

At the Regular Meeting of the Greensville County Board of Supervisors, held on Monday, May 16, 2011, with Closed Session beginning at 5:00 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

Chairman Wiley called the meeting to order at 5:00 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, 3) Acquisition and Disposition of Real Property and 5) Industrial Development Matters

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

In Re: Regular Session

Supervisor Ferguson 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 #11-138

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 #11-138
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.

Chairman Wiley recessed the meeting.

Chairman Wiley reconvened the meeting at 6:00 p.m., at which time she led the Pledge of Allegiance and gave the Invocation.

In Re: Approval of Agenda

Mr. Whittington, County Administrator, stated that Staff recommended approval of the Agenda with one added item in Closed Session – Personnel Matter.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, 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 May 2, 2011.

Budgetary Matters

Budgetary Matters consisting of the following: Fund #001 – Journal Voucher #84, in the amount of \$2,451.94 and Budget Amendment Resolution #11-139, in the amount of \$39,420.71; Fund #012 - Budget Amendment Resolution #11-140, in the amount of \$1,246.14; Fund #-013 – Budget Amendment Resolution #11-141, in the amount of \$126.00 and Fund #018 – Budget Amendment #142, in the amount of \$495.00, all of which are incorporated herein by reference.

Warrants:

Approval of Accounts Payable for May 16, 2011, in the amount of \$259,941.61

In Re: Public Hearing

Mr. Whittington recommended the Board of Supervisors go into Public Hearing to solicit public comments concerning a the FY 2012 Budget, the Proposed 2011 Tax Ordinance, two Zoning Matters and the Proposed 2011 Redistricting Plan.

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

In Re: Fiscal Year 2012 Budget

Mrs. Brenda Parson addressed the Supervisors stating that the proposed FY2012 Budget included Fund 1, the General Fund in the amount of \$14,342,093, Fund 17-Solid Waste Enterprise Fund, in the amount of \$2,076,862, Fund 75-Local Capital Improvements, in the amount of \$8,035,904 and the School Fund, in the amount of \$28,392,912.

In Re: Proposed 2011 Tax Ordinance

Mrs. Parson addressed the Board of Supervisors stating that Staff had advertised the intent to adopt an ordinance which would levy the proposed tax rates shown below for real estate, personal property, machinery & tools and farm machinery & tools for the tax year 2011.

	<u>2010</u>	<u>2011</u>
Real Property	\$0.45	\$0.47
Personal Property	4.50	4.50
Personal Property for Aircraft	0.50	0.50
Machinery & Tools	4.00	4.00
Farm Machinery & Tools	0.00	0.00

Chairman Wiley asked if there was anyone present who wished to speak in favor of or in opposition of the Fiscal year 2012 Budget or Proposed 2011 Tax Ordinance.

Mr. Miller Stith of Jarratt, VA addressed the Board of Supervisors and gave a brief history of his background. He requested that the Board of Supervisors include in the proposed budget funding in the amount of \$500-\$1,000 to support the students of Greensville County who attended Virginia State University. Mr. Stith stated that if the Board made the decision to fund Virginia State University in the amount requested, that he as the Gift Officer would raise money to match the amount funded and that he would oversee the money only being used by students from this locality.

Mr. Perry Roberts addressed the Board of Supervisors stating that he notice there were two tax increases and asked that it be explained to the citizens approximately how much of an increase would the citizens being paying in taxes for the upcoming year.

Mr. Whittington stated that if a citizen had a \$100,000 piece of property, they would be paying approximately \$450 under the existing tax levy. He stated that under the new tax levy, they would be paying approximately \$470.

In Re: Greensville Volunteer Rescue Squad FY2012 Budget

Mr. Paul Lozy with the Greensville Volunteer Rescue Squad addressed the Board stating that he noticed that the figures received by the Rescue Squad concerning their budget request was close to what they had requested. Mr. Lozy also stated that his concern was that they asked for a full truck to be funded by the County and a full truck to be funded by the City of Emporia and in the letter received, the County was proposing

one truck to be funded by the County and City together. He requested that the Board of Supervisors reconsider funding the full truck from the County as well as the City of Emporia funding a full truck. He stated that moving to the new service to stop being a free organization to billing for services would help with the budget for the City and County. Mr. Lozy stated that it was understood among his Staff that the County would still be there for support of the Greenville Volunteer Rescue Squad. He stated that after receiving a letter in the mail stating that the financial planning in the future would be not to continue contributing to the organization was very disturbing. Mr. Lozy stated that he had a lot of concerned Rescue Squad members with him at the meeting who was also concerned about the comment of not supporting the Greenville Volunteer Rescue Squad in the future. He stated that with the billing for service, he hoped the organization could be self sufficient but he did not think it would be anytime in the near future. Mr. Lozy once again asked that the Board of Supervisors reconsider its decision of funding the truck and continue supporting the Squad financially just in case the billing for service does not accomplish what the County and the Squad would like for it to accomplish.

In Re: SP2-11 Sterling Moody

Mr. Lin Pope, Director of Planning, addressed the Board of Supervisors stating that the applicant wished to hold a Special Event (Southern Soul/Blues Concert) located 500' northwest of the Satterfield Drive (State Route 634)/Ruritan Drive (State Route 64) intersection in Election District Three. He stated that the Planning Commission and Staff recommended approval of the request with the following twelve conditions and contingent upon a positive review by the Virginia Department of Transportation.

1. A Special use Permit is granted to Mr. Sterling Moody, hereinafter operator, for a Special Event, Southern Soul/Blues Concert, separate and distinguishable from any other special event held in Greenville County, on property known as Tax Map 20, Parcel 48B. This event shall not exceed a period of time exceeding four (4) calendar days within any calendar year.
2. At all times be in compliance with all local, state, and federal rules and regulations, laws, statutes, and ordinances, with special attention given to the Health Department rules and regulations.
3. Porta-Johns shall be provided at a rate of 1 per 100 persons attending the event, if indoor facilities are not available for use.
4. Traffic control devices shall be on hand to safely move vehicles on and off the roadway.
5. There shall be no parking within the VDOT right-of-way.
6. A sign no larger than thirty square feet (30'), which advertises the event may be erected on the premises no sooner than thirty (30) days prior to the event. Said sign must be removed from the premises within seven (7) days of the event. While posted the sign shall be set back a minimum of five (5) feet from the right-of-way of all state maintained roads.

7. The operator may erect any signage deemed necessary to direct pedestrians and motorist on the event premises and related parking areas. The operator may erect any off-site signage directing pedestrians and motorist to the event, but that signage must be removed immediately.
8. The event hours shall be established between 1:00 p.m. and 8:30 p.m. exclusive of set up and dismantling.
9. Noise generated by the event shall be in compliance with the Greenville County Code.
10. The applicant shall provide an emergency services plan ten (10) calendar days prior to the event for review and approval by the County Fire Official. The Plan shall address medical and fire services to be provided during the event.
11. Utilizing this permit issuance date as the annual date, if the event is not held for two (2) consecutive years, the event will be deemed abandoned and this permit terminated.
12. Failure to abide by the above conditions may result in the immediate revocation of the permit.

Chairman Wiley asked if there was anyone present who wished to address the Board in favor of or in opposition of SP2-11.

Mr. Sterling Moody addressed the Board and gave further information on what the event would entail. He then requested favorable consideration of the Zoning Matter.

In Re: SP3-11 Sarah Poarch

Mr. Pope addressed the Board stating that the applicant wished to construct a commercial kitchen for a catering business located approximately 1280' northeast of the Wyatts Mill Road (State Route 608)/Purdy Road (State Route 619) intersection, in Election District Four. He stated that the Planning Commission and Staff recommended approval with the seven following conditions. Mr. Pope stated that he had not received a response back from the Virginia Department of Transportation as of yet.

1. A Special Use Permit is hereby granted to Mrs. Sarah Poarch for the operation of a commercial kitchen on property known as Tax Map 9, Parcel 55.
2. Applicant must be in compliance with all local, state, and federal, codes, laws and ordinances at all times.
3. The application indicates the proposed use will be a commercial kitchen. The building code use classification will be Business (B). All construction will have to conform to the requirements of the "B" classification.
4. Plans must be approved by the Virginia Department of health prior to submission to my office for review.
5. Kitchen appliances in commercial kitchens must be commercial appliances.
6. Fryers, stoves, and appliances that produce grease laden vapors must be located under a commercial exhaust hood equipped with a fire suppression system.

7. If the operation of the commercial kitchen ceases for period of more than two (2) years, this Special Use Permit become void.

Chairman Wiley asked if there were anyone present who wished to speak in favor of or in opposition of the request. There was no one.

In Re: Proposed 2011 Redistricting Plan

Mr. Whittington addressed the Board stating that there had been several public information sessions conducted regarding the Redistricting Plan. He stated that one was held on May 9 at the Brink Ruritan Club and the other on May 11 at the Greenville County Government Building with a question and answering session held after both information sessions. Mr. Whittington stated that copies of the Redistricting Plan had been available for public inspection located at the Government Building. He stated that it was now time to hear from the public regarding the Proposed 2011 Redistricting Plan. He invited anyone present who wished to address the Board to come forward and state their name.

Mr. Bill Cain addressed the Board of Supervisors stating that he was representing the citizens of the Greenville County area. He stated that he was opposing the Redistricting Plan because it diluted the black voting power in Greenville County and that he and the citizens being represented felt it was Gerrymandering. Mr. Cain stated that he and the citizens of Greenville County had come up with a more equitable and justifiable alternate Redistricting Plan for Greenville County that was in compliance with the Voting Rights Act of 1965 and would apply to Greenville County. He further stated that because the County did not have to use its public resources for compliance to the Voting Rights Act of 1965, the citizens had used its own resources and time that was well spent in order to develop the proposed Redistricting Plan. Mr. Cain stated that by using their own resources and time, the citizens had pledged to continue to pay their taxes enabling Greenville County to provide public service to the citizens. He then presented the County with two alternate Redistricting Plans for the Boards consideration which he felt was more equitable than what the County had provided. Mr. Cain stated that if the Board did not give the plans any consideration, he and the citizens being represented would submit the plans to the U.S. Justice Department. Mr. Cain gave a copy of both plans which was called the May 12 and May 14 Plan and presented them to the Board of Supervisors stating the statistics and demographics of each. A copy of each is incorporated herein by reference. Mr. Cain requested that the Board of Supervisors consider one of the plans presented and if it did not, he would send both copies to the U.S. Justice Department.

Mr. Whittington asked if there were anyone else present who wished to speak on the Proposed 2011 Redistricting Plan. There was no one.

In Re: Regular Session

Mr. Whittington recommended the Board of Supervisors return to Regular Session.

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

In Re: FY2012 Budget and 2011 Tax Ordinance

Mr. Whittington stated that no action was required tonight pertaining to the Budget or the Tax Ordinance. He stated that both would be on the Agenda for the 1st meeting in June.

In Re: SP-2-11, Sterling Moody

Supervisor Lee moved, seconded by Supervisor Ferguson, to approve SP-2-11 with the twelve conditions. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: SP-3-11, Sarah Poarch

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve SP-3-11 with the seven conditions. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Proposed 2011 Redistricting Plan

Mr. Whittington stated that there were a number of options for the Board's consideration. He stated that two alternate plans had been presented along with the Staff's proposed plan. Mr. Whittington stated that Staff recommended the Board choose one of the plans and authorize it to be submitted to the appropriate State and Federal Agencies for preclearance.

Supervisor Vaughan moved, seconded by Supervisor Ferguson, to approve the Redistricting Plan presented by Staff and authorization to send the plan to the appropriate agencies. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

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.

Mr. Cain presented the Board of Supervisors with signed petitions at this time regarding the alternate Proposed Redistricting Plan.

In Re: Self Fund Line of Duty Act Claims – Resolution #11-143

Mrs. Alice Whitby, Human Resource Specialist, addressed the Board stating that the Commonwealth of Virginia previously funded the Line of Duty Act. She stated that with the bad economic times, the Self Fund Line of Duty Act Claims was passed on to the Virginia Retirement System. She also stated that local government could choose to opt out and self fund which meant that the County could proceed with another insurance company. Mrs. Whitby stated that there were two insurance companies that covered the Self Fund Line of Duty Act Claims and the Board would have to go with the company that dealt with the Worker's Comp Claims. She stated that the County was now with the Virginia Association of Counties and that with the following Resolution, the County would opt out of the Virginia Retirement System Self Fund Line of Duty Act and Self Fund through VACo. She requested approval of Resolution #11-143.

**RESOLUTION #11-143
SELF FUND LINE OF DUTY ACT CLAIMS**

WHEREAS, the Commonwealth of Virginia has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, 9.1-400 et seq. of the Code of Virginia; and

WHEREAS, the Commonwealth of Virginia has shifted the cost of paying past and present liabilities under the Line of Duty Act, from the State to local government entities through Item 258 of the 2011 Budget Bill; and

WHEREAS, Greensville County is automatically included in the Line of Duty Act Fund unless it opts out by June 30, 2012, and chooses to self fund its obligations under the Line of Duty Act; and

WHEREAS, Greenville County desires to opt out of the Line of Duty Act Fund and self fund all liabilities relating to its past and present covered employees under the Line of Duty Act.

NOW, THEREFORE, BE IT RESOLVED that the governing body of Greenville County hereby agrees to opt out of the Line of Duty Act Fund effective June 30, 2011, and self fund all liabilities relating to its past and present covered employees under the Line of Duty Act effective July 1, 2011.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve Resolution #11-143. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Street Light Requests

Mr. Pope stated that there were numerous street light requests which included both pedestrian safety areas and project areas.

In Re: Sussex Drive Crossover Prior to Crescent Road

Mr. Pope stated that a request was made by Supervisor Lee to study the possibility of installing an additional street light on Sussex Drive crossover prior to Crescent Road. He stated that the request concerned an area where road condition were a concern located where Sussex Drive (Highway 301 North) crossover prior to Crescent Road (State Route 614) intersects. He stated that the Transportation Safety Commission recommended approval contingent upon VDOT's approval along with the following three conditions:

1. This request was generated by concerns regarding road access on an area of Sussex Drive (Highway 301 North) to increase nighttime visibility at the crossing.
2. A meeting was held with a Mecklenburg Electric representative to determine the appropriate placement of street lights. The charge to install is \$240 with a monthly charge.
3. Staff is awaiting comments from VDOT.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve the Street Light Request at Sussex Drive Crossover prior to Crescent Road. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: I-95 South Ramp/Skippers Road

Mr. Pope stated that the request was made by Len Hobbs, Commissioner on the Transportation Safety Commission to study the possibility of installing an additional street light on Skippers Road where there was concern for pedestrian safety. He stated that it was located where Interstate 95 South Ramp/Skippers Road intersects. Mr. Pope stated that the Transportation Safety Commission recommended approval contingent upon VDOT's approval with the following conditions:

1. This request was generated by concerns regarding pedestrian safety on an area of Skippers Road that experiences pedestrian traffic from Brook Ridge Apartments to the Red Barn and Simmons Truck Stop.
2. A meeting was held with a Mecklenburg Electric representative to determine the appropriate placement of street lights. The charge to install the light is \$240 with a monthly charge.
3. Staff is awaiting comments from VDOT.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve the street light at I-95 South Ramp/Skippers Road. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Washington Park

Mr. Pope stated that the County of Greenville was currently implementing a Community Development Block Grant in the Washington Park area of the County. He stated that in the contract with DHCD, the County must install three additional lights within the project area located at the intersection of Easter Street, Carver Street and Ellington Street neighborhoods. Mr. Pope stated that the Transportation Safety Commission recommended approval of the additional three street lights contingent upon VDOT's approval. He then stated that VDOT did not need to approve the lights due to additional poles to place and that Staff recommended approval with the following conditions.

1. Since there are active CDBG Projects ongoing in the neighborhood and adequate street lighting is a concern throughout the neighborhood, this application will be process as a Category Three Application. The subject location meets all criteria for a project area as outline in the County's street light program.
2. Dominion Power has been contacted concerning the placement of the approved street lights. It was determined that existing poles could be utilized for the installation of the street lights.
3. There will be an installation charge of \$188.19 for all three lights and a monthly electrical charge. The County has money in its CDBG Budget for the installation

of these three lights. Monies will not be expended out of the street light budget for the installation of these lights.

4. The project area experiences a large amount of pedestrian traffic at night. There is a significant amount of loitering throughout the project area. The citizens throughout the project area have expressed they would like to see additional street lighting installed throughout the neighborhood in an effort to deter illicit activity.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Washington Park Street Light request. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Debris Removal

Mr. Reggie Owens, Emergency Services Coordinator, addressed the Board of Supervisors stating Staff had solicited RFP's from vendors to provide debris removal in the aftermath of a natural or manmade disaster. He stated that three companies responded and were interviewed which were Ash-Britt Environmental, Crowder Gulf and CERES Environmental. Mr. Owens stated that the single deciding factor was price per cubic yard and that Staff was recommending Ash-Britt at a bid of \$7.50 per cubic yard. He stated that Staff was also requesting authorization to negotiate a contract for two years with the option to renew in one year terms provided both parties were in agreement to continue. He also stated by going this route, the County had the opportunity to determine what level of services would be provided by the contractor.

Supervisor Ferguson moved, seconded by Supervisor Lee, to authorize Staff to execute a contract with Ash-Britt Environmental for debris removal contingent upon the County Attorney's review. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Southside Virginia Education Center Board of Directors Appointment

Mrs. Natalie Slate, Deputy County Administrator, addressed the Board of Supervisors stating that the SVEC Board of Directors had three appointments by the Board of Supervisors to represent industrial, business and commercial within the County. She stated that Mr. Mike Jones from Georgia Pacific had been the Board's representative and was no longer with Georgia Pacific. Mrs. Slate stated that she had spoken with Thomas Slippy with Georgia Pacific who was instrumental in bringing the Career Readiness Certificate Program to the Education Center and he was excited and willing to serve the unexpired term of Mike Jones.

Chairman Wiley opened the floor for nominations of an individual to fill the unexpired term on the Southside Virginia Education Center Board of Directors from May 17, 2011 until June 20, 2012.

Supervisor Lee moved, seconded by Supervisor Vaughan, to appoint Mr. Thomas Slippy to fill the unexpired term of Mike Jones from May 17, 2011 until June 30, 2012. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Adjournment

There being no further business, 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