

August 11, 2009

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 11th day of August, 2009; at 7:00 p.m., there were present:

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

Also present: Wade Bartlett, County Administrator; Sarah Puckett, Assistant County Administrator; Jonathan L. Pickett, Director of Planning and Community Development; James Ennis, County Attorney; Sharon Lee Carney, Director of Economic Development & Tourism; and Alan Leatherwood, Resident Highway Engineer.

Chairman Fore called the meeting to order. Supervisor Moore offered the invocation.

In Re: Public Participation

Kenneth Jackson, Leigh District, expressed his concern about the procedure that will be taken to secure a company to do the work on the private road that the County is planning on building for \$15,000. He suggested closed bids would be the best way to offer honesty, openness and fairness to all.

Bemeche Hicks, Lockett District, said that during the Saturday, August 8, 2009, meeting with Mrs. Dotson, Mr. Wade Bartlett and Mr. Jonathan Pickett, he was told the Board makes the decisions on what the Board authorizes [the staff] to do, and asked why a multi-million pipe-line is being installed from the Sandy River Reservoir with only one customer hook-up. He said the cost will be passed to the taxpayers who do not need a pipeline, and asked who will benefit from this pipe-line. He said that if the

corporations want it, they need to put up the money build the pipe-line. He asked if the citizens need to go to Washington to get answers, or if they should come here.

In Re: Board of Supervisors Comments

Supervisor Jones said a number of volunteer firemen attended the Virginia's Heartland Water and Sewer Authority meeting, which was held at 6:00 p.m. that evening, to express their support of the water line. He added the line would provide for fire hydrants to protect the homes and would save citizens on their insurance for those homes. He added that while there is one customer currently, discussion is ongoing with other communities that may join the Authority.

Supervisor Gilfillan noted the passing of Eunice Kennedy Shriver, who provided leadership and organized what eventually became Special Olympics.

Supervisor Moore asked Mrs. Sharon Dotson if the meeting held Saturday, August 8, 2009, was helpful. Mrs. Dotson replied that she was pleased with the opportunity and said they had agreed to disagree.

Supervisor Wiley said she learned of another pedestrian that had been struck by a vehicle in front of the Kroger's grocery store, the fourth pedestrian struck in the past two weeks. She asked what can be done to prevent this from happening again.

Supervisor Ward asked Mr. Jonathan Pickett for clarification about the road that is to be built on the Johnson estate. Mr. Pickett said that he and Mr. Bartlett met with Mr. Farmer, the property owners and Mr. Alan Leatherwood to discuss specifications for the road. He said VDOT will provide assistance with an estimate and specifications to go by for bid, and sealed bid will be done at that time. He said there is a road but was built to about two-tenths of a mile from the water. He said the process to secure a company to do the work will be by sealed bid. Mr. James Ennis, County Attorney, said the specifications must come from VDOT and the bid is not to exceed \$15,000. He added the bid process is always anticipated and was included in the resolution, as well as obtaining specifications for the construction of the road from VDOT.

Supervisor Ward asked about the length of time for the process. Mr. Pickett said it will take several months as wetland issues must be studied. Further discussion followed.

In Re: Consent Agenda

On motion of Mr. Moore and 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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the Board accepted the minutes of the meetings held July 14, 2009 at 7:00 p.m., and July 30, 2009 at 5:30 p.m.; Accounts and Claims; Salaries; a Festival Permit Application for George Whitewolf to hold the American Indian Pow-Wow and Western Festival on September 18, 19, and 20, 2009; and appropriations, as follows.

		<u>Debit</u>	<u>Credit</u>
3-100-41050-0100	Transfer in from General Fund Balance		\$ 79,717.11
4-100-32200-7001	Farmville Volunteer Fire Department	\$ 166.00	
4-100-32200-7003	Prospect Volunteer Fire Department	\$ 265.81	
4-100-32200-7005	Hampden-Sydney Volunteer Fire Department	\$ 62,512.57	
4-100-32200-7006	Pamplin Volunteer Fire Department	\$ 10,596.84	
4-100-32200-7007	Meherrin Volunteer Fire Department	\$ 6,175.89	
3-100-24040-0003	VITA Geographical Information System Grant		\$ 86,300.00
4-100-94000-0025	Geographical Information System	\$ 86,300.00	
3-100-24040-0004	VITA Global Positioning System Grant		\$ 19,000.00
4-100-94000-0026	Global Positioning System	\$ 19,000.00	
3-250-33020-0011	Title I – Stimulus Funds		\$ 259,228
3-250-33020-0021	IDEA Special Ed – Stimulus		\$ 365,378
3-250-33020-0022	IDEA Special Ed Preschool - Stimulus		\$ 12,304
4-250-61000-3101	Instruction Stimulus	\$ 544,211	
4-250-63000-3101	Transportation Stimulus	\$ 92,699	
3-270-30000-0002	Fresh Fruit & Vegetable Program		\$ 67,256
4-270-65100-0006	Food Products	\$ 60,556	
4-270-65100-0005	Non Food Expenses	\$ 6,700	

	<u>LIABILITIES</u>	
Virginia Department of Taxation	State sales tax	2.41

	<u>BOARD OF SUPERVISORS</u>	
Business Card	Display case cover	630.72
	Luncheon	77.55
	Reservations	785.84
	Meals	72.04
	CPEAV training	900.00
		2,466.15
Farmville Printing	Programs	41.30
	Books	140.50
		181.80
Lowe's	Display case materials	290.65
	Bottled water	7.94
		298.59
McClintock & Derr	Framing service	68.13
Farmville Herald	Advertising	146.26
William G. Fore, Jr.	Mileage	23.10
Robert M. Jones	Mileage	71.50
Charles W. McKay	Mileage	150.70
James C. Moore	Mileage	506.00
Howard F. Simpson	Mileage	205.70
Lacy B. Ward	Mileage	212.30
Walmart	Soft drinks and water	35.92

	<u>COUNTY ADMINISTRATOR</u>	
AT&T	Phone	211.35
Embarq	Phone	466.97
US Cellular	Phone	56.96
Business Card	Reservation	278.44
University of Virginia	09-10 Membership dues	1,000.00
Diamond Springs	Equipment rental and water	15.70
Farmville Printing	Letterhead	165.00
Town of Farmville	Gas	52.47
Matthew Bender & Company, Inc.	09 Supplement/Index/RV5A	336.40
Business Data of Virginia, Inc.	Printer	232.98

	<u>COMMISSIONER OF REVENUE</u>	
AT&T	Phone	65.67
Treasurer of Virginia	Online service	125.38
VALECO	Dues	60.00
Virginia Association of Local Tax	Dues	10.00
Business Data of Virginia, Inc.	DMV list	197.31
Key Office Supply	Tray/sorter	51.38
	Organizer	25.69
	Ink cartridges	206.97
	Trash cans	23.94
	Chair mat	345.29
	Office supplies	942.39
	Planners	19.98
	Copy paper	164.75
		1,780.39

		<u>TREASURER</u>	
Key Office Supply	Typewriter service contracts (2)	157.00	
	Copier service contract	1,275.00	
	Fax service contract	171.00	
	Printer service contract	173.00	
	Ribbons	76.14	
	Office supplies	798.55	
	Rubber bands	9.39	
	Organizers	100.77	
	Data tapes	1,899.90	
	Pens	11.04	
	Shredder	1,999.00	
	Calculator	139.00	6,809.79
AT&T	Phone		127.85
Treasurer of Virginia	Online service		146.08
Embarq	Phone		226.21
Virginia Employment Commission	Online service		100.00
Treasurers Association of Virginia	Conference registration	275.00	
	Legal support fee	150.00	425.00
VALECO	Dues		60.00
Matthew Bender & Company, Inc.	Code Vol 7 09 Supplement		38.30
Compro Computers	Printers		1,599.97

		<u>INFORMATION TECHNOLOGY</u>	
Business Data of Virginia, Inc.	Travel expenses		1,625.00
	Monthly contract		2,800.00
	Hotel and meals		210.18
ComputerPlus Sales & Service	Maintenance contract		270.00

		<u>REGISTRAR</u>	
AT&T	Phone		45.87
Treasurer of Virginia	Online service		3.25
Embarq	Phone		148.57
Dale L. Bolt	Mileage	79.75	
	Meals & lodging	380.23	459.98
Key Office Supply	Copy paper		65.90

		<u>CIRCUIT COURT</u>	
AT&T	Phone		61.78
Embarq	Phone		158.96
Key Office Supply	Two-year planner	15.74	
	Laptop	749.00	764.74

		<u>GENERAL DISTRICT COURT</u>	
Joyce K. Sexton	Mediation services		712.50
AT&T	Phone-Juv. Prob.	179.40	
	Phone-J&D	122.05	
	Phone-Gen. Dist. Court	143.04	444.49
Embarq	Phone-J&D	109.46	
	Phone-Juv. Prob.	105.86	

U S Cellular	Phone-Gen. Dist. Court Phone	298.38	513.70 28.48
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SPECIAL MAGISTRATES

AT&T	Phone		130.35
Treasurer of Virginia	Pager rental		16.36
McMillian Pager Service	Pager rental		15.90
Embarq	Phone		90.66
Key Office Supply	Office supplies		448.36

CLERK OF THE CIRCUIT COURT

Key Office Supply	Typewriter service contracts (2)	216.00	
	Fax service contract	195.00	
	Coffee maker	58.19	
	Stamp ink	15.96	485.15
AT&T	Phone		112.62
Embarq	Phone		272.73
Kinex Networking Solution	DSL		74.95

LAW LIBRARY

AT&T	Data line		34.54
Embarq	Data line		32.05
LexisNexis	Online service		207.00
Matthew Bender & Company, Inc.	09 Supplement/Index/RV5A		336.40

COMMONWEALTH'S ATTORNEY

Cecelia Charlton	Postage		25.43
AT&T	Phone		309.33
Kinex Networking Solutions	Internet		49.95
Embarq	Phone		285.81
VALECO	Dues		60.00
Farmville Printing	Business cards		20.00
Matthew Bender & Company, Inc.	Supplement/Index/RV5A		647.25

VICTIM WITNESS ASSISTANCE PROGRAM

Farmville Printing	Brochures & copies		147.20
Key Office Supply	Office supplies		73.09

SHERIFF

East End Motor Company, Inc.	Radiator repairs	573.78	
	Radiator fan	538.78	
	Drive axles & brakes	1,827.85	
	Wrecker service	125.65	
	Oil/filter change	53.97	3,120.03
Kenbridge Tire & Auto	Calibration		25.00
U. S. Postal Service	Postage		116.00
Kinex Networking Solution	DSL & webhosting		139.85
Virginia Association of Counties Self-Insurance Risk Pool	Auto insurance		547.00
Business Card	Meals	87.76	

	Gas	43.67	
	Cameras and supplies	5,473.39	5,604.82
William D. Shular, Jr.	Meals		58.56
VALECO	Dues		60.00
Key Office Supply	Office supplies		51.32
Treasurer of Virginia	Notary		45.00
Town of Farmville	Gas		6,609.60
Fire & Safety Equipment Company	Fire extinguisher		46.95
Quantum Graphics/Uniforms	Uniforms		376.15
Southern Police Equipment Company	Belt keepers	86.00	
	Ammunition	517.00	
USA Mobility Wireless, Inc.	Pager rental		82.41

HAMPDEN-SYDNEY VOLUNTEER FIRE DEPARTMENT

BB&T	Smeal truck payment		33,263.62
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BURKEVILLE VOLUNTEER FIRE DEPARTMENT

Burkeville Volunteer Fire Department	09-10 Support		800.00
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FIRST RESPONDERS

Hampden-Sydney Volunteer Fire Department	09-10 Support		2,500.00
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PRINCE EDWARD FIREFIGHTERS ASSOCIATION

Prince Edward Area Firefighters Association	09-10 Support		3,000.00
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PRINCE EDWARD RESCUE SQUAD

Prince Edward Volunteer Rescue Squad	09-10 Support		15,000.00
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PAMPLIN RESCUE SQUAD

Pamplin Volunteer Rescue Squad	09-10 Support		2,000.00
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MEHERRIN RESCUE SQUAD

Meherrin Fire & Rescue Squad	09-10 Support		2,500.00
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CHESTERFIELD COUNTY MED FLIGHT

Chesterfield County	09-10 Support		500.00
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OLD DOMINION EMS - LEIGH MOUNTAIN

Old Dominion EMS Alliance	09-10 Support		2,000.00
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EMERGENCY SERVICES

Timmons Group	System maintenance		855.00
Korman Signs	Signs & hardware		424.59

REGIONAL JAIL & DETENTION

Piedmont Regional Juvenile Detention Center	Juvenile detention		9,000.00
Piedmont Regional Jail	Inmate per diem		3,446.30

<u>BUILDING OFFICIAL</u>		
Farmville Auto Parts	Serviced transmission	106.71
US Cellular	Phone	28.48
Treasurer of Virginia	Permit levy	384.21
Town of Farmville	Gas	209.83
<u>ANIMAL CONTROL</u>		
Lowe's	Brush	14.94
	Wire & screws	14.74
Ronald Van Eps	Entry latches	13.85
Dominion Virginia Power	Electric service	99.03
Embarq	Phone	31.58
US Cellular	Phone	56.96
Walmart	Dog food	155.00
Town of Farmville	Gas	564.40
<u>MEDICAL EXAMINER</u>		
Treasurer of Virginia	Coroner	20.00
<u>BIOSOLIDS MONITORING</u>		
Tri-County Ford-Mercury	Oil change	29.89
Manuel H. Toombs, Jr.	Internet	24.67
US Cellular	Phone	28.48
Town of Farmville	Gas	362.31
<u>REFUSE DISPOSAL</u>		
Resource International	Storm water compliance	367.75
	VPDES update	1,552.40
	Miscellaneous work tasks	4,702.05
	MRF assessment	1,740.00
	Groundwater monitoring	9,177.75
		17,539.95
Lowe's	Round-up	149.00
Moore Scale Service, Western Virginia	Balance & test scale	626.00
Southern States	Straps & gloves	16.95
Arena Trucking Company	Trash collection	389.00
STEPS, Inc.	Recycling fee	1,659.77
Southside Electric Cooperative	Darlington Heights site	59.06
	Virso site	76.11
		135.17
Dominion Virginia Power	Leachate pump	150.19
	Scalehouse	64.33
	Rice shelter	48.01
	Cell C pump station	20.78
	Green Bay site	48.69
	Worsham site	33.52
	Prospect site	69.31
	Landfill site	38.80
		473.63
AT&T	Phone	183.77
Embarq	Phone	234.65
US Cellular	Phone	114.48

Walmart	Phones & cords	30.85
Town of Farmville	Gas	964.26
Newman Tire Company, Inc.	Tires	480.00

SANDY RIVER RESERVOIR

Randall C. Allen, PC	SRR Water treatment	2,669.19
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GENERAL PROPERTIES

OK Termite & Pest Control	Exterminating service	150.00
Thyssenkrupp Elevator	Maintenance contract	1,975.43
Haley of Farmville, Inc.	Inspection	16.00
Taylor-Forbes Equipment Company	Mower repairs	249.78
	Oil	5.58
Southside Electric Cooperative	SRR Lights	30.43
Dominion Virginia Power	Industrial park	67.86
	Roy Clark monument	17.14
	Courthouse	14,626.96
	Shop	30.26
	Sheriff's Department shed	5.50
	Worsham Clerk's office	32.80
	Lights at Rice	81.04
	Ag building	1,106.82
Town of Farmville	Water & sewer	277.36
AT&T	Phone	35.83
Embarq	Line to hospital	7.97
	Phone	111.88
US Cellular	Phone	86.95
Aramark Uniform Services	Janitorial supplies	342.78
Lowe's	Cleaning supplies	47.76
	Plunger/mop head/Formula 409	24.94
	Glass cleaner & mops	22.71
	Bolt	3.52
	Light bulbs / padlock	23.89
	Screws	2.94
	Data jack & cable	46.91
	Filters	5.97
	Mulch / spray paint	32.38
Walmart	Mops & soap	8.21
	Markers	5.68
	AC charge kit	34.97
Wilco, Inc.	Janitorial supplies	48.86
Business Card	Handicap door control	1,916.90
Diamond Springs	Equipment rental & water	261.54
East End Chevron	Ice	29.20
Farmville Auto Parts	AHU belt	15.04
	Safety strobe light	11.35
	Refrigerant	540.00
Price Supply Company, Inc.	Air filters	13.98
Cintas Corporation #524	Uniform rental	565.33
Department of State Police	Safety inspection manual	2,333.70
		479.52
		20.00

Newman Tire Company, Inc.	Flat repair	10.88
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CANNERY

Price Supply Company, Inc.	Potato peeler belt	64.45
Southside Electric Cooperative	Electric service	81.16
Ellington Energy Service	Fuel oil	723.24
AT&T	Phone	36.74
Embarq	Phone	35.21
Farmville Printing	Business cards	39.00
Can Corporation of America, Inc.	Cans & lids	2,954.69
Virginia Department of Taxation	Sales use tax on cans	147.74

COMPREHENSIVE SERVICES ACT

Barry Robinson Center	Professional services	654.00
Centra Health	Professional services	26,710.00
Crossroads Services Board	Professional services	3,110.00
Emmanuel Family Services	Mentoring	250.00
Faison School for Autism	Professional services	2,600.00
Family Preservation Service	Professional services	2,970.00
Grafton School, Inc.	Professional services	13,156.00
Leigh D. Hagan, PhD, PC	Foster care	1,948.58
Heartland Family Counsel	Professional services	2,750.00
Helton House, Inc.	Professional services	5,580.75
Kristy Howells	Foster care	998.43
Joan Osborne	Foster care	1,621.07
Poplar Springs Hospital	Professional services	2,400.00
Presbyterian Home & Family Services	Professional services	2,790.00
Pickett Park Day Care Center	Foster care	409.00

OTHER WELFARE / SOCIAL SERVICES

SCOPE/Meals on Wheels	09-10 Support	4,750.00
Piedmont Senior Resources	09-10 Support	1,616.00
STEPS, Inc.	09-10 Support	6,808.00
Pamplin Community Center	09-10 Support	475.00
Jolly Glee Senior Center	09-10 Support	1,800.00
FACES, Inc.	09-10 Support	2,137.50
Special Olympics - Area 12	09-10 Support	200.00
Virginia Legal Aid Society, Inc.	09-10 Support	1,900.00
HOPE	09-10 Support	4,750.00
Tri-County Life Learners	09-10 Support	1,662.50
Southside Center for Violence Prevention, Inc.	09-10 Support	2,375.00
Longwood Center for Visual Arts	09-10 Support	1,247.00
Habitat for Humanity	09-10 Support	2,375.00
Prince Edward County High School After Prom Party	09-10 Support	950.00
Fuqua After Prom Party	09-10 Support	475.00

CONTRIBUTIONS TO COLLEGES

Southside Virginia Community College	09-10 Support	5,161.00
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Longwood Small Business Development Center	09-10 Support		3,537.00
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SUPERVISION OF PARKS & RECREATION

Prince Edward Community Center	09-10 Support		23,750.00
Southside Virginia Family YMCA	Summer program support		20,000.00

MUSEUMS

Robert Russa Moton Museum	09-10 Support		7,125.00
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PUBLIC LIBRARY

Farmville-Prince Edward Community Library	09-10 Support		38,014.75
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PLANNING

Samuel R. Coleman	Commission meeting	100.00	
	Mileage	13.20	113.20
Donald B. Gilliam	Commission meeting	100.00	
	Mileage	22.00	122.00
Lee Edward Hicks, Jr.	Commission meeting	100.00	
	Mileage	12.65	112.65
Robert M. Jones	Commission meeting	100.00	
	Mileage	5.50	105.50
Clifford Jack Leatherwood	Commission meeting		100.00
Robert Christopher Mason	Commission meeting	100.00	
	Mileage	9.90	109.90
James Robert Wilck	Commission meeting		100.00
Farmville Herald	Advertising		126.76
Business Card	Postage		94.18
US Cellular	Phone		56.96
Alecia Daves-Johnson	Mileage	47.85	
	Meal	21.97	69.82
Commonwealth Regional Council	09-10 Support		15,700.00
Business Data of Virginia, Inc.	Norton update		49.95
Town of Farmville	Gas		49.60
Treasurer of Virginia	E&S Field manuals		100.00

COMMUNITY DEVELOPMENT

Farmville Chamber of Commerce	09-10 Support		2,375.00
Town of Farmville	09-10 Airport support		4,750.00
Piedmont Area Transit	09-10 Support		2,500.00

ECONOMIC DEVELOPMENT

Dominion Virginia Power	Electric service		314.29
Town of Farmville	Water & sewer		41.33
AT&T	Phone		64.95
Moonstar BBS	DSL		45.00
Virginia's Retreat	09-10 Support		4,500.00
Key Office Supply	Indexes	14.28	
	Paper/labels/envelopes	614.72	629.00

SOIL & WATER CONSERVATION DISTRICT

Piedmont Soil & Water Conservation District	09-10 Support	4,845.00
Old Dominion RC&D	09-10 Support	1,775.00

COOPERATIVE EXTENSION OFFICE

Embarq	Phone	97.17
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FUND TRANSFERS OUT

Prince Edward County IDA	YMCA Loan payment	130,125.52
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CAPITAL PROJECTS

McGraw-Morgan, Inc.	Re-tube boiler	11,975.00
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DEBT SERVICE

Town of Farmville	Library loan	52,092.44
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PUBLIC / PRIVATE EDUCATION ACT FUND

Wiley & Wilson	Professional service	1,100.00
Davenport & Company, LLC	Financial advisory fee	1,540.40

WATER FUND

Town of Farmville	Water	139.82
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SEWER FUND

Dominion Virginia Power	Sewer pump	27.89
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PIEDMONT COURT SERVICES

Kroll Laboratory	Drug testing	58.44	
Dominion Virginia Power	Electric Service	282.84	
Pitney Bowes Financial Service	Postage meter lease	202.00	
AT&T	Phone	125.40	
Embarq	Phone	204.69	
Prince Edward County Treasurer	Fire insurance	75.00	
Matthew Bloom	Mileage	234.85	
Sheena Franklin	Mileage	100.10	
Ashley Glenn	Mileage	94.60	
Sharon Gray	Mileage	218.90	
Connie Stimpson	Mileage	65.28	
	Paint & supplies	103.86	169.14
Rebecca Moss	Mileage	210.10	
	Meals	32.34	242.44
Hampton Inn	Lodging		366.12
National Curriculum & Training Institute	Facilitator training	899.00	
	Training materials	964.00	1,863.00
William DeWindt	Batteries/software	870.25	
	Computer	1,167.19	2,037.44
Key Office Supply	OmniForm	36.95	

	Office supplies	1,289.53	
	Appointment book	10.69	1,337.17
Renee T. Maxey	Webcams		118.92
Virginia Correctional Enterprises	Binders & nameplate		21.57
Page Hardy	Cleaning service		420.00
SRP Corporation, LLC	Rent		2,383.00

ADDENDUM BILL LIST

LIABILITIES

Virginia Department of Taxation	State sales tax		2.37
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BOARD OF SUPERVISORS

Farmville Herald	Advertising		175.50
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COUNTY ADMINISTRATOR

Key Office Supply	Typewriter service contract	192.00	
	Copy paper	142.66	
	Paper	134.97	
	Data binders	33.95	503.58
Moonstar BBS	DSL		190.00
Business Data of Virginia, Inc.	Flash drive		39.95
Farmville Printing	Receipt book		79.20
Town of Farmville	Gas		58.56
Matthew Bender & Company, inc.	VA Code 09 RV4		54.50
Thompson Publishing Group	Handbook		438.50
Compro Computers	Computers		4,429.87

COMMISSIONER OF REVENUE

Key Office Supply	Copier service contract	205.00	
	Hanging file folders	63.90	268.90
Ntelos	Internet		20.44
Embarq	Phone		203.50
Business Data of Virginia, Inc.	Norton Anti-virus		49.99

ASSESSOR

Farmville Herald	Advertising		92.63
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TREASURER

Key Office Supply	Binders & clipboards		72.01
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INFORMATION TECHNOLOGY

Business Data of Virginia, Inc.	Travel expenses	250.00	
	Monthly contract	2,800.00	3,050.00
ComputerPlus Sales & Service	Maintenance contract		270.00

	<u>CIRCUIT COURT</u>		
Virginia Lawyers Weekly	Subscription		162.50
	<u>GENERAL DISTRICT COURT</u>		
FedEx	Shipping charge		9.94
	<u>SPECIAL MAGISTRATES</u>		
Virginia Magistrates Association	Dues		75.00
	<u>CLERK OF CIRCUIT COURT</u>		
Key Office Supply	Typewriter service contract		108.00
AT&T	Phone		144.22
VALECO	Dues		110.00
Virginia Court Clerk's Association	Dues		445.00
Kinex Networking Solutions	DSL		74.95
	<u>LAW LIBRARY</u>		
AT&T	Data line		34.54
LexisNexis	Online service		207.00
Matthew Bender & Company, Inc.	VA Code 09 RV4		54.50
	<u>VICTIM WITNESS ASSISTANCE PROGRAM</u>		
Embarq	Phone		77.59
Cindy Sams	Mileage		115.50
Key Office Supply	Pens		9.69
	<u>SHERIFF</u>		
Walmart	Dog food	63.94	
	Office supplies	51.56	
	Photo processing	44.50	160.00
MedTox Laboratories, Inc.	Drug testing		50.00
Commtronics of Virginia	Radio repair	513.00	
	Radio holder/earpiece	155.27	668.27
Burkeville Body Shop	Auto repairs		3,440.20
Davis Pontiac	Auto repairs		594.27
East End Motor Company, Inc.	Towing		65.00
Express Care	Oil changes (5)		284.04
Farmville Auto Parts	Battery		99.99
Third Street Wrecker Service	Towing		75.00
AT&T	Phone		517.74
Embarq	Phone		474.13
Embarq Communications, Inc.	Phone		33.66
US Cellular	Phone		856.92
Diamond Springs	Equipment rental & water		64.90
Farmville Printing	Log sheets		63.90
Key Office Supply	Folders/meeting book/keytag	14.37	
	Folders	38.99	53.36
Southern Police Equipment Company	Taser dataports (2)	149.95	
	Maglight	87.99	

	Maglights/pepperspray	276.88	
	Shoes	52.50	
	Uniforms	177.41	
	Gloves	16.99	
	Taser holsters	489.90	
	Badge	54.99	
	Speedloader case	55.23	1,361.84
Staples Business Advantage	Office supplies		400.47
Ellington Energy Service	Gas		34.67
Town of Farmville	Gas		6,443.25
Tri-County Ford-Mercury	Key rack		6.00
Evident Crime Scene Products	Evidence tags		112.00
Town Police Supply - Richmond	Ammunition		1,475.56
Quantum Graphics/Uniforms	Uniforms		199.10
Matthew Bender & Company, Inc.	VA Criminal & Traffic Law	672.45	
	VA Code 09 Supplement	336.40	1,008.85
USA Mobility Wireless, Inc.	Pager rental		82.68
Crossroads Ford of Virginia	09 Crown Victoria	24,361.65	
	09 Crown Victoria	22,636.60	46,998.25

FARMVILLE VOLUNTEER FIRE DEPARTMENT

Chesterfield Insurers	Accident/health insurance		3,266.00
Davis Pontiac	Inspection		16.00
Farmville Volunteer Fire Department	Truck payment	34,604.77	
	Phone	81.16	
	Internet	24.90	34,710.83
Fire & Safety Equipment Company	SCBA flow tests	1,843.91	
	SCBA cylinder test	18.51	1,862.42
RJA Fire Extinguisher	Refill extinguishers		135.35
Singer Associates Fire Equipment	Linear strobe	212.00	
	Bulb.mount/hose	380.04	592.04
Witmer Public Safety Group	Shield/boots/visor	2,371.41	
	Gloves	703.43	
	Boots	987.45	
	Field guides/notebooks	91.84	
	Collar pins	43.94	
	Radio straps	109.99	4,308.06

DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

Carpet House	Ceiling tiles		805.14
Farmville Auto Parts	Batteries		243.79
Fire & Safety Equipment Company	Cylinder inspection		29.50
Stellar One Bank	Loan payment		501.50
Southside Electric Cooperative	Electric service		414.28
Verizon	Phone		134.42
Watkins Insurance Agency	Accident insurance		1,998.00

HAMPDEN-SYDNEY VOLUNTEER FIRE DEPARTMENT

BB&T	Tanker truck payment		14,178.46
Fire & Safety Equipment Company	Recharge extinguishers		121.05

Foster Fuels	Propane	164.15
Pamplin Volunteer Fire Department	Fuel	350.70
Verizon	Phone	116.35
Dominion Virginia Power	Electric service	339.84

MEHERRIN VOLUNTEER FIRE DEPARTMENT

Chesterfield Insurers	Life/accident insurance	754.75
Parker Oil Company, Inc.	Gas	326.15
Public Safety Center, Inc.	Batteries	350.00
Safe Air Systems, Inc.	Serviced air compressor	593.62
Roy C. Jenkins, Inc.	Propane	620.70
	Diesel	445.71
	Water heater supplies	246.46
		1,312.87
Jack L. Slagle Fire Equipment	Suction straps	80.00
U.S. Cellular	Phone	149.76
Verizon	Phone	141.64
Dominion Virginia Power	Electric service	642.89
Watkins Insurance Agency	Insurance	2,995.00

EMERGENCY SERVICES

Timmons Group	GPS project	2,650.00
Earth Vector Systems, LLC	GPS rental	290.00
Korman Signs	Address markers	1,317.04

REGIONAL JAIL & DETENTION

Piedmont Regional Juvenile Detention Center	Juvenile detention	4,575.00
Piedmont Regional Jail	Inmate per diem	3,688.30

BUILDING OFFICIAL

Coy Leatherwood	Meeting registration	15.00
Town of Farmville	Gas	228.38

ANIMAL CONTROL

Lowe's	Entry latch balance due	0.09
	Paint	26.88
	Rail end/tension bands (2)	28.35
		55.32
Embarq	Phone	31.63
Town of Farmville	Gas	453.26
Farmville Auto Parts	Battery	99.99

MEDICAL EXAMINER

Treasurer of Virginia	Coroner	20.00
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BIOSOLIDS MONITORING

Town of Farmville	Gas	279.25
Newman Tire Company, Inc.	Tires	257.00

REFUSE DISPOSAL

Moore Scale Service-Western VA	Scale repairs	2,966.60
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East End Motor Company, Inc.	Truck inspection	51.00
Wright's Excavating	Landfill operation	42,187.50
Emanuel Tire of Virginia	Tire recycling	2,989.80
STEPS, Inc.	Recycling fee	2,154.84
Southside Electric Cooperative	Virso site	78.61
Dominion Virginia Power	Rice site	36.08
AT&T	Phone	72.61
Embarq	Phone	35.31
O. O. Stiff, Inc.	Monthly service	662.50
Town of Farmville	Gas	1,112.99
Newman Tire Company, Inc.	Tires	960.00

GENERAL PROPERTIES

Putney Mechanical Company, Inc.	Heat pump compressor	1,724.00
Dominion Virginia Power	Ag building	945.23
AT&T	Phone	34.53
Embarq	Line to hospital	7.97
	Phone	48.26
O. O. Stiff, Inc.	Monthly service	100.00
Aramark Uniform Services	Janitorial supplies	229.18
Lowe's	Cleaning supplies	104.07
	Electric covers & tape	28.69
	Sheetrock	6.98
	Steel rods/rope	45.02
	Utility knife blades	18.98
	Drywall tape & paste	81.77
	Safety glasses/masks	39.33
	Green T-posts	28.45
Cintas Corporation #524	Uniform rental	353.29
Town of Farmville	Gas	646.50
Farmville Auto Parts	Battery/transmission fluid	85.33
	Shock absorber/refrigerant	107.14
	Oil & filter	17.33
Newman Tire Company, Inc.	Mower flat repair	209.80
		6.75

CANNERY

Farmville Auto Parts	Potato peeler belts	22.68
Rod & Staff Welding	Aluminum tabletop	53.64
AT&T	Phone	49.67
Embarq	Phone	32.36
Lowe's	Air conditioner	187.52
	Returned merchandise	-8.42
		179.10

COMPREHENSIVE SERVICES ACT

Amanda Blackburn	Foster care	700.99
Business Card	Foster care	159.60
Centra Health	Professional services	44,750.10
Dominion Youth Services	Foster care	43.46
Juanita Fisher	Foster care	230.00
Ryan Frey	Foster care	448.00

Frances Gibbs	Foster care		304.84
Heartland Family Counsel	Professional services		2,200.00
Shirley Hicks	Foster care		525.00
Helton House, Inc.	Professional services		5,994.90
Kristy Howells	Foster care		896.00
Brittany Jones	Foster care		300.00
Dekeace Morton	Foster care		891.00
Joan Osborne	Foster care		560.00
Pickett Park Day Care	Foster care		391.00
Poplar Springs Hospital	Professional services		2,480.00
Presbyterian Home & Family Services	Professional services		2,883.00
I'Shawn Smith	Foster care		644.00
Stepping Stones Day Care	Foster care		509.04
Angela Uhrich	Foster care		4,512.00
Shantay Watson	Foster care		48.89
A. James Anderson, PhD	Foster care		1,800.00

PLANNING

Farmville Herald	Advertising		351.00
Jonathan Pickett	Mileage		312.84
Key Office Supply	DataTraveler	29.95	
	Disks	24.44	54.39

COMMUNITY DEVELOPMENT

Town of Farmville	09-10 Support		20,000.00
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ECONOMIC DEVELOPMENT

Compro Computers	Laptop		1,879.89
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DEBT SERVICE

Rural Development	Courthouse loan payment		16,626.00
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PUBLIC/PRIVATE EDUCATION ACT FUND

Randall C. Allen, PC	Legal service		2,053.50
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WATER FUND

Wiley & Wilson	Professional services		775.00
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SEWER FUND

Dominion Virginia Power	Sewer pump		29.21
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RETIREMENT BENEFIT FUND

Vicki K. Johns	Retiree benefit		959.00
Anthem BCBS	Retiree health insurance		880.00

PIEDMONT COURT SERVICES

Matthew Bloom	Mileage		347.60
Sheena Franklin	Mileage	201.30	
	Meals	40.58	241.88
Sharon Gray	Mileage		204.05

Connie Stimpson	Mileage		80.96
Renee T. Maxey	Mileage	69.85	
	Meal	9.95	79.80
Rebecca Moss	Mileage		95.15
William DeWindt	Setup remote access		175.00
Key Office Supply	Dry erase board		552.99

PCS SUPERVISION FEES EXPENDITURES

William DeWindt	Excel spreadsheet work		600.00
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PCS DRUG TESTING FEES

Kroll Laboratory	Drug testing		19.48
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In Re: Highway Matters

Mr. Alan Leatherwood, Resident Highway Engineer, said the repaving/rehabilitation project on Route 460 began on August 10, paid for by stimulus funds, and that tree cutting and trimming is ongoing on Route 360 and Route 460 eastbound. Mr. Leatherwood said three culverts are being replaced on Route 643 to fix the huge dips in the road.

Supervisor Jones said the work on the Rails to Trails extension to Pamplin looks very good, and asked when the work will begin from High Bridge to Burkeville. Mr. Leatherwood said he was unsure, and said that DCR requested VDOT do the work because of the good job that has been done so far.

Chairman Fore said the contractor did a good job of resurfacing on Route 628.

Supervisor Moore complimented VDOT on the repaving job done in Green Bay.

Supervisor Gilfillan said she has seen teens sitting on the ledges of the bridge over Little Buffalo Creek, and it is a safety issue.

In Re: VDOT Revenue Sharing Application

Chairman Fore said the deadline for the FY 10 Revenue Sharing Program is August 14, 2009. He said the Board has discussed applying for funding to relocate Route 628 for the purpose of moving traffic out of the School Complex and to facilitate economic development along the new corridor.

Chairman Fore said the estimated cost of the project is \$2.84 million, to include construction, engineering and right-of-way. The Revenue Sharing Program will pay for up to \$1.0 million of the project costs.

Discussion of the estimated costs and the process of the revenue sharing fund program followed.

Supervisor McKay made a motion to approve the Resolution Requesting Revenue Sharing Program Funds and to authorize the Board of Supervisors Chair and the County Administrator to sign all necessary documents; the motion carried:

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

Nay: Lacy B. Ward

**A RESOLUTION OF THE
BOARD OF SUPERVISORS OF THE COUNTY OF PRINCE EDWARD, VIRGINIA
REQUESTING REVENUE SHARING PROGRAM FUNDS**

At a regularly scheduled meeting of the Board of Supervisors of the County of Prince Edward, Virginia held at the Prince Edward County Courthouse, Board of Supervisors Room, Tuesday, August 11, 2009, at 7:00 p.m., on a motion by Supervisor McKay, the following resolution was adopted on the following vote:

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

Nay: Lacy B. Ward

Absent: None

WHEREAS, the Board of Supervisors of the County of Prince Edward desires to submit an application for an allocation of funds of up to \$1,000,000 through the Virginia Department of Transportation Fiscal Year 2010, Revenue Sharing Program; and

WHEREAS, \$1,000,000 of these funds are requested to fund the construction of approximately 0.83 miles of Route 628, from the intersection of U.S. 15 to approximately 0.83 miles east of Route 15;

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of the County of Prince Edward hereby supports this application for an allocation of \$1,000,000 through the Virginia Department of Transportation Revenue Sharing Program;

BE IT FURTHER RESOLVED, THAT the Board of Supervisors of the County of Prince Edward hereby grants authority for the County Administrator to execute project administration agreements for any approved revenue sharing projects.

In Re: Public Hearing – Rezoning Request for Prince Edward County IDA

Chairman Fore announced this was the date and time scheduled for a public hearing on the rezoning request for the Prince Edward County Industrial Development Authority, to rezone from A-2, Agricultural Residential, to C-1, General Commercial, approximately 95 acres located on the south side of Zion Hill Road, to the south east of the Prince Edward County Public Schools complex. Notice of this hearing was advertised according to law in the July 24, 2009 and July 31, 2009 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Jonathan Pickett, Director of Planning and Community Development, said the Prince Edward County Industrial Development Authority is requesting to rezone approximately 95 acres of a 120.3 acre tract located on the south side of Zion Hill Road (Route 628) to the southeast of the Public Schools complex from A-2, Agricultural Residential, to C-1, General Commercial. The purpose of this rezoning is to permit development of an inn and conference center on the property. Mr. Pickett said the Prince Edward County Planning Commission held a public hearing on July 21, 2009 and following the hearing recommended approval of the request with acceptance of the following proffers:

- Rezoned property be used only for hotel/motel/motor lodge use to include conference center and restaurant.
- Route 628 be relocated as part of the project in order to bypass the school complex.
- A bike lane be provided on the north side of the relocated portion of Route 628.

Mr. Pickett stated that staff recommends approval of this request with the exception of one proffered item. He said the Code of Virginia requires that offered proffers have a direct relation to the request in question, and staff does not interpret the bike lane as meeting this requirement and therefore should not and cannot be accepted.

Mr. Pickett said citizen concerns related to the cost of the land, environmental concerns, and the existing Route 628, and added that it was unknown if the existing Route 628 would be dead-ended, closed at the bus garage or closed to the apartments.

Chairman Fore opened the public hearing.

Kenneth Jackson, Leigh District, expressed his concern that the land is being sold below value, and that the Planning Commission was asked by the citizens to have the property reappraised. He said the investors are still not known, and the proposal is not a “done deal.” He added that the citizens will go over the Board’s heads to the state representatives.

Catherine White, Poplar Hills, said she was grateful that Mr. Pickett went to her apartment complex to address the concerns of the residents, but said the residents still have concerns about the rezoning without first having an impact study done.

Dennis Creran, Farmville, said if the zoning is changed and the developer does not build the conference center as planned, the property may be sold to another developer, since the land will be zoned “commercial.” He added the width of the proposed road may be a concern due to the volume of people attending conventions.

Kim Schmidt said she lives on Route 628 and is concerned that the road may be closed. She asked that the Board consider keeping it open for safety issues for the school as well as for access for the residents.

Chairman Fore said the Route 628 closure does not mean the road will be closed; Alternate Route 628 would provide access to Route 15. Discussion followed.

Mr. Pickett said the property had been a quarry in the 1930s and 1940s, and was not a natural aquifer. He said public water and sewer facilities would be used for the proposed hotel and conference center.

Being no one else wishing to speak, Chairman Fore closed the public hearing.

A brief discussion on the benefits to leaving the current Route 628 open followed.

Mr. Pickett said the developer will do exhaustive environmental impact studies with the Army Corps of Engineers, Marine Resource Commission and Department of Conservation and Recreation. The County will request a copy of the study from each agency and from the developer for public record.

Mr. Robert Fowler, the developer, said the preliminary wetlands determination study has been completed so the hotel will not impact the wetlands. Environmental scientists will do further study, and DCR and the Army Corps of Engineers will walk the property and affirm the flaggings where wetlands are located and to satisfy any impact. He added continual monitoring will be done by environmental scientists.

Mr. Bartlett said the studies will be done and public hearings will be held.

Supervisor Gilfillan asked for clarification about a citizen's comment that the property may be sold and developed by another developer. Mr. Pickett said one of the stipulations is that the zoning is for this particular hotel and any other commercial entity would have to come before the Board for conditional zoning for that project. He added that property owners were notified by certified letters.

Discussion followed on "spot zoning" and the value of the land. Mr. Bartlett said the appraiser had reported the 22-acre parcel was appraised at \$15,000 per acre because it is flat, easy to develop, and has road-frontage. He said the rest of the land was appraised at approximately \$4,000 per acre because it has a much rougher topography and it is farther from Route 628. Mr. Bartlett added if the developer does not move forward with the project, the County will still benefit from the increase in tax revenue and the construction of the road, which has been a concern for a number of years.

Discussion followed about proffers and the appraisal of the land.

Supervisor Jones made a motion to approve the rezoning request of approximately 95 acres located on the south side of Zion Hill Road (Route 628) to the southeast of the Public Schools complex from A-2 (Agricultural Residential) to C-1 (General Commercial) to permit development of an inn and conference center on the property, with the following proffers: that the rezoned property be used only for hotel/motel/motor lodge use to include conference center and restaurant, and that Route 628 be relocated as part of the project in order to bypass the school complex; the motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Mattie P. Wiley	Nay:	Lacy B. Ward
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In Re: Tobacco Commission Grant – Route 628

Mrs. Sharon L. Carney, Director of Economic Development and Tourism, said that in 2009, the Virginia Tobacco Commission established a Reserve Fund Program with the objective of utilizing Commission funding to leverage non-Commission grant funds for accomplishing economic revitalization.

Eligible projects are limited to fund non-commission grants that require a match, not to exceed fifty percent of project cost. This new Reserve Fund Program can be used as the matching funds to a VDOT Revenue Sharing Grant application.

Mrs. Carney said the estimated cost for the construction, engineering and acquisition of right-of-way of the new alternate Route 628 is \$2.84 million. The VDOT Revenue Sharing Grant will pay up to a maximum of \$1 million. The Tobacco Commission grant will pay 50% of the authorized cost of the road project, which would be an estimated \$1.42 million. The remaining balance of the estimated road cost of \$420,000 would be the responsibility of the developer and/or the County.

Discussion followed on the anticipated authorized cost of the new Route 628 and potential financing.

Supervisor Gilfillan made a motion to authorize the submission of a Tobacco Commission Reserve Fund grant application for the construction of the new Route 628 in the amount of \$1,420,000 through the adoption of the Resolution of Project Endorsement, and to authorize the County Administrator to sign any and all documents associated with the grant application; the motion carried:

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

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

**VIRGINIA TOBACCO INDEMNIFICATION AND COMMUNITY
REVITALIZATION COMMISSION
PROJECT ENDORSEMENT RESOLUTION**

WHEREAS, the Virginia Tobacco Indemnification and Community Revitalization Commission was created to help foster economic development in the tobacco dependent communities of Southside and Southeast Virginia; and

WHEREAS, the County of Prince Edward Board of Supervisors would like to submit a grant application for \$1,420,000 to the Reserve Fund of the Virginia Tobacco Indemnification and Community Revitalization Commission as matching funds for a

Virginia Department of Transportation Revenue Sharing Highway Funds grant in the amount of \$1,000,000; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Prince Edward, Virginia, does hereby support a grant application to the Virginia Tobacco Indemnification and Community Revitalization Commission for the construction of an alternate Route 628 road providing highway access for potential economic development growth and a method to move traffic away from the congested area of the Prince Edward County School campus; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Prince Edward, Virginia does hereby authorize the Board of Supervisors Chairman and County Administrator to sign all necessary grant documents to execute the application, grant reports and grant contract.

In Re: STEPS Tobacco Commission Grant

Mrs. Carney said Prince Edward County has been asked by STEPS, Incorporated to partner with their organization to apply for an Economic Development Tobacco Commission Grant in the amount of \$145,848, for building improvements to their facility in Farmville at the Old Craddock Terry Building. The building will be updated with new doors, HVAC, roof and other improvements to enable STEPS to start up a Secure Document Destruction business. The \$145,848 is the amount of the County's annual allocation by the Tobacco Commission Economic Development grants as of June 2009. Mrs. Carney said the new business will provide sixteen new jobs and over \$800,000 in investment at the Farmville facility. In addition to the proposed Tobacco Commission funds, \$300,000 has been applied for through a Fiscal Year 2010 Appropriation Request by Congressman Perriello's office. The remaining \$345,152 will be provided from other potential grand funding sources, annual financial support by the six counties that STEPS currently receives financial funding from or financial alternatives to be repaid from STEPS business operations.

Supervisor Moore made a motion to adopt the Resolution of Project Endorsement to approve the request by STEPS, Inc. for the County to apply for an Economic Development Tobacco Commission Grant in the amount of \$145,848 for improvements to the old Craddock Terry Building, and to authorize the County Administrator to sign any and all documents associated with the grant application and grant agreement with the Tobacco Commission; 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: Floodplain Ordinance

Mr. Pickett said the County recently received new floodplain maps, the first update since 1977. He said due to the map revisions, the county will need to amend the existing county floodplain ordinance to take into account new federal language as well as to incorporate the new map effective dates into the ordinance. He said the draft represents a substantial rewrite of the ordinance and has been approved by the state.

Supervisor Wiley made a motion to authorize advertisement of a public hearing to be held on the proposed amendments to the County Floodplain Ordinance during the September 8, 2009 Board of Supervisors meeting; 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

Article D. Floodplain Districts

Division I General Provisions

Section 54-31. Purpose.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 54-32. Applicability

This article applies to all unincorporated lands within Prince Edward County and identified as being in the 100-year floodplain by the Federal Insurance Administration.

Section 54-33. Compliance Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- B. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
- C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Officer.
- D. This article shall not create liability on the part of Prince Edward County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 54-34. Abrogation and Greater Restrictions

This article supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this article.

Section 54-35 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this article are hereby declared to be severable.

Section 54.36 Penalty for Violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of Prince Edward County shall be guilty of a misdemeanor and subject to the penalties therefore.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Prince Edward County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

Division II Definitions

Section 54.56

- A. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- B. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this article.
- E. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- F. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- G. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- H. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and

either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

- I. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Flood or flooding -
 - 1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
 - 3. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- K. Flood Insurance Rate Map (FIRM) – an official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
- L. Flood Insurance Study (FIS) – an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- N. Floodproofing – any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- O. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- P. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- Q. Highest Adjacent Grade – the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

- R. Historic structure - Any structure that is
1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.
- S. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- T. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- U. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- V. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after September 1, 1978, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- W. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- X. Recreational vehicle - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,

4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- Y. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this article.
- Z. Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- AA. Structure – for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- Structure*, for insurance rating purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
- BB. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- CC. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
- DD. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- EE. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Division III Establishment of Districts

Section 54-76 Basis of Districts

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for Prince Edward County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated October 2, 2009, as amended.

The Floodway District is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.

The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.

Section 54-77 Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Floodplain Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Section 54-78 Official Floodplain Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this article and which shall be kept on file at the Prince Edward County Planning office.

Section 54-79 District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by Prince Edward County where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Section 54-80 Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 54-81 Submitted Technical Data

A community's base flood elevation may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

Division IV District Provisions

Section 54-96 Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the article and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and Prince Edward County's Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Alteration or Relocation of a Watercourse

Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint

permit application is available from any one of these organizations). Further notification of the proposal shall be given to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

C. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

Section 54-97 General Standards

In all special flood hazard areas the following provisions shall apply:

- A. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- K. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.
- L. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 54-98 Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Article 4, section 4.4 (A), the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than 1 foot above the base flood elevation.

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than 1 foot above the base flood elevation. Buildings located in all A, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

C. Elevated Buildings

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

3. in the Coastal High Hazard District, follow the standards for elevation outlined in Article 4, Section 4.9.
4. include, in Zones A, AO, and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 (A) and (B), and section 4.3 (A).
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has **not** incurred substantial damage as the result of a flood shall be elevated so that either
 - a. the lowest floor of the manufactured home is elevated no lower than 1 foot above the base flood elevation; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
 - c. and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
3. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect

type utilities and security devices and has no permanently attached additions); or,

- c. meet all the requirements for manufactured homes in Article 4, section 4.3 (D).

Section 54-100 Standards for the Floodway District

The following provisions shall apply within the Floodway District:

- A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with Prince Edward County’s endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

- B. If Article 4, Section 4.6 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
- C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

Section 54-102 Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within Prince Edward County.

Development activities in Zones A, AE, and AH, on Prince Edward County’s Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with Prince Edward County’s endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Section 54-104 Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by

professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Department of Planning and Community Development.

When such base flood elevation data is utilized, the lowest floor shall be 1 foot above the base flood elevation. During the permitting process, the applicant shall obtain:

- 1) the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- 2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation to which the structure has been flood-proofed.

Section 54-108 Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

DIVISION V - VARIANCES: FACTORS TO BE CONSIDERED

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The showing of good and sufficient cause.
- B. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- C. The danger that materials may be swept on to other lands or downstream to the injury of others.
- D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- F. The importance of the services provided by the proposed facility to the community.
- G. The requirements of the facility for a waterfront location.

- H. The availability of alternative locations not subject to flooding for the proposed use.
- I. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- K. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- L. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- N. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variations shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variations shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variations. Any variations that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

DIVISION VI – EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

In Re: Public Participation Process

Chairman Fore said that at the July 2009 Board meeting, Supervisor Gilfillan asked the Board to consider establishing a process to manage the questions asked by citizens during Public Participation. County staff submitted an inquiry to the Virginia Institute of Government to see what solutions other counties have developed. Chairman Fore said not many counties have a system or procedure whereby they get back to the citizens directly, but Prince Edward County wishes to have such a procedure. Supervisors Gilfillan, McKay and Wiley volunteered to serve on the Public Participation Procedure Committee. Supervisor Gilfillan said a major concern is that when errors of fact are made, the Board and staff need to be able to correct them immediately.

In Re: County Administrator's Report

Mr. Bartlett said the annual VACo meeting and the Veteran's Day holiday coincide with the date of the regular Board of Supervisors meeting, and asked that the Board consider setting the November Board meeting date for Tuesday, November 17, 2009.

Supervisor Moore made a motion to approve the change in Board of Supervisors meeting date from November 10, 2009 to November 17, 2009. 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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Mr. Bartlett said DigitalBridge Communications has requested a letter of support from Prince Edward County for their application for a Federal Wireless Broadband Grant to provide wireless service to the County of Prince Edward. Mr. Bartlett said there is significant stimulus funding for this project; the County is not liable for the build-out, and there is no commitment of County funds.

Supervisor Simpson made a motion to authorize the Letter of Support for the Federal Wireless Broadband Grant; 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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Mr. Bartlett then said the Town of Farmville is requesting a donation from the County of the youth football equipment. He said there had been an issue with how the league operated in the past, and that there were no requirements that all children could participate.

Supervisor Ward said his understanding was that the donation from the County to the YMCA was because the YMCA ran the football program. Mr. Bartlett said the YMCA received funding for other expanded programs. Further discussion followed.

Supervisor Jones made a motion to donate the youth football equipment to the Town of Farmville.

Supervisor Ward made a substitute motion to delay the vote until the September issue to permit time to look into the issue further.

After further discussion, Supervisor Ward withdrew the substitute motion.

Supervisor Jones restated his original motion to give first option of the youth football equipment to the public schools; if the public schools decline the equipment, the youth football equipment will be donated to the Town of Farmville. 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	Nay: Mattie P. Wiley
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Chairman Fore instructed the County Administrator to contact the Prince Edward County Public Schools regarding the donation of the youth football equipment.

In Re: Amendment to the Water & Sewer Agreement

Mr. Bartlett stated the Town of Farmville agreed to an \$18,000 reduction in the second installment payment as had been set forth in the Water and Sewer Agreement dated November 19, 2008. He said the amount of the installment will be \$1,232,000.

Supervisor Jones made a motion to authorize the pre-payment to the Town of Farmville at the reduced rate of \$1,232,000 and to authorize the Chairman to sign the Amendment to the Water & Sewer Agreement; 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: VA Dam Safety Regulations -- Dam Break Inundation Zone Mapping

Mr. Pickett said Prince Edward County has an opportunity to request \$5,000 in grant funds from the Virginia Dam Safety, Flood Prevention & Protection Assistance Fund to complete a Dam Break Inundation Zone Analysis and Mapping project for Prince Edward County's High Hazard Dam: the Sandy River Reservoir, Bush River #12. He said the mapping is required by Virginia Dam Safety Regulations as a component of the County's Operation & Maintenance Certificate Renewal application, due March 2010.

Mr. Pickett said the total cost for the Dam Break Inundation Zone Mapping is estimated at \$28,000. The County is responsible for 100% of the cost, but the grant funding will offset a portion of the cost. The maximum project award is \$5,000, which is being requested. Prince Edward County will provide the \$23,000 match until the grant award is received.

Supervisor Moore made a motion to authorize the grant application and approve the Resolution Regarding Virginia Dam Safety, Flood Protection and Protection Assistance Fund Grant, and to authorize the County Administrator to sign all necessary grant documents; the motion carried:

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

Nay: None

Absent: Sally W. Gilfillan

In Re: Personnel Committee Report

Mr. Bartlett said the Personnel Committee comprising Supervisors Simpson, Gilfillan, Moore and Wiley met on August 11, 2009 to review requests from Constitutional Officers. The Committee made a recommendation to authorize the Commonwealth's Attorney to advertise and fill the vacancy in his office caused by a death of an employee.

Supervisor Moore made a motion to authorize the Commonwealth's Attorney to advertise and fill the vacancy in his office caused by a death of an employee; 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

Mr. Bartlett then said the Personnel Committee recommended the Board authorize the Committee to initiate an in-house review of the County's Compensation and Classification Plan and bring recommendations to the Board of Supervisors, as the current plan was implemented in January 2006.

In Re: Closed Session

Supervisor McKay made a motion that the Board convene in Closed Session for consultation with legal counsel for the purpose of discussing pending litigation, 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

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

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

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

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

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 July 2009, which was reviewed and ordered to be filed with the Board papers.

In Re: Building Official's Report

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

In Re: Cannery

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

In Re: Financial Report from Prince Edward County Schools

Dr. Patricia Watkins, School Superintendent, submitted a financial summary report for the month of July 2009, which was reviewed and ordered to be filed with the Board papers.

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

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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the meeting was adjourned at 10:05 p.m.