

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

Minutes of April 11, 2013 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, April 11, 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 Hoover led the Pledge of Allegiance and gave the invocation.

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

VDOT was added as 5A on request of Supervisor Zava.

There were no requests from the public.

Supervisor Edmonds made motion, seconded by Supervisor Zava and unanimously approved, to accept the Consent Agenda to include the minutes of the March 14 and March 21, 2013 Board of Supervisors meetings, the Treasurer's February 2013 report and the following Warrants for Approval:

March 2013:	Payroll:	Direct Deposit	\$ 96,324.37
	Payroll Taxes Federal:		\$ 34,778.95
	Payroll Taxes State:		\$ 5,756.10
	Accounts Payable:	#47240-47369	<u>\$ 410,627.25</u>
	Grand Total:		\$ 547,486.67

The monthly VDOT report was provided to the Board.

Supervisor Zava stated that he had spoken to Mr. Billy Smith of VDOT. Mr. Smith informed Supervisor Zava that detour routes would need to be determined in order to replace Wallace's Bridge, route 712 and Dixie Bridge, route 631. It would not be cost-effective to build a temporary bridge. Mr. Smith would like approval to begin planning the detour routes.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to allow VDOT to begin determining detour routes.

Mrs. Dora Wynn, School Superintendent, shared the planned dates for the Rotary Club's annual Student Government days. Government Day will be held on Wednesday, May 8, 2013 and the Board of Supervisors meeting will be held on Thursday, May 9, 2013 at 10:00am with lunch to follow. Mrs. Wynn noted that school construction is progressing smoothly and completion is expected at the end of May.

The School Board was recently given a tour of the educational wing. Mrs. Wynn informed the Board that health insurance services have been placed out for bid with a due date of April 24, 2013.

Supervisor Hoover commented that he's heard numerous positive remarks about the new Parent Portal program.

Mrs. Wynn added that Parent Portal allows parents to utilize a computer to monitor their child's attendance, grades, and teacher comments. The software is secure and free of charge to parents.

Mrs. Wynn noted that the student count in September was 1492 and as of March it was 1494.

Administrator Gee discussed the budget. She stated that health insurance renewal rates are due April 20, 2013. She will not have the FY14 rates until that time. She noted that the Liability, Worker's Compensation and Comprehensive insurance coverage renewal was \$5,000 below last year's premium. Administrator Gee added that the Worker's Comp modification factor will increase in FY15 due to several claims that were filed in the past year. She warned the Board to expect that cost to increase in FY15. Flat funding was requested for the Administration Office.

Supervisor Slayton arrived at 6:15 p.m. due to another meeting.

Commissioner of Revenue Patricia Adams requested flat funding. She informed the Board that due to a death at their software company, she and her staff have been working with Mecklenburg County to update data in preparation of tax billing. She is hopeful that the data will sync correctly and that there will be no additional cost for the assistance needed.

Supervisor Hoover inquired regarding additional BAI software training.

Administrator Gee stated that the tax collection season was quickly approaching, keeping the Commissioner's Office and Treasurer's Office very busy. She has discussed with BAI the possibility of two-hour online training courses at a cost of \$75 per hour. She believes this type of training may work best and would be more cost-efficient as more staff would be able to view the classes online.

Administrator Gee read a letter from Treasurer Amona Currin as she was unable to attend the meeting. Flat funding was requested except for the postage line item. Due to twice a year billing, postage has greatly increased. Treasurer Currin requested \$5,500 in postage for FY14.

Supervisor Wingold stated that he would like to see her request granted. He stated that he has spoken with Postmasters at the Kenbridge Post Office to see if bulk mailing would be more cost effective. They have informed him that it would not be beneficial with the County only utilizing two bulk mailings a year.

Supervisor Zava said he would like to review a year to date expense report. He knew the Treasurer's Office will exceed the postage line item for FY13. However, they were interested to learn how much the additional postage would increase the entire Treasurer's Office budget by year-end.

Mr. Oliver Wright, III, Secretary of the Electoral Board, requested flat funding. He stated that 90% of their budget is unpredictable as it is dependent upon how many elections are held during the year. He informed the Board that new voting machines may need to be purchased in the coming years. It is also possible that legislature may require the purchase of new election machines. He suggested that

the Board may want to begin considering how to fund the machines before the time comes to purchase them.

Supervisor Zava questioned if all the new machines would be required at one time or if one precinct at a time could be updated.

Mr. Wright replied that some counties and towns are changing the machines one precinct at a time, the only issue is training and operating on different systems.

County Attorney Rennie inquired as to whether the machines had to be purchased or if there was an option to lease.

Mr. Wright will check with the company about possibly leasing the new machines.

Administrator Gee read the Governor's FY13 Budget Bill section that mandates a 3% salary increase for all Constitutional Offices and Social Services Departments.

Administrator Gee stated that Commonwealth Attorney Robert Clement requested flat funding. He asked Administrator Gee to remind the Board that each year the Compensation Board allows him to move funds from the personnel line item to office supplies.

Sheriff Arthur Townsend discussed several items with the Board. He was made aware of a grant program to allow for a resource officer in each of the elementary schools. May 1, 2013 is the deadline to apply if the Board is interested. However, Sheriff Townsend reminded the Board that grant funds tend to dwindle over the years; therefore, funds may not be available for long. He shared that several aspects of his budget are uncontrollable. Such things include the price of gas, postage, repair and maintenance of older vehicles. The department is also experiencing a greater amount of time spent with mental health cases. These cases can use a lot of man hours. He is currently short two employees.

Administrator Gee gave the Board the dollar amounts required, according to the resource officer grant stipulations, from the first year to the phase-out of grant funds at the fifth year.

Major DJ Penland spoke regarding the 911 budget. He stated that the Public Safety Answering Point (PSAP) Grant would be greatly decreased in FY14. The amount requested in the previous year was \$150,000. The amount requested for FY14 would be \$28,428.

Supervisor Hoover asked what upgrades are occurring in the 911 department.

Major Penland replied that they are moving some of the computer equipment out of the 911 office to control the temperature in the room.

Mr. Ronnie Long, Animal Control Officer noted that he is lacking a part-time assistant due to an injury of the previous one. He stated that the department is required to have a secondary officer in the case of an emergency and for compliance reasons. This person would need to be trained and certified, as well as provided with uniforms and shots. Mr. Long estimates the personnel costs to total approximately \$3,000.

Mrs. Beverley Hawthorne, Community Development Director, stated that tax incentives for businesses would decrease about \$8,000 in FY14, otherwise she requested flat funding.

Mrs. Dorothy Newcomb, Director of Social Services, requested approximately \$1,000 over the local amount requested for FY13. She stated that she will be slightly under budget for FY13 due to turnover throughout the year and four employees opted out of the county's insurance plan. She would like to keep these funds in her FY14 budget in case of more turnover or additional employees opt into insurance. Mrs. Newcomb advised that she had not received numbers from the state yet. She expects them in mid-May. She noted that the state is projecting a 3% increase for all employees in her department.

Mrs. Newcomb continued to say this year the Department of Social Service will take on a "single pool approach" meaning service/administration staff and eligibility staff will no longer be viewed as separate sections of the departments. She anticipates a greater case load as health care reform continues. Mrs. Newcomb believes that although this will bring new programs, she will be able to hold the budget steady.

Supervisor Zava inquired as to whether the new business, Kenbridge Youth Academy, will have any effect on the case load for Social Services or the CSA office.

Mrs. Newcomb replied that she is unsure at this point. Most of the students at this school will be males between the ages of 7 and 17. Child abuse or neglect cases have developed in the past in schools such as this one, but the cases she had with The Pines were unfounded and dismissed. Mrs. Newcomb does not believe it should have a negative effect on her budget.

Mrs. Newcomb requested that the Board consider funding the Virginia Legal Aid and Piedmont Senior Services. These organizations have greatly assisted the less fortunate and the elderly population in Lunenburg.

Mrs. Cheryl Blow, CSA Coordinator, spoke before the Board. She stated that her department expenditures consist of numerous costly services; however, the vast majority of those are mandated by the state. She shared that the county has a lot of children in foster care which also increases the cost. Mrs. Blow informed the Board that many (Individualized Education Programs) IEP's require that children attend more specialized schools. She explained that between state and local funds her budget estimates for the end of FY13 will be over \$1.3 million. Lunenburg County has the lowest local match rate in Virginia, meaning that we pay less per service than all the other jurisdictions.

Supervisor Zava commented that he never realized how costly these services were until he was on the finance committee.

Administrator Gee shared a letter from Kenbridge Fire Department Chief, Richard "Dicky" Harris. In the letter, he requested flat funding and thanked the Board for their support.

Victoria Fire Chief, Rodney Newton, thanked the Board for funding over the previous years and appreciates consideration for FY14. He shared a diagram detailing the total number of responses for the four agencies in the county. Those agencies responded to a total of 1,943 calls in the calendar year 2012. Chief Newton also provided a map for 1<sup>st</sup> due fire and 1<sup>st</sup> due EMS in the county. These maps outline which department or rescue squad should respond depending on the address of the emergency.

Supervisor Edmonds inquired as to who is the governing body of the Kenbridge Emergency Squad.

Chief Newton replied that the Board of Supervisors is the governing body.

Supervisor Hoover commented that he was impressed that for more than 10 years, the departments have been able to use only \$100,000 capital improvement funds per year. He believes this has been very beneficial for volunteer efforts in the county and in purchasing equipment.

Chief Newton requested the purchase of numerous pieces of equipment on State Contract. All purchases will be fully reimbursed using 2011 and 2012 SHSP Grants:

### Lunenburg Communications Cache Grant Purchase Requests

#### 2011 SHSP Grant, \$300,000.00

Encumbered to date \$205,663.45  
Reimbursed to date \$195,099.04

Requested purchases:

Daniels VHF, UHF, 800 MHz, and 700 MHz repeaters from Procom Corp.  
\$80,972.76

Will be purchased off existing Procom procurement agreement with King and Queen County, VA.

Miscellaneous antennas, transmission cable, power supplies, uninterruptible power supplies, line conditioners, and hardware  
\$11,000.00

Purchase from Tessco which offers government discount pricing

#### 2011 SHSP Grant, \$40,000.00

Encumbered to date: \$0.00

Requested purchase:

Panasonic SF-52 Semi-ruggedized laptop computers (2)  
\$5,000.00

Units will be purchased off of existing VITA contract

#### 2012 SHSP Grant, \$100,000.00

Encumbered to date: \$44,386.80

Reimbursed to date: \$0.00 (purchases were just completed)

Requested purchases:

Harris Unity mobile radio  
\$6,600.00

Unit will be purchased off of existing VITA contract

Motorola VHF and 800 MHz mobile radio  
\$7,800.00

Units will be purchased off of existing VITA contract

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to allow Chief Newton to proceed with the requested purchases.

Administrator Gee stated that the Virginia Department of Emergency Management is offering Lunenburg County a \$7,500 Local Emergency Management Performance Grant with a 50% cost share match requirement, if the county would like to opt-in. This does not obligate the County to accept the grant. The 50% cost share match requirement means that this is a dollar-for-dollar grant.

Supervisor Zava made motion, seconded by Supervisor Edmonds and unanimously approved, to opt-in to the VDEM-LEMPG Grant program.

Administrator Gee provided the Board with a copy of the Lunenburg Health Department local agreement for FY2013. Approval and signature by the governing body is due. The expected annual payment amount for FY13 has decreased to \$87,247 from the adopted budget of \$118,100.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the agreement and allow Administrator Gee to sign it.

Administrator Gee discussed the VACORP Line of Duty Trust Agreement. Members that had LODA claims before opting out of the state fund administered by VRS, must join the VACORP LODA Trust. Lunenburg is one of these members. To join, the Board is requested to adopt the LODA Trust membership document. There is no membership cost. County Attorney Rennie stated that he has reviewed and approves the agreement.

## VACORP LODA TRUST

The undersigned Counties, Cities, Towns, and Regional Jails of the Commonwealth of Virginia ("Grantors") being authorized and directed to so, do make this trust agreement dated June 29, 2012 with VACORP, a local government risk sharing pool, which is an instrument of the government of the Commonwealth of Virginia, as Trustee ("the Trustee"). The Trustee and any successor Trustees are all referred to herein as "the Trustee."

The name of this trust agreement is the "VACORP LODA TRUST dated June 29, 2012" ("Trust") and is effective July 1, 2012.

### ARTICLE 1

#### TRUST PROVISIONS

- A. Transfer of Assets and Liabilities. Contemporaneously with the execution of this trust, Grantors (hereinafter "Members") do transfer to the Trustee of the Trust all liabilities appertaining to any claim which they may have prior to June 30, 2011 under the Line of Duty Act pursuant to §9.1-400 et seq. of the 1950 Code of Virginia, as amended ("Act") and do promise to timely pay for said liabilities.
- B. Line of Duty Act Trust Fund. By entering into this Trust, each Member Acknowledges that they have opted out of the Commonwealth of Virginia Line of Duty Act Trust Fund.
- C. Eligibility of Members. Each member shall purchase liability insurance from Trustee covering claims under the Act. Likewise each member shall timely pay to the Trustee all premiums for said insurance and monies for claims prior to June 30, 2011. In the event a Member purchases insurance from other than the Trustee, the Trustee and this Trust shall have no liability or obligation to such Member.
- D. Administration of Claims. During the existence of this Trust, the Trustee shall administer all pre-June 30, 2011 claims of its members under this Trust, shall provide the administration of all claims and shall provide insurance to insure against claims under the Act to all Members after July 1, 2011.
- E. Insurance & Payments by Members. Each Member is obligated to purchase liability insurance for claims under the Act from the Trustee and pay the Trustee those payments for insurance and claims as provided for under the Act, which payments must be timely made. If a payment is overdue by thirty (30) days, or if an insurance premium payment is not made within thirty (30) days of the invoice date, then the Trustee shall not provide claims administration, insurance or payment to claimants, until payments are brought current and all insurance coverage is purchased from the Trustee.

### ARTICLE II

#### TRUSTEE PROVISIONS

- A. Trustee's Management Powers. The Trustee shall have the powers granted by law and the powers in Sections 64.2-105, 64.2-777 and 64.2-778 of the 1950 Code of Virginia, as amended, as in effect on the date of the signing of this agreement. These sections are incorporated in this agreement by this reference.
- B. Trustee's Compensation. The Trustee, or any successor Trustee, shall receive compensation for services rendered. The corporate Trustee, or any successor corporate Trustee, shall receive compensation for services rendered according to their list of fees published from time to time.

- C. Resignation of Trustee. The Trustee may resign as Trustee by notice to the Members. The resignation shall take effect upon the effective appointment of a successor Trustee.
- D. Successor Trustee. The Trustee shall have the right to designate a successor Trustee who shall be any natural person or corporation having trust powers, which shall be effective upon the resignation or termination of corporate existence of the Trustee. Such designation shall be made while such Trustee is serving as Trustee by an instrument executed by the Trustee during and by the successor Trustee. In the event that the Trustee does not appoint a successor Trustee or a successor Trustee does not appoint its successor Trustee, which it shall have the privilege to do hereunder, the Members shall have the right to appoint a Trustee.
- E. Actions of Prior Trustee. No Trustee serving under this agreement shall be responsible for or required to inquire into any acts or omissions of a prior Trustee.

ARTICLE III  
RIGHTS RESERVED BY MEMBERS

- A. Revocation and Amendment. Members reserve the right to opt out of this Trust by a writing signed by the Member and delivered to the Trustee. All obligations of Member to the Trust shall be paid by Member prior to opting out. Any amendment that changes the duties or compensation of the Trustee shall require the consent of the Trustee.
- B. New Members. Members agree that new members as defined by the Act may become Members if the Trustee accepts them.

ARTICLE IV  
MISCELLANEOUS PROVISIONS

- A. Protection from Claims. To the extent permitted by law, the principal and income of any trust shall not be liable for the debts of any beneficiary or subject to alienation or anticipation by a beneficiary, except as otherwise provided.
- B. Governing Law. This agreement shall be governed by the laws of Virginia.
- C. Signatures. This trust may be executed in counterparts and electronically.

WITNESS the following signatures and seals:

The Trustee accepts the terms of the VACORP LODA TRUST dated June 29, 2012.

--END--

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to adopt the agreement and allow Administrator Gee to sign the VACORP LODA Trust Agreement.

Administrator Gee discussed the new VA Retirement System Hybrid Retirement and Disability Program effective January 1, 2014. The plan will apply to most new employees hired on or after January 1, 2014 and current employees who opt to switch to the plan. Employers will have the option to opt-out of the Disability Program and provide a comparable plan. Packets will be mailed out by VRS in early summer. Administrator Gee continued to say that beginning on January 1, 2014 the County will have employees on three different plans. She has been given very little information on the differences in the plans at this point.

Mrs. Beverley Hawthorne, Community Development Director, gave her monthly report. She spoke regarding the Enterprise Zone. Mrs. Hawthorne met with a representative from DHCD in February. They discovered that changes need to be made including removal of some residential or inactive parcels, adding of potential business parcels, amendments to the wording of the incentive, and marketing efforts should be extended to landowners in the zone. In order to accomplish these suggestions, Mrs. Hawthorne has been given preliminary pricing of approximately \$3,000 to have the parcels of the EZ mapped using GIS coordinates through an intern. She has also received approval for the use of the Economic Development fund money to assist in these changes.

Supervisor Zava made motion, seconded by Supervisor Slayton and unanimously approved, to allow Mrs. Hawthorne to proceed with this project.

Mrs. Hawthorne gave an update on the Kenbridge Youth Academy project. She stated that hiring is in progress and the academy is very excited about the number of qualified applications that

were received. Most positions are being filled with residents within a 20 miles radius (mostly Lunenburg County).The goal is to start operating the facility by June 1, 2013.

Mrs. Hawthorne shared a copy of the March 7, 2013 Virginia's Growth Alliance meeting minutes.

Administrator Gee provided an update on buildings and grounds. She stated that an estimate, approximately \$14,000, was received to replace the locks in the courthouse and Registrar's office. She informed the board that \$10,000 was withheld when the courthouse was built and could be used to offset the cost of replacing the locks.

Mowing around the Courthouse Complex will be completed the upcoming week by prisoners from Piedmont Regional Jail.

Administrator Gee noted that the building which houses the Treasurer's Office and Commissioner's Office needs repair. Rodents and birds are nesting in crevices and rotting is occurring. She is waiting on quotes for repair and will update the Board when they arrive.

Administrator Gee directed the Board to the expense reports and balance sheets from Piedmont Regional Jail located in their packet.

Supervisor Zava asked when the Board would see the Jail's projected budget.

Administrator Gee replied that she was unsure at this point because scheduled meetings had been postponed due to scheduling conflicts.

Supervisor Bacon inquired as to the number of employees at the jail. He stated that if the number of inmates had decreased then the number of employees should also decrease.

Administrator Gee stated that there are just under 500 inmates in the jail.

County Attorney Rennie stated that a letter has been mailed from his office to the client with the large outstanding landfill bill.

Administrator Gee commented that seven applications were received for the part-time trash collection staff. She plans to review the applications and schedule interviews in the coming week.

Administrator Gee noted that she and the Airport Commission Chair, Jeff Parrish, and staff from VA Department of Aviation reviewed the Capital Improvement plan regarding the airport. Paving of the runway and apron must be completed by FY16. Administrator Gee will attempt to time the project to spread the paving payment over three fiscal years.

County Attorney Rennie presented a proposed business license ordinance as previously requested by the Board. He stated that the business license would apply to those businesses in the county not in the towns. The two towns require their own licenses.

Supervisor Zava commented that the ordinance was well-developed and simple.

Supervisor Hoover suggested that a list be created and maintained by Community Development Director, Beverley Hawthorne.

Supervisor Wingold said that a list should be maintained on the website as well. He then suggested that the Board think about the ordinance a little more and discuss the option again at the next Board meeting.

Supervisor Zava stated that he thought it would be a good idea in order to have the names of the businesses in the county.

Supervisor Edmonds reiterated that the issue needs further thought and should be reviewed again at the next meeting.

Supervisor Bacon noted that he doesn't mind implementing the license but doesn't want the process to become cumbersome for citizens or staff.

Administrator Gee directed the Board to a copy of the Stormwater Management Program Draft Ordinance. This copy is for review.

Administrator Gee informed the Board that three RFP's have been received for auditing firms. She and the finance committee will be reviewing the RFP's and scheduling interviews.

A budget worksession meeting will be held on April 25<sup>th</sup> at 6:00 p.m. in the General District Courtroom.

Administrator Gee told the Board that May's meeting will be held at Central High School on May 9, 2013 at 10:00 in conjunction with Government Day. Board members who are able to participate in activities on Wednesday, May 8, 2013 should meet at the courthouse at 9:00am.

Administrator Gee stated that she will be picking up district maps with road names from the CRC. Once she has them, they will be distributed to each Board member respectively.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to enter Closed Session citing Virginia Code Section §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 Hoover

VOTING NO

ABSENT

Supervisor Edmonds  
Supervisor Pennington  
Supervisor Bacon  
Supervisor Slayton  
Supervisor Zava  
Supervisor Wingold

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

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to continue on to April 25, 2013.

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Tracy M. Gee, Clerk  
County Administrator

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Edward W. Pennington, Chairman  
Board of Supervisors