

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

Minutes of the May 12, 2022 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, May 12, 2022 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, and County Attorney Frank Rennie. Deputy Administrator Nicole A. Clark attended virtually.

Chairman Slayton called the meeting to order.

Supervisor Bacon 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 tractor trailers driving on Mecklenburg Avenue be added as 8B. Supervisor Hoover requested that an issue concerning solar farms be added as 9B.

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

Supervisor Edmonds made motion, seconded by Supervisor Pennington and approved, with seven Supervisors voting yes, and none voting no, to accept the Consent Agenda to include the April 14, 2022 meeting minutes, the Treasurer’s February 2022 reports and the following Warrants for Approval:

April 2022:	Payroll: Direct Deposit	\$ 155,349.50
	Payroll Check #2007	\$ 1,076.11
	Payroll Taxes Federal:	\$ 50,988.53
	Payroll Taxes State:	\$ 9,036.34
	Payroll VRS payment:	\$ 34,785.89
	Payroll ICMA-RC payment:	\$ 1,413.26
	Payroll Health Savings Deposits:	\$ 3,830.95
	Accounts Payable: #80789-80918	<u>\$ 514,293.56</u>
	Total:	\$ 770,774.14

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved, with seven Supervisors voting yes, and none voting no, to enter public hearing regarding an increase in revenue for the Lunenburg County School Division and CUP 1-22 for Alesha Whitehead to operate a Personal Service Business.

School Finance Director and Assistant Superintendent James Abernathy advised of an increase in revenue as a result of previously awarded CARES Funds, a portion of newly awarded ESSERIII Set-Aside Unfinished Learning Grant and other grants that were not available during the FY22 budget development process. The increases result in a total updated school budget for FY2022 of \$24,123,727. The additional funds will primarily be used for new HVAC systems and summer school expenses. These budget increases exceed one percent of the total County budget, requiring a public hearing for the appropriation of the funds.

<u>School Supplemental Appropriation</u>	<u>Updated FY2021-2022</u>
CARES SET-ASIDE FUNDS	-31,436
ESSER II	-1,000,000

ESSER III	-50,000
ESSER III SET-ASIDE U.F.	-400,000
VA Tiered System of Supports	-26,000
Dual Enrollment Alignment	-2,212
Security Equipment	-51,580
STEM-TRRI	-10,000
Homeless Children & Youth	-17,099
Broadband Solutions	-30,000
Emergency Connectivity Funds	-179,800
REVISED Total Revenue	-24,123,727
REVISED Total Expenditures	24,123,727

There was no public comment.

Director of Planning, Taylor Newton, explained that an application had been submitted for a Conditional Use Permit for Alesha Whitehead to operate a Personal Service Business (Beauty Salon) on tax parcel 034-0A-0-40A, 1176 K-V Road, Victoria, VA 23974, consisting of 5.95 acres in an A-1 Agricultural zone. Ms. Whitehead requested the Board's support. Ms. Patricia Harper-Tunley spoke in support of the Beauty Salon. Ms. Newton shared a staff report from the Planning Commission's review of the application. She reviewed the conditions and advised that the Planning Commission voted to recommend approval to the Board of Supervisors.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved, with seven Supervisors voting yes, and none voting no, to exit public hearing regarding an increase in revenue for the Lunenburg County School Division and CUP 1-22 for Alesha Whitehead to operate a Personal Service Business.

Supervisor Pennington made motion, seconded by Supervisor Hoover and approved, with seven Supervisors voting yes, and none voting no, to approve the Conditional Use Permit Application, with conditions set forth by the Planning Commission, for Alesha Whitehead to operate a Personal Service Business (Beauty Salon) on tax parcel 034-0A-0-40A, 1176 K-V Road, Victoria, VA 23974, consisting of 5.95 acres in an A-1 Agricultural zone.

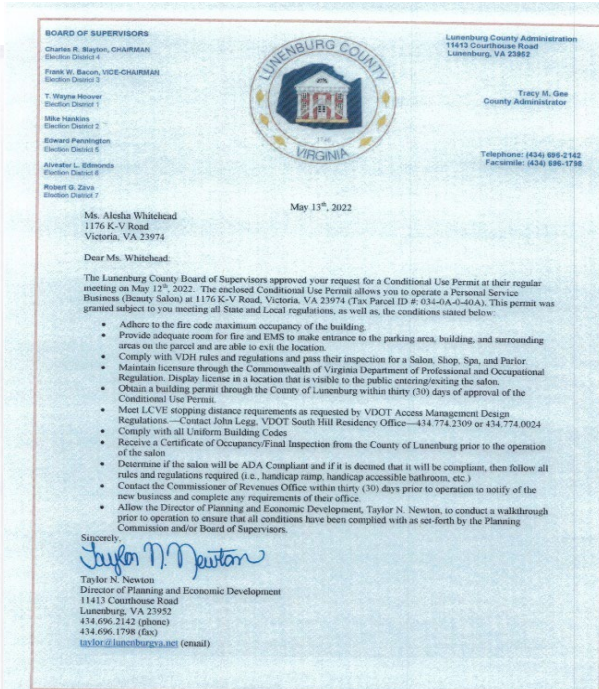
WHEREAS, Alesha L. Whitehead has petitioned the Lunenburg County Board of Supervisors for a Conditional Use Permit to operate a Personal Service Business (Beauty Salon) on property owned by Alesha L. Whitehead (Tax Map #034-0A-0-40A) at 1176 K-V Road, Victoria, VA 23974.

WHEREAS, after appropriate advertisements, the Lunenburg County Planning Commission held a public hearing and duly reviewed and recommended this application to the Lunenburg County Board of Supervisors for approval.

NOW THEREFORE LET IT BE RESOLVED, that a Conditional Use Permit is hereby granted to operate the Personal Service Business (Beauty Salon) at 1176 K-V Road, Victoria, VA 23974, in accordance with the recommendation of the Lunenburg County Planning Commission contingent upon your obtaining and maintaining all necessary permits and licenses and subject to all State and Local regulations, and empowers the Chairman of said Board to sign this document.

DATED: May 12, 2022

Charles R. Slayton
Charles R. Slayton, Chairman
Lunenburg County Board of Supervisors



Supervisor Hankins made motion, seconded by Supervisor Bacon and approved, with seven Supervisors voting yes, and none voting no, to increase the school's revenue as a result of previously awarded CARES Funds, a portion of newly awarded ESSERIII Set-Aside Unfinished Learning Grant and other grants that were not available during the FY22 budget development process, resulting in a total updated school budget for FY2022 of \$24,123,727.

School Finance Director and Assistant Superintendent James Abernathy presented the monthly school report. He advised that they are postponing new textbook adoption due to upcoming changes in literature requirements. The updated literature should be available in August or September, at which time they will adopt new textbooks. Mr. Abernathy reported that ADM of 1509.5 has been verified by the state. He doesn't believe they will have any reduction of funds from the state. Supervisor Hoover questioned if kindergarten registration had occurred yet and if so, asked for the projected ADM for the following school year. Mr. Abernathy replied it was complete and they are projecting an ADM of 1520. The state has projected 1528. Supervisor Edmonds asked for an estimated number of students being home schooled and Mr. Abernathy replied about 122 students. About twenty students unenrolled due to religious reasons and about half of the remaining who are homeschooling moved to Lunenburg County and were never previously enrolled in public schools.

Mr. Kevin Smith of VDOT, presented the monthly report. He advised that bridge crews will begin working on Route 671, Reedy Creek Road. They intend to have all work completed and the bridge back open by Memorial Day weekend. Mr. Smith reported that the rural rustic project on Tinkling Road had been completed. They plan to begin on Renrut Road in July. Crews have applied base stone to Martin Road and Burns Road. Supervisor Hoover commented that EMS & Fire crews recently needed assistance from VDOT regarding an emergency call. Crews contacted VDOT using the toll-free number as instructed and were given a two-hour estimated response time. Supervisor Hoover continued that VDOT arrived in about twenty minutes, however, he questioned why the long-time frame was given initially. Mr. Smith advised that all calls are going to one central dispatch location and are then passed down to the local levels. He added that until dispatch reaches the local office, it's difficult for them to provide an accurate response time.

Mr. Smith advised that the Secondary Six Year Plan needed to be reviewed and approved by the Board. He noted that although there is currently an increase in the cost of materials as well as the cost of fuel, the annual funding amount would not be increasing. The amount currently allocated for Lunenburg County is \$529,000. Mr. Smith commented that the Board could choose to add new projects as usual and juggle the current projects on the plan or push them back a year to accommodate the increase in costs. A second option would be to divide the \$529,000 equally among the current projects on the plan with twenty percent going towards each project for the increase in material costs. This option would allow for all the projects to be completed as planned. Supervisor Bacon questioned in a public hearing would be needed if the plan was unchanged. Mr. Smith replied yes, adding that this option would also mean no road paving project in 2028. However, if costs decrease, then the plan may be changed to incorporate another project.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved, with all seven Supervisors voting yes, and none voting no, to hold a public hearing on the FY2022-29 VDOT Secondary Six Year Plan.


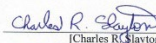

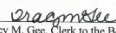
Supervisor Pennington commented that trucks hauling trash to the landfill continue to use Mecklenburg Avenue when traveling to the landfill. The trucks are creating a safety hazard and destroying the road. Supervisor Pennington requested the Board's support in getting the route approved as a restricted route for trucks. Supervisor Hoover inquired about the process to classify a road as restricted. Mr. Kevin Smith shared that the County and the Town of Victoria would both have to follow the process as part of the route is in the County and part in the Town. He continued that both would need to hold a public hearing and allow for public comment. Then, both governing bodies would need to approve a resolution requesting the restricted access. Those requests would be presented to the State Transportation Board for review. If approved, signs would be

placed and law enforcement officials would need to enforce the restricted access route. Mr. Smith advised that he has been in contact with traffic engineering department and they are adding additional signs along the route. They have ordered and plan to install a dozen directional signs that read 'Landfill'. They intend to have the signs installed in the next week or two. Supervisor Edmonds asked if a resolution was needed to move forward with the request. Mr. Smith replied that the County and the Town of Victoria would both need to hold a public hearing and approve a resolution.

Supervisor Edmonds made motion, seconded by Supervisor Hankins and approved, with all seven Supervisors voting yes, and none voting no, to prepare a resolution for approval requesting VDOT consider designating Mecklenburg Avenue extending to Mecklenburg Street as a restricted truck traffic route.

Administrator Gee shared a request from the Sheriff's Office to accept a USDA Community Facilities Program Grant to purchase police vehicles. The \$50,000 grant requires a local match of \$50,000, which the Sheriff's office has available in their capital funds budget. Administrator Gee requested approval of a resolution agreeing to the conditions set forth by the USDA, who will administer the grant.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and approved, with all seven Supervisors voting yes, and none voting no, to accept the USDA Community Facilities Program Grant to purchase police vehicles in the amount of \$50,000 with local match of \$50,000 and approve the required resolution for the conditions of the grant.

<p>BOARD OF SUPERVISORS Charles R. Stuyton, CHAIRMAN Election District 4 Frank W. Bacon, VICE-CHAIRMAN Election District 3 T. Wayne Hoover Election District 1 Mike Hankins Election District 2 Edward Pennington Election District 5 Alvester L. Edmonds Election District 6 Robert G. Zava Election District 7</p>		<p>Lunenburg County Administration 11413 Courthouse Road Lunenburg, VA 23062</p> <p style="text-align: right;">Tracy M. Gee County Administrator</p> <p style="text-align: right;">Telephone: (434) 696-2142 Facsimile: (434) 696-1789</p>
RESOLUTION OF GOVERNING BODY OF Lunenburg County		
<p>The Governing Body of the County of Lunenburg, consisting of 7 members, in a duly called meeting held on the 12th day of May, 2022, at which a quorum was present, RESOLVED as follows:</p>		
<p>BE IT HEREBY RESOLVED that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the development of a Sheriff's Office Vehicle Purchase Grant to serve the community, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.</p>		
<p>BE IT FURTHER RESOLVED that the Board Chairman of the Lunenburg County Board of Supervisors be authorized to execute on behalf of the County of Lunenburg the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.</p>		
<p>This Resolution is hereby entered into the permanent minutes of the meetings of the Lunenburg County Board of Supervisors.</p>		
<p style="margin-left: 100px;"> [Charles R. Stuyton, Board Chairman]</p>		
<p>Attest:  [Nicole A. Clark, Deputy County Administrator]</p>		
CERTIFICATION		
<p>I hereby certify that the above Resolution was duly adopted by the Governing Body of the Lunenburg County Board of Supervisors during a duly assembled meeting on the 12th day of May, 2022. The resolution passed on a vote of 7 ayes, 0 nays, 0 absent.</p>		
<p style="text-align: center;"> Tracy M. Gee, Clerk to the Board of Supervisors</p>		
<p>Revised 08/23/2018</p>		

Administrator Gee advised the Board that the final report regarding the 2019 CSA Audit, covering the period from May 1, 2020 to April 30, 2021 was received. She noted that during this time a new CSA Coordinator was hired and shortly after was on leave for maternity. She left employment before returning from leave and the County now has a part-time coordinator who also works for Nottoway County. The part-time coordinator has worked well with auditors and administration. Administrator Gee reported that no findings of financial significance were reported, but operational changes have been made to address the other findings.

Administrator Gee shared a request from Sheriff Arthur Townsend regarding proceeds, in the amount of \$39,888.15, from the Martin E. Spence Estate, which his office received for administering the estate. He

requested these funds be placed in the Sheriff's Office Capital Fund to assist with the purchase and equipment needs for the new vehicles.

Supervisor Edmonds made motion, seconded by Supervisor Bacon and approved, with all seven Supervisors voting yes, and none voting no, to accept proceeds from the Martin E. Spence Estate, which Sheriff Townsend received for administrating the estate, in the amount of \$39,888.15 be placed in the Sheriff's Office Capital Fund to assist with the purchase of new vehicles.

Administrator Gee reported that the Animal Control Shelter recently underwent the annual VDACS inspection. She reported that the inspection listed no findings and congratulated Animal Control Officer Ray Elliott and Deputy Animal Control Officer Cindi Cappabianca.

Administrator Gee presented the draft FY2023 County budget. She noted that real estate and personal property revenue would see increases due to increases in value. She explained that the logging equipment tax had been reduced by one-third as previously determined by the Board. Local sales and use taxes, local fines and fees, and landfill expense were expected to increase. Administrator Gee has not received the final state budget numbers but has included the projected 5% COLA increase across the board for all county staff as well as increasing the starting salary to \$42,000 for sheriff deputies, based on State budget proposals. She has also included a \$60,000 increase for emergency medical services as requested by the Finance Committee. Other increases include the Midflight appropriation, Piedmont Regional Jail appropriation, building and grounds maintenance costs, minimum wage increase for part-time staff and Animal Control to support a full-time deputy officer. Administrator Gee advised that funds were included in the Solid Waste fund for improvements at the Courthouse trash collection site. Administrator Gee suggested the Board consider a public hearing be held on the budget on June 2, 2022 at 6:00 p.m. If that date suits, she will proceed with advertising the budget in the local paper. Supervisor Hoover noted that the Finance Committee had consulted with Administrator Gee on the revenue and expenses. They are in agreement with the draft budget as presented.

Supervisor Zava made motion, seconded by Supervisor Pennington and approved, with all seven Supervisors voting yes, and none voting no, to advertise the budget as presented and hold a public hearing on June 2, 2022.

Supervisor Hoover explained that the Finance Committee has reviewed the financial impact that Solar facilities will have on Lunenburg County. Virginia law allows counties to receive compensation from solar developers to offset these impact expenses and the need for the construction of public improvements such as the emergency communications system which will support solar facilities throughout the county. Accordingly, the Finance Committee recommends that the County adopt a financial compensation policy to pay for expenses that the County will experience in the future as a result of solar projects. It is recommended and moved that the Board of Supervisors adopt a policy where a solar developer will pay, in addition to annual revenue share payments, compensation to the County of \$25,000 per megawatt that the solar development will generate. This payment would be made as follows: 1/3 within 60 days of a Conditional Use Permit being approved by the Board of Supervisors; 1/3 at the time a building permit is issued for construction of the solar facilities; and 1/3 within 90 days of the commencement of commercial operations at the solar facilities. The Finance Committee recognizes that in 2022, three other rural counties in Virginia have approved Conditional Use Permits with similar financial requirements. Additionally, the Finance Committee recommends that the financial considerations be agreed to in writing prior to the Conditional Use Permit application being heard by the Planning Commission. Finally, the County will require the solar developer to pay a building permit fee in an amount necessary to cover the County's expenses for third party consultants, professional fees, operational expenses, county staff time and administrative expenses that will be incurred during the building process. The Solar Committee joins in this recommendation and motion.

Supervisor Hoover made motion seconded by Supervisor Bacon and approved, with all seven Supervisors voting yes, and none voting no, to adopt a policy requiring a solar developer pay, in addition to annual revenue share payments, compensation to the County of \$25,000 per megawatt that the solar development will generate. Payments will be made as follows: 1/3 within 60 days of a Conditional Use Permit being approved by the Board of Supervisors; 1/3 at the time a building permit is issued for construction of the solar facilities; and 1/3 within 90 days of the commencement of commercial operations at the solar facilities. Financial considerations must be agreed to in writing prior to the Conditional Use Permit application being heard by the Planning Commission. The solar developer will pay a building permit fee and an escrow fund in an amount necessary to cover the County's expenses for third party consultants, professional fees, operational expenses, county staff time and administrative expenses that will be incurred during the building process.

Administrator Gee advised that the FY21 annual Meridian Waste community donation amount of \$50,000 was dedicated to public safety in the form of funds toward the Radio System Project (LUIS). The Board allocated \$3,000 of those funds to help send the Lunenburg Baseball All-Stars to Tennessee. The remaining \$47,000 is currently in fund 316 for Emergency Capital, but should be transferred to Fund 215 where the consulting fees for the project have been expensed.

Supervisor Hoover made motion, seconded by Supervisor Hankins and approved, with all seven Supervisors voting yes, and none voting no, to move \$47,000 from the FY21 annual Meridian Waste community donation out of fund 316 and into fund 215.

Administrator Gee advised that the FY22 donation is up for recommendation and staff again recommends to devote the funds toward Project LUIS. The expenses for this project have reduced the fund balance for the contribution to the E911 fund, which fees the Emergency Services Capital fund. Administrator Gee recommended the Board allocate the \$50,000 FY22 funds from Meridian Waste to fund 215 for project costs associated with Project LUIS.

Director of Community Development and Planning, Taylor Newton, provided her monthly report. She advised that she had been assisting the two towns with economic development prospects. Ms. Newton shared that the Dogwood Lane Solar Project would be coming before the Board in the coming months. She announced that Virginia's Growth Alliance was awarded \$100,000 by the GO VA initiative as a part of the Restart/Refresh program.

Mrs. Cindy Foley of 11398 Courthouse Road spoke before the Board regarding a conditional use permit issued for their Mimosa Lake Park business in 1995. Then, in 2015, they contacted the Virginia Outdoors Foundation to pursue a Conservation Easement. The Planning Commission determined that their C.U.P. for Mimosa Lake Park would need to be revoked if they obtained a Conservation Easement. Mrs. Foley indicated that in 2016, at a Planning Commission meeting she was not notified about, their CUP was rescinded. She noted that she nor her husband made this request, nor had they continued with the Conservation Easement. She has met with Administrator Gee, Director of Community Development and Planning Taylor Newton and Planning Commission Chairman Buck Tharpe and spoken to Supervisors and the County Attorney with additional information. Mrs. Foley requested that the Board reinstate the original CUP. Administrator Gee recommended the Board formally recognize that the C.U.P. was never rescinded by the Board of Supervisors, which is the governing body who has the authority to issue or rescind conditional use permits.

Supervisor Bacon made motion, seconded by Supervisor Pennington and approved, with all seven Supervisors voting yes, and none voting no, to acknowledge the conditional use permit for Mimosa Lake Park on the property owned by Mr. and Mrs. Robert Foley at 11398 Courthouse Road was never formally rescinded.

Administrator Gee recommended that the application fee for a solar farm CUP be increased to \$2,500 plus any other costs incurred for advertising, postage, etc. These applications require three public hearings and additional staff preparation.

Supervisor Edmonds made motion, seconded by Supervisor Bacon and approved, with all seven Supervisors voting yes, and none voting no, to increase the application fee for a solar farm CUP. to \$2,500 plus any other costs incurred for advertising, postage, etc.

Supervisor Hankins shared a request for cash match from the county to apply for \$100,000 in GO Virginia Enhanced Capacity Building Grant fund to fund a business plan for the creation of a new regional economic development organization for the CRC footprint counties and Longwood University. The cash match request is \$2,500 from each of the seven member counties and Longwood University and a \$10,000 match from the CRC.

Supervisor Hankins made motion, seconded by Supervisor Pennington and approved, with all seven Supervisors voting yes, and none voting no, to approve a cash match of \$2,500 from the county to the Commonwealth Regional Council in order to apply for \$100,000 in GO Virginia Enhanced Capacity Building Grant and the funds will come from the return of funds from the CRC budget.

Administrator Gee provided her monthly report. She advised that renovations at the current Cooperative Extension Office have begun in preparation for the Commonwealth Attorney's Office move. They will hire a moving company to move large and heavy items at the county's expense as was done for the Cooperative Extension Office during their move to the town hall in Kenbridge. County Attorney Rennie noted that the Circuit Court Clerk's fee schedule had been updated in January 2022. The last date of codification was 2020, therefore, a public hearing will be needed to update the date and fees. Administrator Gee provided an update on Project LUIS. She advised that L3 Harris is anxious to proceed and need an update on the location of all towers that will be used.

County Attorney Rennie provided an update on the Red Brick Solar project. He noted that two members of the finance committee met with representatives of Red Brick Solar to discuss the financial terms for the county siting agreement. He noted that Red Brick Solar representatives were going to report back to their management and contact his office when a decision was made. County Attorney Rennie advised that he has not yet heard from Red Brick Solar. Action on the CUP application will need to be taken at the June meeting one way or another as their time line for the application will be exhausted.

Supervisor Hoover made motion, seconded by Supervisor Pennington and approved, with all seven Supervisors voting yes, and none voting no, to continue the meeting to June 2, 2022 at 6:00 p.m.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors