

**LUNENBURG COUNTY BOARD OF SUPERVISORS
GENERAL DISTRICT COURTROOM
LUNENBURG COURTS BUILDING
LUNENBURG, VIRGINIA**

Minutes of the June 8, 2023 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, June 8, 2023 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Frank Bacon, Alvester Edmonds, Mike Hankins, T. Wayne Hoover, Edward Pennington, Charles R. Slayton, Robert Zava, County Administrator Tracy M. Gee, Deputy Administrator Nicole A. Clark, and County Attorney Frank Rennie.

Chairman Slayton called the June 8, 2023 meeting to order.

Supervisor Hankins provided the invocation and led the Pledge of Allegiance.

Chairman Slayton requested additions to the agenda from the Board and the public. Administrator Gee requested that GIS Voting Location be added as 8E and Fire & EMS Mutual Aid Agreement be added as 8F. Community Development Director Taylor King requested that utility fees for conditional use permits be added as 8G.

Chairman Slayton called for any conflicts of interest from any board members. Supervisor Bacon stated that he had a conflict with items 7B & 7C relating to Wheelhouse Solar, as he owns property that could be used in the project. He will not participate in the discussion nor vote on the matter.

Chairman Slayton called for any citizen comments. There were none.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the May 11, 2023 meeting minutes, the Treasurer's April 2023 reports and the following Warrants for Approval:

May 2023:

Payroll: Direct Deposit:	\$ 180,660.39
Payroll Check #2021:	\$ 882.85
Payroll Taxes Federal:	\$ 57,943.52
Payroll Taxes State:	\$ 10,675.28
<i>WIRE Debt Service</i>	\$ 709,071.25
ACH Payments	\$ 44,344.41
Accounts Payable: #82786-82954	\$ <u>511,602.04</u>
Total:	\$ 1,515,179.74

Supervisor Pennington made motion, seconded by Supervisor Hankins, and unanimously approved, to enter public hearing regarding the FY2023-2024 Budget, CUP 8-22 Conditional Use Permit for Wheelhouse Solar, Proposed Siting Agreement for CUP 8-22 Wheelhouse Solar.

Administrator Gee reviewed the proposed FY2023-2024 budget. She advised of a few additions. She noted an ARPA grant in the amount of \$259,000 for the Sheriff's Office to use for vehicles and mobile technology. She added that these funds would be placed in fund 316 for Emergency Services. Administrator

Gee stated that the County had been awarded grants for three school resource officers this year, but instead of having no local match, these positions require twenty-six percent local match in funding. This will allow each school to have a full-time officer. She noted that updates for funding the match for SRO's as well as providing funding to fill the vacancy left by that officer increased both the revenue and expense line items for the Sheriff's Office. Administrator Gee stated that the use of reserve would increase by \$239,035, with the total use of reserve at \$1,692,634. She added that she will be carrying over \$75,000 to the Capital Outlay Fund for radio system consulting. Administrator Gee advised that the proposed budget includes additional rolling stock expense funds for the local fire departments. These additional funds for fire rolling stock will come from solar siting agreement fees to assist public safety response. Ms. Gee requested a budget adoption meeting on June 29, 2023 at 6PM.

Economic and Community Development Director Taylor King advised of CUP 8-22 Conditional Use Permit application for Wheelhouse Solar, to construct and operate a 60 MW, utility-scale solar array located on 9 individual parcels of property in an A-1 (Agriculture) Zone with Tax Parcel numbers as follows: 032-0A-0-6, 032-0A-0-5, 032-0A-0-13, 032-0A-0-9, 032-0A-0-12, 032-0A-0-4, 032-0A-0-6D, 020-0A-0-29, and 032-0A-0-7. The property consists of 676 acres, which is located to the West/Northwest of the Town of Victoria.

Garrett Weeks of Palladium Energy, presented the application and explained that he is a representative for Wheelhouse Solar working as one of the developers through Palladium Energy. He noted that the intent of this public hearing was to obtain a recommendation of approval from the Board of Supervisors. Mr. Weeks provided the following pertaining to Wheelhouse Solar:

- I. Project Overview
- II. Project Location
- III. Project Extent
- IV. Project Extent: Distance & Density
- V. Project Timeline
- VI. Reducing Impacts
 - a. Environmental
 - b. Vegetated Buffer & Visualizations
 - c. Neighborhood
 - d. Community Outreach
- VII. Decommissioning
- VIII. Economic Benefit
- IX. Tax Base Comparison

Lindsay Edwards of the Berkley Group, provided their staff report as the third-party reviewer, and advised that the application is consistent with the county's Comprehensive Plan. She provided the recommendation to (1) recommend approval of the application with the conditions (as listed below), (2) deny the application with an explanation, or (3) defer the decision with an explanation.

The following citizens spoke in support of the project:

1. Blake Cox—6454 Waymore Lane, Apt. 202, Chester, VA
2. Lane Gunn—16476 Kings Highway, Wylliesburg, VA
3. Meri Page Spencer—3309 Jonesboro Road, Kenbridge, VA
4. David Wells, 1405 Fowlkes Road, Victoria, VA

Assistant County Attorney Drew DiStanislao advised the Board that the siting agreement had been amended to ensure the language matched the CUP. He reviewed the payment schedule as well as the real estate taxes that would be assessed. He added that a liquidated damages clause and performance bond requirement were included in this siting agreement, which had not been in the previous solar CUP's and

agreements. Assistant County Attorney DiStanislao shared that Virginia code allows for localities to require assistance in allowing surrounding land owners to access broadband connections as the solar facility connects for their own purposes.

Supervisor Hoover made motion, seconded by Supervisor Edmonds, and unanimously approved, to exit public hearing regarding the FY2023-2024 Budget, CUP 8-22 Conditional Use Permit for Wheelhouse Solar, Proposed Siting Agreement for CUP 8-22 Wheelhouse Solar.

Supervisor Hoover made motion, seconded by Supervisor Edmonds, and approved with six supervisors voting yes and Supervisor Bacon abstaining, to approve CUP 8-22 Conditional Use Permit for Wheelhouse Solar with conditions as presented.

**LUNENBURG COUNTY, VIRGINIA
RESOLUTION REGARDING APPROVAL OF
WHEELHOUSE SOLAR CONDITIONAL USE PERMIT**

WHEREAS, Wheelhouse Solar, LLC has filed an application with Lunenburg County to construct a 60 megawatt solar facility on property located within Lunenburg County; and

WHEREAS, Lunenburg County Planning Commission held a public hearing on the Wheelhouse Solar application; and

WHEREAS, the Planning Commission approved the Wheelhouse Solar Conditional Use Permit and made such recommendation to the Lunenburg County Board of Supervisors; and

WHEREAS, Lunenburg County Board of Supervisors held a public hearing at their regular meeting on June 8, 2023; and

WHEREAS, the Board of Supervisors reviewed the Conditional Use Permit and found the Conditions to be satisfactory;

NOW THEREFORE, Lunenburg County Board of Supervisors does hereby approve and grant the Conditional Use Permit attached hereto.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 6 to 0 with 1 abstention, as recorded below, at a regular meeting held on June 8th, 2023.

Tracy M. Gee
Clerk, Board of County Supervisors

	AYE	NAY	ABSTAIN		AYE	NAY
Dr. Bacon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mr. Pennington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Edmonds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mr. Slayton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Hankins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mr. Zava	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Hoover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

Supervisor Hoover made motion, seconded by Supervisor Hankins, and approved with six supervisors voting yes and Supervisor Bacon abstaining, to approve the siting agreement and authorize the Chairman to sign the resolution.

LUNENBURG COUNTY, VIRGINIA
 RESOLUTION REGARDING APPROVAL OF
 WHEELHOUSE SOLAR SITING AGREEMENT

WHEREAS, Wheelhouse Solar, LLC has filed an application for a Conditional Use Permit to construct a 60 megawatt solar facility in Lunenburg County; and

WHEREAS, the Lunenburg County Board of Supervisors has approved and granted a Conditional Use Permit regarding this solar facility; and

WHEREAS, Lunenburg County and Wheelhouse Solar have negotiated a Siting Agreement pursuant to Va. Code § 15.2-2316.7 regarding the Wheelhouse Solar facility; and

WHEREAS, the Solar Facilities Committee reviewed the Siting Agreement and recommended approval;

NOW THEREFORE, Lunenburg County Board of Supervisors does hereby approve the attached Siting Agreement which incorporates the approved Conditional Use Permit for the Wheelhouse Solar facility to be constructed in Lunenburg County, Virginia, and authorizes the Chairman of the Lunenburg Board of Supervisors to sign the siting agreement on behalf of the County.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 6 to 0 with 1 abstention, as recorded below, at a regular meeting held on June 8th, 2023.

Tracy M. Gee
 Clerk, Board of County Supervisors

	AYE	NAY	ABSTAIN		AYE	NAY
Dr. Bacon			✓	Mr. Slayton	✓	
Mr. Edmonds	✓			Mr. Zava	✓	
Mr. Hankins	✓					
Mr. Hoover	✓					
Mr. Pennington	✓					

Supervisor Bacon made motion, seconded by Supervisor Hoover and unanimously approved, to continue discussions of the proposed FY2023-2024 budget to June 29, 2023 at 6:00 p.m. for expected approval and appropriation.

Assistant School Superintendent and Finance Director James Abernathy advised that enrollment was 1,497 on the last day of school. He added that the enrollment figure submitted to the state on March 31st for budgetary purposes was 1,490 ½. They are projecting 1,510 for the upcoming school year. Mr. Abernathy provided the financial report and shared that they will continue to receive federal and state funds over the months of July and August. Mr. Abernathy commented that they will find out towards the end of the summer if they will receive a six-million-dollar grant from the US Department of Energy. He added that if received, the funds will be used for replacement of lighting & windows, a new generator, updating CHS as an emergency shelter for public use (when needed), bathroom renovations and replacement of all HVAC systems. The project will take three years to complete if they are awarded the funds. Mr. Abernathy advised that this would be his final report to the Board, as he is retiring after forty years with the school division.

Supervisor Bacon made motion, seconded by Supervisor Hoover and unanimously approved, to prepare a resolution of retirement for Mr. Abernathy to be presented at a future meeting.

VDOT Assistant Residency Administrator Kevin Smith provided the monthly VDOT report. He advised that mowing along primary and secondary roads in the County is complete for the budget year. They are still working on mowing in the two towns. He noted that crews are preparing for a major paving project in the town of Victoria between the Subway restaurant and Twin Cemetery Road. Crews will be making rumble strips in the center lanes of Routes 137 & 138 in the coming weeks.

Administrator Gee shared a request for Landlord Consent for Tenant Improvements from the Virginia Department of Health (VDH). VDH would like to make HVAC upgrades/modifications as well as security

improvements to include installation of a camera, a badge/card reader, and an alarm system. She noted that the funding comes from the ARPA Act to upgrade local health department facilities across the Commonwealth.

A request was shared from Meherrin Volunteer Fire and Rescue to obtain a Fireworks Display Permit for their annual event. This year's event will be held on July 1st and Flashover Fireworks is the company authorized to discharge the fireworks.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to approve the request from Meherrin Volunteer Fire and Rescue to obtain a Fireworks Display Permit for the annual event to be held on July 1st.

A request from Electoral Board Secretary Ollie Wright was shared regarding the opportunity to have the voting districts and polling places overlaid on the GIS mapping system by the Southside Planning District Commission, who is providing the service to other localities. The initial cost for setup is \$1,500 with an annual \$200 maintenance fee after the first year. Administrator Gee shared that the Commonwealth Regional Council does not have the capability to offer this service.

Supervisor Pennington made motion, seconded by Supervisor Edmonds and unanimously approved, to authorize Administrator Gee to sign the Memo of Understanding with the Southside Planning District Commission to overlay voting districts and polling places on the GIS mapping system.

Administrator Gee advised that she was recently made aware that the Republican Primary 61st District Delegate seat is now unopposed, therefore, a primary election is no longer necessary. She has reached out to the State Board of Elections to see if the county can forgo the expense of a primary election, however, she has yet to receive a response. The counties in the 61st District are all affected. The total cost of a primary election is about \$60,000. Administrator Gee has also been advised that there may be some district boundary line issues due to a change in the definition of where one is to vote. She and staff are currently gathering additional information, as there will be a short time frame for changes if they are needed before the General Election in November.

Administrator Gee shared a request to approve a Mutual Aid Agreement for fire and rescue services between Lunenburg and Mecklenburg County departments. She added that this agreement consolidates the current agreements for second-due coverage:

FIRE/EMS MUTUAL AID AGREEMENT
BETWEEN THE
COUNTY OF MECKLENBURG, VIRGINIA
AND THE
COUNTY OF LUNENBURG, VIRGINIA

THIS FIRE/EMS MUTUAL AID AGREEMENT ("the Agreement") is made and

Entered into this 13th day of **April 2023**, by and between the COUNTY OF MECKLENBURG, VIRGINIA ("Mecklenburg"), a political subdivision of the Commonwealth of Virginia, and the COUNTY OF LUNENBURG, VIRGINIA ("Lunenburg"), a political subdivision of the Commonwealth of Virginia, (collectively sometimes "the parties").

WHEREAS, the parties have agencies that maintain firefighting and EMS equipment and provide these services with the help of dedicated personnel, as authorized by Sections 27-6.1 and 27-23.1 of the Code of Virginia; and

WHEREAS, the Mecklenburg County Board of Supervisors and the Lunenburg County Board of Supervisors have concurred in the effort to develop a mutual aid agreement for improved firefighting and EMS capabilities within and around the jurisdictions of the County of Mecklenburg and the County of Lunenburg; and

WHEREAS, it is deemed to be mutually beneficial to the parties to enter into this Agreement concerning mutual aid with regards to the provision of fire suppression and operations, fire prevention, hazardous materials response, specialized rescue response, incident management, and emergency medical services by the parties; and

WHEREAS, The County of Mecklenburg and The County of Lunenburg desire that the terms and conditions of the Agreement be established.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the mutual benefits to be derived by the parties from this Agreement, the parties hereby covenant and agree, each with the other, as follows:

