

March 13, 2007

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 13th day of March, 2007, at 7:00 p.m., there were present:

William G. Fore, Jr., Chairman

Howard F. Simpson, Vice-Chairman

Pattie Cooper-Jones

Sally W. Gilfillan

Robert M. Jones

Charles W. McKay

James C. Moore

Lacy B. Ward

Also Present: Sarah Puckett, Assistant County Administrator; Jonathan L. Pickett, Director of Planning and Community Development; James R. Ennis, County Attorney; Sharon Carney, Director of Economic Development and Tourism; and Mable Shanaberger, Treasurer.

Chairman William G. Fore, Jr., called the meeting to order. Supervisor James C. Moore asked for a moment of silence in memory of Larry Kanniard, who served the County as a member of the Industrial Development Authority. Mr. Moore then offered the invocation.

In Re: Public Participation

Dr. Wilkie Chaffin, of the Buffalo District, stated he had been studying the Freedom of Information Act for the past six years, and felt it was extremely important for all public agencies to follow the legal requirements. He stated each time he saw the Board of Supervisors made major violations, he would go before the Board during the public participation portion, in hopes the Board would not violate that particular one again.

Dr. Chaffin said that during a previous meeting, a comment was made regarding the Clayton Bryant land sale. He said "the Board authorized the Chairman to sell the land for \$250,000.00." Since no Board member denied it, he took it to be truth. He added that a decision of that magnitude cannot be made in closed session, and major action has to be done in open session. He then added the Board should speak with Alan Gernhardt, Attorney for the Freedom of Information Council.

Dr. Chaffin also stated that in 2003, the Board went into closed session to discuss possible negotiations with the Town of Farmville about the Sandy River Reservoir. Dr. Chaffin said he sent a letter to Sarah Elam Puckett, Assistant County Administrator, stating the appropriate justification for using the *Code of Virginia* contract exemption for a closed session. The Board of Supervisors could not go into closed session to discuss negotiations with another public agency. The County Attorney and an attorney from Troutman Sanders said no violation had occurred. However, Dr. Chaffin continued, in 2004, the *Culpeper Citizen* filed suit against the Culpeper Board of Supervisors in a similar situation, regarding a closed session concerning an agreement with their school board. In 2006, the case went to the Supreme Court, which ruled in favor of the newspaper in that case. The Supreme Court stated: “The unambiguous language in Code Section 2.2-3711(A)(30) viewed in its entirety, demonstrates that the purpose of exemption is to protect the public body’s bargaining position or negotiating strategy *vis a vis* a vendor during the procurement process.”

Patricia Sanders, of Meherrin, told the Board that she was interested in opening an assisted living facility in Meherrin. She stated the house is in Lunenburg County jurisdiction, and the road frontage is in Prince Edward County jurisdiction. She was having difficulty in getting the Certificate of Occupancy due to opposition regarding the flow of traffic and safety of exiting the property onto Route 630. The sight distance to the right is 610 visible feet, and to the left, 545 visible feet. Ms. Sanders contacted Mr. Edwards at VDOT and requested a traffic study and inquired if anyone had previously made comment regarding the safety of that road.

Mr. Moore questioned Mr. Alan Leatherwood, of VDOT, if he could comment on her issue.

Mr. Leatherwood stated the road is not unsafe, but her operation of a business would require a commercial entrance, requiring a minimum sight distance of 610 feet, clear free sight distance in each direction. He added the unposted speed limits on Route 630 are 55 mph and 45 mph. Mr. Leatherwood stated that he was familiar with her case and earlier that day, submitted a request for a reduction in speed limit. Traffic engineering was asked to look into the matter.

In Re: Treasurer's Report

On motion of Mr. Moore and carried:

Aye:	Pattie Cooper-Jones	Nay: None
	William G. Fore, Jr.	
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Howard F. Simpson	
	Lacy B. Ward	

the Board accepted the following Treasurer's Reports for the months of December, 2006, and January, 2007.

December, 2006

Fund balances were as follows:

General Fund-----	\$ 125,698.56	
General Fund Reserved for Investment-----	7,375,545.47	
		7,501,244.03*
Recreation Fund Reserved for Investment-----	25,241.53	
Forfeited Assets Fund Reserved for Investment-----	146,537.22	
School Capital Projects Fund—VPSA-----	186,040.34	
School Capital Projects Fund—QZAB01-----	211,573.62	
Underground Storage Tank Liability Fund Reserved for Invent---	20,000.00	
Board of Public Welfare Special Account-----	2,435.68	
Piedmont ASAP Fund-----	157,655.34	
School Fund-----	0.00	
Landfill Construction Fund-----	208,580.75	
PCS Fund-----	293,578.69	
Revenue Sharing Fund-----	100,000.00	
Benefits Retirement Fund-----	19,648.00	
School Capital Projects Fund—QZAB02-----	1,000,000.00	
Prince Edward Community Development Fund-----	31,249.00	
		\$9,903,784.20

Cash accounts were as follows:

Cash in Office-----	1,000.00
Cash in Banks-----	1,729,265.27
Warrants Payable (School Fund)-----	0.00
General Fund Investments-----	7,375,545.47
VPSA Investments-----	186,040.34
QZAB Investments-----	211,573.62
Underground Storage Tank Fund-----	20,000.00
Recreation Fund Investments-----	25,241.53
Landfill Construction Fund for Investment-----	208,580.75
Forfeited Asset Fund for Investment-----	146,537.22
	\$9,903,784.20

*Of this \$7,501,244.03 in the General Fund, \$3,741,458.37 is encumbered for:

Transfers to:	
School Fund	\$ 3,043,354.89

VPA Fund	302,497.71
Debt Obligations	395,605.77

Total **\$3,741,458.37**

This leaves an unencumbered balance of \$3,759,785.66 in the General Fund.

STATEMENT OF DEPOSITORY BALANCES

Balances as of December, 2006:

Checking Accounts:

Benchmark Community Bank	1,023.11
Wachovia Bank	85,708.26
BB&T	1,702,576.69
Bank of America	235,000.00

\$2,024,308.06

Investment Accounts:

Mentor Investments – Stock Account	\$0.00
Benchmark Community Bank	700,000.00
Wachovia Bank	200,000.00
Citizens Bank & Trust Company	0.00
BB&T	3,663,233.33
Planters Bank & Trust	700,000.00
Mentor Investments	151,006.21
SNAP (State Non-Arbitrage Plan)	186,040.34
Bank of America	2,278,196.26

\$7,878,476.14

January, 2007

Fund balances were as follows:

General Fund-----	\$ 122,653.10	
General Fund Reserved for Investment-----	7,267,988.49	
		7,390,641.59*
Recreation Fund Reserved for Investment-----		25,267.58
Forfeited Assets Fund Reserved for Investment-----		146,971.22
School Capital Projects Fund—VPSA-----		151,890.99
School Capital Projects Fund—QZAB01-----		118,615.46
Underground Storage Tank		
Liability Fund Reserved for Inventory-----		20,000.00
Board of Public Welfare Special Account-----		2,555.68
Piedmont ASAP Fund-----		158,127.93
School Fund-----		0.00
Landfill Construction Fund-----		232,834.21
PCS Fund-----		260,004.82
Revenue Sharing Fund-----		77,480.00
Benefits Retirement Fund-----		17,874.00
School Capital Projects Fund—QZAB02-----		976,546.54
Prince Edward Community Development Fund-----		0.00

\$9,578,810.02

Cash accounts were as follows:

Cash in Office-----	1,000.00
Cash in Banks-----	637,695.53
Warrants Payable (School Fund)-----	0.00
General Fund Investments-----	7,267,988.49
VPSA Investments-----	151,890.99
QZAB01 Investments-----	118,615.46
Underground Storage Tank Fund-----	20,000.00
Recreation Fund Investments-----	25,267.58
QZAB02 Investments-----	976,546.54
Landfill Construction Fund for Investment-----	232,834.21
Forfeited Asset Fund for Investment-----	146,971.22
	\$9,578,810.02

*Of this \$7,390,641.59 in the General Fund, \$3,717,655.49 is encumbered for:

Transfers to:	
School Fund	\$ 3,060,398.63
VPA Fund	278,277.09
Debt Obligations	378,979.77
Total	\$3,717,655.49

This leaves an unencumbered balance of \$3,672,986.10 in the General Fund.

STATEMENT OF DEPOSITORY BALANCES

Balances as of January, 2007:

<u>Checking Accounts:</u>	
Benchmark Community Bank	1,023.54
Wachovia Bank	85,643.13
BB&T	1,615,399.21
Bank of America	235,000.00
	\$1,937,065.88
<u>Investment Accounts:</u>	
Mentor Investments – Stock Account	\$0.00
Benchmark Community Bank	700,000.00
Wachovia Bank	200,000.00
Citizens Bank & Trust Company	0.00
BB&T	3,606,263.82
Planters Bank & Trust	700,000.00
Mentor Investments	151,607.61
SNAP (State Non-Arbitrage Plan)	118,615.46
Bank of America	2,164,257.25
	\$7,640,744.14

Mrs. Mable Shanaberger advised the Board of the amount of taxes, penalties and interest collected from the first sale of properties held, as requested during February’s meeting, was \$23,808.13. She stated

payment has been received on two of the properties, and reminded the Board of the next sale to be held in April.

In Re: Approval of Minutes

Mr. Jones moved approval of the minutes of the meeting held February 13, 2007, at 5:00 p.m. The motion carried:

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Lacy B. Ward	Nay:	None	Abstain:	Sally W. Gilfillan
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On motion of Mr. Jones and approved:

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Robert M. Jones Sally W. Gilfillan Charles W. McKay James C. Moore Howard F. Simpson Lacy B. Ward	Nay:	None
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the minutes of the meeting held February 13, 2007 at 7:00 p.m. were approved.

Supervisor Gilfillan stated her name was missing from the attendance list of the March 5, 2007 meeting and asked for that correction. On motion of Mr. Jones, the minutes of the meeting held March 5, 2007 were approved as corrected.

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Lacy B. Ward	Nay:	None
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In Re: Approval of Accounts and Claims

The following accounts and claims were presented, and on motion of Mr. Moore were approved for payment by the following vote:

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Lacy B. Ward	Nay:	None
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BOARD OF SUPERVISORS

VEPGA	Professional Services	186.00
Farmville Herald	Advertising	622.25
Platinum Plus for Business	Advertising-850.00	
	Travel-Convention and Education-475.04	1,325.04
Pairret's, Inc.	Plaques	275.52

COUNTY ADMINISTRATOR

ESI of Virginia, Inc.	Relocated phones	570.00
Pitney Bowes, Inc.	Postage machine rental	100.24
AT&T	Phone	208.99
VITA	Pager rental	16.36
Embarq	Phone	426.93
U.S. Cellular	Phone	75.26
Platinum Plus for Business	VACo Legislative Day	30.00
Business Data of Virginia, Inc.	Office supplies	77.71
Diamond Springs	Office supplies	15.40
Farmville Printing	Letterhead	10.00
Key Office Supply	Office supplies	991.13
Moonstar BBS	DSL	95.00
Wal-Mart	Office supplies	20.24
Town of Farmville	Fuel	38.58
Polk City Directories	City Directory	273.50
Virginia Municipal League	Subscription	25.00

COMMISSIONER OF REVENUE

Business Data of Virginia	Postage-4,559.01	
	Office supplies-2,485.00	
	2007 Vehicle assessment-2,636.59	
	Travel expense-125.00	9,805.60
AT&T	Phone	58.42
VITA	Online services	125.38
Ntelos	Internet	19.95
Embarq	Phone	202.65

TREASURER

Computer Plus Sales & Service	Maintenance contracts	581.70
James W. Elliott, Attorney	Advertising-540.00	
	Service fees-30.00	570.00
AT&T	Phone-94.37	
	Phone-24.95	119.32
VITA	Online service	125.38
Embarq	Phone	192.60
Pitney Bowes, Inc.	Postage machine rent-1,912.02	
	Office supplies-125.98	2,038.00
Treasurers Association of Virginia	Meeting registration	200.00
ESI of Virginia	Office supplies	443.89
Key Office Supply	Office supplies-112.49	

	Typewriter-699.00	811.49
	<u>INFORMATION TECHNOLOGY</u>	
Business Data of Virginia, Inc.	Travel expenses-875.00	
	Monthly contract-2,800.00	3,675.00
Computer Plus Sales & Service	Maintenance contract	270.00
Key Office Supply	Ethernet switch	79.95
	<u>ELECTORAL BOARD AND OFFICIALS</u>	
Samuel A. Martin, Jr.	Salary	556.75
Gordon V. Smith	Salary	556.75
William Eugene Watson	Salary	1,113.49
	<u>REGISTRAR</u>	
AT&T	Phone	33.12
Embarq	Phone	164.11
VITA	Online services	3.25
Key Office Supply	Office supplies	1,603.99
VRAV	Dues	100.00
	<u>CIRCUIT COURT</u>	
AT&T	Phone	42.62
Embarq	Phone	151.37
Key Office Supply	Office supplies	92.91
	<u>GENERAL DISTRICT COURT</u>	
AT&T	Phone-Juv. Prob.-153.21	
	Phone-J&D-92.09	
	Phone-Gen. Dist. Court-82.56	327.86
Embarq	Phone-J&D-82.54	
	Phone-Juv. Prob.-105.64	
	Phone-Gen. Dist. Court-297.20	485.38
U.S. Cellular	Phone	37.63
ESI of Virginia	Office supplies	95.00
Key Office Supply	Office supplies	39.99
	<u>SPECIAL MAGISTRATES</u>	
AT&T	Phone	61.14
Embarq	Phone	88.22
Key Office Supply	Office Supplies	17.65
VITA	Pager rental	16.36
	<u>CLERK OF THE CIRCUIT COURT</u>	
Key Office Supply	Copier maintenance contract-247.00	
	Office supplies-178.98	425.98
AT&T	Phone	95.19
Embarq	Phone	278.48
	<u>LAW LIBRARY</u>	
Matthew Bender & Co., Inc.	Virginia Forms 06 Supplemental Set	260.00
Embarq	Phone	33.01
	<u>COMMONWEALTH'S ATTORNEY</u>	
Pitney Bowes Financial Service	Equipment leases	144.16
AT&T	Phone	166.47
Kinex Networking Solution	Internet	49.95
Embarq	Phone	281.08

Henrico General District Court	Certified copies	2.00
Key Office Supply	Office supplies-252.35	
	Furniture-1,478.00	1,730.35
Grant's Glass	Desktop clear plates-201.01	
	Drilled desktop holes-30.00	231.01

VICTIM WITNESS ASSISTANCE PROGRAM

Cindy Sams	Travel expenses-52.38	
	Post office box rental-40.00	92.38
AT&T	Phone	112.35
Key Office Supply	Office supplies	84.75
Embarq	Phone	50.79

SHERIFF

Commtronics of Virginia	Radio repairs	1,591.04
East End Motor Company, Inc.	Brake pads, rotors, battery-1,083.69	
	Battery end-13.84	
	Oil changes-97.79	
	Coil and inspection-207.15	
	Headlight-207.71	
	Checked radio-42.28	1,652.46
Farmville Automotive & Tire	Wipers-11.77	
	Repair backup lights-24.88	36.65
RDJ Specialties, Inc.	Frisbees	369.22
Signature Sports	Sports poster ad	129.00
AT&T	Phone	375.61
Embarq	Radio	10.51
Embarq	Phone	518.60
U.S. Cellular	Phone	561.80
William Cary	Meals	10.11
William D. Shular, Jr.	Meals	35.54
Raymond Streat	Meals-27.45	
	Gas-12.04	39.49
Diamond Springs	Office supplies	63.85
Key Office Supply	Office supplies	280.93
Kinex Networking Solution	DSL	52.45
Newman Tire Company, Inc.	Tire	84.50
Town of Farmville	Fuel	4,673.44
Galls, Inc.	Batteries-64.96	
	Gun case, handcuff key-53.16	
	Uniforms-478.50	596.62
Southern Police Equipment Co.	Ammunition-439.70	
	Pistol-1,511.00	
	Guns-1,519.98	3,470.68
Virginia Communications	Car camera, DVD-RAM	315.00
Century Uniform-Raleigh	Uniforms	347.00
McMillian Pager Service	Pager rental	230.00
Sheehy Ford	2007 Crown Victoria (2)	43,534.00

FARMVILLE VOLUNTEER FIRE DEPARTMENT

Barker-Jennings Corporation	Mop heads and handles	26.50
Davis Pontiac	Inspection	51.00
Farmville Vol. Fire Dept.	Radio repairs	394.90
Key Office Supply	Office supplies	174.69
Kinex Networking Solutions	Internet	9.95
NAFECO, Inc.	Pants/pant repairs	414.18
Town of Farmville	Fuel	73.91

RICE VOLUNTEER FIRE DEPARTMENT

AT&T	Phone	24.95
Elecom, Inc.	Batteries	1,253.14
Fire & Safety Equipment Company	EMS equipment	419.70
Key Office Supply	Computer	1,204.00
Roy C. Jenkins, Inc.	LP gas-1,083.85	
	Fuel oil-323.06	
	Gas-295.22	1,702.13
Shanaberger & Sons	Equipment maintenance	169.00
Embarq	Phone	78.23
Dominion Virginia Power	Electric service	174.29

PROSPECT VOLUNTEER FIRE DEPARTMENT

Citizens Bank & Trust Company	Truck payment	3,424.73
Ellington Energy Service	Fuel oil	583.11
Town of Farmville	Fuel	131.64

DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

Darlington Heights Vol Fire Dept	Association meeting refreshments-78.42	
	Copier-100.00	
	Association membership-25.00	203.42
Ellington Energy Service	Propane	1,055.55
Farmville Auto Parts	Switch	22.45
Lumber Yard, Inc.	Maintenance supplies-208.49	
	Concrete mix-3.85	
	Lockset-71.54	
	Service charge-0.58	284.46
Southside Electric Coop.	Electric service	176.03
Verizon	Phone	60.09

PAMPLIN VOLUNTEER FIRE DEPARTMENT

AT&T	Phone	50.59
Davenport Energy	Propane	680.74
M&W Fire Apparatus, Inc.	Coupling	74.02
Pamplin Vol. Fire Dept.	Supplemental insurance	189.00
Pamplin Exxon	Fuel	216.69
Verizon	Phone	100.26
Dominion Virginia Power	Electric service	213.98

MEHERRIN VOLUNTEER FIRE DEPARTMENT

Chesterfield Insurers	Insurance renewal	4,467.00
Commtronics of Virginia	Pager battery-61.54	
	Belt clip-17.00	78.54
Guardian Fire-Safety Equipment	SCBA Annual service	3,642.49
W. S. Darley & Company	Hose washer-429.14	
	Accountability tags-42.80	
	Helmet-211.19	683.13
Roy C. Jenkins, Inc.	LP gas	474.59
Slagles Fire Equip & Supply	Linear strobe element	54.00
U.S. Cellular	Phone	155.06
Verizon	Phone	117.51
Dominion Virginia Power	Electric service	259.44

EMERGENCY SERVICES

Timmons Group	System maintenance	1,000.00
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REGIONAL JAIL

Piedmont Regional Juvenile

Detention Center	Juvenile Detention	4,650.00
Piedmont Regional Jail	Inmate per diem	3,700.40
	<u>BUILDING OFFICAL</u>	
East End Chevron	Oil change	20.40
Coy Leatherwood	Meals/meeting registrations	41.46
Town of Farmville	Fuel	208.18
Key Office Supply	Office supplies	248.82
U.S. Cellular	Phone	37.63
	<u>ANIMAL CONTROL</u>	
Town of Farmville	Fuel	482.77
VACA	Conference registration	130.00
John Adams	Coyote bounty	50.00
Business Data of Virginia, Inc.	Norton Anti-Virus	49.95
VITA	Pager rental	16.36
Ray Foster	Photo processing	2.65
JMBCOA	Membership dues	25.00
Southern States	Feed bags	50.00
U.S. Cellular	Phone	75.26
Village Veterinary Service	Euthanasia certification	95.00
Wal-Mart	Office supplies-22.69	
	Dog food-123.78	146.47
	<u>MEDICAL EXAMINER</u>	
Treasurer of Virginia	Coroner	40.00
	<u>BIOSOLIDS MONITORING</u>	
U.S. Cellular	Phone	37.63
Town of Farmville	Fuel	75.69
	<u>REFUSE DISPOSAL</u>	
Resource International	Assessment monitoring-21,388.63	
	Solid Waste Management Plan-1,113.56	
	Phase I Closure-1,040.20	23,542.39
Blue Tarp Financial, Inc.	Padlock	8.29
Farmville Auto Parts	Grease	44.02
Fisher Auto Parts, Inc.	Generator booster box	149.00
Moore Scale Service-Western Virginia	Scale maintenance	686.00
Platinum Plus for Business	Compactor parts	200.81
O. O. Stiff, Inc.	Monthly service	577.50
Dave M. Walker	Cleaning box site	250.00
Arena Trucking	Trash pickups	262.00
Wright's Excavating	Landfill operation-31,250.00	
	Worked scalehouse-80.00	31,330.00
STEPS, Inc.	Recycling fee	1,916.90
AT&T	Phone	221.23
Embarq	Phone	239.51
U.S. Cellular	Phone	37.63
Verizon	Phone	70.12
C & L Machine & Welding	Hydraulic fluid	37.90
Newman Tire Company, Inc.	Tire	142.00
Town of Farmville	Fuel	1,461.86
	<u>GENERAL PROPERTIES</u>	
Servicemaster	Janitorial services	4,875.83
O. O. Stiff, Inc.	Monthly service	100.00
Southside Electric Cooperative	DH site-electric service-152.91	

Dominion Virginia Power	SRR electric service-31.59	184.50
	Animal shelter-263.47	
	Roy Clark monument-8.72	
	Leachate pump-5.54	
	Scalehouse-106.04	
	Shop-68.68	
	Rice shelter-95.05	
	Cell C pump station-9.32	
	Moore building-148.76	
	Green Bay site-69.29	
	Sheriff's Department Shed-5.50	
	Worsham Clerk's office-323.13	
	Worsham site-96.63	
	Prospect site-66.01	
	Landfill site-72.91	1,339.05
Roy C. Jenkins, Inc.	Fuel oil	6,117.94
Town of Farmville	Water and Sewer	178.79
Embarq	Phone	63.28
U.S. Cellular	Phone	225.57
Aramark Uniform Services	Janitorial Supplies	161.50
Wal-Mart	Janitorial supplies	81.32
Wilco, Inc.	Janitorial supplies	309.50
Ayers Bldg. & Supply Co.	Flooring-18.33	
	Tape-5.90	24.23
Blue Tarp Financial, Inc.	Knife/Door stop-15.77	
	Extension cord/box plug-4.08	
	Drywall repair kit-16.58	
	Tape measure/knife-19.18	
	Bolts/Nuts/Fasteners-0.92	
	Drill bit-12.09	
	Rainsuits-34.18	
	Paint brush/coathook-15.98	118.78
Arcet Equipment Co.	Grinding disc	5.72
C & L Machine & Welding	Cut sheet metal	15.00
VITA	Pager rental	33.62
Farmville Wholesale Electric	Ballast-92.25	
	Bulbs-115.18	
	Bracket & Level-25.42	
	Receptacle-2.29	
	Screwdriver set-20.69	255.83
OK Termite & Pest Control	Extermination service	125.00
Pearson Equipment Company	Scissor lift rental	142.10
Platinum Plus for Business	Swivel casters	62.02
Price Supply Company, Inc.	Commode parts	43.59
Rod & Staff Welding	Flat bar-62.90	
	Repair mower trailer-131.28	194.18
Cintas Corporation #524	Uniform rental	379.44
Sherwin Williams Company	Trim & tack cloth-15.98	
	Paint roller & handle-46.95	62.93
Taylor-Forbes Equipment Company	Clamp	1.77
East End Chevron	Gas	6.00
Farmville Auto Parts	Filter/washer fluid	28.52
Newman Tire Company, Inc.	Tires	268.04
Town of Farmville	Fuel	356.01
	<u>CANNERY</u>	
Southside Electric Cooperative	Electric service	86.26

COMPREHENSIVE SERVICE ACT

Latrind Abdus Sabur	Foster care	285.00
Rickey Brown	Foster care	483.00
Crossroads Services Board	Professional services	14,336.70
Marlon & Tameka Dove	Foster care	353.60
Dominion Youth Services	Foster care	9,379.92
Elk Hill	Professional services	700.00
Family Preservation Services	Professional service-10,177.50	
	Mentoring-450.00	10,627.50
Violet Fane	Foster care	1,039.94
Juanita Fisher	Foster care	230.00
Grafton School, Inc.	Professional services	7,496.00
Hallmark Youthcare-Richmond	Professional services	10,674.89
Shirley Hicks	Foster care	381.00
Helton House, Inc.	Professional services	2,312.97
Christy Johnson	Foster care	326.00
Ernestine Lee	Foster care	762.00
Bonnie Mills	Foster care	652.00
Anna Miller	Foster care	60.00
New Dominion School	Professional services	3,780.00
Toni Russell	Foster care	408.00
St. John's Church After School	Foster care	104.00
Angela Urich	Foster care	1,143.00
Vanguard Service Unlimited	Professional services	1,260.00
Carrie Ziegfeld	Foster care	458.50
Leigh D. Hagan, Ph.D., PC	Foster care	4,540.00

MUSEUMS

Blue Tarp Financial, Inc.	Sign chain & links	15.90
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PLANNING

Samuel Coleman	Commission meetings	221.36
Donald Gilliam	Commission meetings	235.60
Robert Jones	Commission meetings	208.90
Jack Leatherwood	Commission meetings	200.00
Raymond Ligon	Commission meetings	228.48
Clem Richards	Commission meetings	235.60
Mattie Wiley	Commission meetings	200.00
Best Computer Services	Planning Commission Public	
	Hearing Notices	2,134.54
Jonathan Pickett	Postage-4.20	
	Mileage-253.78	257.98
Platinum Plus for Business	Postage & FedEx	74.01
U.S. Cellular	Phone	39.12
Virginia Recycling Association	Meeting Registration	100.00
Farmville Herald	Advertising	323.00

ECONOMIC DEVELOPMENT

David W. Sandman	Timber cruise	275.00
SEEN	¼ Page color advertisement	695.00
Vaden & Associates, Inc.	Industrial Park sign design	350.00
AT&T	Fax	28.48
SuddenLink	Internet	101.54
Embarq	Phone	184.96
Sharon Lee Carney	Mileage	91.25
Platinum Plus for Business	Meals/Meeting registration-399.52	
	Stationery-62.13	
	Office supplies-137.25	598.90

Farmville Herald	Advertising	114.00
Farmville Printing	Copies	176.70
OCO Industries, Inc.	Antibacterial wipes	92.16
Key Office Supply	Chair/binding	373.98

COOPERATIVE EXTENSION OFFICE

Embarq	Phone	93.88
Treasurer, Virginia Tech	Local support	15,192.86

CAPITAL PROJECTS

Farmville Herald	Advertising-Virso site work	66.50
Draper Aden Associates	Sandy River Reservoir financial analysis-1,812.37	
	Sandy River Reservoir monitor flow-by-948.98	2,761.35

DEBT SERVICE

Rural Development	Courthouse loan-6,508.00	
	Courthouse loan-10,118.00	16,626.00

RETIREE BENEFITS FUND

Vicki K. Johns	Retiree benefit	892.00
Anthem BCBS	Retiree health insurance-April 07-882.00	
	Retiree health insurance-March 07-882.00	1,764.00

REVENUE SHARING FUND – VDOT

Draper Aden Associates	Via Sacra design	657.00
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PIEDMONT COURT SERVICES

Kenbridge Victoria Dispatch	Advertising	35.00
Richmond Times Dispatch	Advertising	322.20
Times Virginian	Advertising	114.80
Dominion Virginia Power	Electric service	152.84
AT&T	Phone	213.61
Embarq	Phone	231.35
Connie Stimpson	Postage-16.75	
	Mileage-58.74	75.49
Sheena Franklin	Mileage	74.76
Sharon Gray	Mileage	109.02
Ashley Hricko	Mileage	133.48
Renee Maxey	Mileage-48.78	
	Meals-10.95	59.73
Rebecca Moss	Mileage	30.26
Quill Corporation	Plaque	59.99
Charlotte Gazette	Subscription-1 year	22.00
M & S Publishing Co., Inc.	Subscription	19.00

PCS SUPERVISION FEES EXPENDITURES

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

PCS Drug Testing Fees

Scientific Testing Lab	Drug testing	46.71
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ADDENDUM BILL LIST

BOARD OF SUPERVISORS

Richmond Times Dispatch	Reassessment RFP Advertisement	183.13
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	<u>LAW LIBRARY</u>	
AT&T	Phone	24.95
LexisNexis	Online service	187.00
	<u>SHERIFF</u>	
Burkeville Body Shop	Auto repairs	883.40
Farmville Auto Parts	Oil change	15.49
Platinum Plus for Business	Postage-121.88	
	Meals-90.76	
	Lodging-78.89	
	Office supplies-187.07	
	Gas-50.51	
	Jacket-45.99	575.10
Embarq	Radio	10.52
Embarq Communications, Inc.	Phone	17.45
Farmville Printing	Forms/Business cards	249.15
Kinex Networking Solutions	Domain renewal	40.00
Wal-Mart	Office supplies-32.46	
	Photo supplies-19.28	51.74
Town Police Supply-Richmond	Ammunition	376.67
Galls, Inc.	Belt & Tie Tac	52.55
Commtronics of Virginia	Radios for new cars	5,075.00
	<u>REGIONAL JAIL</u>	
Piedmont Regional Jail	Inmate per diem	3,478.20
	<u>ANIMAL CONTROL</u>	
Embarq	Phone	31.95
	<u>REFUSE DISPOSAL</u>	
Wright's Excavating	Grading Hampden Sydney site-150.00	
	Grading Rice site-200.00	350.00
Embarq	Phone	33.76
	<u>GENERAL PROPERTIES</u>	
Dominion Virginia Power	Courthouse-6,523.39	
	Ag Building-2,098.12	8,621.51
Embarq	Line to hospital-7.97	
	Phone-47.14	55.11
Handi-Clean Products, Inc.	Janitorial supplies	334.05
Wilco, Inc.	Janitorial supplies	1,071.25
Ranson's, Inc.	Phone charger	19.99
	<u>CANNERY</u>	
Embarq	Phone	31.34
	<u>COMPREHENSIVE SERVICES ACT</u>	
Centra Health	Professional services	27,928.00
Dominion Youth Services	Professional services	1,733.91
Poplar Springs Hospital	Professional services	1,200.00
Presbyterian Home & Family Services	Foster care	2,506.00
	<u>MUSEUMS</u>	
B & M Greenhouse	Fertilizer	36.95
	<u>PLANNING</u>	
Treasurer of Virginia	E & S/Stormwater handbooks	103.00

In Re: Erroneous Assessment – Alicia M. Darnell

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

Aye:	Pattie Cooper-Jones	Nay: None
	William G. Fore, Jr.	
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Howard F. Simpson	
	Lacy B. Ward	

the Prince Edward County Board of Supervisors approved payment of \$209.48 to Alicia M. Darnell for refund of taxes erroneously assessed during the 2006 tax year.

In Re: Appropriation – Electoral Board

The Supervisors were advised the Electoral Board account was over-expended by \$1,108.93. Mr. Dale Bolt, Registrar, requested an appropriation of \$11,000.00 to Account #13100-1100 to complete the current fiscal year. Mr. Bolt based this amount on the following projections:

\$1,109.00	Deficit
\$2,300.00	Electoral Board salaries
\$7,000.00	June 12, 2007 Primary
\$591.00	Miscellaneous

A motion was made by Mr. Moore to appropriate \$11,000.00 to Account #13100-1100 (Electoral Board) as an estimate, noting that additional monies may be needed due to the upcoming primary. The motion carried:

Aye:	Pattie Cooper-Jones	Nay: None
	William G. Fore, Jr.	
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Howard F. Simpson	
	Lacy B. Ward	

In Re: Public Hearing – Six-Year Transportation Development Plan

Chairman Fore announced this was the date and time scheduled for a public hearing on the Six-Year Transportation Development Plan. Notice of this hearing was advertised according to law in the

February 23, 2007 and March 2, 2007 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. The floor was opened for public input.

Mr. Leatherwood, Resident Engineer, VDOT, led a discussion of the revised Priority of Planned Work, and stated that an estimate of \$687,158.00 will be allocated, which is a reduction of approximately \$150,000.00 since the previous Friday. He added that the amount will drop over the next six years.

Mr. Leatherwood said a priority list was created jointly with (the Board of Supervisors) and reviewed the list, as follows:

- 1st Priority: Route 638, Persimmon Tree Fork Road (Will remain on the priority list with no allocation so the County will not have to reimburse federal dollars previously spent for survey work, etc.)
- 2nd Priority: Route 643, Back Hampden Sydney Road
- 3rd Priority: Route 626; road portion, bridge portion is complete
- 4th Priority: Route 619, Lockett Road (approaches and bridge to Sailor's Creek)
- 5th Priority: Route 623, Twin Bridges Road

Mr. Leatherwood added that the bridges can be completed for approximately \$105,000.00, and by 2010 or 2011, approximately \$3.5 million will be spent on secondary construction. He added the unpaved roads, Route 613 (Miller Lake Road), Route 751 (Hidden Lake Road), and Aspen Hill Road are the extent of the secondary roads in the plan.

Supervisor Gilfillan asked if the allocations were expected to drop each year. Mr. Leatherwood stated that was a valid assumption.

In response to Mr. Ward's question regarding affected crossings, Mr. Leatherwood stated (VDOT) met with the High Bridge committee; in their planning stages, the funding was there. He added that DCR did not realize the funding was not available, and it is bleak news.

Mr. Ron Harriston questioned the funding cuts. Mr. Leatherwood replied there is less state funding, and those funds must be used to match Federal funding. Mr. Jones added that some roads do not qualify as Federal roads and will not be eligible for funding.

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

A motion was made by Mr. Moore to approve the resolution for the Six Year Road Plan and Construction Priority List. The motion carried:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

**A RESOLUTION OF THE
BOARD OF SUPERVISORS OF THE
COUNTY OF PRINCE EDWARD, VIRGINIA
SIX-YEAR ROAD PLAN
AND CONSTRUCTION PRIORITY LIST**

WHEREAS, the 1977 Session of the Virginia General Assembly amended Sections 33.1-23 and 33.1-23.4 of the 1950 *Code of Virginia*, as amended, which in part, provided the opportunity for each county to work with the Virginia Department of Transportation in developing a Six Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation policies and procedures and participated in a Public Hearing on the proposed plan as well as the Construction Priority List (2007-2008) on March 13, 2007, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed plan and priority list; and

WHEREAS, W. A. Leatherwood, Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads (2008-2013) and the Construction List (2007-2008) for Prince Edward County;

NOW, THEREFORE, BE IT RESOLVED, that since said plans appear to be in the best interests of the Secondary Road System in Prince Edward County and of the citizens residing on the Secondary System, said Six Year Plan (2008-2013) and Construction Priority List (2007-2008) are hereby approved as presented at the Public Hearing, as amended.

In Re: Rural Additions – Slaydon Forest Drive

A motion was made by Mr. McKay to make improvements to Slaydon Forest Drive and to accept Slaydon Forest Drive into the secondary highway system as a rural addition. The motion carried:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

**A RESOLUTION OF
THE BOARD OF SUPERVISORS
OF THE
COUNTY OF PRINCE EDWARD, VIRGINIA**

R5 Rural Addition per §33.1-72.1(D) - No Speculative Interest involved

WHEREAS, the street described below was established December 15, 1976 and currently serves at least 3 families per mile; and

WHEREAS, the Virginia Department of Transportation has deemed that Prince Edward County's current subdivision control ordinance meets all necessary requirements to qualify Prince Edward County to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, *Code of Virginia*; and

WHEREAS, after examining the ownership of all property abutting this street, the Prince Edward County Board of Supervisors finds that speculative interest does not exist;

NOW, THEREFORE, BE IT RESOLVED, the Prince Edward County Board of Supervisors requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1 (D), *Code of Virginia*:

Name of Subdivision: Slaydon Forest

Name of Street: Slaydon Forest Drive

From: Route 604

Guaranteed Right-of-Way Width: 50 feet.

Plat Recorded Date: _____ Deed Book: _____ Page: _____

Length: 0.50 miles

To: Dead End at Cul-De-Sac

BE IT FURTHER RESOLVED, the Prince Edward County Board of Supervisors guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, the Prince Edward County Board of Supervisors requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to §33.1-72.1 (D), *Code of Virginia*; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

In Re: Highway Matters

Mr. Alan Leatherwood, Resident Engineer, VDOT, informed the Board that there were nine outstanding right-of-ways for the Miller Lake Road project. Only one person has not yet made contact.

In Re: Public Hearing – School Board Appointments

Chairman Fore announced this was the date and time scheduled for a public hearing on the School Board Appointments. Notice of this hearing was advertised according to law in the February 23, 2007 and March 2, 2007 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. The floor was opened for public input.

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

Acting County Administrator Sarah Elam Puckett stated that announcements of School Board Candidates will be made during the April 2007 meeting; a public hearing will be held on the candidates in May and appointments will be made during the June 2007 meeting.

In Re: Public Hearing – Transient Occupancy Tax Ordinance

Chairman Fore announced this was the date and time scheduled for a public hearing on the consideration of the 5% Transient Occupancy Tax Ordinance. Notice of this hearing was advertised according to law in the February 21, 2007 and February 28, 2007 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. The floor was opened for public input.

Mr. Cornell Walker, of Prospect District, stated he read in THE FARMVILLE HERALD about the tax, and that he is not opposed to the tax but questioned where the tax revenues would go. He asked for clarification of the 75% of the revenues returned to Poplar Hill and 25% to the County for a period of 22 years. He stated the funds could be spent on roads and education, and for the Board to approve the 75% of the money going to Poplar Hill would be fiscal irresponsibility. Mr. Walker asked the Board to reconsider where the tax revenues would go.

Supervisor Ward then stated:

“On January 30, 2007, this Board was approached by a firm requesting certain tax grants from the county to assist them in their purchase of the Poplar Hill CDA property and the privately owned property in the Poplar Hill project. Their intention was to appear before the Board at its February 2007 meeting, make the presentation publicly and have the board vote on the same night. Although their request would require a change in the tax code, there was no provision for a public hearing. After some urging and on the advice of Attorney Bonnie France of McGuire Woods, a public hearing was reluctantly scheduled.

Despite the scheduling of the public hearing, March 13, 2007, this Board was presented with a resolution on March 5, 2007, granting the requested incremental tax revenues prior to the public hearing. The Grant Agreement referenced in the resolution on March 5th was not made available to the Supervisors at that meeting and was only in draft form as of Monday, March 12, 2007. After inquiring about the Grant Agreement with the Acting County Administrator and the Director of Economic Development and Tourism, I received a copy of the document referenced in the resolution passed March 5th marked, “3rd Draft.” According to Ms. Sharon Carney, the document was still undergoing changes.

Why do we schedule a hearing on an issue as complex and controversial as this and vote approval before the hearing? Why is this Board controlled by external pressure rather than what is in the best interest of the citizens of this county? The fact that the debt ridden and failed project called Poplar Hill is involved in the transaction should trigger skepticism on this Board. We should be deliberate and extremely careful in approaching this decision.

The Herberton Group of Atlanta, GA, the prospective purchasers of Poplar Hill, is requesting this county to amend our tax code to allow the collection of a 5% transient tax on overnight guest occupancy at the Inn, Manor House and other non-residential dwellings. With 75% of taxes collected rebated to the developer, the county would be obligated to this tax grant for up to 22 years.

The request also calls for the county to return the developers 75% of an incremental increase in real estate tax revenues on all non-residential property for a similar period of time. The public notice on this hearing does not reveal that the 5% transient occupancy tax is in response to an industry request. Nor does it reveal that the tax will apply only to the Poplar Hill developers with 75% of taxes collected returned to the developers for up to 22 years. I am sure such revelation would increase both citizen and business interest in the issue.

It appears that the Prince Edward County Board of Supervisors is ready to approve this request without proper scrutiny. I question whether this is a viable economic development project or another attempt to relieve a group of real estate speculators of their debt obligations. If you refer to the newsletter published by Poplar Hill, dated October 2000, you will see a ground plan for the development of the project.

Nearly seven years later, we have no residential development, no hotel, no conference center, no renovation of the Manor House, and a bank foreclosure on the land earmarked for the location of the Inn and Conference Center. That is failure. There is no other possible description. This project has received generous support from the Town of Farmville, county, state, and federal governments. The CDA is tax exempt. Despite all of this support, it has failed.

It is also noteworthy that the Circuit Court granted authority to sell more than \$40 million in tax free bonds which should have covered financing for the entire project. Were any of the bonds sold, and if so, where are these sales accounted for? Also noteworthy is the fact that two of the three principals in the Herberton Group were consultants or in some way affiliated with the CDA; Bob Fowler, Finance Partner and Arthur Jeffords, Golf and Resort development. Does this raise questions?

We are not informed to the extent that we can make a responsible decision on this matter. First, we need to complete an up-to-date audit on Poplar Hill by an independent auditor. Many questions need to be answered, which include:

- 1) What is the status of the debt secured by the load guarantee and has the Federal Government agreed to a transfer of this guarantee to Herberton?
- 2) "The Farmville Herald" reported in its March 7th issue that "the CDA would still exist to collect the \$1 per \$100 tax levy for the CDA District." What is this all about? Is the CDA selling to Herberton?
- 3) What is the actual debt that is being assumed by Herberton, on itemized list, not an aggregate?

I reiterate that the question concerning the sale of bonds is crucial and we should have documented answers.

We really need to adequately represent the citizens and overall interest of Prince Edward County at all times during work sessions, face to face meetings with buyers and sellers, not our staff interfering for them or trying to answer questions for them in their absence. Remember, we were going to own the CDA after 50 years. What happened?

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

Supervisor Gilfillan asked if the proposed tax would be collected from all such establishments and asked if Ms. Carney would “give a correct breakdown on how the Transient Occupancy Tax would operate, who pays for it, who gets what, and what the tax grant is.”

Sharon Carney, Director of Economic Development and Tourism, stated that the revenues would be collected from hotel/motel units outside of the town. The only abatement that they would receive would be on their own tax revenue. Other establishments would provide 100% to the County for tourism, as the revenues must go for tourism-type efforts.

Mr. Ward questioned the status of the grant agreement as a “draft.” Ms. Carney stated that it is labeled a draft until it is voted upon and approved. Only then is it a “final draft.” If not approved, then it would be changed for resubmission.

Mr. Ward referenced the resolution that had been passed at the meeting on March 5, asking why a resolution was necessary without approval of the tax ordinance. Ms. Carney said what was voted upon during the meeting on March 5, 2007 was contingent upon the approval of the Transient Occupancy Tax Ordinance. She added she had given a presentation at the meeting on March 5, and had no authority to make a motion. She stated the Board members made the motion.

Mr. Jones asked Ms. Carney after a certain accumulation of money, would 100% of the money return to the County. She stated that the proceeds would go to an assignment of a financial institution, who may lend money to Poplar Hill Holdings. The IDA, the intermediary, would make the payment to the financial institution. If the financial obligation goes well, the obligation could be paid off early, the County would then receive all revenue. The abatement is performance based, and Poplar Hill would receive the abatement only if they make money. After a time, the County would receive all revenue. The County would put no up-front money into this project.

Chairman Fore stated that the resolution had been passed contingent on the passing of the Transient Occupancy Tax Ordinance.

Mr. McKay made a motion to approve the Transient Occupancy Tax Ordinance, seconded by Mr. Simpson. The motion carried:

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

Nay: Pattie Cooper-Jones
Lacy B. Ward

TRANSIENT OCCUPANCY TAX ORDINANCE

***Cross references:** Commissioner of revenue to be administrator of tax imposed by this article.

ARTICLE VIII.

SECTION 70-183. Violations of article.

Any person violating or failing to comply with any of the provisions of this article shall be guilty of a Class 3 misdemeanor. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the tax provided for in this article.

Cross references: Penalty for Class 3 misdemeanor. Code of Virginia Sec. 18.2-11

SECTION 70-184. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hotel means any public or private hotel, inn, hostelry, tourist home or house, motel or rooming, boarding or lodging house, or camp ground within the county offering lodging as defined in this section, for compensation, to any transient as defined in this section.

Lodging means the rental of room or space to any transient for compensation, by a hotel as defined in this section, or the occupancy of such room or space by such transient. If the charge made by any hotel to such transient includes any charge for meals, parking or other services or accommodations in addition to lodging or the use of such room or space, then such portion of such total charge as represents only room or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

Transient means any person who, for a period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging for which a charge is made at a hotel, as defined in this section.

Cross references: Definitions and rules of construction generally. Code Sec. 1-2.

SECTION 70-184 Levied.

There is hereby imposed and levied upon every transient obtaining or occupying lodging within the county, in addition to all other taxes and fees of every kind

now imposed by law, a tax equivalent to five (5) percent of the amount charged for such lodging.

State law references: Authority of county to impose tax on transient room rentals.

Code of Virginia, Sec. 58.1-3819

SECTION 70-185. Exemptions

No tax shall be payable under this article in any of the following instances:

On any charge for lodging in, and during care or treatment in, any hospital, medical clinic, nursing or convalescent home, extended health care facility, sanatorium or sanitarium, home for the aged, infirmed, orphaned, disabled, or mentally retarded or other like facility; or in any educational institution.

SECTION 70-186. Collection.

Every person receiving any payment for lodging with respect to which a tax is levied under this article shall collect the amount of such tax so imposed from the transient on whom such tax is levied, or from the person paying for such lodging at the time payment for such lodging is made. The taxes so collected shall be deemed to be held in trust for the county by the person required to collect them, until they have been remitted to the county as provided in this article.

SECTION 70-187. Reports and remittances generally.

Every person collecting any tax levied by this article shall make out a report thereof, upon such forms and setting forth such information as the commissioner of revenue may prescribe and require, showing the amount of lodging charges collected and the amount of tax required to be collected thereon, and shall sign and deliver the same to the commissioner together with a remittance of such tax, made payable to the county treasurer. Such reports and remittances shall be made on or before the tenth day of each month, covering the amount of tax collected during the preceding month. All remittances received under this article by the commissioner shall be promptly turned over to the treasurer.

SECTION 70-188. Collector's records.

It is the duty of every person liable for the collection and remittance of any tax imposed by this article to keep and preserve for a period of two (2) years such suitable records as may be necessary to determine the amount of charges for lodging, and tax thereon as he may have been responsible for collecting and paying to the county. The commissioner of revenue shall have the right to inspect all such records at any reasonable time.

SECTION 70-189. Duty of collector going out of business.

Whenever any person required to collect and remit to the county any tax imposed by this article shall cease to operate or otherwise dispose of his business, such tax shall immediately become due and payable, and such person shall forthwith make a report and remittance thereof.

SECTION 70-190. Penalty for late remittance.

If any person, whose duty it is to do so, shall fail or refuse to make a report and remit the tax as required by this article within the time and in the amount required, there shall be added to such tax by the commissioner of revenue a

penalty in the amount of five (5) percent of such tax, or a minimum of \$2.00, if such failure is for not more than thirty (30) days in duration. In addition thereto, any such tax not fully paid within said thirty days shall bear interest at the rate of ten (10) percent per annum until paid in full.

SECTION 70-191. Procedure upon failure to collect, report, etc.

- (a) If any person, whose duty it is to do so, shall fail or refuse to collect the tax imposed under this article and make timely report and remittance thereof, the commissioner of revenue shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. As soon as the commissioner has procured such facts and information as may be obtainable, upon which to base the assessment of any tax payable by any person who has failed to collect, report or remit such tax, the commissioner shall proceed to determine and assess against such person the tax, penalty and interest provided in this article, and shall notify such person by registered mail sent to his last known address, of the amount of such tax, penalty and interest, and the total amount thereof shall be payable within ten (10) days from the date such notice is sent.
- (b) It shall be the duty of the commissioner of revenue to ascertain the name of every person operating a hotel in the county, liable for the collection of the tax imposed by this article, who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this article. The commissioner may have issued a summons for such person, which summons may be served upon such person by any county police officer in the manner provided by law, and one (1) return of the original thereof shall be made to the general district court for the county.

In Re: Public Hearing – Trinity Home Builders, LLC

Chairman Fore announced this was the date and time scheduled for a public hearing on Trinity Home Builders, LLC, to operate a construction business on the property of Ronald L. Haney, MD, located at the intersection of U.S. 460 and Route 307 in Rice, Virginia. Notice of this hearing was advertised according to law in the February 23, 2007 and March 2, 2007 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. The floor was opened for public input.

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

Supervisor Jones made a motion to approve the request with the recommendations of the Planning Commission that all building materials be stored inside, lighting be directed away from adjoining properties and that a maximum of 16 square feet of signage is to be permitted. The motion carried:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

In Re: YMCA Site Plan

Mr. Dan Albert, Executive Director, YMCA, presented a virtual fly-through of the new YMCA building. He advised the process of bidding, finding in-kind work was underway, and it was anticipated that by May 2, 2007, construction would begin. Mr. Albert described the various areas of the new YMCA in some detail.

Mr. McKay inquired on the status of the hiring of a firm to solicit donations. Mr. Albert stated the status of the project would be determined at their next Board meeting. He added the fund raising strategies did not extend to other counties at that time, but calls were made to Buckingham and Cumberland Counties to set up meetings.

Mr. Moore said that he had read about the veto of funds in THE FARMVILLE HERALD. Dr. Edward Gordon, a member of the Farmville Town Council, stated that during the Council meeting, there had been a first motion of \$50,000.00, and a substitute motion of \$35,000.00; neither vote had been accepted. He added the Town of Farmville was still in total support of the project, but the Council had a difference of opinion on how it was to be funded.

Mr. Jones made a motion to approve the site plan of the YMCA as recommended by the Planning Commission, seconded by Mr. Moore. The motion carried:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

In Re: Five Year Strategic Plan for Schools

Dr. Patricia Watkins, Superintendent, Prince Edward County Schools, presented the Five Year Strategic Plan for Schools. She stated that the purpose was to share the Plan, entitled “One Dream, One Team: Moving Prince Edward County from Good to Great.” During the presentation, Dr. Watkins emphasized the phases and goals of the Plan.

In Re: Appointments: Citizen Representative Alternate, Piedmont Jail Board

The Board reviewed the names of the four applicants interested in the position of Piedmont Regional Jail Board – Citizen Alternate. Each Board member cast one vote for a citizen applicant, as follows (listed alphabetically, with vote tally):

James H. Davis (William G. Fore, Jr.)
Richard Stuart Raybold (Sally W. Gilfillan, Charles W. McKay)
Juliet Ann Scott (Pattie Cooper-Jones, James C. Moore, Lacy B. Ward)
Marshall A. Thackston (Robert M. Jones, Howard F. Simpson)

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

Aye:	Pattie Cooper-Jones	Nay: None
	William G. Fore, Jr.	
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Howard F. Simpson	
	Lacy B. Ward	

the Prince Edward County Board of Supervisors approved Juliet Ann Scott as Citizen Alternate to the Piedmont Jail Board. The term of office for this position is January 1, 2007 to December 31, 2010.

In Re: Authorization to Advertise Positions/Vacancies

Acting County Administrator Sarah E. Puckett presented a request to advertise various positions on County Boards, County Commissions and County Committees requiring citizen representation. On motion of Ms. Cooper-Jones and carried:

Aye:	Pattie Cooper-Jones	Nay: None
	William G. Fore, Jr.	
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	

Howard F. Simpson
Lacy B. Ward

the Board of Supervisors approved the request to advertise the following positions on County boards:

Poplar Hill Community Development Authority	2 positions **	1 year term
Industrial Development Authority	2 positions** 1 position	4 year term 2 year term*
Central Virginia Regional Library Board	2 positions**	4 year term
Social Services Board	1 position**	4 year term
Board of Appeals for the Building Code	1 position**	5 year term
Planning Commission	1 position	6 month term*

*To fill an unexpired term.

**Incumbent has expressed a willingness to continue to serve.

In Re: Historic Prospect Depot Transportation Enhancement Grant Agreement

A motion was made by Mr. Ward to approve a grant agreement between Prince Edward County and VDOT for the County to act as fiscal agent for a third Transportation Enhancement Grant in the amount of \$63,000.00 that has been awarded to the Prospect Historical Society. The motion included authorization for the Chair and Acting County Administrator to sign the necessary documents and stipulated that no County money be involved.

The motion carried:

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Lacy B. Ward	Nay: None
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In Re: Parking Lot Agreement with Farmville Baptist Church

Board members were asked to approve the renewal of the agreement with Farmville Baptist Church for the mutual use and upkeep of the Church/Courthouse Parking Lot. No significant changes were made to the agreement from the original form; a clarification regarding snow removal was inserted, stating:

“10. The County will be responsible for routine snow removal on the entire parking lot, which will occur at the earliest possible time, including weekends.”

On motion by Mr. Moore and carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	William G. Fore, Jr.		
	Sally W. Gilfillan		
	Robert M. Jones		
	Charles W. McKay		
	James C. Moore		
	Howard F. Simpson		
	Lacy B. Ward		

the Prince Edward County Board of Supervisors approved the Parking Lot Agreement with Farmville Baptist Church.

THIS AGREEMENT made and entered into this _____ day of _____, 2007, by and between the BOARD OF SUPERVISORS OF PRINCE EDWARD COUNTY, VIRGINIA, party of the first part, and the TRUSTEES OF FARMVILLE BAPTIST CHURCH, Farmville, Virginia, party of the second part.

WHEREAS, the Board of Supervisors of Prince Edward County, Virginia (hereinafter referred to as "County"), is the owner of certain property located in the Town of Farmville, Prince Edward County, Virginia, and shown on the attached drawing; and

WHEREAS, the Trustees of the Farmville Baptist Church, Farmville, Virginia, (hereinafter referred to as "Church") are the record owners of certain property located adjacent to the property of the County and shown on the attached drawing; and

WHEREAS, the County and the Church desire to establish their respective rights and obligations associated with their joint use of these properties as parking areas.

WITNESSETH:

THAT FOR AND CONSIDERATION of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the County and the Church agree as follows:

1. The layout of the spaces in the two parking areas shall be as shown on the attached drawing.
2. The Church shall have exclusive use of the parking spaces numbered 1 through 16 inclusive as shown on the attached drawing.
3. The County shall have the exclusive use of the parking spaces numbered 41 through 52 inclusive, 63 through 69 inclusive, and 73 and 74 as shown on the attached drawing.
4. Parking spaces numbered 61, 62, and 70 through 72 inclusive shall be designated as handicap spaces as shown on the attached drawing.
5. All other spaces not allocated in Paragraphs 2, 3 and 4 above shall be available for use by the general public for Courthouse business only from Monday to Friday inclusive.

6. The Church shall notify the County at least three days in advance of special events occurring at the Church Monday through Friday inclusive which will require the Church to close off its parking lot for exclusive use by the Church.
7. Traffic flow patterns shall be as shown on the attached drawing, however, the Church reserves the right to change the traffic pattern on its portion of the parking lot for special events.
8. The parties hereby agree on behalf of themselves, personal representatives, successors, and assigns, to maintain said parking lot and to perform repairs so as to maintain the parking lot in good and safe condition in accordance with standards set forth below. The parties hereby agree to share in the cost of such maintenance and repair on the following basis: the County shall be responsible for eighty percent (80%) of the costs of said repairs and the Church shall be responsible for twenty percent (20%) of the costs of said repairs; provided, however, that in the event a party's agent or business or professional invitee causes damage to the parking lot other than ordinary wear and tear, said party shall be required to repair such damage and bear the cost thereof exclusively.
9. The terms "maintenance" and "repair" shall include, but not be limited to, repairing the parking lot surface, clearing obstructions, grading or scraping the parking lot as necessary, removing snow, unplugging or opening culverts or drainpipes, and performing any and all other necessary work required to maintain the parking lot in a condition that will allow for the reasonable and safe access of standard passenger vehicles.
10. The County will be responsible for routine snow removal on the entire parking lot, which will occur at the earliest possible time, including weekends.
11. There shall be no obligation on the undersigned to upgrade the parking lot to a superior condition then exists on the date of completion of the improvements; provided, however, that any party shall have the right to upgrade said parking lot to a superior condition at such party's sole expense.
12. Each party hereby grants to the other parties hereto a temporary construction easement across the lot owned by such party for the purpose of maintaining, repairing, or upgrading the parking lot, as provided for in this agreement.
13. This Agreement shall be in effect for a period of three (3) years and shall be renewable for additional three (3) year terms unless otherwise amended or cancelled.
14. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter contained in it and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all parties hereto. No waiver of any of the provisions of the Agreement will be deemed, or will constitute, a waiver of any other provisions, whether or not similar, nor will any waiver constitute a continuing waiver. No waiver will be binding unless executed in writing by the party making the waiver.
15. The terms of this Agreement shall be binding upon and insure to the benefit of the parties hereto, their successors and assigns, and their heirs and legal representatives.
16. All notices, demands or other communications given under this Agreement shall be in writing, and shall be either hand delivered or mailed to the address of each party as set forth below, said mailing to be by certified United States government mail notice to be effective upon such delivery or mailing.

If to County:

Chairman, Board of Supervisors
Prince Edward County
Post Office Box 382
Farmville, Virginia 23901

If to Church:

Trustees, Farmville Baptist Church
132 North Main Street
Farmville, Virginia 23901

Any party may, by written direction to the others, change the address to which said notices, demands or other communications shall be sent.

17. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together, shall constitute one and the same instrument.
18. This Agreement will be governed by and construed under the laws of the Commonwealth of Virginia, exclusive of Virginia's conflicts of laws rules.

In Re: Prince Edward County Animal Control Ordinance

On motion of Mr. McKay and carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	William G. Fore, Jr.		
	Sally W. Gilfillan		
	Robert M. Jones		
	Charles W. McKay		
	James C. Moore		
	Howard F. Simpson		
	Lacy B. Ward		

the Prince Edward County Board of Supervisors approved authorization to advertise a public hearing on the amended County Animal Control Ordinance during the April 10, 2007 Board meeting.

In Re: Personnel Policy Amendments

Chairman Fore stated the Board looked at the amendments to the Personnel Policy, and the consensus of the Board was to give it to the Personnel Committee for further discussion. One issue at hand was the County Administrator's position exempted from coverage by the Personnel policy, as it is a contracted position.

In Re: Freedom of Information Act Training

Acting County Administrator Sarah E. Puckett stated the Freedom of Information Act (FOIA) Training dates available were May 8, 2007 or May 15, 2007, at 2:30 p.m. The training session would be two hours in duration, and other staff may attend as well. After some discussion, the Board chose May 15, 2007, for the training session. Mrs. Puckett stated she would be in touch with FOIA Council Executive Director Maria J.K. Everett to finalize plans.

In Re: Appointment of County Attorney and Deputy County Attorneys

Chairman Fore announced the appointments of James R. Ennis as County Attorney and Brian Butler and Eric Tinnell as Deputy County Attorneys, effective immediately, with a term to run until June 30, 2008, under the terms of Mr. Ennis' letter of March 6, 2007, to Sarah Elam Puckett, Acting County Administrator.

In Re: Review of County Insurance

Chairman Fore stated the renewal of County insurance included a small increase of 2.7%. A motion was made by Mr. Jones to renew the County insurance. The motion carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	William G. Fore, Jr.		
	Sally W. Gilfillan		
	Robert M. Jones		
	Charles W. McKay		
	James C. Moore		
	Howard F. Simpson		
	Lacy B. Ward		

In Re: Agenda Items

Supervisor Gilfillan requested to table the remaining items on the agenda at that time until the March 27, 2007 meeting, as the Board needed to go into Closed Session.

In Re: Closed Session

Supervisor Cooper-Jones made a motion that the Board convene in Closed Session for consultation with legal counsel pertaining to probable litigation, pursuant to the exemptions provided for in Section 2.2-7311(A)(7) of the *Code of Virginia*. The motion carried:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

The Board returned to regular session by motion of Mr. Moore and adopted as follows:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

On motion of Mr. Jones, seconded by Mr. Simpson, and carried by the following roll call vote:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

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 February 2007, which was reviewed and ordered to be filed with the Board papers.

In Re Building Official's Report

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

In Re: Cannery Report

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

In Re: Piedmont Regional Juvenile Detention Center Report

The Board reviewed the February 2007 report from the Piedmont Regional Juvenile Detention Center and ordered it to be filed with the Board papers.

In Re: PERT Ridership Report

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

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

Aye:	Pattie Cooper-Jones	Nay:	None
	William G. Fore, Jr.		
	Sally W. Gilfillan		
	Robert M. Jones		
	Charles W. McKay		
	James C. Moore		
	Howard F. Simpson		
	Lacy B. Ward		

the meeting was recessed at 9:20 p.m., and will reconvene at 3:00 p.m., March 27, 2007.