

VIRGINIA: At a regular meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Veterans' Memorial Building on Monday, April 28, 2008 at 6:00 p.m.

PRESENT: Ron Knight, Vice-Chairman, Karl Weiss, Crystal P. Harris and Lock Boyce, Board Members;

ABSENT: Jonathan Large, Chairman

STAFF PRESENT: Craig E. Teller, Interim County Administrator; Tom Rose, Interim Assistant County Administrator; Alan Black, County Attorney; and Geri Hazelwood, Assistant to the County Administrator.

The Vice - Chairman called the meeting to order.

Mr. Blanco Midkiff gave the invocation.

The Board recited the Pledge of Allegiance to the Flag, followed by a Moment of Silence in honor of past and present U. S. military personnel serving domestically and abroad.

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously, the agenda for the meeting was approved.

Voting Aye: Harris, Weiss, Boyce, and Knight

Voting Nay: None

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously, the minutes for the April 14, 2008 meeting were approved.

Voting Aye: Harris, Weiss, Boyce, and Knight

Voting Nay: None

Public Comment Period:

The Chairman opened the public comment period.

Mr. Danny Wood came before the Board with his concerns for the budget.

Mr. Freddie Hiatt had concerns about the budget.

Mr. Herman Logan Jr. spoke to the Board concerning the noise from the Rolling Thunder Raceway.

The Chairman closed the public comment period.

Special Recognition: Animal Pound

Be it resolved this 28th day of April, 2008, that it is important from time to time for the Board of Supervisors to recognize those county employees who quietly, day after day, work on behalf of our government to perform vital public services and do so in a manner that reflects great credit our local government. In this spirit, the Board commends Leon Handy and Wanda Vaden for their work in maintaining the Patrick County Animal Pound. A report by the Virginia Office of Veterinary Services after an inspection on April 3rd, gives the Patrick County Pound a perfect score and describes the facility as “exceptionally clean and organized.” Moreover, the inspector noted after conducting the inspection that this is a model facility. The Board commends officers Handy and Vaden for their dedicated and professional service to our County. Job well done!

Public Hearing: Amendment of Cable Television System Franchise Agreement:

On motion by Crystal P. Harris seconded by Lock Boyce and carried unanimously the Board of Supervisors approves the request by Citizens Cablevision, Inc. to amend Section 2.3 and Exhibit A of its franchise agreement dated August 13, 2003, and authorizes the Chairman of the Board to execute the Amendment.

Public Hearing: Guidelines For Implementation of the PPEA:

On motion by Lock Boyce seconded by Karl Weiss and carried unanimously the Board of Supervisors approved to adopt the PPEA guidelines.

Reports by the: County Administrator

Mr. Teller asked the Board to allow the Jail Commission to proceed with local jail and to allow him to contract to do the needs study.

Mr. Teller stated that the RFP – due on April 30, 2008 would be presented to the Board for approval on May 12, 2008.

The plumbing repairs are on track and should be finished sometime mid-May.

Approval: Bills Claims and Appropriations

On motion by Lock Boyce seconded by Karl Weiss and carried unanimously, the Board approved County General Claims as presented this day and as evidenced by check numbers # 89384 - 89536.

Consent Agenda

On motion by Karl Weiss seconded by Crystal P. Harris and carried unanimously, the Board approved the Consent Agenda as set forth below:

Extension of Garbage Services Franchise

The Board approves the extension of the garbage services franchise until June 30, 2008, pending a decision by the Board on a new franchise agreement for the county.

Child at Play Sign

Upon the recommendation of the Town of Stuart, the Board requests that the Virginia Department of Highways install "Children at Play" signage on each end of Buena Vista Avenue within the Town of Stuart.

School Board Budget FY 2008 –2009

On motion by Lock Boyce seconded by Karl Weiss and carried unanimously, the Board approved the \$27,549,625, and that the amount appropriated for the public schools relate to the school board's total budget and not to the major classifications prescribed by the Board of Education.

County Budget for FY 2008 – 2009

On motion by Karl Weiss seconded by Lock Boyce and carried 3 to 1, the Board approved the amount of \$39,012,044.00, with an increase in the real estate tax levy of 2 cents per hundred for the FY 2008 – 2009 county budget.

Voting Aye: Knight, Boyce, and Weiss

Voting Nay: Harris

School Bond Resolution

On motion by Crystal P. Harris seconded by Karl Weiss and carried unanimously the Board approved the school bond resolution. The amount appropriated for the public schools relates to the school board's total budget and not to the major classifications prescribed by the Board of Education.

**RESOLUTION OF BOARD OF SUPERVISORS OF PATRICK COUNTY,
VIRGINIA APPROVING FINANCING FOR SCHOOL CAPITAL
PROJECTS AND RELATED MATTERS, INCLUDING DECLARING ITS
INTENTION TO REIMBURSE ITSELF OR PATRICK COUNTY SCHOOL
BOARD, AS APPROPRIATE, FROM THE PROCEEDS OF ONE OR MORE
TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE
AND/OR TO BE MADE IN CONNECTION WITH THE PATRICK COUNTY
SCHOOL PROJECTS**

WHEREAS, Patrick County, Virginia (**the "County"**) is a political subdivision of the Commonwealth of Virginia and the Board of Supervisors of the County (**the "Board"**) has considered a plan for lease-revenue financing (**the "Financing"**) of the design, acquisition, construction, renovation, expansion and equipping of Patrick County public school facilities, including Patrick County High School, Blue Ridge Elementary School, Hardin Reynolds Elementary School, Meadows of Dan Elementary School, Patrick Springs Primary School, Stuart Elementary School and Woolwine Elementary School (**together, the "Project"**), all in cooperation with the School Board of Patrick County, Virginia (**the "School Board"**) and the Economic Development Authority of Patrick County, Virginia (**the "EDA"**); and

WHEREAS, the School Board adopted a resolution as to the Financing of the Project at its meeting on April 10, 2008 and has requested the Board to complete the Financing; and

WHEREAS, the County or the School Board has paid not more than 60 days prior to the date of adoption of this resolution, and will pay, on and after the date hereof, certain expenditures (**"Expenditures"**) for the design, acquisition, construction, renovation, expansion and equipping of the Project and has determined that such moneys so previously advanced and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of one or more issues of tax-exempt bonds in furtherance of the Financing to be issued after this date (**the "Bonds"**); and

WHEREAS, the Financing will involve a public offering of lease revenue bonds, including preparation of a preliminary official statement and an official statement as offering documents (**together, the "Official Statement"**), bond sale or purchase agreement, leases on all or a portion of the Project as collateral for the Bonds and bond financing documents as required by and in accordance with applicable law to accomplish the sale of Bonds (**the "Financing Documents"**), and other certifications and documents deemed appropriate, all prepared with the assistance of professionals including the Underwriter and Bond Counsel, as designated below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County or the School Board, as appropriate, with the proceeds of the Bonds for the Expenditures made on and after February 28, 2008, which is not more than 60 days prior to the date hereof. The Board reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the School Board or the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the School Board or the County.

Section 3. The maximum principal amount of proceeds from the Bonds expected to be issued for construction of the Project is \$24,000,000.

Section 4. The Board will make a reimbursement allocation, which is a written allocation by the Board that evidences the Board's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Board recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. The Board hereby finds and determines that the Financing is in the best interest of Patrick County and further hereby approves, ratifies and confirms the actions of the officers, employees and representatives of Patrick County, Virginia in furtherance of the Financing. The Board hereby approves Davenport & Company LLC as Underwriter for the Financing, Sands Anderson Marks & Miller, a Professional Corporation as Bond Counsel for the Financing, a bond trustee to be selected in accordance with resolutions to be adopted by the Board of Supervisors and the EDA and other professional assistance as necessary or appropriate, all such professionals to be utilized to the extent required to accomplish the Financing and issuance of Bonds. The officers and employees of the Board, including but not limited to the Chairman and Vice Chairman of the Board, County Administrator, Assistant County Administrator and County Attorney are authorized and directed to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they may deem necessary or appropriate to effectuate and bring to conclusion the Financing and the transactions described in this Resolution, including actions to assist in the preparation of the Official Statement and Financing Documents, and relating to the obtaining of municipal bond insurance, sureties and ratings, as may be deemed appropriate. The Board requests the EDA to take such action to complete the Financing and consents to and approves of the issuance of Bonds in furtherance of the Financing, including the security therefore.

Section 6. This resolution shall take effect immediately upon its passage.

Telephone System Improvements – Total Communications

Mr. Steve Norman gave a presentation to the Board on the County's telecommunications system.

On motion by Karl Weiss seconded by Lock Boyce and carried unanimously the Board approved the telecommunication improvement plan.

Executive Session

On motion by Lock Boyce, seconded by Karl Weiss, the Board convened into Executive Session to discuss personnel matters [Section 2.2-3711(A)(1), 1950 Code of Virginia, as amended] legal matters [Section 2.2 – 3711(A)(7) and contract matters [Section 2.2 – 3711 (A)(30).

Roll Call Vote:

Knight: yes

Harris: yes

Weiss: yes

Boyce: yes

WHEREAS, the Patrick County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act, and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board,

BE IT FURTHER RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies.

On motion by Lock Boyce seconded by Karl Weiss and carried the Board reconvenes into regular session.

Roll Call Vote:

Knight: yes

Harris: yes

Weiss: yes

Boyce: yes

On motion by Lock Boyce seconded by Karl Weiss and carried unanimously, the Board hired Mr. William J. Scudder Jr. contingent upon changes made during executive session.

On motion by Lock Boyce seconded by Crystal P. Harris and carried by acclamation, for Regina Handy to use the Covered Bridges for the Covered Bridge festival.

Ordered that the Board be adjourned until May 12, 2008 commencing at 6:00 p.m.

, Chairman