

January 12, 2010

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 12th day of January, 2010; at 7:00 p.m., there were present:

Howard M. Campbell

William G. Fore, Jr.

Don C. Gantt, Jr.

Robert M. Jones

Charles W. McKay

Howard F. Simpson

Jim R. Wilck

Mattie P. Wiley

Also present: Wade Bartlett, County Administrator; Sarah Puckett, Assistant County Administrator; James Ennis, County Attorney; Sharon Lee Carney, Director of Economic Development & Tourism; Jonathan Pickett, Director of Planning and Community Development; and Mark McKissick, Assistant VDOT Residency Administrator.

Mr. Wade Bartlett, County Administrator, called the January meeting to order. Supervisor McKay offered the invocation.

In Re: Election of Chair

This being the first meeting of the Board of Supervisors in the year 2010, the County Administrator opened the floor for nominations for Chairman.

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

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

There being no further nominations, Supervisor Fore will serve as Chairman of the Prince Edward County Board of Supervisors for a term of two years.

In Re: Election of Vice Chair

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

Supervisor Jones nominated Supervisor Simpson. There being no further nominations, Supervisor Wilck made a motion that nominations be closed. The motion carried:

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

There being no other nominations, Supervisor Simpson was chosen to serve as Vice-Chairman of the Prince Edward County Board of Supervisors for a term of two years.

In Re: Set Day, Time and Place of Regular Meetings

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

In Re: Adoption of Board By-Laws

Supervisor Simpson moved that the Prince Edward County Rules of the Board of Supervisors be adopted. The motion carried:

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

Nay: None

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: Selection of Operating System: Committees or Committees-of-the-Whole

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 said the Board currently operates as a “committee of the whole” with one standing committee, the Personnel Committee, and asked if the Board wished to continue or change to a Committee system.

Supervisor Jones moved that the Board operate as a committee of the whole, but with one standing committee. The motion carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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In Re: Appointments: Personnel Committee

Chairman Fore then recommended the appointment of Supervisor Campbell, Supervisor Wilck, Supervisor Wiley, and Supervisor Simpson to act as Chair of the Personnel Committee. The Board concurred.

In Re: Adoption of Board Rules of Procedure for Public Hearings

On motion of Supervisor Simpson and carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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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: Adoption of Board Protocol for Public Participation

On motion of Supervisor McKay and carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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the Prince Edward County Board of Supervisors readopted the following Protocol for Public Participation:

Protocol for Public Participation

The Board of Supervisors sets aside twenty (20) minutes near the beginning of each regular board meeting for citizen comment.

This regular agenda item is termed "Public Participation." During this period, the Board receives comment from any citizen of Prince Edward County on any matter not scheduled for a public hearing.

This is an opportunity for citizens to speak and the Board to listen carefully to citizen expressions of concern and opinion.

Citizens may ask questions of the Board or individual Board members; however, Public Participation is not designed to allow debate between Board members and citizens.

Citizens are expected to conduct research on topics prior to Board meetings and this forum provides citizens with an opportunity to inform elected officials of their findings and positions on matters of public interest and concern.

Citizens wishing to speak during Public Participation are asked to please sign the Public Participation register prior to the beginning of the meeting.

Citizens are respectfully requested to state their full name and address for the record.

The Chairman of the Board will establish the order of speakers and will maintain decorum.

Citizens shall speak for a maximum of five (5) minutes, unless more time is granted by the Chair.

In the event that more than four (4) speakers wish to be heard during citizen's time, the Chairman shall allocate the twenty (20) minutes among speakers in an equitable manner. An extension to the twenty (20) minute limit can be granted by the Chair.

Comments from citizens who are not residents of Prince Edward County will be entertained once all County residents are heard.

Signs, placards, posters or like material are not permitted in the Board Chamber, adjoining areas or County offices.

The Board asks that citizens remain seated during the meeting unless called upon to stand for recognition as a speaker, official duties, physical necessity, or to enter or leave the meeting.

The use of profane, vulgar, obscene or threatening speech is not permitted and can result in removal from the meeting.

Citizens are requested to turn off or deactivate the sound from all cell phones, pagers, or other electronic communication devices.

In Re: Adoption of Protocol for Board of Supervisors Comments

On motion of Supervisor Simpson and carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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the Prince Edward County Board of Supervisors readopted the Protocol for Board of Supervisors Comments:

Protocol for Board of Supervisors Comments

- The Board of Supervisors sets aside ten (10) minutes near the beginning of each regular board meeting for each member of the Board of Supervisors to respond to comments made by citizens during "Public Participation," if he/she so desires.
- This is an opportunity for each individual member of the Board to express his/her own personal opinion in response to a citizen's concerns on matters of public interest.

- “*Board of Supervisors Comments*” is not designed to allow debate between Board members and citizens.
- The Chairman of the Board will establish the order of speakers and will maintain decorum.
- Each Board member shall be allotted an opportunity to speak for a maximum of one (1) minute; unless additional time is yielded by another member of the Board. In the event a Board member or members shall be absent, unallocated time shall not be allocated to Board members in attendance.
- Following each Board member’s comment period, the remaining two (2) minutes shall be set aside for appropriate response, and shall be divided equally between those members of the Board wishing to respond, and as directed by the Chairman.

In Re: Adoption of Board of Supervisors Conflict of Interest Policy

On motion of Supervisor Simpson and carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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the Prince Edward County Board of Supervisors readopted the Conflicts of Interest Policy:

Conflicts of Interest Policy

I. Introduction

Our system of government is dependent in large part on its citizens maintaining the highest trust in their public officials. *1995 Va. Op. Atty. Gen. 2*. The conduct and character of public officials is of particular concern to state and local governments, because it is chiefly through that conduct and character that the government’s reputation is derived. *1995 Va. Op. Atty. Gen. 2*.

The purpose of the Conflict of Interests Act (*Virginia Code § 2.2-3100 et seq.*) is to assure the citizens of the Commonwealth that the judgment of public officers and employees will not be compromised or affected by inappropriate conflicts. *Virginia Code § 2.2-3100*. To this end, the Act defines certain standards or types of conduct that clearly are improper.

The Act does not address all appearances of conflict and, in those cases; the public official must determine whether participation in a matter presents an unacceptable appearance of impropriety that will affect the confidence of the public in the official's ability to perform his or her duties impartially.

A knowing violation of the Act has serious consequences. A knowing violation is a misdemeanor (*Virginia Code § 2.2-3120*) and constitutes malfeasance in office (*Virginia Code § 2.2-3122*). In addition to criminal fines and penalties, a knowing violation may result in forfeiture of the office or employment (*Virginia Code § 2.2-3122*), the forfeiture of the value derived from the violation, and civil penalties in the amount of the value derived from the violation (*Virginia Code § 2.2-3124*).

Although the Conflict of Interests Act also covers conflicts arising in the contracting process, this policy pertains only to conflicts arising from a public official's personal interest in matters coming before a public body and other generally prohibited conduct. This policy also covers conflicts of interest not specifically covered by the Act.

Except as expressly stated otherwise, the term *public official* includes members of the County's public bodies, advisory agencies, committees and employees (collectively referred to as a *public body*).

II. Procedure if a conflict of interest in a transaction may exist

A public official should review pending matters and agenda materials for possible conflicts of interest and then do the following:

A. Notify the County Attorney's Office

If the public official believes that a conflict of interest may exist, the official should contact the County Attorney's Office immediately so that it is aware of the possible conflict, provide advice and, if necessary, assist the public official with the preparation of the required disclosure statement before the matter is considered.

After a full disclosure of the facts, the County Attorney's Office will advise the public official to seek an advisory opinion from the Commonwealth's Attorney.

B. Request an advisory opinion from the Commonwealth's Attorney

The Commonwealth's Attorney is charged to render advisory opinions as to whether the facts in a particular case would constitute a violation of the provisions of the Conflict of Interests Act to the County's public officials. *Virginia Code § 2.2-3126(B)*. If the public official believes that a conflict of interest may exist, he or she should make a full disclosure of the facts to the Commonwealth's Attorney and request a written opinion from that office. If the official relies in good faith on the opinion of the Commonwealth's Attorney, the official is immunized from prosecution for a knowing violation of the Act. *Virginia Code § 2.2-3121(B)*.

In order for this immunity to be effective, it is critical that the public official is certain that all of the facts are disclosed to the Commonwealth's Attorney. It is also important that the opinion request be made in sufficient advance of the public body's consideration of the matter so that the Commonwealth's Attorney has adequate time to prepare the written opinion. Finally, if the public official will participate in the matter based on the Commonwealth's Attorney's opinion, the official should have the written opinion prior to his or her participation.

C. Request Attorney General to review Commonwealth's Attorney opinion, and judicial review

If the opinion given by the Commonwealth's Attorney indicates that the facts would constitute a violation of the Conflict of Interests Act, the public official affected by the opinion may request that the Attorney General review the opinion. *Virginia Code § 2.2-3126(B)*. A conflicting opinion by the Attorney General acts to revoke the opinion of the Commonwealth's Attorney. *Virginia Code § 2.2-3126(B)*.

Regardless of whether an opinion of the Commonwealth's Attorney or the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law. *Virginia Code § 2.2-3126(B)*.

III. Determining whether a personal interest in a transaction exists

A conflict of interest exists if the public official has a *personal interest in the transaction*. The italicized words are defined by statute.

A. Personal interest.

A *personal interest* is a financial benefit or liability accruing to a public official or to a member of his or her immediate family. *Virginia Code § 2.2-3101*. A member of the *immediate family* is either a spouse or any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee, or of whom the officer or employee is a dependent. *Virginia Code § 2.2-3101*.

A *dependent* is a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if the person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support. *Virginia Code § 2.2-3101*.

A personal interest exists in any of the following situations:

1. *Ownership in a business*: Ownership in a business if the ownership interest exceeds three percent of the total equity of the business.
2. *Income from property or business*: Annual income that exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business.
3. *Salary, compensation, benefits paid or provided by business*: Salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business that exceeds, or may reasonably be anticipated to exceed, \$10,000 annually.
4. *Ownership of property*: Ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income, salary, other compensation, fringe benefits or benefits from the use of property.
5. *Personal liability on behalf of business*: Personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business. A *business* is a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit. *Virginia Code § 2.2-3101*.

B. Transaction

A *transaction* is any matter considered by the board or commission, whether in a committee, subcommittee, or other entity or department of the County, on which official action is taken or contemplated. *Virginia Code § 2.2-3101.*

C. Personal interest in a transaction

A *personal interest in a transaction* is a personal interest of an officer or employee in any matter considered by his agency. *Virginia Code § 2.2-3101.* A personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents any individual or business and the property, business or represented individual or business: (1) is the subject of the transaction; or (2) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. *Virginia Code § 2.2-3101.*

Notwithstanding the above, a personal interest in a transaction is not deemed to exist where a member of the Board of Supervisors serves without remuneration as a member of the board of trustees of a not-for-profit entity and the Board member or member of his immediate family has no personal interest related to the not-for-profit entity. *Virginia Code § 2.2-3101.*

IV. What to do if a public official has a personal interest in a transaction

If a public official has a personal interest in a transaction, he/she must respond in one of the following ways:

A. When disclosure and disqualification required

A public official must disqualify himself or herself from participating if the transaction applies *solely* to the property or business in which he or she has a personal interest. *Virginia Code § 2.2-3112(A)(1).* However, a public official is not disqualified merely because the official is a party in a legal proceeding of a civil nature concerning the transaction. *Virginia Code § 2.2-3112(D).*

Once the public official is disqualified, he or she may not vote or in any other manner act on the matter. *Virginia Code § 2.2-3112(A)(1).* However, an employee (not a board member or commissioner) who is disqualified may represent himself or a member of his immediate family in the transaction provided he does not receive compensation for the representation and makes a proper disclosure of the conflict. *Virginia Code § 2.2-3112(B).*

A public official who is disqualified, or otherwise elects to disqualify himself, must promptly disclose the existence of his interest. *Virginia Code § 2.2-3115(E).* The disclosure is typically announced by members of a public body during the meeting when the particular matter is called, and is set forth in writing in a form prepared by the County Attorney's Office and signed by the public official. The disclosure is reflected in the public records for five years in the office of the administrative head of the public body. *Virginia Code § 2.2-3115(E).*

B. When disclosure required, participation allowed

A public official may participate in a transaction if he or she is a member of a business, profession, occupation, or group, the members of which are affected by the transaction. *Virginia Code § 2.2-3112(A)(2).* This means that if the transaction affects not only the

property or business in which he or she has a personal interest, but also other properties or businesses, the public official may participate in the transaction. For example, the Attorney General has determined that a member of an airport commission was not required to disqualify himself from participating in a commission's vote on an application for funding to acquire the member's property if the transaction included property owned by others as well. *1995 VA. Op. Atty. Gen. 2*. In that case, the commissioner was merely a member of the group of landowners whose property the commission was considering acquiring.

A public official who has a conflict of interest because of his membership in a business, profession, occupation or group is required to declare his interest. *Virginia Code § 2.2-3115(G)*. The declaration must state: (1) the transaction involved; (2) the nature of the official's personal interest affected by the transaction; (3) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction; and (4) that he is able to participate in the transaction fairly, objectively, and in the public interest. *Virginia Code § 2.2-3115(G)*. The disclosure is typically announced by members of the public body during the meeting when the particular matter is called, and is set forth in writing in a form prepared by the County Attorney's Office and signed by the public official.

The disclosure is reflected in the public records for five years in the office of the administrative head of the public body. *Virginia Code § 2.2-3115(G)*. If reasonable time is not available to comply with these disclosure provisions prior to participating in the transaction, the public official must prepare and file the required declaration by the end of the next business day. *Virginia Code § 2.2-3115(G)*.

If a public official is unable to make the statements in the declaration of the interest without reservation, he or she should not participate in the matter and disqualify himself or herself from participating in the transaction.

C. When neither disclosure nor disqualification required

A public official may participate in a transaction if it affects the public generally, even though his or her personal interest, as a member of the public, may also be affected by the transaction. *Virginia Code § 2.2-3112(A)(3)*.

V. What it means to participate in a transaction

A transaction includes any matter considered by the public body on which official action is taken *or contemplated*. *Virginia Code § 2.2-3101*. Thus, the *transaction* begins when some future action is contemplated, *e.g.*, when a complete application for a special use permit is filed with the County, and continues until a final decision is made by a County public body.

Participation is not included in the Act. However, it is clear that during the decision making process, *participation* includes not only voting on the transaction, but also engaging in any discussion related to it. The practice of some public bodies is for a disqualified official not to sit with the public body while the transaction is being considered so there is no question as to whether the disqualified official participated. Some public officials may even choose to leave the hearing room so that there is no question that the official tried to influence the public body through hand gestures and body language. Such an extreme measure, of course, is not required.

Participating in a transaction extends beyond the hearing room. Because a *transaction* includes any matter on which official action is contemplated, *participation* reasonably includes any activity that may influence the matter for which official action is

contemplated, including talking to the applicant, other citizens, County staff and members of the County's public bodies. This broad application is consistent with the liberal interpretation to be given to the Act to effectuate its purposes.

VI. Avoiding the appearance of impropriety even though statutory conflict of interest does not exist

The Conflict of Interests Act does not address all conflicts of interest. There may be circumstances when a public official's interest in a transaction may not be a conflict within the meaning of the Act, but which may lend itself to an appearance of impropriety. In those cases, it is incumbent upon the public official to determine whether participating in the transaction presents an appearance of impropriety. *1995 Va. Op. Atty. Gen. 2.*

In determining whether an appearance of impropriety exists, the public official should consider: (1) whether the appearance of a conflict is unacceptable; and (2) whether the appearance of a conflict will affect the confidence of the public in the public official's ability to perform his or her duties impartially. *1995 Va. Op. Atty. Gen. 2.* If either of these elements is present, the public official should seriously consider disqualifying himself or herself from participating in the matter.

VII. The effect of disqualification on a public body's ability to transact business

If a disqualification leaves less than the number of members required by law to act, the remaining member or members have authority to act for the public body by majority vote. *Virginia Code § 2.2-3112(C).*

VIII. Generally prohibited conduct

In addition to those situations when a public official may have a personal interest in a transaction, the Conflict of Interests Act prohibits certain interests in contracts and other general conduct. Conflicts of interests arising in contracts are addressed in Virginia Code § 2.2-3105 *et seq.* This section addresses other conduct prohibited by Virginia Code § 2.2-3103, which provides that the following conduct by County officers and employees is declared to be unlawful:

1. *Solicit or accept money or other thing of value for services:* Except for special benefits authorized by law, an officer or employee may not solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the County.
2. *Offer or accept money or other thing of value for employment, appointment or promotion:* An officer or employee may not offer or accept money or any other thing of value in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency.
3. *Offer or accept money or other thing of value to use position for contract purposes:* An officer or employee may not offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency.
4. *Use confidential information for personal or another's gain:* An officer or employee may not use for his own economic benefit, or that of another party, confidential information which he has acquired by reason of his public position and which is not available to the public.

5. *Accept money or other benefit that may influence performance:* An officer or employee may not accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This rule does not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Virginia Code § 24.2-900 *et seq.*
6. *Accept opportunity that may influence performance:* An officer or employee may not accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties.
7. *Accept honoraria:* An officer or employee may not accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term *honoraria* does not include any payment for or reimbursement to a person for his actual travel, lodging, or subsistence expenses incurred in connection with the appearance, speech, or article or, in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under Section 162 of the Internal Revenue Code.
8. *Accept a gift where its timing and nature questions impartiality:* An officer or employee may not accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor.
9. *Accept gifts frequently so as to raise appearance of impropriety:* An officer or employee may not accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain.

Each of these prohibitions will be liberally construed to apply as broadly as reasonable under the circumstances.

In Re: Amendment to the Agenda

On Chairman Fore's recommendation, Supervisor Wiley made a motion to move Item #31 – Courthouse Parking directly following Item #18 – Consent Agenda. The motion carried:

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

Chairman Fore welcomed the new Board members and said he was glad to see the number of citizens in attendance.

Public Participation is a time set aside for citizens to share their thoughts, ideas and concerns. An official record is made of each person's contribution tonight and will be directed to the County Administrator for follow-up; any necessary follow-up will be noted and tracked. Follow-up may consist of an immediate response, or planned action by the County Administrator or Board, or by placement on a future Board agenda. Tonight's agenda cannot be changed because the public needs advance knowledge of and the opportunity to review related materials regarding items addressed by the Board. To further assist public information, the Board requests our Administrator, Attorney or county staff immediately correct any factual error that might occur.

Roma Morris, Director of Social Services, said Social Services employs 31 workers and they see 100 to 150 clients per day. The paid parking would be an issue for the clients as well as the employees. She requested the Board consider providing parking for the employees and the clients they serve.

Machelle Eppes, Clerk of the Court, spoke on the parking issue; she said it would create a hardship for her employees since there have been no pay increases in two years. She requested the Board help in finding somewhere to park.

Travis Harris, Prince Edward County Sheriff, stated the Sheriff's Department employs 32, and off-duty deputies must sometimes attend court. He requested the Board consider covering the cost of the parking or find somewhere for the employees to park.

Mable Shanaberger, Treasurer, said the parking fee would create a hardship for the employees and may be cost-prohibitive for her part-time employee. She added it would be a hardship on the taxpayers coming to take care of their business with the Treasurer's office.

Kenneth Jackson, Leigh District, said the County needs financial restraint and stability, and encouraged the Board to listen to the citizens and work together on the many issues facing the County.

In Re: Board of Supervisors Comments

Supervisor Jones said the Piedmont Soil and Water Conservation District will be presenting two opportunities to learn about the Mandatory Livestock Stream Exclusion, to be held on January 18 and 25, 2010.

Supervisor Campbell said he is glad to be a part of the Board of Supervisors.

In Re: Presentation of FY 09 Audit: Matthew A. McLearn, CPA, Robinson, Farmer, Cox

Chairman Fore stated that the audit has been completed, and introduced Matthew McLearn, CPA with Robinson, Farmer, Cox, who presented the County's FY 09 Audit with the following highlights:

- Cash in the Primary Government increased by \$277,116 from \$8,529,790 to \$8,806,906
- Cash in the School Fund decreased by \$101,056 from \$703,651 to \$602,595
- Long-term liabilities increased by \$1,934,702, the result of the \$2.8M debt for the Library
- Revenues from Local sources exceeded the budget by \$494,477
- Revenues from the State were \$469,621 below the budgeted amount
- The required contribution to the schools was \$643,475 less than the budget
- Expenditures in all departments except the Registrar/Board of Elections were below budget

Mr. McLearn stated the five required communications were all found to be satisfactory; he said all records were found intact, accurate and posted as necessary.

In Re: Highway Matters

Mr. Mark McKissick, Assistant Resident Engineer, VDOT, reported on the Blueprint Stage 3, which is a reorganization of VDOT, and which has caused 10% layoffs in the Dillwyn office. He said the Dillwyn residency will no longer be considered a "residency" but a "maintenance area." He said the office is now working through the Lynchburg District, and Charlotte County has been added to the Residency.

Mr. McKissick then said the storm in December was the biggest on record for the month of December since 1912; he said the roads are frozen and as it warms, the roads are expected to suffer damage. He asked the Board to report issues with the roadways.

Mr. McKissick said the Route 751, Hidden Lake Road, project was to go to advertisement on January 22, 2010; this project and two others have been delayed at least until March 2010.

