

**MINUTES**  
Board of Supervisors  
County of Prince George, Virginia

October 12, 2021

County Administration Bldg. Boardroom, Third Floor  
6602 Courts Drive, Prince George, Virginia

**MEETING CONVENED.** A regular meeting of the Board of Supervisors of the County of Prince George, Virginia, was called to order at 5:00 p.m. on Tuesday, October 12, 2021 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Marlene J. Waymack, Vice-Chair.

**ATTENDANCE.** The following members responded to Roll Call:

Floyd M. Brown, Jr., Chairman	Present
Marlene J. Waymack, Vice-Chair	Present
Alan R. Carmichael	Present
Donald R. Hunter	Present
T. J. Webb	Present

Also present was: Percy C. Ashcraft, County Administrator; Jeff Stoke, Deputy County Administrator; Julie C. Walton, Deputy County Administrator; Betsy Drewry, Deputy County Administrator; and Dan Whitten, County Attorney.

**CLOSED SESSION**

**E-1. Resolution; Closed Session for (i) Section 2.2-3711.A.1 for 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; such discussion shall be limited to Board of Zoning Appeals, Building Department, and Social Services Advisory Board; and(ii) Section 2.2-3711.A.3 – for 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. Such discussion shall be limited to property located on Buxton Street and property located on S. Crater Road, and; (iii) Section 2.2-3711.A.8 – Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; I further move that such discussion shall be limited to the Fire & EMS Department.** Mr. Hunter made a motion, seconded by Mr. Webb, that the Board convene closed session for (i) Section 2.2-3711.A.1 for 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; such discussion shall be limited to Board of Zoning Appeals, Building Department, and Social Services Advisory Board; and (ii) Section 2.2-3711.A.3 – for 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. Such discussion shall be limited to property located on Buxton Street and property located on S. Crater Road, and; (iii) Section 2.2-3711.A.8 – Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; I further move that such discussion shall be limited to the Fire & EMS Department. Roll was called on the motion.

R-21-165

E-1.

RESOLUTION; CLOSED SESSION FOR (I) SECTION 2.2-3711.A.1 FOR 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; SUCH DISCUSSION SHALL BE LIMITED TO BOARD OF ZONING APPEALS, BUILDING DEPARTMENT, AND SOCIAL SERVICES ADVISORY BOARD; AND (II) SECTION 2.2-3711.A.3 – FOR 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. SUCH DISCUSSION SHALL BE LIMITED TO PROPERTY LOCATED ON BUXTON STREET AND PROPERTY LOCATED ON S. CRATER ROAD, AND; (III) SECTION 2.2-3711.A.8 – CONSULTATION WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY SUCH COUNSEL; I FURTHER MOVE THAT SUCH DISCUSSION SHALL BE LIMITED TO THE FIRE & EMS DEPARTMENT.

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 12<sup>th</sup> day of October, 2021, does hereby vote to enter closed session for (i) Section 2.2-3711.A.1 for 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; such discussion shall be limited to Board of Zoning Appeals, Building Department, and Social Services Advisory Board; and (ii) Section 2.2-3711.A.3 – for 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. Such discussion shall be limited to property located on Buxton Street and property located on S. Crater Road, and; (iii) Section 2.2-3711.A.8 – Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; I further move that such discussion shall be limited to the Fire & EMS Department.

On roll call the vote was:

In favor: (5) Carmichael, Waymack, Webb, Hunter, Brown

Opposed: (0)

Absent: (0)

**E-2. Resolution; Certification of Closed Session.** At 6:00 p.m., Mr. Webb made a motion, seconded by Mr. Hunter, that the Board adjourn the closed session and enter open session, certifying that to the best of each Board Members' knowledge (1) only public business lawfully exempted from open meeting requirements were discussed and (2) only matters identified in the convening motion were discussed. Chairman Brown asked if any Board member knew of any matter discussed during the closed session that was not announced in its convening legislation. Hearing no comment from the Board, the Chairman asked that the roll be called on the motion.

R-21-165A

E-2.

RESOLUTION; CERTIFICATION OF CONTENTS OF CLOSED SESSION  
PURSUANT TO SEC. 2.2-3711, ET SEQ., CODE OF VIRGINIA (1950, AS  
AMENDED)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 12<sup>th</sup> day of October, 2021 does hereby certify that, to the best of each Board Member's knowledge, (1) only public business lawfully exempted from open meeting requirements were discussed, and (2) only matters identified in the convening motion were discussed.

On roll call the vote was:

In favor: (5) Brown, Waymack, Webb, Hunter, Carmichael

Opposed: (0)

Abstained: (0)

### **WORK SESSION**

Mr. Dean Simmons, General Services Director, presented a proposal to replace the Air Cooled Chiller System at the Administration Building. The existing chiller has experienced multiple problems throughout the year requiring daily maintenance to keep the system working properly. This has required several emergency repairs. Daikin was called in to make these repairs. The current McQuay ALS Chiller is 20 Years Old and uses Refrigerant R-22. This Refrigerant is not being manufactured any longer. Any major refrigerant leaks would lead to a very costly repair. The parts for this existing ALS Chiller are also becoming obsolete. The compressors currently have no replacement options and are also obsolete. Daikin recommends replacing the existing McQuay ALS Chiller with a Daikin AGZ Air Cooled Chiller. The Daikin AGZ air cooled scroll chiller fits well with in the existing infrastructure and space. The current Variable Frequency Drives are also becoming obsolete and parts for current ABB Variable Drives are requiring replacement when malfunctioning. Daikin also recommends replacing the ABB variable frequency drives on all air handler units (total of eleven (11) variable frequency drives). The price for the Daikin AGZ Air Cooled Chiller is \$163,700.00 and the cost for the eleven variable

frequency drives is \$ 29,035.00 for a total of \$192,735.00. An extended warranty for five years would be an additional \$10,575 (Option 1). An extended warranty for ten years would be an additional \$27,875 (Option 2). Therefore Option 1 would be \$203,210 and Option 2 would be \$220,610. Mr. Simmons clarified for Mr. Webb that the warranty covers everything, including preventative maintenance checks. Staff is recommending the 10-year warranty. Mr. Webb stated that he agrees with that. Mr. Simmons confirmed with Chairman Brown that the price is only good for 30 days and Staff would like a decision this evening. Chairman Brown received consensus from the Board to add it to the regular agenda this evening.

Mr. Keith Rotzoll, Director of Parks and Recreation, stated that disc golf is Disc Golf is a flying disc sport in which players throw a disc at a target; it is played using rules similar to golf. The course design and installation at Scott Park is being donated by Richard Scott and Joseph Risher. It will be an 18-Hole course and free to the public. It will be open dawn to dusk and will start and end at the beginning of the new section. There will be wooded and open holes. Parks and Recreation is looking to receive the equipment in November. Instead of a tee box, there will be 6' x 12' concrete tee pads. Each pad is \$300 and they are trying to cover the expense by having sponsorships for each pad that will include an advertisement sign for the sponsor. The projected completion will be in early 2022. Parks and Recreation would like to start with a soft opening and a tournament. Parks and Recreation will not be selling discs. People will need to provide their own. Chairman Brown suggested some parking signage to prevent people from parking in the grass and providing the layout of the course on the website.

#### **COUNTY ADMINISTRATOR'S REPORT**

Percy Ashcraft, County Administrator, stated that there will be a Rowanty Technical School Open House on October 13 from 5 to 7 p.m. at 20000 Rowanty Road. There will be a Community Meeting on Chappell Creek Subdivision on October 13, from 5:30 to 7 p.m. in the Boardroom. Clean Community Day will be on October 16 from 8 a.m. to 1 p.m. in the Police Parking Lot. Absentee and In-Person Voting Continues for November General Election, Monday-Friday, 8:30 a.m. to 5 p.m. in the Voter Registrar's Office. There will be Public School Division Athletic Hall of Fame Banquet on October 16 at 5:30 p.m. in the PGHS Commons. "Meet the Candidates Forum" will be on October 17, from 3 to 6 p.m. at the Disputanta Community Center. There will be a Mobile Veteran Resource Center (sponsored by Delegate Brewer) on October 19, from 10 a.m. to 2 p.m. at the Disputanta Community Center. There will be a Senior Task Force Meeting on October 19 at 5:30 p.m. in the Community Room. The Industrial Development Authority will meet on October 20 at 12:00 Noon in the Boardroom. There will be a Business Show & Job Fair on October 22, from 10 a.m. to 2 p.m. at the Central Wellness Center. National Drug Take Back Day will be on October 23, from 10 a.m. to 2 p.m. at the Police Department Parking Lot. There will be a Harvest Festival on October 23, from 5 to 8 p.m. at Temple Park. Prince George residents seeking vaccine appointments should call (877) 829-4682 or click on <https://vaccinate.virginia.gov/>. Virginia Department of Health (VDH) statistics report Prince George County has 4,829 cases of the coronavirus as of today; 38 deaths. All County employees are required to wear masks in the workplace. Prince George County has 37 percent of its residents fully vaccinated for COVID-19, according to the Crater Health District; 70 percent of County employees are fully vaccinated. Prince George County unemployment dipped to 4.3 percent in August. The Central Wellness Center will host an Open House from 11 a.m. – 2 p.m. October 30 to showcase the renovations. Land Use applications

due November 1 in the Prince George Real Estate Assessor's Office. The Department of Motor Vehicles accepting walk-in customers beginning October 5; Tuesdays, Thursdays & Saturday. The DEQ is seeking public comment through October 18 on a draft environmental permit that will allow the release of treated wastewater by Fort Lee into the Appomattox River and Bailey Creek.

Mr. Dan Whitten, County Attorney, gave a General Assembly update. He went over several bills with optional authority that the Board will need to make a decision on. These bills include removal of clutter from property; civil penalty (HB1778), tourism improvement districts (SB1298), revenue share for solar energy projects and energy storage systems (HB2269), and solar and energy storage projects; siting agreements and special exceptions throughout the Commonwealth (HB2201/SB1207). In addition, he talked about the local cigarette taxes; regional cigarette tax boards (SB1326), absentee voting; early in person; availability on Sundays (HB1968), and local government authority; reduction of speed limits (HB1903). He also talked about test-driving vehicles; residence districts; civil penalty (HB2318), Continuity of Government (SB1208), and Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency (SB1271). Chairman Brown asked Mr. Whitten to prepare a spreadsheet for the Board to fill out to receive a consensus on what the Board may be interested in doing on any of these matters.

Brown called a recess at 6:46 p.m. The meeting reconvened at 7:01 p.m.

**Invocation.** Mrs. Waymack gave the Board's invocation.

**Pledge of Allegiance to U.S. Flag.** Mr. Carmichael led the Pledge of Allegiance to the U.S. Flag.

**PUBLIC COMMENTS.** Chairman Brown announced that anyone wishing to come before the Board may do so at this time. She noted that this was the time for unscheduled general public comments. Chairman Brown opened the public comments at 7:04 p.m. There was no one else to speak and the public comments period was closed.

**APPROVAL OF AGENDA.** After adding Item A-4 to appoint a Building Official, Item A-5 as a resolution to dissolve the Prince George County Emergency Crew, and Item A-6 as an award of contract and appropriation in the amount of \$220,610 to Daikin for replacement of air cooled chiller and eleven variable frequency drives in the County Administration Building, Mr. Hunter made a motion, seconded by Mr. Webb, to adopt the agenda as presented. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

**ORDER OF CONSENSUS.** Mr. Carmichael made a motion, seconded by Mrs. Waymack, that the consensus agenda be approved as presented. Roll was called on the motion.

C-1. Draft Minutes – September 13, 2021 Work Session; and September 28, 2021 Regular Meeting.

R-21-166

C-2.

RESOLUTION; COMMENDATION; MICHAEL LAINE; SERVICE TO PRINCE  
GEORGE COUNTY

WHEREAS, on December 16, 1999, MICHAEL LAINE was hired as a Police Officer;  
and;

WHEREAS, during his career, Michael Laine served in the Field Operations Division, as a Patrol Officer and was promoted to Sergeant on May 16, 2015 and remained in this capacity until he retired on October 1, 2021; and

WHEREAS, during his career, Sergeant Laine was a General Instructor, Firearms Instructor, and an Emergency Vehicle Driving Instructor; and

WHEREAS, during his career, Michael Laine served on the Crash Team, Honor Guard, and Marine Unit; and

WHEREAS, Sergeant Laine throughout his career, has received numerous letters of commendation from citizens and business owners of Prince George County; and

WHEREAS, On April 27, 2006, Michael Laine was dispatched to the 9600 block of Shadywood Road where a tree had fallen on a woman and she was knocked face-down onto the ground unconscious, trapped beneath the tree. Using his quick thinking and problem solving skills, Officer Laine responded with his automobile vehicle jack and lifted the tree off the woman, EMS was able to treat the woman and a Life-Evac Medical helicopter flew her to VCU Medical Center, thus saving her life;

WHEREAS, Sergeant Laine's fellow co-workers refer to him as being committed and trustworthy; and

WHEREAS, throughout his remarkable career in Law Enforcement, Sergeant Laine has served the citizens of the County and the Commonwealth to the utmost of his ability, demonstrating patriotism, integrity, and devotion to Law Enforcement and Public Safety in a manner bespeaking the dedication of a true public servant; and

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 12<sup>th</sup> day of October, 2021 does hereby commend MICHAEL LAINE for completion of twenty-one years and nine months of dedicated service to the County and its citizens; and

BE IT FURTHER RESOLVED that this Board wishes to extend to MICHAEL LAINE much happiness and continued success as he enters the next phase of his life.

R-21-166A

C-3.

RESOLUTION APPROVING PARTICIPATION IN THE PROPOSED SETTLEMENT OF  
OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH,  
AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Prince George County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Prince George County's various departments and agencies; and

WHEREAS, Prince George County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Prince George County; and

WHEREAS, Prince George County has filed suit against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, along with certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Prince George County; and

WHEREAS, The County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them; and

WHEREAS, Prince George County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW, THEREFORE, BE IT RESOLVED that the Prince George County Board of Supervisors approves of the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)



## **PRESENTATIONS**

**S-1. Resolution; Commendation; Sergeant Michael Laine; Service to Prince George County.** Mr. Hunter presented the commendation to Sergeant Laine in the presence of his family and fellow officers.

## **SUPERVISORS' COMMENTS**

Mrs. Waymack stated that vaccines are still available for those who wish to be protected from the flu and COVID-19. She encouraged everyone to get their vaccines.

Mr. Hunter stated that they do not have a clinic scheduled at this point, but everyone can still call the Health Department to get their boosters. People who still need to get their first and/or second shot can call (877) 829-4682. So please get your vaccines and protect yourself and your loved ones.

Mr. Carmichael stated that Sergeant Laine was well deserved for the commendation for his hours put in Prince George County. He will be sorely missed.

Mr. Webb echoed Mr. Carmichael's comments and stated that he wishes Sergeant Laine and his family well during his retirement.

Chairman Brown echoed everyone's comments regarding Sergeant Laine.

## **COUNTY ADMINISTRATOR'S REPORT (cont'd)**

Mr. Ashcraft wanted to remind everyone that this evening is the first night the Board of Supervisors Meeting is being recorded under the new video equipment, Swagit. In all future meetings, anyone can go on the Prince George County website and watch the meeting live or they can go back later and click on a specific item and the video will take them straight to that item to watch that. The YouTube channel will remain so they can watch it on that as well.

## **REPORTS**

**VDOT** – Mr. Paul Hinson of the Virginia Department of Transportation stated that they are preparing a draft advertisement for the no through truck restriction on Templeton Road. They are also doing a cursory review of Union Branch Road for a through truck restriction. Marl Bank Road project will wrap up this week. Koolwood Lane will be complete as well. They are addressing the issues on Jordan Point Road. They have completed the pavement markings on Pole Run Road. The Queen Street and Route 460 project is moving forward with the scoping phase. The Bull Hill roundabout project utility relocations are underway and it is still on schedule for advertisement for the summer of next year.

**Water and Wastewater Matters** – Mr. Frank Haltom, County Engineer, gave a brief understanding on what is happening with the Fort Lee discharge to address any concerns. According to the DEQ, during the discharge process, there are chemicals discharged during outfall 1, which are discharged into a concrete sediment basin. There are no chemicals discharged during outfall 2, which is what is discharged into Bailey's Creek. Mr. Haltom reported that the customer that caused the recent water leak has made their repairs and everything is fine now. Also, they have extended the water to the Food Lion Distribution



System. He gave a brief updated on Route 156. The barriers have been removed at the intersection. They will be installed at Pine Ridge next. The project is moving very smoothly and is ahead of schedule.

### **PUBLIC HEARINGS**

**P-1. Public Hearing; Ordinance to Amend “The Code Of The County of Prince George, Virginia”, 2005, as Amended, by Amending §§ 74-301; 74-302 and 74-304 to State That Transients Staying at a Travel Campground Must Pay the Transient Tax and to Clarify that the Transient Tax is Based on the Total Price Paid by the Customer for the Use or Possession of the Room.** Mr. Dan Whitten, County Attorney, stated that as of September 1, 2021, the General Assembly amended Virginia Code Section 58.1-3826 regarding transient occupancy tax to include retail sales of rooms or space. Section 74-301 of the County Code currently states “obtains lodging at any hotel”. The proposed amendment will include use or possession of a room or space and specify hotel or travel campground. The definition of person has been added to require intermediaries such as travel booking sites to collect and pay the tax. Section 74-302 and 74-304 of the County Code does not specify the tax paid by customer. The proposed amendment will specify the transient tax is based on the total price paid by the customer to the person receiving the funds. This will allow the tax to also be added to booking fees and any costs for extra persons or animals. Chairman Brown opened the public hearing at 7:34 p.m. There was no one to speak and the public hearing was closed. Mr. Hunter made a motion, seconded by Mrs. Waymack, to approve an Ordinance amending Sections 74-301, 74-302 and 74-304 to state transients at travel campgrounds pay transient tax and to clarify tax is based on total price paid by customer.

O-21-20

P-1.

**ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF  
PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY  
AMENDING §§ 74-301; 74-302 AND 74-304 TO STATE THAT TRANSIENTS STAYING  
AT A TRAVEL CAMPGROUND MUST PAY THE TRANSIENT TAX AND TO CLARIFY  
THAT THE TRANSIENT TAX IS BASED ON THE TOTAL PRICE PAID BY THE  
CUSTOMER FOR THE USE OR POSSESSION OF THE ROOM**

BE IT ORDAINED by the Board of Supervisors of Prince George County:

*(1) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by amending § 74-301, 74-302, and 74-304, as follows:*

### **CHAPTER 74 TAXATION**

### **ARTICLE VIII. - TRANSIENT OCCUPANCY TAX**

#### **Sec. 74-301. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Hotel* means any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, or other lodging place within the county offering lodging for compensation to any transient.

~~*Innkeeper* means any person who provides lodging for compensation to any transient.~~  
*Lodging* means room or space furnished any transient.

**Person includes, but is not limited to, any individual, firm, partnership, association, corporation, person acting in a representative capacity or any group of individuals acting as a unit.**

*Transient* means any person who, for a period of fewer than 30 consecutive days, either at his own expense or at the expense of another, obtains **the use or possession of a room or space occupied for** lodging at any hotel **or travel campground for which a price is charged.**

**Travel Campground means any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purposes, or temporary dwelling during travel, or recreational or vacation uses.**

Sec. 74-302. - Imposed; amount.

There is hereby levied and imposed, in addition to all other taxes and fees of every kind imposed by law, on each transient, a tax equivalent to seven percent of the total ~~amount~~ **price paid by the customer for the use or possession of a room or space occupied** for lodging by or for such transient ~~to any hotel.~~

Sec. 74-304. - Duty ~~of innkeeper~~ to collect and remit; ~~innkeeper's~~ reports.

It shall be the duty of every ~~innkeeper~~ **person receiving the total price paid by the customer for the use or possession of a room or space occupied for lodging by or for a transient, with respect to which a tax is levied under this article, to collect the amount of tax hereby imposed at the time payment for such room rental is made.** ~~in acting as the tax collection medium or agency for the county, to collect from the transient, for the use of the county, the tax imposed and levied by this article at the time of collecting the amount charged for the lodging, and the~~ **The** taxes collected during each calendar month shall be reported and remitted by each **person** ~~innkeeper~~ to the commissioner of the revenue, on or before the 20th day of the following calendar month. The taxes collected by **the person** ~~an innkeeper~~ shall be deemed to be held in trust by such **person** ~~innkeeper~~ until they have been remitted to the commissioner of the revenue. The required report shall be in such form as may be prescribed by the commissioner of the revenue. All remittances received by the commissioner of the revenue shall be turned over promptly to the county treasurer.

*(2) That the Ordinance shall be effective upon adoption.*

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

**P-2. Public Hearing; Ordinance to Provide for a One-Time State Funded \$3,000 Bonus for Sheriff and Deputies; a County Funded \$3,000 Bonus for an Unfunded Full-Time Deputy; and a County Funded \$1,500 Bonus for Both Unfunded Part-Time Deputies and an Office Manager in Accordance with § 15.2-1508 of the Code of Virginia and Approval of Budget Amendment and Appropriation of Funds.** Ms. Betsy Drewry, Deputy County Administrator and Finance Director, stated that following the 2021 Special Session II, the following Budget Amendment was included: Language and funding is provided in the current year (FY22) for a one-time \$3,000 bonus payment for Compensation Board funded sworn positions in sheriffs' offices and regional jails, including sheriffs, sheriffs' deputies, regional jail superintendents and corrections officers in regional jails. Legislative intent provides that this is a one-time bonus to be paid no later than November 30, 2021 to these employees and does not represent base salary funding, and consequently is in addition to and does not supplant local salary supplement funds. The \$3,000 bonus cost and related 7.65% FICA contribution cost is applicable to positions filled and funded as of the date of implementation of the bonus and is reimbursable by the Compensation Board at 100% for such filled and funded positions. Sheriff Allin requested the ability to pay a bonus to his unfunded deputy and his part-time deputies and office manager, which will not be reimbursed by the State. He requested to pay a bonus of \$3,000 for his unfunded full-time deputy, and a \$1,500 bonus for his part-time deputies (2) and office manager paid on the same date of the state-funded bonus. The total local cost for the bonuses for unfunded positions is \$8,073.75 with FICA (\$6,459.00 and \$1,614.75 for non-sworn). His recommended funding source is a budget transfer from the Security Improvement line within the Sheriff's budget for the sworn positions in the amount of \$6,459.00; and a budget transfer from Selective Enforcement wages to provide a \$1,500 bonus to his non-sworn Office Manager position at \$1,614.75 (with FICA). These funds are currently appropriated to the Sheriff's FY2022 budget. The Prince George County Board of Supervisors granted authority to advertise a public hearing at its September 14 meeting. The public hearing notice was appropriately advertised pursuant to Section 15.2-1508 of the Code of Virginia. Chairman Brown opened the public hearing at 7:39 p.m. There was no one to speak and the public hearing was closed. Mrs. Waymack made a motion, seconded by Mr. Hunter, to Authorize the Ordinance approving a one-time bonus for Sheriff Office staff (Comp Board Funded and Locally Funded from Sheriff's budget). Roll was called on the motion.

O-21-21

P-2.

**ORDINANCE TO PROVIDE FOR A ONE-TIME STATE FUNDED \$3,000 BONUS FOR SHERIFF AND DEPUTIES; A COUNTY FUNDED \$3,000 BONUS FOR AN UNFUNDED FULL-TIME DEPUTY; AND A COUNTY FUNDED \$1,500 BONUS FOR BOTH UNFUNDED PART-TIME DEPUTIES AND AN OFFICE MANAGER IN ACCORDANCE WITH § 15.2-1508 OF THE CODE OF VIRGINIA**

BE IT ORDAINED by the Board of Supervisors of Prince George County:

- (1) That a one-time State funded \$3,000 bonus for the Sheriff and his Compensation Board Funded Deputies shall be paid no later than November 30, 2021 and is approved pursuant to §15.2-1508 of the Code of Virginia (1950), as amended.
- (2) That eligible employees of the Sheriff's department for the one-time State funded bonus include full-time sworn Compensation Board funded positions of the Sheriff, who are actively employed and funded as of the date of implementation of the bonus.
- (3) That a one-time County funded \$3,000 bonus for an unfunded full-time Deputy, and a one-time County funded \$1,500 bonus for two unfunded part-time Deputies and an officer manager shall be paid not later than November 30, 2021, and is approved pursuant to §15.2-1508 of the Code of Virginia (1950), as amended.
- (4) That this ordinance shall be effective immediately upon adoption.

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Adopted on October 12, 2021 and becoming effective immediately.

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Carmichael, Brown

Opposed: (0)

Absent: (0)

Mr. Carmichael made a motion, seconded by Mr. Webb, to approve the Resolution amending the FY2022 Budget [added Compensation Board revenues and increased expenditures; with budget transfers requested by the Sheriff. Roll was called on the motion.

R-21-167

**RESOLUTION; APPROVAL OF BUDGET AMENDMENT & APPROPRIATION OF FUNDS  
FOR STATE FUNDED \$3,000 BONUS FOR FUNDED SHERIFF AND ELIGIBLE  
DEPUTIES AND BUDGET TRANSFERS FOR A \$3,000 BONUS FOR ONE FULL-TIME  
UNFUNDED DEPUTY, A \$1,500 BONUS EACH FOR TWO PART-TIME DEPUTIES AND  
FOR ONE FULL-TIME OFFICE MANAGER**

WHEREAS, the Virginia General Assembly, as part of a 2021 Special Session II Budget Amendment approved funding to provide full-time sworn Compensation Board funded positions of the Sheriff, who occupy a sworn funded position on the date of implementation of the bonus, a one-time \$3,000 bonus which must be implemented no later than November 30, 2021, and The Board of Supervisors of the County of Prince George has adopted an ordinance authorizing payment of this bonus; and

WHEREAS, the Compensation Board will provide 100% reimbursement including Social Security and Medicare Tax costs following the payment of this bonus by Prince George County; and

WHEREAS, the Sheriff requested to transfer funds within his own adopted FY2022 budget to provide one-time bonuses to some positions not funded by the Compensation Board as follows: a \$3,000 bonus for one unfunded full-time Deputy; a \$1,500 bonus for two part-time Deputies; and a \$1,500 bonus for one Office Manager.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Prince George this 12<sup>th</sup> day of October, 2021, does hereby authorize the following increase of funds and transfers within the 2021-2022 Budget, such line items increased as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

<u>FUND/ORGANIZATION</u>		<u>AMOUNT</u>
GENERAL FUND		
<u>Revenue:</u>		
0100-20-601-8201-323201	General Fund; Shared Expense Sheriff*	\$29,065.50
<u>Expenditure:</u>		
0100-02-010-0203-41100	Sheriff Salaries	\$27,000.00
0100-02-010-0203-42100	Sheriff Employer FICA Tax	\$ 2,065.50
Transfers for Positions not Funded by Compensation Board:		
Decreases:		
0100-02-010-0203-43314	Sheriff Security Improvement	(\$6,459.00)
0100-02-010-0203-41700	Sheriff Selective Enforcement	(\$1,500.00)
Increases:		
0100-02-010-0203-41100	Sheriff Salaries	\$7,500.00
0100-02-010-0203-42100	Sheriff Employer FICA Tax	\$ 459.00

\*Compensation Board

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Carmichael, Brown

Opposed: (0)

Absent: (0)

#### POSTPONED ITEMS

**T-1. Resolution; Appointments; Youth Task Force.** Mr. Hunter made a motion, seconded by Mrs. Waymack, to appoint Ms. Ruth Parham. Roll was called on the motion.

T-1.

**RESOLUTION; TWO APPOINTMENTS; SOCIAL SERVICES ADVISORY BOARD**

WHEREAS, Ms. Helen Leonard's term expired on September 11, 2021 and Mr. James Schillinger has resigned;

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 12<sup>th</sup> day of October, 2021 does hereby appoint Ms. Ruth Parham to the Social Services Advisory Board for a term beginning September 12, 2021 and ending on September 11, 2025.

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

Mr. Hunter made a motion, seconded by Mr. Carmichael, to postpone the second appointment to the Social Services Advisory Board to October 26. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

**ORDER OF BUSINESS**

**A-1. Resolution; Appropriation School Federal American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds HVAC Replacement and Improvement Grant (\$1,205,246.00).** Ms. Betsy Drewry, Deputy County Administrator and Finance Director, stated that on October 4, 2021 the Prince George County School Board approved an increase in the FY2022 School budget (Grant Fund 0510). The School Division has received notice of additional funding from the American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) for an HVAC Replacement and Improvement Grant in the amount of \$1,205,246.00. This funding will be used toward the improvement of school building ventilation systems to improve air quality so that teachers and students may safely return and continue in-person instruction. There is a 100% local match funding requirement, and the school division plans to use its currently appropriated ESSER funding to meet this local match requirement. Mr. Webb made a motion, seconded by Mrs. Waymack, to approve an increase in School Federal appropriation for FY2021-22 \$1,205,246. Roll was called on the motion.

R-21-169

A-1.

**RESOLUTION; APPROPRIATION SCHOOL FEDERAL AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS HVAC REPLACEMENT AND IMPROVEMENT GRANT (\$1,205,246.00)**

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 12<sup>th</sup> day of October, 2021, does hereby authorize the following increase of funds within the 2021-2022 Budget, such line items increased as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

FUND/ORGANIZATION  
SCHOOL GRANT FUND

AMOUNT

Expenditure:

0500-06-208-6010-66200-000-900-859-48130 Improvement to Sites	\$1,205,246.00
TOTAL	\$1,205,246.00

Revenue:

0510-30-000-0000-00000-000-000-859-333859 ARPA CSLFRF HVAC Grant	\$1,205,246.00
TOTAL	\$1,205,246.00

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

**A-2. Discussion of November 10 Meeting Date.** The first meeting in November was scheduled for Wednesday, November 10 due to a possible conflict with the VACo Annual Conference. The Conference is a little later this year, so the Board could change the meeting back to its regular date and time of November 9 to avoid confusion. The Board agreed by consensus to move the meeting date back to November 9.

**A-3. Consideration of Appointments – Board, Commissions, Committees, Authorities:**  
**Resolution of Appointment(s):**

**A. Resolution; Recommendation for Appointment (Five-Year Term) – Board of Zoning Appeals.** Mr. Hunter made a motion, seconded by Mrs. Waymack, to recommend to the Circuit Court Mr. Charles Leonard be reappointed to the Board of Zoning Appeals. Roll was called on the motion.

R-21-170

A-3A

**RESOLUTION; RECOMMENDATION FOR APPOINTMENT  
(FIVE-YEAR TERM) – BOARD OF ZONING APPEALS.**

WHEREAS, Mr. Charles Leonard's term will expire on October 14, 2021; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Prince George this 12<sup>th</sup> day of October, 2021 that it hereby recommends Mr. Charles Leonard to



the Circuit Court for appointment to the Prince George County Board of Zoning Appeals for a five-year term effective October 15, 2021 and ending on October 14, 2026.

BE IT FURTHER RESOLVED That upon receiving notice of confirmation of appointment, the Circuit Court Clerk shall administer the Oath of Office to Charles Leonard as required by State law.

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

**A-4. Resolution; Recommendation of Appointment – Building Official.** Mr. Ashcraft stated that it is necessary for the Board to ratify the appointment of Building Official. He stated that Mr. Charles Harrison was appointed as interim Building Official when Mr. Dean Simmons became General Services Manager. Mr. Ashcraft would like to see Mr. Charles Harrison officially appointed Building Official as he has been doing a great job. Mr. Webb made a motion, seconded by Mr. Carmichael, to appoint Mr. Charles Harrison as Building Official. Roll was called on the motion.

R-21-171

A-4.

**RESOLUTION; RECOMMENDATION OF APPOINTMENT– BUILDING OFFICIAL**

WHEREAS, Mrs. Julie Walton was appointed Building Official for Prince George County during the position's recent vacancy;

AND WHEREAS, Mr. Charles Harrison has been hired as the Deputy Director of Community Development / Building Official;

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 12<sup>th</sup> day of October, 2021 does hereby appoint Mr. Charles Harrison as Building Official for Prince George County, VA.

On roll call the vote was:

In favor: (5) Hunter, Waymack, Carmichael, Webb, Brown

Opposed: (0)

Absent: (0)

**A-5. Resolution Dissolving Prince George Emergency Crew.** Mr. Dan Whitten, County Attorney, stated that the Board had been advised by PGEC and independently become aware of a recently distressingly precipitous decline in volunteer members of PGEC who are available to provide services. Prince George Fire & EMS currently has career staff running out of the PGEC station and are currently providing all of the emergency medical services in the PGEC response area. The crisis in active membership and service delivery is a continuation of a trend over the last several years. The PGEC and County efforts to recruit and train new volunteers have not

been able to reverse the trend of critically low PGEC membership and participation in emergency medical service delivery. In addition, PGEC has not been able to demonstrate or propose a means of recruiting sufficient membership to resume effective levels of operation in the foreseeable future. The County through Prince George Fire and EMS is, in practice, assuming responsibility for emergency medical services in the PGEC service area because Virginia Code § 15.2-955(B) requires the County "to ensure that emergency medical services are maintained throughout the entire locality." Virginia Code § 32.1-111.4:7 authorizes the Board to dissolve a nongovernmental emergency medical services agency "when the governing body of the county . . . for any reason deems it advisable." Staff finds that PGEC does not have and cannot reasonably be expected to recruit membership sufficient to justify its continued existence in the Prince George County Coordinated Fire & Rescue System. This resolution would direct the Prince George County Fire & EMS Chief to assume responsibilities for emergency medical service delivery in the affected area, to make provision for now-former PGEC volunteers to be adopted as PGFE volunteers if they are able and qualify and if they are so advised, and to take all necessary action consistent with this decision. The title of the real property commonly described as 10800 Prince George Drive vests in fee simple in the County upon dissolution of PGEC, the County claims its exclusive ownership of said property and directs the County Administrator to assume proper control and maintenance of the same. After stating that it is unfortunate to have to go to this step, but he believes everyone knew it was coming, Mr. Carmichael made a motion, seconded by Mr. Webb, to approve the resolution as presented. Roll was called on the motion.

R-21-172

A-5.

#### RESOLUTION DISSOLVING PRINCE GEORGE EMERGENCY CREW

WHEREAS, Prince George Emergency Crew (PGEC) is a volunteer company providing emergency medical services in Prince George County; and

WHEREAS, the Board of Supervisors of Prince George County (the Board) has been advised by PGEC and independently become aware of a recently distressingly precipitous decline in volunteer members of PGEC who are available to provide services; and

WHEREAS, Prince George Fire & EMS (PGFE) currently has career staff running out of the PGEC station; and

WHEREAS, PGFE is currently providing all of the emergency medical services in the PGEC response area; and

WHEREAS, the crisis in active membership and service delivery is a continuation of a trend over the last several years; and

WHEREAS, PGEC and County efforts to recruit and train new volunteers have not been able to reverse the trend of critically low PGEC membership and participation in emergency medical service delivery; and

WHEREAS, PGEC has not been able to demonstrate or propose a means of recruiting sufficient membership to resume effective levels of operation in the foreseeable future; and

WHEREAS, the County through PGFE is, in practice, assuming responsibility for emergency medical services in the PGEC service area because Virginia Code § 15.2-955(B) requires the County "to ensure that emergency medical services are maintained throughout the entire locality"; and

WHEREAS, Virginia Code § 32.1-111.4:7 authorizes the Board to dissolve a nongovernmental emergency medical services agency "when the governing body of the county . . . for any reason deems it advisable"; and

WHEREAS, the Board regrettably finds that PGEC does not have and cannot reasonably be expected to recruit membership sufficient to justify its continued existence in the Prince George County Coordinated Fire & Rescue System; and

WHEREAS, the Board also finds that PGFE is providing necessary emergency medical services in the County and requires use of the real property located at 10800 Prince George Drive, which is titled in the name of Prince George County; and

WHEREAS, for the reasons outlined herein, the Board finds it advisable to dissolve PGEC; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board that PGEC is hereby dissolved pursuant to Virginia Code § 32.1-111.4:7 and its existence terminated, effective immediately, and it is therefore removed as a participant in the Prince George County Coordinated Fire and Rescue System and declared unauthorized to provide emergency medical services; and

BE IT FURTHER RESOLVED by the Board that the historical services of PGEC volunteers be acknowledged publicly and with grateful hearts; and

BE IT FURTHER RESOLVED that the Board directs the Prince George County Fire & EMS Chief to assume responsibilities for emergency medical service delivery in the affected area, to make provision for now-former PGEC volunteers to be adopted as PGFE volunteers if they are able and qualify and if they are so advised, and to take all necessary action consistent with this resolution; and

BE IT FURTHER RESOLVED that, pursuant to and in acknowledgement of the terms of the deed by which the title of the real property commonly described as 10800 Prince George Drive vests in fee simple in the County upon dissolution of PGEC, the County claims its exclusive ownership of said property and directs the County Administrator to assume proper control and maintenance of the same with all speed; likewise the Board directs staff to identify and take possession over other property to which it has legal title or claim; and

BE IT FURTHER RESOLVED that the County Attorney is directed to pursue action, if necessary, to effectuate the direction of the Board consistent with this Resolution.

