Minutes of December 13, 2012 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, December 13, 2012 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors T. Wayne Hoover, Alvestor 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.

Chairman Hoover called the meeting to order.

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

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

A proposed resolution for speaking at a public hearing was added as 5E and Attorney James Elliott was added as 5F, both on request of Administrator Gee.

Mr. Kenny Green, Mrs. Sandra Tomlinson and Mrs. Dawn Hollick requested to be added regarding the landfill, item 10.

Supervisor Edmonds made motion, seconded by Supervisor Slayton and unanimously approved, to accept the Consent Agenda to include the minutes of the November 8, 2012 meeting, the Treasurer’s October 2012 reports, the tax collection reports and the following Warrants for Approval:

| November 2012:  | Payroll: #17190-17200 | $10,183.76 |
|                | Direct Deposit        | $104,179.39 |
| Payroll Taxes Federal: | $35,375.47 |
| Payroll Taxes State: | $6,468.59 |
| Accounts Payable: #46394-46557 | $756,193.24 |
| Grand Total: | $913,400.45 |

Administrator Gee informed the Board of a letter from the Auditor of Public Accounts. Commonwealth collections and remittances of the Commissioner of the Revenue, Sheriff, and Treasurer were reviewed. The results of the tests found the constitutional officers complied with state laws, regulations and other procedures relating to the receipt, disbursement, and custody of state funds.

Administrator Gee shared an e-mail from the Clerk of the Circuit Court, Gordon Erby. He received a bill from the Supreme Court for $4,362.50 for one half of the annual Record Maintenance System (RMS) updates and maintenance. He stated that the funds come through the state comp board via the Technology Trust Fund and must be appropriated by the Board.

Supervisor Zava made motion, seconded by Supervisor Pennington and unanimously approved, to appropriate the funds as requested.
Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the November 6, 2012 Abstract of Votes as a part of the minutes.
Administrator Gee stated that the Governor granted additional holiday time off to include December 24th, 26th, and 31st. She requested that the County offices adopt the same schedule of additional holidays.

Supervisor Wingold made motion, seconded by Supervisor Pennington and unanimously approved, to adopt the additional holidays from the State holiday schedule.

County Administrator read a proposed public speaking resolution for adoption. It reads:

“Any member of the public addressing the Board of Supervisors shall approach the lectern, give his or her name and address in an audible tone of voice for the record, and address the Board as a body rather than speak to any member. Unless further time is granted by the Board, any member of the public shall address the Board for a maximum of five (5) minutes, regardless of the number of issues he or she desires to discuss. However, the proponent of any application, petition, or plan that is the subject of a public hearing shall be allowed to address the Board for a maximum of fifteen (15) minutes.”

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

Attorney James Elliott approached the Board regarding Lunenburg County’s delinquent tax collections. He stated that he has been working with the County since 1996. According to his records, $627,000 has been collected through auction since 2000. In April, an auction was held on twenty-one properties. Ten properties at that auction brought in sufficient funds to cover all costs, eleven did not meet the cost of fee recovery and were not sold. The profit of such sales is held by the circuit court for a period of two years. If the original owner of the property, after clearing all taxes due and costs, doesn’t claim the profit by the end of the two years, the County receives the windfall of funds. At this point, the County has accumulated checks totaling a windfall of $53,500. Attorney Elliott suggested that the County pay the additional amount on the eleven properties that did not sell; therefore they can be released and sold to new owners to continue to create tax revenue. The total cost to recover for all eleven unsold properties would be about $10,240.

Administrator Gee suggested creating a holding fund for the auction proceeds and place the $53,500 in that fund. Uncollected property revenues at auction, such as the $10,240, could be paid
from this fund in the future. Properties will be placed at a minimum cost recovery amount at auction twice. Those that are sold at second auction for less than the cost of recovery fees will be covered by the holding fund.

Supervisor Zava made motion, seconded by Supervisor Bacon and unanimously approved, to create a holding fund to place the $53,500 and pay delinquencies from this fund.

It was further agreed that the fund would be evaluated each year to avoid the balance growing too large and to transfer some of those proceeds into the general fund revenue for the year.

Dora Wynn, School Superintendent, stated that the School Board approved an early pay date of December 19th and requested the Board also approve this date.

Supervisor Zava made motion, seconded by Supervisor Bacon and unanimously approved, to adopt the resolution as presented.

Mrs. Wynn provided a brief update on the school construction. She stated that March 2013 is the projected completion date, depending upon the weather. She commented that construction is 96% complete.

Supervisor Zava questioned if the work on the roof of the existing building is complete.

Mrs. Wynn replied that it has been completed however the work has not been signed off on due to some outstanding resolutions needed for a leak that took place earlier in the year.

Mr. Billy Smith of VDOT, presented the monthly report. He stated that the bridge on Route 40 in Victoria just before the lighted intersection had been immediately reduced to a six ton limit following inspection. Reconstructing the bridge will go out for bid in April of 2014. He stated that Town Council of Victoria waived the requirement to hold a public hearing before construction begins. He would like the Board to agree as well.

Supervisor Zava made motion, seconded by Supervisor Pennington and unanimously approved, to waive the requirement to hold a public hearing before beginning construction on the Route 40 bridge in Victoria.

Mr. Smith reported that a Traffic Safety Study was performed on Route 675. The study advised to replace some road signs and relocate others.

Mr. Smith noted that the requested traffic count was performed on Route 659, Old Mansion Road. He stated that an average of 166 vehicles traveled the road each day.

Mr. Smith reminded the Board that discussion of the six year plan would begin soon. He asked if the Board desired a workshop. They replied no. Mr. Smith stated that a Public Hearing would need to be held in April.

Mr. Smith stated that there are four single lane bridges in the County, one on each of the following routes, 712, 631, 718, and 621. Each has fewer than one hundred vehicles per day. However, the Board should consider replacing them as each are in poor condition.
Ms. Sherry Swinson, Executive Director of the TransTech Alliance gave a presentation. She stated that the alliance’s name was first created from the words Transportation and Technology. However, the group decided this was too broad of description. They also wanted the name of the alliance to be associated with the Commonwealth. Therefore, the group came together to discuss goals and attributes. The attributes of the region included location, transportation, training facilities, legacy, and natural resources. With assistance from a marketing firm, the alliance developed a new name, Virginia’s Growth Alliance. They also developed a new tagline “We Cultivate Success”, a logo, and representative colors. The alliance is very pleased with its new direction.

Chairman Hoover thanked Ms. Swinson for her presentation and the work to come thus far.

Victoria Fire Chief Rodney Newton made two requests of the Board. The first was in reference to the $300,000 grant received in 2012 to be used for equipment improvements. Mr. Newton requested funds from the grant for the following equipment, $21,000 for six Motorola radios to go on the new communications trailer, $20,000 for antennas, transmitters and miscellaneous hardware, $5,825 for a custom made aluminum flat bed for a truck and $53,000 for three repeaters.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to appropriate funds as requested by Mr. Newton.

Mr. Newton’s second request was to use grants funds appropriated at the November Board meeting to purchase ten radios. He noted that these radios were 48% off the list price.

Supervisor Wingold made motion, seconded by Supervisor Pennington and unanimously approved, to allow Mr. Newton to purchase the ten radios requested.

Supervisor Zava stated that RFP’s were requested for waste disposal services. He noted that a few proposals were received and were graded by members of the landfill committee, the County Administrator and County Attorney. The Board will be reviewing the results of the grading and all steps taken will be in accordance with the law.

County Attorney Rennie commented that the landfill committee has reviewed current and future potential issues for the County and those residents that live close to the landfill. They have gone to great lengths to perform adequate research.

Ms. Sandra Tomlinson of Overton Road spoke regarding the landfill. She reiterated that the citizens don’t want the County to sell the landfill. She is concerned about the increased traffic, a foul smell, increased insects, and the decrease in real estate value. Ms. Tomlinson believes the citizens should be allowed to vote on whether or not to sell the landfill.

Mr. Kenny Green of Old Mansion Road presented another petition with additional signatures of individuals opposing the sale of the land fill. He stated the group has obtained 905 signatures to date. He also believes the citizens should be able to vote.

Ms. Dawn Hollick of Pairadice Lane is concerned that property values in the County will decrease if the landfill is sold. She is also worried that the quality of life will decrease due to contaminated air and businesses will not be interested in coming to Lunenburg County. She believes the County should sell the extra property it owns to help fund the closure of the current landfill.
Administrator Gee shared reports with the Board from Renee Trent-Maxey of Piedmont Court Services regarding the community service projects in Lunenburg and other surrounding localities. In Lunenburg County, 1,951 hours of community service hours were performed by non-violent offenders. Included with the reports from Ms. Trent-Maxey was an agreement for Lunenburg County to continue to allow Piedmont Court Services to manage the supervision and administration of community service to non-violent offenders. Administrator Gee will sign and return the agreement.

Administrator Gee informed the Board that the invoices for payment for the Regional Jail have arrived. The invoice for November 2012 monthly expenses to be charged to Lunenburg total $13,379.80. A separate invoice was sent listing past due invoices. The Jail’s past due invoices will be split into three months and divided between the member counties according to the member percentages. Each payment for Lunenburg over the three months will be $8,748.63 for a total over three months of $26,245.89. Administrator Gee stated that a check in the amount of $22,128.43 would need to be issued in the upcoming check run. She suggested that the Board increase the appropriation to the Piedmont Regional Jail from $26,800 to $115,000 to allow for monthly payments throughout FY13.

Supervisor Zava suggested appropriating funds on a month by month basis, as to have a better idea of the amount needed.

Supervisor Zava made motion, seconded by Supervisor Bacon and unanimously approved, to appropriate the December payment for the Piedmont Regional Jail.

Administrator Gee provided an update on the County Airport. She stated that an Airport Commission meeting was held on November 29, 2012. Timmy Hart and Scott Denny from DOAV attended. It was determined that the black top would need to be replaced soon. Also an RFP would need to be publicized to cut trees that are out of compliance. This will be discussed in more detail at the January 2013 meeting.

Ms. Beverley Hawthorne, Community Development Director, gave her monthly report. She stated that the Buy Fresh-Buy Local group received a $29,000 grant to assist in production of marketing materials. She attended a meeting in Roanoke in which a grant was approved to place a new roof on the Caddis building. Ms. Hawthorne explained that the pavement at the Shell building is complete, however, lines still need to be painted.

Ms. Hawthorne shared a letter and map from the Department of Conservation and Recreation showing the results of the 17.8 mile Meherrin River float in September. She stated that a resolution needs to be passed in support the Scenic Designation. Ms. Hawthorne also requested permission to contact legislators to gain their support.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the resolution in support of the designated 17.8 miles of the Meherrin River as a Scenic Designation and allow Ms. Hawthorne to contact legislators.

Administrator Gee stated that the Sheriff, Arthur Townsend plans to move forward with the purchase of a new police vehicle. He held one deputy position open in order to purchase the new vehicle at a cost of $23,418.

Administrator Gee informed the Board that she attended the most recent Southside Regional Library Board meeting. The balanced budget was approved and adopted.
The Town of Kenbridge is planning to apply for the Safe Routes to School grant. They requested support from the Board of Supervisors.

Supervisor Zava made motion, seconded by Supervisor Pennington and unanimously approved, to support the Town of Kenbridge’s application for the Safe Routes to School grant.

Supervisor Zava reiterated that he believes all County offices should be placing RFP’s for services.

Mr. Ronnie Williams of 4527 Old Mansion Road expressed concern over the private sale of the Lunenburg County Sanitary Landfill. He stated that he did not want to see the traffic, worry about the safety of a young son driving on that road and the air quality due to any odor or gas. Mr. Williams asked the Supervisors to take all the factors into close consideration and suggested the possibility of using the route from the other end of Old Mansion Road to access the Landfill.

Supervisor Slayton made motion, seconded by Supervisor Bacon and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel, §2.2-3711A3 Acquisition or Disposition of Publicly Held Real Property, §2.2-3711A4: Privacy, and §2.2-3711A5 Prospective Business.

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
Supervisor Zava
Supervisor Wingold

VOTING NO

ABSENT

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

County Attorney Frank Rennie suggested that the Board authorize the Landfill Committee to continue in negotiations, with the company ranked first out of those who provided a bid, to determine if a contract can be made for collection services and potential sale of the County landfill.
Supervisor Bacon made motion, seconded by Supervisor Slayton to authorize the Landfill Committee to continue in negotiations, with the company ranked first out of those who provided a bid, to determine if a contract can be made for collection services and potential sale of the County landfill. Supervisors Hoover, Edmonds, Bacon, Slayton, Zava, and Wingold voting yes and Supervisor Pennington voting no. Motion passed on majority vote.

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

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Tracy M. Gee, Clerk                                      T. Wayne Hoover, Chairman
County Administrator                                      Board of Supervisors