

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on May 18, 2010.

Present: David M. Guill, Chairman
Nancy R. Carwile, Vice-Chairman
Gary D. Walker
Joseph E. Carey, Sr.
Garland H. Hamlett, Jr.
Robert L. Shook, Jr.
Haywood J. Hamlet

Chairman Guill called the meeting to order.

Haywood J. Hamlet gave the invocation.

Motion was made by Haywood J. Hamlet, seconded by Robert L. Shook, Jr. and carried with all members present and voting yes to approve the agenda as amended to include a closed session regarding personnel.

Motion was made by Nancy R. Carwile, seconded by Joseph E. Carey, Sr. and carried with all members present and voting yes to approve the minutes of April 18, 2010 as presented.

Motion was made by Nancy R. Carwile, seconded by Joseph E. Carey, Sr. and carried with all members present and voting yes to approve the minutes of April 28, 2010 as presented.

Motion was made by Gary D. Walker, seconded by Robert L. Shook, Jr. to adopt the following Resolution honoring Dr. Wayland Dunn for 50 years of service;

Whereas, Dr. J. Wayland Dunn received his medical degree from the Medical College of Virginia in 1957 and moved to Charlotte County in 1960; and

Whereas, Dr. J. Wayland Dunn has been practicing medicine in Charlotte County for 50 years; and

Whereas, Dr. J. Wayland Dunn was elected Mayor of the Town of Charlotte Court House in 1972 and served as its Mayor until 1982; and

Whereas, Dr. J. Wayland Dunn served for six (6) years on the Charlotte County Board of Supervisors representing the County Seat District from 1982 to 1987 and as Chairman during four (4) years of his tenure; and

Whereas, Dr. J. Wayland Dunn was elected to the Town Council of Charlotte Court House in 2002 and continues to serve in that capacity; and

Whereas, Dr. J. Wayland Dunn has been the Medical Examiner for Charlotte County for over 30 years; and

Whereas, Dr. J. Wayland Dunn is currently employed as Staff Physician at Britthaven Nursing Home and the Charlotte County jail; and

Whereas, Dr. J. Wayland Dunn is dedicated to his community and has served on many local State Boards and committees including the State Board of Mental Health, the School Board Search Committee and is a Charter Member of the Charlotte County Rescue Squad in addition to receiving the 2005 Hometown Leader award; and

Whereas, Dr. J. Wayland Dunn has proven to be a very competent physician providing quality medical care to his patients for 53 years

Now, Therefore, Be It Resolved, that the Charlotte County Board of Supervisors expresses its sincere appreciation to Dr. J. Wayland Dunn for his continued service and dedication to Charlotte County.

Roll call vote as follows: Gary D. Walker-Aye; Robert L. Shook-Aye; Haywood J. Hamlet-Aye; Joseph E. Carey, Sr.-Aye; Nancy R. Carwile-Aye; David M. Guill-Aye.

Motion was made by Joseph E. Carey, Sr., seconded by Garland H. Hamlett, Jr. to write a Letter of Support for Prince Edward Counties' Tobacco Indemnification Commission grant application regarding the Granite Falls Hotel and Conference Center

Roll call vote as follows: Joseph E. Carey, Sr.-Aye; Garland H. Hamlett, Jr.-Aye; Haywood J. Hamlet-Abstain; Gary D. Walker-No; Robert L. Shook-Aye; Nancy R. Carwile-Aye; David M. Guill-Aye.

Motion was made by Joseph E. Carey, Sr., seconded by Nancy R. Carwile and carried with all members present and voting yes to table the request from Kinex Telecom to the June meeting of the Charlotte County Board of Supervisors. The Board further ordered to request Jim Garrett to attend the meeting and address his request.

Motion was made by Garland H. Hamlett, Jr., seconded by Nancy R. Carwile and carried with all members present and voting yes to adopt a resolution approving the Assignment of a Cable Television Franchise to Shentel Cable Company;

WHEREAS, JetBroadband VA, LLC ("Franchisee") owns, operates, and maintains a cable television system ("System") serving Charlotte County, VA (the "Franchise Authority"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, on April 16, 2010, JetBroadband VA, LLC entered into an Asset Purchase Agreement (the "Agreement") with Shentel Cable Company ("Shentel") in which, among other things, the Franchisee proposes to sell and assign to Shentel certain of the assets, including the Franchise, used by Franchisee in the operation of the System (the "Transaction"); and

WHEREAS, Franchisee and Shentel have requested the consent of the Franchise Authority for the assignment of the Franchise in accordance with the requirements of the Franchise and applicable law and have filed with the Franchise Authority a franchise assignment application on FCC Form 394 that includes relevant information concerning the Transaction and the legal, technical and financial qualifications of Shentel (collectively, the "Application"); and

WHEREAS, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of Shentel, followed all required procedures to consider and act upon the Application and considered the comments of all interested parties; and

WHEREAS, the Franchise Authority believes that it is in the interest of the community to approve the Application and the assignment of the Franchise and the System to Shentel, as described in the Application.

NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1: The Franchise Authority hereby approves the Application and consents to the assignment of the Franchise and System to Shentel; all in accordance with the terms of the Franchise and applicable law.

SECTION 2: The Franchise Authority confirms that (a) the Franchise was properly granted or assigned to Franchisee and is in full force and effect, (b) the Franchise represents the entire understanding of the parties and the Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise; and (c) the Franchise is materially in compliance with the provisions of the Franchise and applicable law, and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a default or breach

under the Franchise or would allow the Franchise Authority to cancel or terminate the rights of the Franchise thereunder.

SECTION 3: The Franchise Authority hereby consents to and approves (a) the pledge or grant of a security interest to, or the exercise of associated remedies by, any lender(s) of Shentel or its affiliates in Shentel's assets, including, but not limited to, the Franchise, or of interests in Shentel, for purposes of securing any indebtedness; and (b) the assignment or transfer of Shentel's assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Shentel.

SECTION 4: The Franchise Authority's approval of the Application and its consent to the assignment of the Franchise to Shentel shall be effective immediately, and Shentel shall notify the Franchise Authority upon the Closing Date.

SECTION 5: The Franchise Authority releases the Franchisee, effective upon the Closing Date, from all obligations and liabilities under the Franchise and applicable law that accrue on and after the Closing Date; provided that Shentel shall be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

SECTION 6: This Resolution shall have the force of a continuing agreement with Franchisee and Shentel, and the Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of the Franchisee and Shentel.

Motion was made by Nancy R. Carwile, seconded by Garland H. Hamlett, Jr. and carried with all members present and voting yes to accept the recommendation from Virginia's Retreat to add the Central High Museum as the County's new Civil Rights in Education Heritage Trail site.

Motion was made by Garland H. Hamlett, Jr., seconded by Robert L. Shook, Jr. to adopt the following resolution in support of a Rural Development Grant Application submitted by the Charlotte County Sheriff's Department:

The Charlotte County Board of Supervisors, consisting of seven (7) members, in a duly called meeting held on the 18th day of May, 2010 at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government) in the development of police vehicles purchases to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Charlotte County Board of Supervisors be authorized to execute on behalf of the Charlotte County Sheriff's Department, the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

Roll call vote as follows: Garland H. Hamlett, Jr.-Aye; Robert L. Shook, Jr.-Aye; Joseph E. Cary, Sr.-Aye; Gary D. Walker-Aye; Haywood J. Hamlet-Aye; Nancy R. Carwile-Aye; David M. Guill-Aye.

Motion was made by Haywood J. Hamlet, seconded by Garland H. Hamlett, Jr. and carried with all members present and voting yes to schedule a Public Hearing date for Tuesday, June 15, 2010 at 4:05 p.m. regarding the Rural Development grant application submitted by the Charlotte County Sheriff's Department.

Motion was made by Garland H. Hamlett, Jr., seconded by Nancy R. Carwile and carried with all members present and voting yes to approve staff to sign Memo of Understanding for Pictometry Project.

Motion was made by Joseph E. Carey, Sr., seconded by Garland H. Hamlett, Jr. and carried with Gary D. Walker absent and all other members present and voting yes to pay coyote claims for William T. Mason, Jason Ramsey, John Adams, William H. Green, Sr., Clyde H. Toms, and Gary Milton.

Motion was made by Joseph E. Carey, Sr., seconded by Nancy R. Carwile and carried with Gary D. Walker absent and all other members present and voting yes to approve payment of the invoices as presented.

Motion was made by Joseph E. Carey, Sr., seconded by Garland H. Hamlett, Jr. to make the following appropriations:

80,000.00 to-10-4204-5625-Southside Regional Public Service Authority
Contribution- Legal Fees

703.01 to – 10-3203-5618-EMS-4 Life Funds (11,970.01 received but
(11,267.00 budgeted) Requesting Difference.

Roll call vote as follows: Joseph E. Carey, Sr.-Aye; Garland H. Hamlett, Jr.-Aye; Gary D. Walker-Absent; Haywood J. Hamlet-Aye; Robert L. Shook, Jr.-Aye; Nancy R. Carwile-Aye; David M. Guill-Aye.

Pursuant to Code Section 2.1-344, motion was made by Haywood J. Hamlet, seconded by Robert L. Shook, Jr. and carried with Gary D. Walker absent and all other members' present and voting yes, to enter Closed Session to discuss personnel.

Motion was made by Nancy R. Carwile, seconded by Joseph E. Carey, Sr. and carried with Gary D. Walker Absent and all other members present and voting yes to return to open session and adopt the following resolution:

WHEREAS, the Board of Supervisors of Charlotte County, "Board", convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act.

WHEREAS, Section 2.2-3712 of the Code of Virginia, 1950, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board 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 Board.

The meeting was recessed in order to conduct a Public Hearing on the Conversion of Tax Year Ordinance.

After due notice was given the Charlotte County Board of Supervisors held a public hearing. The purpose of this hearing was to consider adoption of Conversion of Tax Year Ordinance Resolution.

There being no comment the public hearing was adjourned.

The Board of Supervisors meeting was reconvened.

Motion was made by Nancy R. Carwile, seconded by Robert L. Shook, Jr. to adopt the Conversion of Tax Year Ordinance as presented.

RESOLVED: The Ordinance shown below is hereby adopted, with an effective date of January 1, 2011.

1. The time for filing annual returns of business personal property, machinery and tools and merchants' capital shall be August 1 of each year.
2. All local taxes shall be paid in two equal installments, the first of which shall be due on December 5, and the second of which shall be due on June 5, of each tax year.
3. If the required tax is not paid by the due date thereof, on the first day after the due date thereof there shall automatically be applied a penalty equal to 10% of the tax due.
4. If any of the required returns are not filed, and the tax paid, by the due date thereof, on the first day after the due date thereof interest shall accrue on the total amount owed at the rate of 10% per annum.
5. Pursuant to the authority of Virginia Code Section 58.1-3518.1, there is hereby adopted the following method of filing returns for motor vehicles, trailers and boats:
 - a. The method of filing personal property tax returns for motor vehicles and trailers shall be determined from the records of the Virginia Department of Motor Vehicles.
 - b. The method of filing personal property tax returns for boats shall be determined from the records of the Virginia Game and Inland Fisheries.
 - c. The owner of any such motor vehicle, trailer or boat, shall file a new personal property tax return whenever there is:
 - (i) a change in the name or address of the person or persons owning taxable personal property;
 - (ii) a change in the situs of personal property;
 - (iii) any other change affecting the assessment or levy of the personal property tax on motor vehicles, trailers or boats for which a tax return has been filed previously; or
 - (iv) any change in which a person acquires one or more motor vehicles, trailers or boats and for which no personal property tax return has been filed.
 - d. Each taxpayer shall file an annual return of business personal property, machinery and tools and merchants capital, and as provided above such returns shall be filed on or before August 1 of each year.

EFFECTIVE DATE: January 1, 2011

Roll Call Vote as Follows: Nancy R. Carwile-Aye; Robert L. Shook-Aye; Gary D. Walker-Absent; Joseph E. Carey, Sr.-Aye; Garland H. Hamlett, Jr.-Aye; Haywood J. Hamlet-Aye; David M. Guill-No.

The meeting was adjourned to June 15, 2010.