On roll call the vote was:

In favor: (5) Hunter, Waymack, Carmichael, Webb, Brown

Opposed: (0)

Absent: (0)

**A-6. Resolution; Award of Contract and Appropriation (\$220,610 Daikin Replacement of Air Cooled Chiller and Eleven Variable Frequency Drives in County Administration Building).** Ms. Drewry stated that the HVAC system in the County Administration Building has not been adequately cooling the building for the past two spring / summer seasons. The current unit is over 20 years old and requires R-22 refrigerant that is no longer manufactured, and very costly to obtain. The compressors are now obsolete along with circuit drivers. The current Variable Frequency drives replacement parts are obsolete and require replacement when break downs occur. When the Emergency repairs were made it was determined that a full replacement of the air cooled chiller and eleven variable frequency drives is necessary. This repair is of an urgent nature and should be made prior to the spring of 2022. Daikin provided pricing under cooperative Omnia contracts R200401-VA-312621 and R200401-VA-312635. A ten-year warranty is recommended with this replacement. The total pricing is \$220,610.00. This pricing was provided on September 22, 2021 and is good for only 30 days. There is a 21-week lead time from the time order is placed to installation. This replacement is not budgeted, nor is it included on a CIP listing. Due to the urgent nature, it is recommended for replacement as soon as possible in order to be in place prior to the spring of 2022. The recommended funding source is General Fund, Fund Balance. Mr. Hunter made a motion, seconded by Mrs. Waymack, to approve the appropriation of funds from the General Fund, Fund Balance of \$220,610 and to award the contract to Daikin for \$220,610. Roll was called on the motion.

R-21-173

A-6.

**RESOLUTION; AWARD OF CONTRACT AND APPROPRIATION (\$220,610 DAIKIN REPLACEMENT OF AIR COOLED CHILLER AND ELEVEN VARIABLE FREQUENCY DRIVES IN COUNTY ADMINISTRATION BUILDING)**

WHEREAS, The Director of General Services has determined to make the heating and air conditioning system in the County Administration building fully functional, the air cooled chiller and eleven variable frequency drives must be replaced; and

WHEREAS, The Director of General Services received pricing from Daikin through cooperative Omnia contracts #s R200401-VA-312621 and R200401-VA-312635 in the amount of \$220,610 which includes a ten year warranty; and

WHEREAS, staff is recommending the purchase and installation of a new / replacement air cooled chiller and eleven variable frequency drives with a ten year warranty from Daikin for \$220,610; and

WHEREAS funding is not currently available in the adopted FY2022 County operating budget, an appropriation from General Fund, Fund balance is recommended as the funding source because the project is of an urgent nature and waiting to include this replacement in a Capital Improvement plan for future borrowing is not recommended; and

WHEREAS, Staff is requesting authorization for the County Administrator to enter into a contract with Daikin in the amount of \$220,610 and approval of an appropriation from General Fund, Fund Balance.

NOW, THEREFORE, BE IT RESOLVED That the Board of the Supervisors of the County of Prince George this \_\_\_\_ day of \_\_\_\_, 2021, hereby awards the Air Cooled Chiller and Variable Frequency Drives replacement contract to Daikin in the amount of \$220,610 and authorizes the County Administrator to execute a contract with Daikin.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Board of Supervisors of the County of Prince George this \_\_\_\_ day of \_\_\_\_, 2021, does hereby authorize the following increase of funds within the 2021-2022 Budget, such line items increased as follows, which monies to be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

<u>FUND/ORGANIZATION</u>		<u>AMOUNT</u>
GENERAL FUND (0100)		
<u>Expenditure:</u>		
0100-09-401-0917-49172	Gen Fund transfer to CIP Fund	\$220,610
<u>Revenue:</u>		
0100-40-900-8208-399999	General Fund, Fund Balance	\$220,610
CAPITAL IMPROVEMENT FUND (0311)		
<u>Expenditure:</u>		
0311-01-002-____-48120	County Admin Chiller and Variable Frequency Drives Replacement	\$220,610
<u>Revenue:</u>		
0311-90-901-8207-399100	Transfer from General Fund	\$220,610

On roll call the vote was:

In favor: (5) Hunter, Waymack, Carmichael, Webb, Brown

Opposed: (0)

Absent: (0)

**ADJOURNMENT.** Mr. Hunter moved, seconded by Mrs. Waymack to adjourn to October 20 at 4:00 p.m. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Hunter, Brown, Webb, Waymack, Carmichael  
Opposed: (0)  
Absent: (0)

The meeting adjourned at 8:01 p.m.

[Draft Minutes prepared October 19, 2021 for consideration on October 26, 2021; adopted by unanimous vote.]

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Floyd M. Brown, Jr.  
Chairman, Board of Supervisors

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Percy C. Ashcraft  
County Administrator