

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

Minutes of January 9, 2014 Meeting

The annual reorganizational meeting of the Lunenburg County Board of Supervisors was held on Thursday, January 9, 2014 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors T. Wayne Hoover, Alvester Edmonds, Charles R. Slayton, Frank Bacon, Robert Zava, Edward Pennington, David Wingold, County Administrator Tracy M. Gee, Assistant to the Administrator Nicole Clark, and County Attorney Frank Rennie.

County Administrator Gee called the meeting to order.

Administrator Gee asked for nominations for the position of Chairman.

Supervisor Hoover nominated Edward Pennington; Supervisor Wingold seconded the motion. Supervisor Bacon moved that nominations be closed with Supervisor Edmonds making the second. On a roll call vote, Supervisor Pennington was unanimously elected as Chairman. Chairman Pennington thanked the Board for their support.

Chairman Pennington asked for nominations for the position of Vice-Chairman.

Supervisor Bacon nominated Charles R. Slayton for Vice-Chairman; Supervisor Wingold seconded the motion. Supervisor Bacon moved that nominations be closed with Supervisor Wingold making the second. On a roll call vote, Supervisor Slayton was unanimously elected to the position of Vice-Chairman.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved to adopt the 2014 Invocation and Meeting Schedule and 2014 Holiday Calendar.

Chairman Pennington called the regular meeting of the Board of Supervisors to order.

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

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

Southside Regional Library was added as 9A on request by Karen Scales, Board of Trustees member.

Lamont Brand was added as 9B also regarding the Southside Regional Library.

Supervisor Hoover, recently re-elected to the Board, thanked the Board and staff for their hard work and dedication over the previous four years. He believes the Board has been very successful and he looks forward to his next four years serving on the Board.

Chairman Pennington agreed with Supervisor Hoover and believes everyone works together well.

Supervisor Edmonds made motion, seconded by Supervisor Slayton and unanimously approved, to accept the Consent Agenda to include the minutes of the December 12, 2013 meeting, the Treasurer's November 2013 reports and the following Warrants for Approval:

December 2013:	Payroll:	Direct Deposit	\$ 107,564.97
	Payroll Taxes Federal:		\$ 37,057.09
	Payroll Taxes State:		\$ 6,198.96
	Payroll VRS payment:		\$ 22,928.54
	Accounts Payable:	#48537-48704	<u>\$ 509,309.84</u>
	Grand Total:		\$ 683,059.38

VDOT's monthly report was included in the Supervisors' board packet.

Supervisor Edmonds stated that he appreciates the trash removal they have been doing on Route 40.

Chairman Pennington added that Mecklenburg Avenue looks good also. He commended VDOT for their trash removal efforts.

Administrator Gee shared a letter from the Auditor of Public Account of Virginia. The letter noted that the Auditor has reviewed the Commonwealth collections and remittances of the Treasurer, Commissioner of the Revenue, and the Sheriff for the year ended June 30, 2013. The results of their tests found the constitutional officers complied, in all material respects, with state laws, regulations and other procedures relating to the receipt, disbursement, and custody of state funds.

Supervisor Zava asked if Administrator Gee has received an update from the Sheriff regarding the monies that were appropriated for supplies.

Administrator Gee replied that the monies have not been spent yet. The Sheriff's office is still researching to find the best price.

Mrs. Dora Wynn, School Superintendent, provided the Board with the monthly revenue versus expenditure report. She added that she looked forward to working with the Board of Supervisors in 2014. Mrs. Wynn also shared the School Board's proposed Budget Work Session Schedule. She noted that the joint meeting with the Board of Supervisors is currently scheduled for Thursday, March 20, 2014. She asked that Supervisors check their schedules for availability. Mrs. Wynn provided an update on the capital improvement ongoing at the high school. She noted that the concession stand and restrooms at the football field are still on schedule. She commented that a new medal roof would be placed on the art building complex. She also stated that the security upgrades, to include cameras and door locks, are on target with the grant that was received in early February.

Supervisor Hoover questioned if there would be any makeup days for the recent closing of schools due to extreme cold weather.

Mrs. Wynn replied that the schools have enough extra instructional hours already built in to the school day and therefore they would not need to make up the days missed.

Mrs. Karen Scales, Board of Trustee for the Southside Regional Library approached the Board. She thanked the Board for their trusting her through the appointment to the Board of Trustees. She

added that it has been tough serving on the Board of Trustees, mostly due to public dissatisfaction of how the Lunenburg County libraries are being treated. She requested that the Board of Supervisors provide legal opinions on two items. The first is the interpretation of the Trustee code 42.1-42 Withdrawal from regional library system. The code states, "No county or city participating in a regional library system shall withdraw therefrom without two years' notice to the other participated counties and cities without the consent of such other participating political subdivisions." The second is how the ownership of the content of library is determined. Mrs. Scales noted that these questions are arising due to massive destruction of items at both libraries in the county. She stated that items, such as books, magazines, computers, and videos, had been removed from the library. Some of the items have been taken to the landfill. Mrs. Scales noted that the next Board of Trustees meeting will be held on January 15, 2014. She plans to have a report for the Board of Supervisors at their next meeting in February.

Chairman Pennington asked if there had been any explanation as to why the items were taken to the landfill.

Mrs. Scales replied that she inquired to Mrs. Leigh Lambert, Southside Regional Library Director, at a recent budget meeting. Mrs. Lambert commented that the goal was to modernize the libraries in Lunenburg to a regional system. She added that if the book's last check out date was before 2009, the book was discarded. Mrs. Scales shared that her husband had purchased a book, read it and donated it to the library. Recently, Mrs. Scales inquired about the book and it was no longer in the system. She was upset that a book, in good condition, had been discarded so quickly. Mrs. Scales noted that a friend of hers had visited the library and seen a full cart of older books. The friend asked the library supervisor what she planned to do with the books. The supervisor replied that the books would be thrown out. Mrs. Scales shared that some books are being stored at Western Auto in Victoria and are being sold by Steve Boyle for a small profit.

Chairman Pennington asked why the books were being sold in Western Auto.

Mrs. Scales stated that the books were also being stored and sold in Clarksville, however, there was no more room at that location. She showed the Board two books that she purchased from Western Auto with the library stamp inside.

Chairman Pennington commented that Kenbridge Youth Academy could use additional books and wondered why the books weren't donated.

Supervisor Wingold noted that usually such item must be declared a surplus. He asked if that had occurred before the books were discarded.

County Attorney Rennie questioned if the "weeding" or discarding books occurred every year.

Mrs. Scales replied that weeding does occur each year, however, the books discarded are such things as medical books that are outdated.

Supervisor Hoover asked Mrs. Scales if she had discussed her concerns with Mrs. Rosa Townsend, Chairperson of the SRL Board of Trustees.

Mrs. Scales stated that Mrs. Townsend did not attend the last Trustees meeting. She has telephoned Mrs. Townsend, but has yet to receive a response.

Supervisor Hoover suggested that since the Board appointed Mrs. Scales to the Trustees, that her research request be honored.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to allow County Attorney Rennie to research Mrs. Scales two requests.

Supervisor Zava questioned if the Board of Trustees had an attorney. If so, perhaps their attorney should be researching these issues.

Mr. Lamont Brand of Bethel Church Road, commented that he witnessed something very similar to Mrs. Scales at the Victoria branch. He wanted to ensure the Board was aware of books being discarded and taken to the landfill. Mr. Brand added that he was able to rescue one box of books before they were dumped.

Mrs. Beverley Hawthorne, Landfill Liaison, provided her monthly report. She noted that payments from CFS are up to date through December. She stated that the number of vehicles dumping at the landfill is slowly increasing. She explained that the old Nutbush site had been closed and a temporary site was established at the new location. She is working with Mr. Greg Sisson, CFS's Landfill Manager, to move the dumpster to the back of the site to ensure there is enough room for vehicles to get in and out. Mrs. Hawthorne stated that she has received a quote under \$5,000 to restore the old site to its original condition.

Mrs. Hawthorne stated that the County must obtain land use permits from VDOT to install, construct, maintain and operate certain public works and public utilities projects. She requested that the below resolution be adopted to serve in place of a bond that VDOT requires. The resolution allows the County Administrator, City or Town Mayor, or their designee to procure liability insurance for personal injury and property damage that may arise from the work performed under a permit.



Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to adopt the resolution.

Supervisor Hoover commented on complaints he had received regarding moving the recycling center from Victoria to the Oral Oaks convenience center site. Complaints included comments that the site was too muddy and the containers were too high. He believes the community is getting a negative vibe on a very positive process.

Mrs. Hawthorne responded that she has spoken with CFS and explained that the container should be placed close to the road and not in the muddy spots. She also advised that, Mr. Sisson is looking for smaller container to replace the larger ones. She noted that CFS sorts all recyclable materials and therefore all types may be placed in the same container. She and Mr. Sisson are working together to develop other options that may be more beneficial and easier to utilize.

Supervisor Hoover asked if the county is responsible for repairing the muddy spot at the Oral Oaks convenience center site.

Mrs. Hawthorne replied yes.

Supervisor Hoover questioned if it would be repaired in February.

Mrs. Hawthorne stated that it would be repaired in February, weather permitting.

County Attorney Rennie shared a proposed final draft of the Protective Covenants for the Lunenburg Commercentre. He noted that the Board of Supervisors, Kenbridge Town Council, Lunenburg IDA and Kenbridge IDA must all agree to the document. He stated that he, Kenbridge's Town Attorney and select committees have been working on the document for several months. All requested changes have been included in the final draft.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to move forward with the document as presented.

Supervisor Zava questioned what the County's responsibility would be in the agreement.

County Attorney Rennie stated that the document did not address maintenance responsibilities.

Supervisor Edmonds asked who owned the water tower near Pennington Seed outside of Kenbridge. He said it was an eye sore and needs attention.

Mrs. Beverley Hawthorne stated that is privately owned by the land owner and not by Pennington Seed.

Supervisor Hoover recognized County Attorney Rennie's work on the Lunenburg Commercentre project. He noted that County Attorney Rennie was able to work with four different groups to develop the agreement.

Mrs. Beverly Hawthorne, Community Development Director, provided her monthly report. She recently met with Mr. Tucker of Lignetics and Debra Smiley of SVCC. They are discussing ways to maintain employees and developing more effective hiring practices to help in longevity. Mrs. Hawthorne is working with an architect to develop a schedule of work for the renovation and addition to the STEPS building in Victoria. She added that several of the regional organizations are scheduling meeting to discuss upcoming projects in the coming weeks.

Supervisor Zava shared that Mr. Maurice Jones, a native of Lunenburg County, was recently named Secretary of Commerce and Trade of Virginia.

Administrator Gee informed the Board that Mr. Charles Watts of the Tenth District Juvenile Court Unit is unable to attend CPMT meetings and has asked that his alternate, Mrs. Bernadine Abernathy, replace him as the team member indefinitely.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to appoint Mrs. Bernadine Abernathy to the CMPT.

Administrator Gee noted that Supervisor Hoover, in his former role as the Chairman of the Board, was listed as the Lunenburg member of the Heartland Regional Authority Board for the Heartland Industrial Park. After reviewing the by-laws of the HRA Board, Administrator Gee discovered that the chairman does not have to be the representative. She asked Supervisor Hoover if he would be willing to continue to serve as the HRA Board member for Lunenburg.

Supervisor Hoover agreed.

Supervisor Wingold made motion, seconded by Supervisor Edmonds and unanimously approved, to adopt the below resolution regarding Sunday hunting.



**A RESOLUTION TO PERSERVE OUR VIRGINIA RURAL WAY OF LIFE**

WHEREAS, Lunenburg County has a tradition of hunting that is as old as the County itself;

WHEREAS, Lunenburg County recognizes the North American model of wildlife management as the only successful model worldwide because the wildlife resource is held in common for all the people and not just the landowner;

WHEREAS, Lunenburg County's tradition of hunting provides significant economic and cultural benefit to the County and its people;

WHEREAS, Lunenburg County's tradition of hunting contributes significantly to wildlife management, enhances public safety by reducing motor vehicle collisions, reduces crop damage, and helps control the spread of wildlife diseases to the benefit of the natural environment;

WHEREAS, Lunenburg County landowners are exceedingly generous with their support of hunting by allowing hunters to use their private property to pursue their sport and manage the wildlife populations; and further recognizes their overwhelming opposition to Sunday hunting;

WHEREAS, Lunenburg County Board of Supervisors recognizes that civility is an inherent part of the character of rural Virginians and further recognizes that many citizens do not feel comfortable sharing the open spaces while hunters pursue their sport;

WHEREAS, Lunenburg County Board of Supervisors supports hunting in its many and varied forms as currently authorized by the Code of Virginia and the regulations of the Virginia Department of Game and Inland Fisheries; and

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNTY OF LUNENBURG HEREBY:**

Does not support hunting in any form on Sunday beyond what is currently authorized and hereby urges members of the Virginia General Assembly and members of the Board of Directors of the Virginia Department of Game and Inland Fisheries to oppose any additional laws or regulations that would authorize expanded hunting on Sunday.

CERTIFICATION  
I hereby certify that the foregoing resolution was duly considered by the Lunenburg County Board of Supervisors at a Regular Board meeting in Lunenburg, Virginia, at which a quorum was present and that same was passed by a vote of 7 in favor and 0 opposed, this 9<sup>th</sup> day of January 2014.

Edward W. Pennington  
Edward W. Pennington  
Chairman

Thay M. Call  
Thay M. Call  
Clerk to the Board

Administrator Gee shared a letter and resolution she received from Mrs. Renee Trent Maxey, Director of Piedmont Court Services. PCS adopted a resolution to request state funding of pretrial services. They are requesting support from the local counties.

Supervisor Bacon made motion, seconded by Supervisor Wingold and unanimously approved, to support Piedmont Court Services resolution to request state funding of pretrial services.

Administrator Gee provided her monthly report. She stated that she received information from the Department of Aviation mandating the removal of two trees on private property. The property owner, Mrs. King, Administrator Gee and representatives from DOA will be meeting to further discuss options.

Administrator Gee advised that Robinson Farmer Cox Associates is finalizing the FY2013 financial audit. She expects the audit will be presented at the February Board meeting.

Administrator Gee informed the Board that the heat pump at Social Services failed. She noted that the electric heat is not able to keep the temperature at a comfortable level. She received three bids to replace the heat pump. The lowest bid was from Jack and Sons, at a cost of \$9,100. He plans to begin the replacement the first of next week.

Administrator Gee explained that she had received several complaints about removing the recycling bin behind the Town Shop in Victoria.

Supervisor Hoover added that he has also received complaints. He suggested that the Board pursue guidance from the town and to how they would like to proceed.

Administrator Gee noted that the Piedmont Regional Jail invoice was less than originally expected, as they received more revenue than expected. She added that this line item was not over budget yet, however, it will be when the next quarterly invoice arrives.

Administrator Gee informed the Board that VACo Legislative Day was scheduled for February 6<sup>th</sup>. She asked if any Board members would like to attend.

Chairman Pennington stated that he would like to attend.

County Attorney Rennie provided an update on Storm Water Management program implementation. Currently, all localities are under orders to adopt an ordinance before July 1<sup>st</sup>. A request has been made to the state to extend that requirement one year to July 2015. He will update the Board as he learns more.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel.

#### 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 Bacon

Supervisor Slayton

VOTING NO

ABSENT

Supervisor Zava  
Supervisor Wingold

Supervisor Zava made motion, seconded by Supervisor Wingold and unanimously approved, to return to Open Session.

Chairman Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to adjourn.

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Tracy M. Gee, Clerk  
County Administrator

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Edward W. Pennington, Chairman  
Board of Supervisors