

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

Minutes of September 11, 2014 Meeting

The regular meeting of the Lunenburg County Board of Supervisors was held on Thursday, September 11, 2014 at 6:00 p.m. in the Lunenburg District Courtroom, Lunenburg, Virginia. The following members were present: Supervisors T. Wayne Hoover, Frank Bacon, 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.

Chairman Pennington called the meeting to order.

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

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

Supervisor Zava was added as 16A regarding increasing bear population in the county.

Supervisor Slayton made motion, seconded by Supervisor Wingold and unanimously approved, to accept the Consent Agenda to include the minutes of the August 14, 2014 Board of Supervisors meeting, the Treasurer's July 2014 reports, and the following Warrants for Approval:

Additions for June 2014 printed in August 2014:  
(for inclusion in FY14 expenses)

Accounts Payable: #49722-49725		\$	7,325.50
August 2014: Payroll:	Direct Deposit	\$	113,724.07
Payroll: Check #17209		\$	1,499.52
Payroll Taxes Federal:		\$	38,019.24
Payroll Taxes State:		\$	6,374.68
Payroll VRS payment:		\$	30,492.08
Payroll ICMA-RC payment:		\$	206.24
Accounts Payable: #49643-49721, 49726-49784		\$	<u>461,891.89</u>
August Total:		\$	652,207.72

Supervisor Wingold made motion, seconded by Supervisor Slayton and unanimously approved, to enter into public hearing regarding Conditional Use Permits for uses not previously provided for in A-1 District.

The first Conditional Use Permit application for Jeffrey and Benita Davis to amend their current Conditional Use Permit to include Short-term Rental of up to three rentals at a time in the existing building located at 11426 Courthouse Road, Lunenburg, Virginia. This parcel, identified as tax map number 32((A)) 60, is currently owned by Mr. and Mrs. Davis. The building is currently being operated as a Diner and general store and would like to change from apartment rental to Short-term Rental.

Mrs. Beverly Hawthorne, Clerk for the Planning Commission read from the minutes of the September 2, 2014 meeting.

“After much discussion, Commissioner Tharpe made the motion to approve the following definition of Short-term Rental/Tourist Home as a use permitted by Conditional Use Permit in the A-1 Agricultural District.

Short-term Rental/Tourist Home: A dwelling in which overnight accommodations are provided or offered for one (1) or more but not greater than twelve (12) tourists/guests. When located in the A-1 Agricultural District the following additional conditions apply:

1. The maximum number of rooms and guest will be determined by the capacity of the well and septic system through inspection by the Health Department.
2. Off-street parking of one (1) space per approve room must be provided.
3. The building(s) so used shall have the exterior appearance of a single family residence and normal permitted accessory structures.
4. Any additional requirement as set by the Board of Supervisors due to specific conditions of a particular application may be added.

Commissioner Trent seconded the motion for the definition and it passed unanimously.

Commissioner Hite made the motion to recommend approval of the amendment to Mr. and Mrs. Davis’s Conditional Use Permit to include the use of Short-term Rental/Tourist Home as defined in the previous motion. Commissioner Shell seconded the motion and it passed unanimously.”

The second Conditional Use Permit application for Wilson and Regina Williams to establish the following uses on property that they own at 5642 Oral Oaks Road, Kenbridge, Virginia:

1. Fee hunting privileges
2. Bed and Breakfast
3. Agri-tourism Event Venue

This 62 acre property is identified as tax map numbers 58 ((A)) 27 and 28.

Mrs. Beverly Hawthorne, clerk for the Planning Commission read from the minutes of the September 2, 2014 meeting.

“Commissioner Tharpe made the motion to recommend to the Board of Supervisors the following regarding the Conditional Use Permit Application from Mr. and Mrs. Wilson Williams:

1. Fee Hunting-No decision recommended from the Planning Commission as it is somewhat regulated by the Virginia Department of Game and Inland Fisheries.
2. Bed and Breakfast was approved on a motion by Commissioner Tharpe and seconded by Commissioner Jennings with a unanimous vote at the July 22, 2014 meeting.
3. The request regarding events at this site will be handled per individual events/festivals through the development of an Event permitting process handled through the County Administration office.

Commissioner Trent seconded the motion and it passed unanimously.”

One person from the audience signed up to speak during the public hearing. Mr. Anthony Ehman of 202 Meadows Drive, Meherrin addressed the Board stating that he was concerned about the external appearance of the homes involved in these two CUP applications. He added that with additional cars in front of the home, it will look more like a parking lot than a home. Mr. Ehman noted that the public doesn’t have the opportunity at the Planning Commission meetings for input when new definitions are created. He would like to have that opportunity. He stated that neighboring landowners should also have input as they are the ones that will have to live next to the applicants.

Supervisor Zava asked if anyone spoke against either application at the Planning Commission meeting.

Mrs. Hawthorne replied no and added that Mr. and Mrs. Williams will work with neighbors and the Board on any questions or concerns.

Supervisor Wingold commented that he is familiar with the Williams property and there would be plenty of space for parking vehicles.

Supervisor Zava made motion, seconded by Supervisor Slayton and unanimously approved, to exit the public hearing.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the definition of Short-term Rental/Tourist Home as a use permitted by Conditional Use Permit in the A-1 Agricultural District.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the amendment to Mr. and Mrs. Davis's Conditional Use permit to include the use of Short-term Rental/Tourist Home as defined in the previous motion.

In regards to the Williams application, Supervisor Zava asked if the Board was to vote on the bed and breakfast portion only.

Mrs. Hawthorne replied yes.

Supervisor Zava made motion, seconded by Supervisor Bacon and unanimously approved, to approve the CUP for Mr. and Mrs. Williams to operate and bed and breakfast.

Mr. Billy Smith of VDOT provided the monthly report. He stated that the Wallace Bridge project bids were much higher than VDOT had expected. He added that a lot of bridge work is occurring all over the state; he believes this is increasing the cost of materials. Mr. Smith noted that VDOT will need to determine if they will increase the project budget or delay the project. He said that five bridges in the County will need replacing in the near future. VDOT is considering replacing those bridges with single lane bridges to save funds. Mr. Smith asked the Board for their opinion on replacing the bridges with single lanes. He added that he recently asked the Mecklenburg County Board of Supervisors the same questions and they stated they wanted to maintain double lane bridges in their county. Mr. Smith continued to say that sometimes VDOT must close a bridge if the funding isn't available. He reported that the Route 40 bridge replacement is already under contract and work will continue as planned.

Supervisor Edmonds stated that he is not in favor of a single lane bridge. He added that the bridge could be in place for 50 or more years. He would like to see VDOT maintain the two lane bridges for future generations.

Mr. Smith commented that bridges are regularly inspected. If the inspection shows a weakening bridge, then first VDOT reduces the tonnage able to cross the bridge to 3 tons. The next step is to close the bridge, until repairs are funded.

Supervisor Slayton stated that the Lee's Mill Bridge cannot be reduced to a single lane because of the angle of the curve where it is located. He added that cars have to practically stop to drive around the curve now.

Supervisor Zava asked if a single lane bridge is constructed and there is a savings realized, would VDOT have those saving to fix other roads in the County.

Mr. Smith stated that he can't guarantee the use of the savings as his department doesn't have control of the funds.

Supervisor Bacon asked if the cost would be less for a single lane bridge.

Mr. Smith commented that the cost is a little more than half of the cost of a double lane. He added that Mecklenburg's Board was very clear that they wanted double lane bridges.

Supervisor Zava questioned if there were any 3 ton bridges in the County now.

Mr. Smith replied that that he believes Lee's Mill Bridge is a 3 ton bridge.

Supervisor Zava suggested that the Board maintain requesting two lane bridges for now. He stated that the cost of materials may change in a few years. He added that VDOT may force them into single lane bridges at a later date, but as of now they are not.

Supervisor Edmonds commented that there aren't many contractors that build bridges.

All Supervisors agreed to request two lane bridges in the County.

Supervisor Hoover requested that the Chairman move to item number 10 in the interest of time for the newspaper reporter to attend another public event.

Mr. Rob Guidry, Mr. Tim Webb, and Mr. Jeff Kraus, from Container First Services were in attendance to present donations to local sports groups. The total donation was \$50,000, per the contract agreement between CFS and the County, and is distributed annually. Mr. Charles Berkley accepted \$8,000 for Central High to install score boards on the baseball fields and \$20,000 for bleachers at the Dixie Youth Softball fields. Mr. David Clark accepted \$20,000 for bleachers at the Dixie Youth Baseball fields. Mr. Robbie Bishop accepted \$2,000 for Lunenburg Football league to purchase new equipment. Mr. Guidry added that these donations allow them to help the communities in which they serve.

Mr. Charles Berkley, newly named Superintendent of Lunenburg County Schools, approached the Board. He noted that his primary focus was on teaching and learning. He stated that Lunenburg County prides itself on the support provided to the local schools. He appreciated the Board of Supervisors willingness to work with the School Board for funding. He hopes it will continue and he pledges to reach for an even greater relationship. Mr. Berkley plans to focus on engaging students and helping them graduate in four years, continuing to focus on strategic planning along with system/data analysis, developing policies to support the overall school goals, recruit and retain high quality teachers and staff, increase communication to keep everyone engaged in student learning and to ensure the efficient and effective use of financial resources within the schools. Mr. Berkley advised the Board that the school year has begun and current enrollment is 1540, with 61 additional students in the 4-year-old program. He ended noting that he believes in an open door/phone line policy and if any Board member needs anything, please contact him.

Administrator Gee shared communication from Jamie Tuck, Building Official. On July 29, 2014, Mr. Bryan Burgett of the Insurance Services Organization conducted an interview with the Mr. Tuck. The purpose of the interview was to evaluate the County on how well the state building codes are administered and to evaluate the effectiveness of the building department. The interview is conducted every five years for each building department throughout Virginia. The County's last interview was 11 years ago. The previous score for residential and commercial buildings was a Class 5. This interview resulted in a Class 4 rating for residential buildings and a Class 3 for commercial buildings. The scale is rated as a 10 representing no effectiveness and a 1 being exemplary. The building code effectiveness grading scale is an underwriting and informational tool for all companies providing property insurance on new construction.

Mr. Rodney Newton, Chief of Victoria Fire and Rescue, provided, via the board packet, a brief review of the recent Virginia Communications Cache deployment to assist with the search for the pilot of an F-15 Air National Guard aircraft that crashed in eastern Augusta County. He noted that not only does the communications equipment housed and operated by Victoria Fire and Rescue personnel provide resources of Lunenburg County but also for the entire Commonwealth of Virginia.

Administrator Gee directed the Board to the updated Animal Control Report, which also includes fees collected during the month.

Mr. Richard "Tommy" Hite of East 5<sup>th</sup> Avenue, Kenbridge, approached the Board. He thanked the Board for allowing him time to speak. He stated that he has been farming for over 50 years. He requested that biosolids be applied to his land, noting that the nutrients are good for the land. Biosolids are approved by the state and federal governments. Mr. Hite stated that biosolids are a much more cost-effective option and only the amount needed is applied to the land. He commented that he believes several of the negative statements from local residents are negatively impacting the farmers. He hopes the Board will understand why some farmers choose to use biosolids on their land.

Mrs. Beverley Hawthorne, Landfill Liaison, provided her monthly report to the Board. She noted that she is in the process of negotiating on some property in the southern portion of the County for potential convenience sites. She commented that she is waiting for the compactors to arrive for the completion of the Owl Creek and Nutbush site.

Ms. Hawthorne informed the Board of a fire at the landfill on August 30, 2014. She shared a letter from Ms. Sandy Cothran, Interim Landfill Director. The letter detailed the events of the fire. By the following day the landfill was secure.

Mr. Tim Webb of Container First Services spoke to the Board. He shared that the Lunenburg Landfill has had some personnel changes. Ms. Sandy Cothran has been acting as the Landfill Director since Mr. Greg Sisson left the company. Landfill construction and shaping of new cells is the main focus at this point. Mr. Webb noted that CFS has spent \$560,000 on improvements at the landfill this year. They will be spending \$3.6 million for the construction of the new cells. Mr. Webb discussed the fire at the landfill. He believes it started from a hot load within the County or from the Dinwiddie area. There was no damage to any equipment or any environmental impacts. Mr. Webb commented that he has been working with Mrs. Hawthorne on the new convenience centers. The compactors are scheduled to arrive very soon and will be installed quickly once they arrive.

Supervisor Zava stated that Ms. Sandy Cothran handled the landfill fire in a timely manner. He commended her for a job well done. Mr. Webb added that Ms. Cothran had never experienced a landfill fire before; however, her response was excellent.

Supervisor Zava shared that when the banks of the road are cut, it seems to bring more trash out along the roads. He would appreciate CFS drivers trying to help with the excess trash. Mr. Webb commented that he will ask the drivers to ensure they have a tight load so that trash will not blow out of the trucks.

Supervisor Zava asked about the cost to County residents bringing tires to the landfill.

Mr. Webb replied that CFS does accept tires; however he believed that there is a charge of \$3.00 in Lunenburg. They charge because it costs the company to recycle the tires.

Mr. Webb added that CFS also accepts motor oil and electronics at no charge except for TV's. They can recycle all electronics. They have seen an increase in TV's. They charge \$10 per TV due to the mercury and other elements inside.

Mr. Rob Guidry, President and CEO of CFS spoke to the Board regarding their business model. He stated that CFS has just finished an audit after merging with another company. They have budgeted \$1.2 million for revenue in Lunenburg. Mr. Guidry added that as CFS continues to grow, changes will need to occur. He hopes the Board will continue to work with CFS as changes are made. Mr. Guidry plans to meet with the Landfill Committee to discuss plans for the future.

Supervisor Hoover thanked Mr. Guidry, Mr. Webb, and Mr. Kraus for attending and providing an update on the plans for the Lunenburg Landfill.

Mrs. Beverley Hawthorne, Community Development Director, provided her monthly report. She shared a press release from Virginia's Growth Alliance highlighting their Strengthening Economies Together (SET) program. The Region is being recognized nationally and is eligible to have the program reviewed by USDA-Rural Development for the High Quality Regional Economic Development Plan competition. If designated, the Region could receive \$5,000 to assist in advancing an outcome of the SET process.

Mrs. Hawthorne informed the Board the State parks are developing a music trail in the southern part of the state. She added that a few Lunenburg residents are involved in the project. She noted that Tobacco Commission grants are due in October. She stated that she did not have any applicant yet. Mrs. Hawthorne included a map of the projected pipeline project. She added that the pipeline does not go through Lunenburg. However, the easements have not been secured yet, so it is possible the path to change before construction begins.

Administrator Gee notified the Board that Mrs. Karen Scales has submitted her resignation from the Southside Regional Library Board of Trustees. Mrs. Carolyn Hite has volunteered for nomination to fill the vacancy on the SRL Board of Trustees.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to accept Mrs. Scales's resignation from the Southside Regional Library Board of Trustees.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to appoint Mrs. Hite to fill the vacancy on the SRL Board of Trustees.

Mr. Ollie Wright informed the Board that the Lunenburg County Public Library System has received its incorporation from the state and is now a legal entity. The Library Withdrawal Committee requested the following people be appointed as the LCPLS Board of Trustees:

Sallie Ann Buchanan  
Luther Drummond  
Patty Epperson  
Rev. James Isaacs  
Claude Otey  
Karen B. Scales  
Oliver L. Wright, III

Supervisor Wingold made motion, seconded by Supervisor Edmonds and unanimously approved, to appoint the above listed as the LCPLS Board of Trustees.

Administrator Gee reminded the Board of Supervisors that this set of trustees is only allowed to organize the LCPLS and has no authority within the Southside Regional Library system. Also, until the Library of Virginia recognizes the LCPLS, they are not eligible for State Aid.

Supervisor Hoover thanked Mrs. Karen Scales for her hard work; she has been instrumental in this process. He also thanked Mrs. Hite for filling the vacancy on the SRL board.

County Attorney Rennie commended Administrator Gee for attending the Virginia Aviation Board meeting in VA Beach and requesting an extension for the conditional license. The license is now valid until February 19, 2015. Administrator Gee added that this will be the last extension for the County. County Attorney Rennie will be moving forward with contacting the adjoining landowners. A survey of the land is scheduled for September 29<sup>th</sup>.

Administrator Gee directed the Board to the Piedmont Regional Jail reports. She added that the latest projected invoice shows a rate of \$18.58 per diem, which is less than it has been recently. She is still researching other jails. Meherrin River Regional Jail is currently \$50 per diem; however they are still paying debt service, whereas PRJ is not.

Supervisor Zava shared an article regarding the increased bear population hurting local farmer's crops. He stated that Lunenburg was 19<sup>th</sup> in the number of bears killed in the state. He added that the bear season is only a week long, noting other states have a month long season. The article discusses exercising the opportunity to run the bear. In these cases, the bears have the tendency to move to another location. The projection is that the population will double in the coming years.

Supervisor Wingold questioned if the Board should recommend a longer hunting season.

Administrator Gee stated that she will contact the local Game and Inland Fisheries representatives to discuss options for the County.

Administrator Gee informed the Board that a date needs to be set for the Town and County Dinner. She is hoping to schedule it for November 14<sup>th</sup> or 21<sup>st</sup>. She noted that the 14<sup>th</sup> is the week of the Boarding meeting and the VACo Conference. The Board agreed to set November 21<sup>st</sup> for the date.

Administrator Gee provided her monthly report. She advised that the Ward's Corner site is being advertised for bids of purchase. The ad will run for 3 weeks in the newspaper. She requested permission to advertise the County-owned property behind the Lunenburg Post Office. The Board granted permission.

Administrator Gee reported that the 30 day period for the property owner on Rehoboth Road to remove trash from his yard had expired. She will have the Zoning Administrator, Mr. Jamie Tuck, visit the property. If no changes have occurred, she will proceed with taking action.

Administrator Gee stated that Mr. Kevin Hodges of the Loves Mill District is up for reappointment to the Board of Zoning Appeals.

Supervisor Hoover made motion, seconded by Supervisor Bacon and unanimously approved, to request the Circuit Court Judge reappoint Mr. Kevin Hodges of the Loves Mill District to the Board of Zoning Appeals for a term beginning 7-1-2014 and ending 6-30-2018.

Administrator Gee reported that due to redistricting, changes have occurred on the Planning Commission. Mr. Cecil Shell is now in District 6, leaving a vacancy in District 3. She requested a nomination from Supervisor Bacon.

County Attorney Rennie reminded the Board of their request last month regarding the South Central Workforce Investment Consortium Agreement. He spoke with the attorney who drafted the agreement. He requested changing the language in the agreement to allow a member to withdrawal if they agree to live up to the financial obligations that have been previously agreed upon. The change

was not presented for approval by the other counties involved. County Attorney Rennie added that the Board may vote to accept the agreement as is; however, a public hearing must be held before the agreement can be signed.

Supervisor Hoover asked County Attorney Rennie for his recommendation.

County Attorney Rennie stated that he believes our current membership is a positive thing, although there is the potential for personal liability. He thinks the benefits of signing the member agreement will probably outweigh the existing potential liability.

Supervisor Hoover made motion, seconded by Supervisor Bacon, with Supervisor Zava abstaining and all others voting yes, to hold a public hearing to enter into contract with the South Central Workforce Investment Consortium.

Supervisor Hoover excused himself from the meeting to attend a family commitment.

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 Public Property 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 Bacon  
Supervisor Edmonds  
Supervisor Pennington  
Supervisor Slayton  
Supervisor Wingold  
Supervisor Zava

**VOTING NO**

**ABSENT**

Supervisor Hoover

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

County Attorney Rennie recommended that the Board make a motion to approve and sign several documents for two new businesses in the County, Global Refining Group and Coast to Coast Trucking.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to authorize the Chairman to sign the Personal Guaranty, Security Agreement, Purchase Option &

Performance Agreement, Lease Agreement and Tobacco Commission TROF Performance Agreement for Global Refining Group.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to authorize the Chairman to sign the Personal Guaranty, Security Agreement, Purchase Option & Performance Agreement and Tobacco Commission TROF Performance Agreement for Coast to Coast Trucking.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to authorize the IDA to approve the documents for Global Refining Group and Coast to Coast Trucking.

Supervisor Bacon 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