

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

Minutes of February 9, 2017 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, February 9, 2017 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Frank Bacon, Edward Pennington, T. Wayne Hoover, Charles R. Slayton, Alvester Edmonds, Robert Zava, County Administrator Tracy M. Gee, Deputy County Administrator Nicole Clark, and County Attorney Frank Rennie. Supervisor David E. Wingold was absent.

Chairman Slayton called the meeting to order.

Chairman Slayton informed all present of Supervisor David E. Wingold, Sr.'s untimely death earlier in the day. A candle and wreath were placed at David's seat in his memory.

County Attorney Rennie requested a moment of silence in memory of Supervisor Wingold then gave the invocation and led the pledge of allegiance.

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

Mr. Emory Hodges and Mr. Dicky Harris requested to be added as 11A regarding the Kenbridge Emergency Squad. Administrator Gee requested that Mr. Billy Johnson of Sugar Hill Road was added as 8A regarding school buses. Mr. Paul Jackson was added as 11A regarding Electrical Reconnect Building Permits. Mrs. Patricia Harper-Tunley of Unity Road, Kenbridge, was added as 12C regarding the Planning Commission.

Regarding Conflicts of Interest, Supervisor Hoover stated that he was a part-time employee of Kenbridge Emergency Squad, therefore having personal interest in the organization. However, he was able to participate in the matter fairly, objectively and in the public's best interest.

Supervisor Bacon made motion, seconded by Supervisor Pennington and unanimously approved, to adopt the following resolution for Gale B. Washburn Department of Forestry's Area Forester for Lunenburg County:

RESOLUTION

WHEREAS, Gale B. Washburn has served Lunenburg County as the Department of Forestry's Area Forester since June 1985; and

WHEREAS, Gale B. Washburn has dedicated over 30 years of her professional career to the citizens of Lunenburg County and their forestry needs; and

WHEREAS, Gale B. Washburn has served Lunenburg County and the Forestry Department with honor and dedication.

NOW, THEREFORE, BE IT RESOLVED, that the Lunenburg County Board of Supervisors does express its appreciation for Gale B. Washburn's service to Lunenburg County.

BE IT FURTHER RESOLVED, that the Lunenburg County Board of Supervisors does extend its best wishes to Gale B. Washburn for a happy and healthy retirement.

Adopted this 9th day of February 2017.

Supervisor Pennington made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the Minutes of the January 5, 2017 meeting, the Treasurer's December 2016 reports and the following Warrants for Approval:

January 2017: Payroll Direct Deposit: \$ 117,525.64

Payroll Taxes Federal:	\$ 39,830.75
Payroll Taxes State:	\$ 6,584.48
Payroll VRS payment:	\$ 27,485.47
Payroll ICMA-RC payment:	\$ 338.40
Debt Service School Bond wire payment:	\$ 74,170.06
Accounts Payable: #53714-53860	<u>\$ 457,964.85</u>

Total: \$ 723,899.65

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to enter public hearing regarding a Conditional Use Permit for Kevin W. Robins, t/a Modern Automotive, to operate a towing business.

Mr. Kevin W. Robins, t/a Modern Automotive, has applied for a Conditional Use Permit to operate a towing business and establish impound lot on property managed for the owner by realtor, Marshall Thackston consisting of 3.6 acres, 976 Patrick Henry Hwy., Keysville, VA 23947 Tax Map # 007 ((A))15 & 16.

Mr. Robins thanked the Board for their consideration of his permit application. He noted that he had made a lot of improvements and upgrades to the property. Chairman Slayton commented that the property looked very nice, however, he would need a fence to enclose the vehicles that would be housed on the property. Mr. Robins stated that he will be installing a 6-8 foot fence. Supervisor Pennington added that the Planning Commission recommended approval of the CUP.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to exit public hearing regarding a Conditional Use Permit for Kevin W. Robins, t/a Modern Automotive, to operate a towing business.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to approve the Conditional Use Permit for Kevin W. Robins, t/a Modern Automotive, to operate a towing business.

School Superintendent Charles M. Berkley, provided the monthly School Board report. He advised that the 100th day of school was recently held. He noted that enrollment was still up and spring sports would begin soon. He announced that the Forensic Team won 1st place in the district. He requested that the Board of Supervisors join the School Board for a joint meeting on March 30th. Dinner will be held at 6:00 p.m. and the meeting at 7:00 p.m. Supervisor Hoover commented that the Finance Committee, Superintendent Berkley and Assistant Superintendent James Abernathy held a finance meeting earlier in the day to review finances thus far in the fiscal year. Supervisor Hoover added that it was a productive meeting.

Mr. Billy Johnson of Sugar Hill Road, Kenbridge, approached the Board to discuss seatbelts on school buses. He commented that he believes seatbelts should be installed on all school buses to enhance safety for the children. He has taken his request to the School Board and hopes Lunenburg will be the first in the area to install seatbelts. He noted that a study conducted in 2010 resulted in school buses being the safest vehicles on the road. However, in his opinion, that only applies to the bus driver, as they have a seatbelt, but the students do not. Mr. Johnson advised that several states now require school buses to have seatbelt for students. He asked the Board to consider his request and thanked them for their time.

Chairman Slayton commented that he heard a requirement to have seatbelts on all buses was scheduled to be effective in 2020. Superintendent Berkley replied that he was not aware of that requirement; however, there is a study ongoing in North Carolina at this time. He believes the cost to install seatbelts is around \$9,000-\$10,000 per bus.

Mr. Billy Smith of VDOT presented the monthly report. Mr. Smith reminded the Board that the County has built up approximately \$90,000 in safety and operational improvement funds which must be spent before July. He suggested that those funds be used on Route 635. Mr. Smith advised that there are several places where transfer trucks have broken the road and shoulders. He would like to see those repaired and possibly widening of the road. Mr. Smith would like to hold a work-session on the Secondary Six-Year Plan at the March meeting.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to adopt the below resolution designating Twin Cemetery Road (State Route 1009), from Route 40, K-V Road to Route 734, Mecklenburg Street as a Rural Rustic Road.

RESOLUTION

WHEREAS, Section 33.1-70.1 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vehicles per day (vpd); and

WHEREAS, the Lunenburg County Board of Supervisors request that Twin Cemetery Road (State Route 1009), from Route 40, K-V Road to Route 734, Mecklenburg Street be designated a Rural Rustic Road; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

NOW, THEREFORE, BE IT RESOLVED, that the Lunenburg County Board of Supervisors hereby designates this road a Rural Rustic Road and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, that the Lunenburg County Board of Supervisors requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Residency Administrator for the Virginia Department of Transportation.

Certification

I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of the County of Lunenburg, Virginia at a regular board meeting in Lunenburg County, Virginia, at which a quorum was present and that same was passed by a vote of 6 in favor and 0 opposed, this 9th day of February 2017.

Administrator Gee shared an invoice in the amount of \$3,500 from Millennium Engineering for an Intermodulation Study on the Rehoboth Road and Mill Pond Road cell towers. She advised that after discussion with the cell tower consultants and further review of the agreement, the County is responsible for the cost of the study due to the language of the agreement.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to approve an invoice in the amount of \$3,500 from Millennium Engineering for an Intermodulation Study on the Rehoboth and Mill Pond cell towers.

Administrator Gee requested approval of the following resolution required by the USDA for the Sheriff's \$50,000 grant for vehicles and equipment that the Board approved in September:

RESOLUTION OF GOVERNING BODY OF
Lunenburg County

The governing body of the County of Lunenburg, consisting of seven Board of Supervisors members, in a duly called meeting held on the 9th day of February 2017 at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the development of a USDA public safety vehicle grant to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator of the County of Lunenburg be authorized to execute on behalf of the Lunenburg County Board of Supervisors the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

Charles R. Slayton
Lunenburg County Board of Supervisors, Chairman
Charles R. Slayton

Attest:
Tracy M. Gee By Tracy M. Gee, County Administrator

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Board of Supervisors of the County of Lunenburg in a duly assembled meeting on the 9th day of February, 2017.
Michelle A. Clark
Secretary/Clerk

VA PN No. 181 (Rev. 05-11-04)

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to approve resolution required by the USDA for the Sheriff's \$50,000 grant.

Administrator Gee advised that due to the saving in the Debt Service fund from December's bond refinancing, she is requesting the Board authorize a transfer of \$60,000 of the FY2017 unspent Debt Service fund to the General fund for expense under capital improvement to engage Caruso's Painting to paint the Courthouse facility.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to authorize a transfer of \$60,000 of the FY2017 unspent Debt Service fund to the General fund for expense under capital improvement.

Supervisor Hoover began discussion regarding Kenbridge Emergency Squad (KES) and the meetings of the Strategic Planning Committee for the disposition of KES. The County is required to designate an emergency response agency as a part of the County's Emergency Response Plan. Currently, KES is designated to the area that includes the Town of Kenbridge and the southern region of the County. Mr. Rodney Newton, KES Administrator, recently gave notice that he must step down as administrator of KES effective February 28th due to other responsibilities. Mr. Newton advised that he is concerned about staffing, budget, and failure of KES to make calls. Mr. Newton researched the cost for paid providers, but the cost proved to be too expensive. The suggestion was made by the Committee for Kenbridge Fire Department (KFD) to consider a merger with KES. KFD would need to apply for an EMS license and insurance provider licensing, then KFD could manage the EMS for the Kenbridge service area. After several meetings with the parties of interest, KES, which is an independent organization, requested to merge with Victoria Fire and Rescue instead of Kenbridge Fire Department. Supervisor Hoover explained that although the County determines the emergency response agency, KES is in charge of its own assets and may choose which agency to reallocate them to. They would continue to operate in the same building in the Town of Kenbridge; however, they would have to operate under the Victoria Fire and Rescue name.

KFD Chief Dicky Harris spoke before the Board in favor of KES merging with KFD instead of Victoria Fire and Rescue. KFD member and Kenbridge Mayor Emory Hodges also spoke in favor of a merger with KFD. They would both like to see the squad and assets stay in the Town of Kenbridge.

Supervisor Hoover reiterated that KES is an independent organization and is in control of its own assets. KES has refused to transfer those assets to KFD. The Board's responsibility is to determine who will be responsible for responding to emergency calls in the coverage area. Administrator Gee noted that KFD must go through the process of obtaining a license to respond to medical emergencies and it will take time for this process. Supervisor Hoover added that the County and Town would need to allocate additional funds to support KFD with the purchase of emergency equipment or hire an outside service provider to cover the area. Both of these options would be costly.

Victoria Fire and Rescue Chief Rodney Newton stated that he would assist in which ever option the Board chose as emergency services were needed for the citizens of the community. He suggested that the Board consider tabling the issue until the March Board meeting, in hopes that a determination could be made at that time. Supervisor Hoover suggested the Board hold a joint meeting with the members of KES the following week.

Supervisor Zava made a motion, seconded by Supervisor Pennington and unanimously approved, to table the designation of an emergency response agency as a part of the County's Emergency Plan in the Kenbridge and Southern portion of the County until the joint meeting the following week on February 16th.

Mr. Paul Jackson spoke regarding Electrical Reconnect Permits and extending the length of time requiring a permit for a residence without power. He would like to see the time be extended to 6 months or 1 year. Mr. Jackson stated that the current 60 days is too short of a time frame for his rental business.

Administrator Gee advised that this topic was discussed at length in mid-2015, at which time the Building Inspector recommended extending the time frame from 30 days to 60 days. He suggested not exceeding 60 days for safety purposes and protection of the renter and the home owner. Supervisor Bacon stated that the Board made their decision based on the recommendation of the Building Official.

The Lunenburg County Public Library System Board of Trustees requested the Board approve the replacement of two new Board members. They would like to nominate Mr. Bernard Barker of Victoria to replace Mr. Claude Otey and Mr. Gary Chamberlain of Kenbridge to replace Dorothee Maxie.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to appoint Mr. Bernard Barker of Victoria and Mr. Gary Chamberlain of Kenbridge to the Lunenburg County Public Library System Board of Trustees.

Administrator Gee advised that Mr. Gene Hart is retiring from the Planning Commission and Supervisor Hoover would like to nominate Mr. James A. Dayton of Victoria to fill the unexpired four-year term ending 12/31/2017.

Supervisor Hoover made a motion, seconded by Supervisor Bacon and unanimously approved, to appoint Mr. James A. Dayton of Victoria to fill the unexpired four-year term for the Plymouth District #1 ending 12/31/2017 on the Planning Commission.

Mrs. Patricia Harper-Tunley of Unity Road, Kenbridge thanked the Board for allowing her to voice her concerns about the proposed convenience center on Oral Oaks Road at previous Board meetings. She thanked Mrs. Hawthorne and Mrs. Gee for responding to her list of questions. She appreciates the Board listening to the concerns of the nearby citizens and not placing the convenience center at that location.

The Community Development report was provided. Administrator Gee noted that the cell tower on Mill Pond Road is up and the antenna will be attached within a month. The tower should be operational within a month.

The Landfill Liaison report was provided. Administrator Gee shared a Public Notice from the U.S. Army Corps of Engineers regarding Container First Service's request to add five new landfill cells and the creation of a new stormwater

management pond to treat runoff from the site. The primary purpose for the proposed expansion is to maximize the use of the remaining landfill property for disposal cells.

Administrator Gee provided her monthly report. She asked the Board if they would be interested in changing the format of Student Government Day, perhaps having the student shadowing and Board meeting on the same day. Administrator Gee advised that a vacancy remains on the Board of Zoning Appeals. She needs a nomination from either the Plymouth district #1 or Brown's Store #2. She also needs a representative on the Social Services Advisory Board from the Plymouth and Hounds Creek Districts. Mrs. Patricia Harper-Tunley will be representing two districts on the Social Services Advisory Board, as she lives in the Beaver Creek District, but was appointed by Supervisor Pennington to serve the Love's Mill District.

Supervisor Bacon made a motion, seconded by Supervisor Hoover and unanimously approved, to enter Closed Session citing Virginia Code Section §2.2-3711A1 Personnel and § 2.2-3711A7 Legal Consult.

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 Zava

VOTING NO

ABSENT

Supervisor Wingold

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 Pennington and unanimously approved, to authorize County Attorney Rennie and Administrator Gee to request a special election for the vacant seat in the Brown's Store District.

Supervisor Bacon made a motion, seconded by Supervisor Hoover and unanimously approved, to appoint Mr. Henry Jones as Assistant County Attorney under the direction of County Attorney Rennie.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to continue to Thursday, February 16, 2017 at 7:00 p.m. at the Kenbridge Emergency Squad building.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors