

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

Minutes of January 13, 2022 Reorganizational Meeting

The annual reorganizational meeting of the Lunenburg County Board of Supervisors was held on Thursday, January 13, 2022 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, Charles R. Slayton, Frank W. Bacon, Mike Hankins, Robert Zava, Edward Pennington, County Administrator Tracy M. Gee, Deputy County Administrator Nicole Clark, and County Attorney Frank Rennie.

County Administrator Gee called the reorganizational meeting to order.

Administrator Gee asked for nominations for the position of Chairman.

Supervisor Hankins nominated Charles R. Slayton and Supervisor Hoover seconded the motion. On a roll call vote, was nominated to the position of Chairman.

Supervisor Bacon moved that nominations be closed with Supervisor Edmonds making the second, and all present in favor.

On a roll call vote, Supervisor Slayton was unanimously re-elected to the position of Chairman.

Administrator Gee presented Chairman Slayton with the gavel.

Chairman Slayton asked for nominations for the position of Vice-Chairman.

Supervisor Hankins nominated Frank W. Bacon as Vice-Chairman and Supervisor Hoover seconded the motion. On a roll call vote, was nominated to the position of Vice-Chairman.

Supervisor Pennington moved that nominations be closed with Supervisor Edmonds making the second, and all present in favor.

On a roll call vote, Supervisor Bacon was unanimously re-elected to the position of Vice-Chairman.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to adopt the 2022 Invocation and Meeting Schedule and 2022 Holiday Calendar.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to adopt Robert's Rules of Order and Rules of Procedure.

Chairman Slayton called the regular meeting of the Board of Supervisors to order.

Supervisor Edmonds led the Pledge of Allegiance and gave the invocation.

Chairman Slayton requested additions to the agenda from the Board and the public. Administrator Gee requested acceptance of reimbursement funds for the Sheriff's Office be added as 9E. County Attorney Rennie requested update on Solar Projects be added as 9F.

Supervisor Hankins made motion, seconded by Supervisor Pennington, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to approve and present the below Resolutions of Achievement to the Lunenburg Lightning Football Flag and Varisty Super Bowl Champions.

RESOLUTION OF ACHEIVEMENT

WHEREAS, the James River Southside Youth Football League-Lunenburg Flag Division had a very successful 2021 season; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Flag Division won the regular season championship for the Southside Division; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Flag Division was awarded the sportsmanship award in the Southside Division regular season; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Flag Division won the Southside Division playoffs held in Brunswick County; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Flag Division continued on to win the James River Southside Youth Football League Super Bowl held in Nottoway County; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Flag Division team members were led by Head Coach Chris Bacon, Assistant Coaches Justin Beagle, Chip Parrish, Drew Shepherd, and team members Haskins Bacon, Samuel Bacon, Jayce Beagle, Jack Bolling, Robert Brooks, Ezekiel Calderon, Matheus Calderon, Chase Dalton, Spiro Garrett, Future Hendricks, Anthony Johnson, Jase Jones, Travis Meadows, Trevor Meadows, Oakley Overby, Channing Parrish, Lucas Peebles, Triton Redford, Malcolm Reese, Kei Shelmon, Bohdi Shelton, Andrew Shepherd, John Shepherd, Noah Simon, Brayden Smith, Nehemiah Taylor, Zacharias Taylor, Troy Thompson and Grayson Townsend, and with added support from dedicated parents and family of the team members; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Flag Division team represented the County with athleticism and good sportsmanship; and

NOW, THEREFORE, BE IT RESOLVED, that the Lunenburg County Board of Supervisors congratulates the James River Southside Youth Football League-Lunenburg Flag Division on their outstanding accomplishments during the 2021 season.

BE IT FURTHER RESOLVED, that the Lunenburg County Board of Supervisors wishes the team and coaches future success next season and in all endeavors.

Adopted this 13th day of January 2022.

RESOLUTION OF ACHEIVEMENT

WHEREAS, the James River Southside Youth Football League-Lunenburg Varsity Division had a very successful 2021 season; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Varsity Division demonstrated sportsmanship and dedication during the Southside Division regular season; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Varsity Division won the James River Southside Youth Football League Super Bowl in their division held in Nottoway County; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Varsity Division were led by Head Coach Kenny Evans, Coaches Jarvis Freeman, Joseph Mattox, De'Sheun Smith and Tommy Word, and team members Ethan Blowers, Isiah Brooks, Jalin Freeman, Logan Hall, Zamontae Hendricks, Jordan Hudson, Jordan Kiser, Jayden Lacks, Chad Mattox, Tylik McCullough, Aidan Parrish, Trevon Porter, Darvis Richardson, Messiah Tucker and Landon Womack, with added support from dedicated parents and family of the team members; and

WHEREAS, the James River Southside Youth Football League-Lunenburg Varsity Division team represented the County with athleticism and good sportsmanship; and

NOW, THEREFORE, BE IT RESOLVED, that the Lunenburg County Board of Supervisors congratulates the James River Southside Youth Football League-Lunenburg Varsity Division on their outstanding accomplishments during the 2021 season.

BE IT FURTHER RESOLVED, that the Lunenburg County Board of Supervisors wishes the team and coaches future success next season and in all endeavors.

Adopted this 13th day of January 2022.

Chairman Slayton called for anyone wishing to speak under Citizen Comment. There were none.

Supervisor Hankins made motion, seconded by Supervisor Pennington and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to accept the Consent Agenda to include the minutes of the December 9, 2021 meeting, the Treasurer's November 2021 reports and the following Warrants for Approval:

December 2021:	Payroll: Direct Deposit	\$ 169,544.60
	Payroll Check #2001-03	\$ 750.16

Payroll Taxes Federal:	\$ 53,719.63
Payroll Taxes State:	\$ 8,817.38
Payroll VRS payment:	\$ 33,297.60
Payroll ICMA-RC payment:	\$ 1,073.25
Payroll Health Savings Deposits:	\$ 3,664.28
<i>WIRES (DEBT SERVICE)</i>	\$ 69,527.47
Accounts Payable: #80250-80378	\$ <u>923,147.73</u>
 Total:	 \$ 1,263,542.10

Mr. Kevin Smith of VDOT presented the monthly report. He advised that litter patrol as well as brush clean up on various routes continues. Supervisor Pennington thanked Mr. Smith for the signs placed on Mecklenburg Avenue in Victoria. He hopes it will aid in getting motorists to slow down. Supervisor Hankins thanked Mr. Smith and all VDOT crews for working and clearing roadways during the recent storms.

Assistant School Superintendent and Finance Director James Abernathy provided the monthly report. He noted that the school division was awarded \$740,250 in ESSER II Unfinished Learning funds after the approved FY2022 budget. He added that the funds do not require any additional transfer of local funds. He requested that the board accept and appropriate the additional \$740,250 in ESSER II funds, revising the total school budget to \$22,325,599.

Supervisor Edmonds made motion, seconded by Supervisor Hoover, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to accept and appropriate the additional \$740,250 in ESSER II funds, revising the total school budget to \$22,325,599.

Mr. Abernathy reported that enrollment increased to 1516 from 1511 last month. He advised that the Victoria Elementary School would be closed the following day due to over half of staff members either testing positive for COVID-19 or needing to be quarantined after exposure. He stated that schools were already scheduled to be closed the following Monday for the holiday. They will evaluate reopening the elementary school at that time. Supervisor Hankins questioned if returning to virtual learning was a possibility in the near future. Mr. Abernathy replied that they were not considering all virtual learning yet. He added that the CDC is expecting the peak to hit this area towards the end of the month. Mr. Abernathy explained that, if necessary, they will shut down a school or a grade level at a time, not the entire school system.

Supervisor Zava asked if there was a plan was in place for continuing through the remainder of the school year with decreased enrollment, and therefore a decrease in funding. Mr. Abernathy commented that thus far they have been able to use COVID funds and other grants to bridge the gap. He added that currently they are looking at an estimated \$286,000 reduction in state funds. Mr. Abernathy noted that they have also postponed their plan for the purchase of new vehicles, as well as, maintained some personnel vacancies for savings. Administrator Gee advised that the local funds budgeted for the school system were appropriated through December, at which time appropriations for the remainder of the fiscal year would be needed.

Supervisor Hoover made motion, seconded by Supervisor Edmonds, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to appropriate the budgeted funds to the system school for the current quarter (January through March) and reevaluate before appropriating the fourth quarter.

Commissioner of the Revenue Liz Hamlett provided a presentation on Short-term Rental and Transient Occupancy Tax. She advised the County does not currently impose a short-term rental tax, however, there are numerous venues in the County that would qualify as a short-term rental venue. Commissioner Hamlett explained that a short-term rental is defined as a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. Commissioner Hamlett noted that State code allows for a minimum tax of two percent and such tax may not be placed in the locality's general fund. She added that state code also requires any locality to establish, by ordinance, a short-term

rental registry and require operators within the locality to register annually. Commissioner Hamlett stated that without an ordinance and tax structure in place, the County is not assessing all the assets of the County. Supervisor Hankins questioned the purpose of implementing the tax if the County would not be able to use the funds in the general fund. Commissioner Hamlett advised that the funds would be held in a separate account and are earmarked for tourism related expenses. She added that without creating a registry, there was no record of short-term rentals. Commissioner Hamlett also noted that if a registry is in place, businesses can be assessed a fee if they are operating a short-term rental and not reporting it. Supervisor Hoover commented that he was in favor of the registry but not in favor of imposing a tax. He noted that owners of the properties were already being assessed a County tax and some were assessed a town tax as well. County Attorney Rennie advised that he has heard of some owners that are already charging the tax and keeping it. Administrator Gee advised that two ordinances would be needed, one requiring to register and one allowing for the fee. Planning Commission Chairman Buck Tharpe noted that he has been informed of some short-term rentals using the website, Air BNB, a third party, who is charging the tax but the County is unable to receive it without an ordinance in place.

Supervisor Hoover made motion, seconded by Supervisor Hankins, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to have the County Attorney's Office work with the Planning Commission Chair and Commissioner Hamlett to collaborate on a recommendation for an ordinance establishing a short-term rental registry and a potential tax structure.

Commissioner Hamlett provided another presentation on Personal Property projections for 2022. She advised that she is awaiting the 2022 used vehicle price index figures from J.D. Power. The County uses these figures to assess values to passenger cars and trucks for the purpose of personal property tax. Commissioner Hamlett stated that projected values were increasing an average of 38.7% nationally. Commissioner Hamlett advised that higher values will result in higher tax bills for Lunenburg County citizens and an increase of \$532,000 in tax revenue for the County. She stated that the local governing body has the authority to segregate different local tax classifications of property with different tax rates. Commissioner Hamlett suggested the Board consider a change to maintain tax revenue while still helping the citizens of Lunenburg County. Supervisor Hankins questioned what other localities were doing. Commissioner Hamlett replied that others were also looking at options. Charlotte County dropped their rate by \$1.00 per hundred. Administrator Gee commented that this change may require a public hearing. Supervisor Hoover commented that these type of recommendations usually are determined by a committee. He recommended that the finance committee meet with Commissioner Hamlett to review the impacts and options and bring recommendations back to the Board.

Commissioner Hamlett shared that both of her deputies have received their Master Deputy certification, adding not many offices have a one hundred percent certified staff and she is proud to be one of them.

Administrator Gee shared a request from the Sheriff's Office to accept an employment contract payoff from a former employee. They requested the payoff amount of \$6,388.11 be applied to the Police Supplies line item.

Supervisor Bacon made motion, seconded by Supervisor Edmonds, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to accept an employment contract payoff amount of \$6,388.11 and apply it to the Police Supplies line item.

County Attorney Rennie provided an update on outstanding solar farm projects. He recalled that no action was taken on the Red Brick Solar project until a fee structure was determined. Since that time, Red Brick Solar have been levied additional fees from Dominion Energy and they are now assessing all the fees involved before determining if they will proceed with the project. Therefore, the project will remain on hold until they contact the County. County Attorney Rennie advised that per the contract with Meridian Waste, fees payable to the County are based on the consumer price index. He stated that the consumer price index had increase 7.4 percent, therefore increasing all fees due, from Meridian Waste, to the County by the same percentage.

Supervisor Hoover announced that he needed to excuse himself to attend a public safety meeting in his District.

Assistant County Attorney DiStanislao provided an update on the redistricting process. He provided two maps, one detailing the current district lines and one showing the recommended redistricted lines. He noted that District Six (Hounds Creek) and District Two (Brown's Store) saw the biggest changes. He added that assistance from Melody Foster, with the Commonwealth Regional Council, made the process much easier than in the past by the use of their mapping software. Assistant County Attorney DiStanislao recommended the Board hold a public hearing at the February meeting regarding the proposed district lines and prepare to vote on the proposed map and ordinance at the March meeting.

Supervisor Hankins made motion, seconded by Supervisor Bacon, and approved by roll call vote, with six Supervisors voting yes, none voting no, and one absent, to hold a public hearing at the February meeting regarding the proposed district lines.

Administrator Gee advised that the County had been awarded two grants. The first grant was from the Department of Criminal Justice Services in the amount of \$2,171 for the Sheriff's Department to strengthen crime control. The second grant was from the Library of Virginia in the amount of \$28,375 for the Circuit Clerk's Office to assist with records conservation as a part of the Virginia Circuit Court Records Preservation Program. She requested the Board accept and appropriate funds to each office.

Supervisor Bacon made motion, seconded by Supervisor Edmonds, and approved by roll call vote, with six Supervisors voting yes, none voting no, and one absent, to accept and appropriate the Department of Criminal Justice Services grant in the amount of \$2,171 for the Sheriff's Department and the Library of Virginia grant in the amount of \$28,375 for the Circuit Clerk's Office.

Administrator Gee provided an update on the COVID-19 cases. The Piedmont Health district reported 159 new cases for Lunenburg in the latest report. Administrator advised that there was a little lag time in their numbers, therefore, the number was probably higher. She added that 11 of those cases were pediatric. She advised that the quarantine guidelines had recently changed to ten days for all those testing positive, regardless of vaccine status. Administrator Gee reported that the use of COVID-19 funds ended December 31, 2021. She reported that out of \$2.8 million, she returned \$109.60 to the State. She noted that the fiber project was not completed by the December 31st time line and therefore ARPA funds would be used to completed that project.

Director of Planning and Economic Development, Taylor Newton, provided her monthly report and a Planning Commission report for 2021. She advised that she was excited to announce that the County had been awarded VATI grant funds for the universal broadband coverage project. She is in the process of setting up a citizen advisory committee. She informed the Board that Planning Commission meetings had been moved to the first Thursday of the month, with the first one to be held in February. It will be a reorganizational meeting and they will no longer be holding a public hearing as the applicant had withdrawn. Ms. Newton advised that the demolition project of the old middle school had been complete and the total project cost was \$954,027.84, over budget by \$176,315.35. She advised that former staff had committed to the Tobacco Commission that the project would be completed but the additional work was not included in bid proposal and therefore would need to be absorbed by the County. Administrator Gee commented that she had reviewed the final expenses and requested a transfer of \$176,315.35 from the General Fund to the Economic Development Fund to cover the additional expense.

Supervisor Zava made motion, seconded by Supervisor Hoover, and approved by roll call vote, with six Supervisors voting yes, none voting no, and one absent, to transfer \$176,315.35 from the General Fund to the Economic Development Fund to cover the additional expense for the demolition project of the old middle school.

Supervisor Hankins made motion, seconded by Supervisor Pennington, and approved by roll call vote, with six Supervisors voting yes, none voting no, and one absent, to appoint Mr. Luther Drummond as the District 2: Brown's Store representative for the Planning Commission with a term beginning January 1, 2022 and ending on December 31, 2025.

Administrator Gee provided her monthly report. She advised that the obstruction mitigation project at the airport was still in progress. She advised that after Airport Manager, Larry Way, met with Alton Jordan of the Department of Aviation, they discovered additional trees that needed to be removed. She advised that she has had difficulty reaching one of the landowners. Attorney Rennie indicated that sending notification to the address on file at the Treasurer's Office was sufficient. She notified the Board that the annual VACO Local Government Day in Richmond for local government officials was scheduled for Thursday, February 3rd. She advised Board members to inform her if they would like to attend. Administrator Gee advised that DEQ had issued a public notice on the proposed reissuance of the current permit that authorizes the land application of biosolids and water treatment plant residuals in Lunenburg County. She will submit any questions during the comment period at the pleasure of the Board. Mr. Rodney Newton provided the monthly progress report on the Lunenburg Interoperable Communications System (Project LUIS).

Supervisor Zava made motion, seconded by Supervisor Edmonds, and approved by roll call vote, with six Supervisors voting yes, none voting no, and one absent, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel regarding a performance evaluation.

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 Bacon
Supervisor Pennington
Supervisor Slayton
Supervisor Zava

VOTING NO

ABSENT

Supervisor Hoover

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

Supervisor Bacon made motion, seconded by Supervisor Zava, and approved by roll call vote, with six Supervisors voting yes, none voting no, and one absent, to adjourn.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors