

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

Minutes of May 13, 2021 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, May 13, 2021 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Frank Bacon, 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.

Due to the COVID-19 pandemic, guests, Supervisors and staff adhered to social distancing and wearing masks in the courtroom.

Chairman Slayton called the meeting to order.

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

Chairman Slayton requested additions to the agenda from the Board and the public. Supervisor Hoover requested that Crossroad Community Services Board be added as 14B. County Attorney Rennie requested that an ordinance for revenue sharing on solar projects be added as 15D. Administrator Gee requested that item 13A Letter of Appeal by Red Brick Solar, LLC be moved to item 10A.

Chairman Slayton requested any discussion for the Citizen Comment Period. There were no requests to speak.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved by roll call vote, with all Supervisors voting yes, and none voting no, to accept the Consent Agenda to include the Minutes of the April 8, 2021 meeting, the Treasurer's March reports and the following Warrants for Approval:

April 2021:	Payroll: Direct Deposit	\$ 137,461.62
	Payroll Check #17230	\$ 634.78
	Payroll Taxes Federal:	\$ 43,150.04
	Payroll Taxes State:	\$ 7,600.56
	Payroll VRS payment:	\$ 29,832.70
	Payroll ICMA-RC payment:	\$ 905.24
	Payroll Health Savings Deposits:	\$ 4,495.63
	Accounts Payable: #60808-60985	<u>\$ 833,037.99</u>
	Total:	\$ 1,057,118.56

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved by roll call vote, with all Supervisors voting yes, and none voting no, to enter into public hearing regarding a Conditional Use Permit for Nowlin Towing and a Revision of County Code Section 74-31 regarding county decal license fee exemption for 100 percent disabled veterans.

Mr. Dillon Nowlin requested a Conditional Use Permit to locate a storage lot for wrecked vehicles associated with Nowlin Towing on parcel 048-0A-0-84C consisting¹of 10.47 acres located at 240 Switchback Road,

Kenbridge VA 23944. Director of Planning and Economic Development, Taylor Newton, advised that at the April 20, 2021 meeting, the Planning Commission voted in favor of approving the Conditional Use Permit for Dillon Nowlin with the following conditions:

1. Operations on site must comply with the Lunenburg Zoning Ordinance.
2. Operations on site must comply with the procedures of the Virginia State Police.
3. The storage lot is to be no greater than 50 feet by 50 feet, which is the size of the current storage area.
4. The storage area shall not be visible from the adjacent property.
5. Mitigation processes for collecting leaking fluids from vehicles, as proposed, be used. This includes impervious barriers and oil dry be disposed of by an authorized disposal company.
6. Storage time for each vehicle is limited to 60 days.
7. The Conditional Use Permit is limited to the applicant and does not run with the property.

Mr. Neal Fogg of 3271 Sneads Store Road spoke in favor of the proposed storage lot and Nowlin Towing Service.

Administrator Gee advised that Commissioner of the Revenue Liz Hamlett had shared that the General Assembly had amended the VA Code section 58.1-3668 to remove the reference to the county decal for license fees and allow a tax exemption of one motor vehicle for 100 percent disabled veterans. County Attorney Rennie prepared a revision of County Code Section 74-31 following suit with the state code amendment as below:

“ARTICLE II. - VEHICLE LICENSE

Sec. 74-31. - Required; exceptions

(a)

Every motor vehicle, trailer and semitrailer, which is normally garaged, stored or parked within the county and operated upon the streets, highways or roads within the county, for business purposes or for the private use and benefit of the owner thereof, shall be licensed in the name of the owner in accordance with the provisions of this article, and it shall be unlawful for any person to drive or operate such a vehicle on the streets, highways or roads within the county, unless such vehicle is so licensed ~~as evidenced by a county decal.~~

(b)

This section shall not apply to farm vehicles as defined in Code of Virginia, § 46.2-698, nor to any other type of vehicle, which is exempt from state or local registration and licensing pursuant to state law.

(c) [to be added]

This section shall not apply to a motor vehicle owned and used primarily by or for a 100 percent service-connected, permanent, and totally disabled veteran pursuant to § 58.1-3668.”

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved by roll call vote, with all Supervisors voting yes, and none voting no, to exit public hearing regarding a Conditional Use Permit for Nowlin Towing and a Revision of County Code Section 74-31 regarding county decal license fee exemption for 100 percent disabled veterans.

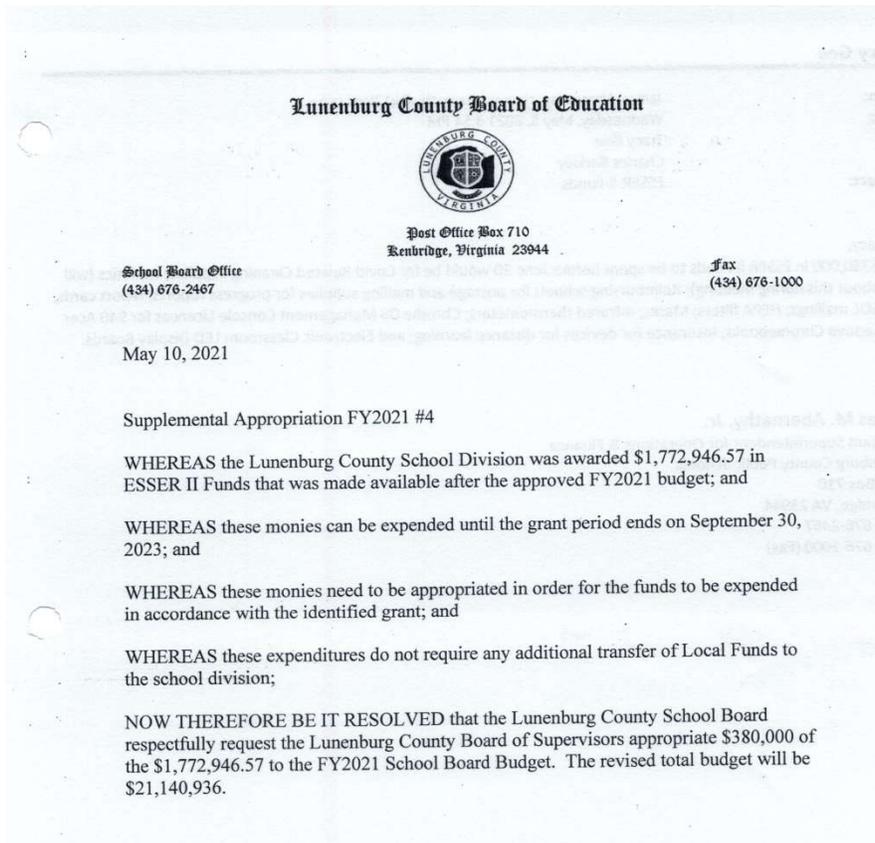
Supervisor Hoover made motion, seconded by Supervisor Pennington and approved by roll call vote, with all Supervisors voting yes, and none voting no, to approve the Conditional Use Permit for Nowlin Towing per the conditions recommended by the Planning Commission.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and approved by roll call vote, with all Supervisors voting yes, and none voting no, to the Revision of County Code Section 74-31 regarding county decal license fee exemption for 100 percent disabled veterans.

Mr. Kevin Smith with VDOT presented the monthly report. He reported that crews and subcontractors continue cleaning up tree debris from the historic ice storm in February. He also noted that mowing continues

along secondary roadways. He advised that Supervisor Edmonds, Administrator Gee and himself would be meeting to review the Secondary Six Year Plan, currently consisting of \$3.1 million in funding of rural rustic projects. After their review, a proposed plan will be provided and a public hearing would be held at the June meeting. Supervisor Edmonds noted that he would like to see Tinkling Road at the edge of Kenbridge added to the plan. Mr. Smith advised that Tinkling Road may qualify for Economic Development funds. He will gather additional information to provide before a determination is made.

Assistant School Superintendent James Abernathy provided the monthly school report. He provided the financial report as well as a review of the CARES Funds, Coronavirus Relief Funds and the CARES Set-Aside funds. Mr. Abernathy shared a resolution regarding a fourth appropriation of CARES Act funding. He commented that the school division was awarded \$1,772,946.57 in ESSER II Funds that was made available after the approved FY2021 budget. Mr. Abernathy requested that the Board appropriate \$380,000 of the \$1,772,946.57 to the FY2021 School Board Budget.



Supervisor Bacon made motion, seconded by Supervisor Hankins, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to appropriate \$380,000 of the \$1,772,946.57 in ESSERII Funds to the FY2021 School Board Budget.

Administrator Gee shared a letter from Commissioner of the Revenue Liz Hamlett noting that the County does not have an exemption of taxation in place for the local fire and rescue squads. She advised that Virginia Code Section §58.1-3610 allows for property exemption by ordinance adopted by the local governing body to exempt fire and rescue agencies from taxation. At the pleasure of the Board, a public hearing could be held at the June meeting.

Supervisor Hoover made motion, seconded by Supervisor Pennington, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to advertise for a public hearing regarding a property exemption by ordinance to exempt fire and rescue agencies from taxation.

Jason Loehr, Vice President of Finance and Corporate Services with Southside Electric Cooperative, presented an overview and update on the historic ice storm, 'Winter Storm Shirley' in February. He noted that the most significant impacts from the storm were located at the epicenter of SEC's territory, with accumulation greater than ½ inch in many areas. He reported that the storm resulted in 2,136 outages, 866 broken poles and 946 reports of wires down. He advised that as their staff and contractors worked to repair services as quickly as possible while dealing with treacherous weather and soggy terrain. Mr. Loehr praised staff in their restoration efforts affecting a historic number of customers. He shared photos of damages, restoration efforts and residents showing support to all those restoring power in the SEC territories.

Ms. Cheryl Giggetts Of CTA Consultants presented the report of the UHF Conventional Radio System proposal evaluations. She explained that the County's team concluded its evaluation of proposals submitted by L3 Harris Technologies, Inc. (L3Harris) and Mobile Communications America, Inc (MCA). She advised that the evaluation team rated the proposals with points allocated to two categories, pricing and technical merit, with total point available to earn being 100 points. L3Harris scored a total of 30 points. MCA scored a total of 22.66 points. Total Technical Evaluation points awarded to L3Harris were 62.84 and MCA 58.41. Based on the items described in the RFP and the evaluation process, Ms. Giggetts stated that the L3Harris proposal meets the requirements considering cost, quality and suitability to the purpose. CTA recommends that Lunenburg County issue a Notice of Intent to Award L3Harris Technologies, Inc. and begin negotiations on a contract. L3Harris scored a total of 92.84 points with a total pricing structure of \$6,438,004.28. MCA's points totaled 81.07 and total pricing structure was \$9,183,879.65. Supervisor Hoover commented that he supports the Intent to Award notice and the pricing structure proposed by L3Harris, noting that the Intent to Award notice would not commit the County to a contract with L3Harris but allow negotiations to begin.

Supervisor Hoover made motion, seconded by Supervisor Bacon, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to issue a Notice of Intent to Award L3Harris and begin negotiations for the UHF Conventional Radio System.

County Attorney Rennie advised that the Planning Commission had recently held a 2232 hearing to determine if an application for a Conditional Use Permit from Red Brick Solar, LLC for a proposed solar facility and substation was substantially in accord with the Lunenburg-Kenbridge-Victoria Joint Comprehensive Plan. After review, the Planning Commission determined the application was not in accord with the Comprehensive Plan. County Attorney Rennie advised that the applicant is allowed to appeal that decision pursuant to Virginia Code Section §15.2-2232(B). He noted that Gentry Locke Attorneys, representing Red Brick Solar, LLC, submitted an appeal to the Board for consideration. County Attorney Rennie indicated that any decision made by the Board would be whether or not the application and use is in accord with the comprehensive plan, not a decision on the CUP application. Attorney Jonathan Puvak of Gentry Lock Attorneys and Mr. Francis Hodsell of Red Brick Solar presented their grounds of appeal to the Board. Administrator Gee read aloud the County's Planning and Economic Development staff response to the items detailed in the appeal document. The Board allowed for public comment.

The following spoke in favor of the application:

- Ray Martin, Lunenburg, VA
- Bradley Foster, 1350 Church Street, Appomattox, VA
- Makailah Lee, 1321 Courthouse Road, Victoria, VA
- Malcom Bailey, Keysville, VA
- Robert Foley, 11398 Courthouse Road, Lunenburg, VA

The following spoke against the application:

John Janson, 830 West High Street, South Hill, VA
Howard Henward, 919 Gilbert Lane, Victoria, VA
Judy Brothers, 31257 HWY 49, Chase City, VA
David Hawks, 1103 Main Street, Victoria, VA
Matt Brothers, 31257 HWY 49, Chase City, VA

County Attorney Rennie advised that the Red Brick Solar, LLC presentation, staff comments and public comments had provided a lot of information for the Board to consider. He recommended that the Board delay a decision on the issue until the June meeting to allow for additional time for the Board to review the information provided.

Supervisor Bacon made motion, seconded by Supervisor Hoover, and approved by roll call vote, with six Supervisors voting yes, Supervisor Slayton abstaining, and none voting no, to delay a decision on the appeal presented by Red Brick Solar to the June 10, 2021 meeting.

Administrator Gee presented a draft FY2021-22 budget. She discussed that personal property revenue increased due to a nationwide increase in values of used vehicles. She noted that the Compensation Board was providing increases in salary for the funded positions in the Constitutional Officer's offices as well as 5% COLA increases. In addition, the Assistant Commonwealth's Attorney position will now be funded and will also be providing a sizable increase for the Circuit Court Deputy Clerk III position and minimum wage funding for other positions not previously covered. The State Board of Elections increased the General Registrar salary by \$30,000. She advised that the School Board was requesting \$4.3 million. Administrator Gee indicated that the finance committee recommends flat funding with the use of FY20 carryover funds. She advised that the proposed budget would require the use of \$467,932 in reserve funds. The draft budget also includes a 33% reduction in machinery and tools for logging equipment tax levy. The recommendation does provide at least a 5% increase for every county employee, including those positions which are locally funded. Social Services employees will receive 15% starting salary increases in addition to their 5% COLA increase. Supervisor Hoover commended Administrator Gee for presenting a proposed a budget without a tax increase for citizens of the county. Administrator Gee suggested the Board hold a public hearing on June 3, 2021 with adoption at the regular meeting on June 10, 2021.

Supervisor Bacon made motion, seconded by Supervisor Hoover, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to advertise for a public hearing on the proposed Fiscal Year 2021-22 budget to be held on June 3, 2021.

Administrator Gee nominated Director of Planning and Economic Development Taylor Newton to serve as the Planning Commission Clerk & Zoning Administrator. She also nominated Ms. Newton as a voting member on the Virginia Crossroads, Virginia Growth Alliance, and alternate on the Commonwealth Regional Council.

Supervisor Bacon made motion, seconded by Supervisor Hoover, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to appoint Director of Planning and Economic Development Taylor Newton to serve as the Planning Commission Clerk & Zoning Administrator and as a voting member on the Virginia Crossroads, Virginia Growth Alliance, and alternate on the Commonwealth Regional Council Board.

Director of Planning and Economic Development Taylor Newton provided an update on the Old Middle School demolition project. As of May 13th, total change order costs had reached \$502,922. Ms. Newton advised that Enterprise Zone Tax Incentive rebates had been calculated. Global Refining Group was the only business to qualify for a rebate at a calculated amount of \$16,890.79.

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 issue payment in the amount of \$16,890.79 to the Lunenburg IDA for the purpose of an Enterprise Zone Tax Incentive rebate for Global Refining Group.

Administrator Gee provided her monthly report. She advised that all the hangers at the airport have been rented. She added that Airport Manager Larry Way and tenant Danny Bond have been great advocates for the airport. Administrator Gee welcomed the Board to attend a ribbon cutting at the Heartland Park for the upcoming Monday at 3:00 p.m. She reminded the Board that the County leave policy needed to be updated to accommodate VRS Hybrid Plan members, as these members also have a short-term and long-term disability benefit. Also, an updated annual vacation leave policy would provide monthly accrual rates and maximum yearly carryover amounts based on years of service.

Supervisor Bacon made motion, seconded by Supervisor Pennington, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to approve the updates to the County leave policy to accommodate VRS Hybrid Plan members and an updated annual vacation leave policy based on years of service.

County Attorney Rennie advised that the Virginia Code requires that the Board of Supervisors establish precinct boundaries to be consistent with any Congressional district, Senate district, House of Delegates district and local election district by June 15, 2021. However, due to the COVID-19 pandemic, the 2020 Census data has not been received and therefore the County is unable to establish precinct boundaries that eliminate Split Precincts by June 15, 2021. Virginia Code requires the Board apply for a waiver from the State Board of Elections to continue to administer Split Precincts for any election held in 2021. He presented the following resolution for approval:

WHEREAS, Section 24.2-307 of the *Code of Virginia*, 1950, as amended (the “Virginia Code”), mandates that “[e]ach precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city”; and

WHEREAS, the County of Lunenburg, Virginia (the “County”) has five split precincts (together the “Split Precincts”):

- 201 Browns Store
- 301 Rosebud
- 302 Flat Rock
- 502 Peoples Community Center
- 702 Victoria Library

WHEREAS, the Virginia Code requires that the Board of Supervisors (the “Board”) establish precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district and local election district by June 15, 2021; and

WHEREAS, due to the COVID-19 pandemic, the 2020 Census (the “Census”) data has not been received by the County; and

WHEREAS, without updated Census data, the County is unable to establish precinct boundaries that eliminate the Split Precincts by June 15, 2021; and

WHEREAS, Section 24.2-307 of the Virginia Code requires the Board apply for a waiver from the State Board of Elections to continue to administer the Split Precincts for any election held in 2021.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of Lunenburg County, Virginia, does hereby authorize the Lunenburg County General Registrar to submit a request for a waiver from the State Board of Elections pursuant to Section 24.2-307 of the *Code of Virginia* to administer 201 Browns Store, 301 Rosebud, 302 Flat Rock, 502 Peoples Community Center, and 702 Victoria Library, as split precincts for any election held in 2021.

Supervisor Bacon made motion, seconded by Supervisor Hankins, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to approve the resolution regarding Split Precincts.

County Attorney Rennie advised that according to the Deed of Trust Note dated March 20, 2000 between the County and Lunenburg County Community Health Center, debt of \$700,000 from the County for construction of a community health center would be forgiven if the facility continued to be used as a medical center for at least twenty years. Southern Dominion Health System, Inc, formerly Lunenburg County Community Health Center, requested release from the debt without payment, as they have satisfied the twenty year commitment. He requested approval of the below resolution and release of the deed of trust:

WHEREAS, Lunenburg County loaned Seven Hundred Thousand Dollars and 00/100 (\$700,000.00) to Lunenburg County Community Health Center Board, Inc. on March 20, 2020 to help pay for building the Lunenburg Medical Center; and

WHEREAS, the loan was issued pursuant to a Deed of Trust Note which provided that the loan would be forgiven by the County if the Medical Center property was not sold or transferred during a period of twenty (20) years; and

WHEREAS, a Deed of Trust was executed by Lunenburg County Community Health Center Board, Inc. as security for payment of the Seven Hundred Thousand Dollars and 00/100 (\$700,000.00) loan; and

WHEREAS, the Community Health Center Board has retained the Medical Center property for over twenty (20) years and continues to utilize the property to provide for the health needs of the citizens of Lunenburg County;

NOW THEREFORE, Lunenburg County does hereby cancel the Seven Hundred Thousand Dollars and 00/100 (\$700,000.00) loan and release the Deed of Trust and authorizes the Chairman of the Board of Supervisors to sign a Deed of Release on the property which will be recorded in the Lunenburg County Circuit Court.

Supervisor Bacon made motion, seconded by Supervisor Hoover, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to approve the resolution regarding release of the Deed of Trust to Southern Dominion Health System, Inc.

County Attorney Rennie advised that the County was in need of an ordinance detailing revenue sharing for any solar projects approved by the Board. He advised that he will draft an ordinance for review and a public hearing would be needed at the June meeting.

Supervisor Bacon made motion, seconded by Supervisor Hoover, and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel regarding a personnel matter.

CERTIFICATION OF CLOSED SESSION MEETING

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

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

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

VOTING YES
Supervisor Edmonds

VOTING NO

ABSENT

Supervisor Hankins
Supervisor Bacon
Supervisor Hoover
Supervisor Pennington
Supervisor Slayton
Supervisor Zava

Supervisor Zava made motion, seconded by Supervisor Bacon, 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 Edmonds and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to approve an increase in salary of \$10,000 for County Administrator Tracy M. Gee in accordance with her outstanding performance.

Supervisor Edmonds made motion, seconded by Supervisor Bacon and approved by roll call vote, with all seven Supervisors voting yes, and none voting no, to continue the meeting to June 3, 2021 for a public hearing on the budget.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors