

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

Minutes of November 12, 2015 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, November 12, 2015 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors T. Wayne Hoover, Frank Bacon, Edward Pennington, Charles R. Slayton, Alvester Edmonds, Robert Zava, David Wingold, County Administrator Tracy M. Gee, Assistant to the Administrator Nicole Clark, and County Attorney Frank Rennie.

Chairman Wingold called the meeting to order.

Supervisor Pennington gave the invocation and led the pledge of allegiance.

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

Cell towers and emergency services radio equipment were added as 9F and security at the convenience centers was added as 9G, both by request of Supervisor Hoover.

Security in the Circuit Clerk's Office was added as 9H on request by Supervisor Slayton.

Administrator Gee requested the following additions; Weapons at the Courthouse Complex as 9D, budget requests as 9E, an appointment to the VCBR committee as 13C and the Abstract of Votes as 6B.

Supervisor Hoover stated that he had personal interest in Agenda Item #9B, Kenbridge Emergency Squad-Bank Signature Card. The personal interest is that he is a part-time employee of Kenbridge Fire Department. Therefore, he is a member of a profession, occupation, or group of members that is affected by the agenda item. However, he is able to participate in the matter fairly, objectively, and in the public interest.

Supervisor Edmonds made motion, seconded by Supervisor Bacon and unanimously approved, to accept the Consent Agenda to include the Minutes of the October 8th, 2015 meetings, the Treasurer's September 2015 reports and the following Warrants for Approval:

October 2015:	Payroll: Direct Deposit	\$ 112,725.66
	Payroll: #17211	\$ 1,493.10
	Payroll Taxes Federal:	\$ 38,508.01
	Payroll Taxes State:	\$ 6,397.60
	Payroll VRS payment:	\$ 31,809.24
	Payroll ICMA-RC payment:	\$ 214.74
	Accounts Payable: #51643-51778	<u>\$ 591,919.09</u>
	Total:	\$ 783,067.44

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to enter public hearing regard the tax sale surplus refund to heirs of E. Fitzgerald.

County Attorney Rennie stated that the County had received a request for a refund of a tax sale. He noted that an ordinance was needed. He read aloud the following document:

ORDINANCE

Refund Surplus Funds.

The Lunenburg County Board of Supervisors has been asked to refund certain funds that are being held by Lunenburg County that resulted from a surplus delinquent tax sale. The sale occurred in the Circuit Court of Lunenburg County in a matter styled The Board of Supervisors of Lunenburg County, Virginia v. The Heirs, etc., of Elizabeth Fitzgerald, Deceased, Case No. CL-0800095-00.

Virginia Code § 58.1-3967 authorizes the governing body of Lunenburg County to pay such surplus funds as they deem proper to the former property owners, or their heirs. The Board of Supervisors will authorize those surplus funds to be distributed to the lawful heirs of Elizabeth Fitzgerald, after the costs, expenses and fees of the law firm of Hawthorne & Hawthorne have been paid to Hawthorne & Hawthorne. Additionally, the expenses, costs and attorney's fees that Lunenburg County has incurred in this matter will be reimbursed to the County. Lunenburg County shall pay the total surplus funds to the Lunenburg County Attorney who then shall reimburse Hawthorne & Hawthorne, as well as Lunenburg County for the attorney's fees, costs and expenses that have been paid. After deducting these fees, costs and expenses, the County Attorney shall pay over the remaining surplus funds to Hawthorne & Hawthorne to be disbursed to the lawful heirs of Elizabeth Fitzgerald properly entitled thereto.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to exit public hearing regard the tax sale surplus refund to heirs of E. Fitzgerald.

Supervisor Bacon made motion, seconded by Supervisor Slayton and unanimously approved, to return the funds to the heirs of E. Fitzgerald.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to accept the following Abstract of Votes:

ABSTRACT of VOTES	
Call in LUNENBURG COUNTY, VIRGINIA at the 2015 November General Election held on November 03, 2015 for Member School Board District: DISTRICT 4	
NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Ada A. Whitehead	228
Total Write-In votes (From Write-In Certifications) [Valid Write-Ins + Invalid Write-Ins + Total Write-In Votes]	4
Total Number of Overvotes for Office	0

Ada A. Whitehead

Given under our hands this 6th day of November, 2015

Chairman
Vice Chairman
Secretary
Secretary, Electoral Board

ABSTRACT of VOTES	
Call in LUNENBURG COUNTY, VIRGINIA at the 2015 November General Election held on November 03, 2015 for Member Board of Supervisors District: DISTRICT 2	
NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
David E. Wingold Sr.	224
Total Write-In votes (From Write-In Certifications) [Valid Write-Ins + Invalid Write-Ins + Total Write-In Votes]	0
Total Number of Overvotes for Office	0

David E. Wingold Sr.

Given under our hands this 6th day of November, 2015

Chairman
Vice Chairman
Secretary
Secretary, Electoral Board

Lunenburg County School Board
P. O. Box 710
Kenbridge, Virginia 23944

RESOLUTION

WHEREAS, Section 656 of the Code of Virginia was amended by the General Assembly on February 26, 1946, providing that the School Board may provide by resolution for the drawing of special warrants on the County Treasurer, payable out of the school funds, in payment of compensation, when such compensation has been earned and is due, for (1) all employees and school bus operators under written contract, and (2) upon receipt of certified time sheets or other evidence of service performed, the payment of all other employees whose rates of pay have been established by the school board or its properly delegated agent. All such special warrants so authorized shall be signed by the clerk of the school board and countersigned by the chairman of the school board.

Such payrolls so paid shall be reviewed and approved by the school board at its next regular meeting.

WHEREAS, All teachers, bus drivers, janitors, maintenance workers, and school board members will complete their work for the month of December as of December 18, 2015.

NOW, THEREFORE, BE IT RESOLVED, By the School Board of Lunenburg County at its regular meeting on Monday, November 9, 2015, that its chairman and clerk are hereby authorized to draw special warrants on the County Treasurer to be dated December 18, 2015, for all teachers, bus drivers, and other workers whose salaries are set by the School Board or its properly delegated agency.

Dated this ninth day of November 2015

Attest:
Signed:

T. A. Palmore, Clerk
County School Board of
Lunenburg County, Virginia

Mr. Berkley continued that the upcoming week is American Education Week and all schools will be participating. He advised that parent/teacher conferences were held the previous week. Mr. Berkley advised that the new website was very informative and he welcomed the supervisors to visit the site. He noted that Central High School's first football playoff game will be held the following night.

Supervisor Hoover commented that he attended the bon fire celebration held at the high school in support of the football team. He added that attendance was over 300. He noted that he thought it was one of the best school events he has attended in quite some time. Supervisor Hoover stated that a bon fire hadn't been held at the school in over 10-15 years and he hopes to see it continue.

Mr. Richard Watson of Modest Creek Road, approached the Board to discuss the Noise Ordinance Section 58-76 and its enforceability. Mr. Watson advised that a neighbor of his, a quarter mile away, is playing very loud music that contains numerous obscenities. He noted that he hears the music often from the distance of a quarter mile and there are other homes, with small children, that are closer to the home with the loud music. Mr. Watson called the Sheriff's Office to report the incident. When the deputy arrived, Mr. Watson was informed that a request to turn the volume down could be made but the issue was not enforceable due to the fact the ordinance doesn't specify a decibel level. He requested that the Board consider updating the noise ordinance so that it would be enforceable. He suggested that the Board consider using property lines as a measuring tool instead of decibels. Mr. Watson commented that the issue will only get worse if something isn't done soon as more and more residents are moving into the county.

Supervisor Hoover commented that the Board has looked into this issue before.

County Attorney Rennie stated that the Supreme Court requires this type of measurement be in decibels. He added that the cost for each officer to have a tool to measure decibels would be very costly.

Supervisor Zava questioned if the laws covered vulgar language.

County Attorney Rennie replied yes; vulgar language is covered under a different standard.

Supervisor Hoover asked how the Board should proceed with Mr. Watson's request.

County Attorney Rennie reiterated that some standards prohibit vulgar language. The issue arises when the charge is presented in court; the judge requires that the volume level be measured in decibels. He added that the cost of training and equipment to measure the level is very expensive.

Supervisor Edmonds suggested the Board allow County Attorney Rennie to research other possibilities of dealing with loud noise.

County Attorney Rennie noted that he will research the issue and bring information to the next meeting.

Administrator Gee requested permission from the Board to be added as a bank account signatory on behalf of the County to the Kenbridge Emergency Squad's Benchmark account.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to grant permission for Administrator Gee to be the County's signatory on the Kenbridge Emergency Squad's account.

Administrator Gee requested early pay dates for County employees for the holiday months. The date for November would be the 25th and for December would be the 18th.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to approve early pay dates of November 25th and December 18th for 2015.

Administrator Gee advised that recently a weapon was brought into the Circuit Clerk's Office. She researched the state code and found that it states no weapons should be brought onto courthouse grounds.

Supervisor Slayton added that a citizen from another county brought in an unloaded rifle to the Circuit Court Clerk's Office and placed it on the counter. He commented that the some type of barrier needs to be installed to protect the employees.

Administrator Gee explained that employees of VACorp had visited the Clerk's Office to assess the area and make suggestions on how to improve security. They suggested a higher partition be placed between the employees and visitors. Administrator Gee forwarded some options to Circuit Clerk, Mr. Gordon Erby for review. She added that updates will be costly.

Supervisor Hoover commented that the General District Clerk's office is completely enclosed. He suggested something similar for the Circuit Clerk's Office.

Administrator Gee requested that the Board accept a Technology Trust Fund (TTF) Appropriation in the amount of \$8,000 and to adjust the expenditure and revenue line items of the budget accordingly.

Supervisor Hoover made a motion, seconded by Supervisor Bacon and unanimously approved, to accept a Technology Trust Fund (TTF) Appropriation in the amount of \$8,000 and to adjust the expenditure and revenue line items of the budget accordingly.

Administrator Gee requested that the Board accept revenues from DMV animal license plates in the amount of \$165 and \$28 from the State and forward the funds to the SPCA.

Supervisor Hoover made a motion, seconded by Supervisor Bacon and unanimously approved, to accept revenues from DMV animal license plates in the amount of \$165 and \$28 from the State and forward the funds to the SPCA.

Supervisor Hoover shared a proposal from Commtronics of VA for the E911 equipment needed to furnish the two new cell towers with E911 radios and communication. The proposal totaled \$6,289.54. He requested approval to purchase the equipment using E911 funds.

Supervisor Zava questioned if the expense would be reimbursable.

Supervisor Hoover replied no, local funds would be used. However, the County would benefit greatly by the use of the towers.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to purchase the equipment from Commtronics of VA in the amount of \$6,289.54 using E911 funds.

Supervisor Hoover stated that he had researched security camera systems for the convenience center sites. He obtained pricing on closed circuit systems. The total price to include installation and signage would be \$930 per site. Supervisor Hoover added that he believes this is a small price to pay to protect the \$150,000 invest the County has in the new sites. He asked the Board to consider a motion.

Supervisor Edmonds requested that the Landfill Committee meet and review the proposal before a decision is made.

Mrs. Beverley Hawthorne, Landfill Liaison, provided her monthly report. She discussed the development of the Rocky Mill Site, noting that the compactors should be delivered the following week. Electricity will be turned on shortly after the compactors installation. She plans to close the smaller sites surrounding the new convenience center in the first few weeks of December. Mrs. Hawthorne noted that County Attorney Rennie suggested a ribbon cutting ceremony for the new site once it's complete.

Mrs. Hawthorne stated that she has been receiving numerous compliments regarding the other convenience center sites. She added that the employees maintaining the sites are working hard to keep the sites clean.

Supervisor Edmonds commented that the Switchback site has been looking very nice and clean. He feels that the employees are truly taking ownership of the sites.

Mrs. Hawthorne shared that she had received a few inquiries regarding additional lighting for the dump site at the Courthouse Complex. She added that current light poles are about 50 feet from the dump site. She suggested that this topic be discussed at the Landfill Committee meeting as well.

Mrs. Hawthorne, as the Community Development Coordinator, provided the monthly report. She requested Board approval of a resolution of support for VA's Retreat. They would like each locality's support to become a 501c(3) non-profit organization rather than being administrated by a governmental entity. Mrs. Hawthorne noted that this status would enable them to apply for more grants and enlist more members who are not governmental entities.

Supervisor Edmonds made a motion, seconded by Supervisor Bacon and unanimously approved, to approve the following resolution to support VA's Retreat in becoming a 501c(3) non-profit organization:



**Resolution Authorizing Virginia's Retreat to
Apply for Non Profit Designation**

WHEREAS, In 1993 the counties of Amelia, Appomattox, Buckingham, Cumberland, Dinwiddie, Nottoway, Prince Edward and the City of Petersburg came together to better promote the region's tourism assets. Representatives from each county joined forces with the Virginia Tourism Corporation, the Virginia Division of State Parks and the National Park Service to design a regional approach and,

WHEREAS, Out of this collaboration evolved Virginia's Retreat and the development of the nation's first Civil War Driving Trail, Lee's Retreat and,

WHEREAS, Since 2000, Brunswick, Charlotte, Halifax, Lunenburg and Mecklenburg counties have joined this regional consortium and participated in the development of the Wilson-Kautz Raid Civil War driving tour and the stirring Civil Rights in Education Heritage Trail® and,

WHEREAS, The Virginia's Retreat region of South Central Virginia offers travelers meaningful historical attractions and abundant outdoor recreation and,

WHEREAS, The mission of Virginia's Retreat is to market the recreational, historical, natural and scenic assets of the region and,

WHEREAS, Virginia's Retreat has been successful for the past five years in obtaining matching Virginia Tourism Leveraging Marketing Grants to obtain a higher return on the investment of the member counties and City of Petersburg and,

WHEREAS, The Virginia's Retreat Board of Directors, recently completed a two year strategic planning process funded by the Virginia Tobacco Commission and,

WHEREAS, One of the recommendations of the strategic plan was that the Board of Virginia's Retreat should apply for nonprofit designation in order to raise funds, receive corporate donations, and apply for more grant opportunities. Ultimately, this designation and the resulting funds will increase the return on investment by the member jurisdictions so that Virginia's Retreat can increase the marketing activity for the region.

NOW, THEREFORE, BE IT RESOLVED that the Lunenburg County Board of Supervisors fully supports the request from the Board of Virginia's Retreat to apply for non-profit designation.

Adopted this 12th day of November 2015, by this Board.


David Wingold, Chairman
Lunenburg County Board of Supervisors


Tracy M. Gee, Clerk

The monthly Piedmont Regional Jail reports were provided. Administrator Gee advised that Superintendent Donald Hunter is doing an excellent job. She added that he is constantly bidding out for services to be sure the jail is getting the best deal they can. Administrator Gee informed the Board that two of the member counties are still working to get formal permission from their board to become a jail authority.

Supervisor Bacon shared information he learned at the recent VACo Conference regarding the use of inmates working in the county. He stated that Lunenburg needs a more regular program of inmates performing work around the Courthouse Complex and other needs of the county.

Supervisor Hoover suggested that Administrator Gee and Supervisor Pennington, as a PRJ Board member, talk with other PRJ Board members and the Superintendent about getting a regular program set up. He suggested that the county could hire someone to drive the inmates from the jail to the courthouse. He added that this small expense would help the county's bottom line greatly if inmates worked in the community and at the courthouse. Supervisor Hoover stated that other jails have programs such as this in place and it is working very well. He questioned if the current issue with establishing a program was transportation.

Supervisor Pennington replied yes, adding that a certified officer would be needed to supervise the inmates.

Supervisor Edmonds said he would like to see this in place by the spring, when several outside projects will be needed.

Supervisor Hoover suggested the Board and Administrator Gee work to have a proposal in place for the following meeting.

Supervisor Edmonds made a motion, seconded by Supervisor Slayton and unanimously approved, to request Supervisors Hoover and Bacon to move forward with developing a proposal.

Supervisor Bacon made a nomination for the Board of Zoning Appeals, Mrs. Robin B. Neal of 251 Old Poole Road, Brodnax, VA from the Beaver Creek District.

Supervisor Hoover made a motion, seconded by Supervisor Bacon and unanimously approved, to appoint Mrs. Robin B. Neal to the Board of Zoning Appeals to fill the Beaver Creek District vacancy.

Administrator Gee stated that the Heartland Regional Authority Board meetings are typically held during the day when current appointee Supervisor Hoover is working. Supervisor Slayton volunteered to serve in his place as the Board member with Administrator Gee as the alternate. She requested appointment of Supervisor Slayton to the Heartland Regional Authority Board.

Supervisor Hoover made a motion, seconded by Supervisor Edmonds and unanimously approved, to appoint Supervisor Slayton to the Heartland Regional Authority Board.

Administrator Gee requested approval of the following extension of terms to the Social Services Advisory Board: one year for Gloria Allen (Loves Mill) and Jacqueline Moore (Hounds Creek) to 12-31-16. Additional two-year terms for Randy Slayton (Rehoboth), Mary Beth Gregory (Meherrin River) and Gail Berkley (Plymouth) to 12-31-17.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to extend the above mentioned terms for the Social Services Advisory Board.

Chairman Wingold nominated Mr. Luther Drummond, Jr. of Plank Road, Kenbridge, VA for the Brown's Store district.

Chairman Wingold made a motion, seconded by Supervisor Bacon and unanimously approved, to appoint Mr. Luther Drummond, Jr. to the Social Services Advisory Board for the Brown's Store district.

Administrator Gee advised that the first phase of the Capital Grant funds from the Department of Aviation will cover many of the expenses incurred from the Easement Acquisition at the Airport. The agreement must be signed by a County representative and the County Attorney. Administrator Gee requested permission to sign the grant agreement and file for reimbursement of expenditures.

Supervisor Bacon made a motion, seconded by Supervisor Zava and unanimously approved, to allow a County representative and the County Attorney to sign the grant agreement.

Administrator Gee notified the Board that she and Attorney Rennie will be participating in a conference call to discuss progress on the project, future timeline, and expectations of expenses. Once the County closes on the final two easements, Administrator Gee will apply for the second phase of grant funding.

Supervisor Zava commented that the Heartland Industrial Park recently made an announcement regarding a new business coming to the park.

Administrator Gee continued that Tigercat Forest Products purchased 17 acres in the park for an equipment dealership. The new facility is a sales facility that will employ around eight people. She added that the new business is great for the region.

Administrator Gee provided her monthly report. She noted that the Southside Regional Library has a refund of \$20,761.75 to the County. She requested permission to accept the funds and distribute evenly to the two libraries in the County.

Supervisor Edmonds made a motion, seconded by Supervisor Bacon and unanimously approved, to accept the refund of \$20,761.75 from Southside Regional Library and distribute the funds evenly to the two libraries in the County.

Chairman Wingold stated that the Lunenburg United U8 Futbol Club – LUFC, a local soccer team of children under eight years old, had an undefeated season. He requested that a resolution be presented to them at the next meeting.

Supervisor Slayton made a motion, seconded by Supervisor Bacon and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A3 Acquisition or Disposition of Real Property, §2.2-3711A5 prospective business and §2.2-3711A7 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 Bacon
Supervisor Hoover
Supervisor Edmonds
Supervisor Pennington
Supervisor Slayton
Supervisor Zava
Supervisor Wingold

VOTING NO

ABSENT

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

Supervisor Hoover made a motion, seconded by Supervisor Bacon and unanimously approved, to award the land maintenance contract to Danny Lacks to maintain and harvest the fields at the County Airport and behind the Courthouse Complex.

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

Tracy M. Gee, Clerk
County Administrator

David E. Wingold Sr., Chairman
Board of Supervisors