

# **RICHMOND COUNTY BOARD OF SUPERVISORS**

**February 13, 2014**

## **MINUTES**

At a regular meeting of the Board of Supervisors for Richmond County, Virginia, held on the 13th day of February 2014 thereof in the Public Meeting Room of the County Office Building.

**Present:**

F. Lee Sanders, Chairman  
Richard E. Thomas, Vice-Chairman  
Jean C. Harper, Member  
John L. Haynes, Jr., Member  
Robert B. Pemberton, Member

**Also Present:**

R. Morgan Quicke, County Administrator  
Jennifer L. Clark, Finance Officer  
Dr. Greg Smith, Superintendent, Richmond County Public Schools  
David Brown, Residency Administrator, VDOT

### **WELCOME AND CALL TO ORDER – CHAIRMAN SANDERS**

Chairman Sanders called the meeting to order at 10:00 a.m. (Note – Inclement Weather Delayed the Meeting One (1) Hour).

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. David Brown, Residency Administrator, stated this was the third snow event in the last three weeks. The primary roads are clear and the secondary roads should be clear by the end of the day. Mr. Brown stated that dropping temperatures impede the department's work.

Mr. Brown stated that this winter weather has caused a lot of potholes and told everyone if they spotted a pothole to call 1-800-4ROAD.

Maintenance staff is also working on removing vegetation and ditching.

The Six Year Plan planning process will begin in March 2014. Emmanuel Church Road will be incorporated into this upcoming Six Year Plan.

The Board of Supervisors and Mr. Quicke thanked Mr. Brown and his staff for the work they have been doing with this winter weather.

## **RICHMOND COUNTY SCHOOLS – DR. GREG SMITH**

Dr. Smith told the Board that the ROTC accreditation is moving forward. They will be hiring a Commanding Officer and Sergeant and there will be some funding for the salaries. The program now has approximately 70 participants enrolled and 35 are females.

Dr. Smith also commended the VDOT staff on the good job they have done with this winter weather.

Dr. Smith discussed the amount of time the school has missed with this winter weather and stated that as of today, they have missed 8 days this school year. The School Board is currently working on make up days. They are looking at Monday, February 17<sup>th</sup> and April 21<sup>st</sup> as possible make up days. The Department of Education requires 990 hours of instruction. Dr. Smith also noted that the Richmond County School District has accumulated 14 extra days of instruction.

Dr. Smith presented a [PowerPoint presentation](#) on the school construction project.

One major concern of Dr. Smith is there is another sink hole in the drainage pipe. The administration is looking at this in a couple different ways. One way is by fixing the hole at a cost of \$60,000.00 or installing a lining, which coats the inside of the line and the costs \$500,000.00.

Dr. Smith requested the Board appropriate \$60,000.00 to fix the problem. Supervisor Haynes asked how much was in the contingency fund for the school project. Dr. Smith stated conservatively about \$350,000.00.

Supervisor Haynes stated that the track was not a projected part of the project originally and that the contingency fund was to be used for issues like these that came up in the project.

Supervisor Thomas stated that the fuel tanks have been replaced with fiberglass tanks, and asked the question would the removal of the storm pipe affect these tanks.

After much discussion, Chairman Sanders suggested using the contingency funds to fix the problem and if at the end of the project there were funds in the account it could be discussed at that time. Mr. Quicke stated there is currently \$34,000 in the account at this time. Supervisor Haynes concurred with Chairman Sanders to use the contingency funds.

By consensus, the Board tabled further discussion until the March 13<sup>th</sup> meeting.

## **TREASURER'S REPORT**

Mr. Quicke reviewed the Trial Balance Report for the month of January 2014 and noted that there was \$63,332.00 in the Capital Improvement Fund in the FY13 budget.

Mr. Quicke stated that \$40,000.00 was designated to the CIP from the sale of Helena Chemical Company.

Supervisor Haynes commented on how good the directional signs looked on the Courthouse Complex area.

### **PUBLIC COMMENT**

Mr. R. W. Foley, Post Office Box 4, Sharps, Virginia 22548, submitted [letters](#) to the State's Attorney and Commonwealth's Attorney in which he had sent to get some clarification on the following issue:

Is it legal for a husband and wife to serve concurrently on the School Board and County Supervisors? Is there any conflict of interest? Is there a "perception" of conflict of interest? Is there any ethical violation? Should the County Supervisor recuse himself when voting on the School Board budget? Should the County Supervisor recuse himself when voting on any other School Board matter? Is there any public disclosure required for the husband/wife during any meetings?

At this point, Mr. Foley stated he had not received an answer from the Attorney General or the Commonwealth's Attorney. Mr. Foley stated he felt that someone from the Commonwealth of Virginia should make this judgment.

Supervisor Haynes stated he had some correspondence from Mr. Andrew McRoberts, County Attorney, in which he gives his legal opinion on this issue and would share that with Mr. Foley after the meeting.

### **RICHMOND COUNTY DEPARTMENT OF SOCIAL SERVICES**

Supervisor Harper stated that since the January 9<sup>th</sup> meeting, Ms. Claudette C. Henderson, Director, DSS, has resigned as of February 14, 2014 and due to this transition, the supplemental appropriation and by-laws should be tabled and placed back on the agenda for a future meeting.

***"On a motion made by Jean C. Harper, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to table the requested supplemental appropriation to the Richmond County Department of Social Services until a future meeting."***

***"On a motion made by Jean C. Harper, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to table the Richmond County Social Services By-laws until a future meeting."***

### **RICHMOND COUNTY DEPARTMENT OF SOCIAL SERVICES – APPOINTMENTS**

Mr. Quicke reviewed the Richmond County Social Services Board members and vacancies. Election District 1 is vacant; Election District 2 is held by Verlaine H. Mack, Chairman, and her term expires June 30, 2014 and she is currently ineligible for reappointment; Election District 3 is vacant; Election District 4 is vacant; Election District 5 held by W. Sue France and her term expires December 31, 2017; Board of Supervisors representative is held by Jean C. Harper with term expiring December 31,

2014 and she will be eligible for another term; R. Morgan Quicke, County Administrator has a term expiring December 31, 2014 and is eligible for another term.

To summarize, Election District 1, 3 & 4 are without representation on the DSS Board. Chairman Sanders asked Mr. Thomas if he was ready to make a nomination from Election District 1.

***“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to appoint Gordon Tolson to the Richmond County Department of Social Services Board with term expiring December 31, 2015.”***

Chairman Sanders asked Mr. Haynes if he was prepared to make a nomination from Election District 3.

***“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to appoint Nancy Finnegan to the Richmond County Department of Social Services Board with term expiring December 31, 2017.”***

Chairman Sanders asked Mr. Pemberton if he was prepared to make a nomination from Election District 4.

***“On a motion made by Robert Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to appoint David Cordes to the Richmond County Department of Social Services Board with term expiring December 31, 2017.”***

Mr. Quicke discussed the staggering of terms and told the Board he would research the Code of Virginia as to how to structure the Board of Social Services terms. Mr. Tolson’s term is a two-year term with him being eligible for another four-year term.

Supervisor Haynes discussed the difference between an unexpired term and an appointed four-year term. Mr. Quicke is going to research the Code of Virginia and have it as a discussion item on the March 13, 2014 agenda.

Supervisor Thomas stated he had made Mr. Tolson aware that his position is currently a 2-year term, but he would be eligible for another 4-year term.

Mr. Quicke suggested that he sit on the Department of Social Services Board as a liaison between the Board of Supervisors and the Board of Social Services with no voting rights.

## **RICHMOND COUNTY BOARD OF SUPERVISORS – BY-LAW AMENDMENTS**

Mr. Quicke reviewed two changes that have been made to the Board of Supervisors By-Laws. The first change deals with the “Order of Business and Agenda” section and is as follows: Public Comment shall be open to all citizens, landowners and businesses of Richmond County.

The second change outlines the procedures for appointing Boards that fall under the Board of Supervisors Appointments. It is as follows: In addition, it is the intention of the Board of Supervisors to make sure that all appointed Boards under the Board of Supervisors shall maintain at least one (1) member from each of the five (5) magisterial districts of the County at all times. Furthermore, each member of the Board of Supervisors shall only nominate for appointment individuals that reside in their district.

Mr. Quicke stated the County Attorney stated the public comment portion could be structured this way; however, he would caution the 1<sup>st</sup> Amendment Rights.

Supervisor Haynes stated that Public Comment was different from being placed on the agenda to speak.

Supervisor Pemberton stated it was the job of the Board of Supervisors to listen to the people and give them the opportunity to speak and he feels it should be left as it is.

Supervisor Thomas stated he felt the Public Comment portion of the agenda was working as is and did not feel there was any reason to change it. Supervisor Thomas also noted that if a person is not a resident of the County but shops in the County, they are ultimately paying taxes (sales tax).

Chairman Sanders stated that the Board of Supervisors meeting was a public meeting and open to the public.

Supervisor Haynes stated he would like to define who speaks during Public Comment and would also like to have the speaker give their name and address before they spoke during the Public Comment portion of the meeting.

Supervisor Pemberton asked if amending the By-laws would limit the citizens and property owners who pay taxes to voice their concerns to the Board.

By consensus, the Board decided to table this until the March 13, 2014 meeting.

***“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to amend the Richmond County By-Laws to read as follows: It is the intention of the Board of Supervisors to make sure that all appointed Boards under the Board of Supervisors shall maintain at least one (1) member from each of the five (5) magisterial districts of the County at all times. Furthermore, each member of the Board of Supervisors shall only nominate for appointment individuals that reside in their district.”***

#### **RICHMOND COUNTY PLANNING COMMISSION APPOINTMENT**

***“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert Pemberton – aye: to reappoint***

***Darnell Clayton to a second term to the Richmond County Planning Commission with term ending December 31, 2017.”***

**SCHOOL CONSTRUCTION PROJECT – PAYMENT/FINANCIAL UPDATE**

Mr. Quicke reviewed the payment/financial update on the Richmond County School Construction Project as follows:

<b>FUND</b>	<b>BEGINNING BALANCE</b>	<b>CURRENT BALANCE</b>	<b>TOTAL SPENT</b>
Local	\$1,176,000	\$ 266,855.52	\$909,144.48
QSCB	\$6,005,000	\$5,136,817.15	\$868,182.85
SNAP	\$9,003,000	\$8,363,461.93	\$639,538.07

Supervisor Haynes noted that the \$750,000.00 used to pay for the original architectural plans was not included in these figures.

Mr. Quicke stated he would revise these figures to include the \$750,000.00 which were paid out of local funds.

**RICHMOND COUNTY HOUSEHOLD HAZARDOUS WASTE DAY – SEPTEMBER 6, 2014**

Mr. Quicke stated that Richmond County has been approached again by Sam Johnson of the Northern Neck Soil & Water Conservation District about hosting another HHW Day at the Indianfield Convenience Center. Mr. Quicke has provided the costs for the four previous years as follows:

2010 - \$3,220.95  
2011 - \$2,816.70  
2012 - \$5,598.15  
2013 - \$5,226.45

This project has been budgeted and Mr. Quicke recommended the County continue providing this service to the citizens.

***“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert Pemberton – aye: to authorize Mr. Quicke to work with the Northern Neck Soil and Water Conservation District on this project and move forward with the agreement.”***

**RICHMOND COUNTY AG. EXTENSION LEASE – RENEWAL**

Mr. Quicke told the Board that staff is moving forward with the renovation of the old School Board Office, in which the Extension will move. Barry Sanders, Code Administrator, feels that the construction will be done by the end of April, but it will be close.

The current lease with Bill Northern expires on April 31<sup>st</sup> and the County has the option to renew for another year at \$1,300/month. Instead, Mr. Quicke stated he is working with Mr. Northern's Attorney, Fleet Dillard, to only extend the lease until July 31<sup>st</sup> to give extra time, if needed, to complete the move for the Extension team.

Mr. Quicke explained that the current lease states that the County has to let Mr. Northern know 90 days before the current lease expires if the County intends to exercise their option for the additional year, which would have been January 31<sup>st</sup>. Mr. Dillard has given the County until February 14<sup>th</sup> to decide if:

- a. Wish to renew for a year at \$1,300/month
- b. Wish to renew for 3 months at \$1,350/month
- c. Don't wish to renew at all and hope we have completed the move by April 31<sup>st</sup>

Mr. Quicke recommended that the County extend their lease an additional three months to ensure we have enough time to complete the job and complete the move. Mr. Quicke asked the Board to authorize him to renegotiate the lease with Mr. Northern.

***“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to authorize Mr. R. Morgan Quicke, County Administrator, to renegotiate the lease with Mr. Northern.”***

#### **MONTHLY APPROPRIATIONS**

***“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve an appropriation for the month of March 2014 for the Richmond County Public Schools in the amount of \$1,214,300.00.”***

***“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve an appropriation for the month of March 2014 for the Richmond County Department of Social Services in the amount of \$75,000.00”***

#### **APPROVAL OF THE MINUTES OF JANUARY 9, 2014 & THE SPECIAL CALLED MEETING OF JANUARY 23, 2014**

***“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve the Minutes of the January 9, 2014 meeting and the Special Called Meeting on January 23, 2014 as submitted.”***

#### **OTHER BUSINESS**

Supervisor Thomas stated that he was planning on having an informational meeting on March 11, 2014 at 6:00 p.m. for a Q&A session for the Tax Relief for the Elderly and Disabled and Veterans. Staff

will be present to help the citizens with any questions they may have. The alternate date is March 17, 2014.

Chairman Sanders stated he felt like this was a good idea and it should be available to all Richmond County citizens.

Supervisor Thomas suggested coordinating with Mr. Quicke and staff to conduct a similar meeting for each district.

Supervisor Harper thanked Mrs. Claudette C. Henderson for her service to Richmond County as she leaves as Director of Social Services on Friday, February 14, 2014.

Supervisor Haynes also wished Mrs. Henderson well in her future endeavors and also thanked her for her service to Richmond County.

Supervisor Pemberton discussed the possibility of the County handling tax billing on a semi-annual basis instead of once yearly with the deadline of December 5<sup>th</sup> each year. Mr. Pemberton stated he felt this might eliminate the County having to obtain a Revenue Anticipation Note each year.

By consensus, the Board directed the County Administrator, Commissioner of the Revenue and Treasurer to research the issue and it would later be placed on the agenda for discussion.

Mr. Quicke stated that the Board of Zoning Appeals will meet on February 25, 2014 to hopefully come up with an agreement between the Homeowners Association and Whelan's Marina to satisfy the Homeowners Association and Whelan's Marina's infractions to the Richmond County Zoning Ordinance.

Mr. Quicke suggested the Public Hearing scheduled for this evening at 7:00 p.m. to receive public comment on the proposed FY15-FY19 Richmond County Capital Improvement Plan be postponed to March 13, 2014 at 7:00 p.m. (This is due to the inclement weather expected this evening). This public hearing is to be re-advertised prior to the March 13<sup>th</sup> meeting.

***“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to reschedule the Public Hearing on the Proposed FY15-FY19 Richmond County Capital Improvement Plan for March 13, 2014 at 7:00 p.m.***

Mr. Quicke told the Board that the 4-County Regional Emergency Plan is assessing the issue of allowing pets at the emergency shelters when needed. The Board of Supervisors needs to decide whether or not to go on record on this issue in the Emergency Operations Plan.

Mr. Quicke stated he would place this on the March 13<sup>th</sup> agenda for further discussion.

### **CLOSED SESSION**

***“On a motion made by Robert Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: as***

*permitted by Virginia Code Section 2.2-3711A(1), a personnel matter involving appointment or promotion of particular officers or employees; salary or other compensation of a specific employee.”*

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC SESSION:**

*“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: that the Board certifies that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion.”*

**ACTION FROM CLOSED SESSION**

*“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to increase Mercedes Pierce, Development Services Administrative Assistant, annual salary to \$25,000.00 effective February 1, 2014. (\$1,333.00 increase).”*

*“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to increase Denise V. Dunaway, Development Services Manager, annual salary to \$40,164.00 effective February 1, 2014. (\$500.00 increase).”*

*“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to hire an interim Director for Richmond County Department of Social Services.”*

**ADJORNMENT**

There being no further business, Chairman Sanders adjourned the meeting.

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F. Lee Sanders, Chairman  
Richmond County Board of Supervisors