

OPINION

Letters To The Editor

Ebony rezoning awaits judge's decision on the case moving forward

To the Editor:

Land and land use management are the most important asset any county has and must be carefully enforced. It is ultimately the responsibility of the Board of Supervisors supported by the Planning Commission, designated in state law, for proper enforcement.

Underway is a lawsuit appealing the actions of your Brunswick County Board of Supervisors regarding the controversial 3-2 approval of the rezoning of a property in the heart of historic Ebony for an invasive and overbearing 9100 square foot Dollar General Box Store with traffic generation that is calculated to be an increase of 578 trips per day. This is in a location that is already known for traffic safety issues yet VDOT chose to bypass the need for a Traffic Study.

If this rezoning decision is not overturned, the result will completely destroy the integrity of this rural residential and agricultural neighborhood and history that has been preserved by landowners – and bring irrevocable harm to multiple generations of families and all those who call Ebony “home”. It will also destroy the tourism appeal along this designated Virginia Scenic Byway and commitment the area is known for. It will bring health and safety issues, erode quality of life, and completely disregard the sacred and serene setting for Prospect cemetery and church. These impacts are exactly what zoning and land use management enacted by Virginia statute and further by county zoning regulations are intended to prevent.

Because of what is at stake both locally and for the County as a whole, the appeal was filed by Petitioners who are adjacent landowners, Anne Edwards Hartley and the Prospect Cemetery Association, and supported by a strong group of Brunswick residents from the Ebony Area, neighboring counties, and beyond. My clients are subject to significant harm from this decision – a decision that should never have passed if the County leadership had followed proper zoning management protocol that is reflected in their own ordinances. This application should NEVER have even made it past the Planning Commission. A similar situation can apply anywhere to anyone, anywhere in the County.

This past Monday, August 3, 2020 there was a hearing in Brunswick County Circuit Court regarding this matter in front of the Honorable Carson Saunders on the motion put forth by the County to dismiss the case. Hearing from both sides, he acknowledged there is a lot to consider and would respond with a decision in writing as soon as possible. As of this writing (Aug. 8, 2020), we have not received a decision.

The County is being represented by a team of Sands Anderson attorneys that you, the citizens of Brunswick County have now opened your checkbook for. It is interesting to note that Sands Anderson is recognized for zoning management leadership and how it should be implemented. Yet in this matter Sands Anderson is defending the Brunswick County Board of Supervisors decision that does not follow their published practices. So the County, with your taxpayer dollars, is paying Sands Anderson to cover both sides.

Zoning decisions enjoy a presumption of legislative validity, which means the court will assume from the start that the zoning decision should be upheld, and it will be the burden of the challenger to prove otherwise. The County is certainly counting on this with their initial move to have the case dismissed. We feel that we have responded with sufficient evidence to satisfy our burden of proof obligation for the case to move forward and be heard.

In a nutshell, the argument is that the Brunswick County Board of Supervisors has spent millions of dollars developing a Comprehensive Plan as well as Subdivision Ordinances, Zoning Ordinances and a full-blown planning office with several full-time staff to implement these plans and ordinances. They have spent hundreds of thousands more on numerous lawyers from the County Attorney's office. Yet controlling votes on both the Planning Commission and Board of Supervisors are essentially throwing all of this in the trash can and working hard to find ways to justify a special interest decision that disregards all harmful side effects.

The goal of this massive investment the Brunswick County taxpayers has made in their Planning and Zoning Plans, Ordinances, and Officers is to ensure that new development is predictable, reasonable, maintains a harmonious community, protects the integrity of land use, and does no harm to adjacent property owners.

Our position is simple. The citizens of Brunswick have paid these millions of dollars to create, implement, and modify these Zoning Management Plans and Ordinances, and spend hundreds of thousands of dollars more every year to staff an office as well as hire consultants and lawyers to see that they are implemented and followed. In this case, the controversial 3-2 vote of the Brunswick County Board of Supervisors turned a blind eye to all of this, violated their very own laws to force through a decision to accommodate a speculative business development opportunity with known history of damaging side effects, and is simply NOT a fit for the area.

The accountability of leadership is to look at the whole picture and all the trade-offs in decision-making. That simply did not happen in this case, and we sincerely hope it will in the future, starting with the Ebony rezoning decision being overturned. In other words, we simply ask that the Brunswick County Board of Supervisors follow the state laws and their own land ordinances in place.

Brunswick County, now more than ever needs vision commitment to land use management that is expressed in both the Board of Supervisors Vision for 2035, and the 2037 Comprehensive Plan that is intended to be used as a comprehensive guide for decision-making – and enforced with consistency. Specifically, in this case regarding business development, location impacts must consider the whole picture and trade-offs to ensure an approach to land use and decisions that truly represents the best interest of the County and protects its citizens. There are also serious budgetary considerations.

Brunswick County has and continues to invest a substantial amount of taxpayer funds in zoning management and has the laws and plans in place to get this right. Why are they not being followed? Again, the application should have been denied from the beginning. Yet here we are having to spend more taxpayer funds as well as private funds to overturn an illegal decision that is damaging on many fronts. This could be happening to anyone in any other rural areas throughout the County. If this concerns you, I encourage you to tell your appointed Planning Commissioner and District Supervisor.

If you are interested in learning more about the details of this case and grassroots movement, visit KeepEbonyCountry.org and follow Keep Ebony Country on Facebook.

With kind regards,

John Janson
Legal Counsel for Petitioners

Reader objects to removing Confederate monument

To the Editor:

What is this world coming to now? I believe the world is coming to an end. Brunswick County, Virginia is taking down our Civil War soldier statues and monuments. Doesn't make any sense. Statues and monuments are all about history, states rights - the war we fought, lived and died for our American constitutional rights. It is not about hate, racism, slavery on this earth. We all should have to

respect our statues and monuments. We should not destroy things in the USA. That is why we went to school to respect them. Our country is based on "In God We Trust." United we stand, divided we fall.

God bless America. Statues and monuments are a lot of fun to see them everyday.

Eugene Kleis
Freeman

Lawrenceville Police Department report approved

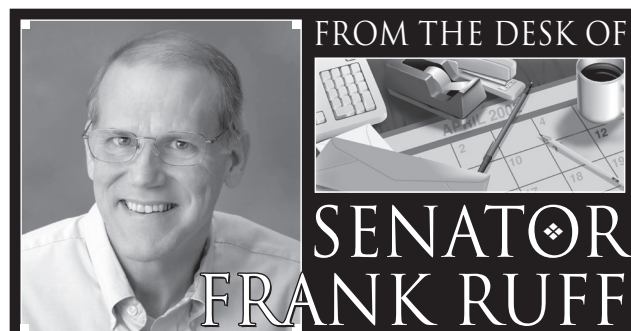
From staff reports

LAWRENCEVILLE – Chief John R. Stith presented the Lawrenceville Police Department report for June to the Lawrenceville Town Council.

Officers responded to 232 calls for public service. Officers issued 95 uniform traffic summonses, 78 for

speeding/reckless driving at an average of 17.17 mph above the posted speed limit. Other traffic offenses were: 6 for suspended, 1 for seatbelt, 1 for firearm/drugs, and 9 for equipment/other traffic.

Officers were responsible for 11 investigated arrests: 4 for assault and battery, 2 for capias, 2 for shoplifting, and 3 for drunk in public/disorderly.



Playing with Fair Elections and Defanging the Police

Sadly, in the dark of the night, this Governor's Administration is trying to undermine our democracy as we know it.

Last week, the Department of Elections rolled out an illegal policy with the expectation that Governor Northam will approve and fund it in his budget amendment. Law says that absentee voting can be recorded in two ways. You can mail it or you can take it to the registrar's office. Those are the only options. The Department of Elections is encouraging counties to use unmanned lockboxes to receive those ballots. The problem is that, with no observers, anyone can stuff any number of ballots into those lockboxes. Currently, an observer from each party are to watch opening and recording absentee ballots. They plan to let only one person do that important job. They also decided that they are not going to use the National Change of Address system until after November.

Law Enforcement

While rioters in Seattle, Portland, Chicago, Minneapolis, and New York are talking about defunding the police, in Virginia some are proposing tying the hands of law enforcement officers. Last week, the Senate Democrats released their proposed legislation that they say has the support of every Democrat in the Senate. Below are some of the provisions that are included in their bills.

Training - Everyone agrees that law enforcement should be well trained. Currently, the training in Virginia exceeds most other states. Our regional academies exceed in most cases far more than the state requires. Those academies are guided by a group of professionals to monitor and update the standards. **The new proposal would drop two of the law enforcement professionals and replace them with two community activists and one member of a civil rights organization.** None of the three new members would have experience in policing. As drafted, the 15-member board will only have three members who have had experience on the streets and roads of Virginia.

Use of Force - Currently, officers are trained to use no more physical force than necessary. 99% of the time that is exactly what happens on the street. Officers have no desire to harm anyone, however, sometimes situations need to be dealt with to prevent someone from harming or killing an officer or a bystander. **The proposed legislation writes into the code of Virginia that an officer cannot use a chokehold unless, or fire into a moving vehicle except, when a life is at risk.** This is a lawyer's paradise. Each witness will recall the facts from their own perspective. If they want to get officers in trouble, they will recall things one way, and if they want to protect the law breaker, they will see things far differently.

Military Equipment - Currently, some law enforcement agencies buy or otherwise get military equipment to have on hand in case something goes very wrong and there are no agencies who can assist in a timely manner. **The proposed bill would bar the State Police and localities from receiving such equipment.** You probably have seen a television police show that has used such equipment to handle bombs or to ram walls that are being used by snipers to kill innocent victims.

Collection of Data - Current law requires that officers must keep records on the race of those they interact with. **The proposed bill requires that officers also keep records on those they stop that are walking.** This is not a great new challenge, however, in this day and age we should not be putting everyone in racial categories rather than seeing each other as individuals. We should be past the point when it was accepted that if one has a drop of blood of one race then that defines them. This legislation takes us backward a hundred years.

Worst is Yet to Come - Expect other bills that would eliminate officer's immunity from law suits and citizen boards that could override an officer's actions.

Each of these proposals might seem to be reasonable to some, however, the question is: Why are they going to change the law? The answer is simple. The goal is to intimidate officers from doing their job. Likewise, it will be a lawyer's opportunity to enrich criminals at the taxpayer's expense.

We Love To Hear From You!

You can reach us at Sen.Ruff@verizon.net, 434-374-5129, or P.O. Box 332, Clarksville, VA 23927.

Letters to the Editor

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