

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

Minutes of August 8, 2013 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, August 8, 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, Assistant to the Administrator Nicole Clark and County Attorney Frank Rennie.

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.

Southside Regional Library Board of Trustees appointment was added as item 9A on request by Supervisor Wingold.

Budget adjustments were added as item 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 July 11, 2013 Board of Supervisors meetings, the Treasurer's June 2013 report and the following Warrants for Approval:

Additions for June 2013 printed in July 2013:
(for inclusion in FY13 expenses)

	Accounts Payable:	#47908-47918	\$ <u>87,057.47</u>
July 2013:	Payroll:	Direct Deposit	\$ 99,843.12
	Payroll Taxes Federal:		\$ 36,056.96
	Payroll Taxes State:		\$ 5,967.89
	Accounts Payable:	#47850-47986	\$ <u>979,056.60</u>
	<u>July Total:</u>		\$ 1,120,924.57

Administrator Gee read aloud the public hearing resolution.

Supervisor Hoover made motion, seconded by Supervisor Wingold and unanimously approved, to enter into public hearing regarding a Conditional Use Permit Application for Jeffrey and Benita Davis and two proposed ordinance changes.

Jeffrey and Benita Davis have applied for a Conditional Use Permit to operate a Diner and General Store, with a single apartment on the second floor, in the existing building located at 11426 Courthouse Road, Lunenburg, VA. The parcel, identified as tax map number 32 ((A)) 60, is currently owned by Mark Doherty. The building historically has been operated as a store, but most recently has been used as a residence.

Beverley Hawthorne, Clerk to the Planning Commission, stated that the Planning Commission reviewed the application and approved it with suggestions from VDOT and surveyors. The concern was the flow of traffic and parking. Therefore, the suggestion was to create a one way driveway with numerous signs to aid patrons in parking.

Mrs. Davis presented her plans to the Board. She stated that the store will primarily serve people working at the courthouse complex and those visiting nearby. She plans to be open Monday through Friday and serve breakfast and lunch. She will place wooden signs on the front and side of the house. Parking will be available for up to 15 vehicles. VDOT will place no parking signs on the side of Lunenburg County Road closest to the store. Mr. Dunn has surveyed the site and is drawing up his findings.

Supervisor Wingold commented that he was glad a new business would be in the area and inquired about the possible hours of operation.

Mrs. Davis replied possibly between the hours of 7:30 a.m. and 2:00 p.m.

Mrs. Hawthorne added that the Davis' will follow the County ordinance for signs.

County Attorney Rennie shared a proposed change to the current solid waste ordinance. He stated that the need to prohibit out of County residents from dumping trash in the County has arisen as it has become a problem.

Proposed changes include the last sentence to Section 62-32-1, "It shall be unlawful for non-County resident to place garbage in these containers." Also, Section 62-32-7 "Any non-County resident disposing of garbage in landfill containers provided by the County for Lunenburg County residents or violating other provisions of this code section shall be guilty of a Class 2 misdemeanor, as defined by the Code of Virginia."

County Attorney Rennie referenced the second proposed ordinance on animals. Section 14-60-3 was proposed as "Noisy or destructive dogs. It shall be unlawful for any person to keep in the County any dog which shall be the source of any noise or sound that is plainly audible across a residential property line or through the partitions to two dwelling units, or at a distance of 50 feet or more from the source and on property other than that from which the sound originates and which continues for a period of fifteen minutes or longer, or which shall damage or destroy the property of others."

County Attorney Rennie noted that many years ago the Supreme Court decided the code must define noisy or destructive in order for it to be enforceable. If the above referenced ordinance is adopted, it would be enforceable in a court. County Attorney Rennie stated that he researched other localities. The proposed ordinance is very similar to those.

Supervisor Bacon questioned which localities were reviewed.

County Attorney Rennie replied Charlotte, Chesterfield, Hanover, and York Counties.

Mr. Justin Dalton of 3366 Falls Road, Victoria, spoke to the Board. He noted that he is a lifelong resident of Lunenburg County and owns a kennel that has cost between \$8,000 and \$10,000 to maintain. He added that Lunenburg is a rural County and many residents enjoy owning and hunting with dogs. He believes it's a way of life here.

Chairman Pennington inquired as to how many dogs Mr. Dalton owns.

Mr. Dalton replied eighteen.

Supervisor Slayton questioned how often Mr. Dalton cleans his kennel.

Mr. Dalton stated that he cleans his kennel every evening after working a 12 hour shift of work. After the Animal Control Officer, Ronnie Long, visited his kennel, he has since installed automatic water feeders and a roof so the dogs may have shade.

Supervisor Hoover asked if Mr. Dalton talked to his neighbors before building a kennel and housing dogs on the property.

Mr. Dalton said that he briefly met the neighbor, Mr. Don Westerlund. The neighbor asked if he was planning to house dogs on the property and he replied yes. He added that Mr. Westerlund called him a few times to pick up loose dogs, but didn't make any other complaints to him.

Ms. Jackie Walker of Kings Road, Victoria, approached the Board as a dog owner. She noted that she currently doesn't have any close neighbors, however, properties close to her are now coming up for sale. She is unable to control who may purchase the property near her and is afraid they may complain about her dogs. Ms. Walker added that when living out in the country, owning dogs should be a way of life. She commented that Lunenburg is a rural County and should not be compared to Chesterfield and Hanover when determining ordinances. She explained that dogs barking can be a warning system for home owners. She asked the Board to consider all sides before making a decision, including the freedom of citizens to own dogs and the cost to the County to enforce such a law.

Chairman Pennington commented that the Board is not planning to exile dogs from the County, however, they want to ensure all residents are treated fairly.

Supervisor Bacon noted that many of the residents in his district feel the same as Ms. Walker. He also is a dog owner and sometimes his dogs bark for an extended period of time.

Mr. Ronnie Bishop of 964 Nutbush Road, Victoria agreed with Ms. Walker's comments. He added that he believes this is a civil matter and not something the Board should spend much time on. He stated that he bought thirty acres many years ago for his hunt club in the country. Now people are purchasing land all around his property. He argued that on a quiet, clear night, dog barking could be heard up to two miles away.

Mr. Tommy Ashton of 2585 Marshalltown Road, Victoria, stated that he has been a member of the Falls Hunt Club for 25 years. This club has housed up to 25 dogs at one time. He said that dogs will bark for numerous reasons, such as feeding time, a strange dog or deer walk by. He noted that if someone lives in the country they are going to hear dogs bark occasionally. He believes there are enough restrictions in place; there is no need to add more.

Supervisor Bacon asked for Mr. Ashton's opinion. He stated that he believes anyone with 3 or more hunting dogs would at some point be in violation of this ordinance.

Mr. Ashton agreed.

Mr. Bob Marietta of 3242 Fletcher Chapel Road, Kenbridge, stated that he moved to the County a few years ago. After moving to his home, he discovered a hunt club two doors down. Because of barking dogs, he has been unable to open the windows in his home for four years. He believes hunters have the right to hunt but loose dogs have been attacking him. He has called the police on numerous occasions. He is looking for the Board to handle the issue of attacking dogs.

Supervisor Bacon stated that vicious dogs are already addressed in the current ordinance.

Mr. Don Westerlund of Falls Road, Victoria explained that he enjoyed the quiet at his residence for 18 years. One day he noticed a neighbor, Mr. Dalton erecting a dog pen 20 yards from his bedroom window. He noted that improvements to Mr. Dalton's dog pen occurred after he made complaints to authorities. Mr. Westerlund played audio of dogs barking, which he said was recorded while standing in the bedroom of his home. He added that he is not against hunting but he considers Mr. Dalton an absentee dog owner as he is only there at feeding. He questioned how they would be silenced during the in his absence. Mr. Westerlund doesn't believe it is right for him to listen to dogs all night when Mr. Dalton goes home to peace and quiet.

Supervisor Hoover asked Mr. Westerlund and Mr. Dalton if they think they could work together and determine a resolution.

Mr. Westerlund replied if Mr. Dalton moves his dogs.

Mr. Dalton said that he would place a 9-foot privacy fence if he needed to, but he could not move a \$10,000 pen. He stated that he plans to one day built a home for himself on this property.

Mr. Westerlund stated that he would be willing to purchase Mr. Dalton's property.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to close the public hearing regarding the Conditional Use Permit Application and proposed ordinance changes.

Supervisor Zava made motion, seconded by Supervisor Slayton and unanimously approved, to approve the Conditional Use Permit Application for Jeffrey and Benita Davis to operate a Diner and General Store.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the revised ordinance on solid waste as presented.

Supervisor Zava commented regarding the discussion on the proposed barking dog ordinance. He stated that Mr. Westerlund contacted him about his neighbor's barking dogs. Supervisor Zava brought it to the Board in an effort to find common ground between the parties involved. He added that the debate is not whether or not there is an ordinance, as there is one in place. The discussion should focus on defining what is considered disturbing. Supervisor Zava stated that land rights are important but when infringing on someone else's rights, something must change. He thanked the County Attorney for the research that was performed on this issue.

Supervisor Bacon reiterated that the proposed changes may work well for Chesterfield County but not for Lunenburg County.

Supervisor Slayton agreed and inquired if the ordinance discussed the care of dogs.

Administrator Gee noted that care of dogs is included in the state code.

Chairman Pennington stated that the County Attorney presented what the Board asked for, however, it seems the Board is not ready to make a decision at this point.

Supervisor Hoover commented that he understands why Mr. Westerlund would want action on this issue. However, he wonders if the two landowners can work together to develop a compromise. He volunteered to meet with Mr. Westerlund and Mr. Dalton to try to determine common ground.

The monthly VDOT report was included in the packet for the Board's review.

Mrs. Dora Wynn, School Superintendent, provided the Board with a monthly budget report as previously requested. Supervisor Zava questioned the difference in the budget versus actual amount. Finance Director, Tom Palmore, stated that the ADM was not sufficient, therefore, funding from the state and federal level were not as high as expected. He added that the school food fund was listed separate as it creates its own revenue.

Mrs. Wynn noted that convocation for teachers and staff was held on Monday, August 5th. She was very happy that Administrator Gee was able to attend. She stated that schools will open on Monday, August 12th coinciding with the Governor's School and adjoining counties.

Mrs. Beverley Hawthorne informed the Board that the construction project at Central is mostly completed and a Certificate of Occupancy has been issued. Therefore the funds being held at Citizens Community Bank may be released to R. L. Queen and Son General Contractor.

Supervisor Hoover asked if the County will still have leverage until the project is 100% complete.

Mrs. Hawthorne replied yes, as 10% of each invoice and 1% of the fitness center cost has been retained.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to release the funds held at Citizens Community Bank to R. L. Queen and Son General Contractor.

Administrator Gee noted that the Sheriff's report was not included in the packet due to an early meeting date.

Administrator Gee requested additional budget adjustments for FY13:

1. \$57,071.33 transfer from 911 fund balance to Fire and Rescue Capital Fund to fund the budgeted transfer which was not carried over from FY12.
2. \$5,000 was requested earlier in the year for Treasurer's postage, but the amount needed to balance the Treasurer's postage will only total \$2,482.58. Request is for the Board to increase postage appropriation by \$2,482.58.
3. \$13,000 transfer from the Economic Development fund balance to the General Fund Community Development department to fund dues for VA's Growth Alliance.
4. An increase in revenue of \$34,000, and an increase in expense of \$15,846 to budget for Cell Tower Wireless Escrow Fund.
5. A transfer from the General Fund Sheriff's Department wage line item to fund additional expense in Courthouse Security wages of \$6,346.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to adjust the funds as requested.

Administrator Gee provided an update on the Piedmont Regional Jail. She shared a job description for the superintendent position and noted that seventeen applications have been received thus far. The budget versus actual report was included in the Board packet. She added that Piedmont

Court Services and jail staff had a meeting on pre-trial services and they are still reviewing potential cost-saving avenues. The Jail Board is still receiving and reviewing Medical Service RFP's.

Supervisor Zava asked how often the County is paying PRJ. Administrator Gee responded on a quarterly basis. The next invoice is expected September 1st.

Supervisor Wingold nominated Karen Scales of 300 Old Plank Road, Kenbridge to serve on the Southside Regional Library Board of Trustees.

Supervisor Wingold made motion, seconded by Supervisor Hoover and unanimously approved, to appoint Karen Scales to the Southside Regional Library Board.

Administrator Gee noted that the Animal Control monthly report was included in the packet. She shared a job description for a part-time Kennel Attendant and stated that the position is being advertised in the local paper. She has budgeted \$3,000 for part-time assistance.

Administrator Gee directed the Board to a letter of notification and inspection notes from Commonwealth of Virginia's Office of Animal Care and Health Policy. Administrator Gee was present at the kennel for the inspection and there are bookkeeping and maintenance disparities to be addressed. She explained that the state inspector indicated that additional maintenance assistance is needed. Mrs. Gee shared the findings with the Animal Control Officer, Ronnie Long. All issues were addressed and will be corrected. The SPCA may be able to provide support occasionally until a part-time worker is assigned.

Mrs. Beverley Hawthorne, Community Development Director, presented her monthly report. She updated the Board on the land purchase for Lignetics. Their attorney is currently reviewing the deed. Kenbridge Youth Academy opening is progressing. School day program and resident program will start on August 19th. She said that Prince Edward has sent out an RFP consulting services for the location and development of the Regional Food Processing Facility. Mrs. Hawthorne commented on the recently held National Day of the Cowboy in Victoria. She added the event was a huge success with a large crowd for the majority of the day. She informed the Board that the office intern was working on GPS mapping for land parcels and changes to the enterprise zone boundaries.

Mrs. Hawthorne discussed a phone meeting with a representative from Timmons Group. Due to the age of the County's 911 system, the County is eligible for a grant with a max of \$150,000. This amount may not cover the all the costs but will allow for the purchase of the program. She requested permission to hold a meeting with the key players in the County.

The Board agreed, with Supervisor Hoover requesting that local public safety groups be included.

Mrs. Hawthorne shared a draft Economic Development Project "Fast Track" Policy proposed by Virginia's Growth Alliance. She stated that the policy is already in place in the state agencies. She requested approval from the Board. It is as follows:

**Virginia Growth Alliance
Economic Development Project
"Fast Track" Policy**

DRAFT

Whereas, Localities in Virginia and throughout the United States have established policies for providing expedited processing for "significant" economic development projects within their localities, and

Whereas, The seven localities within Virginia's Growth Alliance (VGA) have traditionally provided rapid processing of land use, building and other permits needed by commercial and industrial projects expanding or locating in the locality, and

Whereas, It is the desire of the VGA member localities to formalize and provide more uniform procedures for economic development projects in the region, and

Whereas, VGA wishes to demonstrate to prospective economic development prospects that it has established policies for providing expedited and rapid handling of local development approvals,

Now, Therefore, Let it be resolved that the VGA Board and its member localities adopt the following policies for handling significant economic development projects within the region:

1. A "significant" economic development project would include any industrial project that creates or retains 10 employees and \$1,000,000 in investment. The locality may designate other types of economic development projects as "significant" based upon their own criteria.
2. The owner, agent or sponsor of a "significant" economic development project should have a need for and request the rapid handling, "Fast Track", process for land use, building and other development permits needed for the project.
3. The County Administrator or City Manager will approve the project for "Fast Track" service and appoint a project manager who will be the primary point of contact for the project.
4. The county or city will agree to review and respond to land development or building plans within 5 working days of submittal.
5. The County or City agrees to work with and encourage external agencies that have responsibility for plans review to expedite their review of submissions in accordance with the project development timeline.
6. The County or City will work closely with the project design professionals to ensure that needed corrections/modifications to applications or plans are completed in a timely manner.
7. For approvals that require legislative action, such as rezoning or conditional use permits by the Planning Commission and/or governing body, the County or City will expedite the process based upon the required advertising and notification procedures.

Adopted on this the ____ day of _____ 2013.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to approve the "Fast Track" Policy in support of Virginia's Growth Alliance.

Mrs. Hawthorne referenced the Landfill Liaison report. She added that the March and April tonnage and cardboard payments have been received. June and July payments are expected very soon. She directed the Board to the minutes of the Landfill Citizens Advisory Board.

Supervisor Edmonds commented that the Advisory Board meeting went very well. They discussed dump sites and dumpsters as well as pick up times. He was pleased with the open communication at the meeting.

Mrs. Hawthorne added that citizen representative, Ronnie Williams, was very informed and knowledgeable. He shared good ideas and comments.

Supervisor Zava stated that he spoke with individuals from CFS who are willing to remove the old building at the bus shop site. Through a gentlemen's agreement, if the County removes all the utilities, they will remove the building with no charge to the County. If the Board chooses to move forward this site can be used for recycling efforts and education of dumping for local residents.

Mrs. Hawthorne commented that the electricity has already been turned off. She added that oil tanks needed to be removed and a local oil company will remove them at no cost. However, the oil tanks need to be declared as surplus property.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to declare the oil tanks at the Bus Shop site surplus.

Administrator Gee shared two quotes for year-end audit financial consultant services. The amount of hours were about the same for each firm, however the hourly rate was \$95/hour for Minor and Associates and a minimum of \$85/hour plus a 15% incidentals charge for VML/VACo Finance. Ms. Mary Earhart was contacted for a quote, but was booked for the audit season.

Supervisor Hoover added that during the audit firm interview process, all responding audit firms required using a different year-end audit consultant for adjusting entries than the one that is used throughout the year.

Supervisor Bacon made motion, seconded by Supervisor Slayton and unanimously approved, to approve and sign the engagement letter from Minor and Associates.

Administrator Gee shared an article given to her by the Commissioner of Revenue. The article suggests the two candidates for Governor express interest in eliminating the tax for machinery and tools. The County currently receives \$315,000 in tax collections for machinery and tools. This revenue would be lost if the tax is eliminated.

Administrator Gee and the Personnel Committee reviewed the personnel policy earlier in the day. Suggestions were shared and the committee hopes to have a full policy for review in September.

Clerk of the Court, Gordon Erby, is still concerned about security in his office. He would like a security assessment performed within his office and recommendations on how to improve security.

Administrator Gee noted that the County's zero turn lawnmower is in poor condition. She is the process of pricing new mowers. The estimated cost is between \$6,300 and \$7,000.

Supervisor Bacon suggested it may soon be a good time to purchase a lawnmower as it getting close the end of the cutting season and mowers may be on sale.

Supervisor Hoover asked if there are sufficient funds in the budget.

Administrator Gee replied yes, there are savings since the County hasn't needed to pay for lawn care services this year. She will continue researching options.

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

Supervisor Edmonds

Supervisor Hoover

VOTING NO

ABSENT

Supervisor Pennington
Supervisor Slayton
Supervisor Wingold
Supervisor Zava

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

Administrator Gee shared that Mr. Danny Lacks contacted her and is willing to bush hog at the airport for free. The Board agreed to allow Mr. Lacks to bush hog the airport property for the hay.

Supervisor Wingold made motion, seconded by Supervisor Zava and unanimously approved, to adjourn.

Tracy M. Gee, Clerk
County Administrator

Edward W. Pennington, Chairman
Board of Supervisors