1. The parties will endeavor to provide each other fire suppression and operations, fire prevention, hazardous materials response, specialized rescue response, incident management, and emergency medical service within their respective capabilities available at the time a request for such service is made,
2. Nothing in the Agreement shall be intended, interpreted, or construed to compel or require either party to respond to a request for service from the other party when the services of the party to whom the request is being made are already needed or are in use at the time the request is made, nor shall any such request compel or require the party to whom the request was made to continue to provide service to the other party when its personnel, apparatus, or equipment is needed to meet its own emergency response responsibilities.
3. The parties through its recognized fire departments and emergency medical services agencies recognize that they are both fully capable of providing the services, which are the subject of the Agreement within their respective boundaries.
4. Neither party shall be liable to the other for any loss, damage, personal injury, or death, including claims of contribution or indemnity, resulting from the performance of this Agreement including but not limited to acts or omissions which occur (1) during joint emergency response activities or (2) while in transit to or from an emergency response scene.
5. Neither agency shall be expected or required to reimburse the other for the cost of apparatus, equipment, or personnel utilized as a result of a response to a request for assistance pursuant to this agreement. When means are available for restitution, any agency requesting and receiving assistance shall reimburse the other agency for the actual cost of specialized supplies and extinguishing agents used in the requesting jurisdiction in the performance of this Agreement.
6. Mecklenburg and Charlotte fire and EMS/rescue units shall respond to a call for service only upon request of an Incident Commander. Each jurisdiction shall identify its authorized Incident Commander, or Incident Commanders, to the other party and shall provide contact information for each authorized Incident Commander. The Incident Commander will request assistance through their own Emergency Communications Center and the Emergency Communications Center will make the official request for the needed resources. The Mecklenburg County Emergency Communications Center will notify Mecklenburg County units of all fire and EMS/Rescue calls received from Charlotte County where mutual aid assistance is required. Likewise, the Charlotte County Emergency Communications Center will notify Charlotte County units of all fire and EMS/Rescue calls received from Mecklenburg County where mutual aid assistance is required.
7. When a party hereto responds to a request for assistance pursuant to this Agreement, its personnel manning the responding units shall not become employees of the party making such request for purposes of the Virginia Workers Compensation Act.
8. Pursuant to Section 27-23.9 of the Code of Virginia, whenever two or more fire companies or departments are called to provide joint services in any district or political subdivision, the commander of the first company to arrive shall have general supervision and control of all such participating companies and departments until an officer of such district or political subdivision who is otherwise authorized by law to do so assumes such general supervision and control.
9. Notwithstanding anything to the contrary contained in this Agreement, nothing in this Agreement is intended or shall be construed to require either party to indemnify or save or hold harmless the other party, including, its officers, agents, and employees, from any liability for any act or omission occurring during or in connection with the performance of this Agreement.
10. Nothing contained in this Agreement shall confer any right upon any person other than the parties to this Agreement. This Agreement shall not be construed to impair or affect any sovereign or governmental immunity or official immunity that may otherwise be available to Mecklenburg County, any officer, agent, or employee of Mecklenburg County, or to Lunenburg County or any officer, agent, or employee of Lunenburg County.
11. This Agreement supersedes all previous mutual aid agreements for fire and EMS, including memorandums of understanding, for services, which are the subject of this Agreement between the parties.
12. This Agreement may be amended only in writing, signed by an authorized representative of each party, and may be terminated at any time by either party giving (30) thirty days' written notice to the other party.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to approve the Mutual Aid Agreement for fire and rescue services between Lunenburg and Mecklenburg County departments.

Community Development Director Taylor King requested that the application fee for conditional use permits for utilities be increased from \$2,500 to \$5,000. She shared that these permits require a great deal of work and the number of inspections have increased the cost of such applications. She shared that the additional costs should be passed on to the applicant.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to increase the increase the application fee for conditional use permits for utilities from \$2,500 to \$5,000.

Matt Gooch, attorney for Apex Clean Energy, advised the board that the company has a buyer for the Dogwood Lane Solar project. Apex intends to sell and Summit Ridge Energy intends to purchase, all the membership interest of Apex and assume its obligations under the Siting Agreement and CUP conditions, per the board’s approval. Mr. Garren Bischoff of Summit Ridge Energy presented an overview of the request and his company’s intentions. His presentation reviewed the company’s financial partnerships, past track record in the solar market, their experience in Virginia, and introduced their team. He advised that his company is ready and willing to take over the project and adhere to all the conditions previously approved for Apex Energy. Supervisor Zava thanked Mr. Bischoff, noting the presentation was very informative. He questioned if Summit Ridge Energy planned to operate and maintain the project in its entirety. Mr. Bischoff responded that his company plans to be the long-term owner and operator of the project. Supervisor Hoover spoke on behalf of the Finance Committee. He shared that the committee was provided a proprietary copy of the recent financial audit of the company’s finances. He added that Summit Ridge seems to be a strong company and the Finance Committee does not have any concerns.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to allow Apex Energy to sell the Dogwood Lane Solar project to Summit Ridge Energy, with Summit Ridge Energy assuming all obligations under the previously approved Siting Agreement and CUP conditions.

LUNENBURG COUNTY, VIRGINIA
 RESOLUTION REGARDING APPROVAL OF
 THE SALE OF THE DOGWOOD LANE SOLAR PROJECT

WHEREAS, Lunenburg County Board of Supervisors approved and granted Dogwood Lane Solar, LLC a Conditional Use Permit for a 4-megawatt solar facility on property located within Lunenburg County at their regular meeting on August 11, 2022; and

WHEREAS, Dogwood Lane Solar, LLC sought approval from the Lunenburg County Board of Supervisors to sell the solar facility to Summit Ridge Energy, LLC at the Lunenburg County Board of Supervisors regular meeting on June 8, 2023; and

WHEREAS, Representatives from Dogwood Lane Solar, LLC and Summit Ridge Energy, LLC made presentations to the Lunenburg County Board of Supervisors regarding Summit Ridge LLC's acquisition of the Dogwood Lane Solar Project at their regular meeting; and

WHEREAS, Lunenburg County Board of Supervisors reviewed the information provided by Summit Ridge Energy, LLC and found it to be qualified to acquire the Dogwood Lane Solar Project; and

NOW THEREFORE, Lunenburg County Board of Supervisors does hereby approve the sale of the Dogwood Solar Project to Summit Ridge Energy, LLC.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 7 to 0, as recorded below, at a regular meeting held on June 8th 2023.

Tracy M. Gee
 Clerk, Board of County Supervisors

	AYE	NAY		AYE	NAY
Dr. Bacon	✓	---	Mr. Pennington	✓	---
Mr. Edmonds	✓	---	Mr. Slayton	✓	---
Mr. Hankins	✓	---	Mr. Zava	✓	---
Mr. Hoover	✓	---			

Administrator Gee advised that the VA Department of Aviation approved funding for the paving project at the Lunenburg Airport in two phases. Larry Way, Airport Manager, attended the DOAV meeting to support the funding requests. The Apron Rehabilitation project was approved in the amount of \$205,925 and a Runway 2-20 Rehabilitation project was approved in the amount of \$719,935. Administrator Gee advised that she placed a Request for Bids on Virginia's eVA procurement website and received two bids for the projects. She explained that New Field, Inc. provided the best contract and price for both project phases. She added that ninety-five percent of the runway project is covered by DOAV funds and eighty percent of the apron project is covered by DOAV funds. The remainder of the funds will be local match from County funds.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to award the contract for the pavement improvements at the Lunenburg Airport to New Field, Inc. with the runway project totaling \$699,682 and the apron project totaling \$252,857.

Director of Community Development Taylor King provided her monthly report. She noted that she is still working on the welcome signs for the entrance points along highways within the county. She has been contacting landowners and discussing maintenance requirements. Planning Commission Chairman Buck Tharpe spoke to the board stating that the Planning Commission has been overwhelmed with solar projects recently. He added that these projects take a lot of time and review. They currently have three projects in the works. Planning Commission Chairman Tharpe requested that the Board allow the Planning Commission and county to take a pause on accepting any solar facility CUP applications for a while so that they can work on other projects and determine a policy on the number of solar applications to accept in a given time frame. County Attorney Rennie commented that if it was the pleasure of the Board, he and Assistant County Attorney DiStanislao, would research to determine if a hold can be placed on new applications. He added that it may take thirty to sixty days to have a recommendation at the board level.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to direct the County Attorney and Assistant County Attorney to determine what holds can be placed on new applications for solar facility conditional use permits.

Administrator Gee and County Attorney Rennie provided a brief monthly report the Board.

Supervisor Bacon made motion, seconded by Supervisor Hoover and unanimously approved, to continue to continue the meeting to June 29, 2023.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors