

MINUTES
Board of Supervisors
County of Prince George, Virginia

May 23, 2017

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 6:02 p.m. on Tuesday, May 23, 2017 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by William A. Robertson, Jr., Chairman.

ATTENDANCE. The following members responded to Roll Call:

William A. Robertson, Jr., Chairman Present

Donald R. Hunter, Vice-Chairman Present

Alan R. Carmichael Present

Jerry J. Skalsky Present

T. J. Webb Present

Also present was: Percy C. Ashcraft, County Administrator; Jeff Stoke, Deputy County Administrator; and Steve Micas, County Attorney.

CLOSED SESSION

E-1. Resolution; Closed Session for: (1) discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating in Prince George County pursuant to § 2.2-3711 (A)(5), Code of Virginia, 1950, as amended; (2) consultation with legal counsel and briefings by staff pertaining to actual litigation involving personnel matters and traffic violations pursuant to § 2.2-3711 (A)(7), Code of Virginia, 1950, as amended; (3) briefings by staff members on specific matters relating to the substantive terms of an economic development agreement and negotiating strategies for Prince George related to such agreement pursuant to § 2.2-3711 (A)(7), Code of Virginia, 1950, as amended, and 1992 Va. OAG-1; and (4) discussion of the evaluation of the performance and compensation of specific Board appointees pursuant to § 2.2-3711, (A)(1), Code of Virginia, 1950. Mr. Carmichael made a motion, seconded by Mr. Skalsky that the Board convene closed session for (1) discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating in Prince George County pursuant to § 2.2-3711 (A)(5), Code of Virginia, 1950, as amended; (2) consultation with legal counsel and briefings by staff pertaining to actual litigation involving personnel matters and traffic violations pursuant to § 2.2-3711 (A)(7), Code of Virginia, 1950, as amended; (3) briefings by staff members on specific matters relating to the substantive terms of an economic development agreement and negotiating strategies for Prince George related to such agreement pursuant to § 2.2-3711 (A)(7), Code of

Virginia, 1950, as amended, and 1992 Va. OAG-1; and (4) discussion of the evaluation of the performance and compensation of specific Board appointees pursuant to § 2.2-3711, (A)(1), Code of Virginia.

R-17-066

E-1.

RESOLUTION; CLOSED SESSION FOR (1) DISCUSSION CONCERNING A PROSPECTIVE BUSINESS WHERE NO PREVIOUS ANNOUNCEMENT HAS BEEN MADE OF THE BUSINESS' INTEREST IN LOCATING IN PRINCE GEORGE COUNTY PURSUANT TO § 2.2-3711 (A)(5), CODE OF VIRGINIA, 1950, AS AMENDED; (2) CONSULTATION WITH LEGAL COUNSEL AND BRIEFINGS BY STAFF PERTAINING TO ACTUAL LITIGATION INVOLVING PERSONNEL MATTERS AND TRAFFIC VIOLATIONS PURSUANT TO § 2.2-3711 (A)(7), CODE OF VIRGINIA, 1950, AS AMENDED; (3) BRIEFINGS BY STAFF MEMBERS ON SPECIFIC MATTERS RELATING TO THE SUBSTANTIVE TERMS OF AN ECONOMIC DEVELOPMENT AGREEMENT AND NEGOTIATING STRATEGIES FOR PRINCE GEORGE RELATED TO SUCH AGREEMENT PURSUANT TO § 2.2-3711 (A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, AND 1992 VA. OAG-1; AND (4) DISCUSSION OF THE EVALUATION OF THE PERFORMANCE AND COMPENSATION OF SPECIFIC BOARD APPOINTEES PURSUANT TO § 2.2-3711, (A)(1), CODE OF VIRGINIA.

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23rd day of May, 2017, does hereby vote to enter closed session for (1) discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating in Prince George County pursuant to § 2.2-3711 (A)(5), Code of Virginia, 1950, as amended; (2) consultation with legal counsel and briefings by staff pertaining to actual litigation involving personnel matters and traffic violations pursuant to § 2.2-3711 (A)(7), Code of Virginia, 1950, as amended; (3) briefings by staff members on specific matters relating to the substantive terms of an economic development agreement and negotiating strategies for Prince George related to such agreement pursuant to § 2.2-3711 (A)(7), Code of Virginia, 1950, as amended, and 1992 Va. OAG-1; and (4) discussion of the evaluation of the performance and compensation of specific Board appointees pursuant to § 2.2-3711, (A)(1), Code of Virginia.

On roll call the vote was:

In favor: (5) Robertson, Skalsky, Hunter, Carmichael, Webb

Opposed: (0)

Absent: (0)

E-2. Resolution; Certification of Closed Session. At 7:01 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 Robertson 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-17-066A

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 23rd day of May, 2017 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) Skalsky, Robertson, Hunter, Carmichael, Webb

Opposed: (0)

Invocation. Mr. Skalsky gave an invocation.

Pledge of Allegiance to U.S. Flag. Mr. Webb led the Pledge of Allegiance to the United States Flag.

Chairman Robertson recognized Mr. Chip England, County Engineer, as this will be his last appearance before the Board. He commended Mr. England on his service to Prince George County and wished him well on his new position in Henrico County.

PUBLIC COMMENTS. Chairman Robertson announced that anyone wishing to come before the Board may do so at this time. He noted that this was the time for unscheduled general public comments. He opened the public comments at 7:04 p.m.

Mr. Sean Patton (7411 Trailing Rock Road, Prince George VA). Mr. Patton spoke on behalf of the Branchester Lakes Neighborhood Watch. He expressed their concerns in regards to the Lucky Bids business at 4902 Suite C Prince George Drive. This location is at an entrance of Branchester Lakes Subdivision and it is their understanding that this

move was made just after the business was served with a search warrant at its old location in the Food Lion Shopping Center. They have also been advised that items seized during the search warrant are currently under investigation. Their main concerns are theft, robberies and other criminal activities, increased traffic through the neighborhood, later hours of operation, loitering, negative affect on property value, and negative representation of their community. They have conducted an online and door-to-door petition that were presented to the Board. Mr. Patton respectfully requested on behalf of the Branchester Lakes Neighborhood Watch that the Board consider revoking the operations license of the Lucky Bids business.

There was no one else to speak so Chairman Robertson closed the public comments period at 7:09 p.m.

APPROVAL OF AGENDA. Mr. Carmichael made a motion, seconded by Mr. Hunter, to adopt the agenda as presented. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Robertson, Carmichael, Skalsky, Hunter, Webb

Opposed: (0)

Absent: (0)

ORDER OF CONSENSUS. Mr. Skalsky made a motion, seconded by Mr. Webb, that the consensus agenda be approved as presented. Roll was called on the motion.

C-1. Draft Minutes – May 9, 2017 Regular Meeting minutes were approved as presented.

On roll call the vote was:

In favor: (5) Carmichael, Hunter, Robertson, Skalsky, Webb

Opposed: (0)

Absent (0)

SUPERVISORS' COMMENTS

Mr. Hunter stated that his thoughts and prayers are with everyone in Manchester, England.

Mr. Skalsky stated that this is graduation time of year. He asked God's blessings on each and everyone.

Mr. Carmichael thanked the volunteers for their continued work. He asked everyone to keep Tommy Mason's family in their thoughts and prayers.

Mr. Webb echoed Mr. Hunter and Mr. Carmichael's comments.

Chairman Robertson asked everyone to be careful and cautious since VDOT has started their mowing along the roadways.

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Ashcraft stated that the Civilian-Military Council Luncheon will be on May 24 at 11:30 a.m. at The Lee Club. The Memorial Garden Ceremony will be on May 25 at 1:30 p.m. at Moore Middle School. The Planning Commission Meeting will be on May 25 at 6:30 p.m. in the Board Room. Farmers Market will continue on May 27 from 8 a.m. to 12:00 Noon at Scott Park. County Offices will be closed on Memorial Day on May 29. There will be a Memorial Day Observance on May 29 at 10 a.m. at the Heritage Center. Real Estate Taxes are due on June 5. The Exit 45 Property Owners Meeting will be on June 6 at 2 p.m. at the Hampton Inn. The Citizens Academy will begin again on June 8 at 6 p.m. at the Prince George Library. There will be a Ribbon Cutting on June 8 from 5:30 to 7:30 p.m. at the Tri-Cities Emergency Center. The New Fitness Room is open at the Central Wellness Center from 5 to 8 p.m. Monday thru Thursday. Bank of McKenney purchased LMR Building on Crossings Boulevard for \$1.68 million and will move its corporate offices to Prince George County. Comcast announces restructuring of channel lineup. The 'Tip-a-Cop' fundraiser last Friday night raised \$3,200 for Special Olympics.

REPORTS

Clean Community Day – Mr. George Poulson stated that the Prince George Clean Community Day was held on Saturday, April 15th from 8:30 a.m. to 1:00 p.m. The event was sponsored by the County of Prince George and the Prince George Extension Agency. The event was offered to Prince George County residents for the disposal of hazardous waste, tires and specific items such as household and white goods without charge. The disposal locations were at the County Complex and the Convenience Center off of Union Branch Road. Master Gardeners volunteered to help direct traffic and to collect data from those citizens whom dropped off items for disposal at the county complex. Adopt-A-Highway volunteers were also out on local roads picking up litter. Companies involved with the event were Care Environmental Corp., for hazardous material collection and removal, Shred-it Document Management for shredding confidential documents, Container First Services for management of the convenience center operation and Emanuel Tire for Tractor Trailers and tire collection. Sunny skies were prevalent throughout the event. There was a total of 493 citizens in attendance with 108 dropping off hazardous materials, 98 dropping off tires, and 92 citizens taking advantage of the shredding service. A total of 74.19 tons of waste was collected. Total cost to the County was \$20,158.58.

PUBLIC HEARINGS

P-1. Public Hearing; Resolution; Sale of the "River's Edge Lagoon" Parcel Thereon Designated as Tax Map Parcel Number: 15b(02)01-011-A with a Cumulative Total Acreage of 1.6 Acres Located Off of Buxton Street, Prince George, Virginia. Mr. Dickie Thompson of the Utilities Department stated that the County is the owner of a parcel of land with improvements thereon designated as Parcel Number: 15B(02)01-011-A with a cumulative total acreage of 1.6 acres located on the west side of Buxton Street in the Rivers Edge Subdivision. The parcel is surplus and no longer needed by the County. In order to sell real estate owned by the County, the Board must hold a Public Hearing pursuant to § 15.2-1800 Code of Virginia, as amended. As

requested by the Board, this matter was readvertised for a second public hearing because the Board did not want to accept the previous offer. There have been no more offers placed on the property. Mr. Thompson gave the Board several options, including renegotiating the previous offer, split the property with the surrounding property owners at a fair market value, keep the property and continue to maintain it, or put it on auction with govdeals.com. The County Attorney advised the Board that if they decided to put it on auction, they could set a minimum price. The FY18 assessed value on the property is \$6500. Chairman Robertson opened the public hearing at 7:33 p.m. There was no one to speak and the public hearing was closed. After brief discussion, Mr. Skalsky made a motion, seconded by Mr. Webb, to put the property up for auction at a minimum of \$4,000. Roll was called on the motion.

R-17-067

P-1.

RESOLUTION; SALE OF THE "RIVER'S EDGE LAGOON" PARCEL THEREON DESIGNATED AS TAX MAP PARCEL NUMBER: 15B(02)01-011-A WITH A CUMULATIVE TOTAL ACREAGE OF 1.6 ACRES LOCATED OFF OF BUXTON STREET, PRINCE GEORGE, VA

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23rd day of May, 2017, does hereby authorize the auction of the "River's Edge lagoon" parcel thereon designated as tax map parcel number: 15b(02)01-011-a with a cumulative total acreage of 1.6 acres located off of Buxton Street, Prince George, VA for a minimum price of \$4,000.

On roll call the vote was:

In favor: (5) Carmichael, Hunter, Robertson, Skalsky, Webb

Opposed: (0)

Absent: (0)

P-2. Public Hearing; Special Exception; Taxidermy Shop. Mr. Douglas Miles, Zoning Administrator, stated that the applicant is proposing to operate a taxidermy workshop within the attached garage of his home. The business will be conducted by appointment only for drop off and pickup orders placed with the applicant. There will be no animal parts, equipment, or anything associated with the business stored outside or be visible to the surrounding neighbors. There have been no issues with the surrounding neighbors with this proposed use nor any building code or zoning violations on record at this property. This request was brought forward during his 2017 Business License renewal by the Commissioner of the Revenue's Office. The 2014 Comprehensive Plan Update identifies this area as appropriate for residential uses. The Special Exception request would permit the use provided that the applicant maintains the residential home as his primary residence and the residential dwelling as a residential land use. The subject property is located on Courthouse Road (SR 106) is zoned R-2, Limited Residential and is identified as 5555 Courthouse Road. The surrounding properties are

zoned R-2, Limited Residential and R-A, Residential Agricultural and they either contain single-family dwellings or are vacant. The proposed use requires that the site's access from SR 106, Courthouse Road, meet VDOT's requirements for a low volume commercial entrance. The acquisition of a Land Use Permit is required before any work can be done in the VDOT right of way. The Planning Commission and Staff recommends Approval of the Special Exception to permit a home professional and trade office to operate a taxidermy shop use provided that there is no impact on the surrounding property owners. Staff has proposed recommended conditions to ensure that this land use complies with all Federal, State and County Code requirements: (1) This Special Exception is granted for a taxidermy shop as licensed by the State of Virginia issued to Dennis Spagnoulo of True2Life Taxidermy LLC and is not transferable and does not run with the land; (2) The hours of operation will be Monday through Thursday from 7:00 a.m. until 5:00 p.m. by appointment and Saturday and Sunday 9:00 a.m. until 5:00 p.m. by appointment. There will be a four (4) square foot non-illuminated sign posted out at the driveway entrance stating: True2Life Taxidermy with a phone number and with a website address; (3) There will be no outside storage permitted nor a trash dumpster or trash cans containing animal parts only normal household waste stored onsite for regular trash service pick-up. The customers will be required to dispose of excess animal parts or waste themselves; (4) This Special Exception shall become null and void if the use of a taxidermy shop is abandoned for a period of twenty-four (24) consecutive months; and (5) This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations. Chairman Robertson opened the public hearing at 7:41 p.m. There was no one to speak and the public hearing was closed. Mr. Carmichael made a motion, seconded by Mr. Hunter, to approve the special exception as presented. Roll was called on the motion.

O-17-05

P-2.

SPECIAL EXCEPTION SE-17-01 Request of True2Life Taxidermy, LLC pursuant to § 90-243 (5) to permit a home professional and trade office to operate a taxidermy shop in an attached garage located at 5555 Courthouse Road and Tax Map 23B(01)00-002-B in an R-2, Limited Residential District and the Comprehensive Plan calls for residential use.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-17-01 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a taxidermy shop as licensed by the State of Virginia issued to Dennis Spagnoulo of True2Life Taxidermy LLC and is not transferable and does not run with the land.

2. The hours of operation will be Monday through Thursday from 7:00 a.m. until 5:00 p.m. by appointment and Saturday and Sunday 9:00 am to 5:00 pm by appointment only. There will be a four (4) square foot non-illuminated sign posted out at the driveway entrance stating: True2Life Taxidermy with a phone number and website address.
3. There will be no outside storage permitted nor a trash dumpster or trash cans containing animal parts only normal household waste stored onsite for regular trash service pick-up. The customers will be required to dispose of excess animal parts or waste themselves.
4. This Special Exception shall become null and void if the use of a taxidermy shop is abandoned for a period of twenty-four (24) consecutive months.
5. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

On roll call the vote was:

In favor: (5) Carmichael, Hunter, Robertson, Skalsky, Webb

Opposed: (0)

Absent: (0)

P-3. Public Hearing; Special Exception for an Assembly Building on Ruffin Road.

Mr. Carmichael read the following conflict of interest statement: I am currently employed by Perkinson Construction, Inc., in a position in which I perform a variety of duties at work sites both in Prince George County and in other locations. I make a salary in excess of \$5,000. As a salaried employee of Perkinson Construction, under the Virginia Conflict of Interests Act, I have a prohibited "personal interest in a transaction" if I were to participate in any matter before the Board that might affect Perkinson Construction. Accordingly, I am publically declaring that I have a conflict of interest in Item P-3 relating to a Special Exception for an assembly building on Ruffin Road requested by Ambrusta Development, LLC, because the LLC has an ownership and operational connection with the owners of Perkinson Construction and, therefore, will not participate as a Board member on this item in any manner. Mr. Miles, Zoning Administrator, stated that the applicants are proposing to operate an assembly hall use for weddings, family reunions, festivals and similar indoor assembly hall receptions and outdoor events on the grounds. The proposed days and hours of operation on site are Tuesday through Thursday Noon to 9:00 pm; Fridays from 2:00 pm to 11:00 pm and Saturdays and Sundays 9:00 am until 11:00 pm. They are currently constructing a new barn to be used for special occasions and/or festivals with the average number of guests ranging from 100 to 150 persons per on site event. They have added ornamental trees and shrubs and additional site screening with new evergreen trees on the site. The 2014 Comprehensive Plan identifies this area as appropriate for commercial and village center land uses located in the Ruffin Road (SR 106) and Prince George Drive (SR 156) area. The subject property is zoned R-A, Residential Agricultural (with R-2 corridor zoning) and it contains a single family dwelling and agricultural buildings. The properties to the

north and east are zoned R-A and contain single family dwellings or are vacant. The properties to the west contain an assembly hall and a convenience store in the B-1, General Business Zoning District. The property to the south is zoned B-1 and M-2, General Industrial for a new truck terminal use. The Virginia Department of Transportation (VDOT) has indicated that the proposed use will require a VDOT commercial entrance. Commercial entrances must be paved and they shall meet other criteria such as acceptable sight distances. The Planning Commission and Staff recommends Approval of the proposed assembly hall use provided that the impact upon the surrounding property owners is minimal. Staff has proposed recommended conditions to ensure that this use complies with all Federal, State and County Code requirements: (1) This Special Exception is granted for an Assembly Hall use to Ambrusta Development LLC (Mark and Terri Perkinson) and is not transferable and it does not run with the land on Tax Map 240(0A)00-115-0; (2) The applicants will be required to provide staffing for private parking and proper traffic circulation purposes with event personnel clearly marked as "Event Staff" for safety reasons. The Prince George County Police Department shall be notified at least thirty (30) days prior to each Assembly Hall event; (3) Any temporary food service carts, portable toilets and hand washing stations that may be used for events shall be approved by the State Health Department for the assembly hall events. Proper litter control measures shall be put in place at the assembly hall events with the use of both trash containers and recycling bins; (4) The Assembly Hall days and hours of operation shall be Tuesday through Thursday from Noon to 9:00 pm; Fridays from 2:00 pm to 11:00 pm and Saturdays and Sundays 9:00 am until 11:00 pm; (5) One (1) non-illuminated sign no greater than four (4) square feet may be placed for directional purposes near the driveway entrance and outside of the VDOT right-of-way; (6) The applicants shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George, as adopted, and as enforced by the Police Department; (7) The applicants shall have all required State permit approvals that may include a VDOT Commercial Entrance Permit, a Virginia Department of Health – Office of Drinking Water (ODW) permit and all local permits before the use of the assembly hall building; (8) This Special Exception shall become null and void if the use of an assembly hall is abandoned for a period of twenty-four (24) consecutive months; and (9) This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations. Mr. Perkinson answered a few questions from the Board, including catered food service and outdoor noise. Chairman Robertson opened the public hearing at 7:55 p.m.

Mr. N.A. Sanford (3600 River Road, Prince George). Mr. Sanford spoke in favor of this project and said that he thought it would greatly benefit the County.

Ms. Becky McDonough (Hopewell/Prince George Chamber of Commerce). Ms. McDonough stated that the Chamber has several large events throughout the course of the year. She said that they have had to go outside the County for these types of events. She is very excited to have this opportunity to hold their events at this venue in the County.

Ms. Tammy Perryman (9876 Kanak Drive, Prince George). Ms. Perryman's family used to own this property and stated that she is happy that someone bought the farm and is doing something great with it.

There was no one else to speak and Chairman Robertson closed the public hearing at 7:58 p.m. Mr. Hunter made a motion, seconded by Mr. Webb, to approve the special exception as presented. Roll was called on the motion.

O-17-06

P-3.

SPECIAL EXCEPTION SE-17-03 Request of Ambrusta Development LLC pursuant to § 90-103 (9) to permit an assembly hall use located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-0 in an R-A, Residential – Agricultural District. The Comprehensive Plan calls for both commercial and village center land uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-17-03 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for an Assembly Hall use to Ambrusta Development LLC (Mark and Terri Perkinson) and is not transferable and it does not run with the land on Tax Map 240(0A)00-115-0.
2. The applicants will be required to provide staffing for private parking and proper traffic circulation purposes with event personnel clearly marked as "Event Staff" for safety reasons. The Prince George County Police Department shall be notified at least thirty (30) days prior to each Assembly Hall event.
3. Any temporary food service carts, portable toilets and hand washing stations that may be used for events shall be approved by the State Health Department for the assembly hall events. Proper litter control measures shall be put in place at the assembly hall events with the use of both trash containers and recycling bins.
4. The Assembly Hall days and hours of operation shall be Tuesday through Thursday from Noon to 9:00 pm; Fridays from 2:00 pm to 11:00 pm and Saturdays and Sundays 9:00 am until 11:00 pm.
5. One (1) non-illuminated sign no greater than four (4) square feet may be placed for directional purposes near the driveway entrance and outside of the VDOT right-of-way.
6. The applicants shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George, as adopted, and as enforced by the Police Department.

7. The applicants shall have all required State permit approvals that may include a VDOT Commercial Entrance Permit, a Virginia Department of Health – Office of Drinking Water (ODW) permit and all local permits before the use of the assembly hall building.
8. This Special Exception shall become null and void if the use of an assembly hall is abandoned for a period of twenty-four (24) consecutive months.
9. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

On roll call the vote was:

In favor: (4) Hunter, Robertson, Skalsky, Webb

Opposed: (0)

Absent: (1) Carmichael

ORDER OF BUSINESS

A-1. Discussion and Possible Approval of Inducement Agreement for Broadband.

