

At the Regular Meeting of the Greensville County Board of Supervisors, held on Monday, February 2, 2009, with Closed Session beginning at 4:30 p.m., and Regular Session beginning at 6:00 p.m., in the Board Room of the Greensville County Government Building, 1781 Greensville County Circle, Emporia, Virginia.

Present: Peggy R. Wiley, Chairman
Michael W. Ferguson, Vice-Chairman
James C. Vaughan
Dr. Margaret T. Lee

The meeting was called to order by Chairman Wiley at 4:30 p.m.

In Re: Closed Session

Mr. Whittington, County Administrator, stated that Staff recommended the Board go into Closed Session, Section 2.2-3711 (a) 1) Personnel, 5) Industrial Development, and 7) Legal Matters.

Supervisor Ferguson moved, seconded by Supervisor Lee, to go into Closed Session, as recommended by Staff. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Regular Session

Supervisor Lee moved, seconded by Supervisor Vaughan, to go into Regular Session. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Certification of Closed Meeting – Resolution #09-93

Supervisor Ferguson moved, seconded by Supervisor Lee, to adopt the following Resolution. A roll call vote was taken, as follows: Supervisor Ferguson, aye; Supervisor Lee, aye; Supervisor Vaughan, aye; and Chairman Wiley, aye.

**RESOLUTION #09-93
CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Greensville County Board of Supervisors has convened a closed meeting on

this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Greenville County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law:

NOW, THEREFORE, BE IT RESOLVED that the Greenville 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 Greenville County Board of Supervisors.

Chairman Wiley recessed the meeting.

Chairman Wiley reconvened the meeting at 6:00 p.m.

In Re: Approval of Agenda

Mr. Whittington, County Administrator, stated that Staff recommended approval of the Agenda with one added item, Resolution #09-96, NAACP Centennial Anniversary.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Agenda as amended. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Approval of Consent Agenda

Mr. Whittington stated that Staff recommended approval of the Consent Agenda.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Consent Agenda containing the following items. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Minutes from the Meeting of January 20, 2009.

In Re: Budgetary Matters

Budgetary Matters consisting of the following: Fund #001 – Budget Amendment Resolution #09-88 which is incorporated herein by reference.

Warrants:

Approval of Payroll for January 30, 2009, in the amount of \$341,838.57

Approval of Accounts Payable for February 2, 2009, in the amount of \$583,728.07

In Re: Introduction of New Employees

Mrs. Alice Whitby addressed the Board of Supervisors and introduced new employees. She introduced Katherine Gibson – Receptionist/Office Assistant, Ryan Aerni- Information Technology Intern, Preston Branch – Part-Time Scale Operator and Travis Jackson, Landscape Helper. The Board of Supervisors welcomed each new employee.

In Re: Road Matters – Mr. Joe Lomax, Residency Administrator

Mr. Lomax, VDOT Representative, addressed the Board of Supervisors and reported on the following:

Doyle's Lake Road – Mr. Lomax stated that VDOT had completed and resurfaced the bridge last week.

Route 604 – Mr. Lomax stated that the hill that Chairman Wiley was concerned about would be easier to complete and the hill that Supervisor Ferguson was concerned about would be a harder job to complete because of underground utilities.

Highway 301 – Mr. Lomax stated the he would write the home office instead of going to the road master because of no response. He stated that bump signs would be installed. Mr. Lomax also stated that there were issues concerning the speed zone going from 55 to 35. He stated that the City set the speed limit and VDOT was doing a study in conjunction with the City to find a better solution.

Illuka – Mr. Lomax stated that he had met with Illuka and that they would be jack boarding a couple of pipes at the crossing on Drybread Road and the secondary road behind it to eliminate the problem on Independence Church Road. He stated that it should be paved.

Grassy Pond Road and Smokey Ordinary Road – Mr. Lomax stated that he had spoken to Illuka about the trucks cutting the ditch and that they should slow down when meeting each other to keep from hitting the ditches too hard. He stated that the ditches were in bad condition and VDOT would continue to monitor the situation.

Supervisor Ferguson asked Mr. Lomax to speak with Illuka about driving on the yellow line in the Brink Area.

Litter – Mr. Lomax stated that VDOT picked up litter two days last week on Drybread Road and the next day it was back the same way. He stated that Highway 633 and 649 was in terrible shape also and trash being thrown back in the ditch after VDOT had cleaned it. Mr. Lomax stated that the citizens needed to get more involved in taking care of their community to help control the litter.

Chairman Wiley asked the Sheriff if they saw someone throwing the trash out could they enforce the law on them. The Sheriff stated yes.

Chairman Wiley stated that the residents at the intersection of 605 and 606 wanted the sign moved to either side because it was in the middle of their lot. She also commented on the accident that happened on the Purdy Road due to a dead tree falling. Chairman Wiley suggested that Mr. Lomax contact Mr. Jimmy Phelps to find out more concerning the accident. Chairman Wiley also stated that someone contacted her pertaining to a dead tree on highway 58 west between the landfill and the dumpster.

Supervisor Vaughan asked that VDOT have the ditches cleaned out on Little Low Ground Road and the Low Ground Road. Mr. Lomax stated that he would check out the areas and see what could be done to help the situation.

Supervisor Ferguson asked Mr. Lomax had he heard anything concerning the budget cutbacks with VDOT. Mr. Lomax gave Mr. Ferguson a brief update pertaining to the information he had so far.

In Re: Citizens Comments

Mr. Whittington invited anyone present who wished to address the Supervisors, to come forward and state their name for the record. There was no one.

In Re: Resolution #09-94 and Resolution #09-96

Mr. Whittington requested that the two Resolutions be deferred until later when Debra Brown, NAACP President, was present.

Supervisor Ferguson moved, seconded by Supervisor Lee, to defer Resolution #09-94 and Resolution #09-96 until later in the meeting.

In Re: Resolution #09-95 – Commonwealth’s FY2009-10 Budget Shortfall Resolution #09-95.

Mr. Whittington addressed the Board stating that localities had been required to pay back a pirate share of \$50 million to the Commonwealth of Virginia on a two year basis. He stated that the first payment was done last year in the amount of \$100,000 and in the upcoming budget session, the County would be asked to make another payment for FY2010. Mr. Whittington stated that at the beginning of the General Assembly, Staff was notified by VACo that the Governor’s budget for the upcoming year would include a reduction in funding by the Commonwealth to localities for the Sheriff Offices, and Regional Jails of 7%, and an estimated 10% reduction for all other constitutional offices. He stated that the schools would be facing a \$1 million cut in funding for educational expenses. Mr. Whittington read the following Resolution into record and requested approval.

RESOLUTION #09-95
Commonwealth’s FY 2009-2010 Budget Shortfall

Whereas, Greensville County is committed to ensuring fiscal sustainability at the local and state levels of government because fiscal sustainability enables the Commonwealth and its local governments to provide high quality, cost effective, core public services that benefit Virginians today and for generations to come; and

Whereas, the current difficult economic and financial times require government, at all levels, to evaluate service delivery responsibilities and to determine the continued importance of programs meeting critical needs; and

Whereas, the Commonwealth must resolve an estimated 2009 and 2010 biennial revenue shortfall approaching \$3 billion that may in fact continue to escalate in the near term; and

Whereas, Greensville County must resolve significant local revenue shortfalls for these periods as well; and

Whereas, the Commonwealth’s General Fund supports most critical core government services including public education, health and human resources, including the Comprehensive

Services Act, public safety, natural resources and environmental services by dedicating almost 50 percent of the state's General Fund to local governments (with 74 percent of this funding supporting K-12 public education); and

Whereas, if one level of government establishes and ensures a priority, it is then incumbent upon that level of government to adequately fund the services necessary to meet that priority; and

Whereas, the current economic environment threatens the sustainability of these critical core public services if the Commonwealth is required to reduce its contribution to the financial partnership between the state and its local governments including Greensville County; and

Whereas, specific and necessary state budget reductions may impact a wide array of core public services, including but not limited to public education, the Comprehensive Service Act, and public safety, and many local governments, including Greensville County, will absorb significant state reductions in 2009 and may be compelled to increase real property taxes to help ensure the continuation of vital core public services; and

Whereas, Greensville County stands ready to partner with the Commonwealth to make the difficult budgetary decisions required, including thoroughly evaluating programs and working together to maintain a structural balance between revenues and expenditures that promotes the long-term viability of our Commonwealth.

Now, therefore, be it resolved that the Board of Supervisors of Greensville County respectfully offers the following budget and revenue recommendations for the 2009 legislative session to the Governor and Virginia General Assembly including Greensville County Delegates and Senators:

- Budget and appropriate sufficient withdrawals from the state's Revenue Stabilization Fund ("Rainy Day Fund") to help offset necessary state budget reductions. Global and national financial markets are imbalanced; consequently, Virginia is one of many states facing a significant state revenue shortfall. The Commonwealth is required to replenish the Fund when economic conditions improve, and Greensville County supports recapitalizing the Fund in better economic times.
- Before budgeting and appropriating necessary state budget reductions, revisit recent state tax exemptions. Since the late 1990s the state has enacted more than \$1.8 billion in net biennial tax reductions and specific General Fund transfers.
- Oppose the enactment of new unfunded and under-funded state mandates that will impose new costs on local governments. Additionally, consider repealing specific, unfunded and under-funded state mandates. In the area of public education, the Governor and Virginia General Assembly should consider providing localities

and school districts maximum flexibility to i) suspend specific mandates and ii) manage specific public education reductions.

- Enact a law authorizing equal taxing authority for counties. Counties should be enabled, like cities and towns, to institute specific taxes, including a meals tax without a referendum. The new sources of revenue would be tailored to the needs of a jurisdiction and could help local governments protect adequate funding for the core government services including K-12 public education, and reduce county dependence on property taxes.
- Consider additional possibilities for mitigating the impact of state cuts on local governments. Local governments will have to make significant cuts in services because of flat or decreasing real estate revenues. Permit local governments, at their option, to implement a one-half percent increase in the sales tax as a way to minimize the potential burden passed on to homeowners through increased real property taxes.

BE IT FURTHER RESOLVED, The Greensville County Board of Supervisors offers these recommendations in the spirit of compromise and partnership to the Governor and Virginia General Assembly including Greensville County Delegates and Senators.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve Resolution #09-95. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Recognition of Black History Month Resolution #09-94

Mrs. Slate read the following resolution into record and requested approval.

**RESOLUTION #09-94
RECOGNITION OF BLACK HISTORY MONTH
FEBRUARY 2009**

WHEREAS, the month of February has been set aside as a time to recognize accomplishments by African-Americans; and

WHEREAS, two natives of Southside Virginia, the late Dr. Charles Drew and Dr. Carter G. Woodson, and many others were instrumental in initiating scholarly studies of black history and other historical endeavors; and

WHEREAS, the late Garland P. Faison, was the first African-American to hold elected office in Greensville County; first as Justice of the Peace and then as a member of the Board of Supervisors for 20 years where he was dedicated to improving conditions in the County for all citizens; and

NOW, THEREFORE, BE IT RESOLVED that the Greenville County Board of Supervisors does hereby recognize February 2009 as Black History Month in Greenville County.

BE IT FURTHER RESOLVED that the Board of Supervisors encourages all Greenville County residents to actively pursue information that will enlighten them on the many valuable accomplishments to Greenville County by African Americans.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve Resolution #09-94. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Resolution #09-96 – NAACP Centennial Anniversary

Mrs. Debra Brown addressed the Board of Supervisors stating that on behalf of the NAACP, she would like to thank the Board of Supervisors for all their support. She stated that the NAACP was celebrating its 100th Centennial and she was proud and it was an honor to represent the City of Emporia and the County of Greenville as the President of the NAACP.

Mrs. Slate read the following Resolution into record and requested approval.

**RESOLUTION #09-96
NAACP CENTENNIAL ANNIVERSARY**

WHEREAS, the National Association for the Advancement of Colored People (the NAACP) is the oldest and largest United States grassroots based civil rights organization; founded February 12, 1909, by a diverse multi-racial group of activists of varying political and religious backgrounds, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling, all committed to the common cause of equality; and

WHEREAS, the mission of the NAACP is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination; and

WHEREAS, the NAACP for over 100 years has advanced its mission through reliance upon the press, the petition, the ballot and the courts, and has successfully utilized the legal system and moral persuasion, even in the face of overt and violent racial hostility, the NAACP has worked to tear down the barriers of racism, discrimination and education, economic and political exclusion in this country; and

WHEREAS, the sustained efforts of the NAACP led to desegregation of America's public schools, military, election to public office and public places of accommodation; as well as ended the horrific practice of routine lynching of African Americans; and

WHEREAS, more than 1,700 NAACP units in the United States, Italy, Germany and Japan are the life blood of the Association, acting as grassroots ‘freedom fighters’ in their communities; and

WHEREAS, the NAACP mission of ensuring the political, educational, social, and economic equality of rights of all persons remains relevant today due to the continuing disparities in housing, health care, the workplace and elsewhere; and

WHEREAS, the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, and the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, laws that ensured legislative protection for all Americans; and

WHEREAS, the NAACP’s actions have improved the quality of life of African Americans and benefited all Americans well into the future and fosters a lasting progressive spirit in this nation.

NOW, THEREFORE, BE IT RESOLVED/PROCLAIMED that the Greenville County Board of Supervisors

- (1) recognizes the 100th anniversary of the historic founding of the National Association for the Advancement of Colored People; and its subsequent branches, chapters and youth councils in our jurisdiction
- (2) honors and praises the National Association for the Advancement of Colored People for its steadfastness in the struggle for justice and equality in these United States.
- (3) remains committed to working with the NAACP locally and nationally to achieve its mission for the betterment of our citizenry.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve Resolution #09-96. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Appointment

1. Board of Zoning Appeals – A Circuit Court Appointment for a 5 year term.

Chairman Wiley opened the floor for a nomination of an individual to serve on the Board of Zoning Appeals.

Supervisor Lee moved, seconded by Supervisor Vaughan, to recommend re-appointment of William B. Cain to serve on the Board of Zoning Appeals for a 5 year term. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

2. Crater Disability Services Board – An At-Large Appointment for a 3 year term.

Chairman Wiley opened the floor for nomination of an individual to serve on the Crater Disability Services Board.

Supervisor Lee moved, seconded by Supervisor Vaughan, to re-appoint McKinley Jordan, to serve on the Crater Disability Services Board for a 3 year term. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

3. Electoral Board – A Circuit Court Appointment for a term of 3 years.

Chairman Wiley opened the floor for nominations of an individual to serve on the Electoral Board.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to recommend re-appointment of Earl Wright to serve on the Electoral Board for a 3 year term. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

4. Emergency Food and Shelter Program – An At-Large Appointment for a term of 1 year.

Chairman Wiley opened the floor for nominations of an individual to serve on the Emergency Food and Shelter Program.

Supervisor Ferguson moved, seconded by Supervisor Lee, to re-appoint Natalie Slate to serve on the Emergency Food and Shelter Program for a term of 1 year. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

5. South Centre Corridors Resource Conservation and Development Council – An At-Large Appointment for a term of 4 years. This appointment was deferred from the meeting held in October, 2008.

Chairman Wiley opened the floor for nominations of an individual to service on the South Centre corridors Resource Conservation and Development Council.

Supervisor Lee moved, seconded by Supervisor Ferguson, to defer the appointment. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

6. Central Virginia Health Planning Agency – An At-Large Appointment for a 3 year term.

Chairman Wiley opened the floor for nominations of an individual to serve on the Central Virginia Health Planning Agency for a 3 year term.

Supervisor Ferguson moved, seconded by Supervisor Lee, to defer the appointment. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Miscellaneous Matters – Departmental Reports

Various Departmental Reports were prepared for the Board’s review and comments.

Chairman Wiley asked if there were any questions or comments concerning the Departmental Reports and Staff Work Programs. There were none.

Chairman Wiley recessed the meeting until the Conclusion of the Water and Sewer Authority Meeting.

Chairman Wiley reconvened the meeting in Closed Session.

In Re: Closed Session

Mr. Whittington, County Administrator, stated that Staff recommended the Board go into Closed Session, Section 2.2-3711 (a) 1) Personnel, 5) Industrial Development, and 7) Legal Matters.

Supervisor Ferguson moved, seconded by Supervisor Lee, to go into Closed Session, as recommended by Staff. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Regular Session

Supervisor Vaughan moved, seconded by Supervisor Lee, to go into Regular Session. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Certification of Closed Meeting – Resolution #09-105

Supervisor Ferguson moved, seconded by Supervisor Lee, to adopt the following Resolution. A roll call vote was taken, as follows: Supervisor Ferguson, aye; Supervisor Lee, aye; Supervisor Vaughan, aye; and Chairman Wiley, aye.

**RESOLUTION #09-105
CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Greensville County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Greensville County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law:

NOW, THEREFORE, BE IT RESOLVED that the Greensville 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 Greensville County Board of Supervisors.

There being no further business to discuss, Supervisor Ferguson moved, seconded by Supervisor Vaughan, to adjourn the meeting. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Peggy R. Wiley, Chairman

K. David Whittington, Clerk