

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

Minutes of November 9, 2023 Meeting

The regularly-scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, November 9, 2023 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Frank Bacon, Alvester Edmonds, Mike Hankins, T. Wayne Hoover, Edward Pennington, Charles R. Slayton, Robert Zava, County Administrator Tracy M. Gee, Deputy Administrator Nicole A. Clark, and County Attorney Frank Rennie.

Chairman Slayton called the meeting to order.

Supervisor Zava provided 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 the following items be added: Redistricting Boundary Line Adjustments Agreement as 12A. Chairman Slayton added a pressure washer for the Animal Control Department as 8Ei.

Chairman Slayton called for conflicts of interest from any Board members. There were none.

Supervisor Hankins made motion, seconded by Supervisor Pennington and unanimously approved, to accept the Consent Agenda to include the October 12th, 2023 meeting minutes, the July 2023 Treasurer's Collection Reports and the following Warrants for Approval:

October 2023:

Payroll: Direct Deposit	\$ 181,082.46
Payroll Check #2027	\$ 992.91
Payroll Taxes Federal:	\$ 59,270.31
Payroll Taxes State:	\$ 10,870.38
ACH Payments:	\$ 45,817.71
Accounts Payable: #83725-858	\$ <u>799,574.87</u>
Total:	\$1,097,608.64

Supervisor Hankins made motion, seconded by Supervisor Edmonds and unanimously approved, to enter public hearing regarding the proposed Section 73-3 Vehicle Exhaust/Excessive Noise Ordinance.

Supervisor Hoover shared that he requested the ordinance. Supervisor Hoover shared that he understands that his district consists primarily of a township and therefore excessive vehicle noise may impact his constituents more as exhaust noise can be very loud and disturbing when the exhaust has been removed. He would appreciate the Board's support in implementing the proposed ordinance. Supervisor Pennington agreed that he also gets a lot of complaints about loud vehicles. There was no public comment.

Supervisor Bacon made motion, seconded by Supervisor Edmonds and unanimously approved, to exit public hearing regarding the proposed Section 73-3 Vehicle Exhaust/Excessive Noise Ordinance.

Sec. 73-3. – Vehicle exhaust/excessive noise

- (a) Definitions. For purposes of this section, the following words and phrases have the meanings ascribed to them:

Exhaust system means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Superintendent means the Superintendent of the Department of State Police of the Commonwealth.

- (b) No person may drive and no owner of a vehicle may permit or allow the operation of any vehicle on a highway or road in Lunenburg County unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise, provided, however, that for motor vehicles, such exhaust system must be of a type installed as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.
- (c) Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes or any person driving such vehicle is in violation of this section.
- (d) It is unlawful to sell or offer for sale any (i) muffler without interior baffle plates or other effective muffling device, or (ii) gutted muffler, muffler cutout, or straight exhaust. It is unlawful for any person to operate on the highways or roads in the county a motor vehicle, motorcycle, moped, or motorized skateboard or foot-scooter equipped with a gutted muffler, muffler cutout, or straight exhaust.
- (e) The provisions of this section do not apply to (i) any antique motor vehicle licensed pursuant to Code of Virginia, §46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.
- (f) Any person violating this section shall be guilty of a class 4 misdemeanor.

Cross reference – Noise regulations, Virginia Code § 10-67 et seq.

State law reference – Mufflers, Code of Virginia, §§ 15.2-919, 46.2-1050

Supervisor Hoover made motion, seconded by Supervisor Hankins and unanimously approved, to approve the proposed Section 73-3 Vehicle Exhaust/Excessive Noise Ordinance as presented and forward a copy to the local police in the two towns, the Sheriff's Office and the State police.

Mrs. Jamyce Watson, Director of Finance for Lunenburg Schools, provided the financial report for September 2023. She advised that they are now four months into the fiscal year and the Average Daily Membership is currently 1,485. Mrs. Watson noted that the school system will be submitting a revised budget to the Board at the December meeting based on the new ADM. Supervisor Hoover thanked Mrs. Watson for taking the effort to adjust the budget for the actual ADM. Administrator Gee commented that the school system's VRS contribution rate dropped by about two percent for the upcoming biennium and will reflect cost savings in their next budget.

Mr. Kevin Smith of VDOT provided the monthly report. He advised that mowing by tractor had been completed on primary and secondary roads. He noted that they will soon complete cutting limbs and litter pick-up would begin in the coming weeks. He commented that crews were preparing for the upcoming winter season. Mr. Smith shared that Lanco Paving would be finishing up the Hardy Road project very soon.

Director of Planning and Economic Development Taylor King's monthly report was provided. In Mrs. King's absence, Administrator Gee noted that the office had recently received notice from RiverStreet Networks that they will be starting work in Lunenburg. They have requested that the County participate in a lease with them at the Owl Creek Convenience Site. She noted that the area would be outside of the County's fence and not in the VDOT right-of-way. RiverStreet would like to use a twenty-foot by twenty-foot area to store equipment. She added that more information would be available at the December meeting.

Administrator Gee provided an update on the District Court bathroom project that would give employees a safe option for facility use on court days. She stated that she requested a bid from Kenbridge Construction to compare to the bid from ABM and the two bids were comparable at approximately \$95,000. She added that District Court Judge Spencer is not in favor of using such taxpayers' funds to construct a bathroom for staff, however, Administrator Gee advised that it is possible the project could be funded with ARPA funds.

Administrator Gee advised that she had been notified by the Department of Motor Vehicles that the County is due \$105.00 from the Dog and Cat Sterilization Fund. The funds come from motorists who choose to purchase special license plates. Administrator Gee added that the County must certify to use the money to support sterilization of dogs and cats. She noted that in the past the funds have been forwarded directly to Southside SPCA. Administrator Gee shared that the state had also forwarded \$4.75 from a resident's state tax return to be used for dog and cat sterilization. She suggested that going forward the Board consider designating these funds directly to Southside SPCA for as long as they are in operation or the Board decides otherwise.

Supervisor Hoover made motion, seconded by Supervisor Hankins, and unanimously approved, to accept and forward \$105.00 from DMV and \$4.75 from the state to the Southside SPCA for the purpose of dog and cat sterilization and to forward such funds each year to Southside SPCA for as long as they are in operation or the Board decides otherwise.

Chairman Slayton shared that he had spoken with Animal Control Officer Ray Elliott and the Lunenburg Animal Shelter has a need for a pressure washer to aid in cleaning the facility. Supervisor Hoover commented that Officer Elliott does a lot to raise awareness and funds for his department. Supervisor Hoover agreed that the County should fund the request for a pressure washer. He added that he would like to see a hot-water pressure washer purchased. Administrator Gee suggested that capital improvement funds could be used.

Supervisor Bacon made motion, seconded by Supervisor Edmonds, and unanimously approved, to approve the purchase of a hot-water pressure washer, using capital improvement funds, for the Animal Shelter.

Administrator Gee shared a request from Circuit Court Clerk Gordon Erby, stating that his office had been awarded a total of \$110,726 in Technology Trust Funds from the Compensation Board for backscanning, secure remote access, redaction, and maintenance. She requested that the Board accept and appropriate the funds.

Supervisor Bacon made motion, seconded by Supervisor Edmonds, and unanimously approved, to accept and appropriate a total of \$110,726 in Technology Trust Funds in the appropriate categories from the Compensation Board for the Circuit Court Clerk's Office.

Supervisor Hoover shared that the Finance Committee met with ABM regarding their proposal for the updates at the Courthouse Complex. He noted that they identified three items for consideration, the District Court Clerk's Office bathroom, the slate roof on the old courthouse building, and the lighting in the new courthouse building. He advised that the Finance Committee suggested the roofing project be placed out for additional bids in order to get comparative costs. These two projects will require the use of local funds. He advised that ARPA funds could be used for the District Court Clerk's Office bathroom project. The Finance Committee would like to bring this project before the Board for possible approval at the December meeting.

Mr. Preston Willson, President and CEO of Holiday Lake 4-H Educational Center, Inc., spoke before the Board requesting support in the amount of \$10,000 for the upkeep of the original 4-H Camp buildings. He advised that the funds will be added to a special endowment fund whereby the earnings of the original investment would be used for the upkeep of the buildings. Additionally, one of the cabins will be named as adopted by Lunenburg County. Thirteen counties have committed to adopting a cabin thus far and there are two remaining cabins available. Administrator Gee shared that the organization is offering a payment plan that allows localities to contribute the \$10,000 over a five-year period, or \$2,000 each year. She added that the request will be reviewed during the upcoming budgeting process.

Administrator Gee provided her monthly report. She advised that paving at the airport was complete. Also, the additional trees in the easement have been removed from the King property. She shared that the posting for the Registrar position had been advertised and would be closing the following week. The Electoral Board will conduct interviews shortly after. Administrator Gee said that the new radio system would go live in the next week, with the school system delaying their cutover until the holiday break. She reminded the Board that FOIA training would be held at the CRC office on November 17th. All supervisors must complete training by the end of the year. Administrator Gee commented that Mr. Malcolm Bailey had completed his survey at the county owned property he is purchasing at the animal shelter. The survey found that the property contains fifteen less acres than originally deeded from 151 down to 136. He has requested to purchase the property at a price of \$3,311.26 per acre.

Supervisor Bacon made motion, seconded by Supervisor Edmonds, and unanimously approved, to allow the sale of a portion of Tax Map Number 045-((0A))-0-34 to Mr. Malcolm Bailey at a cost of \$3,311.26 per acre for a total sale price of \$450,331.26.

Supervisor Hoover commented that he would like to revisit the request from Mr. Preston Willson, President and CEO of Holiday Lake 4-H Educational Center, Inc., regarding support in the amount of \$10,000 for the upkeep of the original 4-H Camp buildings. He stated that he would like to see solar funds used to fund the request now, versus waiting until the budget planning process in the spring.

Supervisor Hoover made motion, seconded by Supervisor Pennington, and unanimously approved, to approve the use of \$10,000 in solar funds to support the upkeep of the original 4-H Camp buildings at the Holiday Lake 4-H Educational Center and Camp and sponsor a cabin.

County Attorney Rennie shared a proposed ordinance regarding the reimbursement of expenses incurred in responding to DUI/Impaired Driving and other traffic accidents and incidents, and in issuing certain arrest warrants and summonses. He advised that implementing the proposed ordinance would enable the court to assign fines and restoration expenses that would come back to the County to offset costs. He noted that the ordinance includes a suggested amount; however, the dollar amount is secondary to the recognition that will come to the law enforcement agencies and emergency services that respond to such incidents. County Attorney Rennie suggested that per the pleasure of the Board, a public hearing would be needed before approving the ordinance.

Supervisor Bacon made motion, seconded by Supervisor Hoover, and unanimously approved, to advertise for public hearing regarding the proposed County Code Section 73-4 Reimbursement of expenses incurred in responding to DUI/Impaired Driving and other traffic accidents and incidents, and in issuing certain arrest warrants and summonses.

County Attorney Rennie reminded the Board of the redistricting boundary line issue with Charlotte County, where inaccurate property lines were recorded in the past. He advised that fifty-four properties had been identified. He and the Charlotte County Attorney have crafted an agreement for the two counties that detail the steps that will be taken and an example letter that will go out to property owners explaining the process. County Attorney Rennie noted that the cost for the Charlotte County Attorney's Office to complete the process and recording each updated deed would be \$400 per parcel. The agreement suggested that the cost would be split, with each county paying equal parts. County Attorney Rennie recommended the Board authorize the Chairman to sign the agreement. He plans to meet with the Charlotte County Attorney the coming week to finalize the document.

Supervisor Bacon made motion, seconded by Supervisor Edmonds, and unanimously approved, to authorize the Chairman to sign the agreement with Charlotte County regarding the redistricting boundary line issue and allowing the Charlotte County Attorney's Office to complete the process and record each deed at a cost of \$400 per parcel, to be split in equal parts by both counties.

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

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors