

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

Minutes of November 10, 2016 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, November 10, 2016 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Frank Bacon, Edward Pennington, Charles R. Slayton, Alvester Edmonds, David Wingold, Robert Zava, County Administrator Tracy M. Gee, Deputy County Administrator Nicole Clark, and County Attorney Frank Rennie. Supervisor T. Wayne Hoover was absent.

Chairman Wingold called the meeting to order.

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

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

Administrator Gee requested that the Abstract of Votes be added as 9D and a vehicle for the Landfill Liaison as 15B. Supervisor Slayton requested that Lunenburg Middle School ACE team be added as 6A.

Supervisor Pennington made motion, seconded by Supervisor Slayton and unanimously approved, to accept the Consent Agenda to include the Minutes of the October 13, 2016 meeting, the Treasurer's September 2016 reports and the following Warrants for Approval:

| | | | |
|---------------|--------------------------------|----------------|----------------------|
| October 2016: | Payroll: | Direct Deposit | \$ 115,507.08 |
| | Payroll Taxes Federal: | | \$ 39,420.14 |
| | Payroll Taxes State: | | \$ 6,538.46 |
| | Payroll VRS payment: | | \$ 27,541.88 |
| | Payroll ICMA-RC payment: | | \$ 225.58 |
| | Accounts Payable: #53313-53425 | | <u>\$ 289,263.08</u> |
| | Total: | | \$ 478,496.22 |

School Superintendent Charles Berkley, provided a monthly report. He advised that enrollment is still slightly above the figure estimated at the beginning of the year. He noted that Parent/Teacher Conference would be held at each of the schools this week. Superintendent Berkley was pleased to report that thus far discipline referrals are lower than previous years. He commented that the Lunenburg Middle School ACE team finished first place in their conference and the Volleyball Team finished second place in their conference. Superintendent Berkley advised that the recently held Food Truck Bazaar rose over \$1,800 for the local food pantries. He informed the Board that the school system would be providing a check in December for the first half of repayment of debt service that the County paid in early fall. The remaining amount would be paid in March of 2017.

Supervisor Slayton commented on the Lunenburg Middle School ACE team, noting that multiple other schools were represented in the conference. He recommended that the Board adopt and present a resolution at the next Board meeting.

Supervisor Slayton made motion, seconded by Supervisor Bacon and unanimously approved, to prepare and present a resolution at the next Board meeting to the Lunenburg Middle School ACE team.

The monthly VDOT report was provided. Administrator Gee advised that reconstruction of Route 40 (K-V Road) between Ashton Road and the Stagecoach Store would begin on April 9, 2017 and continue until approximately October 6, 2017.

Supervisor Slayton made motion, seconded by Supervisor Edmonds and unanimously approved, to enter into Public Hearing regarding the Piedmont Regional Jail Authority Service Agreement and the County's proposed Event Permit.

Administrator Gee advised that only minor changes had been made to the Piedmont Regional Jail Authority Service Agreement. She noted that there was discussion of removing item number five from the resolution authorizing the organization of the Piedmont Regional Jail Authority. However, it was decided to keep it in the resolution for now until the Board has the proper wording.

Mrs. Beverley Hawthorne discussed the proposed event permit ordinance, application and additional documents. She stated that more and more people in the county are planning to or holding events in which they are making money. The permit and ordinance ensure safety for the attendees and neighbors. Mrs. Hawthorne advised that the Planning Commission only added one change, the addition of "and/or event host" to property owner for an exemption where neither receives compensation for the hosting of the event.

Mrs. Patricia Harper-Tunley of Unity Road, Kenbridge, questioned if an event permit would be required for historical events. She stated that another historical marker and event is in the process of being planned.

Mrs. Hawthorne replied that VDOT would need to be contacted for such an event. She added that an historical event would need to be reviewed to ensure safety. However, the purpose of the event would not be to make money, therefore, it would probably not require a permit.

Supervisor Bacon commented that if someone is receiving compensation for an event, they should obtain a permit. He added that the process is not about controlling the event, the purpose is to ensure safety for those involved and those close by. He noted that when 100 to 500 people are expected, then an application for a permit should be completed. At that point, the checklist for the event should be reviewed between the host and the County. He said that the permit application fee is not expensive; the purpose of the permit is to help people go through the thought process to ensure all safety concerns are addressed.

Mr. Anthony Ehman of 202 Meadows Drive, Meherrin shared concern about the distance requirements between a potential event and neighboring homes. The current proposed requirement states that "no such activity shall be located closer than 300 feet to a residential use unless the owner of the residence grants use and files express written permission." Mr. Ehman suggested changing the requirement to 500 feet as he is concerned about noise, traffic and other disturbances to neighbors during such events.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to exit Public Hearing regarding the Piedmont Regional Jail Authority Service Agreement and the County's proposed Event Permit Ordinance.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to allow the Administrator and Chairman to sign the Piedmont Regional Jail Authority Service Agreement and the two resolutions.

Discussion began concerning the proposed event permit and ordinance. Supervisor Bacon questioned if the only concern was the footage requirement. County Attorney Rennie commented that if a permit is obtained, the noise ordinance would still be in effect and the event host and attendees must abide by it. Mr. Ehman noted that the issue is not just the noise but the total picture to include police, traffic and other disturbances. He added that he doesn't believe 300 feet is far enough. County Attorney Rennie stated that the permit application addresses some of the concerns from Mr. Ehman, including traffic control, parking control, lighting control, music and noise control. Also a

statement from all adjoining neighbors agreeing to the event must be in place. Supervisor Bacon added that trash control is addressed as well.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to approve the Event Permit Ordinance and application amending the footage requirement from 300 foot to 500 foot.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to approve an early pay date of December 20th for the month of December.

Major DJ Penland approached the Board with a request for the Sheriff's Office. He requested that the Board declare two 2003 Chevrolet Impalas and a 1996 Ford Ambulance as surplus property for sale on GovDeals.com. He requested that the funds received from the sale be used for capital purchases. Supervisor Wingold commented that the ambulance was given to the department by Victoria Fire and Rescue and questioned if some of the funds received should be given back. Supervisor Zava stated that he would like to see the funds placed in the general fund and the department may request the funds when they are needed. Major Penland stated that the funds would be used for outfitting new vehicles that will be arriving soon. Supervisor Zava noted that he would like to know exactly what the costs of the equipment are before approving the purchases. Administrator Gee advised that the Sheriff's department would be receiving a grant for the purchase of four new vehicles; however, all the vehicles may not arrive at the same time. It may take up to two fiscal years to receive all four cars. The thought process was to move funds received from the surplus vehicles to the capital improvement fund so that the vehicles may be outfitted once they arrive. Major Penland commented that the four new vehicles may arrive more quickly than originally expected.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to declare the old vehicles as surplus for sale on GovDeals.com and place the funds in the general fund until the new vehicles arrive, then the Sheriff's Department may request the amount necessary to transfer to the Capital Improvement fund to outfit the new vehicles.

Major Penland also requested the Board's acceptance of a grant award from USDA Rural Development in the amount of \$50,000 toward the purchase of new vehicles. The grant must be matched with county funds of \$56,029 from the Sheriff's budget via savings from not hiring a deputy to fill a vacant position.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to accept the grant award from USDA Rural Development in the amount of \$50,000 toward the purchase of new vehicles utilizing a local match of \$56,029 from local funds due to vacancy savings in the Sheriff's budget.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to move \$56,029 from the Sheriff's Department salary line item to the grant line item.

An e-mail was shared from a Lunenburg County resident and disabled veteran, Mr. Tim Stone. Mr. Stone contacted Chairman Wingold to see if the Board would consider an ordinance that would supersede the State ordinance on exemption from real estate taxes. The state allows disabled veterans a tax deferral on 1 acre of land and a dwelling, which the county follows. Mr. Stone commented that the County requires 2 acres of land for a dwelling and questioned if they would consider including those 2 acres in the tax deferral instead of just one.

Chairman Wingold noted that it may cost the county more to pen an ordinance change than disabled veterans would realize in savings. Supervisor Bacon suggested that the County continue to stay in line with the state requirement. No action was taken.

A copy of the proposed 2016-2017 Agreement with the Lunenburg Health Department was provided for review. Administrator Gee noted that the total local funds requested were \$101,966, which is below the budgeted amount. She requested that the Board approve her signature on the agreement.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to approve Administrator Gee's signature on the 2016-2017 Agreement with the Lunenburg Health Department using \$101,966 in local funds.

Mrs. Beverley Hawthorne, Community Development Director, provided her monthly report. She stated that the ABC Recycling TROF Grant has been closed out and County Attorney Rennie is researching to determine if it will change the security agreement or not. Mrs. Hawthorne reported that the construction of the cell tower on Mill Pond Road was on schedule. She advised that the Planning Commission will not meet in November. The next meeting will be held in December.

The Landfill Liaison report was provided. Administrator Gee stated that the landfill seems to be making progress and attributes that to Landfill Liaison Carl Ashworth. She advised that dumping at the County-owned sites still seems to be a problem due to staffing issues at CFS. Mr. Ashworth continues to discuss this with CFS. Administrator Gee noted that an issue occurred at the dumpster at the School Board Office the previous week. Supervisor Zava questioned how the School Board Office was handling the dumping of private trash at their site. He added that it must be occurring after hours and perhaps they should look into putting cameras at the site. Mrs. Hawthorne stated that she rode by there on Saturday and people were loitering around the dumpster. She suggested enclosing the dumpster.

The FY2015-2016 Piedmont Court Services Annual Report was provided for review. Supervisor Edmonds, who serves as the Chairman of the PCS Board, stated that they meet twice a year to discuss aspects of the court system.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to approve the Abstracts of Votes for the 2016 General Election.

ABSTRACT of VOTES
Cast in LUNENBURG COUNTY, VIRGINIA at the 2016 November General Election held on November 08, 2016 for

President and Vice President

| NAMES OF CANDIDATES ON THE BALLOT | TOTAL VOTES RECEIVED (IN FIGURES) |
|--|-----------------------------------|
| Donald J. Trump - Republican | 3204 |
| Hillary Clinton - Democratic | 2227 |
| Gary Johnson - Libertarian | 88 |
| Evan McMullin - Independent | 32 |
| Jill Stein - Green | 25 |
| Total Write-In votes [From Write-In Certifications] | 10 |
| [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes] | 10 |
| Total Number of Overvotes for Office | 0 |

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President and Vice President.

Donald J. Trump - Republican

Given under our hands this 9th day of NOVEMBER, 2016

Shera J. Segner, Chairman
Mary Ann Eater, Vice Chairman
Oliver L. Wright III, Secretary
Oliver L. Wright III, Secretary, Electoral Board

ABSTRACT of VOTES
Cast in LUNENBURG COUNTY, VIRGINIA at the 2016 November General Election held on November 08, 2016 for

Member House of Representatives
 District: 85

| NAMES OF CANDIDATES ON THE BALLOT | TOTAL VOTES RECEIVED (IN FIGURES) |
|--|-----------------------------------|
| Tom A. Garrett, Jr. - Republican | 3170 |
| Jane D. Dilmar - Democratic | 2017 |
| Total Write-In votes [From Write-In Certifications] | 6 |
| [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes] | 6 |
| Total Number of Overvotes for Office | 0 |

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Representatives.

Tom A. Garrett, Jr. - Republican

Given under our hands this 9th day of NOVEMBER, 2016

Shera J. Segner, Chairman
Mary Ann Eater, Vice Chairman
Oliver L. Wright III, Secretary
Oliver L. Wright III, Secretary, Electoral Board

ABSTRACT of REFERENDUM VOTES

Cast in LUNENBURG COUNTY, VIRGINIA at the 2016 November General Election held on November 08, 2016 for,

Proposed Constitutional Amendment Question 1

Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?

| QUESTION RESPONSE | TOTAL VOTES RECEIVED (IN FIGURES) |
|--|-----------------------------------|
| Total YES votes | 2502 |
| Total NO votes | 2710 |
| Total Number of Overvotes for Question | 0 |

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed referendum.

NOT PASSED

Given under our hands this 9TH day of NOVEMBER, 2016

Annal J. Johnson Chairman
Mary Ann Ester Vice Chairman
Chloe L. Wright III Secretary

ABSTRACT of REFERENDUM VOTES

Cast in LUNENBURG COUNTY, VIRGINIA at the 2016 November General Election held on November 08, 2016 for,

Proposed Constitutional Amendment Question 2

Shall the Constitution of Virginia be amended to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?

| QUESTION RESPONSE | TOTAL VOTES RECEIVED (IN FIGURES) |
|--|-----------------------------------|
| Total YES votes | 3982 |
| Total NO votes | 1281 |
| Total Number of Overvotes for Question | 0 |

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed referendum.

PASSED

Given under our hands this 9TH day of NOVEMBER, 2016

Annal J. Johnson Chairman
Mary Ann Ester Vice Chairman
Chloe L. Wright III Secretary

Administrator Gee provided her monthly report. She advised that Animal Control Officer Ray Elliott will be conducting a lock-in at the Animal Facility on Thanksgiving night. He calls the event "Ruff-N-It" and the purpose is to raise funds to help low-income families in Lunenburg County with spay/neuter assistance. His goal is \$12,000.

Administrator Gee commented that she found a vehicle for the Landfill Liaison position. It is a 2001 Ford Ranger located at Hood Brothers. The truck has 162,000 miles and she has negotiated a price of \$6,300, which is within the budgeted amount. Gee checked prices on similar vehicles and also checked local auto dealers and did not find a suitable vehicle for the purpose. She would like permission to proceed with purchase. The truck will have the County seal on each door and will stay at the Courthouse Complex when Carl is off-duty.

Supervisor Bacon made a motion, seconded by Supervisor Slayton and unanimously approved, to approve the purchase of a 2001 Ford Ranger located at Hood Brothers in the amount of \$6,300 for the Landfill Liaison position.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel, § 2.2-3711A7 Legal Consult and § 2.2-3711A29 Discussion of the Award of a Public Contract.

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

VOTING NO

ABSENT

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

Supervisor Hoover

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

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to authorize Administrator Gee to sign a contract not to exceed \$95,000 using Tobacco Commission funds for the purpose of construction of new bathrooms at the STEPS, Inc. facility located in Victoria.

Supervisor Pennington made a motion, seconded by Supervisor Slayton and unanimously approved, to authorize Administrator Gee to sign a contract not to exceed \$35,000 using Tobacco Commission funds for the purpose of installing backflow preventers on water lines at the STEPS, Inc. facility located in Victoria.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to adjourn.

Tracy M. Gee, Clerk
County Administrator

David E. Wingold, Sr., Chairman
Board of Supervisors