

February 9, 2010

At a Special Called Meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 9th day of February, 2010; at 3:30 p.m., there were present:

Howard M. Campbell

William G. Fore, Jr.

Don C. Gantt, Jr.

Charles W. McKay

Howard F. Simpson

Jim R. Wilck

Mattie P. Wiley

Absent: Robert M. Jones

Also present: Wade Bartlett, County Administrator; James Ennis, County Attorney; Sharon Lee Carney, Director of Economic Development & Tourism; and Jonathan Pickett, Director of Planning and Community Development.

Chairman Fore called the Special Called meeting to order under the Emergency meeting statute because of the weather threat, to take care of time sensitive items. He said the rest of the agenda items will be considered at the meeting to be held Tuesday, February 16, 2010 at 7:00 p.m. Chairman Fore thanked the Board members for their positive response to the called meeting notice, and stated all did sign the notice but that Mr. Jones could not attend this meeting.

In Re: School Board Appointments

Supervisor Simpson and Supervisor Wiley announced the names of the Citizen Committees, as follows:

District 101

William W. Poulston, Chair
611 Buffalo Street
Farmville, VA 23901
Phone: 434.392.4011

LaVonna H. Lyle
1922 Louise Street
Farmville, VA 23901
Phone: 434.392.9977

Kate L. Shorter
1812 Greenhouse Road
Farmville, VA 23901
434.392.5364

District 801

Michelle Raybold, Chair
504 Church Street
Farmville, VA 23901
Phone: 434.315.0129

Ernestine Herndon
601 Longwood Avenue
Farmville, VA 23901
Phone: 434.392.4869

Patricia Holcomb
414 Putney Street
Farmville, VA 23901
434.392.5140

Nancy Phaup
1100 Milnwood Road
Farmville, VA 23901
Phone: 434.392.3351

Ruth Watkins
515 South Bridge Street
Farmville, VA 23901
Phone: 434.392.8600

Supervisor Wilck made a motion to authorize a public hearing for the March Board meeting at which citizens will have an opportunity to submit names of candidates to be considered for appointment to the School Board; the motion carried:

Aye: Howard M. Campbell
William G. Fore, Jr.
Don C. Gantt, Jr.
Charles W. McKay
Howard F. Simpson
Jim R. Wilck
Mattie P. Wiley

Nay: None

Absent: Robert M. Jones

Supervisor Gantt made a motion to authorize advertisement of the Citizen Committees for the purpose of encouraging citizens to submit nominations to the Committee; the motion carried:

Aye: Howard M. Campbell
William G. Fore, Jr.
Don C. Gantt, Jr.
Charles W. McKay
Howard F. Simpson
Jim R. Wilck
Mattie P. Wiley

Nay: None

Absent: Robert M. Jones

In Re: Request from Industrial Development Authority – Amendment to Granite Falls CDA

Mrs. Sharon Lee Carney, Economic Development Director, stated the Prince Edward County Industrial Development Authority (IDA) has amended the Petition for the Creation of the Granite Falls Community Development Authority (CDA) to be more specific about the proposed Granite Falls project. She said the Board is requested to consider two amendments to the original ordinance, as follows:

3. Facilities and Services. The CDA is created for the purpose of exercising the powers set forth in the Act, including financing, constructing, acquiring and developing, and owning and maintaining if necessary, certain public improvements in connection with the development of a hotel and conference center, which public improvements may include sewer system improvements, roads and road improvements, landscaping, parking, the Granite Falls Conference and Hospitality Training Center and such other facilities and services as are permitted by the Act, as set forth in the Petition, as amended by the Amendment to Petition.

6. Membership of the Authority.

- a) The powers of the CDA shall be exercised by an authority board consisting of eight members, such number being equal to the number of members of the Board of Supervisors, and such alternate members as the Board of Supervisors may appoint. The members of the Board of Supervisors shall constitute the members of the CDA Board and the term of each member of the CDA Board shall be coterminous with such member's term of office as a member of the Board of Supervisors, unless provided otherwise by resolution of the Board of Supervisors in accordance with the provisions of Section 15.2-5113 of the Act.
- b) The initial members of the CDA board shall be as set forth in the Articles of Incorporation for the terms set forth therein.

Chairman Fore said a public hearing must be held for the two proposed changes.

Supervisor Simpson made a motion to accept the amendments to the Petition for the Creation of the Granite Falls Community Development Authority, as submitted by the IDA; and to authorize advertisement of a Public Hearing for March 9, 2010 at 7:30 p.m. to consider the Ordinance Amending the Ordinance Creating the Granite Falls Community Development Authority; the motion carried:

Aye:	Howard M. Campbell	Nay: None
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	
	Mattie P. Wiley	

Absent: Robert M. Jones

**AMENDMENT TO PETITION DATED AUGUST 14, 2009
FOR THE CREATION OF THE GRANITE FALLS
COMMUNITY DEVELOPMENT AUTHORITY
AND WAIVER**

The undersigned Industrial Development Authority of Prince Edward County, Virginia (“IDA”) along with Prince Edward Development, LLC (the “Purchaser”), submitted a Petition for the Creation of the Granite Falls Community Development Authority (the “CDA”), dated August 14, 2009 (the “Petition”). The undersigned IDA, as the owner of the land within the CDA, and the undersigned Purchaser, as the proposed purchaser of the land within the CDA, hereby amend the Petition as follows:

The first sentence of Paragraph 3 is amended to read: “The CDA will undertake to finance, acquire and construct public improvements pursuant to Section 14.2-5158 of the Act, which public improvements may include sewer system improvements, roads and road improvements, landscaping, parking, the Granite Falls Conference and Hospitality Training Center and such other facilities and services as are permitted by the Act (collectively, the “Improvements”).

The Board of Supervisors of the County of Prince Edward, Virginia is respectfully requested to amend its Ordinance Creating the Granite Falls Community Development Authority, adopted on November 17, 2009 (the “Ordinance”), to include the change described above.

To the extent the provision of Virginia Code Section 15.2-5156(B) apply to this amendment the undersigned waive mailing of the proposed amendment to the Ordinance, notice of the adoption of such amendment and the 30 day period referenced to in Section 15.2-5156(B).

**AN ORDINANCE AMENDING THE ORDINANCE CREATING THE
GRANITE FALLS COMMUNITY DEVELOPMENT AUTHORITY**

WHEREAS, the Board of Supervisors of the County of Prince Edward, Virginia (the “Board of Supervisors”) authorized the creation of the Granite Falls Community Development Authority (the “CDA”) by ordinance entitled “Ordinance Creating the Granite Falls Community Development Authority”, adopted November 17, 2009 (the “Ordinance”); and

WHEREAS, the Industrial Development Authority of Prince Edward County, Virginia (the “Authority”), as the owner of the land in the CDA and Prince Edward Development LLC (the “Purchaser”) as the proposed purchaser of such land submitted a Petition, dated August 14, 2009 (the “Petition”) requesting the Board of Supervisors to create the CDA; and

WHEREAS, the Authority and the Purchaser have submitted an Amendment to Petition requesting that the CDA be authorized to finance certain additional facilities; and

WHEREAS, the Board of Supervisors desires to provide that the members of the CDA Board shall consist of the members of the Board of Supervisors, each such DCA board member to be appointed for a term of office coterminous with such member’s term of office as a member of the Board of Supervisors; and

WHEREAS, a public hearing has been ehld on March 9, 2010, by the Board of Supervisors on the adoption of this Ordinance and notice has been duly published in

accordance with the requirements of Section 15.2-5156 of the Code of Virginia of 1950, as amended (the “Act”); and

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Prince Edward, Virginia as follows:

1. Amendment of Paragraph 3 of Ordinance. The Ordinance is hereby amended so that the first sentence of Paragraph 3 of the Ordinance reads as follows:

The CDA is created for the purpose of exercising the powers set forth in the Act, including financing, construction, acquiring and developing, and owning and maintaining if necessary, certain public improvements in connection with the development of a hotel and conference center, which public improvements may include sewer system improvements, roads and road improvements, landscaping, parking, the Granite Falls Conference and Hospitality Training Center and such other facilities and services as are permitted by the Act, as set forth in the Petition, as amended by the Amendment to the Petition.

2. Amendment of Paragraph 6 of the Ordinance. Paragraph 6 of the Ordinance is hereby amended to read as follows:

6. Membership of the Authority

- a) The powers of the CDA shall be exercised by an authority board consisting of eight members, such number being equal to the number of members of the Board of Supervisors, and such alternate members as the Board of Supervisors may appoint. The members of the Board of Supervisors shall constitute the members of the CDA Board and the term of each member of the CDA Board shall be coterminous with such member’s term of office as a member of the Board of Supervisors, unless provided otherwise by resolution of the Board of Supervisors in accordance with the provision of Section 15.2-5113 of the Act.
- b) The initial members of the CDA board shall be as set forth in the Articles of Incorporation for the terms set forth therein.

3. Articles of Incorporation. The County Administrator is authorized and directed to execute and file Articles of Incorporation with the State Corporation Commission in substantially the form on file with the County Administrator with such changes or corrections as the County Administrator may approve prior to filing.

4. Recordation of Ordinance. In accordance with Section 15.2-5157 of the Act, a copy of this Amending Ordinance, together with the Ordinance, shall be recorded in the land records of the Clerk’s Office of the Circuit Court of the County of Prince Edward for each tax map parcel in the CDA District and the CDA District shall be noted on the land records of the County.

5. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Adoption at a regular meeting of the Board of Supervisors of the County of Prince Edward, Virginia, held on March 9, 2010.

In Re: Granite Falls Conference & Training Center Grant Application

Mrs. Sharon Lee Carney said Prince Edward County has an opportunity to apply for a \$1.2 million Community Development Block Grant (CDBG) from the Virginia Department of Housing and Community Development for the construction of the Granite Falls Conference and Training Center. She said two public hearings are necessary as part of the competitive grant application; the first hearing is held to identify the County's community development and/or housing needs, the range of eligible project types funded through the CDBG program and the amount of money available to the applicant, as well as the County's past performance (if applicable) in the CDBG program during the previous five years. The second hearing must be held for public review of and comment on the final draft of the CIG proposal.

Mrs. Carney stated the 2010 grant round is due March 31, 2010, and requested Board authorization to advertise to Public Hearings: one to be scheduled on Tuesday, February 23, 2010 at 3:00 p.m.; and the second to be scheduled for Tuesday, March 9, 2010 at 7:30 p.m. at the Board of Supervisors meeting. She added there is no grant match requirement but applications do score higher with a substantial match. Grant awards will be announced in June 2010.

Chairman Fore asked about the need for two public hearings. Mr. Bartlett said the one to be held on Tuesday, February 23 at 3:00 p.m. is to inform the public about CDBG grants and those that Prince Edward County applied for in the past; the one to be held on Tuesday, March 9 during the regular Board of Supervisors meeting would be for public review and comment on the final draft of the CIG proposal.

Supervisor Simpson made a motion to authorize the advertisement of the public hearing to be held on Tuesday, February 23, 2010 at 3:00 p.m. and the public hearing to be held on Tuesday, March 9, 2010 at 7:30 p.m. at the Board of Supervisors meeting regarding the submission of a \$1.2 million CDBG grant application to the Virginia Department of Housing and Community Development for the construction of the Granite Falls Conference and Training Center; the motion carried:

Aye:	Howard M. Campbell	Nay: None
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	
	Mattie P. Wiley	

Absent: Robert M. Jones

In Re: County Emergency Operations Plan

Mr. Jonathan Pickett, Director of Planning and Community Development, said Prince Edward County has not formally updated and re-adopted its Emergency Operations Plan (EOP) in a number of years. The state is requiring all localities to update their plan and have the local governing body re-adopt it in order to maintain eligibility for grant funding through the Virginia Department of Emergency Management and the federal Department of Homeland Security. He requested the Board authorize the necessary public hearing be held during the March 9, 2010 Board of Supervisors meeting. Mr. Pickett said the plan is presently being updated and the approximately 200-page draft is available for review in his office.

Supervisor McKay made a motion to authorize advertisement of a public hearing for the March 9, 2010 meeting for public input on the County's update Emergency Operation Plan; the motion carried:

Aye: Howard M. Campbell Nay: None
William G. Fore, Jr.
Don C. Gantt, Jr.
Charles W. McKay
Howard F. Simpson
Jim R. Wilck
Mattie P. Wiley

Absent: Robert M. Jones

In Re: Motor Vehicle License Tax Committee Report

Mr. Bartlett said the Motor Vehicle License Tax Committee has met three times to review and discuss the County's current Motor Vehicle License Tax Ordinance. The Committee comprises: Supervisor Simpson – Chair; Supervisor McKay; Commissioner of Revenue Beverly Booth; Treasurer Mable Shanaberger; County Attorney Jim Ennis; and County Administrator Wade Bartlett.

The Committee recommends the following Proposed Amended Vehicle Classifications and Rates:

Class Code	Description	Count	License Tax	Tax Amount
01	Automobiles	10,572	25.00	\$ 264,300.00
07	Farm Trucks	192	30.00	\$ 5,760.00
09	Trucks < 7500 lbs	4,084	25.00	\$ 102,100.00
11	Motorcycles	338	15.00	\$ 5,070.00
13	Trailers	3,201	15.00	\$ 48,015.00

25	Motor Homes	50	25.00	\$ 1,250.00
45	Antique Veh 1st Yr	-----	30.00	-----
51	Trucks > 7500 lbs	1,268	35.00	\$ 44,380.00
NG	National Guard	27	15.00	\$ 405.00
	Total Tax			\$ 471,280.00

Supervisor Simpson made a motion to authorize advertisement of a public hearing for the March 9, 2010 meeting for the amendment of the County Motor Vehicle License Tax Ordinance. The motion carried:

Aye: Howard M. Campbell
William G. Fore, Jr.
Don C. Gantt, Jr.
Charles W. McKay
Howard F. Simpson
Jim R. Wilck
Mattie P. Wiley

Nay: None

Absent: Robert M. Jones

In Re: County Attorney's Report

Mr. Jim Ennis, County Attorney, stated that in regards to the Bush 4-B, he prepared settlement agreements for the two outstanding matters where contact has been made with the landowners, and a Petition to be filed with the Circuit Court, wherein all parties will join requesting a distribution of the funds that were previously on deposit in the Clerk's office as well as a confirmation of the perpetual easements that were sought at the time the Certificate in Lieu of Payment was recorded in 1998. He said the Order for entry by the Judge that would transfer the funds to the owner of the property and confirm the easements is also prepared. He said they are ready for signature, circulation, and filing with the Court.

Supervisor Simpson asked about the possibility of mailing the settlement to the third party.

Mr. Ennis said a valid address for the third party is unknown. He said if proper steps are taken, the funds in the amount of \$261.00 will go to the State of Virginia as unclaimed property. The County will be relieved of the liability for that sum of money, but the County would still have no confirmation of easement. He said the County must file a Petition with the Circuit Court and have an Order entered in order to disperse the money and confirm the easement. He said the procedure is that once the agreements are signed, copies of the Settlement Agreements need to be attached to the Petition as an exhibit. The

County will remit the funds necessary over and above what is already on deposit with the Clerk's office, with the filing of the Petition; the Order will direct those funds be deposited with the Clerk of the Court.

Supervisor Simpson made a motion to authorize the Board Chairman and the County Administrator to sign all necessary documents to close out the Bush 4-B project, and appropriate the necessary funds as follows:

		<u>Debit</u>	<u>Credit</u>
3-100-041050-0100	From General Fund Fund Balance		\$ 31,500
4-100-082300-5450	Flood & Erosion Control / Bush 4-B	\$ 31,500	

The motion carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
------	---	-----------

Absent: Robert M. Jones

In Re: County Administrator's Report

Mr. Bartlett said Congressman Perriello, in preparation of the Federal Fiscal Year beginning October 1, 2010 (FY 11), has initiated a procedure for local governments to submit requests for federal funding. The deadline is February 22, 2010. He reviewed the items submitted last year:

- 1) Water treatment plant and Distribution System
- 2) State Route 643 – Back Hampden Sydney Road
- 3) Improvements to East Interchange of 460
- 4) U.S. 15 – Parallel lanes
- 5) Regional Wireless Broadband Initiative
- 6) Energy Conservation and Management System – Prince Edward, VA Public Schools
- 7) Prince Edward Business Park Site Development

Mr. Bartlett said that most requests will require a local match this fiscal year, and amounts vary by federal program. State Route 643 and U.S. 15 have VDOT funds assigned to them that can be used as match; the 460 Interchange has no such match. Mr. Bartlett recommended Prince Edward County submit funding requests for State Route 643 and U.S. 15.

Mr. Bartlett then said the Wireless Broadband requests from last FY have yet to be acted on by the Federal Government and Prince Edward has no local matching funds identified for such projects; he recommended no application be submitted this FY. He said the work at the Business Park has been completed. Mr. Bartlett said the Workforce Training Center portion of the Hotel/Conference project is eligible and the match portion can be obtained from either the Tobacco Commission or the developer.

Mr. Bartlett asked the Board to review the items listed and to contact him with questions or to add to the list.

On motion of Supervisor Simpson and adopted by the following vote:

Aye:	Howard M. Campbell	Nay: None
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	
	Mattie P. Wiley	

Absent: Robert M. Jones

the meeting was recessed at 4:05 p.m. and will reconvene on Tuesday, February 16, 2010 at 7:00 p.m.