

September 11, 2007

At a special meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 11th day of September, 2007, at 5:00 p.m., there were present:

William G. Fore, Jr., Chairman

Howard F. Simpson, Vice-Chairman

Pattie Cooper-Jones

Robert M. Jones

Lacy B. Ward

Also Present: Wade Bartlett, County Administrator; Sarah Puckett, Assistant County Administrator; James R. Ennis, County Attorney; Sharon Carney, Director of Economic Development and Tourism; Jonathan Pickett, Director of Planning and Community Development; and Ted McCormack, Virginia Association of Counties.

Chairman William G. Fore, Jr., called the meeting to order.

Chairman Fore said he had sent a letter to Farmville Town Manager Gerry Spates with recommendations to the Committee regarding options to boundary adjustments. He said the response was important enough to discuss the Town's counter offer.

Chairman Fore then introduced Mr. Ted McCormack, VACo's Director of Governmental Affairs. Mr. Fore said the Board may have questions during the presentation but would have to go into closed session if they were too specific.

In Re: Presentation: "Local Boundary Change Agreements"

Mr. Ted McCormack first thanked the Board for its support of VACo. He said he had been asked to:

1. talk about the state of town and county relations throughout Virginia
2. review allowed of boundary adjustments, and
3. present examples of boundary change agreements.

He stated counties provide high-cost services to all its citizens, and revenue sharing between the town and county already exists through taxes, and added that perceived or real double-taxation, county economic growth, and residential growth in towns can strain county-town relations.

Sally Gilfillan entered the meeting at this time.

Mr. McCormack then reviewed factors that benefit relations, such as professional county administrators and town managers, liaison committees that meet frequently, compatible development policies and the proximity of county and town offices. He added that crises or mandates also encourage better relations.

Mr. McCormack said a boundary line adjustment, which is an agreement between a town and county to relocate the physical boundary, can be made and approved by a local circuit court. He added over 60% of all boundary changes by towns since 1980 have occurred using this method. He said it is time efficient and there is no statutory standard, but the boundary change agreements must be specific and address boundary changes only. They can only be done one at a time.

James Moore entered the meeting at this time.

Mr. McCormack stated 'Agreements Defining Town Annexation Rights' is another boundary adjustment method, that allows the town to annex, by ordinance, within a predefined area of the county at any time. The town would be required to give up becoming an independent city in perpetuity. As the town develops, growth of its borders can be controlled through annexation. A county would not pay for any property improvements that may be annexed to the town's control.

Mr. McCormack stated a Voluntary Settlement Agreement was negotiated in 1992 between Farmville and Prince Edward County. Such agreements are long-term agreements which settle major issues that confront towns and counties. It requires review by the Commission of Local Government and final approval by a three-justice court. He then reviewed examples of other county agreements and their provisions. Mr. McCormack gave a few examples of the various agreements.

Mr. Bartlett told the Board some areas the Town has proposed for boundary adjustments are not served by the water and sewer at this time. He said the Town proposed the County build the intake and the Town would build the transmission line. Further discussion followed regarding town and county agreements and how others handle the water and sewer agreements and costs.

Further discussion followed; Chairman Fore suggested that they enter closed session.

In Re: Closed Session

Supervisor Gilfillan made a motion that the Board convene in Closed Session for the purpose of consultation with legal counsel and briefings by staff members and consultants pertaining to probable litigation and regarding the negotiations of boundary and revenue issues related to the Town of Farmville, which would be subject to the review of the Commission on Local Government, pursuant to the exemptions provided for in Section 2.2-3711(A)7 and 15.2-2907(D) of the *Code of Virginia*. The motion carried:

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

Supervisor McKay entered the meeting during closed session.

The Board returned to regular session by motion of Mr. Simpson 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
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On motion of Mr. Moore 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.

On motion of Mrs. Cooper-Jones and seconded by Mr. Moore, and adopted 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

the meeting was adjourned at 6:50 p.m., and will reconvene at 7:00 p.m., September 11, 2007.