

**HALIFAX COUNTY BOARD OF SUPERVISORS  
HALIFAX COUNTY PLANNING COMMISSION  
Joint Meeting  
County Administration Building  
Board of Supervisors Meeting Room  
1050 Mary Bethune Street  
Halifax, VA 24558  
April 18, 2023 / 6:30 PM**

**A. CALL TO ORDER**

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

Madam Chair Cowan reconvened the Planning Commission meeting at 6:30 p.m.

Commissioner Beard 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; G. Ricketts, ED7; and Mr. W.B. Claiborne, ED8. Also attending was Mr. W. Smith, Tie Breaker.

Board members absent: Mr. S. Brandon, ED6

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 Administrative Assistant.

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

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

**C. ADOPTION OF AGENDA**

Chairman Short said there is an addition to the Agenda for Letter D, Number 4 for an Update Regarding the County Attorney Procurement.

Motion made by Supervisor Pannell, seconded by Supervisor Throckmorton, to adopt the Agenda as presented in the meeting packet, and the Additional Agenda Letter D, Number 4 for an Update Regarding the County Attorney Procurement.

**VOTE**

Motion passed 7-0 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. G. B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: Mr. S. Brandon

Absent During Meeting: Mr. S. Brandon

Motion made by Commissioner Riddle, seconded by Commissioner Smith-Mangum, to adopt the Agenda as presented in the meeting packet, and the Additional Agenda Letter D, Number 4 for an Update Regarding the County Attorney Procurement.

**VOTE**

Motion passed 7-0 by the following vote:

Ayes: Mr. P. Riddle, Mr. D. Francis, Mr. B Pearce, Ms. M. Cowan, Mr. J. Beard, Mr. J. Watts, and Ms. G. Smith-Mangum

Nays: No one

Abstained: No one

Absent During Vote: Mr. D. Reese

Absent During Meeting: Mr. D. Reese

**D. BUSINESS ITEMS**

Public Hearings:

1. Rezoning Permit Application from R-1 to A-1 ED # 5:

Applicant: County of Halifax, Virginia

Landowner: Carlyle & Josephine Wimbish

PRN: 18807, 26718, 26760, 26716, and Unknown 28

Location: Drybridge Road

Proposed Use: Rezone parcels to A-1, agricultural, to construct a new collection center site

a. Zoning Administrator Overview

Mr. Easley said the Rezoning Application is submitted by Halifax County on behalf of Carlyle and Josephine Wimbish for 5 parcels located in Election District 5 located on Drybridge Road in the Scottsburg area. The parcels are being requested to be rezoned from R-1 to A-1 to be used for a new Collection Center operated by the County. He referenced page 15 of the Board meeting packet, which outlines the parcels and noted there is an Unknown Parcel Number 28. It has been brought to the County's attention that this parcel has a potential owner who is currently paying taxes on the property. Mr. Easley stated the County would need to conduct additional research before Unknown parcel number 28 could be considered as part of the rezoning application.

Madam Chair Cowan asked Mr. Easley to verify Unknown Parcel Number 28 on the map, and he noted there is a better view located on page 16 of the Board meeting packet.

Mr. Easley stated on page 18 there is a map that shows the current land use in Scottsburg and currently the majority of the land is agricultural. At the bottom of the map, it shows future land use as being more residential. He explained even though it shows the majority as being

residential, R-1 and A-1, they are similar because single-family homes can be built in both zoning areas. He emphasized changing the rezoning would not restrict the use of the land for housing.

b. Applicant Presentation

Mr. Easley noted the County is the Applicant for the Rezoning Permit Application.

Chairman Short said if there are no other questions, we could open the public hearing.

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 Madam Chair Cowan opened the Public Hearing on behalf of the Planning Commission.

d. Public Comment

Madam Chair Cowan asked if anyone wanted to speak in favor to please come forward.

**Carrington Edmunds**

Mr. Edmunds introduced himself and said he has resided in Halifax County most of his life. He stated he is the unknown owner of the parcel being discussed. He recently found out that he was considered an unknown owner. He stated he inherited the property when his father died in 1984 and the property has been in his family for over 100 years. He said the land is located in an excellent area for a collection center because it is accessible to the public but not visible to the highway. He commented it would provide a better service to the community than what is currently available.

Madam Chair Cowan asked if anyone wanted to speak in opposition.

**John & Deborah Smith**

Mr. Smith introduced himself and Mrs. Smith and stated they have resided in Scottsburg all of their lives. He stated they own 4 rental properties, which are located directly across from the proposed site for the collection center. He commented they are opposed to the collection center being located there because it would lower the value of their property. He recognized the current location in the Town of Scottsburg is not working and the citizens do not want it in the town, but stated he does not want the collection center located next to their property. He expressed concerns about loose trash, the odor, and the mess that comes along with the collection center. Mr. Smith said there was property for sale on Green Level Road and emphasized a different location needed to be considered. He stated he owned a parcel of land, next to the railroad track near the fire department, which is approximately 2-tenths of an acre, and he is willing to donate the land to the County for the collection center.

Mrs. Smith said other citizens in the area are concerned about the smell, odor, and rats that will come along with the collection center. She stated having an attendant onsite would not last long because there were attendants onsite at the other collection sites, and it did not last. Mr. and Mrs.

Smith stated they received notification about the proposed collection center on April 10<sup>th</sup> and felt the notice should have been sent out sooner.

Madam Chair Cowan advised Mr. and Mrs. Smith their time to speak had expired.

Madam Chair Cowan asked if County staff would like to comment on behalf of the County.

Mr. Simpson said the County has been seeking a location for a collection center in the Scottsburg area for several years. The plans are to make it a compactor station, which will reduce a lot of the concerns with the green box site currently located at the railroad track. He stated that Supervisor Throckmorton, along with former Supervisor Rogers, made several attempts at trying to find another location. The County has a purchase agreement with Mr. Wimbish to purchase multiple parcels, and the intention is to have a compactor site with a full-time attendant onsite. Mr. Simpson emphasized this collection center would be different from any of the other collection sites in the County. The site will be sophisticated and located in a wooded area and there will be a large tree buffer surrounding it. He noted that preliminary approval from VDOT has been received to have a straight-in entrance from the South into the site.

Mr. Simpson stated according to the zoning requirements, a collection center or a unit of government can be located in the R-1 zone with a Conditional Use Permit (CUP) or if it is agricultural zoned, it can go in by right. He emphasized the County is being transparent about the process with County Citizens and the proper advertisement has occurred. He stated the County only intends to use one of the parcels and noted there are no plans for the remaining parcels at this time. He said the Board of Supervisors could potentially utilize those assets in the future once they have an exact use for them. Mr. Simpson said the County has searched for other locations and was turned down by the town and fire department and explained this is about the last location conducive to what the service of the citizens require. The rezoning is important to move forward with the construction of the collection center. He commented the abandonment of the rezoning or not building the collection center at the proposed site will force the Board of Supervisors to make some tough decisions about the collection of trash in the Scottsburg area because there are no other convenient locations. It was noted citizens could possibly have to travel to Bethel Road or the Clover area to dispose of garbage.

Madam Chair Cowan asked Mr. Simpson to point out Mr. and Mrs. Smith's rental property on the map, and she asked if the wooded buffers would be between the rental property and the collection center. He stated there is a sketch of the collection center included in the Board meeting packet on page 18, which shows the part of the parcel that will be cleared.

Madam Chair Cowan asked if the trash would be compacted daily. Mr. Simpson stated the trash would most likely be compacted every 30 minutes.

Madam Chair Cowan expressed concerns about the ownership of Unknown Parcel Number 28 and the owner not having a voice in the rezoning process. Mr. Easley stated Mr. Carrington Edmunds is in attendance at the meeting, and he has brought a tax record which indicates he is paying taxes on the property. He said the information will need to be verified by the Treasurer's Office to confirm ownership.

Vice Chairman Watts asked Mr. Simpson if he would explain the compactor process. Mr. Simpson said the compactor is about 4 cubic yards which is about 4 feet wide and 6 to 8 feet long, and it has a closed 40-yard attached container. Customers will come up and toss their bags into the hopper, and once the hopper is full, the attendant presses a button. The compactor will continue to compact the trash until it reaches a certain resistance, which is approximately 2-3 days of collected trash. He stated no trash would be blowing out of the container. Currently, the trash is being collected twice a day and with a compactor site, it would potentially only need to be collected once every couple of days, which would provide transportation savings to the County. He noted the County would be hauling a more dense load and a bigger load at the same time.

Madam Chair Cowan asked Mr. Simpson to address the odor concerns mentioned earlier. Mr. Simpson said the smell should be less than the open-top boxes because the trash is going into a contained unit. Commissioner Riddle commented the design of the containers will help to keep odor to a minimum.

Commissioner Beard asked if the proposed compactor site would be comparable to the one located on Highway 29 in the City of Danville. Mr. Simpson was unsure if it was comparable to that location but noted the proposed compactor site would be similar to the one located off Highway 92 in Charlotte County.

Commissioner Francis wanted to know if the design would be one that citizens can drive around, and Mr. Simpson said that is correct. He commented citizens would be able to drive in and get out on the driver's side to put their garbage in the compactor, and then drive back around to exit the site. He commented both sides could be used on busier days. He said there will also be collection boxes on site for larger items. With an attendant onsite overseeing operations, there should be a better separation of the garbage, which will also help with the hauling process.

Commissioner Francis referred to the sketch on page 18 and stated in theory the only thing that should be visible would be the driveway. He asked Mr. Simpson if that theory is correct because it appears wooded buffers will go around the site, and Mr. Simpson said that is correct.

Madam Chair Cowan commented that the proposed compactor site seems to be better than the South Boston Collection Center.

Mr. Simpson agreed and noted the long-term goal for the County is to upgrade the other 12 sites with compactors. He commented the offset of the truck, driver, fuel, and time would assist with the cost of the attendant being onsite. It was noted there would be a cleaner stream of household garbage with the attendant being there. There was some additional discussion about the 3 Collection Centers along the North Carolina border and issues of people coming from out of State dumping trash at those sites. Mr. Simpson said with a full-time attendant on those sites, it should help alleviate that issue and also cut down on the volume of trash being hauled and disposed of.

Vice Chairman Watts asked if the location of the property that Mr. Smith is willing to donate could be an alternative site. Mr. Simpson said Mr. Smith's property would not be large enough to accommodate the proposed collection center site. He noted conversations had previously taken place with adjacent property owned by the fire department, but the fire department decided against the County utilizing its property for the collection center site. He thanked Mr. Smith for his potential donation for the parcel of land near the fire department but noted the County had been previously unsuccessful with obtaining usage for the property owned by the fire department.

Mr. Easley asked Madam Chair Cowan if Mr. Smith could review the sketch for the proposed collection center, which might help him to have a better understanding of the plan. Mr. Easley provided an overview of the sketch to Mr. Smith. Mr. Smith asked a few questions about the road going into the proposed collection center because it is so narrow, and Mr. Simpson verified there would be some necessary upgrades.

Commissioner Francis wanted to know how much land would be enough for the collection center, and Mr. Simpson stated at least a minimum of one acre would be required.

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

With no one else wishing to speak, the Public Hearing was concluded.

2. Ordinance 2023-7 Amending Chapter 53, Zoning, Section 53-158, Location, appearance and operational requirements related to solar projects proximity to towns

Chairman Short stated the next item on the agenda is Ordinance 2023-7 Amending Chapter 53, Zoning, Section 53-158, Location, appearance and operational requirements related to solar projects proximity to towns. He asked Mr. Easley to provide an overview.

- a. Zoning Administrator Overview

Mr. Easley said the amendment is coming from a recommendation of the Solar Density Committee. He stated this amendment would restrict any solar development within 2,000 feet of any Town corporate limits.

- b. 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 Madam Chair Cowan opened the Public Hearing on behalf of the Planning Commission.

- c. Public Comment

Madam Chair Cowan asked if anyone wanted to speak in favor to please come forward.

No one wished to speak in favor.

Madam Chair Cowan asked if anyone wanted to speak in opposition.

No one wished to speak in opposition.

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

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.

3. Ordinance 2023-8 Amending Chapter 53, Zoning, Section 53-353, M-1 Use regulations

- a. Zoning Administrator Overview

Mr. Easley said this is a recommendation coming from the Ordinance Committee amending Chapter 53, Zoning, Section 53-353, M-1 Use. Mr. Easley referred the Board members to page 29

of the Board meeting packet and said the amendment will add the word metals as part of the uses on number 22.

Mr. Easley stated on page 30 for item number 23, the Ordinance Committee is recommending the words "precious or semi-precious" metals to be deleted. He said the reason for the recommended change is due to the new industry, IperionX, which will recycle titanium. He said the industry will be located in the Industrial Park on Highway 58. The deletion of precious or semi-precious in the Ordinance will then list metals as a whole, and this will allow the County to confirm the zoning uses for this new business in the Industrial Park.

- b. 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 Madam Chair Cowan opened the Public Hearing on behalf of the Planning Commission.

- c. Public Comment

Madam Chair Cowan asked if anyone wanted to speak in favor to please come forward.

No one wished to speak in favor.

Madam Chair Cowan asked if anyone wanted to speak in opposition.

No one wished to speak in opposition.

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

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**

Madam Chair Cowan said the Planning Commission would recess for 5 minutes at 7:01 p.m.

#### **4. Update Regarding County Attorney Procurement**

Chairman Short said the Board members would discuss the Additional Item for the County Attorney Procurement process and asked Mr. Simpson to speak on the matter.

Mr. Simpson said at the Regular meeting on April 3, 2023, the Board of Supervisors requested the proposal process to begin for the procurement of the County Attorney. He stated the advertisement will run later this week with proposals being due by May 5, 2023, and then County staff will distribute the proposals to the Board members to begin the review process.

