

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

Minutes of October 10, 2013 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, October 10, 2013 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 Zava led the Pledge of Allegiance and gave the invocation.

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

A Board of Zoning appointment was added as 10A and FY13 CSA appropriation was added as 9C, both on request by Administrator Gee.

The Sheriff was added as 9D to discuss a previous request to move funds within his budget.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the minutes of the September 12, 2013 Board of Supervisors meetings, the Treasurer's August 2013 report and the following Warrants for Approval:

September 2013:	Payroll:	Direct Deposit	\$ 100,754.93
	Payroll Taxes Federal:		\$ 36,633.11
	Payroll Taxes State:		\$ 6,125.12
	Accounts Payable:	#48123-48240	\$ <u>304,109.84</u>
	Total:		\$ 447,623.00

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to adopt the following resolution for Patricia Adams:



RESOLUTION

WHEREAS, Patricia M. "Pat" Adams retired as the Lunenburg County Commissioner of the Revenue on September 30, 2013; and

WHEREAS, Pat Adams served as a sworn official for 18 years as the Lunenburg County Commissioner of the Revenue after being first elected in 1995; and

WHEREAS, Pat Adams earned her Master Commissioner of the Revenue designation in 2006; and

WHEREAS, Pat Adams started her career in the Commissioner's office in 1983 as the clerk, thus serving the county for 30 years.

NOW, THEREFORE, BE IT RESOLVED, the Lunenburg County Board of Supervisors commends Ms. Adams for her 30 years of dedicated service and commitment to the County and the citizens thereof.

BE IT FURTHER RESOLVED, the Lunenburg County Board of Supervisors does hereby wish Patricia M. "Pat" Adams a long, fulfilling retirement and success in all future endeavors.

Adopted this 10th day of October 2013.

Signed by Edward W. Pennington, Chairman
Lunenburg County Board of Supervisors

Administrator Gee read aloud the resolution and Chairman Pennington presented it to Mrs. Adams.

Mrs. Patricia Adams thanked the County and its residents for her tenure in the Commissioner of the Revenue's Office and as an elected official.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to enter into Public Hearing regarding five Conditional Use Permits, detailed below.

1) James and Linda Krcek to locate a family cemetery on property that they own near 1766 Doswell Town Road, Meherrin, Virginia 23954. The 12.5 acre parcel is identified as tax map number 9 ((2)) 1. This parcel adjoins the parcel on which their home is located.

2) Jessica Jones to locate a family cemetery on property owned by Dennis and Juanita Jones located near 3003 Plank Road Kenbridge, Virginia 23944. Mr. and Mrs. Jones have given their permission to use the 33.1 acre parcel and is identified as tax map number 068 ((A)) 10D.

3) Lunenburg County Board of Supervisors to locate a permanent trash disposal convenience center on property currently owned by James Fattaleh or Patricia A. Phillips that is located on the north side of Nutbush Road west of Kings Highway. Mr. Fattaleh has given permission to apply for this conditional use permit for this use. The 7.10 acres parcel is identified as tax map number 11 ((A)) 19.

4) Lunenburg County Board of Supervisors to locate a permanent trash disposal convenience center on property currently owned by Lois Gonzalez that is located at the northeast corner of the intersection of Lunenburg County Road and Owl Creek Road in Lunenburg County. Ms. Gonzalez has given permission to apply for this conditional use permit on the proposed 2.0+ acre parcel that is part of the 7.5 acre parcel identified as tax map number 34 ((A)) 53.

5) Lunenburg County Board of Supervisors to locate a permanent trash disposal convenience center on property owned by the County located at 13498 Oral Oaks Road, Victoria, Virginia 23974. This 1.5 acre parcel is identified as tax map number 34 ((A)) 53.

There was no public comment.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to close the Public Hearing regarding five Conditional Use Permits.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve all five Conditional Use Permits outlined in the public hearing.

The monthly VDOT report was provided to the Board. Supervisor Bacon noted that VDOT has been trimming on the sides of the roads. He is very pleased with the job they are doing.

The Lunenburg County Public Schools provided their Revenue and Expenditure Report as well as an unofficial enrollment count of 1503 students as of 9/30/2013. This enrollment figure is higher than the budgeted figure of 1463.

Mrs. Sheila S. Minor of Minor and Associates approached the Board with the FY13 Year-End Audit consultant update. Mrs. Minor discussed her professional resume and her company's background as well as the staff that supports her. Her company is considered a financial consultant to the County. She shared what her company does in the year-end audit process and explained the roles of

auditors versus consultants. Mrs. Minor noted that Lunenburg County seems to be “ahead of the curve”. She commented that pooled cash was reconciled and funds were in balance, taxes receivable are reconciled to the Treasurer’s Inventory, and the Treasurer’s office is posting Accounts Receivable and Taxes Receivable. Mrs. Minor ended with the following tasks still outstanding, finishing fixed asset updates, accruing leave adjustments, debt entries, and APA reconciliations. She is happy to be working with the County and is looking forward to a successful professional relationship.

Chairman Pennington thanked Mrs. Minor for her presentation and for working with the staff in the Administrator’s Office.

Mrs. Anne Hamlett of the Lunenburg County Historical Society shared plans for the Lunenburg Courthouse Historical Marker. The design and location of the sign were provided to the Board members. Mrs. Hamlett asked for the Boards support.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to support the design and location of the Lunenburg Courthouse Historical Marker.

Mrs. Hamlett added that the cost would be \$1,550 and the organization is currently accepting donations.

Administrator Gee stated that CSA invoices for FY13 were still being received throughout August. An additional \$80,000 will need to be appropriated to cover the expenses. Administrator Gee noted that one reason for the increase was a family of six that required services at a cost of \$4,500 per month. Those children will soon be adopted and no longer in need of such involved services. Administrator Gee also indicated that since the County had to apply for a second supplement for state funding, the supplement is only funded at 75% of what the state normally allows, which explains a portion of the additional appropriation required to finish FY13 expenses.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to appropriate \$80,000 to cover the cost of the remaining FY13 CSA invoices.

Sheriff Townsend approached the Board concerning a request from last month’s meeting. He requested the profits from the sale of three Chevrolet Impala vehicles in the amount of \$4,717.50 be placed in the Sheriff’s budget under police supplies line item. He added that he plans to use the funds for updates and upgrades to protective equipment for the safety of his deputies.

Supervisor Zava stated that at last month’s meeting the Board decided that any surplus monies received should be placed in the general fund and only used when needed, if approved by the Board. He suggested that Sheriff Townsend present a listing of the equipment to be purchased so that the Board knows where the monies will be spent.

Sheriff Townsend commented that he would like to use the funds as soon as possible to obtain the equipment for deputies. The funds only cover a portion of the equipment needs of his office.

Supervisor Bacon made motion, seconded by Supervisor Hoover and unanimously approved, to increase and appropriate \$4,717.50 in the police supplies for the purchase of protective equipment for deputies.

Supervisor Bacon added that in the future surplus monies should be placed in the general fund for general use and specific requests to use the funds be brought to the Board.

Supervisor Hoover requested that the Board receive an itemized list of what is purchased with the surplus monies.

Administrator Gee advised that Chief Deputy David Eppes of Prince Edward County unexpectedly past away. Thoughts and prayers are sent to his family, friends, and co-workers from the Board and Administration staff.

Administrator Gee informed the Board that she and Building Inspector, Jamie Tuck, have been working with staff from Joyce Engineering and other localities on submission of documents for Stormwater Management. Prior to advertising for public hearing on the ordinance and setting fees, the staff from Joyce Engineering is meeting with the Board of Supervisors of each County. It is recommended that the Board schedule a work session for October 17th at 6:00 p.m. to participate in discussion and hear the presentation to explain the specifics of this ordinance. Administrator Gee asked if the Board had any preliminary questions.

Supervisor Zava added that the Stormwater Management plan was generated over concerns in the Chesapeake Bay area and he believes the plan shouldn't affect other areas.

Building Inspector Tuck responded that other localities feel the same way, however, the law will be implemented July 1, 2014 and the County must comply. Building Inspector Tuck explained that applications will be online only. The fees for permits will be very expensive. Building Inspector Tuck noted that constituents will be talking to supervisors about this plan, this why he would like them to attend the work session with Joyce Engineering. A work session was scheduled for October 17th at 6:00 p.m.

Building Inspector Tuck reminded the Board of the two new potential cell towers to be erected in the County as discussed in previous meetings. He noted that the two towers are proposed to be higher than the County's ordinance allows. The Board of Zoning Appeals will need to vote on the change. He stated that William H. Gatling from District 7, Meherrin River, needed to be reappointed as his term was expired.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to reappoint Mr. William H. Gatling from District 7, Meherrin River, to the Board of Zoning Appeals for a term of five years from 7/1/13 to 6/30/18.

Building Inspector Tuck advised that an appointment for District 1, Plymouth, may be needed soon due to health concerns for the current appointee and that he will be meeting with that member soon.

Supervisor Hoover inquired regarding emergency services equipment positioning on the new cell towers.

Community Development Director, Mrs. Beverley Hawthorne responded that the County's ordinance requires Emergency Services are granted the second position on the tower for one year. She is looking into the possibility of changing the ordinance to specify a longer period of time.

Administrator Gee shared an email from Southside Regional Library Director, Leigh Lambert, regarding the Branch Supervisor position for the two Lunenburg libraries. She announced that Jessica Austin-Scaff, accepted employment and will start around November 1, 2013.

Supervisor Hoover noted that he would like the Board to endorse a certificate of appreciation for former Ripberger Library Branch Supervisor, Roberta Rickers, commending her years of service. Supervisor Edmonds agreed. Administrator Gee will follow up at the next meeting. The Board also gave a certificate of appreciation to Ms. Kathy Watson of the Victoria Public Library when she retired.

Administrator Gee explained that the Department for Aging and Rehabilitative Services has recommended Piedmont Senior Resources have a liaison between its Advisory Council and Board of Directors. Dottie Newcomb, who is already a member of the Advisory Council, has expressed an interest in also serving on the Board of Directors. Administrator Gee recommended appointing Mrs. Newcomb as the liaison Board of Directors member.

Supervisor Bacon made motion, seconded by Supervisor Slayton and unanimously approved, to appoint Mrs. Dottie Newcomb to the Piedmont Senior Resources Board of Directors.

Mrs. Beverley Hawthorne, Landfill Liaison, provided her monthly report. She noted that she has received complaints regarding odor and trash not be covered properly. She has learned that there is a difference in requirements for construction waste versus municipal waste. Construction waste is not required to be covered while municipal waste does need to be covered. This could explain the complaints Mrs. Hawthorne is receiving. Also she has driven on New Grove Road and Old Mansion and has not noticed any odor. She will continue to monitor these complaints. Mrs. Hawthorne stated that local deputies and state police have been monitoring the roads near the landfill for speeding vehicles. She reported that no trash trucks have received citations, however, local residents have been cited. As of this point, all payments from CFS are up to date.

County Attorney Rennie shared a "Side Letter Agreement to Host Agreement" between the County and RWG5, LLC. Its outlines the current Performance Bond and the method it will be handled in the future. A copy of the agreement is below.

<p style="text-align: center;">RWG5, LLC</p> <p style="text-align: center;">September 30, 2013</p> <p>Mr. Edward W. Pennington Chairman, Board of Supervisors Lunenburg County, Virginia</p> <p style="text-align: center;"><u>Re: Side Letter Agreement to Host Agreement</u></p> <p>Dear Chairman Pennington:</p> <p>This letter reflects our understanding and agreement with respect to the matters described below and their relationship to the Host Agreement (the "Agreement") dated as of February 21, 2013, by and between Lunenburg County, Virginia (the "County") and RWG5, LLC ("RWG"). Any capitalized terms used herein but not otherwise defined shall have the meanings given to them in the Agreement. This letter agreement shall replace Exhibit E to the Agreement.</p> <p>Attached to this letter as <u>Exhibit A</u> is a copy of the Performance Bond issued by Evergreen National Indemnity Company in the amount of \$525,000.00 which shall constitute the "Bond" as that term is defined in the Agreement (the "Bond"). The original Bond shall be delivered to the County upon the execution of this letter agreement.</p> <p>Immediately upon the execution of this letter agreement and the delivery of the Bond to the County, CowantGates, the County Attorney, shall deliver the \$200,000.00 currently being held in escrow to LeClairRyan, counsel for RWG, in cash or immediately available funds, such amount representing a portion of the amount described in Section 1 of the current Exhibit E of the Agreement. Upon the re-issuance of the Bond in 2014 in accordance with the following paragraph, CowantGates shall deliver the remaining \$50,000.00 being held in escrow pursuant to Section 1 of the current Exhibit E of the Agreement to LeClairRyan in cash or immediately available funds.</p> <p>RWG shall use its best efforts to secure the renewal of the Bond sixty days prior to its expiration. In the event the Bond cannot be renewed by such time, prior to the expiration of the Bond, RWG shall deposit into the Account (defined below) an amount equal to the difference between (i) what would be in the Cash Fund if RWG was funding the Cash Fund as currently required by Exhibit E of the Host Agreement, and (ii) the amount actually in the Account. In the event RWG fails to secure the renewal of the Bond or make the foregoing payment, then the default provisions of the Agreement shall be triggered.</p>	<p style="text-align: center;">Side Letter Agreement September 30, 2013 Page 2 of 4</p> <p>Annual payments of \$50,000.00 shall be made by RWG into a joint account at a financial institution to be agreed upon by the parties (the "Account"), with the first payment being due and payable in January of 2015 and each subsequent annual payment being due in January of each year thereafter until such time as the amount held in the Account equals \$1,000,000.00, at which point no further contributions would be required of RWG.</p> <p>The Account shall be supplemental to the Performance Bond, shall be considered the "Fund" as that term is described in the Agreement, and may be accessed and utilized under the terms of the Agreement. The Fund shall be set up as joint account between the County and RWG as described in the Agreement; provided, however, that it will set up in such a manner so that it shall not be encumbered by RWG or its creditors and the County's interest in the Fund shall be secured by appropriate UCC security filings with the Virginia State Corporation Commission. The Fund shall be interest bearing and all interest produced by the Fund shall be retained therein until the Fund equals or exceeds \$1,000,000.00, whereupon subsequent interest produced by the Fund will be paid when earned to RWG.</p> <p>The Fund shall be used to pay any claim or payment authorized in the Agreement. Neither the County nor RWG shall be entitled to withdraw funds from the account without the countersignature of the other party except as indicated below and in the Agreement.</p> <p>The County shall be entitled to draw upon the Fund without the countersignature of RWG in the event of (i) any material contamination of the Landfill site or release of contaminants therefrom in the event the same is not promptly remediated by RWG in accordance with applicable state and federal statutes and regulations or (ii) any material breach of the Agreement. In order to make withdrawals pursuant to this subsection, the County shall first provide RWG with not less than ten (10) days prior written notice and shall submit a certificate to the financial institution holding the Fund indicating the amount and basis for such withdrawal.</p> <p>To the extent there are any withdrawals from the Fund during the term of the Agreement, the Fund will be reimbursed the amount of such withdrawals by RWG. Immediately upon the approval of the final closure of the Landfill, the entire Fund with interest earned thereon shall be returned to RWG, less the amount of any claim against the Fund which has not been resolved, with such withholding being delivered to RWG following the resolution of such claim.</p> <p>Except as otherwise described herein, no other modification or amendment to the Agreement is intended and the Agreement shall remain in full force and effect. Please indicate your understanding and agreement to the foregoing by signing below.</p> <p style="text-align: center;">[Signatures Appear on the Following Page]</p>
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Sincerely,

Robert W. Pinsky,
President, RWOS, LLC

ACKNOWLEDGED AND AGREED:

LUNENBURG COUNTY, VIRGINIA

Date: _____

By: 
Edward W. Pennington, Chairman

Approved as to Form:


Frank F. Rennie, IV
Lunenburg County Attorney

Supervisor Bacon made motion, seconded by Supervisor Slayton and unanimously approved, to allow the Chairman and the County Attorney to sign the "Side Letter Agreement to the Host Agreement".

Mrs. Beverley Hawthorne, Community Development Director, provided her monthly report. She updated the Board on the Victoria IDA Roof Project, noting that bids were received on September 30, 2013. Victoria Town Manager Ken Patterson, Victoria IDA and Mrs. Hawthorne will review and determine the successful bid and scope of work. She shared that renovation and additions at the STEPS building are continuing. She is working with Dewberry and Davis to develop the drawings. She may apply for additional funds from the Tobacco Commission. Mrs. Hawthorne shared a press release from Virginia's Growth Alliance regarding their newly hired Executive Director, Jeff Reed. He began duties on October 1, 2013 and plans to attend a Board meeting within the next two months.

Mrs. Hawthorne advised that she, along with the Commonwealth Regional Council, is working on a grant to assist with the STEPS Project, Plumbing Requirements. The grant would provide \$45,000 in funding assistance, with the County matching \$5,000. The County's portion would come from the Community Development fund or Victoria or a portion from both.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to adopt the below resolution regarding the STEPS Project, Plumbing Requirements.


RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LUNENBURG, VIRGINIA

WHEREAS, the County of Lunenburg is closely affiliated with the Counties of Amelia, Buckingham, Charlotte, Cumberland, and Prince Edward through the Commonwealth Regional Council and the Counties of Henrico, Charlotte, Greensville, Mecklenburg, Nanay and the City of Emporia through the Virginia's Growth Alliance and both of these organizations focus on regional economic development efforts to enhance each community's ability to make the transition from the traditional agricultural-based economy to one of sustainable commerce and technology; and

WHEREAS, the Board of Supervisors of the County of Lunenburg believes that it is critical to maintain commercial facilities that meet the needs of manufacturing operations of the future; and

WHEREAS, the Board of Supervisors recognizes the important role that STEPS plays in job creation and training throughout the region; and

WHEREAS, the County of Lunenburg is requesting a portion of the County's allocation funds from the Virginia Tobacco Indemnification and Community Revitalization Commission to assist with the STEPS Project - Plumbing Requirements; and

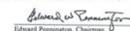
WHEREAS, the Board of Supervisors of the County of Lunenburg does hereby authorize the Chairman of the Board and the County administrator to sign all grant documents; and

WHEREAS, the Board of Supervisors of the County of Lunenburg does appoint Beverly Hawthorne, as the Project Leader, the person responsible for the accuracy of the application and appropriate use of the funds; and

WHEREAS, the Lunenburg County Board of Supervisors has committed at least a 10% match for this project; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Lunenburg, Virginia, respectfully requests that the Virginia Tobacco Indemnification and Community Revitalization Commission support the efforts of Lunenburg County and its regional partners by providing funding assistance in the amount of \$45,000 for the STEPS Project - Plumbing Requirements grant application.

Certification
I hereby certify that the foregoing resolution was duly transmitted by the Board of Supervisors of the County of Lunenburg, Virginia at a regular board meeting in Lunenburg County, Virginia, at which a quorum was present and that same was passed by a vote of 22, yeas and 0, nays, this 15th day of October 2013.


Edward W. Pennington, Chairman
Lunenburg County Board of Supervisors


Tracy M. Galt, Clerk

Supervisor Bacon made motion, seconded by Supervisor Wingold and unanimously approved, to enter into agreement with the Standard Insurance Company, allowing Administrator Gee to sign the agreement.

Administrator Gee stated that the County's Personnel Manual was previously e-mailed to each supervisor. She added that the manual was revised with the direction of the Attorney's office and the Personnel Committee (Supervisors Wingold and Bacon). A few additions were made following advice received during a VACorp Human Resources Manual Webinar. The manual will only apply to employees under the Administrator's direct supervision and will require the employees' review and signature. Administrator Gee noted that references to Constitutional Officers are within the manual, however they will only apply if the Constitutional Officers choose to utilize the manual.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the personnel manual.

Administrator Gee provided her monthly report. She noted that a Kennel Attendant has been hired and seems to be working out very well. She shared that the Troy & Banks utility and telecommunication audit is complete. The County benefitted from a telecommunication net credit of \$2,771.22. Administration Gee reported that the Clerk of the Circuit Court has given the Department of Social Services a copier that was in his office to allow for space for the new scanning/copying equipment that his office has purchased.

Administrator Gee reminded the Board of the 2013 Farm Bureau Meeting on October 16th at the Lunenburg Middle School at 6:30 p.m. RSVP's are requested by October 11th. Administrator Gee shared a letter from the Department of Alcoholic Beverage Control regarding an application from Little Mexico to sell beer and wine.

Supervisor Slayton 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 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.

County Attorney Rennie stated that the closing for the property referenced in the Conditional Use Permits for disposal sites on Nutbush Road would occur in the next week. He added that he and Mrs. Hawthorne are still working of the final acreage determination before closing on the location of the Northeast corner of the intersection of Lunenburg County Road and Owl Creek Road.

Supervisor Bacon made motion, seconded by Supervisor Wingold and unanimously approved, to continue to October 17, 2013.

Tracy M. Gee, Clerk
County Administrator

Edward W. Pennington, Chairman
Board of Supervisors