

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

Minutes of October 12, 2017 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, October 12, 2017 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors T. Wayne Hoover, Edward Pennington, Frank Bacon, Charles R. Slayton, Mike Hankins, Alvester Edmonds, Robert Zava, County Administrator Tracy M. Gee, Deputy County Administrator Nicole Clark, and County Attorney Frank Rennie.

Chairman Slayton called the meeting to order.

Supervisor Hankins gave the invocation and led the pledge of allegiance.

Chairman Slayton requested additions to the agenda from the Board and the public. Administrator Gee requested that Technology Trust Funds for the Circuit Clerk's Office be added as 9D.

Supervisor Pennington stated that he had a conflict of interest with on agenda item number six, Conditional Use Permit, as he also serves on the Planning Commission. However, he is able to participate by voting fairly and objectively.

Supervisor Pennington made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the Minutes of the September 14, 2017 meeting, the Treasurer's August 2017 reports and the following Warrants for Approval:

| | | | |
|-----------------|--------------------------------|----------------|----------------------|
| September 2017: | Payroll: | Direct Deposit | \$ 116,544.69 |
| | Payroll Taxes Federal: | | \$ 40,724.37 |
| | Payroll Taxes State: | | \$ 6,632.90 |
| | Payroll VRS payment: | | \$ 27,018.20 |
| | Payroll ICMA-RC payment: | | \$ 382.52 |
| | Accounts Payable: #54861-55031 | | <u>\$ 334,244.82</u> |
| | Total: | | \$ 525,547.50 |

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to enter into Public Hearing regarding a Conditional Use Permit for Mr. Chris Richardson.

Mr. Richardson applied for a Conditional Use Permit to operate a primarily online and mail-order business of Federal Firearms License transfers, gunsmithing and Cerakote firearm coating at his residence at 1252 Burkeville Road, Victoria, VA 23974. This property is <1 acre and is identified as tax maps #21-10-0-6A and #21-10-0-5. Administrator Gee read the Public Hearing Ordinance aloud and stated that several property owners spoke against the permit at the Planning Commission meeting.

Mr. Warren Foster of 8833 Swordstore Lane, Bristol, VA spoke against the permit application, adding that he was the primary heir of one of the adjoining properties. Mr. Foster stated that firearms had resulted in several tragedies in their family over the years. He noted that this type of business should not be placed in a residential area. He is concerned about the storage of chemicals and supplies needed to operate a firearms business. Mr. Foster commented that he and his family members are working to restore the old home on their property and cultivate the land. They are not in favor of this business in the area.

Ms. Hazel Scafield of 4600 Eaton Dr, Suitland, MD also spoke against the permit application. She noted that she and other heirs to the property are looking forward to rebuilding on the property and bringing their grandchildren for many years to come. Mrs. Scafield believes the location won't be as enjoyable with this type of business next door. She stated that there is so much violence in the world now days and guns kill so many young people. She added the less firearms that are available, the better off the world will be.

Ms. Mary Harvin of 5975 Fairing Drop, Lithonia, GA approached the Board in opposition to the application. She stated that members of her family own most of the surrounding land. Her family had experienced a tragic accident involving a gun in the past, therefore she is not in favor of a gun business locating near them. Ms. Harvin noted that she would prefer to see a business locate and operate in town limits which is better suited to support the increased traffic.

Mr. Silvester Stokes of 807 57th Pl, Fairmount Heights, MD spoke against approval of the application. He stated that he is against any business in a residential area, especially one that involves guns. Mr. Stokes commented that he is pro business but it should be located in the right place.

Administrator Gee advised that five Commissioners were present at the Planning Commission meeting. She added that two voted to recommend approval of the application to the Board, two Commissioners abstained and one voted to decline the application. Supervisor Hoover arrived at 6:15 p.m.

Mr. Chris Richardson approached the Board to discuss his application. He noted that 90% of his business would be online. He will be providing gunsmithing, online FFL transfers, and Cerakote. He advised that he been in contact with the ATF and is following all their regulations and completing the proper paperwork. Mr. Richardson added that he will serve jail time if he doesn't comply. He does not plan to keep a large stock of guns on hand, only the few that he is in the process of working on. He must perform a thorough background check on each person who attempts to purchase a gun from him. Mr. Richardson explained that none of the chemicals used for his business are hazardous and require no special handling other than to keep them out of sunlight. All test firing of the guns will be performed off site.

Supervisor Hankins questioned if most of the guns would be stored on-site. Mr. Richardson affirmed that a large part of the business will be refinishing of guns. Supervisor Hankins asked how many guns would be on site at one time. Mr. Richardson stated, that other than his personal guns, no more that twelve firearms would be on site for his business.

Mr. Buck Tharpe, Chairman of the Planning Commission, commented that Mr. Richardson's business plan was in compliance with the County's Comprehensive Plan.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to exit Public Hearing regarding a Conditional Use Permit for Mr. Chris Richardson.

Supervisor Pennington reiterated that according to the Comprehensive Plan, Mr. Richardson's request is within regulation. He stated that he understood the family's concern but it would be hard not to approve the request. Supervisor Bacon commented that a local, licensed and legal dealer would be a nice addition to the County for local hunters. Supervisor Hankins stated that his biggest concern was test firing on a one-acre tract. However, if Mr. Richardson plans to test fire at another, larger location, Supervisor Hankins believes the safety concerns are satisfied.

Ms. Mary Harvin questioned the laws for businesses in a residential area. Administrator Gee advised that Mr. Richardson's property is zoned as A1 (Agricultural). The only way for a business, which is not already addressed in the county ordinance, to operate in an agricultural zone is to apply for a Conditional Use Permit and obtain permission from the Planning Commission and the Board of Supervisors.

Supervisor Bacon made motion, seconded by Supervisor Hankins, to approve the Conditional Use Permit for Mr. Chris Richardson. Supervisors Bacon, Slayton, Hoover, Hankins and Zava raised their hands in favor of the motion. Supervisors Edmonds and Pennington raised their hands in opposition to the motion.

School Superintendent, Charles Berkley, provided the monthly School Board reports. Mr. Berkley stated that the end of the year finance reports have been completed and they are in good standing with local, state, and federal governments, meeting required local effort and match. They anticipate a carryover of \$4,533.58. Supervisor Bacon inquired about a taxi service for certain students. Mr. Berkley stated that some special needs children are required to have individual transportation to and from school. Supervisor Bacon stated that he knows of a few that appear to be behavioral related. Mr. Berkley stated that about twenty percent of students now have special needs requirements. It used to be about eight students for an entire school system. Mr. Berkley advised that enrollment is down by twenty students at this point in the year. Supervisor Zava noted that the reduction would relate to about \$100,000 decrease in state funding. He questioned how the school system would compensate for the reduction of funding. Mr. Berkley stated that he and his staff are looking at options and will advise the Board when a determination is made. He added that all eight school systems in the region are experiencing a reduction in the number of students.

Mr. Billy Smith of VDOT presented the monthly report. He commented that the snow season is upcoming and VDOT will begin dry runs very soon. He stated that crews have been working on pipe replacements on Route 49 as well as a portion near Food Lion in Victoria. Mr. Smith explained that the widening of a portion of Route 635 had been completed and he is very pleased with the way it turned out. He added the project was budgeted at \$136,000 and the final cost was \$109,000. Mr. Smith commented that a final coating of overlay with 2 inches of asphalt would be needed. He is applying for a revenue sharing grant, that if awarded may be used for the final coating. Supervisor Edmonds questioned the requirement for a center line to be placed on a secondary road. Mr. Smith replied that the road must have 600-800 vehicles per day, also there are budgetary restrictions. Supervisor Zava inquired about the Batte Road project. Mr. Smith stated that the project is scheduled to begin in the spring; however, they are still not satisfied with the current plan.

Administrator Gee shared a letter from Commissioner Liz Hamlett requesting a refund check in the amount of \$2,086.84 to Buggs Island Telephone Cooperative. She received notice from the Commonwealth of Virginia State Corporation Commissioner instructing the locality of Lunenburg to reduce the assets assessed to Buggs Island Telephone Cooperative, inc. from \$917,601 to \$306,091, therefore resulting in the refund.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to issue a refund check in the amount of \$2,086.84 to Buggs Island Telephone Cooperative.

Administrator Gee requested that the Board carry-over and appropriate the FY17 remaining fund balance of \$168,063 in the reassessment fund to the 2017-18 fiscal year.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to carry-over and appropriate the FY17 remaining balance of \$168,063 in the reassessment fund to the 2017-18 fiscal year.

Circuit Court Clerk Gordon Erby requested the Board accept \$38,638 from the Compensation Board and appropriate the funds to the Technology Trust Fund.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to accept \$38,638 from the Compensation Board and appropriate funds to the Technology Trust Fund.

Supervisor Hankins nominated Mr. Sidney Smyth to serve on the Board of Equalization. Mrs. Karla Sickerott contacted Administrator Gee and indicated her real estate experience and that she is willing to serve on the Board of Equalization.

Supervisor Bacon made a motion, seconded by Supervisor Zava and unanimously approved, to appoint Mr. Sidney Smyth and Mrs. Karla Sickerott to the Board of Equalization for the 2018 Reassessment.

The monthly Landfill Liaison report was provided. Administrator Gee advised that Mr. Billy Smith of VDOT would like to meet with the Landfill Committee. VDOT would like Route 770/Landfill Road be maintained by CFS and no longer be state/county maintained. She will work with committee members and VDOT representatives to schedule a meeting.

Supervisor Zava inquired regarding the status of the next convenience center site. Administrator Gee commented that she is waiting for the completion of the survey. She has reached out to Mr. Jamie Nash twice for an update. Once the survey is complete she will issue a RFP for construction. The plans are already complete, per Jeff Robinson.

Administrator Gee advised that she has been contacted by someone interested in obtaining a Conditional Use Permit for a solar facility. She has been in contact with the state to ensure the county meets all compliance requirements. Administrator Gee suggested the process continue at the Planning Commission Level to ensure protection of property owners. The Planning Commission will bring a recommendation to the Board.

Administrator Gee provided her monthly report. She presented a change order from R.M. Harris & sons for the painting project. The change order included a third coat of paint on much of the Courthouse buildings as well as some necessary carpentry repairs. She also advised that the pavement at the Courthouse Complex is in disrepair and would need attention very soon. Administrator Gee notified the Board that Robinson, Farmer, Cox would be on site to perform final audit fieldwork on October 23rd through 25th. Administrator Gee advised that one of the Supervisors attending the VACo Conference should be selected to nominate a Region 4 representative. Supervisor Edmonds volunteered to represent Lunenburg County by voting for a Region 4 VACo representative, with Supervisor Bacon serving as the Alternate. Administrator Gee advised that a voting delegate for Annual Business meeting was also needed. Supervisor Pennington volunteered to represent Lunenburg County by serving as a voting delegate for Annual Business meeting, with Supervisor Hoover serving as the Alternate.

County Attorney Rennie suggested holding a public hearing for the Polling Place Location Change Request Precinct #501 in December, in hopes of not creating any confusion during the November elections. He also advised that he has forwarded a letter to CFS regarding the increase to the tipping fees as approved at the October meeting.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A7 Legal Consult regarding the specific advice of 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 Hankins

Supervisor Bacon

Supervisor Hoover

Supervisor Pennington

Supervisor Slayton

Supervisor Zava

VOTING NO

ABSENT

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

Supervisor Hoover made a motion, seconded by Supervisor Bacon and unanimously approved, to request Administrator Gee and County Attorney Rennie to work with the School Board and the Town of Kenbridge Administration to add Kenbridge Elementary School to the Fire Safety Plan.

Supervisor Hoover made a motion, seconded by Supervisor Pennington and unanimously approved, to adjourn.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors