

March 27, 2018

At the special meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 27th day of March, 2018; at 5:30 p.m., there were present:

Pattie Cooper-Jones

J. David Emert

Robert M. Jones

Odessa H. Pride

C. Robert Timmons, Jr.

Jerry R. Townsend

Jim R. Wilck

Also present: Wade Bartlett, County Administrator; Sarah Elam Puckett, Assistant County Administrator; James R. Ennis, County Attorney; and Brian T. Butler, Deputy County Attorney.

Chairman Cooper-Jones called the special meeting to order.

Supervisor Timmons led the invocation and the Pledge of Allegiance.

In Re: Farmville District 101 Vacancy on the Board of Supervisors

Mr. Wade Bartlett, County Administrator, said that at a special called meeting on February 21, 2018, the Board of Supervisors heard the County Attorney explain the requirements and options available to the Board under the Code of Virginia. After that discussion, the Board authorized the County Attorney to file a petition and seek a Writ of Election from the Circuit Court for a special election to be held on November 6, 2018 to fill the vacancy for District 101.

He said the Attorney also informed the Board if they desired to make an appointment to fill the seat until the special election that the appointment must be made within 45 days of the vacancy. The Board was informed if they did not make an appointment, the Circuit Court *may* make the appointment; the date of this meeting is the 43rd day of vacancy if February 13, 2018 is not counted.

Mr. Bartlett said the County has received two applications from citizens interested in serving. If the Board wishes to appoint someone, the Board is not restricted to considering only the citizens submitting an

application. The Board can appoint any qualified citizen. The Board can also interview any or all of the candidates in closed session before making a decision.

Supervisor Timmons stated the Board will be making substantial capital expenditure decisions during the budget process and because of that, he said the Board owes citizens of District 101 representation on the Board to speak their points. He said the Supervisors for the other Districts are not accountable to District 101. He added if the Board does wish to make an appointment, the candidates would need to be interviewed.

Supervisor Timmons made a motion, seconded by Supervisor Townsend, to make an appointment to the Board of Supervisors District 101.

Supervisor Wilck said that while he understands there are two people interested in the job, if there are more than one, it should be the right of the District, not the Board members, to select a representative because an incumbent would have an easier time to win the next time; he said they should not appoint someone but should be elected.

Supervisor Emert said he spoke to several citizens in that District; only one person that spoke to him was in favor of someone being appointed but the majority were not.

Supervisor Townsend said with something as serious as the County budget, District 101 should have representation, and the Board should make an appointment.

A vote was then taken on Supervisor Timmons' motion, seconded by Supervisor Townsend, to make an appointment to the Board of Supervisors District 101; the motion failed:

Aye:	Robert M. Jones	Nay:	Pattie Cooper-Jones	Abstain:	Odessa H. Pride
	C. Robert Timmons, Jr.		J. David Emert		
	Jerry R. Townsend		Jim R. Wilck		

Supervisor Timmons said the Board must be aware that the judges will do something.

Mr. Bartlett asked Mr. Ennis, County Attorney, how the Board should proceed.

Mr. Ennis said there is nothing set out in the [State] Code; he said he will contact Judge Blessing. Mr. Ennis said the Judge looked at the issue preliminarily. Mr. Ennis said he researched to find precedence through the Attorney General opinions and other Circuit Court cases but did not find any authority on the

point that addresses the procedural issue. He said if the Judge wishes to, he may convene the Circuit Court Judges to discuss the matter; if there is a tie, the Chief Judge makes a decision. If the Judges decide to fill it on an interim basis, an order will be prepared for the Judge's signature appointing whomever they select.

Supervisor Timmons and Supervisor Townsend thanked Mr. Gur and Mr. Jones for their applications and their willingness to serve.

In Re: Presentation of the County Administrator's FY 19 County Budget

Mr. Bartlett presented his FY 19 County Budget:

INTRODUCTION

I am pleased to present to the Board of Supervisors my recommended budget for Prince Edward County for Fiscal Year 2019 (FY19). I look forward to feedback and questions from the Board as you consider my recommendations and make adjustments as you move through the budget process, eventually agreeing on a final budget. The development of the budget is the single most important function the County staff completes during any year. The budget is the County's chief decision-making document detailing both the revenue generation decisions of the Board and the allocation of those resources. I could not have presented the budget today without the help of the Judges, Constitutional Officers, School Superintendent, Department Directors and my staff in the County Administrator's office. I would like to thank each of them for their assistance.

The input provided by the Board of Supervisors during the initial budget planning meeting on March 6, 2018 served as the primary direction I followed in developing my recommended budget. The FY18 budget served as a starting point for the development of the FY19 budget. This meant past decisions by the Board were carried into FY19, specifically the spending reductions approved during the FY15 budget development process and the approved policy regarding funding outside organizations.

Before developing the FY19 budget I had to understand the current financial position of the County and project how that position may change during the course of the current fiscal year. In other words, what will Prince Edward's FY19 financial starting point be on July 1, 2018?

FORECAST OF FY18 BUDGET RESULTS

Enclosure (1) is a chart of projected fund balances at the end of FY18 for our major budgetary funds. When totaling the funds together I predict the fund balance will increase by \$1,464,471 to slightly more than \$13.7 million. Some of these funds have restrictions on their use, either by legal restrictions or by past practice of the Board of Supervisors. Of that amount \$465,657 is contained in the School Cafeteria Fund and can only be used for costs associated with the operations of the cafeteria. An additional \$1,486,682 is found in the landfill construction fund which has historically been used to pay for the opening and closing of landfill cells. There is no mandatory requirement to pay such costs in cash, thus those funds are available for use at the discretion of the Board of Supervisors. It is predicted the Forfeited Asset Fund will contain \$47,330 and the Piedmont Court Services Fund will have \$336,539 at the end of FY18.

The Forfeited Asset Fund is legally restricted for law enforcement purposes only and the Piedmont Court Services Fund is used to support the regional delivery of services associated with that office.

Assuming the cash in the four funds mentioned above cannot be used, the unrestricted cash balance for Prince Edward County at the end of FY18 is projected to be \$11,379,295. Historically, the County's cash balances decrease about 42% from the end of June until it hits its low point which is typically in September or October. Assuming cash needs will follow the same pattern, the County's cash balance will drop to about \$6.6 million sometime in September or October. On top of the normal cash flow cycle we are in the midst of a major renovation project for the Courthouse and the former STEPS CENTRE. The estimated cost of all phases of the project could be between \$3 - \$4 million. Subtracting that expense means the County's cash balances could decline between \$3.3 - \$2.3 million in the fall before recovering once the real estate and personal property tax bills are mailed. While still a significant cash balance, that amount would be the lowest for the County in several years.

The increase in the cash balance in the General Fund was the result of both revenues exceeding expectations and savings in expenditures. The General Fund is our primary source of revenue and supports the majority of all County operations. The General Fund will end FY18 with an estimated increase in the fund balance of \$1,206,498 bringing the cash reserve to \$ 11,569,870. A combination of better than expected revenues and lower than expected spending led to this positive result.

General Property taxes are estimated to generate \$306,359 more than contained in the budget. Collections exceeding the budget for Personal Property Tax (\$269,365) and Merchants Capital (\$54,059) were the primary reason for this positive result. Revenues from Fines & Forfeitures will exceed budgeted amounts by \$23,034 and the Local Recordation Tax collections will be about \$45,000 greater than budgeted. Revenues from the state associated with the Child Services Act (CSA) should be approximately \$173,000 less than the original budget. But this reduction in revenue is more than offset by a reduction in CSA expenditures of \$250,000 with the end result being a local savings of \$77,000.

Expenditures in the General Fund are forecast to be about \$1,078,327 less than budgeted. The School Superintendent is estimating the need to use almost \$602,000 less in local funding than originally budgeted. That is the single largest savings item for FY18. Additional, savings can be found in the Planning Department (\$56,000), Economic Development Office (\$44,000), the Regional Jail (\$183,329), Juvenile Detention (\$25,000), Clerk of Circuit Court (\$30,000) and CSA as mentioned above (\$250,000). Holding positions vacant generated the savings in the departments, having fewer inmates than estimated caused the savings in the Regional Jail and Juvenile Detention and a reduction in the number of children requiring services caused the under expenditure in CSA.

FY19 BUDGET

For FY19, the recommended budget for all funds is \$54,631,302. The budget is balanced, and as directed by the Board of Supervisors this was accomplished with no increase in tax rates or use of the General Fund Fund Balance. In fact, it is projected that \$235,407 will be added to the fund balance in the General Fund.

There is a significant expenditure item not contained in the FY19 budget. This is the Courthouse renovation project and renovations at the STEPS CENTRE. The County is in the process of obtaining bids on both of these projects. Until that is accomplished we will not receive an estimate of the cost for this project.

After adjusting for the non-cash expense of depreciation, to balance the water and sewer funds required the transfer from the General Fund of \$237,579 to the water fund and \$89,579 to the sewer fund. The Welfare Fund (Social Services) will require the transfer of \$600,000 from the General Fund to meet the local funding requirements for the programs overseen by Social Services. These are approximately the same amounts as in FY18.

Enclosure (2) is a chart that shows the anticipated revenues, expenses and projected fund balances of the various funds at the end of FY19.

FACTORS SHAPING THE FY19 PROPOSED BUDGET

The dominant factor in developing the FY19 budget was the lack of a final budget from the General Assembly. The major impact on the General Fund is primarily restricted to the uncertainty of the funding the County receives to support the Constitutional Officers. From the information I have received the funding of these officers is not controversial or in jeopardy. In building the FY19 I assumed we will receive funding from the state for the Constitutional offices as we normally do. The same cannot be said in regards to funding for the Schools. The funding for K-12 education is considerably different in each of the budgets (Governor, Senate, House). Because the County provides approximately \$3 million more in local funding than is required by the SOQ, I recommend the local contribution be held the same as was provided in FY18 (\$8,440,984). Once the final funding numbers are provided by the state the Schools will be required to adjust their budget accordingly. In addition, the Board of Supervisors provided guidance that they would not support any tax increases and expenses should be held in check in anticipation of the expenses associated with the renovations to the Courthouse/STEPS CENTRE.

With a few exceptions all expenses have been held at level funding or decreased. This includes the charitable donations and County departments. There are four large capital expenditure items in the proposed budget. These are (1) \$135,000 to allow the Sheriff to purchase 3 new cars, (2) \$32,350 to purchase computers, printers etc., (3) \$45,000 to purchase an animal control truck, and (4) \$75,000 for the second payment for the new voting machines. In addition to these capital items I have included \$42,000 for the development of a GIS system and \$15,000 for a redesign of the County's website.

Our technology consultant has informed me he may be retiring in December 2020. The consultant assists with all tax preparations, retrieval of information from DMV to prepare Personal Property Tax Tickets, install equipment and software upgrades for PCs and the IBM AS400 to include the BRIGHT financial system. He is responsible for building and maintaining the County's internet network. Besides these critical networks the Sheriff's new IBR system will require someone trained to install, maintain and monitor this system. To implement a smooth succession plan to ensure these critical functions are not interrupted I have budgeted for the hiring of a full-time position. We are fortunate to have someone locally that is highly proficient in most of this technology and would be a valuable addition to the County. Not only is he technically savvy but he is also a lawyer. I am proposing hiring Brain Butler to become the County's in-house IT support and serve as County Attorney for most issues. Mr. Ennis will still be used on a part-time basis to continue work involving the Manor and any other work the Board so desires. Once fully implemented several cost savings will be realized and IT support will expand. A more detailed explanation of this proposal will be presented during the budget process.

Due to the refinancing of debt in 2017 the County's debt expense in FY19 is almost \$200,000 less than the previous year while capital expenditures are approximately \$150,000 less than in FY18 because of the completion of the purchase of the IBR system for the Sheriff.

The \$10,000 placed in the Planning and Community Development budget last year to be used to pay for officers to oversee additional inmate work crew is not in the proposed budget. This program was not as effective as hoped. But I have spoken with the interim jail superintendent and he has revamped the work crew program. The changes he has instituted (use of weekend inmates, expansion of officers certified, etc.) will result in an increase in the number of work crews and the number of inmates on each crew. It is anticipated these changes will provide additional coverage at no cost increase.

Enclosure (3) is a listing of outside agencies showing the funding approved by the Board for FY18, the request from the agency for FY19 and my recommendations for FY19. The Board of Supervisors agreed to a funding policy for outside agencies that removed public safety organizations and governmental organizations from this category and restricted the amount of funding to \$150,000. I

am recommending all agencies receive the same funding as they received in FY18 with no new agencies added. The total amounts to \$145,123. This leaves \$4,877 that could be used at the discretion of the Board.

There are a number of outside factors that may still impact the FY18 budget, especially the failure of the General Assembly to adopt a budget. Final decisions and implementing instructions regarding the Commonwealth's budget have not been received. Thus, there is still uncertainty regarding the final disposition of State and Federal funding at the local level, but we must proceed with the information we have at hand.

Conclusion

I look forward to our future work sessions and realize the Board may make changes to the proposed budget; that is understandable and expected. Thank you for the opportunity to present this budget for the citizens of Prince Edward County.

Supervisor Townsend questioned the amount expended on the jail crew program and if it will be expanded to include work on weekends.

Mr. Bartlett said the work on the Worsham Clerk's Office cost over \$4,000; he said that worked out to about \$40 per hour of work. He said the program was not cost-effective since the Court Officer must be paid along with other expenses. Mr. Bartlett said they also had problems attracting Officers to sign up for the overtime. He added that currently, there are five officers in the Academy; once their training is finished, five more officers will attend the Academy.

Supervisor Wilck said a constituent reported there is trash on the roads and floating in the ditches after the rains. He said the constituent suggested it would be better if the trash would not be thrown out onto the County roads in the first place and said in Canada, they have an exceptionally large fine of \$15,000.

Mr. Butler, Deputy County Attorney, said throwing trash on the highway is a Class One misdemeanor and is punishable by up to twelve months in jail and \$2,500 fine. Discussion followed.

Sheriff Reed said that his department can write a ticket, but they have to witness someone throwing the trash. He said there have been instances where bags fall from vehicles; the officers put on gloves and go through the bags and when the owner is contacted, they return and take care of the trash.

Mr. Brian Butler stated the State has a higher fine than may be assigned by the localities. Discussion followed.

Mr. Bartlett suggested starting a publicity campaign to institute or raise awareness of the issue, such as “Adopt A Highway.” Discussion followed.

Supervisor Townsend requested the \$4,877 in the budget for donations be considered that some or a portion be given to the Virso Recreation Center. He said it would not impact the budget and resources for the Virso Rec Center are limited. He said there are recreational challenges in the rural areas.

In Re: Closed Session

Supervisor Wilck made a motion, seconded by Supervisor Emert, that the Board convene in Closed Session for consultation with legal counsel pertaining to the interpretation of the County Zoning Ordinance as it may apply to certain specific real properties in the County of Prince Edward, pursuant to the exemption provided for in Section 2.2-3711(A)(8) of the *Code of Virginia*; the motion carried:

Aye:	Pattie Cooper-Jones	Nay:	None
	J. David Emert		
	Robert M. Jones		
	Odessa H. Pride		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

The Board returned to regular session by motion of Supervisor Wilck, seconded by Supervisor Emert and adopted as follows:

Aye:	Pattie Cooper-Jones	Nay:	None
	J. David Emert		
	Robert M. Jones		
	Odessa H. Pride		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

On motion of Chairman Cooper-Jones and seconded by Supervisor Wilck, and carried by the following roll call vote:

Aye: Pattie Cooper-Jones
J. David Emert
Robert M. Jones
Odessa H. Pride
C. Robert Timmons, Jr.
Jerry R. Townsend
Jim R. Wilck

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.

Supervisor Jones made a motion, seconded by Supervisor Emert, to hold a Joint Public Hearing with the Planning Commission on Tuesday, April 17, 2018 at 7:00 p.m. to amend the County Zoning Ordinance to reflect the definition of a construction camp in the Industrial Zone; the motion carried:

Aye: Pattie Cooper-Jones
J. David Emert
Robert M. Jones
Odessa H. Pride
C. Robert Timmons, Jr.
Jerry R. Townsend
Jim R. Wilck

Nay: None

Supervisor Emert said a representative from Piedmont Senior Resources called and said the reason their request increased is due to a Federal mandate to obtain ten percent from the County. He said this was established by the Area Agency on Aging forty years ago; the County signed intent to do what was federally mandated. He asked if the Department for Aging and Rehabilitative Services (DARS) oversees STEPS.

Mr. Bartlett said he will research to ensure that it is a federal mandate; STEPS has several departments and DARS oversees some of the programs but not all. He said there is match requirement of Crossroads, Piedmont Senior Resources; he said it doesn't have to be a match from local government. It can be from donations, local government, or other sources.

Supervisor Emert said Piedmont Senior Resources has not expected the counties to do this in previous years, but this year, they expect the counties to do so. He said they have documents with that wording. He added that 40 years ago, none of the current Board was on the Board.

Mr. Bartlett stated there have been some management issues in the past, but Ms. [Justine] Young must be given credit for revamping and expanding the program. Discussion followed.

In Re: Properties Committee Update

Supervisor Timmons said he received a call from Judge Blessing who is concerned regarding the schedule for Judge Dunkum's courtroom. He said they built two weeks "float" into the schedule, one was used and there is still a week of "float." Supervisor Timmons said after the proposals are received for the roof and the upfit, the amounts can be firmed up. He stated the contract for the roofing will be awarded in May, and asked about the contract for the upfit.

Mrs. Puckett said both RFPs are out; there are pre-bid meetings on April 9 at 2:00 p.m. for the interior and at 2:45 p.m. for the roof. She said the bids for the interior are due April 24 at 2:00 p.m. and bids for the roof are due April 24 at 2:30 p.m.

Supervisor Timmons said Social Services should be moved to the STEPS building by the end of August. Discussion followed on the RFPs.

On motion of Supervisor Townsend, seconded by Supervisor Wilck, and adopted by the following vote:

Aye:	Pattie Cooper-Jones	Nay:	None
	J. David Emert		
	Robert M. Jones		
	Odessa H. Pride		
	C. Robert Timmons, Jr.		
	Jerry R. Townsend		
	Jim R. Wilck		

the meeting was recessed at 7:01 p.m. until Tuesday, March 27, 2018 at 7:30 p.m. for a Public Hearing (STEPS Centre Lease).