

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

Minutes of the June 9, 2022 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, June 9, 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, Edward Pennington, Charles R. Slayton, Robert Zava, Deputy Administrator Nicole A. Clark, and County Attorney Frank Rennie. County Administrator Tracy M. Gee and Supervisor T. Wayne Hoover attended virtually.

Chairman Slayton called the meeting to order.

County Attorney Rennie provided the invocation and led the Pledge of Allegiance.

Chairman Slayton requested additions to the agenda from the Board and the public. Supervisor Hankins requested that Piedmont Senior Resources be added as 9E. Supervisor Hoover requested that an amendment to a motion at a previous meeting on solar farms be added as 9G. Supervisor Edmonds requested that an appointment to the Board of Zoning be added as 9F. Planning Commission Chairman James "Buck" Tharpe requested that an update to the Dominion Energy Transmission Line be added as 13A.

County Attorney Rennie advised that he had received a conflict-of-interest form from Supervisor Slayton regarding agenda item 7A, Red Brick Solar Siting Agreement. He added that Supervisor Slayton would abstain from any motions due to a personal interest.

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

It was noted that the April 14, 2022 minutes had been revised in the last paragraph to change the phrase "five thousand acres" to "five hundred acres", as shown below:

County Attorney Rennie shared an article regarding solar projects in Mecklenburg County. He advised that Mecklenburg no longer accepts applications in excess of five hundred acres or allows a facility be placed within one mile of a town or two miles of another solar facility. County Attorney Rennie noted the Solar Committee held a meeting the previous week and discussed three applications currently submitted for review. The committee expects the Board may have a public hearing on one of the projects within the next few months.

Supervisor Edmonds made motion, seconded by Supervisor Hankins and unanimously approved, to accept the Consent Agenda to include the revised April 14, 2022, the May 12, 2022 meeting minutes, the Treasurer's March 2022 reports and the following Warrants for Approval:

May 2022:	Payroll: Direct Deposit	\$ 156,637.98
	Payroll Check #2008	\$ 1,097.38
	Payroll Taxes Federal:	\$ 50,681.70
	Payroll Taxes State:	\$ 9,079.80
	Payroll VRS payment:	\$ 34,278.30
	Payroll ICMA-RC payment:	\$ 1,420.64
	Payroll Health Savings Deposits:	\$ 3,830.95
	DEBT SERVICE WIRES	\$ 160,821.25
	Accounts Payable: #80919-81042	\$ 560,504.10

Total:

\$ 978,352.10

Supervisor Hankins made motion, seconded by Supervisor Edmonds and unanimously approved, to enter public hearing regarding the proposed solar siting agreement with Red Brick Solar, LLC and update the fees in the ordinance pursuant to the Circuit Courts Clerk's Office fee schedule.

County Attorney Rennie reviewed the proposed siting agreement and conditional use permit for Red Brick Solar, LLC. Mrs. Judy Brothers of the Friends of the Meherrin, as well as Mr. John Janson of 830 West High Street, South Hill, Virginia spoke in opposition to the agreement and CUP. Mr. Malcolm Bailey of 606 Bailey Road and Mr. Robert Hawthorne of 1099 Hardy Road spoke in favor of the project. Mrs. Abigail Barnes of 559 Lunenburg County Road questioned if the drinking water of nearby residents would be affected by such a project. Director of Community Development, Taylor Newton, stated that she had received several emails in support of the project. Mr. John Puvak, Attorney for the Red Brick Solar, LLC project noted that they are ready to move forward since development of the proposed siting agreement had been a long process. Mr. Puvak added, that if approved, the next step would be presenting the proposal to DEQ for approval. Mr. Jeff Hammond of Apex, noted that he looks forward to getting started.

Administrator Gee then presented the request to codify the Clerk of Circuit Court fees. The Circuit Court Clerk's Office last adopted an updated fee schedule in 2020. She noted that the fees have once again changed. She recommended an update to the ordinance with approval of the new fee schedule and removal of the date so that it would not require approval each time a fee is updated. She stated that the fee schedule would be referenced in the ordinance.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to exit public hearing.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to approve the Clerk of Circuit Court fee schedule ordinance update, removing the fee schedule date from the ordinance, and list the detailed fees in an appendix to the ordinance.

County Attorney Rennie highlighted the updates to the Red Brick Solar, LLC proposed Conditional Use Permit. He advised that construction traffic would be restricted to the hours of 7:00 am to 7:00 pm. He added that there will be a three-day period that will allow for extended hours for transformer construction. Delivery vehicles will not be allowed during the time frame that school buses are traveling on school days. Delivery vehicles must use the main routes in the county and may deliver Monday through Saturday. County Attorney Rennie indicated that the CUP addressed erosion and sediment control, as well as road maintenance and repairs that may be needed after construction. He advised that the Solar Committee worked diligently on both the siting agreement and the CUP and recommended acceptance and approval of both.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved, by roll call vote, with six Supervisors voting yes, none voting no, and Supervisor Slayton abstaining, to approve the Solar Energy Siting Agreement with Red Brick Solar, LLC by resolution and the Conditional Use Permit for Red Brick Solar, LLC by resolution and allow the Chairman and Vice-Chairman to sign the documents.

LUNENBURG COUNTY, VIRGINIA
RESOLUTION REGARDING APPROVAL OF
RED BRICK SOLAR'S SITING AGREEMENT

WHEREAS, Red Brick Solar, LLC filed an application for a Conditional Use Permit to construct a 130 megawatt solar facility in Lunenburg County; and

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

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

WHEREAS, the Lunenburg County Board of Supervisors Finance Committee and Solar Committee have reviewed the Siting Agreement and recommend approval;

NOW THEREFORE, Lunenburg County Board of Supervisors does hereby approve the attached Siting Agreement which incorporates the approved Conditional Use Permit for the Red Brick Solar facility to be constructed in Lunenburg County, Virginia.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 6 to 0, as recorded below, at a regular meeting held on June 9, 2022.

Tracy M. Gee
Clerk, Board of County Supervisors

	Aye	Nay
Dr. Bacon	✓	—
Mr. Edmonds	✓	—
Mr. Hankins	✓	—
Mr. Hoover	✓	—
Mr. Pennington	✓	—
Mr. Slayton	Abstain	—
Mr. Zava	✓	—

LUNENBURG COUNTY, VIRGINIA
RESOLUTION REGARDING APPROVAL OF
RED BRICK SOLAR CONDITIONAL USE PERMIT

WHEREAS, Red Brick Solar, LLC has filed an application with Lunenburg County to construct a 130 megawatt solar facility on property located within Lunenburg County; and

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

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

WHEREAS, Lunenburg County Board of Supervisors held a public hearing at their regular meeting on September 9, 2021; and

WHEREAS, the Lunenburg County Board of Supervisors deferred its decision on the Conditional Use Permit to a later date; and

WHEREAS, the Lunenburg Solar Committee and Red Brick Solar have recommended amendments to the Conditions presented at the September 9, 2021 Board of Supervisors meeting; and

WHEREAS, the Board of Supervisors has reviewed the Conditional Use Permit with amendments noted, and found the Conditions, as amended, to be satisfactory;

NOW THEREFORE, Lunenburg County Board of Supervisors does hereby approve and grant the Conditional Use Permit attached hereto with changes as presented in the attached conditions.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 6 to 0, as recorded below, at a regular meeting held on June 9, 2022.

Tracy M. Gee
Clerk, Board of County Supervisors

	Aye	Nay
Dr. Bacon	✓	—
Mr. Edmonds	✓	—
Mr. Hankins	✓	—
Mr. Hoover	✓	—

	Aye	Nay
Mr. Pennington	✓	—
Mr. Slayton	Abstain	—
Mr. Zava	✓	—

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to enter public hearing regarding the proposed Secondary Six-Year Plan for Fiscal Years 2022/23 through 2028/29 and the Secondary System Construction Program Budget for Fiscal Year 2022/23.

Mr. Kevin Smith of VDOT presented the proposed Secondary Six Year plan. He advised that last year's construction estimates were about \$3.1 million. He noted that the cost of fuel and materials have increased tremendously in the past twelve months. Mr. Smith proposed using the additional funds allocated this year and applying them to the projects currently on the plan instead of adding new roads. This will ensure funds are available to complete the currently scheduled projects on the construction plan.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to exit public hearing.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to approve the Secondary Six-Year Plan for Fiscal Years 2022/23 through 2028/29, the Secondary System Construction Program Budget for Fiscal Year 2022/23 and adopt the resolution.



Resolution for Secondary Six Year Plan

At a regular meeting of the Board of Supervisors of the County of Lunenburg, held at the Lunenburg Courts Building on June 9, 2022 at 6:00 p.m.

On motion by Supervisor Bacon, seconded by Supervisor Edmonds and carried:

WHEREAS, Sections 33.2-358 and 33.2-331 of the Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2023 through 2029) as well as the Construction Priority List (2023) on June 9, 2022 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Tommy Johnson, Residency Administrator and Kevin Smith, Assistant Residency Administrator, of Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2023 through 2029) and the Construction Priority List (2023) for Lunenburg County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Lunenburg County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2023 through 2029) and Construction Priority List (2023) are hereby approved as presented at the public hearing.

A COPY,

TESTE:

Tracy M. Gee
Tracy M. Gee, County Administrator

Assistant School Superintendent and Finance Director James Abernathy provided the monthly school report. He advised that they will continue to receive ESSER II CARES funds reimbursements as work continues on the new HVAC systems at the elementary schools. Mr. Abernathy advised that they would have an amendment to the FY2022-2023 budget revenue, as the state funds revenue had increased significantly following State budget approval. This increase calls for a subsequent adjustment to required local match amount from the county. The new proposed school system budget for fiscal year 2023 equates to \$29,557,000. Administrator Gee advised that if the Board adopts the current FY23 County budget, then the Board may hold a public hearing at the July Board meeting to increase the total budget following School Board approval. Mr. Abernathy presented supplemental appropriation request number five for FY22 to the Board for approval. The school division was awarded a \$37,000 CTE Competitive Innovative Program Equipment Grant that was made available after the approved FY2022 budget, which do not require any additional transfer of local funds. Mr. Abernathy requested the appropriation of the additional \$37,000 to the FY2022 School Board Budget, revising the total budget to \$24,161,226.93.

Supervisor Hankins made motion, seconded by Supervisor Pennington and unanimously approved, to appropriate the additional \$37,000 in CTE Competitive Innovative Program Equipment Grant funds to the FY2022 School Board Budget, revising the total budget to \$24,161,226.93.

Supervisor Zava commented that with the State increase in funding of the School's FY2022-23 budget, an additional increase in local funds of over \$300,000 would be required by the county. He noted that this figure represents a four-cent increase in the real estate tax rate, a ten percent increase. Supervisor Zava stated that this is one example of why a large use of reserve funds is needed to balance the upcoming budget. The Board has elected not to pass the increase in cost on to taxpayers. He added that state mandates and requirements such as these are the reason the county must find new ways to increase revenue. Supervisor Zava noted that the sale of the county landfill and approval of solar farms have brought new revenue sources, allowing the county to maintain a low tax rate.

Mr. Kevin Smith provided the monthly VDOT report. He noted that bridge repairs on Reedy Creek Road had been completed. Also, improvements to Tinkling Road were complete. Construction will begin on Renrut Road in the next week or two. Supervisor Pennington thanked Mr. Smith for the additional signs along the truck route to the landfill, as well as, along Mecklenburg Avenue in Victoria. Administrator Gee advised that the County will wait to post a public hearing for the "no through trucks" request to the Virginia Transportation Board until the Town of Victoria makes a decision on whether to proceed with the request for VDOT to move forward with prohibiting through trucks on Mecklenburg Avenue/Mecklenburg Street.

Administrator Gee shared that mileage reimbursement for Supervisors who attend out-of-county meetings was discussed at a previous meeting. She estimates Supervisor travel mileage to be about five-thousand miles per year to out-of-county meetings, therefore an additional \$3,000 would need to be added to the budget for mileage reimbursements. Supervisor Hankins commented that he supports the mileage reimbursement as he has driven a lot of miles on his personal vehicle to attend meetings.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to approve reinstating a mileage reimbursement in the budget for out-of-county meetings for the Board of Supervisors.

Supervisor Hankins advised that Mr. Mike Champion is currently serving on the Piedmont Senior Resources Board of Directors, however, Mr. Champion has advised that he will need to step down from the position. Supervisor Hankins is looking for a replacement. Supervisor Edmonds noted that he had spoken with Mr. Dennis Hudson, who currently serves on the Board of Zoning. Mr. Hudson has agreed to be reappointed.

Supervisor Edmonds made motion, seconded by Supervisor Bacon and unanimously approved, to reappoint Mr. Dennis Hudson of 1271 Starlight Lane, Kenbridge, VA to the Board of Zoning for another five-year term beginning July 1, 2022 through June 30, 2027.

Supervisor Hoover advised that 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 staff and administrative expenses. The Developer shall also pay into escrow an amount as determined by the County to cover those expenses that the County may incur for third party consultants, professional fees and operational expenses during the building process. Supervisor Hoover shared that the Solar Committee agrees with this recommendation and motion.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to adopt a financial compensation policy for solar projects as described above.

A request was shared from Meherrin Volunteer Fire and Rescue to obtain a Fireworks Display Permit for their annual event. This year's event will be held on July 2nd and Flashover Fireworks is the company authorized to discharge the firework.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to approve the request from Meherrin Volunteer Fire and Rescue to obtain a Fireworks Display Permit for the annual event to be held on July 2nd.

Administrator Gee shared a letter from Meridian Waste requesting permission in sampling soils on the County-owned property across from the landfill where the County Animal Shelter is located. The purpose of the soil study is to determine whether the land has soil suitable for use as a borrow pit. She requested approval from the Board to allow Meridian Waste to sample the soil.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to approve the request from Meridian Waste to test the soil on County-owned property across from the landfill where the County Animal Shelter is located.

Administrator Gee reviewed the proposed FY2022-23 budget. She noted that CSA administrative funds included with the county funds would need to be moved to the Social Services budget. This change would not affect the total budget amount. Per the earlier decision on mileage reimbursement, \$3,000 would need to be added to the Board of Supervisors' travel line item. Administrator Gee restated the increase in the school system's required local amount would need to be advertised for the July meeting because this amount will exceed one percent of the advertised budget total, a public hearing is necessary. Gee recommended the Board adopt the advertised budget and hold a public hearing for the school adjustment in July.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to approve and appropriate the FY2022-23 county budget, with school system funds only appropriated for the first six months.

APPROPRIATION RESOLUTION

WHEREAS, the Lunenburg County Board of Supervisors annual budget appropriation for Fiscal Year 2021-2022 expires on June 30, 2022, and;

WHEREAS, the Lunenburg County Board of Supervisors, according to State Code, adopted a budget for Fiscal Year 2022-2023, commencing July 1, 2022, and;

AND WHEREAS, the Lunenburg County Board of Supervisors is required to appropriate funds within the adopted budget for Fiscal Year 2022-2023 prior to the expenditure of budgeted funds, and;

NOW, THEREFORE, BE IT RESOLVED, the Lunenburg County Board of Supervisors approves the following appropriations for the departments, agencies, Constitutional Offices, and the Lunenburg County School Board for expenditure beginning July 1, 2022 for Fiscal Year 2022-2023:

<u>GENERAL FUND</u>	<u>FY 2023 BUDGET</u>
Board of Supervisors	54,070
County Administration	299,970
Professional Services	115,000
Commissioner of the Revenue	246,860
Treasurer	263,440
Data Processing	64,000
Electoral Board	61,900
Registrar	148,140
Circuit Court	13,400
General District Court	2,600
Magistrate	1,325
Juvenile/Dom. Relations Court	78,300
Clerk, Circuit Court	342,660
Courthouse Security	21,600
Victim Witness	74,280
Commonwealth Attorney	346,880
Sheriff's Department	1,368,500
Volunteer Fire & Rescue/Grants	364,400
Piedmont Regional Jail	725,000
Building Inspector	104,360
Animal Control	134,330
Maintenance/Buildings	245,090
Health Dept	95,500
Medical Examiner	200
Crossroads	53,000
Planning/Zoning/Permitting	16,100
Community Organization Support	299,480
Community/Econ Dev. (Office)	85,890
IDA Tax Incentives	67,000
Cooperative Extension	51,800
Refunds / DMV Stops	25,000
Prop/Liability/LODA/WC Ins.	73,500
<u>Capital Improvements</u>	<u>100,000</u>
Total General Fund	5,943,575

<u>SPECIAL FUNDS:</u>	
<u>Reassessment</u>	50,000
<u>Solid Waste Operations Fund</u>	315,300
<u>Solid Waste Convenience Sites</u>	114,000
<u>Law Library</u>	1,000
<u>E-911 Fund</u>	303,760
<u>Airport Fund</u>	45,400
<u>Economic Development Fund</u>	2,400
<u>School Fund (appropriate through 1/1/23)</u>	50% of Adopted
Instruction	7,985,509
Admin/Attendance/Health	609,023
Transportation	814,435
Operations & Maintenance	1,111,586
School Food	537,617
Technology	502,388
Grants – No local match	<u>2,806,018</u>
<u>School Fund Total</u>	14,366,576
<u>Social Services Fund</u>	1,645,000
<u>Comprehensive Services Act</u>	1,190,000
<u>COVID-19 Funds/American Rescue Plan</u>	2,084,465
<u>Emergency Services Capital Equipment</u>	537,950
<u>Project Lifesaver</u>	800
<u>Voting Machine Fund</u>	5,000
<u>Capital Outlay - Radio System (LUIS)</u>	2,500,000
<u>Debt Service</u>	1,649,900
TOTAL SPECIAL FUNDS:	<u>\$39,178,121</u>
<u>TOTAL COUNTY BUDGET:</u>	<u>\$52,067,075</u>

Director of Planning and Community Development, Taylor Newton, provided her monthly report. She advised that she will soon be attending Zoning Administrator training. She requested the Board consider increasing the application fee on Conditional Use Permit applications for utilities to \$2,500. She added that the costs associated with this type of application are proving to be much greater than the typical CUP application process.

Supervisor Hoover made motion, seconded by Supervisor Hankins, and unanimously approved, to increase the Conditional Use Permit application fee for utilities to \$2,500.

Mr. Buck Tharpe, Chairman of the Planning Commission, provided a review of Dominion Energy's proposed transmission line as discussed at a meeting held in the County previously in the week. He noted that Dominion Energy planned to visit local governing bodies to provide additional information in the near future.

Administrator Gee provided her monthly report. In regards to Project LUIS, she noted that CTA Consultants and County Attorney Rennie were successful in obtaining an affordable lease agreement for the Kenbridge Crown Castle tower and no construction costs will be necessary at that location. She and Rodney

Newton are working with the local historical society regarding the monopole tower installation. Administrator Gee advised that she will be requesting a Landfill Committee meeting in August, once soil testing has been completed at the animal shelter.

Supervisor Pennington made motion, seconded by Supervisor Edmonds, and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel for 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	VOTING NO	ABSENT
Supervisor Edmonds		
Supervisor Hankins		
Supervisor Bacon		
Supervisor Hoover		
Supervisor Pennington		
Supervisor Slayton		
Supervisor Zava		

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

Supervisor Zava made motion, seconded by Supervisor Pennington, and unanimously approved, to increase the County Administrator’s salary for FY2022-23 by \$10,000.

Supervisor Zava made motion, seconded by Supervisor Pennington and unanimously approved, to adjourn.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors