

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

Minutes of July 11, 2019 Meeting

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, June 13, 2019 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Edward Pennington, Frank Bacon, Charles R. Slayton, Mike Hankins, T. Wanye Hoover, Alvester Edmonds, Robert Zava, Deputy County Administrator Nicole Clark, Executive Assistant Gail Gregoric and County Attorney Frank Rennie. County Administrator Tracy M. Gee was absent.

Chairman Slayton called the meeting to order.

Chairman Slayton requested that County Attorney Rennie provide the invocation and led the pledge of allegiance.

Chairman Slayton requested additions to the agenda from the Board and the public. County Attorney Rennie requested that the Kinex Telecom Agreement be added as 16A and Conditional Use Permit Fee be added as 16B. Deputy Administrator Clark requested that Victoria Fire and Rescue Capital Expense be added as 11A.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and unanimously approved, to approve the below Resolution of Achievement for Eagle Scout Brandon Allard.

***WHEREAS, Brandon L. Allard** achieved the highest honor in scouting on April 4, 2019 and advanced to the rank of Eagle Scout; and*

***WHEREAS, Brandon L. Allard** improved and renovated various areas of need to the building and grounds of the Victoria Presbyterian Church as his Eagle Scout Project; and*

***WHEREAS, Brandon L. Allard's** primary focus of the project was replacement of old fencing; and*

***WHEREAS,** in addition to the Eagle Scout Project, **Brandon L. Allard** has earned 32 merit badges during his scout career; and*

***NOW, THEREFORE, BE IT RESOLVED,** that the Lunenburg County Board of Supervisors recognizes the accomplishments and determination of **Brandon L. Allard** in advancing to the rank of Eagle Scout at his Eagle Scout Court of Honor on July 12, 2019.*

***BE IT FURTHER RESOLVED,** the Lunenburg County Board of Supervisors congratulates **Brandon L. Allard** on his achievement and offer best wishes for his future endeavors.*

Supervisor Hankins made motion, seconded by Supervisor Edmonds and unanimously approved, to accept the Consent Agenda to include the Minutes of the June 6, 13 and 27, 2019 meeting, the Treasurer's May 2019 reports and the following Warrants for Approval:

June 2019:	Payroll Direct Deposit:	\$ 130,411.18
	Payroll Taxes Federal:	\$ 40,394.94
	Payroll Taxes State:	\$ 7,388.35
	Payroll VRS payment:	\$ 26,003.58
	Payroll ICMA-RC payment:	\$ 341.58
	Payroll Health Savings Deposits:	\$ 5,759.75
	Accounts Payable: #57683-57820	<u>\$ 438,706.02</u>
	Total:	\$ 649,005.40

Mr. Tommy Johnson of VDOT presented the monthly report. He advised that mowing along primary and secondary roads has been completed. Crews will begin applying tar and gravel to roads with in the county. Mr. Johnson advised that projects on Battes Road and St. Johns Church Road should be completed within 60 days.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to accept the Abstract of Votes from the 2019 June Republican Primary Election.

ABSTRACT of VOTES

Cast in LUNENBURG COUNTY, VIRGINIA
at the 2019 June Republican Primary Election held on June 11, 2019 for,

Member Senate of Virginia

District: 015

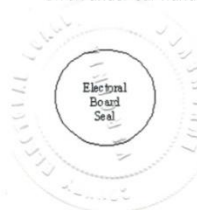
NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Frank M. Ruff Jr.	631
Dale L. Sturdiven	221

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 11, 2019, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member Senate of Virginia.

Given under our hands this 14th day of June, 2019

 Donna Valaguen, Chairman
Mary Ann Estes, Vice Chairman
Chores A. Wright III, Secretary
Chores A. Wright III, Secretary, Electoral Board

Deputy Administrator Clark stated that two bids were received for the Gary Road Convenience Site construction project. JW Tharpe Construction LLC of Drakes Branch submitted a base bid of \$124,750. E. F. Brown Construction of Kenbridge submitted a base bid of \$115,200. E.F. Brown Construction's unit prices for additional work as needed was quoted higher than JW Tharpe Construction LLC, however, Deputy Administrator Clark advised that per Building Official Jamie Tuck any additional work costs would not exceed the base bid of JW Tharpe Construction LLC. She added that the cost of compactors and a building for the site were not included in the bid. Supervisor Edmonds questioned if the cost of fencing was included in the bid. Deputy Administrator Clark verified with Building Official Tuck that the cost of fencing was included in the bid. Supervisor Zava commented that the bids were in line with those for previous convenience sites.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to accept the bid from E.F Brown Construction in the amount of \$115,200 with unit prices for additional work as needed.

Deputy Administrator Clark stated that the County received Notice of Award for Grants for FY20 for the School Resource Officer and Victim Witness Program. She noted that the Victim Witness Grant amount is already in the adopted budget and Administrator Gee has signed the acceptance notice. Per Administrator

Gee's notes, the School Resource Officer grant revenue is not in the adopted budget for the full fiscal year. The budgeted staff expense was based on the prior grant that had not yet expired. The Department of Criminal Justice Services changed the grant period for the application to the fiscal year, whereas the prior agreement time frame was October 1, 2018 to September 30, 2019. Administrator Gee requested that the Board vote to accept and appropriate the revenue from the grant for DCJS in the amount of \$42,234 of state funds and \$14,266 in local match.


Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to accept and appropriate the revenue from the grant for DCJS in the amount of \$42,234 of state funds.

Deputy Administrator Clark advised that Administrator Gee received a letter from Southern Dominion Health System, Inc requesting a letter of support to accompany their grant application for the 2020 Competitive Continuation Funding. This funding allows them to offer a sliding fee discount program, discounted medication assistance program and many other helpful programs.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to send a letter of support to accompany Southern Dominion Health System, Inc's grant application for the 2020 Competitive Continuation Funding.

Mr. Rodney Newton explained that the CRC had assisted the county with development of a local Debris Management Plan which outlines roles and responsibilities in response to such an event in which the county may request FEMA funding to help with related debris removal. Mr. Newton requested the Board approve the below resolution adopting the Lunenburg County Debris Management Plan.

Supervisor Hoover made a motion, seconded by Supervisor Bacon and unanimously approved, to approve the below resolution adopting the Lunenburg County Debris Management Plan.

BOARD OF SUPERVISORS Charles R. Slayton, CHAIRMAN Election District 4 Frank W. Bacon, VICE-CHAIRMAN Election District 3 T. Wayne Hoover Election District 1 Mike Harkins Election District 2 Edward Pennington Election District 5 Alvester L. Edmonds Election District 6 Robert G. Zava Election District 7		Lunenburg County Administration 11413 Courthouse Road Lunenburg, VA 22952 Tracy M. Gee County Administrator Telephone: (434) 696-2142 Facsimile: (434) 696-1798
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RESOLUTION TO ADOPT LUNENBURG COUNTY DEBRIS MANAGEMENT PLAN

WHEREAS, Lunenburg County is vulnerable to an array of natural and man-made hazards that can cause loss of life and damage to public and private property; and

WHEREAS, the County maintains an Emergency Operations Plan (EOP), which establishes responsibilities for each County agency and sets forth lines of authority and organizational relationships that are essential for the protection of the public; and

WHEREAS, the County realizes that there may be an event that exceeds the capacity of its personnel and resources to properly respond; and

WHEREAS, the Commonwealth Regional Council (CRC) has assisted Lunenburg County with the development of a local Debris Management Plan that outlines roles and responsibilities in the response to such an event; and

WHEREAS, the CRC consulted with staff from Lunenburg County and other local, state and federal agencies, including the Virginia Department of Emergency Management (VDEM) and Federal Emergency Management Agency (FEMA), in the development of this Plan; and

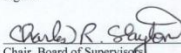

WHEREAS, this Plan supports the County's EOP; and

WHEREAS, having a FEMA-approved Debris Management Plan is required for the County to qualify for FEMA funds to help with debris removal related to such an event; and

WHEREAS, VDEM and FEMA have reviewed this Plan, and FEMA has advised that local adoption is required before they can give final approval of the Plan.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors for Lunenburg County hereby adopts the Lunenburg County Debris Management Plan, and agrees to take actions as outlined in the Plan in response to an event that would necessitate a request for FEMA funding to help with related debris removal.

Adopted on July 11th 2019

Signed _____ Attest _____
 
Chair, Board of Supervisors County Administrator

Mr. Newton shared a request to use \$13,959.38 from the Victoria Fire and Rescue capital funds line item in the county budget as the required 75% down payment to Xtreme Signs and Graphics, LLC for the replacement

of the electronic signs in front of Station 2 in Victoria. Mr. Newton added that the signs have been a huge asset to the department and the community since installation in 2003, however, they are in desperate need of replacing.

Supervisor Hoover made a motion, seconded by Supervisor Bacon and unanimously approved, to use \$13,959.38 from Victoria Fire and Rescue capital funds line item in the county budget as the required 75% down payment to Xtreme Signs and Graphics, LLC for the replacement of the electronic signs in front of Station 2 in Victoria.

Mr. Glenn Millican, County Planner presented his monthly report. He advised that he had implemented a meeting with staff from the Tobacco Commission, Lunenburg and Brunswick produce growers and the Commonwealth Regional Council to develop a Tobacco Commission grant proposal to assist organic growers in conversion of tobacco production to organic produce operations. He shared a packet of information regarding an upcoming conservation easement application for Mr. Curtis Bragg and 416 acres located just outside of the Town of Victoria. Mr. Millican added that the Planning Commission would review the application in August. If accepted, he will notify the Board at the September meeting.

Deputy Administrator Clark noted that Administrator Gee had provided information regarding new by-laws for Virginia's Crossroads, previously known as Virginia's Retreat, the regional tourism organization. The organization hopes a slightly modified mission and purpose will allow for the IRS to recognize it as a 501(c)3 status which will allow for tax deductible contributions. The new organization will continue to be a stand-alone organization with the member counties each appointing a representative and would be governed pursuant to the terms of the By-laws and Articles of Incorporation. Administrator Gee recommended adoption of the by-laws for the advancement of the organization to assist in regional tourism efforts.

Supervisor Bacon made a motion, seconded by Supervisor Pennington and unanimously approved, to allow for the adoption of the by-laws for the newly formed organization Virginia's Crossroads.

Deputy Administrator Clark stated that the Department of Aviation had accepted Administrator Gee's request on behalf of the County to purchase a new mower for the Lunenburg County Airport at 50 percent reimbursement. DOAV requires a certified agreement for a ten-year period. It was requested that the Board authorize the purchase and allow the County Attorney and Chairman to certify the grant agreement.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to authorize the purchase of a new mower for the Lunenburg County Airport at 50 percent reimbursement and allow the County Attorney and Chairman to certify the grant agreement.

A letter was shared with the Board from Director Mark K. Flynn of the Department of Aviation. Airport Manager Leroy Baker was selected to receive the Virginia Aviation Director's Award 2019. Mr. Baker will be honored at the DOAV meeting in Roanoke on August 14th. Administrator Gee is in the process of making plans for Mr. Baker and her to attend.

Supervisor Pennington has been representing Lunenburg on the STEPS Board of Directors since their designation as the Community Action Agency. The current three year term will expire on June 30th; however, Supervisor Pennington is eligible for reappointment of another three year term.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to reappoint Supervisor Pennington to the STEPS Board of Directors for a term beginning July 01, 2019 through June 30, 2022.

The Community Policy and Management Team (CPMT) accepted the nomination of foster parent Linda Blake of Kenbridge as the Parent Representative to the CPMT roster. Administrator Gee recommended the Board vote to add Mrs. Blake to the roster.

Supervisor Pennington made a motion, seconded by Supervisor Hankins and unanimously approved, to add foster parent Linda Blake of Kenbridge as the Parent Representative to the CPMT roster.

Piedmont Senior Resources CEO Justine Young notified Administrator Gee that Mrs. Dorothy Newcomb's second term on the PSR Board will be expiring October 11, 2019 and she will not be eligible for another term. Ms. Young explained that Lunenburg may have two Board members. She continued that many localities also appoint a member of the Board of Supervisors. Supervisor Mike Hankins volunteered to serve on the PSR Board.

Supervisor Hoover made a motion, seconded by Supervisor Edmonds and unanimously approved, to appoint Supervisor Hankins to the PSR Board for a term beginning July 11, 2019 through July 11, 2022.

A copy of the Social Services Advisory Board membership was shared with the Board. There is a minimum requirement of five members and they are currently one shy, with four vacant seats. Also two of the four remaining members will end their last term in December 2019 which includes the District 7 member and the Board of Supervisors representative.

County Attorney Rennie advised that the recent Conditional Use Permit application for a Verizon Cell Tower in the Love's Mill area had been tabled as the fees are being disputed. He stated that no action would be taken until the fees are paid. Supervisor Bacon inquired as to the amount of the fees. County Attorney Rennie replied that there is an \$8,500 escrow deposit used for consulting fees that must be paid by Verizon and a \$2,000 building permit fee.

County Attorney Rennie presented a contract for the Last-Mile Broadband Private-Public Partnership between Kinex Telecom, Inc. and Lunenburg County to utilize grant funding from the Tobacco Commission to complete construction of broadband infrastructure. He noted that he had reviewed the agreement and no financial commitment was required.

Supervisor Hoover made a motion, seconded by Supervisor Pennington and unanimously approved, to approve the contract for the Last-Mile Broadband Private-Public Partnership between Kinex Telecom, Inc. and Lunenburg County to utilize grant funding from the Tobacco Commission to complete construction of broadband infrastructure and allow the Chairman to sign the contract.

County Attorney Rennie reminded the Board that they requested he compose a letter to be forwarded to the Virginia Compensation Board regarding the Board's displeasure with the unfunded state mandate requiring partial funding of an Assistant Commonwealth Attorney position. He shared the following letter with the Board:

BOARD OF SUPERVISORS

Charles R. Slayton, CHAIRMAN
Election District 4
Frank W. Bacon, VICE-CHAIRMAN
Election District 3
T. Wayne Hoover
Election District 1
Mike Hankins
Election District 2
Edward Pennington
Election District 5
Alvester L. Edmonds
Election District 6
Robert G. Zava
Election District 7



Lunenburg County Administration
11413 Courthouse Road
Lunenburg, VA 23852

Tracy M. Gee
County Administrator

Telephone: (434) 696-2142
Facsimile: (434) 696-1798

July 11, 2019

Commonwealth of Virginia Compensation Board
P.O. Box 710
Richmond, Virginia 23218-0710

Re: Assistant Commonwealth Attorney's Position

Dear Commonwealth of Virginia Compensation Board Members:

It is with deep concern that we inform you that Lunenburg County adopted the requirements of Item 70 #2c in the 2019 State Budget Bill (HB1700) requiring the County to create an assistant Commonwealth Attorney's position to review body camera footage. The Board's reluctance in passing this measure was not because the Commonwealth Attorney is undeserving of the supplement, but it is because of the manner in which this requirement was thrust upon Lunenburg by the state.

On June 4, 2019, the Lunenburg Commonwealth's Attorney received an email from the Compensation Board which was forwarded to the County Administrator informing the county that we had to create and fund this position prior to July 1, 2019. After some frantic phone calls to get background information on this issue, the matter was inserted onto the supervisors agenda for its meeting on June 13, 2019. To say the supervisors were surprised and aghast at this directive is an understatement. The County budget had been proposed and adopted in June after months of hard work and public input, along with penny pinching measures in every department to make the budget balance. Had this been any other request, the supervisors would have ignored the request and placed it in line with other FY20 requests.

At the advice of counsel, the supervisors did not ignore the mandate but chose to study it in a hastily organized working group. What the group found were similar stories from across the Commonwealth:

- A local county which does not need the extra assistance in the Commonwealth Attorney's office. The Commonwealth's Attorney, in order to comply with

the legislation, will create the Assistant's position, but not fill the position. In effect, he is working around this requirement by not filling the position.

- A local county which adopted the legislation and funded a new assistant Commonwealth Attorney's position, but the position will not take effect until January 1, 2020.
- A local county which is not involved with this legislation because there are no body cameras in use.
- A locality which has not taken any action on this. It appears that they will not take any action before July 1, 2019.
- Several small counties which considered telling the Sheriff's department to cease using the cameras so that the County would not have to create and pay for a new Commonwealth's Attorney position.

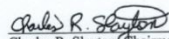
On June 27, 2019 the supervisors met in special session to consider our options. There was discussion about how to avoid giving credibility to the state's never ending attempts to force measures on localities and then make them pay for something they don't want. In the end, the supervisors voted to resolve this crisis by taking money from the public school's budget to fund the assistant Commonwealth's Attorney position. This will cause the county's children to suffer because the legislature and Compensation Board failed to apply common sense and reason to resolve a perceived state-wide problem.

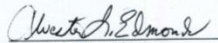
Lunenburg County's complaint centers around two habitual failures of the state government: (i) lumping Lunenburg's perceived need into the same category as larger counties and (ii) then mandating local funding to satisfy the legislature's whims. (An additional complaint is the haphazard method of creating a local crisis by demanding that this be done by July 1 and providing no alternative to implementation).

This legislation promotes the local perception that Richmond thinks they know what we need better than we know what we need. Reviewing body camera footage may be a demanding task in larger jurisdictions, but when there are only a few cameras to review, it is nonsense to demand that a position be created for a minimal task. Giving the Commonwealth's Attorney the option of making alternate arrangements only exacerbates the problem because the Board then has only the choice of accepting the Commonwealth Attorney's desires or creating a full time position. Nowhere does the legislation allow the governing body's input on the issue for which they are funding.

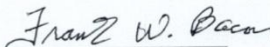
But worse, to create a perceived need and then force the locality to pay for something they neither want nor need is a new low. Lunenburg has a long history of quietly accepting unfunded mandates and defending those at budget time as our penitence for being subject to a state government that has become accustomed to treating rural Virginia as the proverbial red headed step child. But this 2019 budget edict borders on the absurd and is viewed by this county as the "straw that broke the camel's back."

The action of the legislature and the Compensation Board to create this requirement and then to spring it on a locality to be enacted within 25 days is just plain wrong. Lunenburg County did the right thing by jumping through hurdles and re-squeezing our financial stone one more time in order to accommodate the state. That being said, Lunenburg will ensure that its electorate understands the dire local consequences of the state's moral and ethical failure to practice what it preaches.

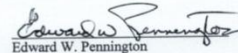

Charles R. Slayton, Chairman

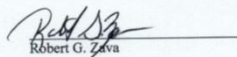

Alvester L. Edmonds


J. Mike Hankins


Frank W. Bacon, Vice Chairman


T. Wayne Hoover


Edward W. Pennington


Robert G. Zava

cc: Senator Frank M. Ruff, Jr.
Delegate Thomas C. Wright, Jr.
Compensation Board Members
Janet Areson, Virginia Municipal League
Katie Boyle, Virginia Association of Counties

Supervisor Bacon made a motion, seconded by Supervisor Hankins and unanimously approved, to forward the letter to the Virginia Compensation Board and state representatives.

County Attorney Rennie advised that Administration staff have recommended increasing the Conditional Use Permit Fee due to the increasing cost of advertising, researching and mailings. They have also found cases where additional fees are incurred due to larger applications requiring more research or consulting with other firms. County Attorney Rennie proposed the below fee schedule and suggested that approval of applications be contingent on the required fees being paid.

LUNENBURG COUNTY
CONDITIONAL USE PERMIT FEE SCHEDULE
Pursuant to Lunenburg Code § 3-16

Application fee for Conditional Use Permit: \$400

Additional fees and costs:

- Applicant is responsible for paying all costs and fees that Lunenburg County incurs in processing, reviewing and presenting the application to the Lunenburg Planning Commission and the Lunenburg Board of Supervisors.
- These costs and fees may include engineering, consultants, architectural and attorney's fees incurred by the County regarding the application. These costs and fees will be billed to the applicant and must be paid before the Conditional Use Permit will be issued.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to adopt the fee schedule as presented and require that approval of applications will be contingent on the fees being paid.

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

Nicole A. Clark, Assistant to the Clerk
Deputy County Administrator

Charles R. Slayton, Chairman
Board of Supervisors