

January 8, 2008

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 8th day of January, 2008; at 7:00 p.m., there were present:

William G. Fore, Jr.

Sally W. Gilfillan

Robert M. Jones

Charles W. McKay

James C. Moore

Howard F. Simpson

Mattie P. Wiley

Absent: Lacy B. Ward

Also present: Wade Bartlett, County Administrator; Sarah Puckett, Assistant County Administrator; Jonathan L. Pickett, Director of Planning and Community Development; James Ennis, County Attorney; Sharon Carney, Director of Economic Development and Tourism, Alecia Daves-Johnson, Planner I; Michelle Eppes, Clerk of the Circuit Court; Beverly Booth, Commissioner of Revenue; Mark McKissick, Assistant Resident Engineer; and Keith Halbohn, Transportation Contract Administrator.

Mr. Wade Bartlett, County Administrator, called the meeting to order. Supervisor Moore led the pledge of allegiance and offered the invocation.

In Re: Election of Chairman

This being the first meeting of the Board of Supervisors in the year 2008, the County Administrator opened the floor for nominations for Chairman.

Mr. William G. Fore, Jr. was nominated by Supervisor Simpson. There being no other nominations, Mr. McKay moved that the nominations be closed. The motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: None

Absent: Lacy B. Ward

There being no further nominations, Mr. Fore will serve as Chairman of the Prince Edward County Board of Supervisors for calendar year 2008.

In Re: Election of Vice-Chairman

Chairman Fore called for nominations for the office of Vice-Chairman.

Supervisor Jones nominated Mr. Howard F. Simpson. There being no further nominations, Mr. Moore made a motion that the nominations be closed. The motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: None

Absent: Lacy B. Ward

There being no other nominations, Mr. Simpson was chosen to serve as Vice-Chairman of the Prince Edward County Board of Supervisors for calendar year 2008.

In Re: Date, Time, and Place of Board Meetings

Supervisor Moore moved that the regular monthly meetings of the Prince Edward County Board of Supervisors be held on the second Tuesday of each month, at 7:00 p.m., in the Board of Supervisors' Room of the Court House Building, 111 South Street, Farmville, Virginia. The motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: None

Absent: Lacy B. Ward

In Re: Adoption of By-Laws

Mrs. Gilfillan moved that the wording of the Prince Edward County Rules of the Board of Supervisors reflect a change in the term of office for the Chairman and Vice-Chairman to serve two years, retroactive to the election just held. The motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: None

Absent: Lacy B. Ward

Mr. McKay moved that the Prince Edward County Rules of the Board of Supervisors be adopted as revised. The motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: None

Absent: Lacy B. Ward

PRINCE EDWARD COUNTY
RULES OF
THE BOARD OF SUPERVISORS

(As amended January 2008)

I. ATTENDANCE AND ADJOURNMENT

All members shall make a reasonable effort to attend meetings of the Board. If unable to attend, a member shall notify the Chairman or County Administrator.

A majority of the members of the Board shall constitute a quorum and must be present to proceed to business. A smaller number of members may adjourn or send for absentees. Special meetings of the Board may be called in accordance with Section 15.1-538 of the Code of Virginia, 1950, as amended.

The Chairman shall take the chair at the hour set by the Board for regular or special meetings. He shall immediately call the Board to order and determine if a quorum is present; if so, he shall have the minutes of the preceding meeting submitted. Any errors or omissions shall, upon motion and carried, then be corrected. The minutes, being found correct, shall be signed by the Chairman and Clerk and shall be the authentic record of the proceedings of the Board of Supervisors.

II. CHAIRMAN AND VICE-CHAIRMAN

At the first meeting in January of each year, the Board of Supervisors shall elect one of its members as Chairman and one other of its members as Vice-Chairman. The term of office for the Chairman and Vice-Chairman shall be for two years, but they may be re-elected.

The Chairman shall preside at all meetings at which he is present. The Vice-Chairman shall preside at all meetings at which the Chairman is absent and may discharge any other duty of the Chairman during his absence or disability.

The day, time, and place of regular board meetings shall be determined at the January meeting.

III. CLERK

The County Administrator shall serve as Clerk to the Board.

The minutes of the meetings of the Board shall be duly drawn by the Clerk and shall be submitted for approval at the next regular monthly meeting following their draft.

The Clerk shall appoint a deputy as recording secretary if required or needed by the Board.

IV. ORDER OF BUSINESS

After the call to order the Board shall proceed to the agenda. The normal order of the agenda shall be as below, except at the January organizational meeting and as subject to rearrangement by the Chairman, absent objection by the Board. At the

organizational meeting in January, the first order of business shall be the election of the Chairman and Vice-Chairman and approval of the Board's operating procedures.

- A. Public Participation
- B. Consent Agenda
 - Acceptance of Treasurer's Report
 - Approval of Minutes
 - Approval of Warrant List
- C. Highway Matters
- D. Business for Board Consideration
- F. County Administrator's Report
- G. Closed Session
- H. Correspondence
- I. Informational Items
- J. Upcoming Meetings
- K. Monthly Reports from Local Departments
- L. Adjournment

V. PREPARATION OF AGENDA

The County Administrator shall see that the preparation and printing of Board papers, ordinances, resolutions, petitions, and other applicable documents, be completed within such time that members of the Board may receive the documents at least 72 hours before the meeting of the Board.

The County Administrator shall close the upcoming Agenda on the Wednesday prior to the meeting of the Board. Any item submitted after this deadline will not be considered for action unless recommended by the County Administrator.

VI. CONSENT AGENDA

The Chairman and County Administrator shall style routine, non-controversial matters requiring Board action on a Consent Agenda. Items may be removed from the Consent Agenda and place on the Regular Agenda on recorded vote by a majority of the Board members present. Only one motion is necessary to adopt all recommendations and action items on the Consent Agenda.

There shall be no debate or discussion by any member of the Board or the public regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

VII. CONDUCT OF BUSINESS

The Chairman shall preserve order and decorum. When two or more members speak at the same time, the Chairman shall name the person who shall speak first.

A motion or proposition shall be reduced to writing, if desired by the Chairman or any member. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the Board upon it, except a motion to reconsider, which shall not be withdrawn without leave of the Board. Otherwise, meetings shall be conducted in accordance to Robert's Rules of Order, Newly Revised (Procedures for Small Boards).

VIII. TAKING THE VOTE

When a motion in order is made, the Chairman shall state the exact motion and indicate that it is open to debate. After the motion has been debated, the Chairman shall put the question in the following forms: "As many as agree that, etc. (as the question may be) let it be known by raising your right hand", and "Those opposed by the same sign."

According to the Constitution of Virginia, a majority of all elected members shall be necessary to adopt any ordinance or resolution appropriating money exceeding the sum of \$500.00, imposing taxes, or authorizing the borrowing of money. Otherwise, a resolution, ordinance, or other proposition shall be adopted by vote of the majority of Board members present and voting. A tie vote shall mean the defeat of the motion voted on.

A member may abstain and be entered in the minutes as present and abstaining.

The Code of Virginia, 1950, as amended, Title 2.1, Chapter 40.2, Section 639.30 et seq shall control with respect to a member's participation and voting. (Conflict of Interest-Section 2.1-639.30 et al, Code of Virginia, 1950, as amended.)

IX. RECONSIDERATION

After a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided the motion is made on the same day as the decision carried. All motions to reconsider shall be decided by a majority of the votes of the members present and voting.

X. WITHDRAWAL OF EXHIBITS

Original papers, filed as exhibits with any ordinance or resolution, may be withdrawn by the patron or upon his order. In such case, he shall leave attested copies, and shall pay the Clerk for the cost of copying.

XI. MANUAL AND RULES

The rules of parliamentary practice in Robert's Rules of Order, Newly Revised shall govern the Board in all cases to which they are applicable, except when they are inconsistent with the rules established by the Board.

The Rules of the Board shall be reviewed and adopted in January of each year. These Rules may subsequently be suspended or amended by a two-third vote of the entire Board. Upon a motion to suspend or amend, the mover shall be allowed two minutes to state the reasons for his motion, and one member opposed to the motions shall be allowed an equal time to object.

XII. APPOINTMENTS

All appointments of Board representatives to commissions, authorities, committees, etc. shall be made once the individual leaves the position or on expiration of

his term, and not later than two meetings after the individual has left. The Board shall attempt to honor appointments from representative districts and shall not discriminate based on sex, age, handicap, race, or origin.

At the January meeting of each year, the Board shall vote whether to operate with a system of standing committees during the year. If it does, the Board shall specify the name, composition, and function of each of the several committees. The committees shall meet at the regular times and in conformity with the Virginia Freedom of Information Act. In selecting members of committees, the Chairman of the Board shall make nominations after soliciting from members of the Board their preferences as to committee assignments. The Board may amend the Chairman's nominations and shall confirm the assignments. Standing committees shall consider such matters as referred by the Board, and shall report at regular meetings of the Board.

If the Board votes not to have standing committees, it may act as a committee of the whole on matters normally referred to standing committees. However; the Chairman after consulting with the County Administrator, may appoint special (ad hoc) committees to carry out specific tasks. This shall be done after soliciting from members of the Board their preferences as to committee assignments. A special committee shall automatically cease to exist once it has completed its specific task.

XIII. PUBLIC HEARINGS

The Chairman may, at his discretion, set an appropriate and consistent time limit on all speakers at a public hearing. All speakers shall come forward and identify themselves by name and address before stating their position. If a public hearing becomes disruptive, the Chairman may adjourn or continue, in accordance with the Code of Virginia.

XIV. CLOSED SESSIONS

All discussions held in Closed Session as outlined in the Freedom of Information Act shall represent privileged information held by those involved. Release of such information by a Board member outside the session shall be considered a breach of these by-laws, and the member shall be subject to censure. Specific purpose of closed session shall be stated in accordance with Section 2.2-3711 of the Code of Virginia, 1950, as amended.

Upon return to regular session after a closed session, the County Attorney and/or Chairman shall state the nature of the closed session in as specific terms as appropriate.

In open session, a roll call vote shall be recorded in the minutes, certifying that only public business matters lawfully exempted from open meeting requirements and only such business matters as were identified in the motion were discussed or considered. Any member of the public body who believes there was a departure from the requirements shall so state prior to the vote. The statement shall be recorded in the minutes.

ROBERT'S RULES OF ORDER, NEWLY REVISED

PROCEDURE IN SMALL BOARDS

In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects:

--Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

--Motions need not be seconded.

--There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

--Informal discussion of a subject is permitted while no motion is pending.

--Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method in such meetings.

--The chairman need not rise while putting questions to vote.

--The chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

EFFECT OF PERIODIC PARTIAL CHANGE IN BOARD MEMBERSHIP

In cases where a board is constituted so that a specific portion of it is chosen periodically (as, for example, where one third of the board is elected annually for three-year terms), it becomes, in effect, a new board each time such a group assumes board membership. Consequently, all unfinished business existing when the outgoing portion of the board vacates membership falls to the ground; and if the board is one that elects its own officers or appoints standing committees, it chooses new officers and committees as soon as the new board members have taken up their duties, just as if the entire board membership had changed. The individual replacement of persons who may occasionally vacate board membership at other times, however, does not have these effects.

In Re: Committee System

The Rules of the Board state that “at the January meeting of each year, the Board shall vote whether to operate with a system of standing committees during the year. If it does, the Board shall specify the name, composition, and function of each of the several committees.” If the Board would vote not to have standing committees, it may act as a “committee of the whole.”

Chairman Fore asked for any changes, and added that if no changes were made, Mrs. Cooper-Jones' position on the Personnel Committee would need to be filled. Supervisor Gilfillan recommended that the Committee system be continued, and requested a Budget/Finance Committee and an Audit Committee be established.

Chairman Fore said while the Board has been successful and the ad hoc committees function well, he felt there were several committees that need to be carried forward. Mr. Jones said he felt the Board could operate as they had in the past, as in the Budget Committee as a whole.

After some discussion, Mrs. Gilfillan moved that the Board not operate as a committee of the whole, but with standing committees. The motion failed:

Aye:	Sally W. Gilfillan	Nay:	William G. Fore, Jr. Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Mattie P. Wiley
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Absent: Lacy B. Ward

In Re: Committee Appointments

Chairman Fore stated there were vacancies in the Personnel Committee and the IT Committee; after some discussion, Mrs. Wiley accepted the appointments to both the Personnel and IT Committees.

Mrs. Gilfillan said the IT Committee was waiting for Dr. Frank Moore to interview each County department head, and for his recommendations to the County. She added that during the budget process, the Committee may recommend consideration of a full-time IT position.

Mrs. Puckett said there were several committees that were carried forward and did not need reappointment, such as the Decal Committee and the Boundary Adjustment Committee.

Chairman Fore stated Mrs. Gilfillan had requested an Audit Committee be established when a change in constitutional officer occurs. Mr. Simpson, Mrs. Gilfillan and Mr. McKay were appointed to the Audit Committee, to meet with the County Administrator to determine the duties and responsibilities of the committee.

In Re: Rules of Procedure – Board of Supervisors’ Public Hearings

On motion of Mr. Simpson and carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: None

Absent: Lacy B. Ward

the Prince Edward County Board of Supervisors readopted the following procedures to govern public hearings.

BOARD OF SUPERVISORS PUBLIC HEARINGS
RULES OF PROCEDURE

1. Public Hearings – the order of presentation shall be as follows, unless varied by the Chairman.
 - a. Staff report.
 - b. Applicant’s presentation.
 - c. Comments, statements or presentations from members of the public.

The order of speakers will be:

- 1) Those in support of the matter,
 - 2) Those with questions or concerns,
 - 3) Those opposed,
 - 4) Rebuttals (limited by the Chair as to number and time-see below),
 - 5) Questions by the Board members of speakers.
- d. Additional rules:
 - The Chair can permit speaking out of the order in #c above as deemed necessary to enable the public to fully participate.
 - Speakers must stand at the podium and address the Board.
 - All comments shall be directed to the members of the Board of Supervisors. Debate is prohibited. This includes debate among speakers or speakers/Board members/staff.
 - Presentation by the applicant and other speakers shall be limited to a time set by the Chairman.
 - Additional time, for any portion, may be granted at the discretion of the Chairman.
 - The Chair will set the number of minutes permitted for rebuttal and has the discretion to change the number.

- The Chair has the authority to limit or decrease time for any portion of the public hearing due to the number of potential speakers, or repetition, or any other concern.
 - Remarks shall be confined to the matter under discussion and shall be relevant.
2. Speakers arriving after the commencement of the hearing and/or who are not on the sign-up sheet will be recognized at the discretion of the Chairman.
 3. Repetitive testimony is discouraged.
 4. The Chairman shall have the authority to end a presentation that violates these rules or for other cause.
 5. Following discussion of all matters considered in the public hearing, the Board members will consider one of three actions regarding each matter:
 - Approval (with conditions, as applicable);
 - Denial; or
 - Table for further review.
 6. Once the public comment period has been closed, no further public input will be permitted unless clarification is requested by a Board member. The response shall address only those questions raised by the member.

In Re: Public Participation

Mr. Rodney Lewis, of Leigh District, thanked the Board for installing the new recycling centers.

Mr. James Odum, of Leigh District, said last November, the Prince Edward County Board of Supervisors accepted a petition for Snails Creek Drive subdivision in Green Bay to be added to the Rural Addition County Priority List. He said the dirt and gravel road was in very bad condition, and wanted to find out how to get repairs made on the road. He added that after the repairs were made to Twin Bridge Road, a hump was created in the road, and asked for repairs to be made.

Chairman Fore recognized Dr. Irving Gottfried and his son, who was working on his merit badges for promotion to Eagle Scout.

In Re: Consent Agenda

On motion of Mr. Moore and carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Mattie P. Wiley	Nay: None
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Absent: Lacy B. Ward

the Board accepted the Treasurer’s Report for the month of October, 2007; the minutes of the meetings held December 11, 2007 at 7:00 p.m., and December 20, 2007 at 5:00 p.m.; Accounts & Claims; Salaries; a Dance Hall Permit for Fever’s Restaurant & Lounge; the Rabies Clinics schedule; and an Erroneous Assessment for James Brown, Jr. in the amount of \$42.97.

October 2007

Fund balances were as follows:

General Fund-----	\$ 121,675.20	
General Fund Reserved for Investment-----	3,949,732.67	
		4,071,407.87*
Prince Edward Community Development Fund-----	0.00	
Industrial Development Authority Fund-----	1,136,594.31	
Recreation Fund Reserved for Investments-----	25,532.60	
Forfeited Assets Fund Reserved for Investment-----	158,978.68	
School Capital Projects Fund—VPSA-----	28,632.04	
School Capital Projects Fund—QZAB01-----	14,979.88	
Underground Storage Tank		
Liability Fund Reserved for Inventory-----	20,000.00	
Economic Development Fund-----	(50,000.00)	
Board of Public Welfare Special Account-----	2,175.68	
Piedmont ASAP Fund-----	168,572.38	
School Fund-----	0.00	
Landfill Construction Fund-----	436,886.31	
PCS Fund-----	277,362.41	
Revenue Sharing Fund-----	(70,534.14)	
Retirement Benefits Fund-----	21,923.00	
School Capital Projects Fund—QZAB02-----	709,573.27	
DARE Donations Fund-----	5,329.00	
School Cafeteria Fund-----	215,646.48	
		\$7,173,059.77

Cash accounts were as follows:

Cash in Office-----	1,000.00
Cash in Banks-----	691,150.01
Warrants Payable (School Fund)-----	0.00
General Fund Investments-----	3,949,732.67
VPSA Investments-----	28,632.04
QZAB01 Investments-----	14,979.88

Underground Storage Tank Fund-----	20,000.00
Recreation Fund Investments-----	25,532.60
QZAB02 Investments-----	709,573.27
Landfill Construction Fund for Investment-----	436,886.31
Forfeited Asset Fund for Investment-----	158,978.68
Industrial Development Authority Fund for Investment-----	1,136,594.31
	\$7,173,059.77

*Of this \$4,071,407.87 in the General Fund, \$7,977,025.08 is encumbered for:

Transfers to:	
School Fund	\$ 5,765,187.85
VPA Fund	348,078.23
Economic Development Fund	1,300,000.00
Debt Obligations	563,759.00
Total	\$7,977,025.08

This leaves an unencumbered balance of \$(3,905,617.21) in the General Fund.

STATEMENT OF DEPOSITORY BALANCES

Balances as of October 2007:

Checking Accounts:

Benchmark Community Bank	93,239.90	
Wachovia Bank	85,390.02	
BB&T	2,334,695.22	
Bank of America	235,000.00	
		\$2,748,325.14

Investment Accounts:

Benchmark Community Bank	749,315.66	
Wachovia Bank	200,000.00	
Citizens Bank & Trust Company	535,000.00	
BB&T	733,126.48	
Planters Bank & Trust	700,000.00	
Mentor Investments	157,290.58	
SNAP (State Non-Arbitrage Plan)	28,632.04	
Bank of America	1,320,369.87	
		\$4,423,734.63

LIABILITIES

Virginia Department of Taxation	State sales tax	5.16
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BOARD OF SUPERVISORS

Puckett Funeral Home, Inc.	Professional services	1,460.00
Farmville Herald	Advertising	593.75
Business Card	Meals & Lodging	3,147.10
Walmart	Soft drinks	17.96

<u>COUNTY ADMINISTRATOR</u>		
Pitney Bowes Financial Services	Postage meter lease	87.00
AT&T	Phone	203.07
Embarq	Phone	454.38
U.S. Cellular	Phone	75.28
Business Card	Lodging-542.56	
	Meals-46.50	
	Fed Ex & clipboards-79.04	668.10
Business Data of Virginia, Inc.	Software	107.96
Diamond Springs	Office supplies	15.45
Farmville Printing	Business cards-49.00	
	Letterhead-155.00	204.00
Key Office Supply	Office supplies	23.45
Maxey-Hines & Associates	Copies-Watershed plan	36.00
Moonstar BBS	DSL	95.00
Town of Farmville	Minutes of meeting	46.00
Walmart	Office supplies-16.82	
	Batteries-10.86	27.68
Matthew Bender & Company, Inc.	Adv Court Rules set/SV	74.15
University of Virginia	Virginia Local Tax Rates	31.00

<u>COMMISSIONER OF REVENUE</u>		
Farmville Herald	Advertising	61.75
AT&T	Phone	59.55
nTelos	Internet	19.95
Embarq	Phone	202.60
Creative Business Solutions	Balance due-Personal Property form-101.22	
	Balance due-Envelopes-47.94	149.16
NADA Appraisal Guides	Older used car guides-81.00	
	Marine appraisal guide-25.00	106.00

<u>TREASURER</u>		
James W. Elliott, Attorney	Advertising	387.00
AT&T	Phone	105.19
Embarq	Phone	225.13
VALECO	Registration	20.00
Treasurers Association of Virginia	Registration	50.00
Key Office Supply	Office supplies-459.88	
	LCD Monitor-179.00	638.88

<u>INFORMATION TECHNOLOGY</u>		
Business Data of Virginia, Inc.	Travel expenses-625.00	
	Monthly contract-2,800.00	
	AS400 Battery backup-2,190.00	5,615.00

<u>REGISTRAR</u>		
Dale L. Bolt	Postage-16.40	
	Mileage-65.48	
	Meal-16.49	98.37
AT&T	Phone	48.63
Embarq	Phone	144.34
Key Office Supply	Office supplies	75.73

<u>CIRCUIT COURT</u>		
AT&T	Phone	46.68

Embarq	Phone	162.37
Key Office Supply	Ink cartridges-75.90	
	Calendar-8.97	
	Norton installation-119.95	204.82

GENERAL DISTRICT COURT

AT&T	Phone-Juv. Prob.-165.29	
	Phone-J&D-86.48	
	Phone-Gen. Dist. Court-164.11	415.88
Embarq	Phone-J&D-85.59	
	Phone-Juv. Prob.-102.76	
	Phone-Gen. Dist. Court-305.37	493.72
U.S. Cellular	Phone	37.64

SPECIAL MAGISTRATES

AT&T	Phone	108.60
Embarq	Phone	75.81

CLERK OF THE CIRCUIT COURT

Treasurer of Virginia	PCs & software-1,500.00	
	Jury questionnaires-1,601.19	3,101.19
AT&T	Phone	102.88
Embarq	Phone	278.70
West Payment Center	07-08 Probate Handbook	354.00

LAW LIBRARY

Matthew Bender & Company, Inc.	Virginia Code Rules Vol. 11	12.85
Embarq	Phone	33.10

SHERIFF

Commtronics of Virginia	Radio speaker mic	75.34
Grant's Glass	Replace auto glass	312.50
Haley of Farmville, Inc.	Replaced air sensor-620.83	
	Battery-171.35	792.18
Tri-County Ford-Mercury	Battery	184.95
AT&T	Phone	343.77
Embarq	Radio	10.52
Embarq Communications, Inc.	Phone	11.30
US Cellular	Phone	763.96
Diamond Springs	Office supplies	51.35
Polk City Directories	City directory	158.50
Staples Business Advantage	Shelf organizer-208.98	
	Wall pocket organizer-31.37	240.35
Sirchie Finger Print Labs	Fingerprint supplies	61.65
Southern Police Equipment Company	Inflatable wedges-45.98	
	Caps-30.97	76.95
Century Uniform-Raleigh	Uniforms-206.80	
	Tie-8.50	215.30

FARMVILLE VOLUNTEER FIRE DEPARTMENT

East End Motor Company, Inc.	Vehicle maintenance	536.71
Farmville Automotive	Vehicle maintenance	468.34
Farmville Wholesale Electric	J-Type-6.00	
	Receptacle cover-5.68	11.68
Singer Associates	Adapter/call siren	616.50
Old National Bank Leasing	Rewrite fee	250.00

RICE VOLUNTEER FIRE DEPARTMENT

Fire & Safety Equipment Company	Extrication gloves-25.00	
	Pants-50.00	75.00
Embarq	Phone	88.61
Dominion Virginia Power	Electric service	316.52

PROSPECT VOLUNTEER FIRE DEPARTMENT

C. W. Williams	Connectors	180.42
Chesterfield Insurers	Bond renewals	150.00
Citizens Bank & Trust Company	Truck payment	3,424.73
Key Office Supply	Ink cartridge	36.99
Pamplin Exxon	Fuel/inspection/maintenance	288.02
Singer Associates	Tank repairs	5,357.60
Embarq	Phone	64.44
Town of Farmville	Fuel	45.40
Dominion Virginia Power	Electric service	203.38

DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

Farmville Wholesale Electric	Electrical supplies	95.57
Planters Bank & Trust	Loan payment	501.50
Southside Electric Cooperative	Electric service	178.67
Verizon	Phone	73.77

MEHERRIN VOLUNTEER FIRE DEPARTMENT

Roy C. Jenkins, Inc.	LP gas-293.80	
	Gas-126.09	
	Diesel-1,109.86	1,529.75
Shanaberger & Sons	Generator service contract	334.95
Jack L. Slagle Fire Equipment	Strobe tube-54.00	
	Fire line tape/holder-32.00	86.00
Verizon	Phone	150.64
Dominion Virginia Power	Electric service	299.57

EMERGENCY SERVICES

Korman Signs	Signs & hardware	496.85
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REGIONAL JAIL & DETENTION

Family Preservation Services	Electronic monitoring	690.00
Piedmont Regional Jail	Inmate per diem	4,011.70

BUILDING OFFICIAL

Treasurer of Virginia	Oct-Dec Permit levy	236.78
Key Office Supply	Office supplies	7.98
US Cellular	Phone	37.64
VBCOA	Dues	35.00

ANIMAL CONTROL

U.S. Cellular	Phone	75.28
Glenn Allen	Bounty	50.00
Ronald Allen	Bounty	50.00
Preston Venable	Bounty	50.00
Phillip Eldridge	Bounty	50.00
Andrew Adamson	Bounty	50.00
Dennis Anderson	Bounty	50.00
Carl Coles	Bounty	50.00

Luann Hancock	Bounty	50.00
Earl Hicks	Bounty	50.00
T. J. Long	Bounty	50.00
Herbert McCauley, Jr.	Bounty	50.00
Anthony Moore	Bounty	50.00
Norman Oakes	Bounty	50.00
Walmart	Ammo-80.08	
	Dog food-108.68	188.76
Village Veterinary Service	Panacur liquid	150.00
	<u>MEDICAL EXAMINER</u>	
Treasurer of Virginia	Coroner	40.00
	<u>BIOSOLIDS MONITORING</u>	
Manuel H. Toombs, Jr.	Internet-24.67	
	Antenna-42.95	67.62
U.S. Cellular	Phone	37.64
Tri-County Ford-Mercury	Oil change	25.83
	<u>REFUSE DISPOSAL</u>	
Resource International	Miscellaneous work tasks-1,148.30	
	Storm water permit compliance-770.65	
	Cell D Construction documents-758.61	
	Groundwater monitoring-22,863.68	25,541.24
Blue Tarp Financial, Inc.	Key blanks/padlocks-23.42	
	Shovel/rake/padlock-65.43	
	Virso site tools-4.78	93.63
Luck Stone Corporation	Stone for Virso site	1,243.55
W. C. Newman Company, Inc.	Virso site concrete	163.00
Piedmont Regional Jail	Inmate trash pickup	75.00
Rod & Staff Welding	Pipe for Virso gates	64.50
O. O. Stiff, Inc.	Monthly service	671.75
Dave M. Walker	Cleaning box site	250.00
Arena Trucking Company	Trash collection	358.00
Wright's Excavating	Landfill operation	42,187.50
Emanuel Tire of Virginia	Tire recycling	1,971.00
AT&T	Phone	204.10
Ranson's, Inc.	Phones	21.98
Embarq	Phone	192.52
US Cellular	Phone	37.64
Verizon	Phone	136.93
Newman Tire Company, Inc.	Tires	952.00
Southern States	Rubber straps/gloves	22.62
	<u>SANDY RIVER RESERVOIR</u>	
Draper Aden Associates	Financial analysis-6,008.28	
	SRR water supply plan-4,900.00	10,908.28
	<u>GENERAL PROPERTIES</u>	
Servicemaster	Monthly contract	4,875.83
Farmville Auto Parts	AHU Fan belt-11.83	
	Oil & filter-78.50	
	Battery-134.95	225.28
Putney Mechanical Company, Inc.	Sensor & thermostat	430.00
O. O. Stiff, Inc.	Monthly contract	100.00
Southside Electric Cooperative	Electric service-DH site-126.29	

Dominion Virginia Power	Electric service-SRR lights-31.89	158.18
	Animal shelter-265.93	
	Industrial Park-62.08	
	Roy Clark monument-36.06	
	Courthouse-9,157.09	
	Leachate pump-198.51	
	Scalehouse-113.30	
	Shop-69.34	
	Cell C pump station-18.13	
	Moore building-169.01	
	Green Bay site-78.92	
	Sheriff Department shed-5.50	
	Worsham Clerk office-68.79	
	Lights at Rice-65.92	
	Worsham site-109.36	
	Prospect site-82.75	
	Landfill shelter-70.86	10,729.73
Ellington Energy Service	Fuel oil-354.77	
	Diesel for tractor-20.00	374.77
Town of Farmville	Water & sewer	165.92
AT&T	Phone	34.96
Embarq	Phone	110.39
U.S. Cellular	Phone	188.29
Walmart	Cleaning supplies-42.64	
	Garland & bows-36.64	
	Light sets-39.76	
	Computer cable-15.97	
	Bulbs-8.04	143.05
Wilco, Inc.	Janitorial supplies	1,314.20
Ayers Building & Supply Company	Paint scraper	4.73
Blue Tarp Financial, Inc.	Paint & stencils-26.89	
	Paint/padlock/hasp-114.64	
	Caulk & nails-50.06	
	Gloves-12.10	
	Chisel/putty knife-18.30	
	Key blanks-12.00	
	Shelving supplies-76.17	
	Bolts/nuts/fasteners-1.60	
	Plywood-45.51	
	Rubber door bottoms-21.54	
	Spray paint-9.20	
	Posthole digger/level-72.98	460.99
Arcet Equipment Company	Grinding wheels	18.76
Business Card	Courthouse Christmas tree	173.08
Farmville Wholesale Electric	Electric box & cover-5.41	
	Cord set-11.70	
	Bulbs & ballast-436.42	
	Bit set & saw arbor-102.88	
	Drill arbor-10.56	
	Angle plug/receptacle-80.94	
	Credit memo-(6.11-)	641.80
OK Termite & Pest Control	Exterminating service	150.00
Pearson Equipment Company	Scaffolding rental	244.00
Price Supply Company	Filters-19.88	
	Coupler-24.15	44.03
Sherwin Williams Company	Paint & roller covers	633.72

Rod & Staff Welding	Metal	88.00
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CANNERY

Southside Electric Cooperative	Electric service	108.93
Ellington Energy Service	Fuel oil	1,091.60
AT&T	Phone	33.58
Embarq	Phone	31.33
Walmart	Cleaning supplies	95.72

COMPREHENSIVE SERVICE ACT

Centra Health	Professional services	22,549.60
Crossroads Services Board	Professional services	3,604.80
Cumberland Hospital	Professional services	10,055.15
Elk Hill	Professional services	12,158.92
Family Preservation Services	Professional services	5,972.50
Juanita Fisher	Foster care	230.00
Grafton School, Inc.	Professional services	25,363.25
Hallmark Youthcare-Richmond	Professional services	1,600.00
Heartland Family Counseling	Professional services	4,050.00
Helton House, Inc.	Professional services	5,052.50
Christy Johnson	Foster care	611.74
Lakeisha Lawson	Foster care	862.00
Ernestine Lee	Foster care	862.00
Angela Uhrich	Foster care	1,661.00
VSDB	Professional services	3,100.40
Youth Empowerment Services	Professional services	950.00
Mable Shanaberger	Administrative fee	150.00

PLANNING

U.S. Cellular	Phone	75.28
Alecia Daves-Johnson	Mileage-132.02	
	Meal-12.33	144.35
Jonathan Pickett	Mileage	215.87
Farmville Herald	Advertising	209.00
Key Office Supply	Office supplies	7.12
Reliable	File drawer dividers	65.28

ECONOMIC DEVELOPMENT

AT&T	Phone	70.72
Moonstar BBS	DSL	45.00
Embarq	Phone	182.31
Business Card	Airline tickets-433.00	
	Meals-282.71	
	Lodging-825.14	
	Jamestown event-100.00	
	Office supplies/postage-401.59	2,042.44
Key Office Supply	Office supplies	66.20

CAPITAL PROJECTS

Town of Farmville	Architectural fees	8,794.66
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DEBT SERVICE

Rural Development	Courthouse loan payment	16,626.00
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RETIREMENT BENEFIT FUND

Vicki K. Johns	Retiree benefit	959.00
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Anthem BCBS	Retirees insurance	1,812.00
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REVENUE SHARING FUND – VDOT

Draper Aden Associates	Via Sacra design	605.00
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PIEDMONT COURT SERVICES

Dominion Virginia Power	Electric service	130.82
Pitney Bowes Financial Services	Postage meter lease	125.00
AT&T	Phone	234.23
Embarq	Phone	230.64
Sheena Franklin	Mileage	104.27
Sharon Gray	Mileage	108.14
Renee T. Maxey	Mileage	38.80
Rebecca Moss	Mileage	195.94
Sheena Franklin	Office supplies	16.01
Quill Corporation	Office supplies-22.49	
	Mega travel drive-127.49	149.98

PCS SUPERVISION FEES EXPENDITURES

SRP Corporation, LLC	Rent	1,550.00
Page Hardy	Cleaning service	120.00

ADDENDUM BILL LIST

BOARD OF SUPERVISORS

Howard F. Simpson	Mileage-322.04	
	Meals-52.92	374.96

ASSESSOR

Wampler-Eanes Appraisal	Professional services	22,247.50
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TREASURER

Pitney Bowes, Inc.	Equipment lease-945.99	
	Install equipment-472.50	1,418.49

INFORMATION TECHNOLOGY

ComputerPlus Sales & Service	Maintenance contract	270.00
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CIRCUIT COURT

William P. Abrams	Juror	30.00
Phyllicia E. Eanes	Juror	30.00
Josephine E. Faris	Juror	30.00
Angela L. Hargrave	Juror	30.00
Carl L. Kernodle	Juror	30.00
Carlton T. Redd	Juror	30.00
Emily K. Ring	Juror	30.00
Dixie Calhoun	Juror	60.00
Wilbur H. Currie	Juror	60.00
Laura L. Fowlkes	Juror	60.00
Roland L. Grenouillo, Jr.	Juror	60.00
Robert M. Jones	Juror	30.00
Deborah H. Lacks	Juror	60.00

Laverne V. Walker	Juror	60.00
Kalmonia D. Allen	Juror	30.00
Vivian G. Bailey	Juror	60.00
Veronica Gail Blevins	Juror	60.00
Shun Bolden	Juror	60.00
Charles W. Brooks	Juror	30.00
Robert H. Buchholz	Juror	30.00
Howard Buckwalter	Juror	60.00
Louise C. Burnside	Juror	60.00
Bernard Jerome Callan	Juror	60.00
Robert G. Chapman	Juror	30.00
Kim Marie Cirrinicione	Juror	30.00
Donna Coleman	Juror	60.00
Eric G. Dinmore	Juror	60.00
Osa S. Dowdy	Juror	30.00
Catherine C. Duker	Juror	30.00
Nancy S. Espigh	Juror	60.00
Courtney R. Franklin	Juror	60.00
Phoebe Gur-Chiang	Juror	30.00
Patricia D. Harris	Juror	30.00
James W. Holcomb	Juror	60.00
Nettie Jennings	Juror	30.00
Charles E. Kinzer	Juror	60.00
Edna Nance	Juror	30.00
Charence E. Palmertree	Juror	30.00
Martin J. Sanaslone	Juror	30.00
Carolyn L. Skates	Juror	30.00
Shirley S. Spencer	Juror	30.00
Karen St. Clair	Juror	60.00
Jimmy F. Stoffer	Juror	30.00
Jeannette A. Tarlton	Juror	30.00
Jean B. Thornton	Juror	60.00
Ronald M. Whitney, Jr.	Juror	30.00
Ruth Moseley Wiley	Juror	30.00
Mark Wilson	Juror	30.00
Stephanie Wright	Juror	30.00

GENERAL DISTRICT COURT

Nancy Siford, Inc.	Mediation	800.00
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LAW LIBRARY

Matthew Bender & Company, Inc.	Virginia forms 07 supplement	301.55
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COMMONWEALTH'S ATTORNEY

Pitney Bowes Financial Services	Equipment lease	105.87
AT&T	Phone	171.59
Kinex Networking Solutions	Internet-49.95	
	Computer-825.00	874.95
Embarq	Phone	271.63
Farmville Herald	Advertising	124.00
Matthew Bender & Company, Inc.	VA Code Rules V11-12.85	
	VA Criminal Benchbook-174.80	
	VA Criminal Law	
	Case Finder-218.80	406.45

VICTIM WITNESS ASSISTANCE PROGRAM

Cindy Sams	Mileage-38.80	
	Meal-8.65	47.45
AT&T	Phone	58.91
Farmville Printing	Copies/business cards	45.00
Key Office Supply	Office supplies	15.29
Embarq	Phone	44.19

SHERIFF

East End Motor Company, Inc.	Transmission-2,267.73	
	Starter-514.40	
	Inspection-18.56	
	Oil change-34.79	
	Batteries-312.43	
	Wrecker service-45.00	
	Inspect/replace light-36.24	
	Repair brake light-18.02	
	Brake rotors/inspection-823.30	4,070.47
Newman Tire Company, Inc.	Tires	1,253.43
All American Publishing	Advertising	215.00
Embarq	Phone	465.30
Key Office Supply	Office supplies	99.75
Kinex Networking Solutions	DSL	59.95
Rochette's Florist	Green plant	68.00
Walmart	Office supplies-43.76	
	Cell phone charger-10.44	54.20
Century Uniform-Raleigh	Hat	69.44
Southern Police Equipment Company	Safety vests	277.50

PAMPLIN VOLUNTEER FIRE DEPARTMENT

AT&T	Phone	102.19
Foster Fuels, Inc.	Propane	818.03
M&W Fire Apparatus, Inc.	Couplings/nozzles	1,099.49
Pamplin Volunteer Fire Department	Fuel	408.64
Verizon	Phone	103.96
Dominion Virginia Power	Electric service	259.97

REGIONAL JAIL & DETENTION

Piedmont Regional Juvenile Detention Center	Juvenile detention	11,175.00
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BUILDING OFFICIAL

East End Chevron	Oil change	22.45
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REFUSE DISPOSAL

Luck Stone Corporation	Stone for Virso site	730.34
Carl Scott	Reimbursement-Damaged jacket	399.00

GENERAL PROPERTIES

Thyssenkrupp Elevator	Quarterly maintenance contract	1,846.20
Southside Electric Cooperative	Virso site	112.48
East End Chevron	Ice	3.76
Cintas Corporation #524	Uniform rental	444.14

COMPREHENSIVE SERVICES ACT

Sabur Latrind Abdus	Foster care	225.00
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Dominion Youth Services	Professional services	5,438.40
New Dominion School, Inc.	Professional services	8,680.00
Presbyterian Home & Family Services	Foster care	5,166.00

PIEDMONT COURT SERVICES

Ashley Hricko	Mileage	74.19
Brittany Layne	Mileage	109.12

PCS DRUG TESTING FEES

Kroll Laboratory	Drug testing	77.85
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In Re: Appropriation – Technology Trust Funds

Mr. Bartlett advised the Board that the Clerk of the Circuit Court received \$1,500.00 from the Technology Trust fund to assist in the purchase of a computer and associated software. An appropriation is requested.

Mr. McKay made a motion to approve the Clerk of the Circuit Courts’ request and appropriate funds as follows:

\$1,500.00 to Revenue Account 3-100-23000-0080, General Fund-Technology Trust Funds-Clerk

\$1,500.00 to Expenditure Account 4-100-21600-5880, General Fund-Technology Trust Funds-Clerk

The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Mattie P. Wiley	Nay: None
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Absent: Lacy B. Ward

In Re: Appropriation – Piedmont Court Services Fund

Mr. Bartlett advised the Board that additional funding for FY 07-08 was awarded from the Department of Criminal Justice Services for community corrections (Piedmont Court Services) in the amount of \$7,566.00. This new DCJS grant requires no match of local funds.

Mr. Jones made a motion to approve the appropriation as follows:

\$7,566.00 to Revenue Account 3-741-24040-0021, Piedmont Court Services Fund-DCJS Grant

\$7,566.00 to Expenditure Account 4-741-21400-1100, Piedmont Court Services Fund-Salaries & Wages

The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Mattie P. Wiley	Nay: None
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Absent: Lacy B. Ward

In Re: Public Hearing – District 301 School Board Vacancy

The Chairman announced that this was the time and place for a public hearing regarding the District 301 School Board vacancy. He said the five-member Citizens Committee appointed by Mr. Moore selected a nominee for this vacancy. He said that the appointment of the selected nominee would be made at the reconvened Board meeting on January 16, 2008 at 5:30 p.m. Notice of this hearing was advertised in the December 14, 2007 and December 21, 2007 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. The floor was opened for comment.

Mr. Moore asked Mrs. Bertha Shepperson, Citizen Committee Chair, to present a nominee.

Mrs. Shepperson announced the Committee had chosen Harriett E. Fentress as candidate for the position.

There were no nominations from the floor. Chairman Fore then asked if anyone wished to comment.

Mr. James A. Wilson said he was in support of Ms. Fentress as Leigh District's School Board member. He said she was well qualified and was both a teacher and an administrator.

Ms. Sasha Gregory said she was also in favor of Ms. Fentress. Another citizen said it was an honor to support Ms. Fentress because of her efforts as an educator and her activity in community service, and he felt she would help bring quality education to Prince Edward County schools.

There being no one else wishing to speak, the public hearing was closed.

Mr. Moore thanked the Citizens Committee for their time and hard work, and said they spoke for the citizens of Leigh District. He added the Board would give strong consideration on the 16th.

In Re: Highway Matters

Mr. Mark McKissick, Assistant Resident Engineer, said Snail Creek Road, located off Route 613, was sixth on the Rural Additions list, but because of speculative interest on that road, and was ineligible four years ago when the adjoining road was done. He said rural additions are funded five per cent per year, at a cost of \$400,000 per mile of road. He said VDOT was aware of the issues at the entrance to Snail Creek Road and work would be done to correct the problem.

Mr. McKissick said Miller Lake Road was to go for advertisement in February and to bid in March. He estimated work would begin in May and be completed by the end of late summer.

He stated Route 751, Hidden Lake Road, was still missing right-of-way donations on three parcels. He asked that discussion on solutions take place during the work session in February. Chairman Fore asked if funds were allocated to this project; Mr. McKissick said they were. Chairman Fore then asked if the funds could be transferred to another project if right-of-way could not be obtained. Mr. McKissick said they could.

Mr. Keith Halbohn, Transportation Contract Administrator, said the project was fully funded this year; he added one parcel runs the length of the project.

Mr. McKissick advised the Board that a guard rail had been placed near the Virso dumpsters, as requested.

Mr. Moore asked if lines had been painted on Route 607. Mr. McKissick said the company that had been contracted to paint the lines was backlogged, as they have 10 counties to cover. Mr. Moore stated on Route 696, there was a defect in the construction of the road near the S-curve.

Mr. Bartlett reported a safety issue at the new Lowe's entrance of the Business Park. He said people were making a left-turn into and out of the Lowe's parking lot, in spite of the signs. Mr. McKay said this happened daily. Mr. Bartlett added the planned median would resolve the issue, but it needed attention. Mr. McKissick said it would be looked at right away.

In Re: Public Hearing – County Six-Year Secondary Road Plan

Chairman Fore asked Mr. McKissick to give some preliminary information regarding the Six-Year Secondary Road Plan.

Mr. McKissick said the “secondary” designation refers to roads that are numbered 500 and above, usually the local, small roads. He said the projected budget each year for the next six years is approximately \$600,000, which would range from \$680,000 down to \$530,000. He said to bring one mile of gravel road up to paved standards costs approximately \$400,000, and added there were limits on how the funds could be spent. Mr. McKissick said funds were allocated to nine categories, and only two of those categories can go towards unpaved roads. He said 18% of roads in Prince Edward County were unpaved, and the cost to maintain dirt roads is greater than paved roads.

Mr. McKissick said the Board of Supervisors and the Highway officials would meet for a work session in February to discuss the recommendations from the public. He said in March there would be another Public Hearing at which time they would present the finalized plan.

A citizen stated the stop sign at the intersection of Routes 15 and 634 was very difficult to see at night; he requested reflectors be placed on the 4x4 signpost.

The Chairman announced that this was the time and place for a public hearing regarding the County Six-Year Secondary Road Plan. Notice of this hearing was advertised in the December 28, 2007 and January 4, 2008 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. The floor was opened for comment.

Sasha Gregory, of Leigh District, thanked the Board and VDOT for the work on the new bridge on Route 634, but said there were no side rails, only barrels were placed on the sides. Mr. McKissick said that was already programmed to be done and that the contractor had a year to complete the work on the bridge.

Mr. Phillips requested the “Route 460” sign on Route 15 South near the Days Inn be moved approximately 60 feet because tractor-trailers intending to turn onto Route 460 West have been mistakenly turning onto Williams Street. He said Williams Street isn’t large enough for the trucks to safely turn around. Mr. McKissick said he would look into that issue.

There being no one else wishing to speak, Chairman Fore closed the Public Hearing.

Supervisor Jones said that in Fiscal Year 2008, road construction funds were anticipated to be approximately \$830,000. He said in FY 02, \$1.3 million were available, which reflected a cut of approximately one-half million dollars in funding, and that road construction costs rose 34%. Mr. McKissick said the costs are increasing about 13% per year currently. Further discussion followed.

Supervisor McKay asked about his request for a flashing stop sign at the intersection of Routes 15 and 665. Mr. McKissick said there had been no word, but the issue was at the research council. He said they had found the flashing lights may cause epileptic seizures, and those erected in town may have to be removed. Mr. Jones asked if a sign warning of a stop ahead could be posted. Mr. McKissick said he would look into that.

Mrs. Gilfillan said the Pamplin Volunteer Fire Department had previously brought to the Board's attention a hazardous area on Route 460 west of Farmville where several accidents had occurred. Mr. McKay added the site was just east of Route 658, and that the guardrail had been removed from that area.

Mr. McKissick asked the Board to set a date for a work session.

Mr. Moore made a motion to hold a work session on the County Six-Year Secondary Road Plan for Tuesday, February 12, 2008 at 5:00 p.m. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Mattie P. Wiley	Nay: None
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Absent: Lacy B. Ward

In Re: Public Hearing – County Administrator Ordinance

The Chairman announced that this was the time and place for a public hearing regarding the County Administrator Ordinance. Notice of this hearing was advertised in the Friday, December 21, 2008 and Friday, December 28, 2007 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. The floor was opened for comment.

There being no one wishing to speak, the public hearing was closed.

Mrs. Gilfillan said the ordinance sets forth the duties and responsibilities of the County Administrator, and said “as part of doing business in a manner that fits with a county of our size and amount of resources that our County Administrator is working with, and that we are working with as the Board, I think having this ordinance is a great step forward and it is necessary...”

Chairman Fore said he felt the ordinance was redundant and unnecessary because the duties and responsibilities were spelled out in the State Code and in the contract with the County Administrator.

After some further discussion, Mrs. Gilfillan made a motion to approve the County Administrator Ordinance as presented. The motion failed:

Aye: Sally W. Gilfillan
Robert M. Jones
James C. Moore

Nay: William G. Fore, Jr.
Charles W. McKay
Howard F. Simpson
Mattie P. Wiley

Absent: Lacy B. Ward

In Re: Public Hearing – Erosion and Sediment Control Ordinance

The Chairman announced that this was the time and place for a public hearing regarding the Erosion and Sediment Control Ordinance. Notice of this hearing was advertised in the Friday, December 21, 2008 and Friday, December 28, 2007 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. The floor was opened for comment.

Supervisor Jones said the Planning Commission worked on updating the antiquated ordinance for a few months. He said Mrs. Daves-Johnson answered all of the Commission’s questions, and said the majority was taken from the guidelines of other ordinances used throughout Virginia.

There being no one else wishing to speak, the public hearing was closed.

Mr. Jones made a motion to adopt the revised Erosion and Sediment Control Ordinance. The motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: None

Absent: Lacy B. Ward

SECTION 46-60 TITLE, PURPOSE, AUTHORITY

This ordinance shall be known as the “Erosion and Sediment Control Ordinance of Prince Edward County.” The purpose of this chapter is to prevent the degradation of properties, stream channels, waters and other natural resources of Prince Edward County by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

This Chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4 (Sec. 10-1 - 560 et. seq.), known as the Virginia Erosion and Sediment Control Law.

SECTION 46-61 DEFINITIONS

As used in this ordinance, unless the context requires a different meaning:

AGREEMENT IN LIEU OF A PLAN means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan approving authority in lieu of a formal site plan.

APPLICANT means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to commence.

BOARD means the Virginia Soil and Water Conservation Board.

CERTIFIED INSPECTOR means an employee or agent of a program authority who:

(1) Holds a certificate of competence from the Virginia Soil and Water Conservation Board in the area of project inspection; or

(2) Is enrolled in the Virginia Soil and Water Conservation Board's training program for project inspection and successfully completes such program within one year after enrollment.

CERTIFIED PLAN REVIEWER means an employee or agent of a program authority who:

(1) Holds a certificate of competence from the Virginia Soil and Water Conservation Board in the area of plan review;

(2) Is enrolled in the Virginia Soil and Water Conservation Board's training program for plan review and successfully completes such program within one year after enrollment; or

(3) Is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Code of Virginia, § 54.1-400 et seq.

CERTIFIED PROGRAM ADMINISTRATOR means an employee or agent of a program authority who:

(1) Holds a certificate of competence from the Virginia Soil and Water Conservation Board in the area of program administration; or

(2) Is enrolled in the Virginia Soil and Water Conservation Board's training program for program administration and successfully completes such program within one year after enrollment.

CLEARING means any activity which removes the vegetative ground cover, including, but not limited to, root mat removal or top soil removal.

COUNTY means the County of Prince Edward.

DEPARTMENT means the Department of Conservation and Recreation.

DEVELOPMENT means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

DIRECTOR means the Director of the Department of Conservation and Recreation.

DISTRICT OR SOIL AND WATER CONSERVATION DISTRICT means the Piedmont Soil and Water Conservation District.

EROSION AND SEDIMENT CONTROL PLAN OR PLAN means a document which describes the potential for erosion and sedimentation resulting from land disturbing activity. The Plan explains and illustrates the measures which are to be taken to control erosion and sedimentation. The Plan has a written portion known as the narrative and an illustrative portion known as a plan.

The Plan contains material for the conservation of soil and water resources of a unit or a group of units of land. The narrative may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. Each of the Minimum Standards in the Virginia Administrative Code (4 VAC 50-30-40) should be satisfied in the Plan unless a specific variance is granted by the plan approving authority. The owner or lessee of the land being developed has the responsibility for the Plan preparation and submission.

EROSION IMPACT AREA means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

EXCAVATING means any digging, scooping or other method of removing earth materials.

FILLING means any depositing or stockpiling of earth materials.

GRADING means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled conditions.

LAND DISTURBING ACTIVITY means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining activities authorized under a permit issued by the Virginia Department of Mines, Minerals and Energy;
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Code of Virginia, § 10.1-604 et seq., ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Code of Virginia, § 10.1-1100 et seq., or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163.B;
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Disturbed land areas of less than 10,000 square feet in size, except land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt if the total land-disturbing activity within the development is equal to or greater than 10,000 square feet.
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(11) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject this ordinance; and (12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

LAND-DISTURBING PERMIT means a permit issued by the County of Prince Edward for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

LOCAL EROSION AND SEDIMENT CONTROL PROGRAM OR LOCAL PROGRAM means an outline of the various methods employed by the County of Prince Edward to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement and evaluation.

NATURAL CHANNEL DESIGN CONCEPTS means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and floodplain.

OWNER means the owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

PEAK FLOW RATE means the maximum instantaneous flow from a given storm condition at a particular location.

PERMITTEE means the person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

PERSON means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

PLAN APPROVING AUTHORITY means the Department of Planning and Community Development, which is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

PROGRAM AUTHORITY means the County of Prince Edward which has adopted a soil erosion and sediment control program that has been approved by the Board.

RESPONSIBLE LAND DISTURBER means an individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration,

Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Code of Virginia §54.1-400 et seq.

RUNOFF VOLUME means the volume of water that runs off the land development project from a prescribed storm event.

SINGLE-FAMILY residence means a noncommercial dwelling that is occupied exclusively by one family.

STATE EROSION AND SEDIMENT CONTROL PROGRAM OR STATE PROGRAM means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

STATE WATERS means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

TRANSPORTING means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

WATER QUALITY VOLUME means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

SECTION 46-62 LOCAL EROSION AND SEDIMENT CONTROL PROGRAM

Pursuant to Section 10.1-562 of the Code of Virginia, the County of Prince Edward hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the “Virginia Erosion and Sediment Control Regulations” and the Virginia Erosion and Sediment Control Handbook, as amended.

Before adopting or revising regulations, the County of Prince Edward shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the County of Prince Edward is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the County of Prince Edward proposes or revises regulations that are more stringent than the state program.

In addition, in accordance with §10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels. In accordance with §10-1-561 of the Code of Virginia, any land-disturbing activity that provides for storm water management intended to address any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24 hour period the expected rainfall

resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24 hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

Pursuant to Section 10-1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of the County of Prince Edward shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

The County of Prince Edward hereby designates the Department of Planning and Community Development as the plan-approving authority.

The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Department of Planning and Community Development.

SECTION 46-63 SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS

Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the Department of Planning and Community Development for the County of Prince Edward an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

The standards contained within the "Virginia Erosion and Sediment Control Regulations," the Virginia Sediment Control Handbook as amended, and this ordinance are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations, and guidelines. When the standards vary between the publications, the State regulations shall take precedence.

The plan-approving authority shall review conservation plans submitted to it within 45 days from the receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms, and conditions that will permit approval of the plan. If no action is taken by the plan approving authority within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. Approval will be granted if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he or she will properly perform the conservation measures included in the plan and will conform to the provisions of this article.

In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority provided by §10.1-561 of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

However, the plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by §10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this ordinance.

MODIFICATION OF AN APPROVED PLAN

An approved plan may be changed by the plan-approving authority when:

- (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations, or
- (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

Variations: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

- (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
- (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

In order to prevent further erosion, the County of Prince Edward may require approval of a plan for any land identified in the local program as an erosion impact area.

OWNER RESPONSIBILITY

When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

ANNUAL CONSERVATION PLANS

In accordance with the procedure set forth by §10.1-563 (E) of the Code of Virginia, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the Board for review and approval consistent with guidelines established by the Board.

State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, Section 10.1-564.

SECTION 46-64 PERMITS, FEES, SECURITY FOR PERFORMANCE

Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.

An administrative fee of \$300.00 for the first acre and an additional \$50.00 per additional acre, shall be paid to the County of Prince Edward at the time of submission of the erosion and sediment control plan. An administrative fee of \$25.00 shall be paid to the County of Prince Edward at the time of submission of an agreement in lieu of a plan.

No land-disturbing permit shall be issued until the applicant submits with his or her application an approved erosion and sediment control plan and certification that the plan will be followed. All applicants for permits shall provide to the County of Prince Edward a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the office of the Department of Planning and Community Development, to ensure that measures could be taken by the County of Prince Edward at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the County of Prince Edward to take such conservation action, the County of Prince Edward may collect from the applicant any costs in excess of the amount of surety held.

Within sixty (60) days of adequate stabilization, as determined by the office of the Department of Planning and Community Development in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall either be refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

SECTION 46-65 MONITORING, REPORTS, AND INSPECTIONS

The County of Prince Edward may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

The office of the Department of Planning and Community Development shall periodically inspect the land-disturbing activity in accordance with Section 4 VAC 50-30-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

FAILURE TO COMPLY WITH PLAN

If the Department of Planning and Community Development determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activity.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

Upon determination of a violation of this ordinance, the Department of Planning and Community Development may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If the land-disturbing activities have commenced without an approved plan, the Department of Planning and Community Development may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order that all land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to

whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Prince Edward County.

If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the Department of Planning and Community Development may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of Prince Edward County.

The owner may appeal the issuance of an order to the Circuit Court of Prince Edward County.

Any person violating or failing, neglecting or refusing to obey an order issued by the Department of Planning and Community Development may be compelled in a proceeding instituted in the Circuit Court of Prince Edward County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Department of Planning and Community Development from taking any other action authorized by this ordinance.

SECTION 46-66 PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

Any person who violates any provision of this ordinance shall, upon a finding of the General District Court of Prince Edward County, be assessed a civil penalty. The civil penalty for any one violation shall be \$100.00 except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000.00. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000.00, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.00.

The Department of Planning and Community Development, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Prince Edward County to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy of law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) he or she has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his or her property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen (15) days to eliminate the

conditions which have caused, or create the probability of causing, damage to his or her property.

Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation. A civil action for such violation or failure may be brought by the County of Prince Edward.

Any civil penalties assessed by a court shall be paid into the treasury of Prince Edward County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, the County of Prince Edward may provide for the payment of civil charges of violations in specific sums, not to exceed the limit specified herein above. Such civil charges shall be instead of any appropriate civil penalty which could be imposed there under.

The Commonwealth's Attorney shall, upon request of the County of Prince Edward, or the permit issuing authority, take legal action to enforce the provisions of this ordinance.

Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

SECTION 46-67 APPEALS AND JUDICIAL REVIEW

Any applicant under the provisions of this ordinance who is aggrieved by any action of the County of Prince Edward or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors provided an appeal is filed within thirty (30) days from the date of the action. Any applicant who seeks an appeal hearing before the Board of Supervisors shall be heard at the next regularly scheduled Board of Supervisors meeting provided that the Board of Supervisors and other involved parties have at least thirty (30) days prior notice. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of Prince Edward County.

Final decisions by the County of Prince Edward under this ordinance shall be subject to review by the Circuit Court of Prince Edward County, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

SECTION 46-68 IMMUNITY FROM LIABILITY

The review, approval and enforcement of the conservation plans and specifications shall not constitute a representation, guarantee or warranty of any kind by the county or any of its officials or employees of the practicability or safety of any structure, use or other plan

proposed and shall create no liability upon or cause of action against such public body, official or employee for the damage that may result pursuant to such review

In Re: FY 07 County Audit

Mr. Bartlett advised the Board that the audit was not completed and this item would be discussed at the January 16th Board meeting.

In Re: School Board Appointments

Chairman Fore advised that the terms of the following School Board members would expire June 30, 2008:

(Vacant) – District 301 (Moore)

Russell Dove – District 501 (Fore)

At the February Board meeting, Mr. Moore and Mr. Fore will announce their respective Citizen Committees which review candidates for appointment to the School Board.

In Re: County Attorney's Report

Mr. James Ennis stated that he had the opportunity to review Noise Ordinances from several adjacent counties; he said they vary greatly. He requested that the Board appoint a committee to meet with him to discuss the variables for the noise ordinance. He said the ordinance could be simple or complicated depending on the conditions the Board wished to include.

Chairman Fore appointed Mr. Simpson and Mr. McKay to the Noise Ordinance Committee for a recommendation to the Board. Mr. Ennis said they would draft a few ordinances at both ends of the spectrum for Board review.

Mr. Ennis reported that he received documents from the Town of Farmville approximately three weeks prior to this meeting which was a draft of a Boundary Adjustment Agreement between Prince Edward County and the Town of Farmville. He said the draft agreement referenced a plat of survey, but it did not match the description of the plat that was contained in the agreement. He said there were also

several references to exhibits or schedules but none had been attached to the draft agreement. Mr. Ennis said a request had been made to the Town of Farmville to provide the exhibits and survey to complete the document for review. He said he could not make a recommendation until he reviewed the complete draft. He stressed that it could be possible to have the review complete by the Board meeting on January 16th, provided he received the requested documents from the Town of Farmville in a timely manner.

In Re: County Administrator's Report

Mr. Bartlett requested the Board of Supervisors table the Finance Policy- until the January 16th meeting when the auditors would be present. He said the auditors could address some of what is contained in the proposed financial policy and make recommendations concerning some of the actions that may need to be taken in conjunction with some of the changes in the accounting standards.

On motion of Mr. Moore and approved:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Mattie P. Wiley	Nay: None
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Absent: Lacy B. Ward

the Board of Supervisors tabled the County Administrator's Financial Policy until the January 16, 2008 meeting.

In Re: Resolution of Respect – Celebrating the Life of Sarah E. Terry

Chairman Fore said a Resolution of Respect had been prepared to celebrate the life and memory of Sarah E. Terry, who passed on December 1, 2007; he then read the resolution.

Mr. McKay made a motion to approve a Resolution of Respect for Sarah E. Terry, seconded by Mr. Simpson. The motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: None

Absent: Lacy B. Ward

A RESOLUTION OF RESPECT

***Celebrating the Life of Sarah Eldred Terry* October 14, 1948 – December 1, 2007**

WHEREAS, Sarah E. Terry, a long-time resident of Farmville and Prince Edward County, died on December 1, 2007; and

WHEREAS, during her distinguished professional career serving the Prince Edward – Farmville community, *Sarah E. Terry* was most recently the Farmville District Office Manager for Congressman Virgil H. Goode, Jr., and was previously the Executive Director of the Farmville Area Chamber of Commerce; and

WHEREAS, *Sarah E. Terry*, leaves an extraordinary legacy in her community and the Commonwealth of Virginia having served as a member of the Longwood University Board of Visitors, Averett College Board of Trustees, State Board of Corrections, Farmville Area Chamber of Commerce Board, Prince Edward-Farmville Electronic Network Committee, Robert Russa Moton Museum Board, Farmville Area Habitat for Humanity Board, Board of the Trans Dominion Express, Board of Advisors for the Wilson Center for Leadership at Hampden-Sydney College, STEPS Benefit Steering Committee, and having organized the Unity Walk in Farmville, and having co-authored the Virginia Uninsured Medical Catastrophe Fund; and

WHEREAS, her energy, leadership, generosity, and indomitable spirit will be keenly missed, *Sarah E. Terry* will forever be fondly remembered by family, friends, colleagues and the entire Prince Edward-Farmville community;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Prince Edward, Virginia, notes with great sadness the passing of a fine Virginian, *Sarah E. Terry*, and

BE IT RESOLVED FURTHER, that a copy of this resolution be prepared to the family of *Sarah E. Terry* as an expression of the respect in which her memory is held by the members of the Board of Supervisors of the County of Prince Edward, Virginia.

In Re: Upcoming Events

Chairman Fore reminded the Board of the reconvened Board meeting to be held January 16, 2008 at 5:30 p.m., and said VACo/VML Legislative Day would be held February 7, 2008, in Richmond.

In Re: Animal Warden's Report

Mr. Ray Foster, Animal Warden, submitted a report for the month of December 2007, which was reviewed and ordered to be filed with the Board papers.

In Re: Building Official's Report

Mr. Coy Leatherwood, Building Inspector, submitted a report for the month of December 2007, which was reviewed and ordered to be filed with the Board papers.

In Re: Cannery Report

Mrs. Lena Rose Huddleston, Cannery Manager, submitted a report for the month of December 2007, which was reviewed and ordered to be filed with the Board papers.

In Re: PERT Ridership Report

The Board reviewed the November 2007 report from PERT and ordered it to be filed with the Board papers.

In Re: Financial Report from Prince Edward County Schools

Dr. Patricia Watkins, School Superintendent, submitted a financial summary report for the month of December 2007, which was reviewed and ordered to be filed with the Board papers.

On motion of Mr. Moore and adopted by the following vote:

Aye:	William G. Fore, Jr.	Nay: None
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Howard F. Simpson	
	Mattie P. Wiley	

Absent: Lacy B. Ward

the meeting was recessed at 8:24 p.m., and will reconvene at 5:30 p.m., January 16, 2008.