

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

Minutes of February 23, 2015 Meeting

The continued meeting of the Lunenburg County Board of Supervisors was held Monday, February 23, 2014 at 5:45 pm in the Town of Kenbridge Town Hall, Kenbridge, Virginia. The following Board of Supervisors members were present: Supervisors T. Wayne Hoover, Robert Zava, Edward Pennington, Alvester Edmonds, David Wingold, and County Administrator Tracy M. Gee. Supervisors Charles R. Slayton and Frank Bacon were absent.

Chairman Wingold called the meeting to order and gave the invocation.

Mrs. Beverley Hawthorne, Community Development Coordinator, explained that she, Chairman Wingold, and Kenbridge Town Manager Emory Hodges had reviewed the bids for the Lunenburg Commercentre' Sewer Extension Project. Four bids were submitted. Mrs. Hawthorne, Chairman Wingold and Town Manager Emory Hodges recommended Precision Pipes. A comparison of the four bids is provided below.

Lunenburg Commercentre' Sewer Extension Project
 Bids Due 2/17/2015

Company	Base Bid	Bid Bond	Alternate #1	Alternate #2	Unit Prices
Biggs Construction 7 days Acknowledge Add. #1	\$ 74,770.00	n/a	\$1,250.00	\$3,750.00	1 \$25.00 2 \$35.00
E. F. Brown Construction 15 days Acknowledge Add. #1	\$ 58,000.00 \$ (3,000.00) \$ 55,000.00	n/a	\$4,000.00	\$7,000.00	1 \$20.00 2 \$60.00
M. S. Snow 7 days <i>received acknowledgment</i>	\$ 59,750.00	n/a	\$6,877.00	\$5,164.00	1 \$20.00 2 \$45.00
Precision Pipes 15 days <i>received acknowledgment via e-mail via approval</i>	\$42,370.00	n/a	\$2,475.00	\$4,320.00	1 \$15.00 2 \$15.00

Supervisor Zava made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the bid from Precision Pipes.

Mrs. Hawthorne commented that payment for the base bid amount would be split with the county paying two-thirds and the Town of Kenbridge paying one-third. The Town of Kenbridge would pay either alternative amount.

Mrs. Hawthorne stated that the Protective Covenants for the Lunenburg Commercentre' needed approval from the Board.

Supervisor Edmonds made a motion, seconded by Supervisor Pennington and unanimously approved, to accept the Protective Covenants for the Lunenburg Commercentre' and allow the Chairman to sign the document.

**PROTECTIVE COVENANTS
LUNENBURG COMMERCENTRE**

1. Statement of Purpose

The goal in the development of the Lunenburg CommerCentre is the creation of a professional and harmonious multi-use development park designed to protect and enhance long term property values and provide a pleasant and productive working environment. The Lunenburg CommerCentre shall be developed and maintained with an attractive park-like setting with high quality buildings integrated into a natural environment. To achieve these goals, the Lunenburg CommerCentre shall be improved with attractive, well-spaced buildings that are properly constructed, durable, and easily maintained. Further, all development within the Industrial Park shall occur in a planned, compatible fashion with respect for both the inherent natural environment and the total investment of the Park's corporate community. These Protective Covenants are established and promulgated in the interest of promoting this goal in a manner that encourages planning and design consistent with this goal.

The property is hereby made subject to the Protective Covenants contained herein, all of which shall be deemed to be covenants which run with the land and each and every part thereof and which shall be binding upon the grantee, heirs, successors or assigns, insofar as federal, state, and local laws permit, to ensure proper use of appropriate development and improvement of said premises so as to:

- a. Protect the owners and tenants of parcels against such improper development and use of surrounding parcels as will depreciate the value and use of their parcels.
- b. Prevent the erection on the property of structures constructed of improper or unsuitable materials or with improper quality and methods of construction.
- c. Ensure reasonably consistent development of the property in keeping with the overall goals of the Lunenburg CommerCentre Industrial Park to promote quality development.
- d. Encourage and ensure the erection of attractively designed, permanent improvements appropriately located within the property in order to achieve harmonious appearance and function.
- e. Ensure the construction of adequate off-street parking and loading facilities.
- f. Establish and preserve open spaces for the enjoyment and benefit of occupants, tenants, owners and their employees.
- g. Promote the compatibility of the development and use of parcels with the integrity, beauty, and character of the environment.
- h. Generally promote the welfare and safety of occupants, tenants, and owners of parcels.

"Wooded Areas" shall mean existing or re-forested areas where maintenance is minimal, and where a natural wooded appearance is expected. Wooded areas shall be measured from the furthest extents of tree canopies/drip-lines.

4. Permitted and Prohibited Uses

4.1 Permitted Uses

The following uses are permitted and planned to be established in the Industrial Park:

- a. Industrial manufacturing, production, processing, assembly, facilities, etc.
- b. Light industrial wholesaling, warehousing, distribution, logistics enterprises, etc.
- c. Office buildings
- d. Other uses defined by the town of Kenbridge Zoning Ordinance.

4.2 Prohibited Uses

- a. Residential uses of any kind.
- b. An unlawful emission of fumes, gases, radiation, dust, liquid or solid waste, smoke, noise, or other hazards.
- c. Coal and wood yards.
- d. Truck stops and truck terminals.
- e. State highway maintenance facilities.
- f. Major manufacture and sale of pottery and figurines or other similar ceramic products, including ceramics studios.
- g. Gasoline stations or related uses.
- h. Bulk petroleum and gas storage facilities.

5. Development Standards

5.1 General

A relatively wide variety of architectural design and materials shall be permitted. Individuality and creativity are encouraged provided that blending of design into the parcel's surrounding context is achieved. The general design context must reflect a high quality corporate image. A plan shall be prepared and submitted for approval to the Review Committee. The plan shall address the standards enumerated in Sections 5 through 13 herein prior to initiation of construction. Once the plan receives committee approval, a copy must be forwarded to the Kenbridge Zoning Administrator, and a zoning permit application submitted, in conformance with the Kenbridge Zoning Ordinances and then to the Lunenburg Building Permit office. Any special use permit shall be reviewed and approved by the Review Committee and then by the Lunenburg Planning Commission and Lunenburg Board of Supervisors.

2. Applicability and Effect

These Protective Covenants are applicable to all parcels located within the areas of the Lunenburg CommerCentre Industrial Park, whether sold or leased in whole or in part, and shall become effective and in full force upon recordation in the Lunenburg County Circuit Court Clerk's office.

3. Definitions

The terms indicated in **boldface type** below shall have the accompanying meaning for purposes of these Protective Covenants.

"Authority" or "Authorities" shall mean the Town of Kenbridge Industrial Development Authority and the Lunenburg Industrial Development Authority.

"County" shall mean Lunenburg County, Virginia.

"Lunenburg CommerCentre" located in the Town of Kenbridge shall mean the mixed-use office and industrial development consisting of 108 acres, more or less, and located on parcels bounded by Rt. 40, Rt. 697, Rt. 761 and on the north by the Town of Kenbridge corporate limits.

"Lunenburg County" or "County" shall mean Lunenburg County, Virginia, an independent political subdivision of the Commonwealth of Virginia.

"Landscaped Area" shall mean all parts of the site which are not covered by buildings or paving, and which are not being set aside as wooded or meadow areas.

"Meadow Areas" shall mean natural or naturalized grasslands which are to be mowed or "brush-bugged" only occasionally, e.g., twice per year.

"Parcel" shall mean any lot or area, including publicly owned open space and roads, within the Kenbridge Industrial Park.

"Park" shall mean the Lunenburg CommerCentre in the Kenbridge Industrial Park.

"Recreational Area" or "Open Space" shall mean the portion of the Industrial Park designated for public use at the time of effect of these Protective Covenants.

"Review Committee" shall mean a committee comprised of one member of the governing body of each owner and one member from the Kenbridge and Lunenburg IDA's.

"Town" shall mean the Town of Kenbridge, Virginia.

5.2 All Materials, etc. to be Consistent

On each parcel, colors, materials, finishes, and building forms for all buildings shall be coordinated in a consistent manner on all elevations, facades and sides.

5.3 Roofing Materials

All roofing surfaces contained on a particular parcel shall be of a consistent design and material.

5.4 Accessory Structures

Accessory buildings and enclosures shall be of similar design and materials as the principal buildings. No more than two free-standing accessory structures shall be permitted on each parcel. All buildings, including accessory structures, shall be approved by the Review Committee.

5.5 Fencing

The use of fencing on any parcel is subject to the Review Committee review and approval.

5.6 Outdoor Storage

All permanent outdoor storage areas shall be designed, located, enclosed and screened such that they are not visible from any adjoining parcel or publicly maintained roadway and approved by the Review Committee. This may be accomplished by a landscape berm, continuous evergreen buffer, and/or with materials as delineated herein. Black vinyl coated chain link fencing with black vinyl slats may be used to screen outdoor storage areas insofar as the exterior perimeter of the fence is extensively landscaped with at least evergreen plantings and trees. Accumulation of excessive unusable equipment, material for recycling, raw materials, damaged finished materials and products, and any other materials, substances, machinery, and parts shall not be permitted.

5.7 Maintenance

Each owner, tenant, or occupant of any parcel shall maintain the buildings, grounds, and improvements in a safe, neat, clean, and maintained condition and shall comply in all respects with all governmental statutes, ordinances, regulations, health codes, and police and fire requirements. Each owner, tenant, or occupant shall remove at their own expense any rubbish or trash which may accumulate on their parcel. Rubbish, trash, garbage, or other waste shall be kept only in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean, neat and sanitary condition. Rubbish and trash shall not be disposed of on the premises by burning.

6. Regulation of Improvements

6.1 Setbacks

No building or structure shall at any time be erected on any parcel within fifty (50) feet of any parcel boundary or within twenty-five (25) feet of any utility, drainage or conservation easement boundary. All improvements must also comply with landscape and buffer requirements as contained in Section 9 herein.

6.2 Building Height

The building elevation shall be approved by the Review Committee and County Zoning Administration.

6.3 Utilities

All utility services, except those in existence at the time of recordation of these Covenants, including electric power, telephone, fiber optic, sanitary sewer, or steam/water lines shall be installed underground. Gas storage tanks and transformers required to be placed above ground shall be screened to the extent possible, consistent with materials delineated in Section 9 or vegetation sufficient when planted to provide a continuous visual screen of the tank or transformer. Connection to the Town water and sewer treatment facilities is required.

6.4 Minimum Lot Size

Each lot or parcel established in the Business Park Area shall be not less than two (2) acres in size, provided the lot or parcel meets all setback and environmental requirements. Lots and parcels shall in all other respects comply with provisions of the applicable specific underlying Kenbridge zoning district.

6.5 Grading

Cut slopes and fill slopes shall be addressed in a proposed site and submitted to the Review Committee for initial approval and then to the appropriate state agencies for approval. Any parcels that include wetlands must meet state and federal guidelines.

7. Parking Standards

7.1 General

Each parcel shall contain all required parking within the parcel. Off-site parking shall not be permitted. Parking shall not be permitted on any street, and owners of parcels or their tenants shall be responsible for enforcing this requirement with respect to their employees and visitors. Further, no parking on road shoulders shall be permitted.

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7.2 Required Parking

The number of required vehicle parking spaces shall be in accordance with lot use, projected number of employees and incidental visitor traffic. The minimum such requirements shall be equal to one (1) parking space for each five hundred (500) square feet of floor space.

7.3 Design Standards

7.3.1 Location

Parking areas may be constructed on any part of a parcel.

7.3.2 Paving

All access drives, parking areas, and outdoor storage areas shall be paved with asphaltic concrete (hot plant mix), reinforced concrete, block pavers, or equivalent materials to provide a smooth, even and dust-free surface. All vehicle movement and parking shall be confined to these areas. Truck loading and materials handling areas need not be paved, but must be hard surfaced.

7.3.3 Curb and Gutter

Where curbing or curb and gutter are to be provided for storm water control between the front of a primary structure and an adjacent publicly maintained right-of-way, that curbing or curb and gutter shall be concrete.

7.3.4 Grades

All parking areas shall be surfaced in accordance with Section 7.3.2 and graded with a minimum slope of 1% to ensure proper drainage.

7.4 Off-Street Loading Areas

Provision for handling all truck services shall be totally within each parcel. Off-street loading areas shall be located so that they are not visible from public roadways. The uses of earth berms, structures and/or landscape screening shall be employed to screen loading areas to the extent possible.

8. Sign Standards

8.1 General

All signs must be approved by Authority prior to erecting. Signs shall relate only to organizations, goods, services, or activities on the parcel upon which the sign is located. No billboards or outdoor advertising shall be permitted. No moving signs or

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flashing lights on signs, rooftop signs, or pole-mounted signs shall be permitted. All signage on a parcel shall be uniform in appearance and design. Signage shall be uniform in materials, color scheme, lettering style, proportions, lighting, and other characteristics.

8.2 Permanent Signs

Signage is a key element to the overall visual impact of any development. Individuality and creativity in sign design are encouraged while blending the design into the parcel's surrounding context.

8.2.1 Business Signs

Business signs may contain only the name, business product or service of the occupant, and may include the occupant's logo. The maximum total square footage for all business signs, wall and monument, on a parcel is 200 square feet.

8.2.1.1 Wall Mounted

A single sign is permitted on the front of the principal buildings or on a sidewall if clearly visible from the street. Wall mounted signs shall not project more than 12 inches from the wall surface, shall be single-sided, shall be mounted so that the back of the sign if flush with the wall surface, and shall not project above the eave line. No sign face may exceed 100 square feet in surface area.

8.2.1.2 Monument Sign

One monument business sign per parcel shall be permitted, except that parcels adjoining more than one public roadway are permitted one additional monument sign. Monument business signs shall not project more than 20 feet from the property line. Monument business signs may be single sided or double sided, but no sign face may exceed 100 square feet in surface area.

8.2.2 Informational Signs

Informational signs may be erected to direct traffic or pedestrian movements or to give warnings of restricted areas or hazards and the like. The number of information signs should be limited to the smallest number possible to convey the necessary information. Informational signs should conform to Section 8.1 concerning uniformity of design within a given project or parcel.

8.3 Temporary Signs

8.3.1 Sale or Lease Signs

Signs advertising a parcel or building for sale or for lease are allowed. Sale or lease signs shall be limited to one sign per parcel or building. Such signs may be

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single or double faced. Sale or lease signs may not exceed 32 square feet per sign face and may not exceed 10 feet in height.

8.3.2 Construction Signs

Upon commencement of construction, one sign may be erected which may identify architects, engineers, contractors, financing sources, and other establishments providing services for development or construction. This sign may not exceed 50 square feet per sign face or 10 feet in height. Construction signs may contain several structural elements identifying various establishments providing services or may be composed of a single element. In either case, construction signs must present a neat and unified appearance. Construction signs may be single faced or double faced. As soon as the building is occupied, all construction signs shall be removed.

8.4 Maintenance

Maintenance of all signs shall be required by all owners, tenants, and occupants. Signs shall be kept cleaned and maintained so as to preserve the state of quality that existed at the time of installation.

9. Landscaping Standards

9.1 General

Lunenburg CommerCentre located in Kenbridge, Virginia is intended to have a park-like setting with a strong emphasis on the landscaped environment. This emphasis will provide an overall visual continuity throughout the park and will serve as a backdrop for the development of each individual parcel. During the individual parcel development stage, the designer shall give careful consideration and analysis to respond to surrounding site components such as site context, open space, landmarks, views and vistas, streetscapes and the protection of existing vegetation. A landscape plan shall be submitted as part of the site plan for approval by Review Committee. All disturbed open areas on each parcel not occupied by buildings, structures, outdoor storage areas, paved areas, parking areas, loading areas, driveways, or walkways shall be suitably graded and drained and shall be landscaped with lawns, trees, shrubs, or suitable ground cover as soon as is practicable during construction.

All landscaping required hereunder or otherwise to be provided on any parcel shall be completed within 180 days after the substantial completion of any buildings to be constructed on the parcel. Provided, however, if weather conditions do not as such time permit completion, then such landscaping shall be completed as soon thereafter as weather conditions permit.

