

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on September 20, 2011.

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. Hamlett

Chairman Guill called the meeting to order.

Joseph E. Carey, Sr. gave the invocation.

Motion was made by Haywood J. Hamlett seconded by Nancy R. Carwile, and carried with all other members present and voting yes to approve the agenda as amended.

Motion was made by Garland H. Hamlett, Jr., seconded by Joseph E. Carey, Sr. and carried with all other members present and voting yes to approve the minutes as presented.

Committee Reports

Gary D. Walker reported on the discussion with the Town of Charlotte Court House concerning a fair and equitable annual payment in lieu of property taxes.

Motion was made by Gary D. Walker, seconded by Joseph E. Carey, Sr. and carried with all members present and voting yes to appropriate and pay from the general fund to the Town of Charlotte Court House the amount of \$15,000.00.

Robert L. Shook, Jr. reported that the Courthouse Committee met and unanimously decided to ask the Board of Supervisors to issue an RFP (Request for Proposals) to obtain the services of a qualified firm or individual to assist the committee in determining the best and most economical way to proceed. Further the committee requests that it be allowed to be the interview panel during the RFP Process.

Motion was made by Robert L. Shook, Jr., seconded by Joseph E. Carey, Sr. and carried with Garland H. Hamlett, Jr. voting no and all other members present and voting yes to issue an RFP for the Courthouse project.

The meeting was recessed in order to conduct a Public Hearing.

After due notice was given the Charlotte County Board of Supervisors held a public hearing. The purpose of this hearing was to receive public comment concerning issuance of a \$1.5 million General Obligation school bond.

There being no comment the meeting was adjourned.

Chairman Guill called the meeting to order.

Motion was made by Gary D. Walker, seconded by Nancy R. Carwile and carried with all other members present and voting yes to adopt the attached resolution authorizing the issuance of the \$1.5 million General Obligation School Board bond.

Motion was made by Gary D. Walker, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to authorize the clerk, and Board of Supervisors Chairman to sign all documents relevant to the bond issue.

Motion was made by Nancy R. Carwile, seconded by Garland H. Hamlett, Jr. to adopt the Regional Water Supply Plan.

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

Motion was made by Garland H. Hamlett, Jr., seconded by Haywood J. Hamlet and carried with all other members present and voting yes to adopt the following PPTRA resolution for 2012:

In accordance with the requirements set forth in VA. CODE ANN. §58.1-3524 C.2. and §58.1-3912 E., as amended by *Chapter 1 of the Acts of Assembly* (2004 Special Session I) and as set forth in *Item 503.E. (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly*, any qualifying vehicle used within the County of Charlotte, Virginia commencing January 1, 2010, shall receive personal property tax relief in the following manner:

- Personal use vehicles with assessed value of \$1,000 or less will be eligible for 38% tax relief; and
- Personal use vehicles with assessed value of \$1,001 or more shall receive only 38% tax relief on the first \$20,000 in assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (such as business use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program; and
- In accordance with *Item 503.D.1. of Chapter 951 of the 2005 Acts of Assembly*, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior years that are made on or after September 1, 2006 shall be deemed “non-qualifying” for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

Motion was made by Nancy R. Carwile, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to adopt the following SRPSA User Agreement Resolution:

The County of Mecklenburg, Virginia, the County of Halifax, Virginia and the County of Charlotte, Virginia (each a “Member Jurisdiction” and together the “Member Jurisdictions”) created the Southside Regional Public Service Authority (the “Authority”) for the purpose of developing and operating a regional landfill facility (the “Landfill Facility”) for the benefit of the Member Jurisdictions. The relationship between and among the Member Jurisdictions and the Authority for paying the costs related to the Authority and the Landfill Facility is set forth in the Southside Regional Public Service Authority Members Use Agreement, dated March 7, 2005 (the “Original User Agreement”), by and among the Authority and the Member Jurisdictions as amended by the First Amendment to Southside Regional Public Service Authority Members Use Agreement, dated as of August 1, 2006 (the “First Amendment”), by and among the Authority and the Member Jurisdictions, the Original User Agreement as amended by the First Amendment being referred to herein as the “User Agreement.”

The Authority has previously issued bonds that were sold to the Virginia Resources Authority (“VRA”) pursuant to a Master Indenture of Trust, dated as of December 1, 2006 (the “Master Indenture”), between the Authority and U.S. Bank National Association, as trustee (the “Trustee”), and supplements thereto. The Authority is currently in default with respect to its revenue covenant contained in the Master Indenture. As a condition to waiving the default under the Master Indenture, VRA is requiring that (i) the User Agreement be amended to require that the “moral obligation” provisions of Section 5.7 thereof be in full force and effect for as long as any bonds of the Authority are held by VRA or any other indebtedness of the Authority is outstanding to VRA and (ii) the Authority and the Member Jurisdictions acknowledge and agree that the “moral obligation” of each Member Jurisdiction to pay its “Pro Rata Share” of the “Annual Deficit” (as each such term is defined in the User Agreement) is a “local obligation” within the meaning of Sections 62.1-199 and 62.1-216.1 of the Code of

Virginia of 1950, as amended (clauses (i) and (ii) being collectively referred to as the "VRA Waiver Conditions").

The VRA Waiver Conditions have been reflected in the Second Amendment to Southside Regional Public Service Authority Members Use Agreement, dated as of August 1, 2011 (the "Second Amendment"), by and among the Authority and the Member Jurisdictions, the form of which has been approved by the Authority on July 28, 2011 and which has been made available to the members of the Board of Supervisors of the County of Charlotte, Virginia (the "Governing Body") prior to this meeting and filed with the Governing Body's records.

After careful consideration and in furtherance of the public purposes for which the Authority was created, **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHARLOTTE, VIRGINIA, THAT:**

The Second Amendment is hereby approved in substantially the form made available to the members of the Governing Body prior to this meeting, with such changes, insertions, omissions or amendments (including, without limitation, changes of the dates thereof and therein) as may be approved by the Chairman of the Governing Body or the County Administrator. The approval of any such changes, insertions, omissions and amendments shall be evidenced conclusively by the execution and delivery of the Second Amendment. The performance by the County of Charlotte, Virginia (the "County") of the User Agreement as amended by the Second Amendment is authorized and directed. The prior authorization, execution, delivery and performance of the User Agreement are ratified in all respects, and the User Agreement is in full force and effect in the form adopted as amended by the Second Amendment.

The Chairman of the Governing Body or the County Administrator, either of whom may act, are each authorized and directed to execute the Second Amendment on behalf of the County.

The members of the Governing Body and the staff of the County are authorized and directed to execute and deliver on behalf of the County such other instruments, documents or certificates, and to do and perform such other things and acts, as any of them shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Second Amendment or such instruments, documents or certificates. All such actions previously taken are hereby ratified, approved and confirmed.

Any reference herein to the Chairman of the Governing Body shall be deemed to include the Vice Chairman.

This Resolution shall take effect immediately upon its adoption. Unless the governing bodies of the other Member Jurisdictions adopt similar resolutions by November 30, 2011, this Resolution shall be deemed to be revoked.

Motion was made by Nancy R. Carwile, seconded by Haywood J. Hamlet and carried with all other members present and voting yes to pay the coyote claim for Michael Steward Whitmer.

Motion was made by Gary D. Walker, seconded by Joseph E. Carey, Sr. and carried with all other members present and voting yes to appropriate the following:

10-4204-3009-2010-2011 True-up Cost for tipping fees per VRA Agreement	\$ 43,150.87
10-4204-3002-Charlotte County's cost for legal fees incurred in FY2011	185,316.73

Motion was made by Nancy Carwile, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to pay the invoices as presented.

Motion was made by Joseph E. Carey, Sr. seconded by Haywood J. Hamlet and carried with all other members present and voting yes to refund a building permit fee of \$30.60 to Brooks Mobil Homes.

Motion was made by Nancy R. Carwile, seconded by Gary D. Walker and carried with all other members present and voting yes to accept rain gauges donated by the Soil and Water District Conservation Board.

Motion was made by Joseph E. Carey, Sr., seconded by Gary D. Walker and carried with all other members present and voting yes to authorize payment of \$500 to the Kids Catfish Showdown Fishing Tournament.