

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

Minutes of the July 14, 2022 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, July 14, 2022 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors 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. Supervisor Frank Bacon was absent.

Chairman Slayton called the meeting to order.

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

Chairman Slayton requested additions to the agenda from the Board and the public. Supervisor Pennington requested that discussion of Mecklenburg Avenue at the June 14th Victoria Town Council meeting be added as 9A. Administrator Gee requested that electronic records of Board of Supervisors minutes be added as 8F. Supervisor Hoover requested that Crossroad Community Services be added as 8G. County Attorney Rennie requested that a recommendation from the solar committee be added as 8H.

Chairman Slayton called for any conflicts of interest from any board members. There were none.

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

It was noted that the June 9, 2022 minutes had been revised to include an Appropriation Resolution appropriating funds within the adopted budget for Fiscal Year 2022-2023.

Supervisor Hoover made motion, seconded by Supervisor Hankins and unanimously approved, to accept the Consent Agenda to include the June 2, 2022 Public Hearing meeting minutes, the revised June 9, 2022 meeting minutes adding the appropriation resolution, the Treasurer's April 2022 reports and the following Warrants for Approval:

June 2022:	Payroll: Direct Deposit	\$ 160,598.79
	Payroll Check #2009	\$ 1,118.65
	Payroll Taxes Federal:	\$ 52,792.86
	Payroll Taxes State:	\$ 9,516.83
	Payroll VRS payment:	\$ 33,810.57
	Payroll ICMA-RC payment:	\$ 1,367.30
	Payroll Health Savings Deposits:	\$ 3,664.28
	Accounts Payable: #81043-81184	<u>\$ 298,428.51</u>
	Total:	\$ 561,297.79

Supervisor Zava made motion, seconded by Supervisor Pennington and unanimously approved, to enter public hearing regarding a budget adjustment for the School State Funding, Required Local Match increase, and revenue from Red Brick Solar, LLC.

Administrator Gee advised that Virginia Code requires that an increase of the budget by more than one percent of the total budget must be heard publicly before adoption and appropriation. She noted that the recent State budget adoption included additional revenue to the Lunenburg County Public Schools that exceeds one percent. Administrator Gee continued that the Governor's final State Budget for FY23 added \$1,651,088 in State funding above the advertised and adopted budget, requiring an additional local match of \$57,161 for a total of \$4,662,614 in local funds, which is \$689,648 above the FY2022 local match. She requested that the Board consider adopting the increased budget amount for the school system and appropriate the first six months through the January 2023 Board of Supervisors meeting.

Administrator Gee shared that the County had received the first siting agreement payment in the amount of \$500,000 from Red Brick Solar, LLC based on the approval of the Conditional Use Permit. She added that the next payment of \$583,000 will be due upon DEQ permit approval and will likely take place during FY23. She requested that the Board accept revenue for FY23 of \$1,083,000 to be used in accordance with the solar siting agreement to fund capital improvements and meet the needs of the current fiscal budget of the County. Administrator Gee requested the first payment of \$500,000 be divided with \$100,000 reserved for capital improvements and \$400,000 to debt service.

Supervisor Zava made motion, seconded by Supervisor Pennington and unanimously approved, to exit public hearing regarding a budget adjustment for the School State Fund and Local Match increase and revenue from Red Brick Solar, LLC.

Supervisor Edmonds made motion, seconded by Supervisor Hankins and unanimously approved, to adopt the additional local match of \$57,161 for a total of \$4,662,614 in local funds for Lunenburg County Public Schools in the FY2022-2023 fiscal year.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to appropriate the first six months, through January 2023, of local funds for Lunenburg County Public Schools in the FY2022-2023 fiscal year.

Supervisor Edmonds made motion, seconded by Supervisor Hankins and unanimously approved, to accept the revenue of \$1,083,000 from Red Brick Solar, LLC, to be used in accordance with the Solar Siting Agreement to fund capital improvements and meet the needs of the current fiscal budget of the County.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to appropriate the revenue of \$1,083,000 from Red Brick Solar, LLC, assigning \$100,000 of the first payment to capital improvements and the remaining \$400,000 to debt service.

Assistant Superintendent and Finance Director James Abernathy was unable to attend the meeting, however, sent the monthly reports to be reviewed by the Board. Supervisors Hankins and Hoover requested that the school system send another representative when Mr. Abernathy is unable to attend a meeting.

Mr. Kevin Smith provided the monthly VDOT report. He advised that Route 620 (Renrut Road) improvements had been completed. He shared that additional "truck route" signs had been installed around the Town of Victoria directing motorists to the truck route for the landfill. Mr. Smith informed the Board that contractors will be installing center line rumble strips beginning in August, starting with Routes 40 and 49. Next year, installation of rumble strips will occur on Routes 137 and 138. Mr. Smith alerted the Board to a necessary pipe replacement on Oral Oaks Road near the County's solid waste convenience center. The pipe replacement will require that the intersection of K-V Road (Rt. 40) and Oral Oaks Road (Rt. 635) CLOSE from 7:00 a.m. to 5:00 p.m. on Saturday, July 23, 2022. A detour route, which includes W. 6th Street (Rt. 661) and Mecklenburg Avenue (Rt. 734) will be posted and information will be shared via VDOT's social media pages.

Administrator Gee shared an updated Credit Card Use Policy with the Board. She advised that the new policy allows for additional offices to obtain a County credit card to use for County purchases. The Sheriff's Office currently has a credit card through another financial institution; however, they continue to experience issues with the card. They would like to obtain a card through Benchmark Community Bank, as the County Administration Office and Department of Social Services currently have credit card through this institution. Administrator Gee requested a credit limit of \$3,500 for the Sheriff's Office and \$2,500 for the Circuit Court Clerk's Office.

Supervisor Hoover made motion, seconded by Supervisor Hankins and unanimously approved, to adopt the updated Credit Card Use Policy addressing credit card use for other County offices.

Supervisor Hankins made motion, seconded by Supervisor Pennington and unanimously approved, to apply for County credit cards with a credit limit of \$3,500 for the Sheriff's Office and \$2,500 for the Circuit Court Clerk's Office, through Benchmark Community Bank.

Administrator Gee advised that the County had received an insurance check from VACorp in the amount of \$24,604 for a Sheriff's vehicle that was totaled in an accident in May. She requested that the funds be accepted and placed in the Sheriff's Office capital funds budget.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and unanimously approved, to accept and appropriate funds in the amount of \$24,604 for a damaged vehicle into the Sheriff's Office capital funds budget.

Administrator Gee advised that the Governor's final budget changed the effective date of the COLA increase to August 1, 2022 instead of July 1, 2022. She added that all COLA increases will be effective August 1st in line with the Governor's budget.

Administrator Gee advised that in December 2020 official records of Board of Supervisor's minutes were mailed to a publishing company to be bound and then housed at the Circuit Court Clerk's Office. The package was lost in transit by the Postal Service. After discussion with Circuit Court Clerk Erby, it was determined that the Code of Virginia allows an electronic copy of meeting minutes to serve as the official record if certified by the Circuit Court Clerk. Administrator Gee recommends moving forward with the Circuit Court Clerk certifying the electronic record of Board of Supervisors meetings as the official record for the County. The Board concurred.

Supervisor Hoover welcomed Crossroads Community Services Executive Director, Dr. Melba Moore. Dr. Moore thanked the Board for their time and recent appropriation. She added that she would like to attend the August meeting to provide a report on changes and updates at Crossroads Community Services and share how they have used the appropriated funds. Dr. Moore commented that she and her management team have been reviewing training and education opportunities for the staff. They are also reviewing cost savings avenues, including a comparative report on their vehicle fleet. They identified about twenty-five vehicles they can sell and about twenty-seven they can surplus. They are reviewing human resources policies and procedures to and pricing a modern financial system. Dr. Moore will meet with the Commonwealth Regional Council to discuss any grant opportunities that may be available. They will also be placing an RFP for a new telephone and virtual meeting system. Supervisor Hoover commented since the organization has been under the direction of Dr. Moore, there seems to be a completely new attitude in the organization.

County Attorney Rennie shared that the Solar Committee met earlier in the day. He advised that Mecklenburg County enacted an amendment to their solar ordinance limiting the size of any facility to 500 acres in any fence line of the solar project. He added that the committee discussed adding a similar requirement to the County's ordinance. County Attorney Rennie noted that he would begin the process of adding this

requirement. The first step will be to present the addition to the Planning Commission, then to the Board of Supervisors. He commented that any current application that has already been accepted would not have to comply with the addition, their application and facility would be grandfathered.

Supervisor Pennington advised that he had attended Town of Victoria Council meetings in June and July to discuss making Mecklenburg Avenue and Mecklenburg Street in Victoria a truck route. He added that no action was taken at either meeting by the Town Council, however, VDOT will be performing a road study on the route. Once the results of the study have been reviewed, VDOT will present a recommendation to the Town Council and they may choose to take action.

Dominion Energy representative, Roxana Demeter, provided an informational presentation on a proposed transmission line and substation to be constructed in the counties of Brunswick, Lunenburg, and Mecklenburg. Ms. Demeter discussed two options. The first, the Eastern Solution, would expand the existing Heritage Substation (in Brunswick County) and construct approximately 25 miles of new transmission line partially co-located with the exiting 115 kV right of way. The second, the Northern Solution, would construct a new substation, Unity Substation, along our existing 500 kV line (in Lunenburg County) and construct approximately 10 miles of new right of way. New right of ways would need to be 120 feet wide. There are two potential route options, one approximately 12.3 miles and one approximately 11.0 miles. Ms. Demeter continued to discuss the permitting process and project timeline. She explained that a community meeting was held in Lunenburg County on June 7, 2022 and another was scheduled for July 20, 2022. County Attorney Rennie questioned if Dominion Energy would be imposing eminent domain for the new transmission line construction and whether the landowners would be compensated for the use of the land in the right of way and she affirmed on both accounts.

Administrator Gee advised that Mr. Sidney Smyth had completing his second four-year term as Lunenburg County's representative on the Southside Virginia Community College Board (SVCC) on June 30, 2022 and he is ineligible for reappointment. Mr. Smyth recommended Mrs. Nellie Parrish as his replacement. Administrator Gee noted that Supervisor Pennington serves on the STEPS Community Action Agency Board and his term will be expiring on June 30th. She added that Supervisor Pennington is eligible for another three-year term and he has agreed to serve. Administrator Gee noted that Ms. Robin Neal is currently serving on the Board of Zoning Appeals for District #3 has moved her residence and is now located in District #2. She stated that District #2 currently has a representative, Mr. Paul Perusse and he has agreed to serve again. Therefore, Ms. Neal is no longer eligible to serve and Mr. Perusse needs to be reappointed for another five-year term. Administrator Gee noted that the Board of Zoning Appeals is required to have at least five members. With the reappointment of Mr. Perusse, they will have only four members. She asked the Board to consider nominations from Districts #1, #3, #4 or #5. She added that the Industrial Development Authority is also in need of additional members as soon as possible as the IDA nor the Board of Zoning Appeals currently have enough members to conduct business. Administrator Gee shared that Supervisor Hankins serves on the Piedmont Senior Resources Board and is eligible for reappointment as he is completing the first of two three-year terms. Supervisor Hankins commented that he is searching for another person to serve on the Piedmont Senior Resources Board after Mr. Mike Champion had to resign. Supervisor Hoover nominated Mr. Harry C. Garrett to serve the unexpired term for District #1 on the Planning Commission.

Supervisor Zava made motion, seconded by Supervisor Edmonds and unanimously approved, to appoint the following:

Nellie Parrish—Southside Virginia Community College Board—Term: July 1, 2022-June 30, 2026

Supervisor Edward Pennington—STEPS Community Action Agency Board—July 1, 2022-June 30, 2025

Paul Perusse—District #2 Board of Zoning Appeals—Term: July 1, 2022-June 30, 2027

Supervisor Mike Hankins—Piedmont Senior Resources Board—Term: July 12, 2022-July 11, 2025

Harry C. Garrett—District #1 Planning Commission—Term: July 12, 2022-December 31, 2024

Director of Planning and Community Development, Taylor Newton, provided her monthly report. She advised that she will be attending Zoning Administrator training and taking the exam in September. She informed the Board that she and the Executive Director of Virginia's Growth Alliance were working together to find funding possibilities for improvements to hangars at the airport. She shared that a Solar Farm Conditional Use Permit Application will likely come before the Board for approval at an upcoming meeting. Ms. Newton shared that legislation recently changed that would allow for local taxation for solar projects of less than five megawatts.

Administrator Gee provided her monthly report. She advised that there was currently no fuel at the airport. She and Airport Manager, Larry Way, are waiting to see if the cost of fuel will decrease before buying more, as they are required to purchase at least 1,500 gallons. Administrator Gee noted that the County was advertising for a full-time Deputy Animal Control Officer position. She shared that construction is ongoing at the new Commonwealth Attorney's Office in preparations for their move to the Courthouse Complex. In regards to Project LUIS, she commented that a draft memorandum of agreement between the County, Lunenburg County Historical Society, and the FCC for the monopole has been completed and sent to Williams Communications tower engineering firm for review. Once the review is complete, it will be submitted to the FCC for approval. Administrator Gee informed the Board that the Social Services department was able to use vacancy savings to replace flooring and office furniture.

Administrator Gee was contacted by Joe Gustaf with the Lunenburg Landfill. He would like to start closing the landfill at noon on Saturdays instead of 2:00 p.m. He stated they rarely have anyone after noon. Supervisor Hoover shared concern in reducing hours of operation, noting that once hours are reduced, it will be difficult to increase them in the future. He added that part of the agreement in the initial sale of the landfill was to operate until 2:00 p.m. on Saturdays. Administrator Gee advised that there is a Landfill Committee meeting scheduled for August 10, 2022. The committee will discuss the issue further and make a recommendation to the Board.

County Attorney Rennie advised that he will be unavailable for the August meeting. Assistant County Attorney Drew DiStanislao will attend in his absence.

Supervisor Pennington made motion, seconded by Supervisor Zava, and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A7 Legal Consult regarding pending litigation on the Red Brick Solar Project.

CERTIFICATION OF CLOSED SESSION MEETING

WHEREAS, the Board of Supervisors of Lunenburg County, Virginia ("Board") convened a Closed Session Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section §2.2-3712 of the Code of Virginia, 1950, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board.

VOTING YES
Supervisor Edmonds

VOTING NO

ABSENT
Supervisor Bacon

Supervisor Hankins
Supervisor Hoover
Supervisor Pennington
Supervisor Slayton
Supervisor Zava

Supervisor Hankins made motion, seconded by Supervisor Edmonds, and unanimously approved, to return to Open Session.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to adjourn.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors