

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

Minutes of June 26, 2013 Meeting

The advertised, rescheduled regular meeting of the Lunenburg County Board of Supervisors was held on Wednesday, June 26, 2013 at 6:00 p.m. in the Lunenburg District Courtroom, Lunenburg, Virginia. This meeting was scheduled for June 13, 2013, but was rescheduled due to severe weather in the area making for dangerous travel. The following members were present: Supervisors T. Wayne Hoover, Alvester Edmonds, Charles R. Slayton, Robert Zava, Edward Pennington, County Administrator Tracy M. Gee, Assistant to the Administrator Nicole Clark, and County Attorney Frank Rennie. Supervisor Frank Bacon and David Wingold were absent.

Chairman Pennington called the meeting to order.

Chairman Pennington led the Pledge of Allegiance and gave the invocation.

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

Dog ordinances were added as item 10 on request by Supervisor Zava.

RC&D was added as 10A, requested by Supervisor Zava.

Roberta Rickers was added as 12A and Charles Rickers was added as 12B regarding the Southside Regional Library.

Victoria Fire and Rescue Department was added as 8A on request by Administrator Gee.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the minutes of the May 9<sup>th</sup> and 23<sup>rd</sup>, 2013 Board of Supervisors meetings, the Treasurer's April 2013 report and the following Warrants for Approval:

May 2013:	Payroll:	Direct Deposit	\$	96,644.96
	Payroll Taxes Federal:		\$	34,921.22
	Payroll Taxes State:		\$	5,778.89
	Accounts Payable:	#47519-47664	\$	<u>795,405.20</u>
	Grand Total:		\$	932,750.27

Administrator Gee noted that the Conditional Use Permits Public Hearing would be rescheduled for the next regular scheduled meeting on July 11, 2013 due to time requirements for advertisement.

The VDOT report was provided to the Board. Administrator Gee commented that construction on the Route 137 bridge was progressing and the detour routes were working very well.

Supervisor Edmonds stated that citizens have requested that maintenance on Muddy Lane be taken over by the State as it is a heavily traveled road.

Supervisor Zava inquired as to whether construction of the additions at the high school was completed. Mrs. Beverley Hawthorne replied that a Certificate of Occupancy would be issued once the fire alarm system is completed. It is expected to be completed the first week of July.

Administrator Gee shared a request from Clerk of the Court, Gordon Erby. He has several items of office equipment that are in disrepair. He requested to declare the items as surplus property to allow for disposal to include 1 cpu tower, 1 monitor, 1 printer, 1 computer desk, 1 clock and 1 chair.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to declare the items at the Clerk's Office surplus.

Supervisor Zava commented that he noticed the door to the courthouse is not closing properly. Administrator Gee informed him that Dominion Lock has been contacted and is supposed to fix that door and one next to the courtroom in one trip. Supervisor Hoover requested that the door be fixed before the next board meeting.

Administrator Gee shared a request from Victoria Fire and Rescue Chief, Rodney Newton. The department recently had the opportunity to purchase 3 town lots that adjoin the fire department property, between the fire station and the carwash. The department purchased the property for \$7,500 and has requested funding from the Victoria Fire and Rescue Capital improvement account.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to transfer \$7,500 from the Victoria Fire and Rescue Capital improvement account to Victoria Fire and Rescue for the purchase of 3 town lots bordering the currently owned property.

Administrator Gee directed the Board to a letter from H. Ernie Pyle, Chief for the Meherrin Volunteer Fire and Rescue Department. Mr. Pyle requested authorization to conduct their annual firework show and festival on July 4, 2013, with a rain date of July 6, 2013. Administrator Gee will need to issue a Fireworks Display Permit in order for the department to adhere to the code.

Supervisor Zava made motion, seconded by Supervisor Slayton and unanimously approved, to allow Administrator Gee to issue a Fireworks Display Permit to Meherrin Volunteer Fire and Rescue Department.

Supervisor Zava explained that he was contacted by a concerned citizen regarding a large number of dogs near their property. The dogs are housed in a pen very close to a property line that divides two parcels. The citizens are concerned about the noise and odor that is affecting them while on their own property. Supervisor Zava shared the current dog ordinance of the County regarding barking dogs.

County Attorney Rennie stated that the current ordinance is too broad to use in court. He said that when the ordinance was adopted many years ago it was sufficient. However, about 5-6 years ago the Supreme Court revised their requirements and Lunenburg's ordinance is now too vague. He commented that the offense must be measured in order to be enforced. For example, the ordinance must state a time frame of constant barking or be heard within a specified distance, etc. County Attorney Rennie noted that he will bring a draft to the next board meeting for review.

Piedmont Regional Jail Superintendent, Ernest Toney, is expected to be present for the next meeting. Due to the rescheduled date, Superintendent Toney was unable to attend.

Administrator Gee noted that the PRJ Board met previously that day. An estimated quarterly invoice was provided in the board packet. Administrator Gee stated that the Jail Board signed an agreement from the Department of Justice regarding medical care. A medical RFP will go out for bid very soon. They hope to have a decision by the next board meeting.

Supervisor Hoover questioned who would be taking over Superintendent Toney's responsibilities when he retires in the coming months.

Administrator Gee replied that the Assistant Superintendent will be serving in the interim until a replacement is hired.

Supervisor Hoover commented that they should contact the previous administration as they seemed to be doing a good job of paying for expenses without assistance from localities.

Supervisor Zava stated that he believes the problem is that the current administration is not soliciting enough to bring inmates from other counties. He would like them to understand that Lunenburg cannot continue to write a blank check. He wonders why the other County Administrators are not questioning the expenses as well.

Supervisor Edmonds added that the previous administration should be reviewed and the PRJ Board should try to find a replacement with the same qualities.

Chairman Pennington, a member of the PRJ Board, stated that applications will be reviewed in the coming weeks.

Mr. Charles Rickers of Kenbridge stated that he was a member of the board for 6 years during the time that the jail was built. He added that Lunenburg didn't have to pay for inmates at that time. He agreed that the right person needs to be hired as the new superintendent. He believes this will help turn the jail around.

Supervisor Slayton stated that he would like to nominate Mrs. Beverley Hawthorne as the alternate for the RC&D meetings as he is not always able to attend.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to appoint Mrs. Hawthorne as an alternate to the RC&D board.

Administrator Gee addressed the Board regarding the proposed FY14 budget and stated there were no changes from the June 6, 2013 public hearing.

Supervisor Zava, a member of the finance committee, stated that he would like to ensure the Board is aware of two aspects included in the budget. First, Administrator Gee has successfully completed the one year probation period as County Administrator. Per the original agreement between the Board and Administrator Gee, her salary will increase to \$75,000 per year, the lowest level that was advertised for the position of Lunenburg County Administrator. Second, due to the sale of the landfill, a landfill liaison was needed to monitor the daily tasks of the new company. The Board chose not to hire a full time liaison but assigned these duties to Mrs. Beverley Hawthorne. A \$500 per month stipend has been included in the budget to compensate Mrs. Hawthorne for her additional duties.

Chairman Pennington thanked Supervisor Zava for his efforts regarding the sale of the landfill and also thanked Mrs. Hawthorne for her work with the new company. He has not heard any negative comments as of yet.

Supervisor Hoover commented that Supervisor Bacon had mentioned at another meeting that this is the first time in nearly 15 years the budget has been balanced without pulling funds from reserve.

Supervisor Slayton thanked the Finance Committee and Administrator Gee for their diligent work on presenting a balanced budget.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the proposed Fiscal Year 2013-2014 Budget.

Supervisor Hoover made motion, seconded by Supervisor Slayton and unanimously approved, to appropriate funds effective July 1, 2013 for the Fiscal Year 2013-2014 Budget.

Administrator Gee noted that the Friends of Ripberger Public Library sent a letter in support of the Southside Regional Library Board of Trustees nomination of Mrs. Mitzi P. Lail to serve the next term on the Board of Trustees from July 1, 2013 to June 30, 2017 for a four-year term. Ms. Jean Overman is retiring from the SRL Board of Trustees at the end of her term on June 30, 2013.

Supervisor Edmonds made motion, seconded by Supervisor Zava and unanimously approved, to appoint Mitzi P. Lail to the SRL Board of Trustees.

Mrs. Leigh Lambert, SRL Director thanked the Board for the adoption of the budget and the appointment of Mrs. Lail. She continued to say that due to budget constraints, the board had to make tough decisions. She stated that many options were considered but she and the board decided on reorganization concentrated in Lunenburg. They felt as though a single supervisor position for the Lunenburg branches was the best option. They plan to hire for the position during the first quarter of FY14. Also included in reorganization is the hiring of additional part-time staff and increased operating hours. Eliminating one full-time supervisor position will enable them to fund additional staff and possibly more operating hours.

Chairman Pennington stated that he is concerned that if the reorganization doesn't work and too much responsibility is on one person, that SRL will ask Lunenburg for additional funding at a later date.

Mrs. Lambert replied that it is not her intention to request additional funding.

Supervisor Edmonds questioned how much time the new supervisor would spend at each of Lunenburg's two branches.

Mrs. Lambert responded that the supervisor's time would be split evenly between the two branches.

Supervisor Hoover asked Mrs. Lambert to verify that Lunenburg branches would not lose any operating hours, programs or services.

Mrs. Lambert stated that the intention is for nothing to be lost at the Lunenburg branches and hopes to increase hours with the additional part time staff.

Supervisor Zava commented that it seems as though Lunenburg is being targeted. He added that SRL is a regional system and wanted to know what is changing in Mecklenburg due to the reorganization.

Mrs. Lambert replied that changes for FY14 include only Lunenburg due to lack of funding. Changes for Mecklenburg branches will be reviewed in future fiscal years.

Chairman Pennington inquired as to how many branches in Mecklenburg have a branch supervisor.

Mrs. Lambert noted that all the branches in Mecklenburg have a supervisor.

Supervisor Hoover commented that he has been informed the circulation in Lunenburg is higher than that in Mecklenburg.

Mrs. Lambert answered that the Victoria branch sometimes does have a larger circulation than the South Hill branch.

Supervisor Hoover stated that he is confused why there is a deficit when Lunenburg is contributing their percentage of SRL's funding.

Mrs. Lambert noted that the funding in FY12 indicated an \$8,000 deficit. Due to the retirement of Mrs. Kathy Watson, Victoria Branch Supervisor, the library was able to use the saved funds to meet its financial needs.

Chairman Pennington questioned whether reorganization would have taken place if the indicated \$8,000 were requested and the Board had funded the additional money.

Mrs. Lambert anticipated this question and replied that she and the Board of Trustees would have to revisit their options. However, other upgrades to facilities and technology would still not be possible. She stated that because the Kenbridge and Victoria branches are geographically very close she and the Board anticipate they will be able to share resources.

Supervisor Zava commented that the Board of Supervisors cannot be responsible for personnel. Their concern is funding and maintaining the same level of service and operating hours. If Lunenburg is funding their required 28%, then the same level of service should be guaranteed.

Ms. Roberta Rickers, current Branch Supervisor for Ripberger Public Library of Kenbridge, spoke before the Board. She stated that she has been studying strategic planning over the past year and was assisting in creating a 5 year plan for the library system. During this time, dismantling of two supervisor positions in Lunenburg was never discussed. She noted that this decision happened very quickly. She commented that SRL representatives cannot say that cuts are not taking place when each library in Lunenburg will essentially have a half of a supervisor. Ms. Rickers added that many part time employees have offered to cut their hours in order for employees to not lose their position.

Mr. Charles Rickers applauded the Board for a balanced budget that included a raise for employees. He continued to discuss the recent termination of the Kenbridge Supervisor position. He questioned why Mrs. Lambert didn't request the \$8,000 in order to save positions. He believes the work load of supervising two branches will be too much for one person. He suggested that board members attend the Board of Trustees meetings and question the director and decisions that are being considered.

Administrator Gee stated that she has been contacted by the new director of Piedmont Senior Resources Area Agency on Aging, Inc., Ms. Justine Young. Recently there has been some controversy

regarding the by-laws, personnel and the appointment of board members. The Board of Supervisors is not responsible for creation of those by-laws and the organization's internal affairs. However, Ms. Betty Seay, one of Lunenburg's representatives would like to retire. Administrator Gee noted that Supervisor Bacon has nominated Mrs. MaryAnn Estes of Unity Road in Kenbridge. Mrs. Estes serves on the Piedmont Senior Resources Advisory Board.

Supervisor Zava made motion, seconded by Supervisor Hoover and unanimously approved, to appoint Mrs. Mary Ann Estes to the Piedmont Senior Resources Board.

Chairman Pennington noted that Ms. Seay has served on the Board for over 20 years and he would like to draft a letter of appreciation for her. Administrator Gee will be sure that this is done.

Mrs. Beverley Hawthorne, Community Development Director, informed the board that the County has the opportunity to employ an intern for 90 hours. There will be no cost to the County. She requested permission from the Board to interview the candidate and sign a contract. The Board agreed.

Mrs. Hawthorne continued with her monthly report. She noted that Kenbridge Youth Academy will host an open house on July 12<sup>th</sup>. They plan to hold a cookout and all Supervisors are invited. She requested Supervisors call her office if they would like to attend. She informed the board that the Director of Virginia's Growth Alliance has accepted another job effective July 5<sup>th</sup>. The Alliance will be advertising for the position soon and Mr. Neal Barber will act as the Director in the interim.

Mrs. Hawthorne commented that Prince Edward County has received a grant to study the feasibility and location of a regional food processing facility. Several locations are being considered and they are asking for monetary and in-kind match from Lunenburg. The Heartland Regional Business Park is one location being considered. Mrs. Hawthorne believes she can find a maximum of \$2,000 in her budget for this project.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to allow Mrs. Hawthorne to donate a maximum of \$2,000 for this project.

Mrs. Hawthorne stated that Lunenburg has been asked to sign a letter of support for the Fish Virginia First organization and also pay a membership fee of \$500. She handed out the current brochure to the board members. She added that Victoria has agreed to pay \$150 of the membership fee. She is requested the Board agree to pay the remaining \$350.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to pay the remaining \$350 membership fee to Fish Virginia First.

Mrs. Hawthorne provided her monthly Landfill Liaison Report. She added that the new tipping equipment has been installed at the landfill. Currently the landfill is open to the public on Monday through Friday. There have been working hours on Saturdays but that is only for construction debris brought from the Petersburg/Colonial Heights area. Mrs. Hawthorne noted that CFS has been awarded a disposal contract at the Redskins Training Camp in Richmond. She added that per the contract with CFS a Citizen Advisory Board must be created. Local citizen Ronnie Williams of Old Mansion Road has volunteered to serve on this board.

Chairman Pennington requested that the Citizen Advisory Board be discussed again at the next board meeting.

Administrator Gee provided an update on the Emergency Operations Center Vertex Exercise. She stated that the exercise was very beneficial and those involved learned who should be contacted in an emergency. She noted that she also held a meeting at the Lunenburg Middle School regarding shelter designation requirements.

Administrator Gee updated the Board on the removal of the trees at the airport. There is a power line very close to the trees and Mrs. Hawthorne is contacting Dominion Power for their assistance.

Mrs. Hawthorne explained that she has met with Supervisor Wingold concerning possible business licenses. They have also been in touch with other counties to learn about their process. They are still in discussions and will talk about it again at the next board meeting.

Supervisor Zava added that he and Supervisor Bacon had spoke about the business licenses. They are concerned about what will be required and the time frame of renewals. He stated that he doesn't want this to be a difficult process but believes it is a good method to maintain a list of businesses in the County.

Administrator Gee directed the Board to the updated lease between the County and Mr. Danny Lacks to plant and maintain crops in the field near the courthouse house. She noted a few changes including the crop and hay, the potential to use or sell the harvest and to avoid the sewage area of the courthouse. Mr. Lacks has already had product applied to the property.

County Attorney Rennie stated that he believes the original purpose of the contract has now changed. If Mr. Lacks is allowed to grow grain crops on the property, it may create an issue. Other farmers may be concerned as to why they were not allowed the opportunity to plant on the property. The County may need to request bids for these services.

Supervisor Zava stated that the growing season is quickly passing. Time may be running out for anyone to plant this season. However, he added that he understands County Attorney Rennie's concerns. He stated that in this area it may be difficult to explain the contract with Mr. Lacks to other farmers. He also indicated that this has been a gentlemen's agreement for many years and that Mr. Lacks had planted grain on the property last year with very low yield.

County Attorney Rennie suggested continuing the current gentleman's agreement this year and revisit next year if grain is to be planted again.

Administrator Gee noted that she and members of the Personnel Committee have reviewed the personnel code. They forwarded it to Cowan and Gates to review and the law office made numerous suggestions. She will continue to provide an update to the board.

Administrator Gee stated that three Supervisors are up for re-election this year. She was informed by the Registrar's Office that no one is opposed.

Administrator Gee explained that many of the surrounding counties and district court offices will be closed on Friday, July 5<sup>th</sup>. She requested permission from the board for the County offices to close as well.

Supervisor Edmonds made motion, seconded by Supervisor Slayton and unanimously approved, to authorized County offices to close on July 5, 2013.

County Attorney Rennie stated that the Board has discussed non-Lunenburg residents dumping trash in Lunenburg containers. He has researched the code. The code states that sanitary containers are to be used by Lunenburg residents only; however there is no penalty if the code is violated. He questioned if the board would like to add something to the code.

Chairman Pennington requested that County Attorney Rennie bring a proposal to the next meeting.

Supervisor Edmonds made motion, seconded by Supervisor Slayton and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel, §2.2-3711A3 Disposition of Publicly Held Property, §2.2-3711A5 Prospective Business, and §2.2-3711A7 Legal Counsel.

#### 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 Slayton  
Supervisor Zava

VOTING NO

ABSENT

Supervisor Bacon  
Supervisor Wingold

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

Supervisor Hoover made motion, seconded by Supervisor Zava 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