

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

Minutes of the September 9, 2021 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, September 9, 2021 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors T. Wayne Hoover, Alvester Edmonds, Mike Hankins, Edward Pennington, Charles R. Slayton, Robert Zava, County Administrator Tracy M. Gee, Deputy Administrator Nicole A. Clark and County Attorney Frank Rennie. Chairman Charles R. Slayton and Vice-Chairman Frank Bacon were absent.

Due to the COVID-19 pandemic, guests, Supervisors and staff adhered to social distancing and wearing masks per the CDC guidelines.

Supervisor Hoover was asked to lead the meeting in the absence of Chairman Slayton and Vice-Chairman Bacon. Interim Chairman Hoover called the meeting to order.

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

Interim Chairman Hoover requested additions to the agenda from the Board and the public. Supervisor Hankins requested that personnel changes at Virginia's Growth Alliance be added as 9F. Administrator Gee advised that a closed session would be needed regarding award of a public contract involving public funds. Interim Chairman Hoover asked if any Board Member had a conflict of interest with any topic on the agenda. There were none. Interim Chairman Hoover requested any discussion for the Citizen Comment Period. There was none.

Supervisor Zava made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the Minutes of the August 12th, 2021 meeting, the Treasurer's revised June and July reports and the following Warrants for Approval:

Additions for June 2021 printed in August 2021:
(for inclusion in FY21 expenses)

| | |
|---|----------------------|
| Accounts Payable: #61435, 61437-47, 61533-36 | \$ 108,834.02 |
| August 2021: Payroll: Direct Deposit | \$ 143,304.68 |
| Payroll Check #17234 | \$ 587.20 |
| Payroll Taxes Federal: | \$ 46,697.74 |
| Payroll Taxes State: | \$ 8,240.73 |
| Payroll VRS payment: | \$ 31,845.51 |
| Payroll ICMA-RC payment: | \$ 902.29 |
| Payroll Health Savings Deposits: | \$ 3,525.28 |
| Accounts Payable: #61436, 61448-532, 61537-89 | \$ <u>632,268.34</u> |
| August Total: | \$ 867,371.77 |

Assistant School Superintendent and Finance Director James Abernathy provided the monthly school reports. He discussed the use of CARES Act funds versus regular funds for the previous fiscal year. He also

reviewed projections for the new budget year. He noted that an updated textbook adoption schedule was approved by the School Board and requested a transfer of \$50,000 into the textbook fund for the current year's purchases of LMS English textbooks. Mr. Abernathy reviewed proposed HVAC unit replacements with ESSER III Funds at the elementary schools and the funding sources that could make them possible. He advised that the unit replacements will cost about \$4.5 million and they would like to use anticipated FY21 carryover funds, in the amount of \$283,660.69, for the remaining expense. Mr. Abernathy added that use of anticipated carryover funds would cover the remaining costs, requiring no additional funds from the County. He noted that he needs permission to inform their facilities consultant, TRANE, whether to move forward with preparations of the HVAC unit replacements. Interim Chairman Hoover advised that the Finance Committee would need time to discuss the use of carryover funds with Administrator Gee before committing. He questioned if the new units would have HEPA filtration systems included. Mr. Abernathy replied they would.

Supervisor Hankins made motion, seconded by Supervisor Edmonds, and unanimously approved, to transfer \$50,000 to the text book fund for the purchase of new English textbooks for the Middle School and continue negotiations with Administrator Gee on the use of anticipated FY21 carryover funds for the installation of new HVAC units at the two elementary schools.

Administrator Gee advised that she received a request from the Sheriff's Office to consider removing ten trees at the main entrance of the courthouse. Sheriff Townsend has advised that the trees have become a security issue and cameras are unable to provide an adequate view of the parking areas and courtyard. Administrator Gee noted that the trees have been trimmed before, however, they have become too large for the area. She shared two bids with the lower bid being from RAI Growers in the amount of \$2,800. Supervisor Edmonds asked if the stumps would be removed and grinded. Administrator Gee replied that they will be removed.

Supervisor Hankins made motion, seconded by Supervisor Pennington, and unanimously approved, to approve the bid from RAI Growers in the amount of \$2,800 to remove ten trees at the front entrance of the courthouse.

Administrator Gee requested approval of emergency services carryover amounts as listed below from fiscal year 2020-2021 to fiscal year 2021-2022.

| ORGANIZATION | FY21 CARRYOVER | | FY22 + | BUDGET = | REVISED FY21 APPROPRIATION |
|-------------------------|-------------------|---|-------------|----------|-------------------------------|
| KENBRIDGE FIRE: | \$25,000.00 | + | \$30,000.00 | | =\$55,000.00 |
| VICTORIA FIRE & RESCUE: | \$113,607.39 | + | \$90,000.00 | | =\$203,607.39 |
| MEHERRIN FIRE & RESCUE: | \$0 | + | \$35,000.00 | | NO REVISION |
| SHERIFF'S OFFICE: | \$34,647.35 | + | \$30,000.00 | | =\$64,647.35 |

Supervisor Hankins made motion, seconded by Supervisor Edmonds, and unanimously approved, to approve emergency services carryover amounts as listed above from fiscal year 2020-2021 to fiscal year 2021-2022.

Mr. Kevin Smith of VDOT presented the monthly report. He advised that the traffic study on Mecklenburg Avenue in Victoria, continuing outside of town limits to Mecklenburg Street in the County was underway. Supervisor Pennington questioned how many days the study would encompass; Mr. Smith replied seven days. Mr. Smith advised that the study on Route 635 had been completed. The study resulted in updating several signs and a reduction in speed limit to 45 miles per hour. Mr. Smith commented that funds had become

available to improve bridges. He recommended that the Board consider using the funds to replace a single lane wooden bridge on Wattsboro Circle Road. Wattsboro Circle Road has two single lane wooden bridges and the bridge needing replacing is the one closest to Rt 671 (Reedy Creek Road). VDOT would like to replace this bridge with a single lane concrete bridge. This project would be a state force project with a price tag under \$600,000. Interim Chairman Hoover advised that this bridge was located in Supervisor Bacon's district. He recommended delaying further discussion until the following month's meeting when Supervisor Bacon would be present.

Mr. Smith shared an email from VDOT Land Development Engineer Todd Cage requesting abandonment of two school routes in the County which are no longer used. Route 9924 is the bus route around the old middle school that was recently demolished and Route 9446 was the bus route for an old school which has not been in operation for decades, located near the Bailey's former cigarette manufacturing facility.

Supervisor Hankins made motion, seconded by Supervisor Edmonds, and unanimously approved, to proceed with advertisement and scheduling a public hearing to receive input on the abandonment of Routes 9924 and 9446.

Mr. Todd Fortune with the Commonwealth Regional Council shared information regarding a joint project, between Lunenburg County and VDOT, for the construction of the Lunenburg County Route 635 (Oral Oaks road) Bicycle Lane Project. The opportunity will not be available for **another two years**. Administrator Gee advised that the project requires a local match of \$600,073 and the County will be responsible for maintenance costs once complete. She did not recommend committing to the project. Supervisor Pennington added that Route 635 is a high traffic road and could be very dangerous for a bike route. No action was taken.

Mr. R.T. Taylor of Davenport presented financing options for the County-wide Radio System. He noted three options.

1. Level Annual Debt Service—Assumes level debt service on an annual basis, with full principal and interest commencing in FY2023.
2. Deferred Principal—Defers principal for the first several years in order to "minimize" the impact to the County's Budget by wrapping the new debt service around the county's existing debt service.
3. Blended Approach—Principal payments commence in FY2023 and reduce interest expense over the life of the borrowing.

Supervisor Hoover commented that option one would not be possible without an immediate tax increase. He does not advise that option.

Administrator Gee read aloud the public hearing statement.

Supervisor Pennington made motion, seconded by Supervisor Edmonds, and unanimously approved, to enter into public hearing regarding the proposed borrowing of up to \$4,500,000 for the county-wide radio system.

There was no public comment.

Supervisor Hankins made motion, seconded by Supervisor Edmonds, and unanimously approved, to exit public hearing regarding the proposed borrowing of up to \$4,500,000 for the county-wide radio system.

Supervisor Edmonds made motion, seconded by Supervisor Hankins, and unanimously approved, to approve the proposed borrowing of up to \$4,500,000 for the county-wide radio system using option three, the Blended Approach and authorize Administrator Gee to sign the resolution to proceed with the financing process.

**RESOLUTION AUTHORIZING THE EXECUTION BY
LUNENBURG COUNTY, VIRGINIA OF A LOCAL LEASE ACQUISITION
AND FINANCING AGREEMENT FOR AN EMERGENCY PUBLIC RADIO
SYSTEM PROJECT IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,500,000**

WHEREAS, Lunenburg County, Virginia (the “County”) is a political subdivision of the Commonwealth of Virginia, and pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the “Act”) the Board of Supervisors of the County (the “Board of Supervisors”) is authorized to contract debts on behalf of the County and to issue or have issued on its behalf, as evidence thereof, notes, bonds or other obligations; and

WHEREAS, pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Act, the County is empowered to acquire, construct, reconstruct, improve, extend, enlarge, equip, install, maintain, repair and operate any project which is a public improvement or undertaking for which the County is authorized by law to appropriate money, and to pledge certain financed assets as collateral to secure the payment of debt service on any such Project, and the County is authorized to contract debts and to issue, or have issued on its behalf, as evidence thereof, bonds, notes, leases or other instruments of indebtedness payable from pledges of collateral by the County; and

WHEREAS, the Board of Supervisors has determined that a true and very real need exists for certain equipment and improvements and the installation and maintenance thereof, for a new emergency public radio system to serve the County, including a microwave communications system plus related equipment, tower site improvements, mobile and portable radios and dispatch equipment to be purchased by the County (the “Project”) from L3Harris LLC (“Harris”) pursuant to a Contract dated July 2, 2021 previously approved by the Board of Supervisors between the County and Harris (the “Communications System Agreement”) and a Services Agreement between the County and Harris dated July 2, 2021 (the “System Maintenance Contract”), both of which Harris contracts have been previously approved by the Board of Supervisors; and

WHEREAS, the Project is essential to the governmental functions of the County and the County reasonably expects the Project to continue to be essential to the governmental functions of the County for a period of 15 years or more; and

WHEREAS, although no public hearing was required by Section 15.2-2606 of the Act, the County held a voluntary public hearing on September 9, 2021, regarding the proposed Project, and costs and expenses related to the financing of the Project, in an aggregate principal amount not to exceed \$4,500,000; and

WHEREAS, Davenport & Company LLC, the County's financial advisor (the “Financial Advisor”), as directed by County representatives, evaluated the considerations and benefits associated with the participation of the County in the Virginia Resources Authority (“VRA”) 2021 Fall Pool Financing Program (the “VRA 2021 Fall Pool Program”) and submitted an application on behalf of the County on August 6, 2021 to participate in the VRA 2021 Fall Pool Program and finance the Project on a lease purchase financing basis; and

WHEREAS, the Financial Advisor, as directed by County representatives, also prepared a Request for Proposals dated August 4, 2021 (the “RFP”) to obtain financing offers from banks and other lenders for the financing of the Project by the County; and

WHEREAS, the Board of Supervisors, based upon an evaluation of the responses to the RFP and the recommendations of the Financial Advisor and County officials, have determined to finance the Project through the VRA 2021 Fall Pool Program; and

WHEREAS, the County plans to finance the Project on a non-binding, subject to appropriation basis, as a tax-exempt or taxable payment obligation, or any combination thereof, in the form of either a note, bond or other instrument evidencing a lease purchase financing arrangement, in one or more series and to pledge the Project assets as collateral for its moral obligation to make payments associated with the financing; and

WHEREAS, VRA has indicated its willingness to use the proceeds from the sale of one or more series of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program) (collectively, the “VRA Bonds”), in accordance with the terms of (a) a Local Lease Acquisition and Financing Agreement dated September 17, 2021 (the “Financing Lease”), between VRA and the County, and (b) a Master Indenture of Trust dated as of October 1, 2002, as supplemented by the Fifty-Second Supplemental Series Indenture of Trust dated as of November 1, 2021 (the “Trust Agreement”), between the County and U.S. Bank, N.A. as trustee (the “Trustee”) to purchase the Project assets and lease them back to the County; and

WHEREAS, the Financing Lease shall indicate that a sum not to exceed \$4,500,000 (inclusive of an amount sufficient to pay related costs of incurring such lease purchase financing obligations) is the amount of proceeds requested for the Project by the County from VRA, which amount may be revised at the written request of the County prior to VRA's bond pricing if approved by VRA (such final amount, the “Proceeds Requested”); and

WHEREAS, VRA has advised the County that VRA's objective is to pay the County a purchase price for the Financing Lease that in VRA's judgment reflects its market value (the “Purchase Price Objective”) taking into consideration the Proceeds Requested and such factors as the purchase price received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA) (collectively, the “VRA Costs”) and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, VRA's determination of the Purchase Price Objective may result in the Financing Lease having a purchase price other than par and consequently (a) the County may have to enter the Financing Lease in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds substantially equal to the Proceeds Requested or (b) if the maximum authorized principal amount of the Financing Lease set forth in Section 6 below does not exceed the Proceeds Requested by at least the amount of any VRA Costs and any original issue discount, the purchase price to be paid to the County, given the Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

WHEREAS, the Financing Lease shall provide that its terms may not exceed the parameters set forth below in Section 6;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LUNENBURG COUNTY, VIRGINIA:

1. It is found and determined that it is in the best interests of the residents of the County for the County to take all actions necessary in connection with the Financing Lease and to use the proceeds thereof to finance the Project and to pay the related issuance costs related to the lease purchase financing arrangement. Accordingly, the Board of Supervisors hereby authorizes the execution of the Financing Lease with VRA and approves the terms of the Trust Agreement, the form of which have been made available to the County prior to this meeting.

2. The Chair and Vice-Chair of the Board of Supervisors, either of whom may act, are authorized to execute and deliver the Financing Lease and to take all actions required in connection with the Trust Agreement. The Financing Lease shall be in substantially the form attached as Exhibit A hereto and made available prior to this meeting, which is approved, with such completions, omissions, insertions and changes not inconsistent with this resolution as may be approved by the Chair or Vice-Chair, whose approval shall be evidenced conclusively by the execution and delivery thereof.

3. The Chair and the Vice-Chair of the Board of Supervisors, either of whom may act, are authorized to execute and deliver the Financing Lease and the Trust Agreement. The Financing Lease shall be in substantially the form made available prior to this meeting, which is approved, with such completions, omissions, insertions and changes not inconsistent with this resolution as may be approved by the Chair or Vice-Chair, whose approval shall be evidenced conclusively by the execution and delivery thereof. For purposes of this resolution, all capitalized terms used but not otherwise defined herein shall have the same meanings as set forth in the Financing Lease.

4. The Financing Lease shall be payable based upon the moral obligation of the County to appropriate funds necessary to make all payments due with respect to the Financing Lease. The Financing Lease shall be a limited obligation of the County, and nothing in the Financing Lease, the Communication System Agreement or the Maintenance Contract shall be deemed to create or constitute a general obligation pledge of the faith and credit of the Commonwealth of Virginia, VRA or any political subdivision thereof, including the County.

5. All of the equipment and associated components of the Project (the "**Project Assets**") purchased by VRA and leased back to the County will be pledged as collateral for the amounts payable with respect to the Financing Lease. Certain contracts the County has in place with respect to the acquisition and installation of the Project Assets, usage licenses, site location agreements for Project Assets with radio tower owners, performance warranties and Project maintenance will be assigned to VRA to secure the Financing Lease payments. A UCC financing statement identifying the Project Assets pledged and VRA as a secured party will be filed by or on behalf of the County.

6. The Financing Lease shall be dated the date that is 30 days prior to the closing date of the VRA Bonds. The County authorizes the execution of the Financing Lease with VRA on such terms as shall be determined by VRA subject to the Purchase Price Objective and market conditions described in the recitals hereof; provided, however, that the Financing Lease (a) shall be in a principal amount not to exceed \$4,500,000, (b) shall mature no later than December 31, 2036, (c) shall have a "true" interest cost not to exceed 4.00% (exclusive of "Supplemental Interest" as provided in the Financing Lease), (d) shall be entered upon with VRA at a price that is substantially equal to the Proceeds Requested and (e) shall be subject to prepayment upon the terms set forth in the Financing Lease. Subject to the preceding terms, the County further authorizes the Chairman or Vice-Chairman of the Board of Supervisors to accept the final terms presented by VRA, including (x) the final principal amount of the Financing Lease and (y) the amortization schedule (including the principal installment dates and amounts) for the Financing Lease.

If the limitation on the maximum principal amount of the Financing Lease set forth in this Section 6 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the Purchase Price Objective and market conditions, the Chairman or Vice-Chairman of the Board of Supervisors is authorized to accept a purchase price for the Financing Lease at an amount less than the Proceeds Requested. The actions of the Chairman or Vice-Chairman of the Board of Supervisors in determining the final terms of the Financing Lease shall be conclusive, and no further action shall be necessary on the part of the County.

As set forth in the Financing Lease, the County agrees to pay such "Supplemental Interest" and other charges as provided therein, including such amounts as may be necessary to maintain or replenish the VRA Reserve, if any. The principal of and premium, if any, and interest on the Financing Lease shall be payable in lawful money of the United States of America. The Financing Lease shall be substantially in the form attached as Exhibit A to this resolution.

7. The Chair, the Vice-Chairman of the Board of Supervisors and the County Administrator are hereby authorized and directed to have the Financing Lease delivered and executed by the Trustee pursuant to the Trust Agreement, and to cause the Financing Lease so executed to be delivered to, or at the direction of, VRA upon payment therefor.

8. The officers of the County are authorized and directed to execute and deliver all certificates, instruments and documents, including a non-arbitrage certificate and tax compliance agreement (the "**Tax Compliance Agreement**"), and to take such further action as they may consider necessary or desirable in connection with this resolution, the Financing Lease and the Trust Agreement related to the Tax Compliance Agreement.

9. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the VRA Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "**Code**"), or otherwise cause interest on the VRA Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of the Tax Compliance Agreement that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Financing Lease, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required or is no longer required to prevent interest on the VRA Bonds from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

10. The County covenants that it shall not permit the proceeds of the Financing Lease or the facilities financed therewith to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make

or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the VRA Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

11. *The County authorizes and consents to the inclusion of information with respect to the County contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator and Deputy County Administrator are authorized and directed to take such actions as may be necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.*

12. *The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool (the "Contract"), and the County has determined to authorize the Chair or Vice-Chair of the Board of Supervisors, if and as necessary, to utilize SNAP in connection with the investment of the proceeds of the Financing Lease. The County acknowledges the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.*

13. *The officers of the County are authorized and directed to execute and deliver all certificates, closing papers, requisitions and other instruments considered necessary or desirable in connection with the execution and delivery of the Financing Lease pursuant to this resolution and the Trust Agreement. All other actions of the officers of the County in conformity with the purposes and intent of this resolution and in furtherance of the Financing Lease are ratified, approved and confirmed.*

14. *Any provisions to this resolution requested by VRA that are not inconsistent with the terms and statements herein shall be hereby incorporated by reference herein.*

15. *The Clerk of the Board of Supervisor is authorized and directed to arrange for a certified copy of this resolution to be filed with reasonable dispatch in the office of the Clerk of the Circuit Court of Lunenburg County, Virginia.*

16. *This resolution shall take effect immediately.*

Adopted: September 9, 2021

Supervisor Pennington made motion, seconded by Supervisor Edmonds, and unanimously approved, to enter into public hearing regarding the proposed Lunenburg Solar Facilities Ordinance.

Mr. Darren Coffey of the Berkley Group, provided an overview of the proposed ordinance (See Appendix A). County Attorney Rennie advised that a table of contents was recently added to help navigate the document. The solar facilities committee reviewed and adjusted the ordinance multiple times and feels the ordinance provides a protection for the County citizens and resources while considering responsible development by solar developers. County Attorney Rennie noted that the Planning Commission has reviewed the ordinance and voted to recommend it to the Board of Supervisors.

The following spoke in favor of solar facilities and the ordinance, however, several noted that density and buffer requirements should be removed or updated. The last speaker noted that solar project applications should be reviewed on a case by case basis.

Alan Bagley, 2136 Fletcher Chapel Road, Kenbridge, VA 23944
Meri Paige Spencer, 3309 Jonesboro Road, Kenbrige, VA 23944
David Wells, 1405 Fowlkes Road, Victoria, VA 23974
Tom Delafield, 130 Persimmon Hill Road, Pittsboro, NC

Supervisor Zava made motion, seconded by Supervisor Edmonds, and unanimously approved, to exit public hearing regarding the proposed Lunenburg Solar Facilities Ordinance.

Mr. Coffey compared both Charlotte and Greensville County ordinances have similar stipulations. The purpose of the ordinance is to regulate solar development. If the Board sees a need for an adjustment at a later date, the ordinance can be updated. Supervisor Edmonds and Zava recommend the Board consider approving

the ordinance. County Attorney Rennie advised that if any changes are requested, the proposed ordinance should be studied and reviewed by the solar facilities committee again.

Supervisor Zava made motion, seconded by Supervisor Edmonds and approved by roll call vote, with all five Supervisors voting yes, two absent, and none voting no, to approve the proposed Lunenburg Solar Facilities Ordinance.

Supervisor Pennington made motion, seconded by Supervisor Edmonds, and unanimously approved, to enter into public hearing regarding the Red Brick Solar, LLC Conditional Use Permit Application.

Mr. Francis Hodson with SolUnesco shared a presentation on their application and proposed facility to be located along Highway 49—Courthouse Road. Mr. Coffey of the Berkley Group reviewed the recommendations and reviewed the setback requirements for the project. He advised that the solar committee and the Planning Commission recommended approval of the conditions. Mr. Coffey advised the Board has three options: approval as is with the stated conditions, denial of the application or deferral of the application.

Supervisor Pennington made motion, seconded by Supervisor Edmonds, and unanimously approved, to exit public hearing regarding the Red Brick Solar, LLC Conditional Use Permit Application.

County Attorney Rennie indicated that the solar facilities committee reviewed compensation structure for solar facilities before the meeting. He added that revenue sharing, payments under siting agreements, and substantial compensation must all be determined before the Red Brick Solar, LLC C.U.P. application can be voted on. He stated the committee and developer have not yet finalized a siting agreement. He recommended deferral of the CUP pending negotiations.

Supervisor Zava made motion, seconded by Supervisor Edmonds and approved by roll call vote, with all five present Supervisors voting yes, two absent, and none voting no, to remove from the table any further consideration of the Red Brick solar application to allow further discussion of a siting agreement with Red Brick solar.

Director of Planning and Economic Development Taylor Newton provided her monthly report. She advised that the Board is required to act upon any Conditional Use Permit Application within one year of the certification date, and the complete revised application for Red Brick was submitted in June 2021.

Supervisor Hankins advised that the Director of Virginia's Growth Alliance had resigned from his position, as did the Chairman of the Board. He has been serving at the acting Chairman in the interim. He announced that the VGA recently hired a new Executive Director and selected a new Chairman. He expects the new Executive Director will be visiting localities in the near future to introduce himself. Supervisor Hankins has resumed his role as Vice-Chairman of the VGA Board.

Administrator Gee provided her monthly report. She advised that the new County website was in further development stages and additional photographs are needed if anyone has some to share. She advised that due to scarcity and supply chain constraints, it is becoming difficult to find products and supplies, including the generator to support the pump house at the Courthouse Complex. Administrator Gee noted that COVID-19 cases in the county and surrounding areas are rising and items are becoming very difficult to obtain, making standard procurement is difficult. She commented that the Board declared a State of Emergency on March 13, 2020 and came out of the emergency status on June 30, 2021. She requested the Board consider reinstating the Emergency Operation Procedures due to increased COVID-19 cases, shortage of workers and decreasing supply chain. She added the emergency status provides the latitude to make decisions based on emergency needs of the County.

Supervisor Hankins made motion, seconded by Supervisor Edmonds, and unanimously approved, to reinstate the State of Emergency for Lunenburg County due to the COVID-19 pandemic.

**LUNENBURG COUNTY, VIRGINIA
A RESOLUTION TO REINSTATE THE STATE OF EMERGENCY
DECLARED MARCH 13, 2020 DUE TO COVID-19**

WHEREAS, on March 12, 2020, the Governor of the Commonwealth of Virginia declared a state of emergency in the Commonwealth of Virginia in response to the spread of the coronavirus that remained in effect unless amended or rescinded; and

WHEREAS, on March 13, 2020, the Board of Supervisors of Lunenburg County (the "Board") declared a state of emergency in Lunenburg County thereby putting into effect the powers, functions and duties for Lunenburg County government, prescribed by state law, local ordinances and resolution including the emergency operations plan for Lunenburg County ; and

WHEREAS, on June 10, 2021, the Governor of Virginia's office announced the 15-month state of emergency in the Commonwealth of Virginia would come to an end June 30, 2021 based on a decline in coronavirus infections; and

WHEREAS, the Board found that emergency measures implemented in Lunenburg County necessary to mitigate the ongoing emergency and disaster occurring in the County to protect the health, safety, and welfare of the citizens were successful; and

WHEREAS, the Board decided to end the state of emergency in Lunenburg County effective June 30, 2021; and

WHEREAS, after June 30, 2021, the coronavirus continued to rapidly spread in the County; and

WHEREAS, because of this rapid spread, the Board voted to reinstate the state of emergency in Lunenburg County effective September 9, 2021;

NOW, THEREFORE, BE IT RESOLVED that the Lunenburg County Board of Supervisors on the 9th day of September, 2021, does hereby reinstate the State of Emergency declared March 12, 2020 due to ongoing concerns and issues due to COVID-19, effective September 9, 2021.

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 5 to 0, as recorded below, at a regular meeting held on September 9, 2021.



Clerk, Board of County Supervisors

Supervisor Pennington made motion, seconded by Supervisor Edmonds, and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A29 Discussion of award of public contract involving public funds.

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
Supervisor Hankins
Supervisor Hoover
Supervisor Pennington
Supervisor Zava

VOTING NO

ABSENT

Supervisor Slayton
Supervisor Bacon

Supervisor Edmonds made motion, seconded by Supervisor Pennington, and approved by roll call vote, with all Supervisors voting yes, two absent, and none voting no, to return to Open Session.

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

Tracy M. Gee, Clerk
County Administrator

T. Wayne Hoover, Interim Chairman
Board of Supervisors