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9.2 Maintenance

All landscaping on each parcel and on the landscaped portion of any abutting street shall be properly maintained by the owner or tenant of the parcel. Maintenance shall include all necessary planting, cutting, watering, fertilizing, aerating, seeding, spraying, pruning, weeding and required replacements.

10. Exterior Lighting

10.1 General

The intent is to create a consistent exterior lighting system for the Business Park. All lighting systems shall be designed so as not to produce significant illumination or glare beyond the parcel on which it is located. All electric lighting must be shown on the site plan and approved by the Review Committee. In addition to lighting provisions set forth herein, all lighting fixtures shall have initial output of less than 7000 lumens and must comply with the Kenbridge Zoning Ordinance.

10.2 Mounting Height

The maximum permitted mounting height for any lighting fixtures shall be 25 feet. Fixtures designed to illuminate pedestrian walkways shall have a maximum height of 12 feet.

10.3 Lighting Type

Lighting systems shall be designed to enhance pedestrian safety and security.

10.4 Building and Sign Illumination

Building and sign accent illumination shall be installed and aimed so that glare will neither hinder vehicular or pedestrian traffic, nor present a hindrance to operations on-site or on any adjacent parcel.

10.5 Temporary and Seasonal Illumination

Temporary and/or seasonal lighting is subject to Review Committee review and approval.

11. Noise

It is the intent of this covenant to promote an environment within Lunenburg CommerCentre free from noise that jeopardizes the health or welfare of, or that creates annoyance to, the owners, tenants, or occupants of the Business Park. All noise levels shall comply with Town Ordinances. Therefore, no person shall make, continue, or cause to be made, continued, or permitted, any noise disturbance within the Business Park not

necessary and incidental to commercial and industrial uses permitted therein. Noise which is incidental and necessary to permitted commercial and industrial uses shall be minimized to the maximum extent practical.

12. Environmental Protection

All owners, tenants, and occupants shall use and manage their parcel and conduct their operations in a manner which ensures continuous compliance with all applicable and governing local, state, and federal environmental laws, ordinances, regulations, rules, policies, and procedures.

13. Amendments

These covenants may be amended by the Review Committee. However, before the committee may vote to change these covenants, landowners in Kenbridge Industrial Park must be notified in writing and have 45 days to comment. Amendments shall be recorded in the Lunenburg County Circuit Court Clerk's office and shall become effective upon such recording.

The foregoing Declaration of Protective Covenants was approved by the Kenbridge Industrial Development Authority, Kenbridge Town Council, the Lunenburg Industrial Development Authority and the Lunenburg County Board of Supervisors on this 18 day of February, 2014.


TOWN OF KENBRIDGE


KENBRIDGE INDUSTRIAL
DEVELOPMENT AUTHORITY


LUNENBURG COUNTY BOARD
OF SUPERVISORS


LUNENBURG INDUSTRIAL
DEVELOPMENT AUTHORITY

Supervisor Hoover made a motion, seconded by Supervisor Pennington and unanimously approved, to establish at committee for the Lunenburg Commercentre'.

Supervisor Edmonds will be the representative from the Board of Supervisors and Mr. Sidney Hill will be the representative for the IDA.

Mrs. Hawthorne noted that Chairman Wingold would need to sign the deeds for the Lunenburg Commercentre' property.

Supervisor Zava made motion, seconded by Supervisor Hoover and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A5 Prospective Business and §2.2-3711A7 Potential Legal Consult.

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 Hoover
Supervisor Edmonds
Supervisor Pennington
Supervisor Zava
Supervisor Wingold

VOTING NO

ABSENT

Supervisor Bacon
Supervisor Slayton

Supervisor Edmonds made a motion, seconded by Supervisor Pennington and unanimously approved, to return to Open Session.

Supervisor Hoover suggested that the Board approve the establishment of a Public Safety Committee.

Supervisor Zava made motion, seconded by Supervisor Pennington and unanimously approved, to establish a Public Safety Committee.

Supervisors Hoover and Bacon will serve on the Public Safety Committee.

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

Tracy M. Gee, Clerk
County Administrator

David E. Wingold, Sr., Chairman
Board of Supervisors