

September 23, 2008

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 23th day of September, 2008; at 5:30 p.m., there were present:

William G. Fore, Jr.

Robert M. Jones

Sally W. Gilfillan

Charles W. McKay

James C. Moore

Howard F. Simpson

Lacy B. Ward

Mattie P. Wiley

Also present: Wade Bartlett, County Administrator; Sarah Puckett, Assistant County Administrator; and James Ennis, County Attorney.

Chairman Fore called the meeting to order.

In Re: Prince Edward County School Board Appointment – District 401

Mr. McKay read a letter from Chair Shelby Asal stating the District 401 Citizens Committee recommended Patricia Maria Caterina Johnson for the vacant school board position as she would best serve the constituents of the Hampden district, as follows:

Dear Mr. McKay,

We recommend Mrs. Patricia Johnson for the position vacated on the school board. After interviewing all the candidates, we thought she would best serve the constituents of the Hampden District.

Thank you.

Shelby Asal, Chairman of the Citizens Committee

A vote was then taken on each of the candidates for the remaining term of office through June 30, 2009.

<u>Candidate</u>	<u>Vote</u>
Osa S. Dowdy	Lacy B. Ward
Patricia Maria Caterina Johnson	William G. Fore, Jr. Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Mattie P. Wiley
Jonathan W. Keohane	Sally W. Gilfillan
Patti Winborne	(none)

Ms. Patricia Maria Caterina Johnson was appointed to the District 401 seat on the Prince Edward County School Board for the remaining term to expire June 30, 2009.

In Re: Budget Amendment and Appropriations

Mr. Bartlett said the County has received an invoice to reimburse Lowe’s for the County’s share of the cost of the regional pond. He said the agreement was that the County would reimburse Lowe’s 64.29% based on the percentage of acreage that Lowe’s purchased from the total lot size of 39.75 acres. He added that in the future, as other projects develop at the commercial section of the Industrial Park, they too will be charged a percentage of the pond and agree to a regional pond maintenance partnership. In the end there will have been no expense to the County.

Mr. Bartlett then said the work on the Via Sacra project had been budgeted for in the previous Fiscal Year but has stretched into the current Fiscal Year. He said the budget needs to be amended to reflect this. Mr. Bartlett said Hampden-Sydney provided \$100,000 to the County in the last Fiscal Year but expenses totaled \$248,659 through June 30, 2008. He said the proposed amendment reflects the fact the County fronted \$148,659 which will be returned this Fiscal Year when both Hampden-Sydney and the Commonwealth provide their contributions to the County.

Mr. Bartlett requested the following appropriations:

	<u>Debit</u>	<u>Credit</u>
3-737-41050-0737 Economic Development Fund Balance		\$ 102,776
4-737-66200-8300 Storm Water Pond Partnership	\$ 102,776	

3-740-24040-0001	State Revenue Share	\$ 481,559
3-740-41040-0001	Hampden-Sydney College	\$ 381,559
4-740-93000-0740	To Fund Balance	\$ 148,659
4-740-94000-0102	Via Sacra	\$ 714,459

Mr. McKay made a motion to approve the modification of the budget and the appropriations as presented. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Lacy B. Ward Mattie P. Wiley	Nay: None
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In Re: Rural Long Range Transportation Plan

Chairman Fore asked for input on the Long Range Transportation Plan to submit to the Commonwealth Regional Council.

After a brief discussion, the Board concurred to submit the current list of transportation deficiencies to the Commonwealth Regional Council Rural Long Range Transportation Task Force:

- o Route 307 & 460 Intersection (safety)
- o Route 15 South between Farmville and Kingsville (congestion)
- o Route 15 & 628 Intersection (congestion & safety)

In Re: Seizure of Animals

Mr. Bartlett said on September 18, 2008, Judge Robert G. Woodson, Jr., ordered animals to be seized by the County due to cruelty. He said the animals must be held for 10 days to allow the owner to appeal the decision; after that time, the County may dispose of the animals. Mr. Bartlett said the cost of animal care and board will be charged to the owner, and any proceeds from the sale of the animals can be used to cover the costs as well.

After a brief discussion, Mr. McKay made a motion to authorize the County Administrator to dispose of the animals after the period of time for appeal expires. The motion carried:

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

Nay: None

In Re: Closed Session

Mrs. Wiley made a motion that the Board convene in Closed Session for consultation with legal counsel regarding the provision of water and sewer service to County residents and probable litigation pursuant to the exemptions provided for in Section 2.2.3711(A)7 of the *Code of Virginia*. The motion carried:

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

Nay: None

Supervisor Moore left during the closed session.

The Board returned to regular session by motion of Mrs. Gilfillan and adopted as follows:

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

Nay: None

Absent: James C. Moore

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

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

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 Mr. McKay and adopted by the following vote:

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

the meeting was adjourned at 7:10 p.m. until October 14, 2008 at 7:00 p.m..