

August 3, 2006

The regular monthly work session of the Board of Supervisors of Prince Edward County was held in the 3<sup>rd</sup> Floor Conference Room of the Court House Building on Thursday, the 3<sup>rd</sup> day of August 2006, at 4:30 p.m.

Present were:

William G. Fore, Jr., Chairman

Howard F. Simpson, Vice-Chairman

Sally W. Gilfillan

Robert M. Jones

Charles W. McKay

James C. Moore

Lacy B. Ward

Also present: Mildred B. Hampton, County Administrator; Sarah Puckett, Assistant Administrator; Jonathan L. Pickett, Director of Planning and Community Development; Sharon Carney, Director of Economic Development and Tourism; and Jill C. Dickerson, County Attorney.

Chairman Fore called the meeting to order.

In Re: Discussion of August 8, 2006 Agenda Items

Board members reviewed the agenda for the upcoming August 8, 2006 meeting. The following matters were discussed:

Treasurer's Report – The Chairman pointed out that the unencumbered General Fund balance on June 30, 2006 (\$3,841,215.33) was approximately \$914,000 more than on June 30, 2005 (\$2,927,037.52).

Piedmont Court Services – During its August 8<sup>th</sup> meeting, the Board will be asked to restructure line items in the Piedmont Court Services Fund. In the past, the County has had to account for two separate state grants. These grants have now merged.

The Board will also be asked to appropriate \$18,281 to the Piedmont Court Services Fund. This appropriation represents additional grant monies from the Virginia Department of Criminal Justice Services.

Four-For-Life Program – The County has been notified it will receive \$13,058.04 from the Four-For-Life Program. As in the past, it was recommended the money be divided equally between the Prince Edward County Rescue Squad, Meherrin Fire & Rescue, and individual first responder units serving the County.

Piedmont Court Services Request for Refund – The Board received a request from Piedmont Court Services to authorize a \$1,606.59 Treasurer’s check to the Department of Criminal Justice Services for unspent grant monies during FY 05-06.

Mileage Reimbursement Rate – Board members were asked to consider increasing the County’s mileage reimbursement rate from \$0.325 to \$0.445 effective August 1, 2006 to correspond with the new State rate approved by the General Assembly.

Supervisor Pattie Cooper-Jones entered the meeting at this time.

Retiree Benefit Fund – Board members were provided excerpts of the minutes from 1998 when the County approved funding special retirement benefits for law enforcement officers. They were advised that an employee had retired from the Sheriff’s Department who had served as a Court Officer for over twenty years. The position was designated as a hazardous duty position.

The Administrator requested that a Retirees Benefit Fund be established and \$25,000 appropriated, with plans to continue adding monies annually in order to set aside sufficient funding to cover the cost of retiree benefits.

Prince Edward County Schools Budget Request – A letter was received from Mr. Russell L. Dove, Chairman of the Prince Edward County School Board, requesting that the County restore the \$225,000 that was cut from the initial 06-07 School budget request. Mr. Dove explained that with the uncertainty of the second QZAB, a commitment from the County would allow the School Board to proceed in signing a contract for the bathroom addition at the elementary school, and take advantage of a \$98,000 discount from the contractor.

“The bids for our four projects came in substantially higher than anticipated by the architect. However, with some aggressive negotiation and funding from the second QZAB, we anticipated being able

to complete the projects. At the time the contract was signed, QZAB status was expected to be known by July 4<sup>th</sup>. With that in mind, the contractor agreed to extend his price quote on the elementary school bathroom addition for 90 days. This extension expires on August 23, 2006. If we can not sign the contract for the bathrooms by that date, we will lose a \$98,000 discount applied to the contract if we do all four projects.”

Mrs. Hampton reported that she and Mrs. Puckett had met with Dr. Patricia Watkins, School Superintendent, earlier in the day. “We don’t know the future of QZAB. Right now it is tied up in Congress with the minimum wage bill. They recess Saturday. We may possibly know something by then. If not, it will probably be September or October before we know the future of the second QZAB.”

Mrs. Puckett provided further information, advising that the Schools received the following allocations:

QZAB	\$1,091,313.50
VPSA	<u>1,000,948.59</u>
Total	\$2,092,262.09

Based on the architect’s estimate, \$1,769,713.00 was set aside in the School Construction Fund for the high school locker room renovation (\$512,967), high school ag shop renovation (\$256,746), career tech addition (\$920,880), and elementary school bathroom addition (\$79,120). The remaining \$322,549.09 was spent on non-construction items. Bids on the four projects came in higher than anticipated (\$1,952,878.00) leaving a shortfall of \$183,165.00. Additionally, change orders totaling \$36,009.00 have been approved with another \$6,000.00 in change orders pending, leaving a \$225,174.00 shortfall to date. The School Board has signed a contract with Kenbridge Construction for the first three projects, but has not signed a contract for the addition of the elementary school bathroom.

Mrs. Puckett also referenced an email from McGuire Woods, who is serving as bond council for the QZAB program. “I asked what the risks would be if the Board of Supervisors were to give (the School Board) the \$225,000.00 without knowledge of what Congress would do with the program.” The answer was, “If the Board would front the money only if it were reimbursed from the proceeds of QZABs that look exactly like the ones the County did last year, the Board should not front the money. If the Board is willing to accept attaining the reimbursement through QZABs that might not be as economically attractive as last year’s, in other words you have an interest rate or the terms would be different, or through the issuance of

standard tax-exempt bonds, then it would be reasonable to front the money...There are considerations the Board would want to make in terms of making its decision, because everybody is pretty certain the QZAB program is going to change.”

Supervisor Gilfillan asked, “If it turns out to be a QZAB that is not attractive, (could the Board) specify to the School Board that the money would come out of their next year’s budget?”

Mrs. Hampton explained that in addition to the uncertainty of the QZAB, the State had estimated the sales tax incorrectly. “We will be about \$300,000 short in the sales tax we (anticipated) in the current budget... which would automatically put the school \$300,000 short in revenue unless our sales tax increases by \$300,000. You are talking about a half million dollars right there that you have to cut the school budget.”

Mr. McKay questioned the cost of the bathroom addition, which was bid at \$283,000. The architect’s estimate had been \$79,120.

Mrs. Hampton advised there had been “some problem with the infrastructure—the piping and so forth—that apparently the architect did not investigate.”

Following further discussion, the Supervisors asked that the School Board provide additional information concerning the costs, design, and number of bids received for the bathroom addition project.

Dance Hall Ordinance – During its July meeting, the Board carried over discussion of a letter from the Town of Farmville regarding incidents that have occurred at Fever’s nightclub. An excerpt of the August 9, 1994 meeting was provided noting the security measures to which the owner had willingly agreed. They included:

1. Provide lighting in the parking lot.
2. Allow no after-hours trespassing in the parking lot.
3. Additional security personnel on site.
4. Strict enforcement of maximum building occupancy (266)

Board members indicated they would take action during the August meeting requiring two sworn police officers be on duty at Fever’s when it is open, and that the officers’ salaries be paid by the club.

Mrs. Hampton also suggested that the Board might want to look at amending the Dance Hall Ordinance to require all establishments to provide security officers based on the number of patrons.

Memoranda from Supervisor Gilfillan – The Board packet included several memorandums from Supervisor Gilfillan. Each is included herein (in italics) followed by the discussion that occurred.

### Committee's Composition and Process

- *I ask that all committees, including ad hoc committees, consist of supervisors and also representatives of our citizens. My reasoning is that our citizens need for us to provide avenues to open our government to their participation. We will achieve the benefit of providing our citizens with access to and participation in their government.*
- *I ask that we adopt – officially – a requirement that all citizen positions be advertised to the public with at least thirty days notice. We will achieve the benefit of informing our citizens and providing them the opportunity to participate if desired.*
- *I ask that the supervisor positions on a committee be determined by nomination from supervisors followed by a vote with those achieving the majority votes becoming the supervisor representatives.*
- *I ask that we adopt – formally – a policy that majority consent of the supervisors is required to broaden an ad hoc committee's focus from the original charge.*

After explaining her position, Board members were given an opportunity to comment and ask questions.

Chairman Fore said, "What I think you have done is usurped the prerogative of the Chair...I think I have been extremely reasonable in appointing the supervisors by experience, by interest in the subject, and probably that's all the criteria. If a committee is needed, I would think this Board would say, 'I'd like to serve on that', or if asked to serve, 'I'd rather not serve on that'. I think (the recommendation) oversteps things and weights the process down. If you add citizens to all the committees and advertise (each position)...you are going to extend the services of the committee sixty days before it can start to function. I would not support what you want."

Mr. McKay added, "There may be some committees where you would not want (citizens to serve).

Chairman Fore agreed, "It isn't that I would say the public is not needed. The public is needed. The public put us here. There would probably be occasions when their expertise was needed, but not in all cases. I can't imagine a Board of Supervisors, if it created an ad hoc committee, making it up of supervisors and citizens in all cases. I can't imagine that."

Mrs. Gilfillan said, "I can. Our county is changing. Our county has changing concerns and changing issues, and I just think it would be excellent."

Mr. Fore asked for clarification of “our county. What are you talking about? Are you talking lots of people or a handful of people? I don’t understand that...Why do you make such a broad statement that our county needs this—our county wants this?”

Mrs. Gilfillan responded, “I have concluded, after thinking about it for over a year, that it would really be effective and an improvement.” She gave two examples. “We very much need, on the personnel committee, a citizen or two who has human resource experience. I think that would greatly improve that committee. With the web committee addressing the technological base of what is needed, having people who have experience and expertise in that area would make what we are doing much more cost effective in the long run. It has the added advantage of having citizens involved with what we are doing and (being) part of what we are doing. I know that might seem a little longer and more involved, but I think in the long run it would be par to the good.”

Mr. Jones addressed the matter of having citizens on the personnel committee. “I’m not sure we need somebody, because of the fact the citizens voted on us to do the county’s work. If we feel like we need professional help in the human resources expertise field, we’ve got VACo or someone like that we could turn to to get professional outside help. Some of the personnel things are confidential. I guess it is public knowledge in a lot of ways, but then again opening it up to the public...it is a little too much.

On other committees I serve on, the chairman is voted upon and chosen to head the group. I think by voting and giving him the chairmanship, you also depend upon his knowledge to appoint committees. In everything else I’m involved with, that’s the way it operates...If we do need outside citizen help, I think we have called on them if the need arises. I don’t think we ought to tag it that every committee has to have citizens on it, because there will probably be times you will have a hard time finding citizens that want to serve on certain less important issue committees. I think you are bogging down the process...Citizens have input from electing us.”

#### Planning Commissioners

*In December of 2005, this Board, by majority vote, uncoupled the position of Planning Commissioner from district of residence. The majority determined that qualifications to fill the position should weigh more heavily than location of residence.*

- *I ask that we now define those qualifications. Criteria could be determined by specifying either: 1) the exact qualifications that this Board determines is important to the appointment or 2) the specific aspects that will be considered in judging whether an applicant is qualified.*

- *I ask that we decide whether to use #1 or #2 above and then notify the public. We would state our intention to determine criteria to be used and specify a thirty day period for comment. These comments may be received by either letter or public participation in our September board meeting. In addition, I ask that we formally request our Planning Commission staff and commissioners to do the same. In this way we can be certain that our public and professionals have a chance to participate in our decision.*
- *I ask that our Board then finalize the necessary qualifications in our October meeting.*
- *In addition, I ask that we adopt a policy that advertisement of a position that is expiring always be at least thirty days in advance of expiration. The advertisement will include necessary qualifications (see above).*

Supervisor Jones felt that to say a person had to have specific qualifications to serve on the Planning Commission “would be totally wrong. I think you would miss out on a lot of good people. We want a well-rounded group of people.” He went on to state that representation was needed from a building, business, farming and educational aspect. “I don’t think we’ve got to spell (it) out...I think that when a persons steps aside, we could look at the make up of the Planning Commission.” In “looking at the (current) make up of the Planning Commission, I think we’ve got a very well-rounded Planning Commission as far as the different aspects that employee people and develop growth in our County...I think the citizens voted on us because, hopefully, they think we will guide the County in the right direction. I think it is nice for the Board to have some leeway and not have to follow a grocery list of who we are going to put on there—just appoint somebody who is a reputable citizen that will do a good job. Actually, the only qualification (Supervisors) have to have is to be a registered voter in our district. If we start tagging too many qualifications on people, we will scare (them) away...and it takes away some of the flexibility of the Board.”

Chairman Fore added, “The criteria that qualifies a person for the Planning Commission is written in the State law. I think the General Assembly, in its wisdom, took that into account. It has minimal criteria and I don’t think we want to be that stringent.”

Mr. Jones indicated that he did agree with Mrs. Gilfillan’s suggestion that positions should be advertised at least thirty days in advance of the expiration of a term. It was noted that the Board had already taken action to advertise Planning Commission terms ninety days in advance.

Board members then reviewed a policy for advertising vacancies on County boards, commissions, and committees; as well as a draft application to be completed by persons interested in serving. Mr. Jones suggested all appointments “be done in the same manner”, meaning that they all be advertised ninety days in advance.

Personnel Committee

- *I ask that we appoint two citizens to our Personnel Committee.*
- *I ask that we advertise these positions and give our citizens thirty days notice in which to send a letter of interest.*
- *I ask that we specify qualifications for membership. I suggest this consist of professional experience of several years in the discipline of human resources.*

*The need for qualifications relates to the issues this committee is already addressing and will mostly likely address in the future. For example, the Personnel Committee has continued beyond the creation of a Personnel Plan and is addressing other personnel related topics. We need participation by citizens knowledgeable in personnel matters. In addition, we will achieve the benefit of providing our citizens with access to and participation in a significant aspect of their government.*

Chairman Fore advised that the Personnel Committee had been formed to work with the company hired by the County to develop a personnel policy for County employees. “That task is over. I’m not sure we need a Personnel Committee.”

Mrs. Gilfillan, who serves on the Personnel Committee, advised that the committee was “meeting once a month and getting into lots of other things. That’s for human resources. That is why I included the bullet that when the focus of a committee is changed, all the Supervisors need to agree and be comfortable with that...We have become an ongoing committee.”

Mr. Ward asked that the Board “review what was said when we structured the Personnel Committee. I don’t recall that it was set up ad hoc to supervise the creation of the personnel policy”.

Mrs. Hampton added, “We have reached a point that most personnel issues will be discussing individual personnel. We can’t do that with citizen members. That is done in executive session. You would be opening yourself to a lawsuit.”

That being the case, Mrs. Gilfillan asked that the Personnel Committee be comprised of the Supervisors as a whole.

Mr. Jones felt the “only time we would need somebody from human resources is when there is a question about how we handle a situation. To keep us from getting into trouble, we would need a professional opinion.”

Chairman Fore added that he felt the personnel policy was comprehensive. “I believe that in almost any given situation you have with an employee, the answers are in the policy... Any questions of interpretation could be answered by our County Attorney.”

Mr. Ward indicated that he had previously raised the question of “who has the authority to establish new positions. I never did get an answer...The old personnel policy explicitly states that the Board of Supervisors can establish new positions. Look for that in the new policy wording. I think it is very important.”

Mrs. Hampton advised Mr. Ward that the Board “establish(es) new positions because you have to budget for it. You would have to approve it in the budget. The Supervisors would automatically establish new positions.”

Mr. Ward responded, “It should be clear as to who has authority to establish positions...The old personnel policy very clearly clarifies this. The new policy doesn’t. We agreed on the new policy, but I have lots of disagreements with it. I can’t say that it clarifies every situation.”

Mrs. Puckett read from the minutes of the February 14, 2006 meeting during which the Board approved recommendations from the Personnel Committee. One as which, was that the Board “amend (the Personnel Committee’s) scope of work to add the responsibility of having the oversight of the annual evaluation process for employees and the County Administrator”. In addition, “The Personnel Committee shall review the County’s personnel policy and make recommendations for revisions and/or policy changes to the full Board of Supervisors. The Personnel Committee shall review and make recommendations to the full Board with regard to: establishing new positions and abolishing positions, employee benefit packages, salary scale adjustments, classification changes, and annual evaluations. The Personnel Committee may, upon request, assist the County Administrator with employee discipline, reprimands, etc. The Personnel Committee shall assist the County Administrator in an advisory capacity, in the selection process for department head level positions (i.e. Assistant County Administrator, Director of Planning and Community Development, Director of Economic Development and Tourism, etc.). The interview and selection process

for the position of County Administrator is conducted by the full Board of Supervisors. The Personnel Committee shall not be involved in the day to day issues of the county's human resource function, unless the County Administrator request assistance."

Mrs. Puckett also read from the January 10, 2006 minutes during which the Board established a standing personnel committee and the Chairman appointed its members.

Mr. Ward stated that he "wished to clarify that (the Board) did not, in establishing the committee, restrict it to the creation of the personnel policy".

Mrs. Gilfillan pointed out that the duties of the personnel committee did not restrict having citizens with expertise in human resources serving as members. "Also, I think having our County Attorney as a member of that committee would be a great benefit. I know she comes when we call and ask, but it would be great if she were there at each meeting. If you all totally disagree with me about the citizens, although I believe it would be a great benefit, then I think we need a fourth Supervisor on the committee."

Mr. Jones stated, "We have been voted on and elected by the citizens. We have the legal charge to be on the committee to look at personnel (issues). Some things are sensitive. We've been elected to do that...To (appoint) citizens, we might be getting ourselves in a sticky situation legally."

#### Web Committee

- *I ask that we appoint two citizens to our Web Committee.*
- *I ask that we advertise these positions and give our citizens thirty days notice in which to send a letter of interest.*
- *I ask that we determine criteria for membership. I suggest the criteria be professional experience of several years regarding information literacy and related technology. The criteria will be included in the advertisement. (See below for the reason that I am asking we set criteria for citizen membership. We need to include expertise available outside of our Board and government.)*

*I would like you to know the following:*

*Mrs. Puckett and I have discussed the possibility that the Web Committee's function will need to extend beyond the Web site itself. For example, Mrs. Puckett and I have discussed continuing email problems.*

*I suspect that the use of the Internet for public access and information exchange requires a technology base that is probably not now available to our employees. A fully functioning web site, of which we can be proud, requires a technological base that will almost certainly need to be addressed.*

*The Committee's first meeting occurs at the end of August. At this first meeting the committee will, for the reasons above, consider the overall state of technology in the*

*courthouse. I've asked two members of the public who have significant expertise in this area to join us for the first meeting. I suspect the decision will be made to ask our Board to broaden the Web committee's charge to include the overall technology of our government.*

Mrs. Gilfillan asked, "Who on this Board of Supervisors has the ability to sit and discuss what (type) server or technology we need?"

The Administrator explained that the County would solicit RFP's from qualified professional firms to assist with the work, and it would be up to the Board to make the final decision on which firm to hire.

Supervisor McKay asked that particular emphasis be placed on making the site user friendly. "There are some websites that by the time you get to it, you have forgotten what you were looking for."

Mrs. Gilfillan also pointed out that the County's technology needed to be upgraded. The committee is going to "ask the Board of Supervisors to agree that the web committee do more than just the website. Otherwise, we will be throwing money out the window...I may ask for a vote Tuesday night, that we go ahead and broaden the focus of the committee."

Mr. Jones shared his concern regarding having citizens assist in setting up the website versus hiring a professional firm. "You might get some bias from a private citizen. Somebody that might have interest in providing the service for us. That is why I think we ought to stay away from that, and get somebody from outside the County who can step in and have no bias of what we will establish."

Mrs. Gilfillan explained that she had asked two people to attend the first Web Committee meeting, but they know "the Board of Supervisors needs to agree (to citizen appointees), and the Board would then need to advertise" the positions. "They are going to come to the first meeting because of their knowledge about some things that I am totally clueless about."

#### *A Public Library*

*Much work has been done by a concerned group of citizens to enable Prince Edward County and Farmville to have a library. What these individuals have accomplished is heroic. More recognition and appreciation is deserved than we could possibly give, in my opinion. All of us owe these individuals a depth of gratitude.*

*Last year our Board began addressing concerns that this library is not public but is, instead, a not-for-profit organization. Our Board worked hard in the last two years to increase funding committed to the library. Our Board voted a year ago to participate in building a new library as soon as a suitable site was determined. As part of that vote, there was the recognition that the library needs to be made public. Last year, an investigation was begun to determine the implications of changing from not-for-profit*

*regional status to a Prince Edward County Public Library. This was in recognition that certain information is needed as a foundation for the change to a public and new library. I believe our Board recognizes that citizen ownership of a library is critical to our future.*

- *I ask that we request our County Administrator and County Attorney to follow-up and present us with a final report at the November Board meeting.*
- *I ask that the overall theme of the report be to determine the best scenario, financially and legally, for the area's public library system.*
- *I ask that this final report include answers to the specific elements below.*
- *I ask we empower our Administrator and Attorney to investigate other related issues that they deem important to achieving the second bullet above.*
- *I ask that we request Elizabeth Kocevar-Weidinger, a citizen of our county and a professional librarian, to work with our County Administrator and County Attorney in determining specific issues and answers that need to be addressed to enable related decisions by our Board to be of the greatest possible benefit to our County. Mrs. Kocevar-Weidinger's commitment to our county and its citizens' need for a new and public library led her to devote significant time, thought and research to develop the elements listed just below.*

*Following are necessary elements of the report for November:*

- q *An investigation, by our attorney, of the legal and therefore funding implications of the Library's status as a non-profit, regional, town, or county entity; the legal requirements to move from the Library's current status to government ownership; if the current library organization or structure would not meet legal requirements to move to governmental ownership, the legality of two co-existing libraries, a regional and county library and the legal implications of sustaining or withdrawing from our relationship with Buckingham as a regional entity.*
- q *An investigation by our Administrator of the current library system to include: its charter, operating budgets for the past five years including funding sources, a listing of current board and friends of the Library members and a document explaining how and for how long they serve, and a listing of all library employees and their salaries (if this is not detailed in the operating budget). This information should be collected in one place as well as given to Supervisors. Information regarding current organization and funding is needed for a foundation to Prince Edward building and maintaining a public library.*
- q *A legal inquiry, by our attorney, into the constitutional rights of a citizenry as stated by the American Library Association (see below). This will include a determination as to whether Prince Edward County is in violation of those constitutional rights, and if so, what is necessary to bring the County into compliance.*

*"Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information. Libraries and librarians protect and promote these rights by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression regardless of the format or technology."*

Mrs. Gilfillan felt the Board needed “information before we think about the library becoming public, because we could become public in a way that costs us a lot of money”. She indicated that a friend, who is a librarian, “thinks it is possible we could be a regional library and public library all at the same time...Knowing how the library is structured will help us make a much better decision as we go forward. We need this information...(The citizen group) is worn out. They have done something wonderful, but they are exhausted. The point of having a public library is, we, being elected people, make the decisions about the library.”

Mr. Simpson expressed concern about interfering with steps already taken with regard to a new library. “We’ve got it set up where the Town is working on the land and money. I thought we had the library coming along where we were going to start on a new building.”

Mrs. Gilfillan explained that her recommendation “would be for after that. (Mrs. Kocevar-Weidinger) spent a lot of time working on it so that when it is built and it becomes public, it will be done in the best financial way possible. I don’t see this as interfering at all. I see this as being the kind of information we need as we go forward...I see this as asking about how a public library will be funded and how it will be organized...To me, this is about the least and best cost effective way to make it public.”

#### Conflict of Interest

*I have a conflict of interest regarding Prince Edward County and taxation of property purchased by the Longwood Real Estate Foundation. I will recuse myself from votes regarding Longwood and the Longwood Real Estate Foundation. This action will include my leaving the room prior to the discussion and vote.*

Mrs. Gilfillan stated, “I have given it a lot of thought and it is totally inappropriate for me to vote. Now that we know, from the information that our Commissioner of Revenue brought us last month, that it is completely our decision about the taxability of Longwood’s property—whether it’s Longwood or the Real Estate Foundation—I shouldn’t vote and I’m not going to be in the room when we discuss it.”

Board members felt Mrs. Gilfillan was wrong in her decision, and asked if she had sought a legal opinion from the Commonwealth’s Attorney regarding whether her vote would be a conflict of interest.

Mrs. Gilfillan acknowledged that she had not contacted the Commonwealth’s Attorney, but indicated she felt she had an “ethical” conflict. “Longwood is much, much more than my employer and where I get my paycheck.”

Mr. Simpson asked, "What are you trying to do, get out of having to vote on something? Are you representing the people of this County on their tax by wanting to jump ship now?"

Mrs. Gilfillan asked the Board to respect her decision. "I have thought about it for a year. I talked with my Academic Vice-President. I talked with Ken Copeland. They know exactly where I stand. I think it is unethical for me to vote and I'm not going to. I'm recusing myself and leaving the room."

Mr. McKay felt it should be the Commonwealth Attorney's decision on whether Supervisor Gilfillan had a conflict of interest. "If you ask him and he says yes, fine. If you ask him and he says no, then you need to abstain. Once we start this, we set a precedent."

Mrs. Cooper-Jones pointed out that the Longwood Real Estate Foundation was a separate entity. "It is not Longwood College. It should not be a problem. Longwood Real Estate Foundation carries Longwood's name, but it is not of Longwood College...It is making a profit."

Mr. Ward also questioned Mrs. Gilfillan's decision. "You are declaring yourself in conflict of interest, but you are not giving any legal support. You are just saying you thought about it for a year and you have a conflict of interest. No one can make you vote aye or nay on anything. You can just not vote...I wouldn't like to see any of us back out of our obligations to the County by declaring ourselves in conflict of interest, unless there is a legal opinion that settles that question. You can not declare yourself to have a conflict of interest. The law has to declare that."

After hearing fellow Board members' point of view, Mrs. Gilfillan indicated she "was going to think very carefully about what (had been) said."

Mr. Ward responded, "If you are really that concerned about it, somebody needs to answer your question of whether you have conflict of interest or not."

Mrs. Gilfillan advised that she "ethically had some real problems".

Mr. Jones pointed out that Mrs. Gilfillan could offer "input from being connected with Longwood...Some of your knowledge might be very helpful to us in sorting things out."

Mr. Simpson reminded Mrs. Gilfillan that she had "made the statement that you would vote against giving them tax exemption."

Mrs. Gilfillan asked the Administrator and Assistant Administrator to "research and check on...something called unrelated business income tax that not-for-profits have to pay when they are doing

something unrelated to their not-for-profit status. I have made clear what I think about it...I think it is inappropriate for me to vote.”

Mr. Ward commented, “You don’t have to vote. You don’t have to vote on anything.”

Mrs. Gilfillan responded that she had “not considered this aspect of it. I just had concluded it is inappropriate for me to vote. I understand and heard what you all said about calling it a conflict of interest...It makes sense to me ...I’m not comfortable listing the reasons that deep in my heart, in terms of ethics, I’m not sure my vote would be unbiased. There are some things I have listed for myself that really make me question whether a vote that I would give would be unbiased...I question my ability to vote unbiased in this. That is where I’m coming from. I heard what you said and I will not call it a conflict of interest.”

County Board/Commission/Committee Appointments – With Board approval, the County will advertise the following policy for vacancies on boards, commissions, and committees:

“To provide the maximum opportunity for citizen participation in our local government, it is the policy of the Prince Edward County Board of Supervisors to advertise all vacancies on county boards, commissions and committees, etc., which call for citizen representation. Citizens interested in serving on a County board, commission or committee may complete the County citizen volunteer application, which will be reviewed by the Board during the appointment process.”

Applications will be kept on file in the Administrator’s office.

Piedmont Regional Disability Services Board Alternate – The Board was advised that Mrs. Edith Williamson had submitted a letter of interest in serving as an alternate on the Piedmont Regional Disability Services Board.

CRC Transportation Rural Technical Committee – The Board received a letter from the Commonwealth Regional Council asking that the County appoint a representative to the Transportation Rural Technical Committee. It was suggested that the appointee be the County Planner, County Administrator, or elected official.

Mr. Pickett volunteered to serve.

Department of Medical Assistance Services - Chairman Fore advised that an additional appropriation of \$997.00 was needed for the State and Local Hospitalization Program.

Supervisor Robert M. Jones left the meeting at this time.

Closed Session – Supervisor McKay moved that the Prince Edward County Board of Supervisors convene in closed session for discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; and for the discussion of the disposition of publicly-held real property in the County’s industrial park, where discussion in an open meeting would adversely affect the County’s negotiating strategy, pursuant to the exemptions provided for in Sections 2.2-3711(A)6 and (A)3 of the Code of Virginia.

The motion was seconded by Mr. Moore and carried:

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Sally W. Gilfillan Charles W. McKay James C. Moore Howard F. Simpson Lacy B. Ward	Nay: None
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Supervisor James C. Moore left the meeting during closed session.

The Board returned to regular session by motion of Mr. McKay, seconded by Mr. Simpson, and adopted as follows:

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Sally W. Gilfillan Charles W. McKay Howard F. Simpson Lacy B. Ward	Nay: None
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On motion of Mr. Simpson, seconded by Mr. McKay, and carried by the following roll call vote:

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Sally W. Gilfillan Charles W. McKay Howard F. Simpson Lacy B. Ward	Nay: None
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the following Certification of Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act:

WHEREAS, the Prince Edward County Board of Supervisors convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Prince Edward County Board of Supervisors 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 Prince Edward County Board of Supervisors.

Staff Briefings – The Administrator reviewed the following Staff Briefing Project/Activity List with the Board:

Administration/Finance

- Joint Meeting with Town of Farmville – September
- Qualified Zone Academy Bond – Pending, Awaiting Congressional Action
- Library Site Selection
- Board Strategic Plan – Implementation of Priorities Underway
- County Web Page – Committee Meeting on August 22
- Revenue Sharing Project for Hampden-Sydney (Via Sacra) – Underway
- Virso Bridge Dedication Event – July 28, 2006 – Complete
- State Sales Tax Funding for Schools
- Unclaimed body
- Advertisement of County Positions – Planner, Administrative Assistant, Part-time Marketing Assistant, Landfill Attendant

Animal Control

- Rewrite of County Ordinance – Underway by County Attorney
- Door-to-door enforcement of dog tags, rabies vaccinations and confinement period – Ongoing

Buildings and Grounds

- Worsham Clerk's Office Landscaping – Ongoing by Master Gardeners
- Painting of Compactors – Ongoing
- Summer Schedule for Grass Cutting on all County Properties
- E-911 Address Sign Installation and/or Replacement – Ongoing
- Elevator – Proposals for repairs

Economic Development and Tourism

- Commercial prospect interest in park
- Industrial Park Master Plan – Ongoing
- "No Parking" Signs to be re-installed on Dominion Drive
- Firing Up of Broadband Ceremony – September 19, 2006, Heartland Regional Park
- Jamestown-on-the-Appomattox Committee/project 2006-2007 – Progressing
- County-IDA-YMCA Public Meeting – August 7, 2006

Legislative

- Piedmont Regional Jail Federal Recovery – 25% Approved in State budget
- House Bill 1027 (DUI Expenses) – Signed by Governor – Committee Meeting to be scheduled
- County Legislative Agenda for 2007 – Communicated to VACo
- Meeting with State Legislators – Needs to be scheduled
- Revenue Sharing Program – Letter written to VDOT and VACo

Planning, Zoning & Community Development

- Proffer Study – Underway
- Capital Improvements Plan – Underway
- Landfill Closure and Groundwater Monitoring – Ongoing
- Zoning Ordinance Update – Ongoing
- Virso Convenience Center – Underway
- Pamplin Sewer Project – Drainfield site environmental assessment still pending

Sandy River

- NFWF Grant Application – Pending
- DEQ Permit – Draft Permit 30 Day Public Comment Period – Complete
- Alternate Access for Non-motorized Boats – Working with VDOT and Maintenance
- DEQ Water Supply Planning Grant Workshop

The meeting was adjourned at 7:00 p.m., subject to the call of the Chairman on such date as may be determined by him.