Supervisor McKay asked which counties will be included in the maintenance area; Mr. McKissick said it includes Charlotte, Prince Edward, Cumberland, and Buckingham Counties.

Supervisor Gantt asked where permits were to be acquired. Mr. McKissick said to contact himself and Charles Darryl Edwards, physically located in Dillwyn, but will answer to the Lynchburg District.

Supervisor Campbell said a citizen on Peaks Road, Route 626, north of Route 460, has had two tires cut from a rough edge along the side from the work being done. He said he advised them to contact the Hampden-Sydney shop as soon as possible regarding that issue.

Chairman Fore inquired about the status of the Route 15 South project. Mr. McKissick said funds are still programmed in, and have not been pulled. Mr. Bartlett said the last official word was that the scope would be bid in November or December of 2009, and asked if there is any indication of when that will take place. Mr. McKissick said there was no clear answer at this time.

Supervisor Campbell left the meeting at this time.

In Re: Consent Agenda

Supervisor Gantt made a motion to exclude the Dance Hall Permit for Fever's Restaurant & Lounge from the Consent Agenda; the motion carried:

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

On motion of Supervisor Jones and carried:

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

the Board accepted the Treasurer's Reports for August 2009 and September 2009; the minutes of the meeting held December 8, 2009; Accounts and Claims; Salaries; an erroneous assessment for Dunn Brothers Development in the amount of 2,075.05; and appropriations as follows:

		<u>Debit</u>	<u>Credit</u>
3-100-023000-0080	Shared Expenses State / Technology Trust Fund		\$767
4-100-021600-5880	Circuit Court Clerk / Technology Trust Fund	\$767	
3-100-24040-0070	Tobacco Commission Agri-Business Grant		\$350,000
4-100-94000-0024	To Capital Projects – Cannery	\$350,000	
3-737-24040-0019	Tobacco Commission Grant		\$193,510
4-737-93000-0737	To Economic Development Fund Balance	\$193,510	

August 2009

Fund balances were as follows:

General Fund	123,654.20	
General Fund Reserved for Investment	6,824,669.47	
		6,948,323.67
PPEA Fund		17,697.10
Industrial Development Authority Fund		448,677.40
Recreation Fund Reserved for Investments		26,915.50
Forfeited Assets Fund Reserved for Investments		115,290.84
School Capital Projects Fund - VPSA		183.55
School Capital Projects Fund - QZAB01		415.17
Underground Storage Tank Fund		21,010.00
Economic Development Fund		493,426.98
Board of Public Welfare Special Account		3,487.58
Piedmont ASAP Fund		264,671.23
QZAB Debt Services Fund		174,097.00
Landfill Construction Fund		344,027.18
PCS Fund		308,484.46
Revenue Sharing Fund		66,964.86
Retirement Benefits Fund		10,307.00
School Capital Projects Fund - QZAB02		163,396.64
Dare Donations Fund		1,820.91
School Cafeteria Fund		147,440.15
Prince Edward Community Development Fund		(1,688.00)
Water Fund		(611,890.18)
Sewer Fund		(616,236.90)
School Fund		0.00
		8,326,822.14

Cash accounts were as follows:

Cash in Office	1,000.00
Cash in Banks	381,246.39
Warrants Payable (School Fund)	0.00
General Fund Investments	6,824,669.47
VPSA Investments	183.55
QZAB01 Investments	415.17
Underground Storage Tank Fund	21,010.00
Recreation Fund Investments	26,915.50
QZAB02 Investments	163,386.64
Landfill Construction Fund for Investment	334,027.18
Forfeited Asset Fund for Investment	115,290.84
Industrial Development Authority Fund for Investment	448,677.40
	8,326,822.14

*Of this \$6,948,323.67 in the General Fund, \$10,267,195.00 is encumbered for:

Transfers in:

School Fund	7,695,388.61
VPA Fund	471,064.35
Water Fund	625,000.00
Sewer Fund	625,000.00
IDA Fund	28,280.48
Retirement Benefits Fund	32,628.00
Debt Obligations	789,833.56
Total	10,267,195.00

This leaves an unencumbered balance of (\$3,318,871.33) in the General Fund.

STATEMENT OF DEPOSITORY BALANCES

Balances as of August 2009:

Checking Accounts:

Benchmark Community Bank	93,354.61
Wachovia Bank	153,952.18
BB&T	2,677,761.75
Bank of America	314,440.35

3,239,508.89

Investment Accounts:

Benchmark Community Bank	939,226.66	
Wachovia Bank	0.00	
Citizens Bank & Trust Company	236,009.83	
BB&T	2,107,234.98	
Planters Bank & Trust	398,260.08	
Mentor Investments	162,318.38	
SNAP (State Non-Arbitrage Plan)	183.55	
Bank of America	1,243,079.77	
		5,086,313.25

September 2009

Fund balances were as follows:

General Fund	122,530.95	
General Fund Reserved for Investment	5,909,606.13	
		6,032,137.08
PPEA Fund		16,639.35
Industrial Development Authority Fund		364,215.61
Recreation Fund Reserved for Investments		26,916.14
Forfeited Assets Fund Reserved for Investments		92,414.39
School Capital Projects Fund - VPSA		183.55
School Capital Projects Fund - QZAB01		415.17
Underground Storage Tank Fund		21,010.00
Economic Development Fund		493,426.98
Board of Public Welfare Special Account		3,107.58
Piedmont ASAP Fund		269,568.27
QZAB Debt Services Fund		174,097.00
Landfill Construction Fund		366,776.94
PCS Fund		274,974.70
Revenue Sharing Fund		66,964.86
Retirement Benefits Fund		8,073.00
School Capital Projects Fund - QZAB02		224,273.13
Dare Donations Fund		2,321.21
School Cafeteria Fund		125,109.72
Prince Edward Community Development Fund		(1,688.00)
Water Fund		(611,744.85)
Sewer Fund		(616,265.87)
School Fund		0.00
		7,332,925.96

Cash accounts were as follows:

Cash in Office	1,000.00
Cash in Banks	326,115.14
Warrants Payable (School Fund)	0.00
General Fund Investments	5,909,606.13
VPSA Investments	183.55
QZAB01 Investments	415.17
Underground Storage Tank Fund	21,010.00
Recreation Fund Investments	26,916.14
QZAB02 Investments	224,273.13
Landfill Construction Fund for Investment	366,776.70
Forfeited Asset Fund for Investment	92,414.39
Industrial Development Authority Fund for Investment	364,215.61
	7,332,925.96

*Of this \$7,332,925.96 in the General Fund, \$9,468,358.89 is encumbered for:

Transfers in:

School Fund	6,965,859.08
VPA Fund	418,383.77
Water Fund	625,000.00
Sewer Fund	625,000.00
IDA Fund	28,280.48
Retirement Benefits Fund	32,628.00
Debt Obligations	773,207.56
Total	9,468,358.89

This leaves an unencumbered balance of (\$2,135,432.93) in the General Fund.

STATEMENT OF DEPOSITORY BALANCES

Balances as of September 2009:

Checking Accounts:

Benchmark Community Bank	73,132.62
Wachovia Bank	154,963.77
BB&T	2,222,691.21
Bank of America	307,643.31

2,758,430.91

Investment Accounts:

Benchmark Community Bank	939,226.66
Wachovia Bank	0.00
Citizens Bank & Trust Company	236,009.83
BB&T	1,651,371.38
Planters Bank & Trust	398,260.08
Mentor Investments	162,346.72
SNAP (State Non-Arbitrage Plan)	183.55
Bank of America	1,186,096.83

4,573,495.05

BOARD OF SUPERVISORS

Farmville Herald	Advertising		409.50
Lacy B. Ward	Auto lease	180.32	
	Mileage	106.70	
	Parking	19.00	
	Gas	14.60	
	Meals	9.41	330.03
Business Card	Lodging		2,132.20
Walmart	Water & soft drinks		53.12

COUNTY ADMINISTRATOR

Pitney Bowes Financial Services	Postage meter lease		87.00
U. S. Postal Service	Postage		30.00
AT&T	Phone		196.85
Moonstar BBS	Monthly service	16.67	
	DSL	95.00	111.67
CenturyLink	Phone		485.71
US Cellular	Phone		56.96
Business Card	Lodging	529.42	
	Meals	47.47	576.89
Virginia Municipal League	Registration		15.00
Virginia Local Government Management Association	Dues		182.50
Creative Business Solutions	Payroll forms		292.47
Diamond Springs	Water & equipment rental		22.45
Farmville Printing	Business cards		207.00
Town of Farmville	Gas		24.22

COMMISSIONER OF REVENUE

Treasurer of Virginia	Online service		125.38
Moonstar BBS	Monthly service		16.67
Ntelos	Internet		20.44
CenturyLink	Phone		213.67
NADA Appraisal Guides	Older used car guide	15.00	
	Marine appraisal guide	25.00	
	RV appraisal guide	25.00	65.00

	<u>ASSESSOR</u>		
Business Card	Meals		46.35
	<u>TREASURER</u>		
ComputerPlus Sales/Service	Maintenance contract		1,075.35
Farmville Herald	Advertising		123.76
AT&T	Phone		122.77
Treasurer of Virginia	Online service		125.38
Moonstar BBS	Monthly service		16.66
CenturyLink	Phone		236.00
Pitney Bowes Financial Services	Postage meter lease		933.17
Farmville Printing	Letterhead		51.00
Key Office Supply	Calendar	2.99	
	Paper clips	1.50	
	Chair	259.00	
	Ribbons	67.45	
	Batteries	21.00	351.94
	<u>INFORMATION TECHNOLOGY</u>		
Business Data of Virginia, Inc.	Travel expenses	1,000.00	
	Lodging & meals	89.68	
	Monthly contract	2,800.00	3,889.68
	<u>REGISTRAR</u>		
AT&T	Phone		50.55
Treasurer of Virginia	Online services		3.25
CenturyLink	Phone		151.26
Key Office Supply	Flash drive/cartridge	162.05	
	Calendars/frame/seals	97.17	259.22
	<u>CIRCUIT COURT</u>		
AT&T	Phone		66.57
CenturyLink	Phone		170.83
	<u>GENERAL DISTRICT COURT</u>		
Joyce K. Sexton	Mediation		712.50
AT&T	Phone-J&D	134.04	
	Phone-Juv. Prob.	187.76	
	Phone-Gen. Dist. Court	150.14	471.94
Embarq	Phone-J&D	82.41	
	Phone-Juv. Prob.	115.54	
	Phone-Gen. Dist. Court	301.28	499.23
Key Office Supply	Ink cartridge		39.98
	<u>CLERK OF THE CIRCUIT COURT</u>		
AT&T	Phone		108.41
CenturyLink	Phone		278.24
Mandalyn R. Thompson	Juror		30.00
Donald Lee Tomlin	Juror		30.00

Lakisha Toney	Juror	30.00
Maureen Walls-McKay	Juror	30.00
Steve Wisto	Juror	30.00
Sekou Abdus-Sabur	Juror	30.00
Wilma Jean Altice	Juror	30.00
Kathleen Anderson	Juror	30.00
Carla T. Armistead	Juror	30.00
Jerry L. Barton	Juror	30.00
Marsha D. Bolt	Juror	30.00
Wanda Canney	Juror	30.00
Felicia A. Cassada	Juror	30.00
Michelle Dalton	Juror	30.00
Dale L. Bolt	Juror	30.00
Amy H. Eberly	Juror	30.00
Giovanni Lee Laken	Juror	120.00
Jane Martin	Juror	120.00
Maurice H. Maxwell, Jr.	Juror	30.00
David Statzer	Juror	30.00
Ledoria Ann Trent	Juror	30.00
Beatrice L. White	Juror	30.00
Rayburt Whitehead	Juror	30.00
Robin Davis	Juror	30.00
Kathy L. Delosier	Juror	30.00
Cecil B. Elliott	Juror	30.00
Lynn W. Estes	Juror	30.00
Diane V. Evans	Juror	30.00
Larissa Smith Fergeson	Juror	30.00
Liliana Frietas	Juror	30.00
Charlotte H. Gaines	Juror	30.00
Anthony Levar Irving	Juror	60.00
Leakeisha Vaughan Jones	Juror	30.00
Mary F. Jones	Juror	30.00
Thomas Jones	Juror	60.00
Theresa Kidd	Juror	30.00
Tammy L. Kitchen	Juror	30.00
Shaleka A. Knight	Juror	60.00
Tawana A. Lee	Juror	30.00
Henry Kyle Midkiff, III	Juror	30.00
Michael H. Mills	Juror	30.00
Danny R. Overby	Juror	30.00
Carol Taylor B. Pippen	Juror	30.00
Gail Reed	Juror	30.00
Melvon L. Rosenberger	Juror	30.00
Elizabeth B. Seaborn	Juror	30.00
Kinex Networking Solutions	DSL	74.95

LAW LIBRARY

CenturyLink	Data line	35.02
Matthew Bender & Company, Inc.	VA Code Rules Vol 11	14.72
	VA Forms 09 Vol 1B	144.46

	VA Forms 09 Supp Set	392.94	552.12
<u>COMMONWEALTH'S ATTORNEY</u>			
Kinex Networking Solutions	Internet		49.95
Brian Butler	Mileage		26.40
James R. Ennis	Meals & lodging	260.45	
	Registration	50.00	310.45
National District Attorney Association	Dues		95.00
Shred-It	Shredding service		42.00
<u>SHERIFF</u>			
Town of Farmville	Gas		6,716.73
<u>RICE VOLUNTEER FIRE DEPARTMENT</u>			
C. W. Williams	Suspenders	58.97	
	Boots	122.10	
	Coat	1,018.11	1,199.18
Elecom, Inc.	Pager & charger	127.50	
	Base radio repair	45.60	
	Pager repair	101.00	274.10
Farmville Auto Parts	Battery	396.01	
	Core return	-30.00	366.01
Farmville Wholesale Electric	Drill repairs	110.33	
	Freight	12.19	
	Batteries	64.36	
	Bulbs	6.40	193.28
Fire & Safety Equipment Company	Knives	234.00	
	SCBA repairs	1,440.03	1,674.03
Goodman Truck & Tractor	Truck repairs		952.41
Innovations, LLC	Replace shingles		620.00
CenturyLink	Phone		91.54
Dominion Virginia Power	Electric service		246.13
<u>DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT</u>			
Ellington Energy Service	Propane	605.45	
	Diesel	503.61	
	Gas	542.87	1,651.93
Stellar One Bank	Loan payment		501.50
Southside Electric Cooperative	Electric service		233.64
<u>PAMPLIN VOLUNTEER FIRE DEPARTMENT</u>			
AT&T	Phone		38.03
Foster Fuels, Inc.	Propane		1,357.21
Pamplin Volunteer Fire Department	Truck maintenance	1,936.10	
	Fuel	227.61	2,163.71
Verizon	Phone		112.32
Dominion Virginia Power	Electric service		217.83
<u>EMERGENCY SERVICES</u>			
Timmons Group	System maintenance		100.00

REGIONAL JAIL & DETENTION

Family Preservation Services	Electronic monitoring		900.00
Piedmont Regional Juvenile Detention Center	Juvenile detention		1,575.00

BUILDING OFFICIAL

U. S. Postal Service	Postage		30.00
US Cellular	Phone		28.48
Coy Leatherwood	Meal	5.57	
	Meeting registration	15.00	20.57
Treasurer of Virginia	Permit levy		239.00
Town of Farmville	Gas		190.81

ANIMAL CONTROL

Jennifer Kingsley, DVM	Vet services		97.00
Rod & Staff Welding	Cage repairs		45.00
Dominion Virginia Power	Electric service		247.31
US Cellular	Phone		56.96
Collin Stokes	Bounty		50.00
William Coles, Jr.	Bounty		50.00
Brian Atkins	Bounty		100.00
David Baldwin	Bounty		50.00
Randy Biggerstaff	Bounty		50.00
Charles Jackson	Bounty		50.00
Walmart	Dog food	140.00	
	Printer	89.00	229.00
Town of Farmville	Gas	1,050.00	471.11

BIOSOLIDS MONITORING

Tri-County Ford-Mercury	Vehicle maintenance		124.95
US Cellular	Phone		28.48
Town of Farmville	Gas		291.41

REFUSE DISPOSAL

Resource International	Storm water compliance permit	200.50	
	MRF assessment	762.40	
	Groundwater monitoring	5,051.52	6,014.42
Farmville Wholesale Electric	Outside light fixture		76.38
Southern States	Poultry netting/post		369.48
C & L Machine & Welding	Repaired compactor	2,643.00	
	Repaired tarp arm	777.00	
	Repaired hydraulic line	130.50	3,550.50
Jimmy's Service Center	Oil change/maintenance		473.92
Arena Trucking Company	Trash collection		414.00
Wright's Excavating	Landfill operation		42,187.50
Emanuel Tire of Virginia	Tire recycling		22,451.50
Southside Electric Cooperative	Pamplin site		113.74
Dominion Virginia Power	Leachate pump	5.73	
	Scalehouse	110.59	

	Rice site	110.99	
	Cell C pump station	25.97	
	Green Bay site	62.40	
	Worsham site	107.27	
	Prospect site	97.23	
	Landfill shelter	59.04	699.92
AT&T	Phone		159.23
CenturyLink	Phone		211.82
US Cellular	Phone		28.49
Verizon	Phone		114.34
O. O. Stiff, Inc.	Monthly service		662.50
Treasurer of Virginia	Groundwater ACL variance		390.00
Town of Farmville	Gas		962.49

GENERAL PROPERTIES

OK Termite & Pest Control	Exterminating service		150.00
Valley Boiler, Inc.	Boiler cylinder/valve		705.60
Southside Electric Cooperative	SRR Lights	30.43	
Dominion Virginia Power	Roy Clark monument	54.42	
	Courthouse	9,652.08	
	Shop	42.85	
	Sheriff's Department shed	5.50	
	Worsham Clerk's office	99.74	
	Ag building	1,204.99	11,090.01
Ellington Energy Service	Fuel oil		6,183.80
AT&T	Phone		34.54
CenturyLink	Phone		68.96
US Cellular	Phone		87.39
O. O. Stiff, Inc.	Monthly service		100.00
Business Data of Virginia, Inc.	Norton Anti-virus		29.95
Aramark Uniform Services	Janitorial supplies		272.08
Walmart	Cleaning supplies		47.78
Ayers Building & Supply Company	Utility knife/blades	12.91	
	Key blanks	15.00	27.91
Business Card	Flag pole (board room)	120.90	
	Flashing/tape/caulk	294.15	415.05
Diamond Springs	Water & equipment rental		22.45
Farmville Auto Parts	AHU belts	76.96	
	Belt	17.72	
	Belt exchanged	0.27	
	Shop towels	17.87	
	Exhaust fan belt	15.44	
	Uniform rental	550.55	
	Hydraulic oil	33.19	
	Oil/filter/windshield wash	37.70	
	Chain clip/tarp strap	21.32	
	Oil	11.68	782.70

CANNERY

Southside Electric Cooperative	Electric service		109.92
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Parker Oil Company, Inc.	Heating fuel		895.30
AT&T	Phone		43.60

CHAPTER X BOARD

Crossroad Services Board	Local support		15,660.75
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COMPREHENSIVE SERVICES ACT

Amanda Blackburn	Foster care		525.00
Braley & Thompson, Inc.	Professional service		3,795.00
Centra Health	Professional service		20,472.02
Crossroad Services Board	Professional service		4,735.00
Dominion Youth Services	Professional service		11,550.00
Family Preservation Services	Professional service		3,670.00
Juanita Fisher	Foster care		230.00
Heartland Family Counseling	Professional service		1,650.00
Helton House, Inc.	Professional service		4,742.78
Kristy Howells	Foster care		896.00
Robert & Lilliam Johansen	Foster care		1,050.00
Dekeace Morton	Foster care		666.00
Joan Osborne	Foster care		525.00
Poplar Springs Hospital	Professional service		1,840.00
I'Shawn Smith	Foster care		644.00
VSDB	Professional service		3,570.21
U. S. Postal Service	Postage		20.00

PLANNING

Business Card	Postage		5.10
Alecia Daves-Johnson	Postage	12.50	
	Mileage	55.00	
	Meals	9.48	76.98
	U. S. Postal Service	Postage	20.00
US Cellular	Phone		57.21
Jonathan Pickett	Mileage	280.44	
	Parking	5.00	
	Meals	33.64	319.08
Buckingham Extension Fund	Meeting registration		22.00
Town of Farmville	Gas		57.44

ECONOMIC DEVELOPMENT

Dominion Virginia Power	Electric service		160.73
Ellington Energy Service	Propane		323.33
Business Card	Postage	58.89	
	Meals	69.60	
	Meeting refreshments	18.91	
	Office supplies	14.68	
	Fees	5.15	167.23
U. S. Postal Service	Postage		900.00
AT&T	Phone		69.59
Moonstar BBS	DSL		45.00
CenturyLink	Phone		193.87

Farmville Printing	Business cards		49.00
Rochette's Florist	Ribbon		23.00
Walmart	Office supplies	20.00	
	Printer	129.00	149.00

GENERAL EXPENSE

Rural Equity, LLC	Delinquent sales proceeds		38,435.50
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CAPITAL PROJECTS

Timmons Group	GIS project	9,881.60	
	GPS project	71.47	9,953.07

DEBT SERVICE

Suntrust Bank	Ag building loan principle	94,704.38	
	Ag building loan interest	9,946.85	104,651.23
Rural Development	Courthouse loan		16,626.00

PUBLIC/PRIVATE EDUCATION ACT FUND

Randall C. Allen, PC	Legal services		1,238.44
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CONTRACTUAL SERVICES

Town of Farmville	Test line/service pump		3,260.90
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SEWER FUND

Dominion Virginia Power	Sewer pump		61.79
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RETIREMENT BENEFIT FUND

Vicki K. Johns	Retiree benefit		1,038.00
Anthem BCBS	Retiree health insurance		880.00

PIEDMONT COURT SERVICES

CenturyLink	Battery backup	460.70	
	Phone	206.79	667.49
Dominion Virginia Power	Electric service		228.22
Pitney Bowes Financial Services	Postage meter lease		202.00
AT&T	Phone		129.79
Sandy Fox	Mileage		145.85
Sharon Gray	Mileage		217.80

PCS SUPERVISION FEES EXPENDITURES

SRP Corporation, LLC	Rent		2,383.00
Page Hardy	Cleaning service		210.00

ADDENDUM BILL LIST

LIABILITIES

Virginia Department of Taxation	State sales tax		1.40
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COUNTY ADMINISTRATOR

Town of Farmville	Gas	79.15
Matthew Bender & Company, Inc.	VA Adv Crt Rules/PRA	76.71

COMMISSIONER OF REVENUE

Farmville Printing	Office forms	63.20
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INFORMATION TECHNOLOGY

ComputerPlus Sales & Service	Maintenance contract	270.00
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CLERK OF THE CIRCUIT COURT

International Land Systems	Computer	869.67
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LAW LIBRARY

AT&T	Data line	35.06
LexisNexis	Online service	207.00
Matthew Bender & Company, Inc.	VA Forms 2009A	162.46

COMMONWEALTH'S ATTORNEY

AT&T	Phone	396.39
CenturyLink	Phone	283.96

VICTIM WITNESS ASSISTANCE PROGRAM

CenturyLink	Phone	76.76
Key Office Supply	Copy paper	32.95

SHERIFF

Commtronics of Virginia	Radio repairs	168.00
Express Care	Oil change	55.10
William Cary	Postage	7.68
	Meals	39.68 47.36
Jimmy Farley	Postage	6.32
AT&T	Phone	837.01
CenturyLink	Phone	10.51
CenturyLink Communications	Phone	20.09
US Cellular	Phone	845.78
Robert Goldman	Meal	6.25
Central Virginia Criminal Justice	Membership dues	9,750.00
Town of Farmville	Gas	6,811.24
DMV	ID card	10.00
Southern Police Equipment Company	Flashlight battery/cord	38.49
	Flashlight battery	31.97
	Shoes	67.46 137.92
Joseph Sprague	Uniforms	204.68

RICE VOLUNTEER FIRE DEPARTMENT

Companion P&C	Workers Compensation	5,957.00
Farmville Wholesale Electric	Bulbs for lightbars	28.00
VFIS	Package insurance	1,976.00
	Commercial excess insurance	189.00 2,165.00

Dominion Virginia Power	Electric service		208.65
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PROSPECT VOLUNTEER FIRE DEPARTMENT

Ayers Building & Supply Company	Lumber		32.43
Elecom, Inc.	Pagers		1,326.00
Ellington Energy Service	Fuel oil		330.95
Farmville Auto Parts	Snow chains		523.71
Goodman Truck & Tractor	Transmission maintenance		785.78
Key Office Supply	Ink cartridges		44.97
CenturyLink	Phone		87.52
Town of Farmville	Fuel		408.98
Vest's Sale & Service, Inc.	Nozzle	565.00	
	Connector	80.75	645.75
VFIS	Auto insurance	3,199.00	
	Commercial excess	375.00	
	Package insurance	2,261.00	5,835.00
Dominion Virginia Power	Electric service		238.71

MEHERRIN VOLUNTEER FIRE DEPARTMENT

Bank of Charlotte County	Truck loan payment		15,000.00
Commtronics of Virginia	Radios		2,524.16
Parker Oil Company, Inc.	Diesel	803.93	
	Gas	261.85	
	Propane	236.64	
	Service charge	13.74	1,316.16
Jack L. Slagle Fire Equipment	Rope bag	60.69	
	Rope	172.50	
	Nozzle	68.92	
	4-in-1 tool	224.49	
	Battery & vests	121.15	647.75
US Cellular	Phone		154.60
Verizon	Phone		185.15
Dominion Virginia Power	Electric service		323.61

BUILDING OFFICIAL

Town of Farmville	Gas		212.28
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ANIMAL CONTROL

CenturyLink	Phone		43.07
Lloyd Theodore Craft	Bounty		50.00
Town of Farmville	Gas		445.84

BIOSOLIDS MONITORING

Manuel H. Toombs, Jr.	Phone		24.67
Town of Farmville	Gas		222.15

REFUSE DISPOSAL

STEPS, Inc.	Recycling fee		1,155.79
Southside Electric Cooperative	Virso site		139.61
Dominion Virginia Power	Rice site		117.57

CenturyLink	Phone		34.39
Town of Farmville	Gas		1,198.38
Newman Tire Company, Inc.	Road service & tire	570.00	
	Tires (2)	665.00	1,235.00

GENERAL PROPERTIES

ThyssenKrupp Elevator	Service contract - Jan/Mar		2,097.51
Dominion Virginia Power	Ag building		2,232.72
Town of Farmville	Water & sewer	119.01	
	Water	57.47	
	Gas	353.71	530.19
AT&T	Phone		35.05
CenturyLink	Line to hospital	7.97	
	Phone	49.36	57.33
Lowe's	Lysol & soap	10.76	
	Bowl cleaner/Lysol	29.94	
	Styrofoam board	24.66	
	Saw blades	14.47	
	Plywood/bulbs/heater	64.13	
	Pipe & elbows	41.94	
	Caulk	15.97	
	Doorbell/locks/hasp	34.20	
	Windshield de-icer	10.41	246.48
Newman's Tire Company, Inc.	Flat repair		12.38

CANNERY

Lowe's	Filters/batteries		102.34
AT&T	Phone		36.81
CenturyLink	Phone		34.76

COMPREHENSIVE SERVICES ACT

Amanda Blackburn	Foster care		109.18
Centra Health	Professional service		9,333.00
Grafton School, Inc.	Professional service		7,895.00
Pickett Park Day Care	Foster care		306.00
Presbyterian Home & Family Services	Professional service		2,883.00
Mable Shanaberger	Administrative fee		150.00

PLANNING

Town of Farmville	Gas		22.05
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ECONOMIC DEVELOPMENT

Dominion Virginia Power	Electric service		43.84
Town of Farmville	Water & sewer		41.33
Moonstar BBS	DSL		45.00
CenturyLink	Phone		200.07
VEDA	Dues		150.00

CAPITAL PROJECTS

Lowe's	Door / knob / hinges	65.01	
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	Siding board	16.88	81.89
	<u>WATER FUND</u>		
Town of Farmville	Water		48.37
	<u>SEWER FUND</u>		
Dominion Virginia Power	Sewer pump		54.34
	<u>RETIREMENT BENEFIT FUND</u>		
Anthem BCBS	Retiree health insurance		880.00
	<u>PIEDMONT COURT SERVICES</u>		
Matthew Bloom	Mileage		256.85
Sheena Franklin	Mileage		172.70
Connie Stimpson	Mileage	206.47	
	Meals	18.63	
	Office supplies	9.99	78.36
Renee T. Maxey	Mileage	41.25	
	Meal	17.26	58.51
Moonstar BBS	DSL		10.00
	<u>PCS DRUG TESTING FEES</u>		
Kroll Laboratory	Drug testing fees		19.48

In Re: 2009 Progress Report on Centra Southside Community Hospital

Dr. Gwen Eddleman, President and CEO of Centra Southside Community Hospital, and Mr. George Dawson, President and CEO of Centra Health, Inc., presented a progress report on the Centra Southside Community Hospital. Ms. Eddleman stated increases were seen in admissions (21%), outpatient visits (15%), imaging volume (23%), and emergency room visits (31%) from 2006 to 2009. Mr. Dawson thanked the community and said that Centra is striving to provide better service and better equipment, such as CT scanners and the move to digital mammography units. He said they are recruiting doctors and are in the process of switching to a computerized electronic system for the emergency and records departments. Mr. Dawson reported the hospital is seeking special accreditation for the stroke center.

Mr. Dawson then spoke about the coming health care reform and how it has affected the Centra Southside Community Hospital. He asked all to support the local hospital.

Chairman Fore thanked Dr. Eddleman and Mr. Dawson for the presentation and said he is proud of the facility.

Supervisor Campbell returned during the presentation.

In Re: Courthouse Parking

Mr. Bartlett said the decision by the Town of Farmville to charge for parking in the lot bounded by South Street and South Virginia Street required two fundamental decisions by the Board of Supervisors. The first decision is to determine if tax dollars will be used to subsidize employee parking. If so, then the Board must decide how to provide the parking. There are two options: 1) pay for use of the Town's parking lot or 2) obtain use of another lot.

Chairman Fore said that after reviewing the options and the figures involved, the main issue is whether the Board chooses to use local funding to pay for parking for the employees. He said monies could be appropriated to pay the Town for spaces in the lot between South Street and South Virginia Street, or the Board could explore the option of obtaining the lot on Third Street by Benchmark; the County could pave that lot for parking for the County employees. Discussion followed on the options available.

Supervisor Simpson made a motion to authorize the County Administrator to solicit bids for the paving of the lot owned by Benchmark Community Bank, in the 200 block of East Third Street.

Several Supervisors expressed their disappointment that the Town of Farmville and the County couldn't come to an agreement. Further discussion followed.

Supervisor Simpson amended his motion to table the vote on the parking issue and to authorize the County Administrator to solicit bids for the paving of the lot owned by Benchmark Community Bank, in the 200 block of East Third Street. The motion carried:

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

Supervisor Gantt left the meeting at this time.

In Re: Dance Hall Permit for Fever's Restaurant & Lounge

County Attorney James Ennis stated that the current County ordinance requires one security officer per one hundred (100) patrons, and expressed his concern of security issues in light of the recent homicides and near-homicides in the parking area at Fever's Restaurant & Lounge. He said the lighting and security issues in the parking area of an establishment that serves alcohol raises public safety concerns, and that violent offenses with firearms are almost a weekly occurrence.

Mr. Ennis said the owner could establish a vehicle search as a condition of entry to the property, as it is private property; he added it is incumbent upon the owner to help the County regulate what happens.

Discussion followed on the process for changes to be made to the County ordinance.

Supervisor Gantt returned to the meeting at this time.

Discussion followed on the formation of a committee to present the concerns to the owner of Fever's Restaurant & Lounge.

Supervisor McKay made a motion to approve the Dance Hall Permit for Fever's Restaurant & Lounge; the motion carried:

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

Chairman Fore appointed Supervisor Wiley, Supervisor Campbell, and appointed Supervisor McKay to serve as Chair on the committee, along with Mr. Bartlett to comprise the Dance Hall Permit Ordinance Committee.

Supervisor Campbell asked Mr. Ennis for the number of offenses at that location during the last year. Mr. Ennis said he would poll his co-workers with an estimate, as cases are filed by name, not location.

In Re: Supplemental Budget Request from Central Virginia Regional Library

Chairman Fore said the Library Board has requested additional funding of \$55,700 from the County. He said the additional funds will provide for additional staffing and training for both the current and proposed new employees, and would also cover the increased operational cost of the new building. The majority of the request (\$35,000) will allow the hiring of additional staff.

Chairman Fore said staff recommended the Board approve additional funding in the amount of \$14,500 for the payment of utilities, telephone, and portions of supplies after deleting new programming (\$3,500) and portions of the training minus the amount for new staff (\$2,200). He said the reductions in funding from the state for the current Fiscal Year and larger reductions proposed for FY11, the Board may not think it prudent to make budget decisions now that will cause automatic increases in funding for the next fiscal year.

Supervisor Wilck asked to hear from the Library staff on how the recommended cuts to the additional funding would affect the Library.

Ms. Peggy Epperson stated the funding is requested for anticipated increases in utility and phone services and additional training needs for new staff members. She said currently, the library is open 65 hours per week, more than the libraries in Lynchburg and Roanoke. The library currently has two staff members, and the building is four times larger and will need additional staff to serve the public. Without the increased funding, one change would be that the hours of the library would have to be reduced to 42 hours per week.

After further discussion, Supervisor Jones made a motion to approve the supplemental budget request from Central Virginia Library as follows:

		<u>Debit</u>	<u>Credit</u>
3-100-41050-0100	From General Fund Balance		14,500
4-100-73500-5640	Contribution to Library	14,500	

The motion carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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In Re: School Board Appointments

Chairman Fore said the terms of the following School Board members expire as of June 30, 2010:

District 101 – Linda Leatherwood (Supervisor Simpson)
District 801 – Dr. Lawrence Varner (Supervisor Wiley)

Supervisor Simpson and Supervisor Wiley will appoint Citizen Committees to be announced at the February Board meeting.

In Re: Appointments – To Be Filled By Board of Supervisors Members

Chairman Fore made the following recommendations for appointment to the following positions:

Southside Virginia Family YMCA, Term of Office: January 1, 2010 – December 31, 2011)	Supervisor Wiley
Commonwealth Regional Council – Member, Term of Office is set by Board of Supervisors	Chairman Fore, Member Supervisor Gantt, Alternate
Crossroads Community Services Board – Board Member, Term of Office: January 1, 2010 – December 31, 2012	Supervisor Wiley
Prince Edward County Social Services Board – Board Member, Term of Office: January 1, 2010 – December 31, 2013 or concurrent with Board Term; Two Term Limit	Supervisor Simpson
Prince Edward County Electronic Village – Board Representative, No set term	Supervisor McKay
Board of Supervisors Legislative Committee for 2010, 3 Board Members, Appointed annually	Supervisor Simpson (Chair) Supervisor Gantt Supervisor Campbell

Supervisor Wilck made a motion to accept the appointments as presented by Chairman Fore; the motion carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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In Re: Appointments: Prince Edward County Planning Commission

Two Planning Commission members' terms expire December 31, 2010. Appointments to the Planning Commission are necessary with a term of office effective January 1, 2011 and expiring December 31, 2015. Chairman Fore instructed Board members to vote for two candidates.

A vote was then taken on each of the candidates, as follows:

<u>Candidate</u>	<u>Vote</u>
Virginia Berkley	-
Samuel Coleman	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley
Kenneth Jackson	-
Brian Lee	-
James Moore	Charles W. McKay
John Townsend	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Howard F. Simpson Jim R. Wilck
Anthony Williams	-

Mr. Samuel Coleman and Mr. John Townsend will be appointed to fill the two seats on the Planning Commission with a term of office effective January 1, 2010 and expiring December 31, 2013.

One Planning Commission member has resigned leaving a vacancy on the Planning Commission; this is a Town position and the term of office would expire December 31, 2010.

A vote was taken on the candidates as follows:

<u>Candidate</u>	<u>Vote</u>
Sally Gilfillan	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley
Jack Houghton	-

Mrs. Sally Gilfillan will be appointed to fill the vacant position on the Planning Commission, with a term of office effective immediately and expiring December 31, 2010.

In Re: Appointment – Prince Edward County Board of Zoning Appeals

A Board of Zoning Appeals member’s term expired December 31, 2009. A recommendation of appointment to the Board of Zoning Appeals will be made to the Circuit Court Judge for the position, with a term of office effective January 1, 2010 and expiring December 31, 2014.

A vote was then taken on each of the candidates, as follows:

<u>Candidate</u>	<u>Vote</u>
Sally Gilfillan	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley
Kenneth Jackson	-

Mrs. Sally Gilfillan is recommended for appointment to the Prince Edward County Board of Zoning Appeals with an effective term beginning January 1, 2010 until December 31, 2014.

In Re: Appointment – Industrial Development Authority

Due to the resignation of Mr. Jim Wilck from the Industrial Development Authority, a vote was taken on the candidates for the unexpired term ending June 30, 2012:

A vote was taken for appointment to the IDA for the unexpired term:

<u>Candidate</u>	<u>Vote</u>
John Gantt	Don C. Gantt, Jr.
Sally Gilfillan	-
A. P. Jackson	-
Kenneth Jackson	-
Edgar Jones	
James Moore	Howard M. Campbell William G. Fore, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley
Brian O'Connor	-
John Townsend	

Mr. James Moore will serve on the Industrial Development Authority with the term ending June 30, 2012.

In Re: Appointment – Crossroads Community Services Board

A vote was taken for the position on the Crossroads Community Services Board, as follows:

<u>Candidate</u>	<u>Vote</u>
Elizabeth Allen	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley
James Moore	-

Ms. Elizabeth Allen will serve on the Crossroads Community Services Board, with a term ending December 31, 2012.

In Re: Appointments – Granite Falls Community Development Authority

Chairman Fore stated that the appointment of a Community Development Authority is inherent to do the necessary paperwork for grants. He said that since the Board has adopted the resolution to establish the CDA, he recommended Board members occupy the five seats until such time as the CDA is up and running. He further recommended the Board review the resolution and change the membership of the CDA from five members to eight members; advertisement for a public hearing would be necessary to change the ordinance for the CDA.

Supervisor Gantt said that would take citizen input from the CDA.

Chairman Fore responded that while the CDA is in its infancy, it would be more of a learning curve than would be productive if Board members were not appointed to the CDA.

Supervisor Simpson made a motion to appoint the following Board of Supervisors members to the Granite Falls Community Development Authority, with a term of office as noted:

William G. Fore, Jr.	1/12/2010 – 12/31/2013
Robert M. Jones	1/12/2010 – 12/31/2011
Charles W. McKay	1/12/2010 – 12/31/2011
Howard F. Simpson	1/12/2010 – 12/31/2011
Mattie P. Wiley	1/12/2010 – 12/31/2011

The motion carried:

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

Supervisor Simpson made a motion to authorize advertisement of a Public Hearing in February 2010 for an Amendment to the Ordinance of the CDA to change the membership number from five to eight, and add wording to include the “Conference Center/Training Center.” The motion carried:

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

In Re: Request from the Prince Edward Industrial Development Authority

At its December 16, 2009 meeting, the IDA voted to request that the Board of Supervisors consider replacing one of its members due to attendance. The member in question has missed three consecutive meetings and more than four meetings within the last 12-month period.

Section 15.2-4904 of the *Code of Virginia* states: “A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority, or is absent from any four meetings of the authority within any 12-month period. In either event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.”

Supervisor McKay made a motion to approve the IDA’s request to remove William Gray from the IDA Board due to lack of attendance. The motion carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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A vote was taken for appointment to the IDA for the unexpired term:

<u>Candidate</u>	<u>Vote</u>
John Gantt	Howard M. Campbell Don C. Gantt, Jr. Robert M. Jones
Sally Gilfillan	-
A. P. Jackson	-
Kenneth Jackson	-
Edgar Jones	William G. Fore, Jr. Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley
Brian O’Connor	-
John Townsend	-

Mr. Edgar Jones was appointed to the Industrial Development Authority with a term to expire June 30, 2011.

In Re: Sandy River Reservoir Protection Overlay District (RPOD)

Mr. Pickett said that on November 24, 2009 the Prince Edward County Planning Commission held a public hearing on the latest Sandy River Reservoir Protection Overlay District Ordinance. This version had been developed by a commission appointed committee which had spent several months studying the issue. Following the hearing, the commission voted unanimously to recommend approval of the ordinance to the Board. Though the commission recommended approval, it did understand the ordinance as written requires a financial commitment by the county.

Mr. Pickett said he and the County Administrator have discussed the ordinance, and the staff recommendation is to table the ordinance for the time being due to the costs associated with the proposal, which staff has not yet been able to research and analyze in depth. He said another reason is that the Environmental Protection Agency is developing a Total Maximum Daily Load (TMDL's) limits for the entire Chesapeake Bay Watershed, which could mean stricter regulations in this part of the state.

Mr. Pickett said there is uncertainty of what will be required of the county from the federal and state government. Tabling the ordinance will also give staff time to determine in more detail what the cost to the county might be if the proposed ordinance is approved.

Chairman Fore asked how many parcels and farms may be affected. Mr. Pickett said there are 500 different property owners; not many are large farms. Mr. Bartlett added that with the uncertainty of new federal regulations, staff recommends the issue be tabled indefinitely until further information is received from the state.

Supervisor Gantt made a motion to table the Sandy River Reservoir Protection Overlay District Ordinance until further information is made available; the motion carried:

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

Section 2-1300 Sandy River Reservoir Overlay District (SR)

Sec. 1300.01 Intent of the watershed district.

The purpose of this district is to protect against and minimize the pollution of, and deposition of sediment in, the public drinking water source for Prince Edward County located in the district, in order to protect the health, safety, and general welfare of the citizens using the water source.

Sec. 1300.02 Superimposed district.

This zoning district is to be superimposed over other existing districts, and the special requirements of this district shall apply in addition to the requirements of the zoning use district within which a specific property is located. The special requirements are subject to the enforcement procedures and penalties described in Secs. 5-114 and 5-116 of the Prince Edward County Zoning Ordinance. Notwithstanding the special requirements, all existing continuing land uses shall be deemed permitted uses (a practice informally called "grandfathering"), consistent with Sec. 5-126 of the Prince Edward County Zoning Ordinance.

Sec. 1300.03 Boundaries.

Delineation of the district boundaries shall be based on technical studies by the appropriate public water supply agency and approved by the Board of Supervisors. Such boundaries shall be shown on the watershed district maps of Prince Edward County, Virginia, which are declared to be a zoning map and a part of this ordinance. These maps shall be kept on file in the Health Department and in the Zoning Administrator's office.

1. *District boundaries.* Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lot lines, highways, railroads, power lines, pipelines, or civil boundaries, shall be construed to follow such lines. Where district lines approximately follow the ridgeline of a watershed it shall be construed that the district boundary actually lies on the crest of the ridgeline, as determined by an accepted topographic survey of the property in question.
2. *District boundary change.* The delineation of a watershed district may be revised by the Board of Supervisors where more detailed studies conducted by the appropriate public water supply agency document that such a change is appropriate or necessary, such revisions being made in accordance with Article V, Section 5-120 of the Prince Edward County Zoning Ordinance.

Sec. 1300.04 Establishment of zoning districts.

This district covers only one of the watershed areas within the county, for which it is a primary water supply district. This primary water supply district shall include watershed areas upstream of a proposed water supply intake structure, designated as such by the Prince Edward County Board of Supervisors.

Sec. 1300.05 Watershed district activities.

1. *Permitted uses and special uses.* All permitted uses and special uses allowed in the zoning district over which the watershed district is superimposed shall be allowed except as provided in Section 1300.05 (2) through (5) herein.
2. *Prohibited uses.* The following uses shall be prohibited within the watershed district (SR):
 - a. Production or disposal of hazardous waste as defined in Section 6-100 of the Prince Edward County Zoning Ordinance. [add definition]

- b. Storage of hazardous waste or materials, other than those pesticides used for agricultural, forestry, horticultural, and household purposes.
 - c. Application to land surfaces or landfilling of industrial, commercial, or residential waste except as permitted by regulations of the Department of Environmental Quality.
 - d. Relocation of streambeds. Channelization of streams shall be prohibited, except in the correction of flood damage and/or as part of a conservation plan, utilizing best management practices, developed and approved by the Natural Resources Conservation Service (NRCS) and the Piedmont Soil and Water Conservation District. Such plans may also require a permit from the U.S. Army Corps of Engineers if the project is determined to be within their jurisdiction.
 - e. Commercial feedlots as defined in Section 6-200.1 of the Prince Edward County Zoning Ordinance and other confined animal feeding operations shall be prohibited except as provided by regulations of the Department of Environmental Quality.
3. *Uses prohibited except by special exception.* The following uses shall be prohibited within the watershed district (SR) unless approved through the special exception procedure of Sec. 5-124 of the Prince Edward County Zoning Ordinance:
- a. Exploration, development, or operation of oil wells, natural gas wells, strip mines, or quarries.
 - b. Establishment of food processing plants or other industrial or commercial activities requiring the construction of wastewater treatment facilities.
 - c. Bulk storage of petroleum or asphalt products, above or below ground, with an aggregate volume of ten thousand (10,000) gallons or more.
 - d. Storage of pesticides used for agricultural, forestry, or horticultural purposes intended for repackaging or resale.
 - e. Installation of long distance transmission pipelines for natural gas, liquid petroleum, petroleum products, slurry coal, and any other liquids or solids except water lines, sewer lines, and storm sewers.
4. *Uses prohibited within four hundred (400) feet of perennial streams or reservoir.* The following uses shall be prohibited within four hundred (400) feet of any perennial stream within the watershed district (SR):
- a. Storage of petroleum or asphalt products. However, this prohibition shall not apply to the storage of heating oil for home use in quantities of five hundred fifty (550) gallons or less.
 - b. Storage of pesticides used for agricultural, forestry, or horticultural purposes.
 - c. Establishment of feed lots in which animal livestock units are birthed, fed (excluding grazing), raised, or held at any given time prior to slaughter or sale, unless operated under best management practices for waste management in livestock holding areas and in accordance with a conservation plan approved by the Piedmont Soil and Water Conservation District.
5. *Uses prohibited within fifty (50) feet of perennial streams or reservoir:*
- a. Application of biosolids, livestock waste, poultry litter, or other animal waste except in accordance with a nutrient management plan approved by the Soil and Water Conservation District. Such application does not constitute an existing use as specified in Section 1300.02
6. *Special use modifications to minimize erosion and sedimentation.*
- a. Portions of properties having steep slopes of fifteen (15) per cent or greater shall not be placed in agricultural uses that require soil tillage, except for preparation to plant permanent cover, unless operated under best management

practices in accordance with a conservation plan developed and approved by NRCS and the Piedmont Soil and Water Conservation District.

b. All new construction projects resulting in ten thousand (10,000) square feet or more of impervious surfaces on any single site shall have a stormwater management plan approved by Prince Edward County consistent with but no more strict than the applicable state legal requirement, including but not limited to §10.1-603.4 of the Code of Virginia. Stormwater on any such property adjacent to a perennial stream or reservoir shall be disbursed into non-erosive sheet flow through an approved filter strip prior to entering the vegetated buffer strip specified in Section 1300.06.1a. Any stormwater management facilities shall be indicated on plats and site plans.

Sec. 1300.06 Special requirements within the watershed district (SR).

1. Stream and reservoir setback requirements:

a. A buffer strip of dense perennial vegetation, preferably natural, shall be maintained adjacent to any perennial stream and shall be no less than fifty (50) feet in width on each side of the stream, measured from the crest of the stream bank, except as addressed in 1300.05.1.c and 1300.07.2.n The buffer strip shall be clearly shown on all development plats and on site plans for development.

b. No portion of any on-site sewerage system, drain field, reserve drain field, waste pump station waste force main, or building structure shall be placed within the 50-foot buffer strip of part a. This statement shall be on all plats, site plans, and in the deed of affected lots. Drain fields and reserve drain field spaces shall be shown on the plats and site plans.

c. On agricultural lands, no row crops requiring tillage shall be permitted in the buffer strip. The buffer strip shall be managed to prevent concentrated flows of surface water from breaching the strip, and noxious weeds (such as Johnson grass, kudzu, and multiflorous rose) may be prevented by invading the buffer area. Permanent cover crops that do not require seasonal tillage or pesticide application, such as hay crops, are encouraged in the buffer strip and may be harvested as they would be elsewhere.

The agricultural buffer strip may be reduced to a minimum of twenty-five (25) feet on each side of the stream when a water and soil quality conservation plan utilizing best management practices, and as developed and approved by the NRCS and the Piedmont Soil and Water Conservation District, has been implemented on the adjacent land. This reduction in buffer strip width may be applied only if the plan achieves water quality protection at least equivalent to that provided by the 50-foot buffer strip. The buffer area is not required for agricultural drainage ditches if the adjacent land has in place best management practices in accordance with an approved conservation plan.

d. No structures owned by parties other than Prince Edward County or the Town of Farmville, or the appropriate water supply agency, shall be located within one hundred fifty (150) feet of the normal pool elevation of the reservoir. Such structures include residences, commercial and industrial structures, docks, boathouses, and all accessory buildings. No on-site sewerage system drain field or reserve drain field area shall be located within one hundred fifty (150) feet of the normal pool elevation of the reservoir. This reservoir setback shall be clearly shown on all plats, along with the statement "No structures, drain fields, or other facilities owned by parties other than the local government entity or the appropriate public water supply agency shall be constructed within the reservoir setback."

e. Owners of property adjacent to the reservoir or perennial streams in the watershed are encouraged to adopt a conservation plan approved by the Piedmont Soil and Water Conservation District to exclude livestock from surface waters. Landowners should recognize that cost-sharing funds for such conservation systems are available from various state and federal agencies. Any

such eligible cost-sharable expense not covered by available cost-share funds shall be paid by Prince Edward County.

f. Where landowners establish conservation practices included in a conservation plan approved by the Piedmont Soil and Water Conservation District that protect the waters in the SR district, any expense not covered by cost-sharing shall be paid by the County.

g. Landowners involved in agriculture have the option to contract with USDA or other agencies to receive rental payments on land placed in riparian buffers. When those rental payments cease, the County shall continue those rental payments for as long as the riparian buffer practices are in place.

2. Minimum lot area.

Minimum lot sizes for residential properties shall conform to the underlying district, plus the space requirements for on-site sewerage system drain fields as indicated in Section 1300.06.3 below if that should impact lot size.

3. On-site sewerage systems.

Lots within the SR watershed district shall be required to meet drain field design and maintenance standards based on soil conditions as classified by the Commonwealth of Virginia Sewerage Regulations, as amended, and verified by the Prince Edward Health Department, and shall designate an area for one hundred (100) percent reserve drain field. Two drain tanks must be installed in series in the original system. Other types of on-site sewerage disposal systems will be considered on a case-by-case basis by Prince Edward County in cooperation with the Virginia Department of Health.

a. All drain field and reserve drain field spaces shall be shown on subdivision plats and project site plans.

b. Each subdivision plat and site plan shall contain the following statement: "The Virginia Department of Health advises that septic tanks should be pumped every three (3) to five (5) years to maximize the life of the on-site wastewater area."

Sec. 1300.07 Forestry and silviculture.

The Virginia Department of Forestry will provide oversight for all forestry and silvicultural activities in the SR watershed.

1. Notification of commercial harvesting. Section 10.1-1181.2 of the Code of Virginia refers to the Notification of the Commercial Harvesting of Timber. This law requires persons conducting timber harvesting operations to notify the Virginia Department of Forestry within three days of the commencement of harvesting operations, and is herewith included by reference in this ordinance.

2. Silvicultural water quality. Sections 10.1-1181.1 through 10.1-1181.7 of the Code of Virginia refer to the Silvicultural Water Quality Law. This law gives the state forester legal authority to protect water quality from sedimentation originating from silvicultural operations on any stream in Virginia, and is herewith included by reference in this ordinance. The publication *Virginia's Forestry Best Management Practices for Water Quality* is recommended as a guide for conducting these operations.

a. In addition to existing state law, harvesting and silvicultural operations in the Sandy River watershed shall require a one hundred (100) foot buffer on the reservoir, as measured from the full pond water's edge, and a fifty (50) foot buffer on all perennial streams. While some activities are allowed in this buffer including harvesting under Forestry Best Management Practices standards, 50% of crown cover shall be maintained within the buffer during an operational period.

Sec. 1300.08 Golf courses.

Golf courses are permitted by special use permit in the underlying A1 Agricultural Conservation zoning district. The following requirements will apply to any site development plan presented for such a permit.

1. A plan of the golf course layout will be submitted along with the site development plan, including:
 - a. all planned construction areas,
 - b. total acreage of fairways, greens, and tee areas,
 - c. total acreage of impervious areas,
 - d. proposed grading with underdrain system and outfalls shown.

The plan should be accompanied by an aerial or satellite photograph of the layout, at a scale no greater than 1" = 100'.

2. Engineering assessments will be submitted dealing with the various impacts of golf course construction on the watershed, including:

Wetland impacts

- a. identification of the potential impact on wetlands of clearing, filling, vegetation change, and drainage changes from roads, trails, and underdrain systems.

Surface water impacts

- a. mitigation of the impact of crossing stream buffers.
- b. assessment of nutrient loadings to the receiving streams and reservoir from stormwater runoff, and mitigation measures to reduce nutrient runoff.
- c. identification of potential impacts from outfalls for underdrain systems, stormwater management, drainage systems, or water hazards, with consideration of
 - i. temperature,
 - ii. pesticide use,
 - iii. nutrients from fertilizer use, and
 - iv. sediment delivery.

Groundwater impacts

- a. identification of soils susceptible to leaching, especially those with high water table or high permeability and those in areas where greens, tees, and hazards are proposed.
- b. identification of potential impacts of groundwater extraction for irrigation.

All assessments should include consideration of distance to stream or reservoir, slope, vegetation type, and nutrient application rate where applicable.

3. An integrated pest management plan shall be submitted, consistent with recommendations of the Virginia Cooperative Extension System.
4. A listing of proposed chemical applications (herbicides, pesticides, or soil amendments) shall be submitted along with a plan for their storage and handling, including:
 - a. pesticide classification,
 - b. application rates,
 - c. toxicity,
 - d. leachability, and
 - e. environmental persistence.
5. A nutrient management plan shall be submitted, consistent with guidelines of the Virginia Department of Conservation and Recreation.
6. The site plan shall be developed consistent with the following standards:
 - a. Fairway stream crossings shall be held to a minimum number, and should cross approximately perpendicular to the stream. Crossings should be placed at the narrowest possible region of the stream or wetland.
 - b. Clearing, filling, or grading in buffers, wetlands, or floodplains shall be minimized.

- c. Cart paths should be constructed with minimal disturbance, should not be located on steep or erodible slopes, and should be treated with a non-erodible surface treatment.
- d. Greens and tees should be located in areas where maximum high water or bedrock is at least four feet below final grade.
- e. Site design considerations should include:
 - i. selection of drought and disease resistant grass species for all plantings,
 - ii. use of biological pest control in preference to chemical control,
 - iii. selection of chemicals that are less toxic, less mobile, and have shorter environmental persistence.
 - iv. reduction or elimination of pesticide applications in sensitive areas.

Sec. 1300.09 Issuance of permits.

No building permit or on-site sewerage system drain field permit shall be issued for any property located within the SR watershed district unless the proposed activity is consistent with this section.

In Re: Issuance of RFP – Engineering Services for Dam Break Inundation Zone Mapping

Mr. Pickett said that Virginia’s Dam Safety Regulations, as amended, now require that the owners of impoundment structures complete a Dam Break Inundation Zone Analysis and Mapping project (BIZ). As the owner of a High Hazard Dam, Sandy River Reservoir, Bush River #12, the County of Prince Edward is required to complete the Dam BIZ in order to renew its safety certificate.

Mr. Pickett said the total anticipated cost of the mapping as required by Virginia Dam Safety Regulations is projected to be between \$35,000 and \$50,000. He added the County applied for a \$5,000 grant to assist with the cost, but Prince Edward County was not awarded the grant.

Supervisor Jones made a motion to authorize advertisement of a “Request for Proposals” for engineering services needed to complete the Dam BIZ project, as required by Virginia Dam Safety Regulations; the motion carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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In Re: Issuance of RFP – Engineering Services for Alternate Route 628

Mr. Bartlett said that at the May 12, 2009 Board of Supervisors meeting, the Board approved the Contingent Purchase Agreement between the Industrial Development Authority and Prince Edward Development, LLC for the construction of the Granite Falls Hotel/Conference and Hospitality Training Center. After IDA approval, the contingent contract was signed by the IDA Chairman on July 21, 2009.

One of the contingencies of the Agreement was the construction of an Alternate Route 628 running from US 15 South across from the Dominion Drive traffic light to Zion Hill Road, south of the School Complex. In October 2009 the County was awarded a \$1 million VDOT Revenue Sharing Grant toward the construction of Alternate Route 628. The estimated total cost of the road at that time was \$2.8 million. Prior to initiating further work on the project, professional engineering services will be required to design the road and obtain the necessary permitting.

Mr. Bartlett requested the Board of Supervisors authorize the advertisement of “Requests for Proposals” for the Engineering Services needed to fulfill the requirements of the Revenue Sharing project for the construction of Alternate Route 628. No funds will be obligated by this action. The advertising and selection process will take approximately 45-60 days. Once proposals are received, staff will review them and make a recommendation to the Board; the Board will make a decision at that time to move forward or not. He said it is anticipated the developer will have final answers regarding financing of the project prior to the selection process.

Supervisor Simpson made a motion to authorize the advertisement of a “Request for Proposals” for engineering services needed for the design, permitting and construction of Alternate Route 628, to meet the requirements of the VDOT Revenue Sharing Project. The motion carried:

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

In Re: Historic Prospect Depot: Project Update

Mrs. Carney stated that in 2002, the Prospect Historical Society was awarded \$75,000 of VDOT Enhancement Funds for the restoration of the old Prospect Depot. In 2003, the Society was awarded \$175,000 in additional funding for the project. In 2007, the Prospect Depot project received an additional \$63,000, bringing a total of \$313,000.

Mrs. Carney said the County is the contracting agency with VDOT for these grants and also the fiscal grant. The Board agreed to accept these responsibilities, but has specifically stipulated that the required 20% grant match (\$78,250) must be provided by the Historical Society, through in-kind services and donations.

Since 2002, there have been a number of significant changes to the overall scope on the grant application, including Norfolk Southern donating only the building and not the land, and a catastrophic fire in 2004 that nearly destroyed the structure. The Historical Society is now partnering with the Department of Conservation and Recreation (DCR) to restore the depot, which will be used as a trail-head for High Bridge Trail State Park and as a small local museum and community center. Architectural and engineering work needs to be conducted to obtain a final estimate of the project cost.

The cost of the proposed architectural and engineering services is \$45,000. The architectural and engineering companies selected and approved by VDOT are: Calloway Johnson Moore & West Architects and Hurt & Proffitt Engineering, Inc. By completing this phase of the project the Prospect Historical Society can determine the total cost of reconstructing the building, and will enable the Historical Society to apply to the Tobacco Commission through the Reserve Fund Grant Program for the required 20% match requirement.

Supervisor Wiley left the meeting at this time.

Supervisor Wilck made a motion to approve an amendment of the FY10 budget and appropriation of \$45,000 to be used for architectural and engineering services for the Prospect Depot project, as follows:

		<u>Debit</u>	<u>Credit</u>
3-100-24040-0020	VDOT Transportation Enhancement Grant		45,000
4-100-94000-0028	Prospect Depot VDOT Grant	45,000	

The motion carried:

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

In Re: Renewal of USDA Lease at Ag Building

Mr. Bartlett stated the lease with the USDA for the Ag Building expired a year ago and the County provided a one-year extension. He stated that USDA is requesting an additional one-year renewal of the current lease. Mr. Bartlett advised the Board that the County will pay off its debt on the building in December 2010, and the current rental income from USDA will enable the County to fulfill that debt service at no cost to the taxpayers.

Supervisor Wiley returned to the meeting at this time.

Supervisor Jones made a motion to authorize the Chairman and/or County Administrator to execute a one-year renewal of the current lease with USDA for office space in the County Ag Building; the motion carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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In Re: Renewal of Annual Contract with County Financial Advisor

Mr. Bartlett said that in January 2009, the Board approved hiring Davenport & Company as the County's Financial Advisor. The procurement authorized an annual contract, with two one-year renewals, at the option of the County. No retainer is required with this contract; payment is based on a project basis.

Supervisor McKay made a motion to authorize the Chairman and/or County Administrator to execute a one-year renewal of the County's contract with Davenport & Company to serve as the County's Financial Advisor; the motion carried:

Aye:	Howard M. Campbell William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck Mattie P. Wiley	Nay: None
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In Re: County Administrator's Report

Mr. Bartlett said that in the spring of 2009, the Board of Supervisors conducted a Planning Retreat and established a five-year vision and priorities for action for FY 2009-2010. He then recommended that the Board of Supervisors consider scheduling a half-day meeting in late February to discuss and update the Strategic Vision/Action Plan for the County to provide direction to County staff and in the development of the budget for the upcoming fiscal year.

Chairman Fore set the date of the Planning Retreat for Friday, February 26, 2010 from 9:00 until 1:00 p.m.; the Board concurred.

In Re: Authorize Hiring of Appraiser for Alternate 628 Project

Mr. Bartlett requested to revisit the hiring of the Appraiser for the Alternate 628 Project.

After some discussion, Supervisor Gantt made an amendment to his previous motion to authorize the County Administrator to determine if the developer will refund the cost of the appraisal, and if so, to authorize procurement of Appraisal Services for an MAI and VDOT Certified appraiser for the valuation of land associated with Alternate Route 628, to include the authorization of the County Administrator to execute any and all documents associated with the procurement of such an appraiser. The motion carried:

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

Nay: None

In Re: Closed Session

Supervisor McKay made a motion that the Board convene in Closed Session for consultation with legal counsel for the purpose of discussing pending litigation concerning the Bush 4-B Watershed, pursuant to the exemptions provided for in Section 2.2-3711(A)(7) of the *Code of Virginia*; and to discuss a prospective business, where no previous public announcement has been made, pursuant to the exemptions provided for in Section 2.2-3711(A)(5) of the *Code of Virginia*. The motion carried:

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

Nay: None

The Board returned to regular session by motion of Supervisor McKay and adopted as follows:

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

Nay: None

On motion of Supervisor Simpson, seconded by Supervisor McKay and carried by the following roll call vote:

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

Nay: None

the following Certification of Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Prince Edward County Board of Supervisors hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Prince Edward County Board of Supervisors.

In Re: Animal Warden's Report

Mr. Ray Foster, Animal Warden, submitted a report for the month of December 2009, which was reviewed and ordered to be filed with the Board papers.

In Re: Building Official's Report

Mr. Coy Leatherwood, Building Inspector, submitted reports for the month of December 2009, which was reviewed and ordered to be filed with the Board papers.

In Re: Cannery

Mrs. Lena Huddleston, Cannery Manager, submitted a report for the month of December 2009, which was reviewed and ordered 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 2009, which was reviewed and ordered to be filed with the Board papers.

In Re: PERT Ridership Report

The Board reviewed the December 2009 ridership reports from PERT and ordered them to be filed with the Board papers.

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

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

the meeting was adjourned at 11:02 p.m.