

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

Minutes of February 14, 2013 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, February 14, 2013 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.

Chairman Pennington called the meeting to order.

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

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

Chairman Pennington presented Supervisor Hoover with a handmade gavel and engraved sounding block from the Lunenburg Middle School Building Trades class to recognize the outgoing chairman for his hard work during his three-year tenure as chair.

The Social Services building was added as 14A and trash pickup was added as 14B, both on request of Supervisor Slayton.

There were no requests from the public.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the minutes of the January 3, 2013 meeting, the Treasurer's December 2012 reports and the following Warrants for Approval:

January 2013:	Payroll:	Direct Deposit	\$ 111,205.84
	Payroll Taxes Federal:		\$ 39,669.98
	Payroll Taxes State:		\$ 6,572.01
	Accounts Payable:	#46943-47099	<u>\$ 1,092,889.32</u>
	Grand Total:		\$ 1,250,337.15

Mr. Billy Smith, of VDOT, gave his report to the Board. He stated that cleaning and maintenance was performed on equipment used during the recent snow storm. Mr. Smith will be reviewing the Secondary Six Year Plan with the Board at next month's meeting. He also stated that a public hearing would need to be held at the next Board meeting regarding the Secondary Six Year Plan. The Board declined to hold a work session before the public hearing.

Mr. Smith continued to say that funds were remaining from the project on route 662. He requested permission to use the funds for projects that VDOT chose as most important. He noted that the funds may only be used for federal projects.

Supervisor Edmonds questioned the amount of the funds.

Mr. Smith estimated the funds to be around \$450,000, but he will have a more precise figure at the next Board meeting.

Administrator Gee reported that the Commonwealth Attorney has requested an official appropriation to impart accurate accounting for a withdrawal of \$23.02 from Asset Forfeiture Funds to be disbursed to the Virginia Criminal Justice Foundation.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to appropriate to withdraw \$23.02 from Asset Forfeiture Funds to be withdrawn and to disburse the funds to the Virginia Criminal Justice Foundation.

Administrator Gee informed the Board that the Department of Social Services wishes to come online with the BAI Payroll Software that the county is already using. There is no additional fee for the utilization of the software. The Department of Social Services will be able to remote into the system. They will absorb any fees for training as those costs are partially reimbursable by the state.

Supervisor Hoover commented that while visiting some of the offices he inquired about the new software. Most people stated they were in favor of the new software but they felt as though they needed additional training. They don't feel as if they know enough about the software to use it to its full capacity. Supervisor Hoover remarked that additional training may be needed for everyone.

Supervisor Zava requested that Administrator Gee bring estimated costs of training to the next meeting.

School Superintendent, Dora Wynn greeted the Board and requested their presence for a joint work session meeting to be held on March 21, 2013 at 6:00 p.m. at the Lunenburg Middle School. Mrs. Wynn requested RSVP's by March 8, 2013. She stated that construction is progressing and they hope to move into the new classrooms by the end of the school year. An Electricity Usage Cost Report was provided to each Board member. Over the past three years kilowatts per hour used has continue to decrease.

Supervisor Edmonds questioned if there were security cameras in all schools.

Mrs. Wynn replied positively that the schools have been working with the Sheriff's department for additional security training. The schools have also practiced with lock down drills. Mrs. Wynn noted the fire scare a few weeks ago. She stated that everyone knew what to do and where to go. It was a very smooth exit.

Supervisor Zava asked if the roof repairs were completed at the high school.

Mrs. Wynn said that she doesn't plan to sign off on the roof repairs until all the work is completed.

Mr. Paul Lee, of Robinson, Farmer, Cox & Associates, presented the Audit Report for FY 2012. He reviewed the Management Letter noting the audit went very well considering the county switched ledgers in the middle of the fiscal year. He stated that there is some weakness in accruals, but that should be corrected in the coming year. He mentioned that tax collection was lower due to the twice a

year collection. Hence, there wasn't as much time to collect payments. He believes this will balance out over time.

Mrs. Mary Hickman, with the Commonwealth Regional Council (CRC), presented the annual report to the Board. The CRC covers 6 counties and the annual report reviews the period of July 1, 2011-June 30, 2012. Mrs. Hickman outlined three highlights for the year, consisting of a public transit connectivity study, a completed update to the Regional Hazard Mitigation Plan, and a "Building Stronger Communities" Forum. She noted that the overall benefit to the county is participation in a regional group forum and discussing regional issues. Ms. Hickman discussed several grant writing services and project administration services in which the CRC was able to provide assist to Lunenburg County.

Mr. Rodney Newton, Victoria Fire Chief, provided a list of 2013 elected officers. He then presented the Lunenburg County Emergency Medical Response Plan. The purpose of the plan is to provide the necessary basis for coordination of emergency medical responses in the county and serves as both operational and administrative guidelines. The plan outlines primary response areas for each of the three squads in the county, response time standards, and guidelines for compliance with the standards. Each agency, along with the county administrator will conduct an annual review of the plan. The annual review will be submitted to the Board of Supervisors for approval. Chief Newton requested approval of the response plan and annual review.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the Emergency Medical Response Plan and the 2012 EMS Response Review.

Chief Newton, on behalf of the Kenbridge Emergency Squad, discussed the Virginia Administrative Code (Section 12VAC5-31-1250) that requires a second emergency medical technician on all incidents that require ALS care and transport. Kenbridge Emergency Squad is very limited in certified providers making it difficult to provide two certified providers on every call. Chief Newton requested that the board approve a variance, allowing one EMS provider and a certified driver to respond. In turn, this would enable better response to emergency calls.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the variance enabling one EMS provider and a certified driver to respond to calls involving ALS care and transport.

Chief Newton stated that for years the county has been working to upgrade communication services, especially in the Bagley's Mill Area. An agreement was developed between Lunenburg County and Southside Electric Cooperative allowing the County Fire, EMS and Police to place an antenna on the Oral Oaks Road or "Gary Substation tower" allowing for increased communication coverage.

County Attorney Rennie thanked SEC for allowing the county to place the antenna. He stated that the only cost involved would be the additional insurance purchased to protect the equipment.

Supervisor Zava made motion, seconded by Supervisor Wingold and unanimously approved, to approve the agreement and allow for the Chairman and the County Attorney to sign the agreement.

Ms. Beverley Hawthorne, Community Development Director, gave her monthly report. The attorneys are in the process of completing the land sale paperwork for Lignetics. She hopes to have final paperwork at the next board meeting. She reported that the purchase of The Pines is complete. The new name of the facility will be The Kenbridge Youth Academy and they will begin hiring in the coming weeks. The Buy Fresh-Buy Local group is working on a Spring Flyer to be ready in March. Virginia's

Retreat strategic planning process will include interview meeting with County Administrators, Board Chairs, Mayor and Town Managers.

Ms. Hawthorne requested the Board approve the payment of \$41,610.09 to the Lunenburg Industrial Development Authority to allow for payment to businesses for their 2012 tax incentives. The approved amount from 2011 was \$55,874.35.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the payment of \$41,610.09 to the Industrial Development Authority to allow for the 2012 tax incentives to businesses.

Administrator Gee informed the board that she had received two letters from the Virginia Housing Development Authority regarding the designation of Low-Income Housing for the Village Estates and the Victoria Place. She is requesting permission to send a letter of support for each housing development.

Mrs. Hawthorne added that the Village Estates is planning to perform major renovations in the amount of 4-5 million dollars. They have requested a real estate tax increase abatement for the two years in which the construction is in progress. Once the project is complete, a new tax assessment would be requested.

Supervisor Bacon questioned if the board could approve a tax abatement. He inquired on the Virginia Code regarding abatements and wondered if this could in any way be considered discrimination to others with ongoing construction projects.

Supervisor Zava stated that he supported both housing developments but was unsure of the tax credit or abatement.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to send letters of support to the Virginia Housing Development Authority regarding the designation of Low-Income Housing for the Village Estates and the Victoria Place.

Supervisor Hoover requests a follow up on the Virginia Code laws for tax abatement at the next board meeting.

Administrator Gee reported problems with a few of the locks in the new courthouse building. Currently, repair charges are being disputed with the service company. Also the handicap door at the Registrar's Office is not working. This is a regulation that must be in compliance. Administrator Gee and the County's Building Inspector have discussed changing some of the locks to those similar to the one replaced at the dispatch office.

Supervisor Hoover apologized to the Registrar, Carolyn Parsons regarding the handicap door at her office. He explained that he didn't realize this was still a problem.

Administrator Gee discussed the available working space at the Social Services Office. The office is quickly exhausting available space to work and store documents. The office is now fully staffed. Between staff and file cabinets, they are quickly closing in on fire code requirements. They have multiple file cabinets that need to be secured. Supervisor Slayton, a member of the Social Services Advisory Board, has visited the office and suggests knocking down a wall that divides Social Services and the Health Department then remodel the offices. This would allow for additional space. The Health

Department has commented that they are not fully utilizing the space in their office. Administrator Gee suggested that a professional visit the office to review the space and offer suggestions on the best use of the space. She has also reached out to the regional health department to determine if there are any space requirements for the office. Administrator Gee will provide an update at the next meeting.

Supervisor Slayton reported that some areas in his district have a lot of trash on the sides of the road. He inquired if inmates could pick up trash along the road.

Administrator Gee replied that inmate assistance is not as available as it once was.

Chairman Pennington suggested contacting Lunenburg Correctional Center to determine if they could provide assistance.

Supervisor Hoover reminded Board members that the county is now paying large sums to the Piedmont Regional Jail on a monthly basis. He believes they in return should provide assistance with trash pick.

Administrator Gee recalled the Board's appropriation of \$25,000 to the Piedmont Regional Jail for invoices in the month of December 2012. The invoices were received at the County Administration Office after the January 2013 meeting and totaled \$27,845.75. The county submitted payment in full for December's costs and only \$5,902.88 for the aged invoice, leaving a balance due of \$2,845.75. The January invoices were received with a total of \$21,210.73 plus the unpaid balance, for a total payment due of \$24,056.48. Administrator Gee requested that the Board appropriate \$24,056.48 for the Piedmont Regional Jail January invoices and the remainder of the December invoice.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to appropriate \$24,056.48 for the Piedmont Regional Jail January invoices and the remainder of the December invoice.

Administrator Gee requested that Supervisor Hoover be removed from the Piedmont Regional Jail Board and Chairman Pennington be appointed, as typically the Chairman of the Board is a member.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to appoint Chairman Pennington as a member of the Piedmont Regional Jail Board and remove Supervisor Hoover.

Administrator Gee read the approved motion of the Lunenburg Planning Commission. The motion reading "...that the Lunenburg Planning Commission recommends to the Lunenburg Board of Supervisors to approve the Conditional Use Permit for RWG5, LLC to operate the Lunenburg Landfill in accordance with the conditions found in the Conditional Use Permit dated January 29, 2013. The recommendation for approval of this Conditional Use Permit shall be subject to final approval and execution of the Agreement of Purchase and Sale of the County Landfill to RWG5, LLC, and final approval of a Host Agreement between the County and RWG5, LLC consistent with the requirements of the Conditional Use Permit. The Planning Commission finds that the Conditional Use Permit is in compliance with Lunenburg County's Comprehensive Plan and that the use of the County Landfill according to this Conditional Use Permit is in the best interests of the County and its residents."

County Attorney Rennie commented regarding the recently held town hall meeting. He stated that the public had good concerns and comments, all of which had been taken into consideration. He went on to say that one change had been made in the Conditional Use Permit on page 4. The engineers

had requested that a place be demarked for all county trash. RWG5, LLC was to accept county trash for the duration of ownership or the life of the landfill. That was changed to accept county trash for 25 years or life of the landfill, whichever was greater.

Supervisor Edmonds, a member of the landfill committee, stated that he agreed with the change.

County Attorney Rennie said that finances were discussed at the Town Hall meeting. Supervisor Zava added that the sale price would be \$365,000 for the 200 acres of the landfill and an annual host fee of a minimum of \$150,000 would be collected. \$50,000 would be donated by RWG5, LLC to local charities within the county and \$55,000 would be given to the county annually for salary and benefits of a Landfill Liaison employee. Collection and disposal for the county and towns would be provided at no charge.

Supervisor Zava explained that road conditions and safety were the biggest concerns of citizens. Therefore, he visited numerous roads throughout the county. He discovered that Old Mansion Road, measuring between 19-22 feet, was wider than most other roads in the county. He asked VDOT if a line could be placed on the road to assist with safety concerns. VDOT replied that a line could be placed on Old Mansion Road.

County Attorney Rennie noted that included in the host agreement is the guarantee that property values will not decrease as well as dwellings with a specific radius around the landfill. He also stated that the Purchase and Sale Agreement includes a Performance Bond which guarantees all the conditions in the host agreement and CUP are adhered to. A Cash Bond of \$250,000 will be in place until the Performance Bond is obtained.

The following resolution was given to the Board and read aloud.

**RESOLUTION**

WHEREAS, RWG5, LLC has applied for a Conditional Use Permit to operate the Lunenburg County Landfill; and

WHEREAS, the Lunenburg County Planning Commission recommended approval of the Conditional Use Permit following a joint public hearing on January 29, 2013; and

WHEREAS, the Lunenburg County Board of Supervisors seek to enter into a Purchase and Sale Agreement and a Host Agreement with RWG5, LLC;

NOW THEREFORE, be it RESOLVED that the Lunenburg County Board of Supervisors does hereby approve the Conditional Use Permit dated February 14, 2013, subject to execution of the Agreement of Purchase and Sale of the Lunenburg County Landfill to RWG5, LLC, and execution of the Host Agreement between the County and RWG5, LLC.

And be it further RESOLVED, that the Board of Supervisors does hereby approve the Purchase and Sale Agreement of the Lunenburg Landfill dated February 14, 2013, and does hereby approve the Host Agreement dated February 14, 2013, and does hereby authorize the Chairman of the Lunenburg County Board of Supervisors to endorse and execute the Purchase and Sale Agreement and the Host Agreement and any other deeds and documents on behalf of Lunenburg County at the closing of this transaction in order to sell the Lunenburg County Landfill to RWG5, LLC, which closing and sale shall occur within thirty (30) days from the date of this Resolution.



Supervisor Hoover stated his support of the resolution but abstained from voting due to a conflict of interest. One of his co-workers is a shareholder in RWG5, LLC.

Chairman Pennington also abstained due to a conflict of interest. He is a member of the Board as well as the Planning Commission.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and by roll call vote, with Supervisor Hoover and Chairman Pennington abstaining, unanimously approved, to approve the resolution.

Administrator Gee was informed by the VA Department of Aviation that a portion of trees at the airport are in violation of height regulation requirements. These trees need to be topped or removed.

Supervisor Slayton suggested clear cutting the trees and replanting with pine trees. This would give the county about 15 years before the trees would be a problem again.

Anne Gaulding of Lunenburg spoke to the Board informing them that an old family cemetery was located there and she would like for it to be preserved. She stated that at one time there was an iron gate around the cemetery but it is no longer there.

Supervisor Zava replied that the county will ensure the cemetery was preserved and help to have a fence installed.

Beverly Hawthorne commented that the cemetery is noted on the tax map however, it needs to be recorded at the Clerk's Office.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to place out for bids to clear cut the area and replant with pine trees and preserve the family cemetery on the airport property.

Administrator Gee reviewed a list of committee and commission appointments needing approval.

#### **Planning Commission**

Cecil Shell	District #3 Beaver Creek
Tony Trent	District #4 Rehoboth

#### **Industrial Development Authority**

Marianne Cicala	District #5 Love's Mill
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Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the nominations and reappointments with terms set to expire December 31, 2016.

Administrator Gee stated that Mrs. Tina Armstrong has been nominated for the CPMT committee as a representative from the Health Department.

Supervisor Hoover made motion, seconded by Supervisor Slayton and unanimously approved, to appoint Tina Armstrong to the CPMT.

Administrator Gee noted that Chairman Pennington has been serving on the Planning Commission. Now that he is the Chairman, there is a conflict of interest to also serve on the Planning Commission.

Chairman Pennington made motion, seconded by Supervisor Zava and unanimously approved, to appoint Supervisor Hoover to the Planning Commission.

Administrator Gee provided the Board with a copy of the meeting dates schedule, the 2013 holiday schedule, and a thank you letter from Madeline's House. She explained that budget discussions for the Southside Regional Library will begin soon. Administrator Gee stated that a CSA conference would be held April 30<sup>th</sup> through May 1<sup>st</sup>. The county's CSA coordinator would like to attend. The cost is \$350. The Board gave verbal approval for the county to pay the conference fee.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel 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	VOTING NO	ABSENT
Supervisor Hoover		
Supervisor Edmonds		
Supervisor Pennington		
Supervisor Bacon		
Supervisor Slayton		
Supervisor Zava		
Supervisor Wingold		

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

Supervisor Hoover made motion, seconded by Supervisor Bacon 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