

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

Minutes of April 10, 2014 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, April 10, 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.

County Attorney Rennie reminded the board of the recently adopted conflict of interest policy. There were no conflicts of interest from board members.

Supervisor Zava made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the minutes of the March 13 and 20, 2014 Board of Supervisors meeting, the Treasurer's February 2014 reports, and the following Warrants for Approval:

March 2014:	Payroll:	Direct Deposit	\$ 103,002.81
	Payroll Taxes Federal:		\$ 35,169.14
	Payroll Taxes State:		\$ 5,932.17
	Payroll VRS payment:		\$ 21,113.51
	Accounts Payable:	#48943-49078	\$ <u>453,576.59</u>
	Total:		\$ 618,811.26

Supervisor Wingold made motion, seconded by Supervisor Slayton and unanimously approved, to enter public hearing regarding a zoning ordinance amendment and two conditional use permit applications for family cemeteries.

County Attorney Rennie stated that the purpose of the amendment is to expand the zoning ordinance. He read the proposed update as follows:

**"Section 3-18: Uses not provided for:**

- (a) If in any district established under this ordinance, a use compatible with this district is not specifically permitted and an application is made by the property owner for such use, the zoning administrator shall refer the application to the Planning Commission which may then conduct a public hearing on the application. The Planning Commission shall then recommend to the Board of Supervisors within 90 days of the date of the application, one of the following:
- Amend this ordinance making the use applied for a use permitted by right in that district;
  - Amend this ordinance making the use applied for a use permitted with a conditional use permit in that district;

- Amend the ordinance by rezoning, thereby allowing the use; or
  - Deny the use in that district.
- (b) Upon receiving a recommendation from the Planning Commission, the Board of Supervisors may hold a public hearing to consider the application and take such action as is permitted under this zoning ordinance.
- (c) If, after ninety (90) days, no recommendation has been made by the Planning Commission, the failure to act shall constitute approval by the Planning Commission and the matter then shall be referred to the Board of Supervisors to consider the application.”

Mrs. Sherrie Clark of 217 Meadows Drive asked the Board to vote in favor of the change and it provides protections to residential landowners.

Mr. Anthony Ehman of Meadows Drive stated that he was also in favor of the change. He added that the new ordinance would benefit landowners and bring peace of mind to all.

Mrs. Beverley Hawthorne, Community Development Director explained two Conditional Use Permits applications before the Board.

Beverly E. Smith to located a family cemetery on property he owns which is located east of the intersection of Route 685, Germantown Road and Route 360, Patrick Henry highway near Meherrin, VA 23954. This parcel is identified as tax map number 1A1 ((A)) 2, 3.

Kim Bishop Jackson and family to locate a family cemetery on property owned by Larry F. Bishop (deceased) which is located west of 7743 Craig Mill Road, Kenbridge, VA 23944. This parcel is identified as tax map number 59 ((A)) 47/48.

Mrs. Hawthorne noted that the Planning Commission had met and approved to recommend both conditional use permit applications to the Board.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to close the public hearing regarding a zoning ordinance amendment and two conditional use permit applications for family cemeteries.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to adopt the proposed zoning ordinance.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve both conditional use permits regarding family cemeteries.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to enter public hearing regarding the Secondary Six-Year Plan and Budget.

Mr. Billy Smith presented VDOT's Secondary Six Year Plan to the Board. He noted that due to lack of funding there weren't many changes to the plan. However, if the Board wishes to add a project, please inform Mr. Smith. He asked the Board to monitor roads when driving in the county and make recommendations of those roads needing attention. He added that if VDOT makes the recommendation for updates, the roads will be chosen based on traffic count. Mr. Smith informed the Board that Mecklenburg County has chosen to replace the county line bridge of route 621. He noted that Lunenburg may want to consider replacing their side as well. It is currently a dirt bridge and VDOT will be paving the Mecklenburg side.

Supervisor Bacon stated that the Board has typically supported VDOT's recommendation in the past.

Supervisor Zava commented that it would be helpful for the Board to see an updated list of those roads most traveled in the county.

Mr. Smith stated that he would need an approved resolution from the Board supporting the proposed Secondary Six Year Plan. Next year an updated traffic count could be reviewed.

Supervisor Bacon made motion, seconded by Supervisor Hoover and unanimously approved, to close the public hearing regarding the Secondary Six-Year Plan and Budget.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to support the resolution regarding the Secondary Six-Year Plan and Budget.

The monthly school board report and the proposed FY2015 budget were provided to the Board.

Supervisor Zava commented that the school board requested flat funding. He questioned if any supervisors who were not able to attend had any questions about the school board's presentation. Supervisor Zava added that the school's enrollment had increased; therefore they would have more state funds. He commended the school board and Mr. Tom Palmore, Finance Director, for their presentation at the jointly held meeting.

Supervisor Zava explained that he and Administrator Gee attended a meeting with the School Board and TRANE to discuss the Energy Performance Contract. The original agreement provided a guarantee of energy savings through monitoring. Those savings have been realized. Therefore the School Board requested to terminate the Measurement and Verification portion of the Maintenance Services of the Energy Performance Contract, saving them an annual amount of \$14,000.

Supervisor Zava made motion, seconded by Supervisor Bacon and unanimously approved, to allow the Chairman to sign the agreement to terminate the Measurement and Verification portion of the Maintenance Services of the Energy Performance Contract.

Administrator Gee shared an e-mail from Commonwealth Attorney Robert Clement. He reported that he was able to obtain approval from the State Compensation Board to transfer state funds in the amount of \$8,500 from temporary personnel to office expenses due to savings from not hiring an assistant prosecutor. The transfer will cover expenses such as telephone, maintenance, internet service, postage, and other office supplies. He also received approval from the State Compensation Board for a transfer for equipment in the amount of \$1,151.38 to replace two older computers in his office with Windows operating system 7. He requested approval from the Board of Supervisors for these two transfers.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the two transfers requested by Commonwealth Attorney Clement.

Supervisor Zava stated that budgeting is not easy and commended Commonwealth Attorney Clement on his efforts to save funds and request special funds from the State Compensation Board.

Supervisor Hoover spoke on behalf of Sheriff Arthur Townsend. Due to recent retirements, Sheriff Townsend has vacancy savings of \$5,182.57. He would like to transfer those funds from personnel and use the funds to pay for equipment updates to vehicles. If the funds from the compensation board are not used they will be lost.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the transfer of funds as requested by Sherriff Townsend.

Commissioner of Revenue Liz Hamlett requested flat funding for the FY14-15 budget year. She added that the 2014 calendar year is projected to bring \$3,437,476.27 in personal property tax revenue and \$3,245,480.82 in real estate tax revenue.

Commonwealth Attorney, Robert Clement requested flat funding from the Board.

Mr. Ollie Wright, Secretary of the Electoral Board, requested flat funding. However, he advised that the Electoral Board and county are unable to control the number of elections that must be held within a year. His Board will do their best to control spending.

A letter from Sheriff Townsend was shared with the Board regarding his budget request. He requested flat funding except in the training line item. The Central Virginia Criminal Justice Academy advised the Sherriff of a \$30 increase per position for DCJS mandated training. Therefore an additional \$840 will need to be funded.

Mrs. Donna Daniel, of the local Virginia Extension Office, spoke to the Board requesting flat funding. She shared numerous activities that her office participated in over the past year. Mrs. Daniels requested permission from the Board to place an 8 ft by 10 ft shed for storage purposes on the county property. She has funding for the purchase of the shed but needs a place to put it.

Administrator Gee stated that she discussed placement of the shed with Building Inspector, Jamie Tuck. They decided the best location was beside the voting building, behind the Treasurer's Office.

The Board granted Mrs. Daniels permission to place the shed on county property.

Supervisor Zava noted that during budget preparations, it is important to know what the state will provide each locality. He has spoken with other county leaders regarding the state's delay in adopting a budget. He shared a resolution with other board members urging the Virginia Assembly and the Governor to reconcile differences and agree on a FY2015-16 budget.

Supervisor Zava made motion, seconded by Supervisor Bacon and unanimously approved, to sign the below resolution and forward to the Honorable Terry R. McAuliffe, Governor of Virginia, and to members of the Virginia General Assembly.

RESOLUTION  
BIENNIAL FY 2015-2016 STATE BUDGET IMPASSE

Whereas, the Virginia General Assembly did not agree on the approval of a budget by the adjournment sine die date of March 8, 2014; and

Whereas, funds from the state received by Lunenburg County comprise a large portion of revenues necessary for Lunenburg County to deliver many of the public services mandated by the Commonwealth; and

Whereas, the delivery of mandated public services by Lunenburg County depends upon a stable and healthy partnership between state and local governments; and

Whereas, Virginia's local governments are subject strict, statutory deadlines for approving certain components of their respective budgets; and

Whereas, local governments under Sections 15.2-2500 and 15.2-2503 of the Code of Virginia are required to approve their respective budget and tax rates by July 1 of each year; and

Whereas, by May 1 of each year, or at least 30 days after receiving an estimate of state aid, whichever is later, local governments are required under Section 22.1-93 of the Code of Virginia to adopt an annual school budget; and

Whereas, not later than June 1 of each year, all school divisions under Section 22.1-304 of the Code of Virginia, must notify teachers of reductions in force due to decreased funding; and

Whereas, failure to approve a budget in a timely manner would disrupt the ability of Virginia's businesses and public agencies to operate effectively; and

Now, therefore, be it resolved by the Lunenburg County Board of Supervisors that the Virginia General Assembly and the Governor of Virginia are urged to reconcile their differences and agree on a FY 2015-2016 budget;

And be it further resolved that the Lunenburg County Board of Supervisors shall transmit copies of this resolution to the Honorable Terry R. McAuliffe, Governor of Virginia, and to members of the Virginia General Assembly. Adopted this 10<sup>th</sup> day, April, 2014 on a vote of 7 in favor of and 0 opposed.

Signed by Edward W. Pennington, Chairman

Administrator Gee informed the Board that she had met with Mr. Wayne Carter, County Administrator of Mecklenburg County, concerning the Southside Regional Library. They discussed many of the recent issues. She requested that one or two board members be appointed to a library committee to discuss the Board thoughts and recommendations on how to move forward with the library system.

The Board suggested that Supervisors Hoover and Wingold be appointed to the committee as the two libraries in the county are located within their districts.

Mr. Ollie Wright of the self-appointed library exploratory committee reported that he and other supporters of the library attended the most recent SRL Board of Trustees' meeting. The Board of Trustees is aware of Lunenburg's potential intentions to leave the regional system.

Supervisor Bacon stated that he believes the county needs to move forward with separating from the regional system.

Supervisor Hoover questioned what would be the purpose of the committee meeting.

Administrator Gee replied that it would be a transitional meeting to decide if and how to split the monies, assets, etc. between the two counties.

Supervisor Hoover commented that all of his constituents want to separate from the regional system, therefore, he would have to support their wishes. He added that now is a good time to explore separation as another budget year is approaching.

Supervisor Zava asked Administrator Gee how the Mecklenburg County Board responded to her at the meeting she attended last month.

Administrator Gee noted that they were shocked as the regional system has been in place for 70 years. She is unsure if they will allow the separation to occur quickly or if they will draw it out over the state-mandated 2-year time period.

Mr. Ollie Wright stated that he believes it is a good idea for the two boards to create a committee to work out the details of a possible separation.

Supervisor Wingold made motion, seconded by Supervisor Bacon and unanimously approved, to withdrawal from the Southside Regional Library and create a committee to work in cooperation with Mecklenburg County for a smooth transition.

Mrs. Beverley Hawthorne, Landfill Liaison, provided her monthly report. She noted that all trash payments from CFS are up to date. Mrs. Hawthorne shared that she and Administrator Gee have discussed closing some of the smaller dump sites. They believe this will help prepare citizens to use sites a little farther away, as will be the case when additional convenience centers are developed. Currently the county has many sites that are very close together.

Mrs. Hawthorne provided an update on the Owl Creek Road and Nutbush Road Convenience Center development projects. She received preliminary plans on 3/19/2014 and obtained VDOT preliminary approval on 3/27/2014. Mr. Jeff Robinson is completing the drawings and she is hoping to advertise for bids in the next two weeks.

Supervisor Zava questioned when the bids would be turned in.

Mrs. Hawthorne stated bids would be due two weeks after advertising. She hopes that the Board will be able to vote at the next meeting and have the sites completed by the end of the fiscal year.

Supervisor Zava commented that the county has hired five people to clean up dump sites. He added that citizens need to understand that it costs the county money when they dump trash improperly.

Supervisor Hoover noted that he was at the Oral Oaks site and noticed that the free standing dumpsters are about seven feet tall. Even for him, it's difficult to get trash in the dumpsters.

Mrs. Mary Mingo approached the Board regarding the dumpsite near Rosebud Church on Route 602. She stated that it was in terrible shape and was an eye sore as people attended church. She questioned how often the site was dumped.

Mrs. Hawthorne stated that the site was dumped on Friday. By Sunday, the dumpster was full and overflowing again.

Supervisor Bacon noted that this site was in his district. He believes the issue is with citizens' behavior and not disposing of trash properly.

Supervisor Zava advised that most of these sites will be closed soon. There will be fewer sites available, however; the remaining sites will be better maintained.

Mrs. Beverley Hawthorne, Community Development Director, provided her monthly report. She advised that the current plant manager at Lignetics has given his resignation. They will be looking to hire a new plant manager in the coming weeks. She reported that Fellowship Chair is preparing to move into the entire Caddis building. Mrs. Hawthorne noted that despite STEPS, Inc. ending operations in the Victoria building, planned renovations and the addition will proceed. She also stated that Buy Fresh-Buy Local will have a new Food Guide ready for proofing on March 31<sup>st</sup>.

Mrs. Hawthorne advised that Virginia's Growth Alliance has been contacted regarding 10 prospective industries in the past six months. All of the prospects have asked for natural gas as a resource, something this area does not have. VGA will initiate a project to make natural gas available in our area. VGA is actively working with Secretary of Commerce and Trade, Maurice Jones on this project.

Mrs. Sharon Harrup of STEPS, Inc., asked the Board for support of their Rapid Re-housing project as was requested and approved last year.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to allow the chairman to sign the letter of support for STEPS, Inc.

Administrator Gee shared the quarterly invoice from Piedmont Regional Jail. She added that in order to pay this invoice, the board would need to increase the line item by \$99,236.90 over the originally budgeted amount.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to increase the budgeted line item by \$99,236.90 and pay the invoice.

Administrator Gee stated that a budget work session would be held for PRJ the following day. She will be attending. The superintendent provided two budgets for initial review, one without housing federal inmates and one with housing federal inmates. The projections show a tremendous difference.

Supervisor Zava advised that the finance committee recently met. They had a good start in discussions on the budget. The IBM server will soon be paid off, which will help offset costs for the CAMA software system. Supervisor Zava asked board members to attend the budget work session the following week to hear community requests.

Administrator Gee provided her monthly report. She advised that she is awaiting health insurance renewal information to determine the cost for the upcoming fiscal year. She noted that the quote for the "Noise Abatement" signs at the airport has been approved and the signs have been ordered. They will be installed upon delivery. Administrator Gee stated that the part-time and full-time Animal Control positions have been filled. Mr. Noyse King will take over the part-time position and Mr. Ray Elliott has been hired as the full-time officer. He will begin employment on May 1<sup>st</sup>. Administrator Gee reported that all Fire Program Aid-to-Locality Funds have been received and disbursed to the three local fire departments. She has also received paperwork from the State for EMS Four-for-Life funds, and will send them to each rescue squad for reporting and submittal to the State.

Administrator Gee reported that students from Central High School visited the courthouse complex for Student Government Day. The next board meeting will be held at the school on May 8<sup>th</sup> in presence of the students.

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

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

Supervisor Hoover recommended that the grant-repayment agreement for the Tobacco Commission be spread out over two years.

Supervisor Zava made motion, seconded by Supervisor Slayton and unanimously approved, to authorize the chairman to sign the agreement.

Supervisor Hoover advised the board that new equipment and training was needed for the new Animal Control Officer. Some of the items needed include uniforms, cages, firearms, a vehicle, lighting for the vehicle, school, computer and printer for the kennel office, and many other items. He noted that the county is expecting \$85,000 from the sale of the landfill equipment. He recommended using \$42,500 of those funds for updates and equipment purchase for the Animal Control Department. Supervisor Hoover stated that this is the bare minimum to update the department as it should be.

Supervisor Zava suggested moving funds from the solid waste fund to purchase items now. Once the expected \$85,000 is received, the monies will be replaced.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to authorize movement of \$42,500 from solid waste to animal control to purchase items for the animal control department.

Supervisor Hoover thanked the board for enabling the animal control department to be upgraded.

Supervisor Zava made motion, seconded by Supervisor Edmonds and unanimously approved, to continue to April 17, 2014.

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Tracy M. Gee, Clerk  
County Administrator

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Edward W. Pennington, Chairman  
Board of Supervisors