

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

Minutes of July 11, 2013 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Wednesday, July 11, 2013 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, Frank Bacon, David Wingold, County Administrator Tracy M. Gee, and County Attorney Frank Rennie.

Chairman Pennington called the meeting to order.

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

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

Leigh Lambert, Southside Regional Library Director was added as item 11B.

Ollie Wright was added as 11C, in regards to the Southside Regional Library.

Don Westerlund was added as 10A, regarding the Barking Dogs Ordinance.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the minutes of the June 6<sup>th</sup> and 26<sup>th</sup>, 2013 Board of Supervisors meetings, the Treasurer's May 2013 report and the following Warrants for Approval:

June 2013:	Payroll:	Direct Deposit	\$ 99,880.42
	Payroll Taxes Federal:		\$ 35,644.40
	Payroll Taxes State:		\$ 5,907.57
Accounts Payable:	#47665-47849		<u>\$ 336,430.63</u>
	Grand Total:		\$ 477,863.02

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to enter into public hearing regarding three Conditional Use Permit Applications.

First, Mr. Raymond Scott applied to operate a farm equipment manufacturing and repair shop on property located at 632 Wards Corner Road, Keysville, VA. The property is owned by Virginia S. Amos and includes 2 parcels identified as tax map numbers 28 ((A)) 19 and 28((A)) 20.

The Planning Commission voted to recommend this application to the Board of Supervisors with the following conditions:

Mr. Scott is to contact VDOT to establish his own entrance into the property rather than cross Mr. Amos' property; or purchase Mr. Amos' property and confirm with VDOT that the existing entrance can be used.

Mr. Scott is to provide information to his neighbor, Ms. Reinhardt, and the County as to how he will handle any environmental impact issues with regards to the creek and pond shared by both

property owners. This study should address disposal of oil and other liquids inherent in his equipment manufacturing and repair, as well as any other waste to be disposed of.

Mr. Scott explained his history of working in the manufacturing business within the area, including inventions and repairs. He continued to discuss his plan to avoid environmental impacts. He has a Safety Clean oil collector that will be picked up regularly. He has added a paint booth with a circulatory air system in which waste is contained and is recycling paint when possible. His Drill Press uses a product known as Rustlic, which is a biodegradable lubricant. He is able to use a water soluble fluid for some of the operations. Mr. Scott noted that he has MSDS sheet on file.

Supervisors Zava and Slayton suggested that Mr. Scott put in his own entrance. Supervisor Bacon commented that VDOT would be responsible for creating a new entrance. Supervisor Edmonds questioned how long it would take to put in the entrance. Mr. Billy Smith of VDOT replied that it would only take a few days.

Second, Mr. Ronnie L. Patterson applied to operate a Residential Assisted Living Facility in an existing home located at 143 Unity Road, Kenbridge, VA. This parcel of 29 +/- acres is identified by the following tax map number 058 ((A)) 51 and is owned by Mr. Ulysses A. Jones. This property has previously been operated as the Unity House, a residential facility for the elderly.

The Planning Commission voted to recommend this application to the Board of Supervisors with the following conditions:

Letter provided by Mr. Patterson on operations.

VDOT has approved the existing entrance.

Owner has given permission and provided the lease between him and the Pattersons.

Mr. Patterson stated that he is expanding his business in Lunenburg and will be leasing the building from Mr. Jones to operate the Residential Assisted Living Facility. The facility will house 3 beds and will be managed by Mr. Patterson's son. In the future, Mr. Patterson would like to obtain a license to house up to 5 or 6 beds in the facility.

Supervisor Zava recommended a high staff to patient ratio to maintain security of residents. He noted that residents should be assisted by staff when outside of the facility.

Mr. Patterson replied that most residents are not mobile without assistance.

Third, Mr. Donald Foster applied to expand his existing business, Foster Tire, on property located at 11989 Courthouse Road, Victoria, VA. The parcel of 2.25 acres is owned by Mr. Foster and is identified as tax map number 032 ((A)) 02B.

The existing business was grandfathered and currently has no conditional use permit. Mr. Foster was advised with the new building being constructed to possibly be used in the future as a part of the business, that he should apply for a conditional use permit for grandfathered parcel as well as expansion parcel. Both parcels 032 ((A)) 2A (grandfathered) and 032 ((A)) 02 B (new) is to be included in this C.U.P. Ms. Beverley Hawthorne has spoken to VDOT and Mr. Foster is approved to continue to use the existing entrance on a regular basis. The other entrance is not considered to be the business entrance. Hours of operation continue as Monday-Friday, 8 a.m. to 5 p.m. and Saturday as needed.

The Planning Commission voted to recommend this application to the Board of Supervisors as presented.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to close the public hearing regarding three Conditional Use Permit Applications.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the Conditional Use Permit for Mr. Ronnie Patterson to operate a Residential Assisted Living Facility located at 143 Unity Road, Kenbridge, contingent upon the conditions proposed by the Planning Commission.

Supervisor Wingold made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the Conditional Use Permit for Mr. Raymond Scott to operate a farm equipment manufacturing and repair shop located at 632 Wards Corner Road, Keysville contingent upon the conditions proposed by the Planning Commission.

Supervisor Zava made motion, seconded by Supervisor Bacon and unanimously approved, to approve the Conditional Use Permit for Mr. Donald Foster to expand his existing business, Foster Tire, on property located at 11989 Courthouse Road, Victoria.

Mr. Billy Smith of VDOT discussed his monthly report with the Board. He stated that mowing is occurring when possible as the grass has been very wet over the past month. He shared that the bridge removal on Route 137 is on schedule. A speed study on Route 659 is almost complete.

Mr. Smith responded to an inquiry from Supervisor Edmonds at a previous meeting regarding Muddy Lane. Some citizens have requested that VDOT take over the maintenance of Muddy Lane as it is heavily traveled. Mr. Smith noted that before VDOT can take control of the road, the county must guarantee the following: a three house minimum, 40 feet right of way, and clear of utilities. The Board would need to approve a resolution before maintenance would begin.

Supervisor Edmonds suggested that further research be performed before a decision is made.

Mr. Smith stated that detour routes were approved for the bridge reconstruction in Victoria. Signs are in the process of being made and will be completed by the end of the week. Construction is still scheduled for April 2014.

School Superintendent, Mrs. Dora Wynn shared a resolution passed by the school board on July 8, 2013. The resolution requests a decrease to the Category of Maintenance by \$70,000, to increase the Category of Instruction by \$55,000 and the Category of Debt Service by \$15,000, leaving the total budget amount unchanged.

Lunenburg County School Board  
1009 Main Street  
Kenbridge, Virginia 22944

**Resolution**

WHEREAS, the Lunenburg County School Board prepared a budget for fiscal year 2013-2014 and the Lunenburg County Board of Supervisors appropriated these funds by Category;

AND WHEREAS, the Lunenburg County School Board needs to adjust the amount of funds in the Category of Maintenance to provide for increased expenditures in the Category of Instruction and the Category of Debt Service;

AND WHEREAS, the adjustment of these categories does not require any increase in the total appropriation of County Funds;

NOW THEREFORE BE IT RESOLVED that the Lunenburg County School Board requests the Lunenburg County Board of Supervisors to decrease the Category of Maintenance by \$70,000, to increase the Category of Instruction by \$55,000 and to increase the Category of Debt Service by \$15,000 thus leaving the total budget amount unchanged.

PASSED AND ADOPTED at the regular meeting of the School Board on July 8, 2013.

Attest: \_\_\_\_\_  
\_\_\_\_\_  
Lunenburg County School Board

\_\_\_\_\_  
Mary L. Orrell, Deputy Clerk  
Lunenburg County School Board

\_\_\_\_\_  
Dora C. Wynn, Superintendent  
Lunenburg County School Board

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to adopt the school resolution to move funds from the Category of Maintenance to the Categories of Instruction and Debt Service.

Mrs. Wynn informed the Board that Open House for the newly constructed Educational Wing will be held on August 1, 2013 from 5:00 p.m. to 7:00 p.m.

Supervisor Zava requested a monthly expenditure report, by category from the School Board.

Administrator Gee shared the CSA Reports Pool Reimbursement for FY13 with a breakdown of state and local funds. A total expenses appropriation of \$1,547,473 is needed and an additional transfer from the general fund of \$69,506 for local match. An updated total request will be given prior to the close of the FY13 Audit, pending final state revenue.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to appropriate the supplemental funds to total \$1,547,473 with an increase of local transfer of \$69,506 to the CSA fund.

Administrator Gee notified the Board that the software company, DataSync, used by the Commissioner of Revenue's office for their CAMA package will no longer be supporting the county after 6/30/2013. The Commissioner is in the process of exploring other options for a CAMA package. They have met with Concise Systems and have a meeting scheduled with another company on 7/29/2013. Additional information will be provided to the Board at a later date.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the June 11, 2012 Abstract of Votes as a part of the minutes.

**ABSTRACT of VOTES**  
 Cast in LINENBURG COUNTY, VIRGINIA  
 at the 2013 June Democratic Primary Election held on June 11, 2013 for  
**Attorney General**

AMNES OF CANDIDATES ON THE BALLOT	TOTAL VOTES (BY FIGURES)
Justin E. Fairfax - Democrat	38
Mark R. Herzig - Democrat	31
Total Write-In votes (From Write-In Certifications) (Valid Write-In + Invalid Write-In + Total Write-In Votes)	0
Total Number of Over-Votes for Office	0

This has undergone Electronic Audit: upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 11, 2013, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Attorney General.

Justin E. Fairfax - Democrat

**ABSTRACT of VOTES**  
 Cast in LINENBURG COUNTY, VIRGINIA  
 at the 2013 June Democratic Primary Election held on June 11, 2013 for  
**Lieutenant Governor**

AMNES OF CANDIDATES ON THE BALLOT	TOTAL VOTES (BY FIGURES)
Aneesh Chopra - Democrat	38
Ralph S. Northam - Democrat	31
Total Write-In votes (From Write-In Certifications) (Valid Write-In + Invalid Write-In + Total Write-In Votes)	0
Total Number of Over-Votes for Office	0

This has undergone Electronic Audit: upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 11, 2013, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Lieutenant Governor.

Aneesh Chopra - Democrat

Given under our hands this 10<sup>th</sup> day of JUNE 2013

*Randall S. Edmonds* Chairman  
*Mark R. Herzig* Vice Chairman  
*Christine L. Wright III* Secretary, Electoral Board

Given under our hands this 10<sup>th</sup> day of JUNE 2013

*Randall S. Edmonds* Chairman  
*Christine L. Wright III* Secretary, Electoral Board

Kenbridge Emergency Squad and Victoria Fire and Rescue requested that the FY2013 ending capital appropriations balance be carried over to FY 2014. Kenbridge Emergency Squad has a remaining balance of \$11,930.89 and Victoria Fire and Rescue has \$29,192.59.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to allow Kenbridge Emergency Squad to carry over \$11,930.89 to FY2014.

Supervisor Bacon made motion, seconded by Supervisor Slayton and unanimously approved, to allow Victoria Fire and Rescue to carry over \$29,192.59 to FY2014.

Piedmont Regional Jail Superintendent, Ernest Toney was present to address the board. Mr. Toney noted that the regional jail was first formed with 50 percent funding from the participating

counties and 50 percent from the state. The jail received its first federal contract one year after opening which provided additional income. Due to the jail's success, the member counties were able to build a Juvenile Detention Center.