Mr. Simpson stated an issue has come up in the last few days regarding the second motion made at the last Regular Meeting to continue with the current law firm that is serving the County, which is Guynn, Waddell, Carroll & Lockaby, P.C. Mr. Simpson stated he was informed by Jeremy Carroll, who has been the attorney representing the County, that he and Mike Lockaby, who is his law partner, will both be leaving the law firm of Guynn, Waddell, Carroll & Lockaby, P.C. effective April 24, 2023. He stated those two attorneys have handled the County's work throughout his tenure and noted moving forward he is unsure how productive the law firm itself is going to be to the County over the next eight weeks until the RFP process is concluded. Mr. Simpson stated direction from the Board members is needed because he has slight concerns as well as other County staff since both of those attorneys are experienced with ongoing County litigation and multiple items. He expressed concerns about the difficulties of a new attorney being informed, making the proper preparation, and being of service to the County; however, he emphasized he does not want to go against the Board's direction with regard to the wording of the second motion for the procurement process.

Mr. Simpson discussed the RFP and distribution process and stated the reviewing to narrow down respondents could most likely be done within a week or so with interviews to take place later in May. He said a decision could then be made at the Board of Supervisors Regular Meeting on June 5, 2023. He stated County staff works closely with the County Attorney on a regular basis pertaining to zoning and personnel related matters, among other issues, and on behalf of Board actions. He emphasized it is important over the next 6 to 8 weeks to keep going without any significant pauses, and then once the RFP process is concluded, and depending on the Board's decisions, there would be a better-planned transition time. He commented if this information had been available at the Regular Meeting on April 3<sup>rd</sup>, he could have advised the Board members differently.

Supervisor Claiborne wanted to know what are the plans of Mr. Carroll and Mr. Lockaby. Mr. Simpson commented that they both will be joining another law firm. Supervisor Claiborne asked what is the name of the law firm that they are joining. Mr. Simpson stated Mr. Carroll and Mr. Lockaby will join the law firm of Spilman, Thomas & Battle, PLLC in Roanoke, Virginia. Supervisor Claiborne asked if the County has any pending litigation. Mr. Simpson said the County has pending litigation that is currently being closed out related to an appeal case, and there are other items related to zoning. He stated the Ordinance Committee met a few weeks ago, and there are several issues that need to be resolved.

Supervisor Claiborne wanted to know if the new law firm would bid during the RFP process, and Mr. Simpson said it is his understanding they will submit during the RFP process. Supervisor Claiborne asked if there is any other attorney in the law firm of Guynn, Waddell, Carroll & Lockaby, P.C. representing municipal entities. Mr. Simpson said when Mr. Carroll and Mr. Lockaby leave the firm, the only other principal attorney left is Mr. Guynn and noted there will be a few junior attorneys. Mr. Simpson noted Mr. Waddell has retired now, and the law firm already has an existing heavy caseload. He commented if they took on the County's work, there would be a learning curve to get them ramped up and by that time, a decision will need to be made on the RFP process. Supervisor Claiborne asked if Mr. Carroll and Mr. Lockaby are the attorneys with the most municipal experience at Guynn, Waddell, Carroll & Lockaby, P.C., and Mr. Simpson said that would be a fair statement.

Supervisor Throckmorton wanted to know if a motion is required. Mr. Simpson stated he would proceed in the direction given by the Board members. He said last time the Board members direction was to continue the relationship with the law firm, and he would need to sign the necessary paperwork either to keep the County files there or to have them released. Mr. Simpson



said he did not want to tell the existing law firm to release County files to go with the two partners who are leaving because that is not the direction given at the last Regular Meeting. He stated direction is needed on how the Board members want to proceed for a minimum of the next 6 to 8 weeks.

Motion made by Supervisor Throckmorton, seconded by Vice Chairman Ricketts, to continue with attorneys, Jeremy Carroll and Mike Lockaby, as the primary attorneys for the County with the move into the new law firm of Spilman, Thomas & Battle, PLLC until the procurement process is completed, and the Board of Supervisors finalizes their decision for the RFP process.

**VOTE**

Motion passed 5-0 by the following vote:

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

Nays: No one

Abstained: Mr. W.B. Claiborne and Mr. H.W.H. Pannell

Absent During Vote: Mr. S. Brandon

Absent During Meeting: Mr. S. Brandon

**F. BOARD OF SUPERVISORS ADJOURN**

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

**VOTE**

Motion passed 7-0 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. G. B. Ricketts, and Mr. W.B. Claiborne

Nays: No one

Abstained: No one

Absent During Vote: Mr. S. Brandon

Absent During Meeting: Mr. S. Brandon

The Board of Supervisors adjourned at 7:11 p.m.