Minutes of May 14, 2015 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, May 14, 2015 at 10:00 a.m. in Room 104, Central High School, Victoria, Virginia. The following members were present: Supervisors T. Wayne Hoover, Alvester Edmonds, Frank Bacon, Charles R. Slayton, Edward Pennington, David Wingold, County Administrator Tracy M. Gee, Assistant to the Administrator Nicole Clark, and County Attorney Frank Rennie. Supervisor Robert Zava was absent.

Chairman Wingold called the meeting to order.

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

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

Chairman Wingold requested a closed session at the end of the meeting, citing Virginia Code Section §2.2-3711A1 Personnel.

Mr. James “Buck” Tharpe of Mays Road, Victoria was added as 8C regarding the Hemp Coalition.

Administrator Gee was added as 8D regarding a Radio Cache purchase request.

Chairman Wingold stated that item 8A Voting Machines needed to be moved up in the agenda as the presenter, Mr. Ollie Wright was under time constraint. Chairman Wingold moved 8A to 5D.

Supervisor Hoover commented that 5D would be included in the Consent Agenda and should be moved.

Chairman Wingold moved agenda item 8A to 7A.

Supervisor Bacon made motion, seconded by Supervisor Hoover and unanimously approved, to accept the Consent Agenda to include the minutes of the April 9, and 30, 2015 Board of Supervisors meetings, the Treasurer’s March 2015 report and the following Warrants for Approval:

| April 2015:    | Payroll: | Direct Deposit: | $112,129.21 |
|               | Payroll Taxes Federal: | $37,592.67 |
|               | Payroll Taxes State:  | $6,332.27  |
|               | Payroll VRS payment:  | $30,400.40 |
|               | Payroll ICMA-RC payment: | $251.24 |
|               | Accounts Payable: #50758-50942 | $675,631.74 |
|               | Grand Total:          | $862,337.53 |

Supervisor Bacon made motion, seconded by Supervisor Hoover and unanimously approved, to enter Public Hearing for the VDOT Secondary Six-Year Plan.

Mr. Billy Smith of VDOT explained that the plan would cover FY2016-17 thru FY2020-21. He noted that due to lack of funding there weren’t many changes to the plan. However, if the Board wishes...
to add a project, inform Mr. Smith. He asked the Board to monitor roads when driving in the County and make recommendations of those roads needing attention. He added that if VDOT makes the recommendation for updates, the roads will be chosen based on traffic count. Current projects on the plan include Wallace’s Bridge and Road, Lee’s Mill Road, Old Plank Road, Twin Cemetery Road, Battes Road and Red Level Lane.

Mrs. Beverley Hawthorne questioned why Hardy Road wasn’t included in the plan. She added that Hardy Road improvements were previously discussed due to increased traffic at the landfill.

Mr. Smith replied that these improvements would be very expensive; however, he previously requested additional funds so this project could be added to the plan. Unfortunately, VDOT cut the project, noting that if funding becomes available, they will add Hardy Road to the plan. Mr. Smith also noted that improvements to Hardy Road would be for safety concerns, which is not typically included in Secondary Six year plan.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to exit Public Hearing for the VDOT Secondary Six-Year Plan.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the FY2016-17 thru FY2020-21 VDOT Secondary Six-Year Plan.

Mr. Ollie Wright, Secretary for the Electoral Board, explained that the State Board of Elections has decertified the County’s voting machines. The County is unable to hold an election until new certified machines are obtained. Mr. Wright commented that the County will need 14 optical Scanners (12 precincts plus 2 spares) with ballot boxes and 13 handicapped accessible ballot marking devices (12 precincts plus one spare).

The Electoral Board considered three vendors. Of the three, they recommend the procurement of equipment from Election Systems and Software at a net cost of $120,010. Besides being the least expensive, there were other considerations that made them more attractive. These considerations included a lease purchase alternative, trade-in allowance and disposal of current machines, one less scanner to buy, in-house printing capability, local service and technical support, and the equipment is easy to store and transport. He requested that the Board make a decision at the June meeting to allow for adequate time to obtain the new machines and train workers.

Mr. Wright also provided information regarding paper ballots as requested by Supervisor Hoover. Mr. Wright shared information from Virginia Election Statutes section 24.3-626 requiring governing bodies of each County and city to provide for the use of electronic voting machines.

Supervisor Bacon questioned who was mandating the purchase of new equipment.

Mr. Wright responded that the State Board of Elections in Richmond decertified the current machines, stating there was a security issue with the current machines. They want all localities to move to the optical machines.

Supervisor Bacon asked if the state Board is appointed.

Mr. Wright replied yes, appointed by the governor.
Supervisor Bacon commented that he is concerned that if the Board choosing a 5-year financing option for the machines, then the State Board may decide to decertify the machines again before they are paid for.

Mr. Wright replied that he doesn’t foresee the State Board decertifying the optical machines in the coming years.

Supervisor Edmonds stated that if a new governor is elected, he is concerned that new members will be appointed to the State Board of Elections. A new Board may choose to decertify the optical machines. He questioned if all localities in the state had to purchase new equipment.

Mr. Wright stated that there are two types of touch screen machines that will still be allowed for the time being. However, most localities will need to purchase new optical machines. He added that the State required all vendors offer the same pricing for equipment, training and service for each locality. However, net cost will vary based on the number of precincts and amount of equipment needed in each locality.

Administrator Gee questioned the effect the new machines and software would have on the printing and office supply budget line items.

Mr. Wright responded that there would be an increase, around 25 cents per ballot, as well as an increase for the programming and maintenance of the machines. He added that he would prepare an estimate to share with the Board; however, this increase is comparable with each of the three vendors.

Supervisor Hoover commented that legislature is requiring new machines, however, he doesn’t understand why the State is requiring localities to purchase new equipment when the current equipment is still working efficiently. He asked if the State would be providing any funds for assistance.

Mr. Wright replied no.

Supervisor Hoover asked if there was an appeal process.

Mr. Wright replied no.

Supervisor Hoover noted that by selecting the 5-year financing option with Election Systems and Software, the County would be spending over $142,000. He is concerned that the County will be required to get new machines again before these are paid in full.

Mr. Wright stated that he believes it is highly unlikely as the State has been trying to convert to optical machines for a long time.

Supervisor Hoover questioned what would happen if the County decides they can’t afford the new machines.

Mr. Wright responded that the County would be unable to hold an election.

Supervisor Hoover said that the Board is beginning to have this issue on a monthly basis. The State mandates a costly change but offers no assistance or funding. He added that he finds it very frustrating and ultimately the burden lies on the taxpayers.
Mrs. Carolyn Parsons, Registrar, expressed to the Board that the Governor tried to get funding assistance for all the localities, however, it did not pass.

Delegate Roslyn C. Tyler of Virginia House of Delegates was present at the meeting and Supervisor Hoover asked her to comment on the issue.

Delegate Tyler stated that she understood the Board frustrations. However, she added that the Board should be prepared to see more mandates in the future as the State tries to increase security in all facets. Delegate Tyler suggested that the Board forward a rebuttal and perhaps a waiver could be issued. However, the Board should prepare itself for the upcoming election.

Supervisor Pennington thanked Delegate Tyler for her comments and attending the meeting.

Administrator Gee stated that she received a call from Middlesex County Administrator trying to rally other counties to adopt a resolution to forward to the State requesting assistance for this mandate.

Superintendent Charles Berkley welcomed the Board to Central High School for the monthly meeting. He advised that there were only 10 more days of school and invited the Supervisors to attend graduation ceremony on Saturday, May 30, 2015. He requested the Board approve the below resolution adopted by the School Board on May 11, 2015

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to approve the above resolution.

Mr. James “Buck” Tharpe of Mays Road, Victoria spoke before the Board in opposition to the hemp resolution. He stated that he agreed with the General Assembly’s position to first research the profitability of growing hemp in Virginia. He stated that issues have occurred in the past with switch grass and barley, which he believes is the reason research should be performed first. He requested that the Board not support a resolution for one type of crop, but rather a broader resolution if the Board so chooses.
Administrator Gee shared a memo from Victoria Fire & Rescue Fire Chief, Rodney Newton. Mr. Newton is requesting authorization of two purchases relating to the communications cache. The items are one UHF Tactical repeater at a cost of $14,500 and one Gateway with accessories at a cost of $12,000. Mr. Newton added that the purchases are 100% reimbursable from the allocated $66,000 State Homeland Security Grant Program funds.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to authorize the purchase of the two items with Radio Cache funds, with 100% reimbursable through the State Homeland Security Grant Program.

Mrs. Beverley Hawthorne, Clerk to the Planning Commission, shared a request for consideration of a conservation easement from Robert and Cindy Foley involving parcels 32 (A), 57, 58, and 59. The Foleys have contacted the Virginia Outdoor Foundation to have a Conservation Easement placed on their property; approximately 136 acres. Ms. Hawthorne noted that it is standard VOF policy to notify the County and ask whether it is consistent with the locality’s Comprehensive Plan for the land to remain in permanent open space.

Mrs. Hawthorne continued to say that in the past, the County has supported the establishment of Conservation Easements where there has been no question that the land remaining as open space is consistent with the Comprehensive Plan. However, in this case, there is ambiguity in the plan and other issues that need to be considered to this Conservation Easement being in compliance. The County Administration Office has determined that the Planning Commission should make a recommendation to the Board of Supervisors regarding this Conservation Easement and whether it is consistent with the Comprehensive Plan.

Mrs. Hawthorne explained the two concerns with the requested Conservation Easement. The first is that Mr. Foley was granted a Conditional Use Permit to operate Mimosa Park as a for-profit recreational park in 1995. This stated use is not in line with a Conservation Easement permitted use and would need to be amended or vacated. Second, in the Comprehensive Plan, the Primary Development Corridor is identified as being along State Route 40 and 49. The property fronts on State Route 40/49 on Courthouse Road. Because of the class of road, the proximity to the Town of Victoria for potential utilities service and the location of the broadband fiber infrastructure in the area, this segment of Courthouse Road could be considered a potential location for significant growth.

Mrs. Hawthorne stated that after much discussion, the Planning Commission decided to agree that the Conservation Easement would be in compliance with the Comprehensive Plan if it includes a clause referencing a public infrastructure expansion regarding the widening of 40/49 and Hardy Road improvements. The Planning Commission requested that the Board motion to concur with their recommendation. The next step would be to hold a Public Hearing and revoke the 1995 Conditional Use Permit.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to concur with the recommendation of the Planning Commission.

Mr. Greg Marston of Crewe, VA spoke before the Board in support of Industrial Hemp. He noted that he has attended four meetings and each month the Board discusses frustration with the state or other entity requiring an increase in appropriations from the County. He commented that he believes Industrial Hemp will assist in creating revenue for localities in Virginia. He requested that the Board take a stance in favor of Industrial Hemp by way of a resolution. He added that if the Board did not want to support one specific crop, then develop a resolution similar to the Town of Victoria, which didn’t name
hemp, but was aimed at all crops. Mr. Marston stated that companies overseas looking to profit from growing Hemp in Virginia need to see the interest of the localities. He asked the Board to take a vote.

Ms. Sharon Harrup, CEO of STEPS, Inc., approached the Board requesting a board appointment for the Community Action Agency Board. She added that she would like a seated, elected official to serve. She needs the appointment by July 1st, in hopes of holding the first meeting in August. She noted that this person would be the contact between the agency and the locality’s community. Ms. Harrup advised the Board to also appoint an alternate and recommended the County Administrator or Social Services Director.

Supervisor Bacon questioned if the appointee could be a Constitutional Officer.

Ms. Harrup replied that that code is very vague, therefore, it could be a Constitutional Officer or an appointed person in the community. However, the agency would prefer to have a Board of Supervisors’ member. She noted that the person will be forwarding the needs of the County to the agency. Ms. Harrup commented that once the Board of 18-20 members is determined, smaller committees will be formed for specific roles.

Supervisor Pennington agreed to serve as the Agency Board member and Administrator Gee agreed to serve as the alternate.

Supervisor Bacon made motion, seconded by Supervisor Hoover and unanimously approved, to appoint Supervisor Pennington to the Community Action Agency Board and appoint Administrator Gee as the alternate.

Administrator Gee directed the Board to a request from Mr. Ernie Pyle of the Meherrin Volunteer Fire and Rescue Squad to grant a Fireworks Display Permit for the annual display on July 4th.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to grant Meherrin Volunteer Fire and Rescue Squad a Fireworks Display Permit for July 4, 2015.

Administrator Gee began discussion on the FY2016 Budget. She noted that the Health Insurance RFP deadline had not arrived yet and she is awaiting bids. She stated that the renewal price was about a $50,000 increase, however, it was still a huge savings from the premiums for The Local Choice from three years ago. Administrator Gee commented that the proposed budget is balanced with the use of solid waste funds. However, the proposed budget does not include the purchase of the new voting machines. She stated that the Board may still vote to hold a public hearing on the proposed budget, as the County is allowed a 1% increase or decrease from the advertised proposal. If the budget were to change more than 1%, the Board would need to re-advertise.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to advertise the proposed FY2016 budget and hold a public hearing on June 4, 2015.

Mrs. Beverley Hawthorne, Landfill Liaison, provided her monthly report. She commented that the renovations to the Switchback site are complete. She is pleased with the design and stated that it will operate 24/7 like the Oral Oaks site unless it becomes an issue. If there are problems, manned hours will be determined. Mrs. Hawthorne advised that the check for the host fee was expected to arrive by May 12th. It has not been received.

Administration Gee explained that she and County Attorney Rennie had discussed moving the $50,000, held in escrow by the County from CFS, to an independent bank. The funds are currently held
in the solid waste fund. They have selected C&F Bank in Chesterfield, as this bank is not currently associated with any parties involved and is close to County Attorney Rennie’s Office. Administrator Gee requested permission to open the account with her and Chairman Wingold as the signers.

Supervisor Bacon questioned why a bank within the County wasn’t chosen.

County Attorney Rennie noted that he believed it was best to choose a bank not associated with any of the involved parties.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to open the account with C&F Bank allowing Administrator Gee and Chairman Wingold to be the signers, as suggested by legal counsel.

Mrs. Beverley Hawthorne, Community Development Director, provided her monthly report. She noted that Global Refining has erected a new sign, which lights up at night. She added that it is very impressive. She stated that the business is progressing on schedule and they are hiring as needed. Mrs. Hawthorne shared the below list of Enterprise Zone Tax Incentives and requested approval from the Board to transfer the funds from the general fund to the IDA for payment.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to transfer $29,502.28 from the general fund to the IDA for 2014 Tax Incentive payments.

Administrator Gee directed the board to the monthly Piedmont Regional Jail reports. She stated that member jurisdiction County Administrators held a finance committee meeting to review the FY2016 budget. She noted that a few changes were made and a recommendation was made to the Superintendent. Administrator Gee reminded the Board that PRJ would like to purchase an adjacent parcel of land to potentially be used for expansion in the future. She added that Lunenburg is the only member jurisdiction that has not granted permission for the purchase.
Supervisor Edmonds stated that the funds to make the purchase were not coming from PRJ funds but from Piedmont Juvenile Detention Center. He also noted that the land has timber that could be cut and sold, which would recoup some of the purchase amount. Supervisor Edmonds made motion to allow PRJ to purchase the property, Supervisor Pennington seconded.

Supervisor Hoover requested more discussion before a vote was made. He stated that he is opposed to the purchase of the property. He commented that the facility is not at capacity. He believes the funds should be used for upgrades to the current facility instead of investing in additional land.

Supervisor Bacon agreed that it was not a logical purchase.

Supervisor Pennington stated that the facility is aging. The land and timber would be very valuable to PRJ in the near future. He reminded the Board that all the member jurisdictions have agreed except Lunenburg.

Supervisor Bacon commented that the current facility is located on 3-4 acres. He questioned why they needed 30 additional acres.

Supervisor Edmonds noted that if the property is not purchased now the price may increase significantly in the future.

Administrator Gee added that PRJ may be able to get reimbursement from the state for expansions but not new construction in another location.

Supervisor Hoover reiterated his earlier comments. He stated that additional funds should be used for upgrades and maintenance and not on additional land when the facility is not full. He compared the situation to a hotel, stating that a hotel doesn’t expand its building if it is not consistently at full capacity. He added that from a financial perspective it is a bad deal for PRJ and its member jurisdictions.

Administrator Gee commented that one concern is the many mandates from the Department of Justice, including the requirement to separate many of the inmates.

County Attorney Rennie advised that he had visited Supervisor Zava, who had expressed the same opinions as Supervisor Hoover.

Chairman Wingold questioned what would happen if the Board did not agree to purchase the property.

Administrator Gee replied that if the Board did not agree, PRJ would not be able to purchase the property.

Supervisor Pennington made a motion to allow PRJ to purchase the adjoining property. A roll call vote was requested.

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<th>VOTING YES</th>
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<td>Supervisor Slayton</td>
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Due to a tie vote, the motion is null and void.
Administrator Gee provided her monthly report. She invited the Board to the Lunenburg County Rotary Club 75th Anniversary event on May 16th. She thanked Mr. Burke and the students for their professionalism and interest during the student government day events. She advised the Board that the septic system at the Courthouse Complex was in desperate need of attention. She requested two Board members volunteer for a committee to meet with Mr. Ronnie Williams to discuss replacement or refurbishment options. Supervisor Hoover and County Attorney Rennie agreed to serve on the committee. Administrator Gee noted that she is still in need of a representative on the Social Services Advisory Board from the Rehoboth District, the Brown’s Store District, and the Beaver Creek District.

County Attorney Rennie reminded the Board of the actions taken in regards to the Workforce Investment Board and the Board of Supervisors being held liable for any actions taken against the WIB. County Attorney Rennie noted that he and other member jurisdictions’ County Attorneys have discovered that Piedmont Regional Jail operates in the same manner. The County Attorneys are working together to create a new set of bylaws that all counties agree on. He will update the Board at the June meeting.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to recess for lunch at 11:55a.m.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to reconvene at 12:42p.m.

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

CERTIFICATION OF CLOSED SESSION MEETING

WHEREAS, the Board of Supervisors of Lunenburg County, Virginia (“Board”) convened a Closed Session Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section §2.2-3712 of the Code of Virginia, 1950, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board.

VOTING YES
Supervisor Hoover
Supervisor Bacon
Supervisor Edmonds
Supervisor Pennington
Supervisor Slayton
Supervisor Wingold

VOTING NO

ABSENT
Supervisor Zava

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to return to Open Session.
Supervisor Hoover questioned if the Commonwealth Regional Council made any decisions about assisting 501c(3) organizations without a fee.

Chairman Wingold replied no. He added that discussions have taken place but no decision has been made.

Supervisor Hoover asked if the Towns have agreed to pay their portion of the dues.

Administrator Gee replied yes.

Chairman Wingold stated that he has an issue with charging the Towns for CRC dues when they are already paying County taxes. He feels as though it is a double tax.

Supervisor Hoover noted that the County ended trash fees for the Towns.

Supervisor Hoover made motion, seconded by Supervisor Pennington and unanimously approved, to continue the meeting to Thursday, June 4, 2015.

__________________________________________  ______________________________
Tracy M. Gee, Clerk                  David E. Wingold, Sr., Chairman
County Administrator                 Board of Supervisors