

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

Minutes of July 10, 2014 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, July 10, 2014 at 6:00 p.m. in the Lunenburg District Courtroom, Lunenburg, Virginia. The following members were present: Supervisors T. Wayne Hoover, Alvester Edmonds, Charles R. Slayton, Robert Zava, Edward Pennington, David Wingold, County Administrator Tracy M. Gee, Assistant to the Administrator Nicole Clark and County Attorney Frank Rennie. Supervisor Frank Bacon was absent.

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.

There were no additions.

Administrator Gee read aloud the ordinance on public speaking.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the minutes of the June 12 and 19, 2014 Board of Supervisors meeting, the Treasurer's May 2014 reports, and the following Warrants for Approval:

June 2014:	Payroll:	Direct Deposit	\$ 112,513.97
	Payroll Taxes Federal:		\$ 37,453.15
	Payroll Taxes State:		\$ 6,346.37
	Payroll VRS payment:		\$ 22,460.25
	Payroll ICMA-RC payment:		\$ 165.52
	Accounts Payable:	#49337-49496	<u>\$ 497,538.40</u>
	Total:		\$ 676,477.66

The monthly VDOT report was provided to the Board. Administrator Gee reported that a public hearing on repairs to Dixie's Bridge would be held in Kenbridge as the project start date approached. She added that the route 40 bridge in Victoria would be delayed by thirty days.

Supervisor Slayton commented that the state has reduced the speed limit from 55 MPH to 35 MPH on all dirt roads. He asked Mr. Smith if any speed limit signs would be posted.

Mr. Smith replied that signs would not be posted; drivers would be notified during driving school. He suggested that Supervisors help spread the word to constituents.

Supervisor Edmonds inquired as to why the state made the change.

Mr. Smith advised that numerous counties had made the change and the state decided to be consistent with all the dirt roads in Virginia.

The monthly School Board report was provided.

Administrator Gee reported that the Kenbridge Emergency Squad and Victoria Fire & Rescue have requested the carryover of their FY14 remaining balance in order to complete upgrades and

purchase new equipment in FY15. Both Kenbridge Fire and Meherrin Fire & Rescue have used the sum of their annual appropriation and have no carryover. Kenbridge Emergency Squad has carryover of \$23,939 and Victoria Fire & Rescue have carryover of \$57,357.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the Fire & Rescue Capital carryover of FY14 for Kenbridge Emergency Squad in the amount of \$23,939 and Victoria Fire & Rescue in the amount of \$57,357.

Administrator Gee introduced the new Animal Control Officer, Ray Elliott, and Deputy Animal Control Officer, Noyse King. She added that Mr. King was serving in the role of Kennel Attendant, but was promoted to Part-time Deputy due to his performance and reliability.

Administrator Gee shared the annual inspection report by Dr. Kovich from VDACS that included no significant finding or violations. She added that Dr. Kovich requested a new cat enclosure as the current one is not sufficient in cage size. Dr. Kovich explained to Administrator Gee that he was very pleased with the progress being made and the addition of a second officer. He also noted the improvements to facility operation, cleanliness, vehicle upgrades, training, and recordkeeping.

Administrator Gee advised that the new Animal Control truck arrived about a week ago.

County Attorney Rennie noted that the application for the Special Conservator of the Peace Certification for Mr. Ray Elliott was submitted to the department of criminal justice. The county is awaiting approval.

Supervisor Hoover stated that this certification adds a new element to the position, allowing Mr. Elliott to serve summons and other aspects the position was not able to do in the past.

Supervisor Zava thanked Mr. Elliott and Mr. King for the good inspection. He noted that it has not always been the case in the past.

Administrator Gee advised that the recent award of Asset Forfeiture Sharing Grant funds for the Sheriff's Department had been deposited in the amount of \$85,736.10. The funds were not included in the adopted budget. Administrator Gee requested the Board approve an increase to the revenue and expenditure line items for Federal Asset Forfeiture Sheriff fund.

Supervisor Wingold made motion, seconded by Supervisor Edmonds and unanimously approved, to increase the revenue and expenditure line items for Federal Asset Forfeiture Sheriff fund in the amount of \$85,736.10.

Administrator Gee explained that Virginia Code 17.1-279.1 allows for local fees to be collected to support law enforcement costs for an electronic summons system. She requested that the Board motion to advertise for public hearing for local ordinance to enforce the fee in amount determined by the Board, not to exceed \$5.00.

Supervisor Zava commented that the fees will benefit the department and suggested the fee be the highest amount of \$5.00.

Supervisor Hoover questioned if the funds would be split with the town police departments as well.

Administrator Gee stated that she would research for more clarification, but the court issues the summons.

County Attorney Rennie suggested that the Board move forward with a public hearing while he and Administrator Gee continue researching. He questioned if the Board would like to set the fee at \$5.00.

Supervisor Zava made motion, seconded by Supervisor Hoover and unanimously approved, to hold a public hearing for the electronic summons court fee ordinance and set the fee at \$5.00.

Administrator Gee stated that she was contacted by resident, Ginger Yancey Phelps, with a request to speak at the Board of Supervisors meeting regarding multiple biosolids applications in the County and the adjoining landowners' opposition to such applications.

Ms. Ginger Yancey Phelps of Brickland Road, South Hill, noted that her family has recently become passionate about not spreading biosolids. They received a letter from DEQ stating that the land surrounding a piece of their property would be spread with biosolids. She described that their land would be like an island in the middle of waste. She noted that she understands the Board doesn't have the authority to change the state ordinance. However, in the past the Board has expressed their concern for spreading of biosolids. She is asking for the Board's support again, perhaps in the form of a resolution. Ms. Phelps discussed a 2007 lawsuit in Sussex County in which a family won a civil suit against a biosolids company with claims that the waste was trespassing through the air. She also explained that House Bill 186 was proposed giving localities the right to make decisions on biosolids but the bill was tabled. Ms. Phelps continued to explain that during her research she found many inaccuracies. Numerous wells, ponds, and ditches were not included on DEQ's maps. She and her family are very concerned and don't want to leave a wasteland for their children.

Ms. Faye Ryan of Cedar Lane, Kenbridge, stated that she moved to Lunenburg four years ago from Virginia Beach to get away from the pollution of the city. She continued that many of the homes on her road were not there when DEQ's maps were created and therefore the maps are missing wells and ponds. She asked the Board to consider the pollution that will be created by the spreading of biosolids. Ms. Ryan noted that she would like Lunenburg to stay clean.

Mr. James Cooper of Gilbert Lane, stated that he bought his property 15 years ago because it was clean and beautiful. He is concerned that ground water and property values will be at risk. He shared a letter written by his wife to the editor of the local paper regarding other fertilizer options for local farmers.

Ms. Amanda Case of Cedar Lane, Kenbridge, stated that she has 8 children. She recently moved to Lunenburg to have a clean place for them to live and grow up. She is now concerned about her decision due to the application of biosolids.

Mr. James "Buck" Tharpe of Mays Road, Victoria recognized the large crowd in attendance and that he chooses not to use biosolids on his farm. He noted that every property owner has personal property rights and it's not his place to tell other what to do with their property. He recommended the possibility of subsidizing the taxes of people that don't farm, so that the farmers could have some funding for other types of fertilizer.

Ms. Lindy Tucker of Pleasant Hill Lane, Kenbridge, who is also employed as the Agriculture Extension Agent, approached the Board. She advised that biosolids have been extensively researched since the 1980's. She explained that there are numerous publications available at her office including information on how biosolids are made. She noted that from her office's stand point there were no objections to the spreading of biosolids as long as the regulations are withheld.

Mr. Carson Yancey of Brickland Road, South Hill stated that the information given from sources supporting the use of biosolids is based on Class A biosolids. The biosolids being spread here are Class B which still contains pathogens.

Ms. Betty Bridgforth questioned who would be responsible if disease were to break out in the community.

Mr. Neil Zahradka of DEQ spoke before the Board, noting that the public comment period was open until July 18th. He read portions of the Public Notice for an Environmental Permit that was displayed in the local paper. He advised that DEQ should be notified of any changes or errors in the maps. He suggested that any changes should be submitted in writing and it will be corrected.

Supervisor Zava questioned who would be the responsible party if there was an issue.

Mr. Zahradka replied that the responsible party was laid out in the statute. The permit applicant is held responsible; in this case, the applicant is Recyc Systems, Inc.

Administration Gee asked if any Class A biosolids would be used and had any Class A biosolids been spread in Lunenburg in the past.

Mr. Zahradka stated only Class B has ever been spread in Lunenburg, to his knowledge.

Supervisor Hoover asked if any application was ever denied due to public comment.

Mr. Zahradka replied no, only changes to the application, such as setbacks, adding wells, etc. He added that he appreciated the public comment tonight.

After the fifteen minute limit allowed for public speaking on biosolids had expired, another constituent adamantly requested to speak. After deliberation, the Board granted him permission to speak for a total of five minutes.

Mr. Jerry Baxley of Blackstone Road, Kenbridge came before the Board. He stated that prisons and military locations, such as AP Hill would not allow biosolids to be spread on their land. He questioned how it could be safe for others. He continued to speak about regulations and speak out against the regional inspector who is paid to monitor the spreading of the biosolids.

Administrator Gee advised that the monitor, Mr. Manuel Toombs, submits travel reimbursements to her office for certification to allow for reimbursement by DEQ. He is employed by Prince Edward County.

Supervisor Zava asked Mr. Neil Zahradka if his office would be willing to hold a public hearing in Lunenburg County.

Mr. Neil Zahradka Stated that the decision would be made at the end of the comment period and it must include certain requirements. He reminded everyone that the public comment period ended on July 18th and directed the audience to the website for information.

Supervisor Hoover commented that he has been contacted by many of his constituents and has been researching what the county can do about biosolids. He noted that the county can not restrict biosolids. The only action the Board can make is to adopt a resolution regarding biosolids as it has done before. Supervisor Hoover shared with the crowd contact information for DEQ and state representatives. He also shared information on a court case from 2001, where Amelia County tried to create an ordinance to stop the spreading of biosolids. A Virginia Supreme Court ordered that the county could not stop the spreading of biosolids. Supervisor Hoover referenced a document which showed House Bill 186, proposing to allow local governing bodies to make their own ordinances regarding biosolids. The bill was stalled in a committee more than once and didn't make it past the committee.

Supervisor Wingold stated that the Board could support a resolution similar to what it has done in the past.

County Attorney Rennie stated that about ten years ago the county approved a resolution requesting the state allow more local control.

Supervisor Wingold made motion, seconded by Supervisor Hoover and unanimously approved, to support the opposition of biosolids by resolution.

Administrator Gee shared the annual Engagement Letter from Robinson, Farmer, Cox Associates. She requested permission for her and the Chairman to sign the Engagement Letter for the FY 2014 Annual Audit.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to allow the Administrator and Chairman to sign the Engagement Letter.

Mrs. Beverley Hawthorne, Landfill Liasion provided her monthly report. She reported that construction work continues at the three convenience center sites. She added that the Nutbush Site would be closed to the public from July 7th to 31st for construction. She informed the Board that trash counts were a little higher for the month of July and all payments from CFS are up to date.

Supervisor Zava stated that he has been looking for property to build additional convenience sites. He would like permission from the Board to begin negotiations if he finds a good location. He added that he has some extra time now to find location.

County Attorney Rennie suggested that Supervisor Zava could begin negotiations, but the final agreement must come back to the full Board for a vote.

Supervisor Zava stated that before getting the that far, he will turn the negotiations over to Mrs. Hawthorne as he will need to vote on the final agreement as well.

Supervisor Edmonds asked how many acres were needed for each site.

Supervisor Zava replied that three acres worked best.

The Board agreed to allow Supervisor Zava to begin negotiations if he found a good location before the next Board meeting.

Mrs. Hawthorne gave her Community Development report. She noted that the County has recently gained two new businesses, Global Refining and Coast to Coast. She stated that the Planning Commission will be holding a meeting on July 22nd. The new ordinance regarding uses not provided for, will be tested with the CUP's that have been applied for.

Administrator Gee shared the Piedmont Regional Jail reports. She added that the compensation board had performed a housing study. As a result, eleven additional positions will be covered by the compensation board. Administrator Gee clarified that this isn't an increase in the number of positions, simply an increase in the number reimbursed by the compensation board.

Administrator Gee shared a diagram of the new approach at the airport. She stated that additional information with the neighboring landowner issue would be forthcoming in the next few weeks. She will provide additional information at that time.

Administrator Gee provided her monthly report. She advised the VACo annual conference is scheduled for November 9th thru 11th. The County has budgeted to send three Supervisors and she needs to make reservation at the Homestead very soon. Supervisors Edmonds, Pennington and Wingold would like to attend.

Administrator Gee noted that Buckingham County has submitted a request to the Commonwealth Regional Council to research a regional reassessment. If the reassessment is performed regionally, cost savings are realized to all participating counties. Administrator Gee advised that the CRC would like to know how many counties are interested. The Board nodded in agreement.

County Attorney Rennie advised that the Regional Workforce Investment Board decided to have a charter and ask the counties to commit to be a part of the Board. He added that he would like some of the language in the proposed ordinance changed before the Board accepts it. He will bring the topic back to the Board when he has something in the best interest of the County.

Supervisor Zava shared a brochure from Missions of Hope, Inc., a 501c(3) non-profit organization benefitting children in need by collecting clothing and shoes. He would like the Boards permission to place these containers at the counties convenience centers. The board granted permission.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel, §2.2-3711A3 Public Property, §2.2-3711A5 Prospective Business and Section §2.2-3711-A7 Consult with 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 Edmonds
Supervisor Hoover
Supervisor Pennington
Supervisor Slayton
Supervisor Wingold
Supervisor Zava

VOTING NO

ABSENT

Supervisor Bacon

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

Supervisor Zava made motion, seconded by Supervisor Edmonds and unanimously approved, to Adjourn.

Tracy M. Gee, Clerk
County Administrator

Edward W. Pennington, Chairman
Board of Supervisors