

# OPINION

## Letters To The Editor

### Ebony rezoning - Dollar General appeal update

To the Editor:

**BACKGROUND:** For those who are not tuned in, the Brunswick County Board of Supervisors approved 3-2 to rezone property from A1-Agriculture to B-1 Business on Jan. 29, 2020 to allow a Dollar General to be built across the road from Ebony General Store in the heart of the original historic Ebony community whose character and heritage has been preserved since 1882 when it was first named. An appeal was filed on Feb. 29, 2020 and has been in the court system ever since.

**UPDATE:** At the beginning of August, the County and the Plaintiffs received a ruling from the judge in response to the May 3, 2021 Demurrer hearing that was very encouraging for the Appeal case. The County WAS NOT successful in having Plaintiff's case dismissed via the Demurrer! This was in spite of the County paying their attorney Sands Anderson \$96,000 and counting to defend the County's position.

The Plaintiffs prevailed on two claims, which give them a legal basis to go to trial. Those claims are 1) misalignment with the Comprehensive Plan and 2) not upholding Virginia statutes associated with zoning matters. The fact that the Plaintiffs survived the Demurrer on these points makes it more likely that Plaintiffs would win the case if it goes to trial.

On August 12, 2021 the Plaintiffs sent an offer to the County to settle this case by reversing the rezoning in lieu of continuing litigation to achieve the same outcome. This settlement would take Dollar General off the table. Accepting the settlement would also avoid any further use of County funds to defend an illegal position that is being challenged with the Appeal.

In the 3 months that have followed, the Plaintiffs offered two more settlement variations that addressed feedback they received. In addition, citizens from other districts spoke at the October and December Board of Supervisors meetings during the Citizens Comment period questioning:

- the continued use of county funds to defend ONE prospective Dollar General location in the county where it is not wanted and not needed, when there are many other

more reasonable location such as the Brodnax location that is just being built

- why the Board of Supervisors would have approved something that had so much opposition – especially including the home supervisors

- the basis and unlikelihood of the speculative economic benefit to the county

They encouraged the supervisors to accept the settlement and reverse the zoning. The reality is that this situation can happen anywhere in Brunswick County. The precedent being set is detrimental for the whole county.

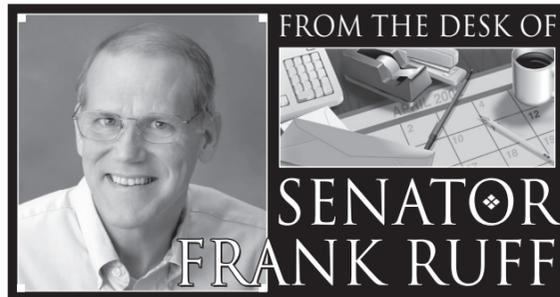
As of this writing, a settlement has not been accepted. We need just one of the three supervisors who forced the vote to pass to flip their position. The three are (Seward - Sturgeon District, Tyler – Powellton District, and chair tiebreaker vote Jarrett Harris – Totaro District. They overruled the vote of the home supervisor, John Zubrod (Meherrin District), and supporting supervisor, Bernard Jones (Red Oak District). Rather than taking a step back and considering what has been learned during the demurrer, they think the case should continue to be settled by the court, hoping that their improper and illegal decision will somehow prevail.

Second chances to do the right thing are rare, especially in zoning cases. If any one of the three Supervisors decided to take a stand to reverse their position it would demonstrate a leadership quality that would only strengthen their position and political capital.

For more information about the background, appeal case, and donations please visit <https://keepebonycountry.org/>. And stay connected via the Facebook page: Keep Ebony Country

Thanks to all who have continued to support efforts to save the Ebony community from inappropriate and destructive commercialization and to help prevent this from happening to other areas of the county. Hope remains.

**Wishing everyone a Happy New Year,  
Anne and Al Hartley  
Ebony Preservation Group**



#### Race of the Lemmings

Thank you Senator Joe Manchin. Every American should appreciate that Senator Manchin was the one Democrat that refused to follow Senator Bernie Sanders and Alexandria Ocasio-Cortez (AOC) over the cliff of no return. They believed that they could bully him into going along with them to get along. Manchin probably saved the Democrat Party from itself. Passage of “Build Back Better” would not have done anything positive for the financial future of our nation or your family.

What it would have done is continue to drive inflation even higher than we are currently experiencing. The current rate, the worst in forty years, is bad, but the unbridled spending would shock everyone. Just look at countries like Venezuela and now Turkey, where government has tried to dictate economic policy. The end result is inflation that is destroying the savings of those who have restrained their spending, saving for their retirement.

**What Is Included**  
Universal child care for three and four year olds. Providing this benefit might allow parents to return to the workforce earlier. Parents would be allowed to choose between government or private care. If they choose private, the parents will have to pay the full cost, while the public attendee's family would be paid for by taxpayers. Currently, fully staffing at daycares is impossible.

**Expanded Medicare and Medicaid**  
Is another noble sounding idea. Currently, these programs are overwhelming the federal and state governments' ability to afford them. Virginia's budget for Medicaid is now 23% of our General Fund. Adding more services will worsen the situation. Meanwhile, because of low reimbursement rates to providers, doctors will restrict the number of these patients they see.

**Three Months of Paid Parental Leave**  
Is another great perk for those working. The cost, however, would be passed on to consumers. Large companies can survive by raising prices. Smaller companies would be placed in an untenable situation. They currently operate on smaller margins of profit. This would be another challenge. Meanwhile, if employees are paid while not working for three months, replacements must be hired. Since the original employee is guaranteed a job when they return, those replacements will then have to be let go. Knowing their position will be short term, the replacements are likely to continue to seek a more permanent job elsewhere. Expenses incurred with training them will go for naught in months or even days.

Many small businesses would not be able to compete with these new expenses. Less marketplace competition will result in higher prices and greater inflation.

**Electric Vehicles**  
This is one benefit that would not be available to most of us in our region for the foreseeable future. If one were to buy an American made electric car by 2027, the taxpayers would pay up to \$12,500 for tax credits. Most do not live close enough to charging stations for this to be a practical option for us. Those that do will quickly learn that those manufacturers that qualify to supply these vehicles will not offer discounts, selling at list price. Therefore, a chunk of the expected savings will make the car factories more profitable.

Eventually, our region will have charging stations, or one will have expensive rewiring of their home. Because of the expensive capital costs associated with building electric charging stations, many traditional gas stations and convenience stores will be pushed out of the market.

**Who Pays For These and Other Freebies?**  
Of course, President Biden and his allies think citizens are too stupid to see that they would be paying for these benefits and freebies as both consumers and as taxpayers.

His plan calls for an increase in corporate taxes. His plan would raise taxes on corporations by over twenty percent. In turn, those taxes would be passed on to consumers. For those who have wisely invested for their future in corporations, they would have to pay a second time with an additional twenty percent increase in the profits earned from those investments. This includes everyone who has any type of pension plan. That forty percent will harm the economy!

Maybe Senator Manchin can educate Virginia's Mark

See RUFF, page 5

## Governor's office, AG appeal skill games injunction

By Mark Mathews  
Independent-Messenger

The Commonwealth of Virginia and Attorney General Mark Herring are asking the Virginia Supreme Court to overturn the temporary injunction allowing skill games to resume in Virginia.

A lawsuit filed on June 21 by Emporia native and business owner Hermie Sadler and his attorney Sen. Bill Stanley, R-20, came to a head in Greensville County Circuit Court on Dec. 6. Circuit Court Judge Louis Lerner ordered a temporary injunction allowing “skill games” across Virginia to return to action. Lerner agreed with the Sadler team's claim that the skill games ban denied its right to free speech.

On Tuesday, Gov. Ralph Northam, Herring, and others filed an appeal to reverse Lerner's decision. An amicus brief was simultaneously filed by Colonial Downs Group/Rosie's Gaming Emporium to bring back the skills game ban that went into effect on July 1. The Office of the Attorney General brief claims the court erred as a matter of law in failing to consider the necessary injunction factors in ruling that an injunction was appropriate. The petition argues the circuit court erred as a matter of law in enjoining the skill games ban when equity did not favor the plaintiffs, and the circuit court erred as a matter of law in concluding that video skills games were speech under the First Amendment.

In a Stanley Law Group press release, Stanley said Revolutionary Racing, a Chicago-based group of investors, owns Colonial Downs Group. Stanley is surprised it would attach its name to the appeal at this stage of the proceedings.

“With the filing of Revolutionary Racing's amicus brief, which is effectively a request to be a party to the appeal, the curtain has finally been pulled back to reveal that out-of-state casinos are driving this attack on skill games and Virginia's small businesses,” Stanley said. “We suspected this all along. The attempt to ban skill games was never about good government policy. It was about money and greed, and the big casinos were behind it. These out-of-state gaming interests see Virginia small business owners and “mom-and-pop” convenience stores and restaurants as competition, and they will stop at nothing to monopolize this new industry in our Commonwealth. Hermie's important court victory has forced these Chicago and Las Vegas gambling interests to come ‘out of the shadows’ as they attempt to crush those who get in their way.”

After Lerner's Dec. 6 decision favoring Sadler and small business owners providing skill games to their customers, Sadler said the fight is far from over. The former NASCAR driver weighed in on Tuesday's petition to overturn the temporary injunction.

“Fortunately, the courts have already ruled in favor of Virginia small businesses and against this unconstitutional piece of legislation designed to benefit these out-of-state, mega-gaming companies over the small business owner from Virginia,” Sadler said. “I remain confident, as I have throughout this court proceeding, that we will win on the merits of our case. I call on all small business owners in Virginia to stand with us against these big out-of-state corporations who want to put us out of business.”

Should the Virginia Supreme Court choose not to weigh in on the injunction, a final declaratory judgment on the skill games ban is scheduled for May 18 in Greensville County Circuit Court.

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**Our Mission: to be a written and visual record of what makes our community special**

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DRIVER



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