Mr. Toney continued to say that a decrease in state funds, beginning in 2011, caused a \$1,000,000 deficit in less than 2 years. Also, new jails have been built in neighboring counties. Therefore, counties such as Mecklenburg and Dinwiddie have begun sending their inmates to the new jails. This has caused a loss of about \$900,000. With both of these losses PRJ no longer has the resources and funding it once did. Also medical costs are drastically increasing. These costs are up to \$6,000-7,000 per week and continuing to increase.

Mr. Toney noted that the jail has been taking measures to decrease costs. He added that PRJ has the lowest cost per inmate per day in Virginia. He stated that William Coles is the solicitor for the jail. He is currently working on new contracts with the state and soliciting for new business in West Virginia, Pennsylvania and North Carolina.

Supervisor Hoover commented that this is the only line item in the budget that is a blank check. He questioned what must be done to cut costs.

Chairman Pennington inquired as to what would be the real costs if we didn't have a regional jail. He questioned if the inmates then become state inmates and therefore covered under the state plan. Superintendent Toney noted that the counties will pay for these inmates at any facility, since they were convicted at the local level.

Supervisor Zava stated that he appreciates the grass cutting the inmates have been doing at the courthouse complex. He would like for them to also assist with clean up and grass cutting at the dump sites.

Supervisor Bacon suggested that PRJ meet with staff at the Longwood Small Business Development Center in Farmville to develop a marketing plan.

Chairman Pennington wished Mr. Toney the best in his upcoming retirement.

Discussion began regarding the Barking Dogs Ordinance. A draft of Code Section 14-60 (3) Noisy or destructive dogs was provided to the Board. The noise level is now measurable and therefore enforceable. For example, if neighbor A complains to the Sheriff's department about neighbor B's dog and the Sheriff's Deputy is able to verify the problem, a Class IV Misdemeanor may be charged. The change to the ordinance will be advertised in the coming weeks and a public hearing will be held at the next board meeting.

Mr. Don Westerlund of Falls Road discussed his experience with barking dogs on the neighboring property. He noted that loud, repetitive barking is what caused him to complain. Mr. Westerlund distributed photos of the kennel and dogs.

Attorney Rennie presented a proposed revision to the County Animals ordinance pertaining to barking dogs with a reference of complaint being over 15 minutes of barking heard from 50 feet or less. The Board will submit this for public hearing at the August meeting.

Mrs. Beverley Hawthorne, Community Development Director, gave her monthly report. She noted that Alexis Jones, the summer intern at the Administration Office, has been working on the amendment to the Enterprise Zone. She informed the Board that Kenbridge Youth Academy's Open House is scheduled for July 12<sup>th</sup> with the ribbon cutting at noon.

Mrs. Hawthorne noted that the Virginia's Growth Alliance will be submitting a Tobacco Commission grant application for continued funding. The Southern Virginia Alliance was awarded a grant in May. She requested the board approve a letter of support and allow the Chairman to sign it.

Supervisor Zava made motion, seconded by Supervisor Bacon and unanimously approved, to approve a letter of support for VGA grant application and allow the Chairman to sign it.

A letter from the Friends of the Victoria Public Library was shared with the board. The letter requested that Rosa Townsend, current Southside Regional Library Board of Trustee member, be replaced by Trudy Berry.

Leigh Lambert, Southside Regional Library Director, spoke noting that there has been no misconduct or neglect on the behalf of Mrs. Townsend. Mrs. Lambert stated that she fully supports retaining Mrs. Townsend on the Board of Trustees, as she has exceeded the objectives required of a Trustee appointment. Mrs. Lambert added that she and the Trustees will strive to increase the flow of communication. She noted that the next Board of Trustees meeting is scheduled for July 17, 2013.

Supervisor Bacon referenced the policies that are currently in place and were discussed at the last meeting. Supervisor Zava added that the Board of Supervisors is not in control of polices or personnel matters of SRL. He questioned if Mrs. Townsend had requested to leave the Board of Trustees.

Chairman Pennington inquired about the progress of SRL's restructuring.

Supervisor Hoover noted that the new restructuring business model should include volunteers. He also suggested the Friends, Trustees, and SRL staff together to work on effective communication between the groups.

Mr. Ollie Wright, a member of the Victoria Friends, commented that there is a lack of communication between Mrs. Townsend and the Friends group. The Friends group has some animosity due to the reprehensible treatment of supervisory personnel at the Victoria and Kenbridge libraries.

Supervisor Hoover stated that the Friend needs to find some common ground with SRL to increase the flow of communication.

Supervisor Wingold inquired as to whether Mrs. Townsend is willing to work with the Friends.

Mrs. Townsend replied from the audience in the affirmative.

The monthly Solid Waste Management and Landfill Liaison Reports were provided to the Board. Mrs. Hawthorne noted that a Citizens Advisory Board needs to be created. Supervisor Edmonds was recommended as the Board of Supervisors Representative and Mr. Ronald E. Williams of Old Mansion Road was recommended as the Citizens Representative. The Board will have quarterly meetings.

Supervisor Bacon made motion, seconded by Supervisor Slayton and unanimously approved, to appoint Supervisor Edmonds and Citizen Ronald E. Williams to the Citizens Advisory Board.

The Board reviewed the Solid Waste Code Section 62-32. Two proposed changes were noted. "It shall be unlawful for non-county residents to place garbage in these containers" and "Any non-county resident disposing of garbage in landfill containers provided by the county for Lunenburg County residents, shall be guilty of a Class 2 misdemeanor, as defined by the Code of Virginia."

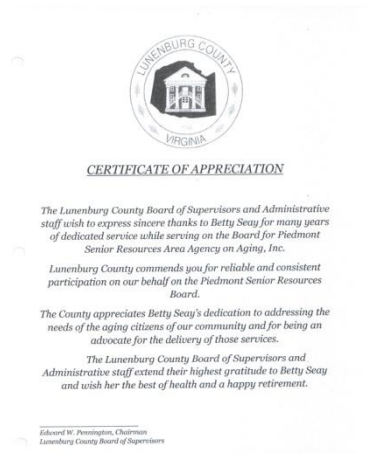
Discussion continued regarding clarity of the penalty for county residents who violate any part of the code and adding penalties for people “dumpster-diving”. County Attorney Rennie will update the proposed code as discussed and the board will review again at the next board meeting.

Administrator Gee shared a letter of support in favor of the Nottoway, VA (23955) Post Office retaining the current and uninterrupted hours of operation. Lunenburg (23952) Post Office recently experienced a reduction of hours. She requested the Board’s approval to have the Chairman sign the letter and mail it.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to have the Chairman sign the letter of support for the Nottoway Post Office and mail it.

Administrator Gee notified the Board of the VRS administered VLDP opt out extension until September 1, 2013. The county has been granted the extension.

Supervisor Wingold made motion, seconded by Supervisor Bacon and unanimously approved, to adopt a Certificate of Appreciation for Mrs. Betty Seay’s time served on the Piedmont Senior Resources Board.



Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to sign the FY13 Audit Engagement Letter between the county and audit firm Robinson, Farmer, Cox Associates for the annual fee of \$30,000.

Administrator Gee shared a Letter of Engagement and quote from VML VACo Finance on Accounting Services. She is expecting to receive more quotes before the August meeting.

Administrator Gee advised that the repairs to the Registrar’s door are not complete due to the repairman having the wrong parts. Additional wiring is needed to finish the repairs. The entrance door to the Courthouse has been repaired as requested.

Supervisor Bacon made motion, seconded by Supervisor Wingold and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel and §2.2-3711A3 Acquisition or Disposition of Publicly Held Property.

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

VOTING NO

ABSENT

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

Supervisor Wingold 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