

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

Minutes of March 13, 2014 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, February 13, 2014 at 6:00 p.m. in the Lunenburg District Courtroom, Lunenburg, Virginia. The following members were present: Supervisors T. Wayne Hoover, Alvester Edmonds, Charles R. Slayton, Robert Zava, Edward Pennington, Frank Bacon, David Wingold, County Administrator Tracy M. Gee, Assistant to the Administrator Nicole Clark and County Attorney Frank Rennie.

Chairman Pennington called the meeting to order.

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

Chairman Pennington requested additions to the agenda from the Board and the public.

Supervisor Hoover requested a closed session to discuss personnel matters.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to approve the below retirement resolutions in honor of Barbara Wallace and Richard "Dicky" Harris.

RESOLUTION

***WHEREAS**, Barbara A. Wallace, Chief Dispatcher in the Lunenburg County Sheriff's Office, retired on January 1, 2014, after twenty-four years of outstanding and meritorious service to the Lunenburg County Sheriff's Office; and*

***WHEREAS**, Barbara began her career with the Lunenburg County Sheriff's Office as a dispatcher and through diligent effort and dedication, advanced through the ranks to Chief Dispatcher; and*

***WHEREAS**, she has performed her duties throughout her years of service in a conscientious and responsible manner; and*

***WHEREAS**, she has consistently fulfilled the duties and responsibilities given her, fulfilling them with outstanding accuracy and competency; and*

***WHEREAS**, Barbara has set an example of dedication to principle which has been an inspiration to her fellow co-workers; and*

***NOW, THEREFORE, BE IT RESOLVED**, she, in all her endeavors has reflected great credit upon the County of Lunenburg.*

***BE IT FURTHER RESOLVED**, the Lunenburg County Board of Supervisors does hereby extend to Barbara A. Wallace our sincere and grateful appreciation for her dedicated service to the Lunenburg County Sheriff's Office and the County of Lunenburg and congratulate Barbara A. Wallace on her well-earned retirement.*

RESOLUTION

***WHEREAS**, Richard "Dicky" Harris retired as the Kenbridge Mayor on February 4, 2014; and*

***WHEREAS**, Dicky Harris served as a sworn official for 18 years on the Kenbridge Town Council; and*

***WHEREAS**, Dicky Harris was elected Mayor and served the Town of Kenbridge for nearly 24 years total; and*

***WHEREAS**, Dicky Harris served and continues to serve the community as Kenbridge Fire Chief for over 44 years; and*

***WHEREAS**, Dicky Harris owned and expanded a local business in the county for over 40 years before retiring in 2012.*

***NOW, THEREFORE, BE IT RESOLVED**, the Lunenburg County Board of Supervisors commends Mr. Harris for his many years of dedicated service and commitment to the Town of Kenbridge, the County and the citizens thereof.*

***BE IT FURTHER RESOLVED**, the Lunenburg County Board of Supervisors does hereby wish Richard "Dicky" Harris a long, fulfilling retirement and success in all future endeavors.*

Supervisor Bacon made motion, seconded by Supervisor Slayton and unanimously approved, to approve the below Lunenburg Youth Baseball and Babe Ruth League resolutions.

RESOLUTION

WHEREAS, the Lunenburg County Dixie Youth Boys' Major League All-Star Team won the District tournament in Dinwiddie, Virginia; and

WHEREAS, the Lunenburg County Dixie Youth Boys' Major League All-Star Team went on to represent the County in the State Championship Tournament in Farmville, Virginia; and

WHEREAS, the Lunenburg County Dixie Youth Boys' Major League All-Star Team was managed by Bobby Marshall and coached by John Hawks and Bucky Daniel with the added support of the dedicated parents and family of the team members; and

WHEREAS, the Lunenburg County Dixie Youth Boys' Major League All-Star Team represented the County and District with athleticism and good sportsmanship; and

NOW, THEREFORE, BE IT RESOLVED, that the Lunenburg County Board of Supervisors congratulates the team members, managers and coaches of the Lunenburg County Dixie Youth Boys' Major League All-Star Team on their exemplary performance and accomplishments in the 2013 tournament season.

RESOLUTION

WHEREAS, the Lunenburg County Babe Ruth Thirteen-year-old All-Star Team won the District tournament in Lunenburg, Virginia; and

WHEREAS, the Lunenburg County Babe Ruth Thirteen-year-old All-Star Team went on to represent the County in the State Championship Tournament in Manassas, Virginia, finishing fourth; and

WHEREAS, the Lunenburg County Babe Ruth Thirteen-year-old All-Star Team was managed by Brian Nowlin and coached by Forrest Williams and Michael Goodwin with the added support of the dedicated parents and family of the team members; and

WHEREAS, the Lunenburg County Babe Ruth Thirteen-year-old All-Star Team represented the County and District with athleticism and good sportsmanship; and

NOW, THEREFORE, BE IT RESOLVED, that the Lunenburg County Board of Supervisors congratulates the team members, managers and coaches of the Lunenburg County Babe Ruth Thirteen-year-old All-Star Team on their exemplary performance and accomplishments in the 2013 tournament season.

Supervisor Slayton made motion, seconded by Supervisor Bacon and unanimously approved, to accept the Consent Agenda to include the minutes of the February 13, 2014 Board of Supervisors meeting, the Treasurer's January 2014 reports, and the following Warrants for Approval:

February 2014:	Payroll:	Direct Deposit	\$ 104,733.05
	Payroll Taxes Federal:		\$ 36,024.27
	Payroll Taxes State:		\$ 6,105.64
	Payroll VRS payment:		\$ 20,857.06
	Accounts Payable:	#48819-48942	\$ <u>356,079.51</u>
	Total:		\$ 523,799.53

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to enter public hearing regarding a zoning ordinance amendment.

County Attorney Rennie stated that the purpose of the amendment is to expand the zoning ordinance. When researching, he discovered that there were no means to get a zoning request to the Board if the request was in an agricultural or residential district.

The recommended change states, "If a use is presented that does not fall into a use that is currently listed or defined in this ordinance, the citizen requesting this use must meet with the zoning administrator. The zoning administrator will then call for a ruling by the Board of Zoning Appeals, call for a conditional use permit to be heard by the Planning Commission, or rule that the use is by right."

County Attorney Rennie recommended that no action be taken tonight. He would like to add the wording that ultimately the final decision must come before the Board of Supervisors. He would like to re-advertise and discuss again at the next meeting.

Mrs. Sherry Clark of Meadows Drive, Meherrin advised the Board that she is in favor of the ordinance changes. It allows protection for citizens that do not reside in the specified zones.

Mr. Anthony Ehman, also of Meadows Drive, Meherrin stated that he is also in favor of the ordinance change. He noted that it is too easy to change something and no one is aware of it with the current ordinance in place. He added that zoning is in place to protect the land owners and neighbors. Too often such neighbors are not notified when there is a change, especially in the case of by right changes. He believes that changing the ordinance to allow the Board of Supervisors to have the final say and notifying neighbors of changes in advance, is the right step to take.

Supervisor Bacon questioned if neighboring landowners are currently notified.

Mrs. Beverley Hawthorne replied yes for conditional use permit requests.

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

Supervisor Zava commented that the ordinance change would allow for the Board of Supervisors to give final approval in all cases. The ordinance change includes limitations and time frames. Supervisor Zava added that there are possible legislative changes to come in July. The county's proposed changes would compile with the legislation.

County Attorney Rennie added that these changes put teeth into the ordinance and outlines how decisions are to be made. It will reduce problems later down the road.

Supervisor Bacon made motion, seconded by Supervisor Zava and unanimously approved, to advertise the changes and present for approval at the next meeting.

The monthly VDOT report was provided.

The monthly school reports were provided.

Supervisor Bacon stated that only 53% of the transportation budget had been used so far. He added that in previous years the schools neglected to purchase new buses timely, which resulted in a shortage of buses. He would like the school system to keep that in mind.

Administrator Gee advised that she had been notified that the county has been awarded two grants. One is for the Consumer Premise Equipment (CPE) project in the amount of \$49,927.31 and the other is for the Geographic Information Systems (GIS) project for \$82,000. Administrator Gee added that neither grant requires a local match and both projects are funded for reimbursement beginning July 1, 2014. The grant funds will be placed in the operational budget for 2015.

Administrator Gee explained that the Sheriff's Office has a totaled 2005 Impala police car that needs to be declared surplus to complete paperwork with the insurance company. The insurance company will pay \$4,475 for the totaled vehicle. Sheriff Townsend is requesting the purchase a 2008 Ford Crown Victoria from the Town of Kenbridge to replace the totaled vehicle. The purchase price of the 2008 Ford Crown Victoria is \$9,000. Sheriff Townsend is requesting to pay the remaining \$4,525 in the 2014/15 fiscal year.

Supervisor Zava asked Sheriff Townsend about monies that were requested for supplies in previous months but had not been spent yet. He questioned if the inclusion of these monies would be enough for the purchase of the vehicle.

Sheriff Townsend stated that he has specific supplies in mind for those monies.

Supervisor Hoover made motion, seconded by Supervisor Zava and unanimously approved, to declare the 2005 Impala surplus property and complete paperwork with the insurance company and allow for the purchase of the 2008 Ford Crown Victoria from the Town of Kenbridge.

Administrator Gee shared a Proclamation for Local Government Education Week. It designates the 1st week of April. Administrator Gee would like the county to support the Proclamation.

Supervisor Zava made motion, seconded by Supervisor Edmonds and unanimously approved, to adopt the below proclamation.

**PROCLAMATION
LOCAL GOVERNMENT EDUCATION WEEK**

WHEREAS, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

WHEREAS, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

WHEREAS, citizen services such as, law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

WHEREAS, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week in April as Local Government Education Week in Virginia; and

WHEREAS, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton thereby making the first week in April appropriate for this designation.

NOW, THEREFORE, BE IT PROCLAIMED, by the **COUNTY OF LUNENBURG** that the first week of April is hereby designated as Local Government Education Week; and

BE IT FURTHER PROCLAIMED, that the **COUNTY OF LUNENBURG** and the **LUNENBURG COUNTY PUBLIC SCHOOLS** will partner to promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

Sheriff Townsend stated that he was notified regarding the Disposition of a Dead Body. According to the Code of Virginia Section 32.1-288, if no one is willing to come forward and claim the body the disposition is the responsibility of the county. The body has been transferred from Community Memorial Healthcenter to S.P. Jones Funeral Services for cremation. One thousand dollars is due to S.P. Jones Funeral Services.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to pay one thousand dollars to S.P. Jones Funeral Service for cremation of the unclaimed body.

Three organizations shared short presentations with the Board on a weatherization program. All three, STEPS, Inc., Telamon and Project Homes requested letters of support to DHCD for the Weatherization Program.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to provide letters of support for all three organizations.

Administrator Gee shared two memorandums of understanding. The first is between Lunenburg County and the VA Department of Emergency Management to establish a written agreement for the timely deployment of the Lunenburg-based Radiocache upon notification of necessity by the Commonwealth of VA. The agreement is effective through December 31, 2020. The second MOU is between Lunenburg County and the Virginia Cooperative Extension (Virginia Tech and Virginia State University). Administrator Gee reviewed the MOU and noted that there were only a few minor adjustments made, namely adding that custodial services of the office would be provided by the county. This practice is already in place.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to sign both MOU's.

Administrator Gee updated the Board on the Southside Regional Library. She has been working with the Victoria and Ripberger Library friends groups and recently attended a Mecklenburg County Board of Supervisors' meeting. She shared a letter with them regarding Lunenburg's intent to research withdrawal from the regional system. Administrator Gee noted that Mecklenburg's Board questioned the maximum amount of time it would take to split. She advised that the agreement and the Code of Virginia stated two years. Mecklenburg's reaction seemed as though they would require the full two-year time frame. Administrator Gee added that there is still much research to perform. She directed the Board to a business plan developed by the friends group.

Mr. Ollie Wright of the Victoria Friends group, provided a summary report from a group of library supporters, self-named the exploratory committee. The group made four recommendations to the Board. They requested the Administrator be authorized to work with Mecklenburg's Administrator. They asked for an official vote to dissolve from the regional system. The group asked the Board to authorize a forensic audit of SRL to ensure equitable division of the assets. Lastly, they requested a Lunenburg Board of Trustees be appointed as soon as possible to work on establishing a local library system.

Supervisor Bacon noted that if the two County Administrators work together, perhaps the period to dissolve wouldn't take a full two years.

Administrator Gee advised that she has not spoken with Mecklenburg in great detail at this point, but had an appointment scheduled with the Mecklenburg County Administrator in the next two weeks.

Mr. Wright commented that Mecklenburg's Board seemed surprised by Lunenburg's possible withdrawal. He believes that if the situation was explained to them, they may see that it would be beneficial to both counties.

Administrator Gee stated one reason for the resistance is because of the regional system's history. The agreement was established 70 years ago. The reduction in State Aid funds is also in question when transitioning from a regional system.

Supervisor Bacon complimented the exploratory committee for the development of a business plan.

County Attorney Rennie advised that if the friends groups are planning to obtain a 501(c)3 status, they should be the process now. He added that the process can take up to two years.

Chairman Pennington stated that he believes the Board should allow Administrator Gee to continue her discussion with Mecklenburg at this point.

Supervisor Bacon explained that Administrator Gee will need proof that the Board would like to dissolve. He would like to see the Board vote on it.

Supervisor Edmonds asked County Attorney Rennie if a vote should occur at this meeting.

County Attorney Rennie recommended that Administrator Gee inform Mecklenburg that the Board is in favor of separating for the benefit of both counties, but did not recommend a motion be made.

Administrator Gee requested permission to continue research and work with the two towns. She would provide an update at the next meeting.

Supervisor Hoover asked Victoria Mayor Carol Watson and Kenbridge Mayor Emory Hodges their opinions.

Both mayors stated they will continue to support the Board in the decision that is made.

Mrs. Beverley Hawthorne, Landfill Liaison, provided her monthly report. She noted that she met with Jeff Robinson of Robinson and Associates on February 27th. They reviewed plans and visited existing sites that are being developed. She advised that interviews were taking place for additional part-time trash collection workers. New hires will need to be trained before the supervisor, Jimmie Crowder, leaves for retirement for one month. She is still receiving numerous complaints. People are still dumping mattresses at many sites and there seems to be trash along the sides of the roads at some sites. She has asked CFS to dump containers at the two convenience sites on Saturdays to avoid over dumping on the weekends.

Supervisor Edmonds commented that he has noticed many sites looking poorly. He doesn't believe the part-time workers are taking enough pride in their work.

Mrs. Hawthorne replied that with so many sites in the county and a limited number of part-time workers, it is difficult to maintain. Also the weather has been very windy lately and has probably contributed to the trash blowing out of containers.

Supervisor Zava suggested getting community service workers to help clean up at sites. He added that when more convenience sites are completed and the number of sites has decreased, part-time worker won't be as overloaded.

Mrs. Hawthorne added that she has considered getting maintenance crews from Piedmont Regional Jail to assist as well.

Mrs. Hawthorne provided her monthly Community Development report. She noted that weather has prevented much progress on the Victoria IDA roof project. She advised that preliminary documents for the renovation and addition to the STEPS Building in Victoria should be ready by mid-March. Mrs. Hawthorne reported that the regional group, Virginia's Growth Alliance, has been contacted regarding six potential prospects in the last three months.

Mrs. Hawthorne shared a list of businesses within the Enterprise Zone that are due tax incentive refunds for the 2013 tax year. She noted three new projects were added in 2013 and expects to add at least two new projects in 2014 tax year. The total incentives for tax year 2013, to be paid in 2014 are \$29,488.38. She requested the Board to approve moving the funds to the IDA for payment.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to move \$29,488.38 to the IDA for payment.

Mrs. Hawthorne noted that she found a discrepancy regarding acreage in the agreement involving Timmons and the Lunenburg Industrial Site Readiness Initiative Grant project. She requested that the Board grant permission for Administrator Gee to sign the agreement once the acreage is corrected. At that point Timmons will begin work.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to allow Administrator Gee to sign the agreement once it is corrected.

Administrator Gee shared a press release concerning the Piedmont Regional Jail. Mr. William A. Coles, a supervisor at the jail, was indicted for a false tax return conspiracy along with his wife. Administrator Gee added that Mr. Coles has resigned from his position with the jail.

Administrator Gee directed the Board to the Piedmont Regional Jail monthly reports and meeting minutes. The quarterly projected payment was also provided.

Administrator Gee noted that she attended a Department of Aviation board meeting on February 20th. She added that their board did approve to allow the Lunenburg Airport to operate, but during the day time only. They also approved an extension until August 20th to be in compliance. She advised that she has received a quote for the new signs and has forwarded them to DOA for approval.

Administrator Gee stated that the county does not currently charge Animal Control fees. She provided a list of fees currently charged by Prince Edward and Nottoway Counties. She would like to begin charging fees on April 1, 2014 and provided a list of proposed fees.

Supervisor Zava asked who would be responsible for the collection of the fees.

Administrator Gee responded that the Animal Control Officer would be responsible for the paperwork, but administration of fee collection would need to be determined.

Supervisor Zava made motion, seconded by Supervisor Slayton and unanimously approved, to adopt the Animal Control Fee Policy as proposed with an implementation date of April 1st.

Administrator Gee provided an update on the Storm Water Management Program. She advised that the state is allowing those counties that are not a MS4 to opt out and let DEQ administer the program. She stated that if the county runs its own program, there would be more local control of the program. If DEQ is in charge, there would be no local control and an application could potentially be held up for six or more months. However, there would be much less expense to allow DEQ to administer the program.

County Attorney Rennie added that 90 percent of the counties allowed to opt into DEQ's program have chosen not to do so.

Supervisor Zava noted that the county can opt in to the program at anytime; there is no deadline. He stated it may be more beneficial to see how DEQ implements the program and learn from their lead.

Administrator Gee informed the Board that the Annual Farm Bureau meeting has been rescheduled to April 16th. She will need RSVP's at the next meeting.

Supervisor Bacon made motion, seconded by Supervisor Zava and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel, §2.2-3711A3 Public Property, §2.2-3711A5 Prospective Business and Section §2.2-3711-A7 Consult with Legal Counsel.

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 Bacon
Supervisor Edmonds
Supervisor Hoover
Supervisor Pennington
Supervisor Slayton
Supervisor Wingold
Supervisor Zava

VOTING NO

ABSENT

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

Supervisor Zava stated that he, Administrator Gee and the Commissioner of the Revenue, Liz Hamlett met regarding the financial projection of sales, adding that it has been declining over the past few years. He noted that changing the reassessment from every four years to every six years could result in a savings for the county. He stated that advertising an RFP for reassessment services would need to begin as soon as April if the Board wished to remain in a four-year period, as-is.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to change the reassessment period to every six years, with the next reassessment scheduled for the year 2018.

County Attorney Rennie suggested that the Board adopt a proposed conflict of interest policy. The policy and statement allows each member to state any potential conflict of interest that they may have after reviewing the agenda of each meeting.

Supervisor Bacon made motion, seconded by Supervisor Slayton and unanimously approved, to adopt the conflict of interest policy.

Supervisor Hoover made motion, seconded by Supervisor Wingold and unanimously approved, to continue to March 20, 2014.

Tracy M. Gee, Clerk
County Administrator

Edward W. Pennington, Chairman
Board of Supervisors