agricultural community. In 2007, they were the first to develop their property and build a home. He stated their goal was to move here after retirement to escape Northern Virginia and the relentless traffic. He said this was going to be their piece of heaven, which they had worked many years to achieve, and the property was purchased because of its location. He commented there had never been any issues until the short term rental opening was proposed in the community. He said with the County is now considering changing the zoning from an R-1, Residential, to an A-1, Agricultural, and the change would be inconsistent and detrimental to the district. He asked the Board members to take into consideration the quality of life, safety, and security of the community. He said when a property is listed on the Airbnb website, they do not vet their guests, and communications for a potential guest are done through a message on the Airbnb website. He stated many of the guests who book the rental are not the actual individuals who show up and without a picture ID or credit card, there is no way to know who is on the property.

Mr. Bane said the area he resides in is a small gated community and giving out the gate code opens up the possibility of crime within the community. He noted some of his personal property and his neighbor's personal property has been stolen, and it has not been recovered. He commented the guests could possibly be scoping out the area to return later to commit a crime. He discussed other ways short term rentals affect communities and stated cities are setting limits and restrictions and said there are increases in vacancies at hotels, which reduces income and taxes to the County. He said there have been numerous reports of cases where Airbnb has solicited landlords and tenants to sublet their property, which creates a decrease in the number of affordable housing in the County's strained market. He emphasized he hope the Board members would consider enforcing the current zoning laws and not change the zoning for short term rentals.

William Bushway

Mr. Bushway introduced himself and said he wanted to express his concerns regarding short term rentals. He said after repeated calls, emails, and letters to the Board members and County Administrator, only one person has taken the time to discuss the issue. He stated another response received was that there is a committee meeting set on April 4, 2023 and currently there is no Agenda available for public review. He wanted to know if the Committee held a public forum or if there had been any interviews from others in the County regarding questions and concerns. He commented a government entity for the people should be more transparent and interactive with the community they represent. He said for County officials to unilaterally change any Ordinance, especially when the Zoning Administrator has friends and family operating a short term rental in the County, is unethical and corrupt. He stated he had been informed that there may be an issue with the verbiage within the Code that may be antiquated, and it needs to be removed or changed. He stated a dwelling that is for the exclusive use of tourists and short term transient in exchange for money under any other name is still not a dwelling defined by County code as a structure for residential purposes except for hotels, sporting houses, lodging houses, tourist cabins, apartments, and automobile trailers.

Mr. Bushway said once engaged on a platform such as Airbnb, there is no longer a landlord-tenant relationship because it becomes a business transaction in exchange of goods or services for money, which according to current Code requires a business license, a conditional use permit including a process that allows affected neighbors the opportunity to express concerns. He wanted to know since there has been no enforcement of the current Ordinance, how will any future Ordinance be enforced to protect neighbors and communities, and how will the County track short term rentals and collect required taxes. He commented if County staff has been unaware of the explosion of short term rentals until concerned individuals brought up Code violations, how can citizens have confidence that changes to the proposed Ordinance will be enforced. He stated the County should first enforce the current Code related to short term rentals. He said the Halifax County Board of Supervisors Conduct Code states, "There is no right way to do the wrong thing." He noted his experience thus far contradicts that statement because violations are being made, and it sets a precedent that the County government lacks any strength or will to enforce its own Code.

Barbara Coleman-Brown

Ms. Coleman-Brown introduced herself and said she is the President of the Halifax/South Boston Branch of the NAACP and the Co-Chairperson of the Henrietta Lacks Hometown Initiative. She asked for consideration from the Board members to contribute \$15,000 toward the construction of the Henrietta Lacks statue on Constitutional Square. She noted that an extensive presentation had been presented to the Board members in 2022, which outlined the benefits of the project and the benefits and recognition that the project will bring to the County. She stated the General Assembly recognized Ms. Lacks' significance and called her "The Daughter of the Commonwealth" in the passage and signing of a Bill proclaiming October 4th, the date of her death, as Henrietta Lacks Day. She said Roanoke, Virginia, which is her birthplace, has already erected a memorial for her. She commented their organization would like to present a letter to the Board members, which will provide additional information on the project. She commended County staff and the Board members for doing their due diligence in creating a balanced budget for FY2024. She stated according to reports from Richmond and the Governor's office, the matching funds set aside could be less than anticipated and asked for the Board's support for the project.

Jack Dunavant

Mr. Dunavant introduced himself and said he would like to address the Bruce Library building. He stated there are rumors the County is considering giving the building away, and he has a check in the amount of \$50,000 for the purchase of the property. He said the property is valuable and located in a beautiful residential area, and it should be preserved in the character that it was built and not desecrated by making apartments out of it or any other type of building. He commented it is a historic building for the Town of Halifax and the entire County, and he hoped consideration would be given for putting the property up for auction.

Randy Bailey

Mr. Bailey introduced himself and said he had the pleasure of recently speaking with Supervisor Claiborne for about two hours. He commented this is the first time in 24 years that a Board member has even taken the time to speak with him, and they came together about many things. He thanked Supervisor Claiborne for taking the time to speak with him and noted that anytime fingers are pointed at somebody, it can bring out hatred and anger. He expressed his appreciation for Supervisor Claiborne's kindness.

Najeh Abedeljalil

Mr. Abedeljalil introduced himself and said he would like to speak about Animal Control. He stated his family has filed multiple lawsuits against Animal Control, which should go to litigation soon. He commented that employees have exceeded their authority and are taking property unconstitutionally. He stated there are three main problems. He said the current framework of the law prohibits innocent owners from reclaiming their animals after those animals are seized from a caretaker, and no such defense exists under the animal law statute. He stated searches are being conducted by law enforcement and animal control officers without search warrants, and veterinarians are being illegally influenced. He said changes need to be made to respect property rights. He commented crimes are being committed by animal control officers and the Chief Animal Warden, which includes perjury, embezzlement, illegal searches, and seizure conspiracy. He asked the Board members to not wait for the final outcome of these investigations and be the Board that is remembered for getting in front of the situation and not the Board that failed to do anything about it. He stated animals have been seized claiming there was neglect on the owner's part, and if you read the Code Section, it states that if the State veterinarian is involved in the seizure, they can only seize an agricultural animal. He commented if there is no immediate threat to the animal's life, the seizure of 150 animals cannot be justified. He said lies are told in Court and perjury is committed about the amount of restitution that is set in the case hoping that the animal's owner cannot afford to appeal the outcome. He noted there has been a pattern, and there is evidence to prove that it is being done intentionally. He stated the Chief Animal Warden has boasted about the animal shelter passing inspection with flying colors, but there have been multiple violations.

Chairman Short advised Mr. Abedeljalil his time to speak had expired.

Faisal Abedeljalil

Mr. Abedeljalil introduced himself and said that there are problems with animal control and the way issues are being handled by County staff. He said a gentleman is willing to testify in Court that the employees at Animal Control are having fornication while on the job. He stated Animal Control employees are taking their boyfriends with them to the seizures. Chairman Short advised Mr. Abedeljalil he is not allowed to make derogatory comments and reminded him that he needs to comment only on new topics and issues.

Mr. Abedeljalil stated when Animal Control conducts a large animal rescue, individuals involved with those seizures are getting the animals, and it is not right. Chairman Short stated that bids were run in the newspaper for those animals, and the topic had been previously discussed at a prior Board meeting.

Mr. Abedeljalil said Animal Control vehicles are being used when employees pick up their child support and when they are going to check on their adult children who are drug addicts. Chairman Short asked Mr. Abedeljalil if he had any proof of those statements. Mr. Abedeljalil stated that the employees at Animal Control made those statements directly to him. He said Chandler Hughes is present at the meeting, and he wants to talk about the money Roosevelt Garrett gave to Ms. Midkiff.

Chandler Hughes

Mr. Hughes introduced himself and said he has assisted Animal Control Officers as a volunteer for approximately 50 years. He stated he wanted to talk about an incident where Ms. Midkiff took money from him. He stated he received a call in June 2021 on a Sunday morning regarding Roosevelt Garrett's cow being out. He said Mr. Moser had previously called him during that week advising him the case was going to Court, and he would be back in contact with him regarding the Judge's decision. He said on the third Sunday in June 2021, a 911 dispatch call was made about the cow being out again. He stated the Judge had ordered if the cow got out again, it would need to be seized. His trailer was already hooked up from a sale that he went to on Saturday night, so when he met a former employee with Animal Control, they took trailers to the field, set up some portable panels and feed, and one cow was picked up. He was told to go ahead and leave because the rest of the cows had gone back across the road in the pasture. He asked the former employee if the cow needed to be taken to the fairgrounds or back to his farm. He was asked to take the cow back to his place because it was closer. He said he kept the cow at his place for one month, and the cow was eventually sold for \$100. He said he took the money to the Animal Shelter and gave it to Ms. Midkiff, and she told him that she was going to use the money to buy groceries. Mr. Hughes stated he had previously written a statement with all of those details.

Chairman Short asked Mr. Hughes if he received a receipt for the \$100, and Mr. Hughes stated he did not get a receipt.

Michael Wilkerson

Mr. Wilkerson introduced himself and said he had been complaining about Animal Control for 5 months now, but nothing has been done. He stated he had previously spoken about the incident that Mr. Hughes just explained to the Board members. He said Mr. Garrett is one of his neighbors, and he had told him that Mr. Hughes had already left with a cow and donkey, but he did not actually see if any animals were inside the trailer. He asked Ms. Midkiff if she had picked up any animals, and she told him no, so there is no record of the animals ever being picked up. Mr. Wilkerson said those animals were stolen by Animal Control, and it is a violation of the law. He emphasized he has provided facts to the Board members repeatedly, and there have been no results. He said he listened to all of the animal groups at the March meeting, who are in support of Animal Control, and they spoke about how pristine the animal shelter is but that is not the concern being addressed. He stated his concerns are how the employees are breaking laws and treating citizens in the community, and not the condition of the animal shelter.

Mr. Wilkerson said the State came down and performed an inspection on the animal shelter the following Thursday after last month's meeting, and on Saturday, dirt and gravel were put down to keep the dogs from running around in mud and dirt. He commented the animal groups in support of the animal shelter had stated it was pristine and in perfect condition. He said facts need to be provided to the community. He commented the County has plans to renovate the Animal Shelter, and once the renovation begins, all of the animals will have to leave the shelter, so they won't be able to be picked up.

Michael Duckett

Mr. Duckett introduced himself and said he is a Class A-CDL driver, and he is speaking on behalf of Najeh Abedeljalil. He commented Mr. Abedeljalil has gone out of his way to help him and his family multiple times. He said he also goes out of his way with his business insuring others have a way to go to and from work, which is important because personal property taxes need to be paid. He commented there is a possible religious issue because Mr. Abedeljalil is Muslim and stated that his religion is Jewish. He said he didn't know if the sheep would be returned to Mr. Abedeljalil but the fact that they were taken hinders others from practicing their religion, which is one of the freedoms in America. He stated he loves America and the County but questioned what is going to happen next.

Kelly Powell

Ms. Powell introduced herself and said she is a member of the Halifax County Paws and Claws, SPCA. She stated she is in support of Animal Control and noted there is too much negativity. She said she is at the animal shelter every day and interacts with the animal control officers. She expressed disappointment in the negativity, slander, and false statements that are being made about individuals who are serving our County. She stated clarity needs to be provided about the gravel being put down after the inspection of the animal shelter and explained the SPCA has been working on that project for months. The gravel is not a requirement for the animal shelter but provides a wonderful backyard for the dogs. She said the organization decided to complete the gravel project because of its love for animals.

Ms. Powell commented the organization supports the animal shelter and has been working to secure funds and donations to provide a safe area for the dogs to run. She emphasized that the animals deserve that type of space and said individuals who want to put out statements about the involvement of rescue organizations with the animal shelter need to get their facts correct. She stated Halifax County Paws and Claws supports the animal shelter 100 percent, and they are at the facility every day and see what is being done on a daily basis.

Tammy Abedeljalil

Mrs. Abedeljalil introduced herself and said she has no doubt Animal Control works great with the rescue groups. She stated that rescue groups are not the only people who love animals and commented individuals who own animals, individuals who operate pet stores, and raise farm animals love them too. She stated the rescue groups would not understand the concerns and issues until they are accused of wrongdoing.