Mr. Jeff Stoke, Deputy County Administrator, stated that 61% of all businesses in Prince George County, VA are home-based businesses. Small and medium size businesses with greater high-speed internet use grow faster than those with less high-speed internet. Enhanced educational opportunities (dual enrollment, complete homework, check grades/lunch account) and furthers workforce development (online training & job search) which supports economic development in Prince George County. Availability of secure, reliable, competitive and sustainable broadband infrastructure is essential to meet citizen's needs. Broadband is either not present (coaxial cable), not affordable (wireless systems), or not reliable (satellite service) in rural areas. Lack of broadband is the number one complaint of Prince George County residents. Prince George Electric Cooperative (PGECE) has established a Fiber-To-The-Home (FTTH) pilot project on West Quaker Road and Prince George Drive to test the business model for providing residential/commercial broadband service. The next step would be extending the service in phases throughout the County. The fiber subsidiary created by PGECE, PGECE Enterprises, LLC, is undercapitalized in order to build FTTH connections in the rural community due to the distances between homes/businesses. PGECE Enterprises, LLC is requesting a grant from the Authority of \$1,000,000 to help cover the overhead costs for this project. The Prince George County Board of Supervisors would allocate \$1,000,000 from taxable bond proceeds to the Prince George County Industrial Development Authority. The Authority would establish a Broadband Expansion Grant in the amount of \$1,000,000 and enter into a contract with the County and PGECE to award the funds. The term of the agreement would be four years. Phase I will include 500 new subscriber connections from execution of agreement. Pilot project homes do not count towards 500 goal. PGECE may continue connections beyond 500 at any time. Customers shall be within 1,000 feet of a VDOT road. At a minimum, 25 Mbps download and 3 Mbps upload. PGECE shall ensure that there is no degrading of broadband service to

customers during the term of this Agreement. System will use fiber optic cable. There will be no limit on data usage. PGECE will return to the Authority \$2,000/connection for each connection not completed, under the 500 subscription target, after four years. Within sixty (60) days of the execution of this agreement, PGECE shall provide to the Authority a broadband installation plan for installation of the Fiber Backbone, in substantial conformity with the proposed map. The broadband installation plan shall include, but not be limited to, the locations where PGECE proposes to install broadband infrastructure, the types of materials proposed to be used, and the capacity and lifespan of the materials. PGECE shall provide documentation to the County and the Authority annually, beginning July 1, 2018 and continuing through July 1, 2021, verifying new subscribers to broadband service with a minimum of one-year subscriptions each. In the event of a sale or assignment of PGEC Enterprises, LLC to any person, firm or corporation prior to PGECE's fulfillment of its obligations under the terms of this agreement, such sale or assignment shall be made expressly subject to all terms of this agreement. PGECE will construct and make available fiber optic cable connections to all public structures and facilities owned or operated by the County that are within one thousand (1,000) feet of Fiber Backbone including, but not limited to schools, libraries, parks and recreation facilities, fire stations, and wireless communications towers. Internet service charges for these facilities shall be at the commercial rate. In addition, PGECE will construct and make available to the County's Central Wellness Center, the Prince George Emergency Crew Building, the Burrowsville Volunteer Fire Department and the Burrowsville Community Center internet service at the residential internet service rate (currently \$82/month with leased router) during the term of this agreement. At such time as PGECE has satisfied in full all of the requirements of it under the terms of this agreement, the rate for internet service to the County's Central Wellness Center, the Prince George Emergency Crew building, the Burrowsville Volunteer Fire Department and the Burrowsville Community Center shall be at the PGECE commercial internet rate. Mr. Mike Milandro of Prince George Electric Cooperative addressed several questions and concerns of the Board, including the subsidiary's management board, the use of the \$1 million upfront, proof of membership and regular updates, the possibility of half of the money upfront, and insurance. The Board expressed concern with approving \$1 million of the Industrial Development Authority's funds upfront. However, they realize that this is the only way they will get broadband in that area for the citizens. Mr. Hunter made a motion, seconded by Mr. Webb, to approve the agreement as presented. Roll was called on the motion.

R-17-068

A-1.

**RESOLUTION; AUTHORITY TO EXECUTE A BROADBAND
PERFORMANCE AGREEMENT BETWEEN PGECE, PRINCE
GEORGE COUNTY IDA AND THE COUNTY OF PRINCE GEORGE**

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23rd day of May, 2017, does hereby authorize the County

Administrator to execute a broadband performance agreement between PGECE, Prince George County IDA and the County of Prince George for expansion of fiber broadband in the County.

On roll call the vote was:

In favor: (5) Carmichael, Hunter, Robertson, Skalsky, Webb

Opposed: (0)

Absent: (0)

A-2. Resolution – Authority to Apply for Grant – School Resource Officer – Continuation 2018. Chief Keith Early addressed Items A-2 and A-3 together. He stated that the Continuation Grant would be to enter into the second year of the grant that was awarded last year for a School Resource Officer at North Elementary. It is a \$50,000 grant with \$37,730 coming from the State with a local match of \$12,270. This money would be utilized for payment of salary and benefits. Staff is requesting permission to apply for the grant continuation. Mr. Carmichael made a motion, seconded by Mr. Skalsky to approve the resolution as presented. Roll was called on the motion.

R-17-069

A-2.

AUTHORIZE THE POLICE DEPARTMENT TO COMPLETE AND SUBMIT A GRANT APPLICATION TO DCJS FOR SCHOOL RESOURCE OFFICER CONTINUATION (HARRISON ELEMENTARY SCHOOL).

WHEREAS, the Police Department is requesting approval of the Prince George County Board of Supervisors to apply for grants of \$37,730 through The Virginia Department of Criminal Justice Services, due May 25, 2017; and

WHEREAS, the total award of \$37,730 and local match of \$12,270 will be utilized for payment of salary and benefits for a currently-employed School Resource Officer at David A. Harrison Elementary School; and

WHEREAS, the grant requires a local match of \$12,270, which will result in an increased general fund appropriation upon award (from contingency).

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23rd day of May, 2017, does hereby authorize the submission of a grant application to DCJS for \$37,730, which requires a local match of \$12,270 that will require an additional general fund appropriation upon award, for salary and benefits for a School Resource Officer at David A. Harrison Elementary School.

BE IT FURTHER RESOLVED, That a copy of this Resolution shall be retained as support authorizing the grant application to The Virginia Department of Criminal Justice Services.

On roll call the vote was:

In favor: (5) Carmichael, Hunter, Robertson, Skalsky, Webb

Opposed: (0)

Absent: (0)

A-3. Resolution – Authority to Apply for Grant – School Resource Officer – New 2018 (Walton Elementary School). Chief Keith Early stated that, in addition, the Virginia Department of Criminal Justice Services is currently offering competitive School Resource Officer incentive grants and Staff is requesting to apply for this opportunity for Walton Elementary School. This would also be for \$37,730 with a local match of \$12,270. This money would be utilized for payment of salary and benefits. In addition, the County would need to provide funds for police equipment minus a vehicle which is already available. Mr. Skalsky made a motion, seconded by Mr. Hunter, to approve the resolution as presented. Roll was called on the motion.

R-17-070

AUTHORIZE THE POLICE DEPARTMENT TO COMPLETE AND SUBMIT A GRANT APPLICATION TO DCJS FOR SCHOOL RESOURCE OFFICER NEW / ADDITIONAL OFFICER (WALTON ELEMENTARY SCHOOL).

WHEREAS, the Police Department is requesting approval of the Prince George County Board of Supervisors to apply for grants of \$37,730 through The Virginia Department of Criminal Justice Services, due May 25, 2017; and

WHEREAS, the total award of \$37,730 and local match of \$12,270 will be utilized for payment of salary and benefits for an additional / new School Resource Officer at William A. Walton Elementary School; and

WHEREAS, the grant requires a local match of \$12,270, which will result in an increased general fund appropriation upon award (from contingency).

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23rd day of May, 2017, does hereby authorize the submission of a grant application to DCJS for \$37,730, which requires a local match of \$12,270 that will require an additional general fund appropriation upon award, for salary and benefits for an additional School Resource Officer at William A. Walton Elementary School.

BE IT FURTHER RESOLVED, That a copy of this Resolution shall be retained as support authorizing the grant application to The Virginia Department of Criminal Justice Services.

On roll call the vote was:

In favor: (5) Carmichael, Hunter, Robertson, Skalsky, Webb

Opposed: (0)

Absent: (0)

A-4. Resolution; Award of Contract; Parks and Recreation Community Center Parking Lot. Ms. Betsy Drewry, Finance Director, stated that parking lot improvements for the Prince George Community Center (Old North) were approved as part of the 2016 Budget and CIP Process. The original estimate obtained totaled just under \$80,000, and \$80,000 was appropriated for this project as part of a General Fund Transfer to CIP in FY2016 (as part of the adopted FY2016 budget). Plan design and engineering work was performed by Bowman Consulting. The cost of work performed by Bowman to date totals \$26,132.10, with another \$1,003+ anticipated (Total \$27,135.10+). The scope of this project was broadened from the original plan. A bio-retention area had to be added to comply with stormwater management requirements. The original estimate also did not address any soil conditions associated with building on the closed lagoon site. To address safety concerns, lighting and electrical work was added to the scope of the project as well. The expanded scope, stormwater management and soil challenges had a significant bearing on the pricing of this project. Once plans were completed, IFB 17-0327-1 was issued on March 27, 2017 with a closing date of April 17, 2017. Four responses were received, with one bidder withdrawing (lowest bid), as that responder did not include pricing on full specifications (required elements not included). Three valid responses remained after this withdrawal, including Ellis Construction (\$205,000), Perkinson Construction (\$222,750), and JR Caskey (\$273,500). The original budget was \$80,000. The expected total expenditure on Plans & Engineering 27,136 and the cost of lot construction with the lowest bidder is \$205,000. This leaves a budget shortfall of \$152,136. Staff is recommending an award contract for the Community Center parking lot project to Ellis Construction in the amount of \$205,000, authorizing the County Administrator to sign the contract. This would also require the authorization of a budget transfer and appropriation from General Fund Contingency to CIP to cover projected project deficit of \$152,136. Chairman Robertson talked to Keith Rotzoll, Director of Parks and Recreation, regarding the need for the designated amount of lots. Ms. Julie Walton, Director of Community Development, addressed the shrubbery requirements because of a bio-retention area. Mr. George Poulson, Director of General Services, addressed questions regarding the contractor.

Because Perkinson Construction is one of the three lowest bidders, the County Attorney recommended that Mr. Carmichael recuse himself from this matter. Mr. Carmichael read the following statement: I am currently employed by Perkinson Construction, Inc., in a position in which I perform a variety of duties at work sites both in Prince George County and in other locations. I make a salary in excess of \$5,000. As a salaried employee of Perkinson Construction, under the Virginia Conflict of Interests Act, I have a prohibited "personal interest in a transaction" if I were to participate in any matter before the Board that might affect Perkinson Construction. Accordingly, I am publically declaring that I have a conflict of interest in Item A-4 relating to an award of contract for the Parks and Recreation Community Center parking lot.

Mr. Webb made a motion, seconded by Mr. Skalsky to approve the resolution as presented awarding the contract to Ellis Construction. Roll was called on the motion.

A-4.

RESOLUTION; AWARD OF CONTRACT \$205,000 AND BUDGET TRANSFER AND APPROPRIATION (\$152,136 COMMUNITY CENTER PARKING LOT PROJECT)

WHEREAS, On March 27, 2017 an Invitation for Bid (IFB #17-0327-1) was advertised by the Finance Department to obtain pricing for the Community Center Parking Lot Project. The bid closed on April 17, 2017 with four responses. The lowest *valid* bid was in the amount of \$205,000 and was received from Ellis Construction; and

WHEREAS, Only \$52,864 is available in the appropriated CIP budget for this project leaving a budget shortfall of \$152,136; and

WHEREAS, Staff is requesting the Board of Supervisors consider and approve a budget transfer and appropriation from General Fund Contingency to cover the projected budget deficit of \$152,136; and

WHEREAS, Staff is requesting authorization for the County Administrator to enter into a contract with Ellis Construction in the amount of \$205,000 to move forward with the Community Center Parking Lot Project.

NOW, THEREFORE, BE IT RESOLVED That the Board of the Supervisors of the County of Prince George this 23rd day of May, 2017, hereby awards the bid for the Community Center Parking Lot Project to Ellis Construction in the amount of \$205,000; AND BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23rd day of May, 2017, does hereby authorize a budget transfer and appropriation of \$152,136 from General Fund Contingency within the 2016-2017 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>
<u>Budget Transfer:</u>	
Increase:	
0100-09-401-0917-49172 General Fund Transfer to CIP	\$152,136
Decrease:	
0100-09-401-0917-49199 General Fund Contingency	\$152,136

Capital Improvement Fund Appropriation (0311)

Revenue:

0311-90-901-8207-399100	Transfer from General Fund	\$152,136
Expenditure:		
0311-07-211-3136-48240	Community Center Parking Lot	\$152,136

On roll call the vote was:
In favor: (4) Hunter, Robertson, Skalsky, Webb
Opposed: (0)
Absent: (1) Carmichael

ADJOURNMENT. Mr. Carmichael moved, seconded by Mr. Hunter, that the meeting be adjourned. Roll was called on the motion.

On roll call the vote was:
In favor: (5) Carmichael, Hunter, Robertson, Skalsky, Webb
Opposed: (0)
Absent: (0)

The meeting adjourned at 9:03 p.m.

[Draft Minutes prepared June 7, 2017, for consideration on June 13, 2017; adopted by unanimous vote.]

William A. Robertson, Jr.
Chairman, Board of Supervisors

Percy C. Ashcraft
County Administrator