

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on August 19, 2008.

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

Chairman Hamlett called the meeting to order.  
David M. Guill gave the invocation.

Motion was made by Joseph E. Carey Sr., seconded by Nancy R. Carwile and carried with Ashley L. Myers absent and all other members present and voting yes to approve the agenda as presented.

Motion was made by Nancy R. Carwile, seconded by Haywood J. Hamlet and carried with Ashley L. Myers absent and all other members present and voting yes, to approve the minutes as presented.

Motion was made by Nancy R. Carwile, seconded by Joseph E. Carey Sr. to adopt the Drought Disaster Relief resolution as presented.

WHEREAS, the drought conditions in the County of Charlotte have severely affected farmers; and

WHEREAS, during the 2008 growing season the County of Charlotte has received significantly less rain than normal while experiencing unseasonably high temperatures; and

WHEREAS, Virginia Cooperative Extension has reported that as of August 19, yield loss **estimates** for pasture and grazing land stands at 75%, hay loss at 30%, corn at 75%, soybeans at 50% and tobacco (both irrigated and non-irrigated, all types) at 30%; and

WHEREAS, significant quality loss has occurred on all forage crops, row crops and tobacco and reductions in milk and beef production have been incurred; and

WHEREAS, the potential loss in production and quality could cost Charlotte County farmers over 4 million dollars, and

WHEREAS, it is incumbent upon the Board of Supervisors of the County of Charlotte to request the Governor declare Charlotte County as a state of emergency with Federal drought relief to local farmers.

BE IT THEREFORE RESOLVED by the Board of Supervisors to adopt the aforementioned resolution and forward said petition to the Governor requesting a state of emergency for Charlotte County and request Federal drought relief to local farmers.

Roll Call Vote as Follows: Nancy R. Carwile-Aye; Joseph E. Carey Sr.-Aye; Haywood J. Hamlet-Aye; Gary D. Walker-Aye; David M. Guill-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by Gary D. Walker, seconded by Nancy R. Carwile to adopt the Virginia Retirement System resolution as presented.

WHEREAS, the CHARLOTTE COUNTY provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keep track of such picked up member contributions, and treats such contributions as employee contributions for all purposes or VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the CHARLOTTE COUNTY desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after August, the 19<sup>th</sup>, 2008 shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the CHARLOTTE COUNTY in lieu of member contributions; and it is further

RESOLVED the pick-up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the CHARLOTTE COUNTY under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the CHARLOTTE COUNTY directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the CHARLOTTE COUNTY shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the CHARLOTTE COUNTY on behalf of such employee pursuant to the foregoing resolutions.

Adopted in CHARLOTTE COURT HOUSE, VIRGINIA this 19<sup>th</sup> day of August, 2008.

Roll Call Vote as Follows: Gary D. Walker-Aye; Nancy R. Carwile-Aye; Haywood J. Hamlet-Aye; David M. Guill-Aye; Joseph E. Carey Sr.-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by Nancy R. Carwile, seconded by David M. Guill to adopt the State Aid Reduction resolution as presented.

**WHEREAS**, the General Assembly chose to respond to shrinking revenue growth by shifting to local governments the responsibility for reducing \$100 million of core services; and

**WHEREAS**, the Governor signed into law this \$100 million appropriation reduction for local governments in the 2008-2010 biennium without identifying the programs to be reduced; and

**WHEREAS**, these reductions are in addition to those made by the General Assembly and approved by the Governor affecting law enforcement, elementary and secondary education, profits from the Alcoholic Beverage Control Enterprise Fund and distributions of wine liter tax collections, constitutional offices, the upgrade of wastewater treatment facilities in conformance with water quality standards and goals, and farmland preservation to name but a few; and

**WHEREAS**, the \$100 million reduction will likely be carried forward into future biennia forcing city and county governments to choose between raising taxes or reducing services.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Charlotte County, Virginia, does hereby support the recording of this payment to the Commonwealth in the amount of \$104,159 as an intergovernmental revenue reduction from the Commonwealth as Local Aid to the Commonwealth; and

**BE IT FURTHER RESOLVED THAT** this recording on all financial records shall be shared with the delegation, the Governor, and local news media so that citizens understand the decisions made by this governing body in response to the Commonwealth's choice to delegate their constitutional obligation to local governments, and that the County Administrator is directed to forward the prescribed transmittal letter and payment to the Commonwealth to fulfill this obligation.

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

Motion was made by Haywood J. Hamlet, seconded by Joseph E. Carey Sr. to adopt the following VDOT resolution for Route 649 (Coles Ferry Road) temporary closure.

At a regular meeting of the Board of Supervisors of Charlotte County held on August 19, 2008 the following was resolved.

**WHEREAS**, Route 649 (Coles Ferry Road), between Route 619 (Cub Creek Church Road) and Route 678 (Ridgeway Road), is in need of a large mainline pipe replacement;

**WHEREAS**, in order to make this replacement, it will be necessary to close this portion of Route 649 (Coles Ferry Road) to through traffic for a period of approximately two weeks;

**NOW, THEREFORE, BE IT RESOLVED:** That the Board of Supervisors of Charlotte County concurs with the Department of Transportation to temporarily close Route 649 (Coles Ferry Road) to accomplish the proposed work. The Department of Transportation will provide adequate signs for the closure and detour of Route 649 (Coles Ferry Road) along Route 619 (Cub Creek Church Road), Route 619 (Aspen Wall Road), and Route 678 (Ridgeway Road) during this period and;

**BE IT FURTHER RESOLVED:** That a copy of this Resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation, Halifax Residency.

Roll Call Vote as Follows: Haywood J. Hamlet-Aye; Joseph E. Carey Sr.-Aye; Nancy R. Carwile-Aye; Gary D. Walker-Aye; David M. Guill-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by Gary D. Walker, seconded by Nancy R. Carwile and carried with Ashley L. Myers absent and all other members present and voting yes to pay the coyote claim for Robert Whitehead.

Motion was made by Joseph E. Carey, Sr., seconded by David M. Guill and carried with Ashley L. Myers absent and all other members present and voting yes to authorize Russell B. Clark to accept the Crossroad Community Services Board Agreement for F/Y 2009.

Motion was made by David M. Guill, seconded by Haywood J. Hamlet and carried with Ashley L. Myers absent and all other members present and voting yes to refund Robert and Cynthia Foley's building permit fee in the amount of \$879.12.

Motion was made by Nancy R. Carwile, seconded by Joseph E. Carey Sr. and carried with Ashley L. Myers absent and all other members present and voting yes to co-host a reception cost not to exceed \$200.00 with the Museum Board to present six restored portraits at the Court House.

Motion was made by Gary D. Walker, seconded by David M. Guill and carried with Ashley L. Myers absent and all other members present and voting yes to authorize the Treasurer's request to refund 2007 Personal Property Taxes to Kirby, Amy Jo & Paul Frank, Louis Earl Lee, and Billy Allen Webber.

Motion was made by Joseph E. Carey, Sr., seconded by Nancy R. Carwile to appropriate \$2,756.25 for burial expense of an unclaimed individual.

Roll Call Vote as Follows: Joseph E. Carey Sr.-Aye; Nancy R. Carwile-Aye; Haywood J. Hamlet-Aye; Gary D. Walker-Aye; David M. Guill-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by Joseph E. Carey Sr., seconded by Haywood J. Hamlet and carried with Ashley L. Myers Absent, Gary D. Walker voting no and all other members present and voting yes to accept a report from the Public Works committee to suspend reception of wood debris, building debris, and yard debris at the Charlotte Court House Recycle Center, and suspend receiving commercial tires, at the Recycle Centers.

Motion was made by David M. Guill, seconded by Nancy R. Carwile to appropriate \$19,340 to 10-8101-5816 (TIC Force Main Grant.)

Roll Call Vote as Follows: David M. Guill-Aye; Nancy R. Carwile-Aye; Gary D. Walker-Aye; Haywood J. Hamlet-Aye; Joseph E. Carey Sr.-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by David M. Guill, seconded by Haywood J. Hamlet to appropriate \$6,475 to 10-3301-3009 (Jail-Purchased Services-Sewer Emergency.)

Roll Call Vote as Follows: David M. Guill-Aye; Haywood J. Hamlet-Aye; Gary D. Walker-Aye; Joseph E. Carey Sr.-Aye; Nancy R. Carwile-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by Haywood J. Hamlet, seconded by Joseph E. Carey to appropriate carry-over funds from F/Y 2008 to F/Y 2009 10-3103-5413 \$3,177.29 (DARE-Operating Supplies); 10-3105-5413 \$988.32 (Project Lifesaver); 10-3106-5413 \$1,375.43 (Asset Forfeiture Funds-Operating Supplies.)

Roll Call Vote as Follows: Haywood J. Hamlet-Aye; Joseph E. Carey Sr.-Aye; Nancy R. Carwile-Aye; Gary D. Walker-Aye; David M. Guill-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by David M. Guill, seconded by Joseph E. Carey Sr. to pay invoices as amended to include the Charlotte Adult Learning Center 8820 in the amount of \$4820.00.

Roll Call Vote as Follows: David M. Guill-Aye; Joseph E. Carey Sr.-Aye; Haywood J. Hamlet-Aye; Nancy R. Carwile-Aye; Gary D. Walker-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by David M. Guill, seconded by Haywood J. Hamlet to enter closed session to discuss possible litigation and personnel.

Roll Call Vote as Follows: David M. Guill-Aye; Haywood J. Hamlet-Aye; Nancy R. Carwile-Aye; Joseph E. Carey Sr.-Aye; Gary D. Walker-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by David M. Guill, seconded by Joseph E. Carey Sr. to come back into open session.

WHEREAS, the Charlotte County Board of Supervisors has 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, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia Law;

THEREFORE, BE IT RESOLVED that the Charlotte 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 Board.

Roll Call Vote as Follows: David M. Guill-Aye; Joseph E. Carey Sr.-Aye; Gary D. Walker-Aye; Haywood J. Hamlet-Aye; Nancy R. Carwile-Aye; Ashley L. Myers-Absent; Garland H. Hamlett-Aye

Motion was made by Gary D. Walker, seconded by Joseph E. Carey Sr. and carried with Ashley L. Myers absent and all other members present and voting yes to authorize Russell B. Clark to write a letter of support for the Britthaven Nursing Home expansion project.

Adjourn.