Casey Abedeljalil

Mr. Abedeljalil introduced himself and said he has a problem with Animal Control. He said the Chief Animal Warden lied in Court, and she has no credibility at all. He said she also lied about the speed limit she was traveling and committed perjury. He stated he is not debating whether or not she takes care of the animals because he is sure that she does; however, he said it is more about being right or wrong because she is a law enforcement officer and has the ability to arrest people and put them in jail. He stated she had him arrested and put in jail, but he was found not guilty. He commented she was on probation when she received a promotion, and her promotion should have never happened.

H. PUBLIC HEARINGS

- 1. None

I. PRESENTATIONS

- 1. Tri-County Community Action Agency

Chairman Short said Ms. Petrina Carter, President of Tri-County Community Action Agency, is in attendance to present an update from her organization regarding their efforts this past year.

Ms. Carter introduced herself and said due to an illness, she was not able to get a PowerPoint presentation together, but she has a written report to provide to the Board members. She commented she wanted to share some of the things that happened in Halifax in 2022 around some of the programs offered through the Tri-County Community Action Agency. She stated the promise of the agency is to change people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live. The agency cares about the entire community and is dedicated to helping people help themselves and each other. Tri-County Community Action provides heating and cooling assistance through the Energy Share Program to 965 families and Ms. Carter noted 429 of those families live in Halifax County. She stated help has been provided through the Healthy Family Program, which works with pregnant moms and their children up to the age of five years old. Resources are also provided for those families assisting them with parenting, ensuring reductions are made for low birth weight babies, and babies who are born deceased, and she said 18 families in Halifax County have received services through the program.

Ms. Carter discussed the Hope Food Pantry Program and said food boxes have been provided to 2058 families in Halifax County. She stated during tax season, volunteers are providing assistance to families at no charge, who earn \$55,000 or less per year, through the Income Tax Program with tax preparation. Ms. Carter said enrollment has started for the Head Start Program which is a Federally funded preschool program and serves up to 181 children. She commented 145 of those families are located in Halifax County. Currently, the program is not fully enrolled and Tri-County Community Action needs help with getting the word out in the community, so the children of Halifax County are able to take advantage of an educational environment. She stated the earlier children begin to receive their education, the better they are at getting a head start before entering school.

Ms. Carter said Tri-County Community Action Agency has completed its audit for FY2022. They received a clean audit and are considered a low risk for auditees. 134 individuals received assistance through the Domestic Violence Program and shelter was provided to 19 individuals. The shelter is open and available to victims of domestic violence, who are seeking safety from violence at home. The shelter operates 365 days per year, and she emphasized it operated throughout the Covid pandemic. She said the agency conducted 11 continuum of care meetings with agency partners and provided shelter to 54 individuals in Halifax County. She discussed the Westside Housing Project, which is a partnership with the Town of South Boston, and noted land has been purchased with ARPA funds that were available through the Town of South Boston, and the project is in the process of moving forward and improvements are being made to one of the worst housing developments in the Town of South Boston and will provide single-family homes. She also expressed appreciation for the County's involvement with the project. She stated garbage bins have been removed and individuals have their trash picked up at their homes now. Ms. Carter emphasized the project is making those residents believe the County and the Town of South Boston really believe they can have a better life within the community.

Ms. Carter stated she believes Supervisor Pannell will address the issue that Tri-County Community Action Agency is in need of a Board member to be appointed to their Board. If none of the Board of Supervisors members are able to serve, an individual can be appointed as an alternative. She recognized that everyone has a busy schedule but requested that the appointment be considered as soon as possible. She thanked the Board members for their time and commented she would be back much sooner to keep them abreast of activities, which are being done in the County.

Supervisor Pannell said Ms. Carter has brought up a good point regarding appointments and commented not only are Board members needed, but our constituents are needed as well. He emphasized he hopes someone will step up and come forward to help on the Tri-County Community Action Agency Board and encouraged constituents to submit an Interest Form to the County Administrator because the agency is in dire need of individuals to serve.

2. Empower Broadband

Chairman Short said Mr. David Lipscomb, Vice President of Member and Energy Services for Mecklenburg Electric Cooperative / Empower Broadband is in attendance to present an update about the County-wide broadband project, as well as, the completion of the 2020 VATI fiber optic service project.

Mr. Lipscomb introduced himself and said Empower has been excited over the past several years to have a partnership on three different occasions with Halifax County and noted each were through the Department of Housing and Community Development through their VATI Initiative. He stated Empower is in the process of closing out the earliest project which started in 2020. He began his presentation to the Board members and noted the first slide is adults, families, children, and students who are actual members of our communities. He said Empower is making a difference with the County's help to make sure Southside Virginia and Halifax County has what it needs. Mr. Lipscomb said the most recent project that has reached closeout was the 2020 VATI project and service has been provided for some time now. He commented the buildout for fiber has gone across multiple portions of the County and listed some of the following locations: Lower Liberty Road, Liberty Road, Highway 40, Bull Creek Road, Meadville Road, Chatham Road, Asbury Church Road, Leda Road, Aarons Creek Road, Highway 58, and Hitesburg Church Road. Mr. Lipscomb stated the project passed 679 eligible addresses and presently there are over 215 activated accounts, which is approximately a 30 percent take rate in our rural area who are now receiving highspeed internet. He said the project was an investment of \$3.4 million of which \$710,514 was committed by the Department of Housing Community Development (DHCD) through VATI, and those documents have been submitted through County staff for reimbursement. He emphasized work is completed and families are being served.

Mr. Lipscomb said there is a 2021 VATI project that actually covers areas that range from Omega to Virgilina and Aarons Creek Road. He stated Empower utilizes existing facilities and will continue to build through the next 2022 VATI project, which will go across Southside Virginia. He commented crews are currently working in the Northern part of Halifax County. Mr. Lipscomb stated citizens can go to the Empower website and search to see if service is available in certain areas of the County. There are 727 homes who are actively receiving service, and Empower is in the later stages of construction in other rural locations. 4,900 addresses are eligible for the 2022 VATI project, which will make a tremendous difference to citizens, and explained the different phases of the project to the Board members and noted hookups will be provided to households while working through the project.

Mr. Lipscomb stated Empower is working with the County in support of the 2023 VATI project, which will serve 2,000 individuals. He said the applications and recommendations from DHCD have been sent to the Governor's office, and an announcement is expected in the near future. He emphasized that continued growth is being accomplished and commented the work being done is tracked in small segments. The County is divided into different zones and phases by each year. Mr. Lipscomb explained in detail to the Board members how crews are working in the different areas and said mainlines are being installed. He thanked the Board of Supervisors for their support and recognized the importance of broadband services to the citizens. He asked if any of the Board members had any questions.

Supervisor Duffey asked Mr. Lipscomb if any work is currently being done on Dudley Road which is located off of Highway 501 North. Mr. Lipscomb verified that work is being done in that area and commented he would be at the meeting a little while longer, so if any other questions came up, he would be glad to answer them.

J. COMMITTEE REPORTS

1. Policy & Personnel Committee – March 2, 2023

Chairman Short referred the Board members to page 71 of the meeting packet. He said the Policy & Personnel Committee met on March 2, 2023 and the Committee members concurred that a discussion should take place with the full Board of Supervisors to determine how best to proceed related to the engagement of the County Attorney.

Mr. Simpson said the Policy & Personnel Committee met in early March and discussed the engagement of the County Attorney. The Committee had a consensus that they wanted to bring the matter to the full Board to weigh in on the discussion. He stated the State Code related to the process for competitive negotiation for professional services is included in the meeting packet. He said on page 74, the exemptions from competition for certain transactions is included, and number 2 references the purchase of legal services. He said the discussion for the Board members is to determine how they wish to move forward with engaging in legal services and if the Board members want to reappoint the current County

Attorney based on the exemptions that are available or proceed with going through the request for proposal to receive proposals and qualifications for different attorneys and law firms. He said multiple meetings would need to take place to narrow down the candidates, and then interviews could be conducted. Mr. Simpson stated the hire decision needs to be determined by the full Board of Supervisors and County Staff is requesting direction on how to move forward.

Supervisor Claiborne stated there are specific legal services to consider for the County Attorney's procurement process. He discussed the litigation and regulatory exemptions in detail with the Board members and emphasized the County Attorney represents far more than those two exemptions.

Supervisor Brandon stated he originally brought up the procurement process for the voting election of a County Attorney according to the Code. He commented he does not recall ever going through the procurement process since he has been on the Board over the last six years. He said he would like to see the Board members come together and go through the process of making a choice on an attorney.

Supervisor Throckmorton said he is not opposed to the procurement process for the County Attorney, but he does not think it is appropriate to address it immediately because the County budget has already been set. He commented it is also his understanding that the current County Attorney's fees are reasonable.

Vice Chairman Ricketts stated the County is extremely fortunate to have the services of the gentleman who has been the County Attorney for several years. He said is in agreement to go through the procurement process as long as the existing County Attorney is included in part of that process.

Supervisor Duffey emphasized the attorney who is selected to represent the County needs to be knowledgeable about the laws pertaining to County government.

Supervisor Pannell said the Board members have discussed this issue several times, and he thinks it is in the best interest of the County to go through the procurement process. He stated the attorney who is selected needs to represent the County and the full Board of Supervisors. He pointed out it is in the best interest of everyone to get away from any conflicts of interest and conduct business in an orderly manner.

Chairman Short stated he is in agreement to proceed with the procurement process but noted a County attorney is presently needed for pending matters. He commented it may be impossible to select an attorney who suits all eight Board members.

Supervisor Claiborne said he wanted to be straightforward and stated he and Supervisor Pannell were the two Board members who pursued the resignation of the County Attorney in 2015 for several different reasons but noted the main reason was because of a violation. There was further discussion about some of the past issues the Board members had with the County Attorney, and Supervisor Claiborne noted that the procurement process has not taken place since 2017.

Chairman Short expressed concerns about ongoing pending litigation and a different County Attorney providing legal representation.

Supervisor Roller stated the State code for procurement applies to multiple years but three years is what is preferred; however, he noted requested extensions are allowed, and there would be no violations involved. He commented some of the Board members are making comments about the current County Attorney being eliminated. He said moving forward with the procurement process, Board members need to be open-minded and not eliminate any candidate because the best person needs to be selected to represent the County and the Board of Supervisors. He said whatever issues had happened in the past needed to be forgotten and any of those issues should not taint any future selections for the attorney.

Chairman Short wanted verification if a law firm or an individual attorney is being considered during the procurement process. There was a consensus among the Board members that a law firm is being considered moving forward.

Supervisor Pannell emphasized a procurement process needs to be conducted yearly for the County attorney even if the Board decided to extend whatever law firm or attorney is selected. He said the issue needs to be handled correctly moving forward.

Supervisor Claiborne asked Mr. Simpson to verify if the law firm is who is being selected to represent the County and the Board of Supervisors. Mr. Simpson said that is correct. Supervisor Claiborne stated there are several attorneys in the law firms who practice in the same specialized areas of law. Chairman Short noted that if there are any conflicts of interest, the law firm being considered should be able to provide a different attorney whenever it is necessary.

Supervisor Duffey stated there are only three Board of Supervisors assigned to the Policy and Personnel Committee; however, the full Board of Supervisors should be involved in conducting the interviews for the selection of the law firm.

Supervisor Roller noted normally the procurement process consists of reviewing the proposals, narrowing down the selection of the firms, and then conducting the interviews. Supervisor Brandon commented the procurement process should take place during closed session.

Mr. Simpson said the process would take a couple of months, and it would most likely require special-called meetings. Supervisor Claiborne stated he is in agreement for the existing law firm to continue representing the County and the Board of Supervisors until the procurement process can be completed.

Supervisor Pannell commented the procurement process for selecting a law firm is no different from the process of selecting a County Administrator. He stated there is an existing process, which is not difficult. He emphasized it would behoove the Board members not to rush the process but at the same time things needed to begin to move forward.

Motion made by Supervisor Brandon, seconded by Supervisor Pannell, to move forward with the procurement process for the selection of a law firm for representation of the County and 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

Motion made by Vice Chairman Ricketts, seconded by Supervisor Brandon, to continue using the existing law firm for any legal services until the procurement process is finalized.

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 previous procurement process from 2017 can be pulled and County staff could complete any necessary updates.

Chairman Short asked if the Policy and Personnel Committee would address any edits to the Bylaws for the Board of Supervisors. Mr. Simpson said the thought process is the County Attorney provides a professional service, which continues until it is determined those services are no longer preferred; however, he stated the only matter to address in the Bylaws would be to include a section for the Board of Supervisors to reaffirm or appoint the County Attorney at the organizational meeting each year in January. He stated the Policy and Personnel Committee could meet and discuss the matter to make a recommendation to the Board of Supervisors.

Supervisor Claiborne said the reason the procurement process needs to be addressed is that the current Board or Supervisors cannot bind another Board to uphold its decision.

K. NEW BUSINESS

1. Conditional Use Permit Application ED # 3:

Applicant:	Philip & Jessica Watson
PRN	26835
Location:	3106 Mountain Road
Business Name:	Greasy Garage Auto Repair
Proposed Use:	Auto repair garage

Chairman Short said there is a conditional use permit application to operate an auto repair garage at 3106 Mountain Road submitted by Philip & Jessica Watson. He stated Mr. Watson is present and is proposing to operate the Greasy Garage Auto Repair. He asked Mr. Easley to provide an overview to the Board members.

Mr. Easley said Mr. Watson submitted a CUP application to operate the Greasy Garage Auto Repair located at 3106 Mountain Road. The Planning Commission and Board of Supervisors held a Public Hearing at the Joint Meeting on March 21, 2023 and the Planning Commission is recommending that the Board of Supervisors approve the CUP and the site conditions along with adding an additional site condition to install a privacy fence at the request of Ms. Spangler, who is an adjacent property owner. He said Ms. Spangler's property is to the east of the garage. The fence will begin at the second pine tree, which is about 40 feet inward from the garage and the fence extends northward by the garage and will turn eastward behind Ms. Spangler's property and continue 100 feet until it meets the tree line. He referred the Board members to the additional site condition number 12, which is located on page 83 of the Board packet, and noted it outlines the specific distance required for the privacy fence. Mr. Easley pointed out Mountain Road is a historic scenic highway, and stated a site condition is included to preserve the scenic area, so no more than 5 vehicles will be allowed at the garage at any time. He stated Mr. Watson is present, and he will be glad to answer any questions from the Board members.

Vice Chairman Ricketts asked Mr. Easley if there was a reason the privacy fence changed from an 8-foot fence to a six-foot fence because during the Joint Meeting with the Planning Commission, an 8-foot fence was discussed. Mr. Easley stated the Planning Commission had further discussion after the Board of Supervisors recessed and agreed a six-foot privacy fence should be an adequate height for a visual buffer.

Supervisor Pannell stated the CUP is in his election district; however, he refrained from making a motion due to a personal conflict with both of the property owners.

Motion made by Supervisor Roller, seconded by Supervisor Brandon, to approve the Conditional Use Permit for the Greasy Garage Auto Repair including the 18 Site Conditions as presented.

VOTE

Motion passed 7-0 by the following vote:

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

Nays: No one

Abstained: Mr. H.W.H. Pannell

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

2. Ordinance 2023-5 Amending Chapter 53, Zoning, Section 53-162, Revenue Sharing

Chairman Short referred the Board members to pages 84-87 and said the next item on the agenda is Ordinance 2023-5 Amending Chapter 53, Zoning, Section 53-162, Revenue Sharing. He asked Mr. Simpson to provide an overview.

Mr. Simpson said over the last few years, the Board of Supervisors instituted a Solar Revenue Share Ordinance related to solar facilities. He stated it was one of the items the County advocated to change the taxation structure for solar projects. The Code originally exempted 5 MW or less projects from the Revenue Share Ordinance, which means those projects were 100 percent untaxed projects aboveground. The General Assembly enacted Code § 58.1-2606.1 to eliminate the exemption for projects which are 5MW or less in size. Mr. Simpson said with the exception of solar panels on rooftops, all other solar projects 5MW or less are now subject to revenue share pursuant to the Code of Virginia.

Mr. Simpson referred the Board members to page 86 of the meeting packet and said it is being recommended to remove the phrase in highlighted red, which is to remove projects 5MW or less from the exemption, and with removing that verbiage all utility scale solar projects will be subject to the Revenue Share Ordinance. He stated currently the tax is \$1,400 per MW annually and effective on July 1, 2026, it will index 10 percent to \$1,540 per MW, and then continue to index 10 percent every 5 years thereafter because escalators are built into the Code. He said the Planning Commission discussed the Solar Revenue Share Ordinance at the Joint Meeting on March 21, 2023 and a recommendation is being made that the Board of Supervisors adopt Ordinance 2023-5 Amending Chapter 53, Zoning, Section 53-162, for Revenue Sharing to remove the exemption.

Supervisor Brandon asked Mr. Simpson if there is a definition of how would a solar project be determined to be 5 MW or less. Mr. Simpson said projects that are smaller than 1 MW, are typically your standalone which are located on a rooftop. He commented they are not what we would consider a land use type of solar project. Mr. Easley stated by definition a 1 MW or less is considered a small scale solar project and is permitted by right, not by land use. He noted a Conditional Use Permit or Siting Agreement would not be used for 1 MW or less.

Motion made by Supervisor Brandon, seconded by Supervisor Throckmorton, to adopt Ordinance 2023-5 Zoning, Section 53-162, Revenue Sharing as presented in the meeting packet.

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

ORDINANCE NO. 2023-5

AN ORDINANCE AMENDING CHAPTER 53, ZONING, OF
THE CODE OF THE COUNTY OF HALIFAX, VIRGINIA 2006
BY REENACTING SECTION 53-162, REVENUE SHARING.

WHEREAS, the 2022 Session of the Virginia General Assembly amended Virginia Code § 58.1-2606.1 to permit a locality to assess a revenue share of up to \$1,400 per megawatt on five (5) megawatt or less solar photovoltaic projects; and

WHEREAS, the Board of Supervisors of the County of Halifax, Virginia (the "Board") deems it appropriate to amend its ordinance to include the assessing of revenue sharing for five (5) megawatt or less solar photovoltaic projects as now permitted by the Code of Virginia; and

WHEREAS, this Ordinance has been advertised as required by Virginia Code §§ 15.2-1427(F) and 15.2-2204 and has undergone properly advertised public hearings by the Halifax County Planning Commission and the Halifax County Board of Supervisors at a joint meeting held on March 21, 2023.

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 by enacting Section 53-162, Revenue Sharing, as follows:

Sec. 53-162. – Revenue sharing.

(a) In accordance with the authority granted localities pursuant to Section 58.1-2636 of the Code of Virginia (1950, as amended), the county hereby assesses: (i) a revenue share of \$1,400 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the facility based on submissions by the facility owner to the interconnecting utility, on any solar photovoltaic (electric energy) 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.

(1) 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 § 58.1-3660, and such application was approved by the locality prior to January 1, 2021.

(2) The provisions of this subsection (b) 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.

(c) For purposes of this section, "solar photovoltaic (electric energy) project" shall not include any project that is (i) described in § 56-594, 56-594.01, or 56-594.2 or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended; or (ii) 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018.

(Ord. No. 2021-13, § 1, 4-5-2021; Ord. No. 2022-9, § 1, 5-2-2022; Ord. No. 2023-5, § 1, 4-3-2022)

State law references—Revenue share for solar energy projects and energy storage systems, § 58.1-2636.

Section 2. Section 1 of this Ordinance shall be made a part of the Code.

Section 3. This Ordinance shall become effective immediately.


Passed and adopted by the Board of Supervisors of the County of Halifax, Virginia this 3rd day of April, 2023.


Chairman

ATTEST:


Clerk, Halifax County Board of Supervisors

Approved as to form:


County Attorney

3. Consideration to Adopt Resolution 2023-6 Adopt Tax Rates for 2023

Chairman Short said the next item on the agenda is Consideration to Adopt Resolution 2023-6 Tax Rates. He stated there is no increase and the tax rates will remain at the same rate as last year. Motion made by Supervisor Brandon, seconded by Vice Chairman Ricketts, to adopt the Resolution to set 2023 Tax Rates as presented in the meeting packet.

VOTE

Motion passed 8-0 by the following vote:

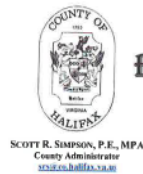
Ayes: Mr. C. Short, Mr. L. Roller, Mr. H. W. H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, Mr. S. Brandon, Mr. G. B. Ricketts, and Mr. W. B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one



**HALIFAX COUNTY
BOARD OF SUPERVISORS**

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CALVIN "RICKY" SHORT - ED#1
CHAIRMAN
GARLAND B. RICKETTS - ED#1
VICE CHAIRMAN

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

**2023-6
RESOLUTION**

HALIFAX COUNTY BOARD OF SUPERVISORS ADOPT TAX RATES FOR 2023

The Board of Supervisors of Halifax County, Virginia (the "Board"), at its regular meeting on the 3rd day of April 2023, adopts the following resolution:

WHEREAS, Virginia Code Section 15.2-2503 requires the governing body of Halifax County to approve a budget for the 2023-2024 Fiscal Year and fix tax rates for 2023 on or before July 1, 2023; and

WHEREAS, a Public Hearing was properly advertised and held March 20, 2023 in accordance with the Virginia Code; and

WHEREAS, the Board desires to fix the tax rate for the County for 2023 and postpone a final decision on the budget for the 2023-2024 fiscal year until a later date.


NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The 2023 tax rates for Halifax County shall be as follows:
 - a. \$0.50 per \$100 value for real estate;
 - b. \$3.85 per \$100 value for personal property; and
 - c. \$1.26 per \$100 value for machinery and tools (based on 50% of original capitalization costs).
2. This resolution shall take effect immediately.

APPROVED:


Calvin "Ricky" Short, Chairman
Halifax County Board of Supervisors

ATTEST:


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

Approved as to form:


County Attorney

4. Skip Barber Racing School TROF Agreement

Chairman Short referred the Board members to page 90 of the Board meeting packet and said the next item on the agenda is the Skip Barber Racing School TROF Agreement. He asked Mr. Simpson to provide an overview.

Mr. Simpson said the Tobacco Region Opportunity Fund (TROF) Agreement is the Tobacco Commission Grant for economic development projects. Skip Barber Racing School was awarded from the Tobacco Commission a TROF grant in the amount of \$32,500. He stated the agreement is included in the meeting

packet on pages 90 through 106. The County is a party to the agreement along with Skip Barber Racing School, the IDA, and the Tobacco Commission. He commented this grant is much smaller compared to some of the previous grants discussed such as Hitachi and IperionX. He said this grant is based on 8.9 million investment and 24 new jobs.

Mr. Simpson stated this project was announced just before Thanksgiving last year, and the construction of the building is underway at VIR Motorsports Technology Park. The building will be their new corporate headquarters and operations base and will be approximately 25,000 square feet. He stated consideration is needed from the Board of Supervisors to approve the Performance Agreement for Skip Barber Racing School and authorize the County Administrator to execute the agreement, so it can then be sent along to the next party.

Motion made by Supervisor Brandon, seconded by Supervisor Throckmorton, to approve the TROF Performance Agreement for Skip Barber Racing School as presented and authorize the County Administrator to execute the Performance Agreement.

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

Vice Chairman Ricketts stated he has a background question before moving forward. He said with some of the other Tobacco Commission Grants, there is a clawback clause if the property is sold. He asked if there is any consideration for this agreement if Skip Barber Racing Schools were to sell their company or its assets, and what type of effect would it have. Mr. Simpson verified it would not have any effect because the TROF Agreement is strictly a Performance Agreement. He stated as long as the company invests the \$8.9 million, creates 24 jobs during the 3-year performance period, and maintains that investment and those jobs, the grant is awarded. He clarified the grant is a post-performance grant.

5. Empower Broadband Project Completion

Chairman Short referred the Board members to page 107 and said the Empower Broadband Project Completion is the next item on the agenda. He asked Mr. Simpson to provide an overview to the Board members.

Mr. Simpson said earlier in the meeting during Mr. Lipscomb's presentation, he discussed the different projects Empower is completing for Halifax County and the surrounding region. He stated one of the first projects that the Board members awarded through the VATI program was in 2020, and it included the deployment of 37 miles of mainline fiber passing 679 locations in four project areas: Lower Liberty Road (100 passings along Lower Liberty Road and Liberty Road), Northwest Halifax (60 passings along Hwy. 40 and Bull Creek Road), Meadville to Highway 57 (325 passings along Meadville Road, Chatham Road, Asbury Church Road, and Leda Road), and Omega to Virgilina (194 passings along Aarons Creek, Hwy. 58, and Hitesburg Church Road). He commented the project and the closeout with the Department of Housing Community Development (DHCD) has been completed. He stated DHCD administers the Virginia Telecommunication Initiative Program and the payment of \$710,514 has been forwarded to the County. The disbursement from DHCD is the drawdown for the grand funds and all metrics have been met to the satisfaction of the County.

Mr. Simpson said the agreement, which was entered into with Empower and the IDA on August 21, 2020, is included in the Board packet starting on page 110. He said approximately 2 years ago, this was considered an economic development grant incentive project for the County, and it would allow businesses

and individuals to have home businesses, which would promote the economy in the County. He stated the next step in the process is for the Board of Supervisors to consider authorizing County staff to forward the \$710,514 of the received grant funds to the IDA, and request the IDA to provide the Economic Development Grant to Empower for the project completion.

Motion made by Supervisor Brandon, seconded by Supervisor Duffey, to authorize County staff to forward the amount of \$710,514 received in grant funds to the IDA, and request the IDA to provide the funds to Empower for the completion of the Economic Development Grant 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

L. PENDING MATTERS/UNFINISHED BUSINESS

1. Staff Updates

Chairman Short said staff updates were provided in the meeting packet on page 118 and County staff could answer any related questions.

Mr. Simpson said at the Board of Supervisors Regular Meeting in March, the Public Hearing was planned for the VDOT Six-Year Plan; however, at the request of VDOT, the Public Hearing has been postponed until the May meeting. He stated VDOT has changes in budgetary funds, and they want to insure they have the appropriate dollars and length of roads before moving forward and adopting the Six-Year Plan. He noted it is anticipated the Public Hearing will take place at the Board of Supervisors Regular Meeting on May 1, 2023.

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

Motion made by Supervisor Duffey, seconded by Supervisor Brandon, to enter into closed session pursuant to Virginia Code §2.2-3711, subsection (a)(1), (a)(3), and (a)(7) to discuss appointments, business prospects, and probable 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)(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. (Bruce Library Building)

Subsection (a)(7): Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has

been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter. (Actual Litigation)

The Board entered into Closed Session at 8:25 p.m.

N. MOTION TO RECONVENE IN OPEN SESSION

Motion made by Supervisor Brandon, seconded by Supervisor Throckmorton, 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 reconvened in Open Session at 8:48 p.m.

O. MOTION TO ADOPT RESOLUTION FOR CERTIFICATION OF CLOSED SESSION

Motion made by Vice Chairman Ricketts, seconded by Supervisor Brandon, and carried, 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 Garland Ricketts	Yes
Supervisor Larry Roller	Yes
Chairman C. Ricky Short	Yes
Supervisor Dean Throckmorton	Yes

Motion passed 8-0.

P. MOTION RESULTING FROM CLOSED SESSION

1. Appointments

Motion made by Supervisor Throckmorton, seconded by Supervisor Claiborne, to recommend Will Solomon for reappointment to the Airport Advisory Committee to serve a three-year term from January 1, 2023 to December 31, 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

Motion made by Supervisor Brandon, seconded by Supervisor Throckmorton, to recommend David Hudson for reappointment to the Halifax County Improvement Council to serve a three-year term from January 1, 2023 to December 31, 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

Motion made by Supervisor Throckmorton, seconded by Supervisor Brandon, to appoint Shelly Dix to the Recreation Advisory Committee to serve a three-year term from January 1, 2023 to December 31, 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

Motion made by Vice Chairman Ricketts, seconded by Supervisor Throckmorton, to recommend Sharon Wilborn for appointment to the Board of Equalization to serve a three-year term from December 1, 2023 to November 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

Motion made by Supervisor Pannell, seconded by Supervisor Throckmorton, to appoint Matthew McCargo to fill the remainder of a three-year term on the Halifax County-South Boston Library Board. The partial term, which ends June 30, 2023, resulted from a resignation of a Library Board member.

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 Throckmorton, to appoint Susan Throckmorton to fill the remainder of a three-year term on the Halifax County-South Boston Library Board. The partial term, which ends June 30, 2024, resulted from a resignation of a Library Board member.

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 next item to address from Closed Session is the Bruce Library Building. He commented the matter was been previously discussed over the last several months, and the Contract of Sale has been prepared for the Echelon Resources with a purchase amount of \$20,000.

Motion made by Supervisor Pannell, seconded by Supervisor Throckmorton, to approve the Contract of Sale from the Echelon Resources with a purchase amount of \$20,000 for the sale of the Bruce Library Building.

VOTE

Motion passed 7-1 by the following vote:

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

Nays: Mr. R.E. Duffey
Abstained: No one
Absent During Vote: No one
Absent During Meeting: No one

R. SUPERVISOR COMMENTS

Chairman Short asked if there were any Supervisor Comments.

Supervisor Brandon said there had been some previous discussion about a rotation process for Chairman. He expressed disappointment because there has been little effort moving forward with his request. He emphasized the rotation process would be a more effective process and fair to all of the Board members. He said if there is a Board member who does not wish to serve as Chairman, they can decline. He commented that he felt like his request was being ignored and emphasized it would be a more representative method and requested further deliberation and discussion on the matter.

Supervisor Roller asked Supervisor Brandon if the rotation would be on an annual bases, and Supervisor Brandon said that is correct but stated a 2-year rotation could also be considered as an option. He said a rotation process would avoid any partialities, and it would eliminate any perceptions that people may have in the public if all of the Board members have the opportunity to serve.

Supervisor Roller emphasized that when a Board member is selected to serve as Chairman, they have to be willing to lead and work with all of the Board members to keep everyone on the same path and not be divisive. He stated some individuals have a better ability to lead than others, and the selection of the Chairman needs to be a consensus of the majority of the Board members because it makes a difference in how the Board functions and how the County is served.

Supervisor Brandon said there is a lot of talent among all of the Board members, but if no one is ever given the opportunity to serve and a decision is based on a majority vote, those Board members will never be given the same opportunity. He said all of the Board members are attached to the same responsibilities of serving our constituents, but also for the greater good of the County.

Supervisor Claiborne stated he disagreed with getting all of the Board members on the same path because everybody is going to have different opinions. He said the Chairman is supposed to bring people together even when they have different opinions and encourage them to get along in a cordial, respectful manner even when they disagree.

Supervisor Roller stated Board members can agree to disagree when it is necessary, and recognized he should have worded his opinion a little differently. He emphasized some individuals have a better way of understanding both sides of an issue when there are disagreements.

Supervisor Claiborne stated he recently sat down and spoke with a citizen for 2 hours and noted they came to a better understanding just by taking time to talk and listen to one another. He said you have to treat people the way you want to be treated.

Supervisor Pannell said he thought it would be beneficial for the County and the Board members to consider the rotation process for the Chairman. He stated he has gone to multiple VACO conferences and seen a lot of leadership where other Counties are rotating the Board members.

Chairman Short said he wanted to apologize to the Board members who feel that he has not properly represented the Board and County over the last 2 years. Supervisor Brandon stated his comments are definitely not directed at Chairman Short, and he is not criticizing. He said his suggestion and intentions are meant to provide the same opportunity for all of the Board members. Supervisor Brandon stated he appreciates the leadership and service Chairman Short has provided to the Board members and County over the last 2 years.

Supervisor Pannell asked if there are any updates on the dedication plaque for the Courthouse. Mr. Simpson verified the plaque has arrived and anticipates County staff will be able to get it hung up within the next few weeks.

Supervisor Pannell said the portraits of the former Board members have not been hung on the walls in the new Board Room. He asked Mr. Simpson if the portraits could be collected by County staff and hung in the new Board Room where they belong. Mr. Simpson confirmed the portraits would be addressed.

Supervisor Roller asked if a written policy or any guidelines have been found in regard to the portraits. Mr. Simpson said a written policy has not been found, but the portraits are on the list to be discussed with the Policy & Personnel Committee along with some of the other items such as the framework and requirements. He stated when the portraits were discussed at a previous meeting, there was a consensus

that standardized decisions are needed. He said the Board of Supervisors voted for the portraits to be hung in the new Board Room and verified they would be put up on the walls.

Mr. Simpson stated he has one thing to mention on the rotation process for the Chairman, which is noted in the meeting minutes. He said the Policy and Personnel Committee directed County staff to gather information from other localities on the rotation process. He commented he had heard from 5 different localities that do rotate the Chairperson and about how they do it. There are approximately 100 Counties in the Commonwealth and only about 5 or 6 Counties that responded to the inquiry through VACO actually use the rotation method. Mr. Simpson said he has received some guidance on how the rotation process is done if the Board members elect to choose that route and noted the item will also be referred to the Policy & Personnel Committee for a recommendation to be presented to the full Board of Supervisors. He stated the suggestion is currently being researched by County staff.

Chairman Short said he had one issue to bring to the Board's attention. He stated Committee members need to serve on the committees they are elected or appointed to and commented it was brought to his attention there was a misunderstanding about a meeting with the IDA that was held earlier today.

Supervisor Brandon stated the IDA is definitely one of the biggest activities and operations that happen within his district, and he was told that any of the Board members could attend the meeting. He emphasized he had a right to attend the meeting, and he was not disruptive in any way. He said the fact that the Board of Supervisors was not aware of the IDA meeting today was an insult. Supervisor Brandon said an IDA Board member made him aware of the meeting, and he was advised that any of the Board of Supervisors could attend the meeting.

Supervisor Claiborne wanted to know who made the selection of the two Board members who attended the IDA meeting. Chairman Short said the two members attending served on the IDA Project Review Committee. Supervisor Claiborne stated he was elected to serve on that committee. Chairman Short verified that Supervisor Claiborne serves on the IDA Strategic Plan Committee. Supervisor Claiborne commented all of the Board members should have received notice of the meeting with the IDA.

Chairman Short asked Supervisor Claiborne if he is asking for notification of all of the Committee meetings. Supervisor Claiborne clarified the Board members should receive notification of all of the Outside Committee meetings versus being notified by someone on the outside because all of the Board members have a right to attend those meetings. Chairman Short verified that the IDA Project Review Committee is new and the Committee members were selected and approved in January 2023. It was noted the Committee list was included in the Board meeting packet.

Supervisor Pannell said any Board member has the right to attend any of the Committee meetings; however, he noted Board members cannot vote or participate if they are not serving on the Committee.

Supervisor Brandon stated he has served on several committees and other Board members have attended those meetings. He said it was not inappropriate for him to attend the IDA meeting. He emphasized he was not disruptive during the meeting.

Supervisor Pannell stated that a Board member who is not serving on a committee is allowed to attend and ask a question, but they are not able to vote. He noted it is standard procedure for all of the Board members. Chairman Short said that procedure applies to a Committee for the Board of Supervisors, but not necessarily to Outside Committees. The Board members had some additional discussion regarding future Outside Committees and how best to handle notifications.

Mr. Simpson stated in the future, a better job will be done to notify all Board members of any Outside Committee meetings even if they are not part of that Committee.

Q. CONTINUE MEETING UNTIL APRIL 18, 2023 AT 6:30 P.M. FOR JOINT PUBLIC HEARING WITH PLANNING COMMISSION

Chairman Short said the Board would continue their meeting to April 18, 2023 at 6:30 p.m. for the Joint Public Hearing with the Planning Commission.

Motion made by Supervisor Pannell, seconded by Supervisor Throckmorton, to continue the meeting until April 18, 2023 at 6:30 p.m. for the Joint Public Hearing with the Planning Commission.

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 recessed at 9:25 p.m.