

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on February 11, 2014.

Present: Nancy R. Carwile, Chairman
Haywood J. Hamlet, Vice Chairman
Gary D. Walker
Warren E. Weston
Garland H. Hamlett, Jr.
Robert L. Shook, Jr.
David M. Guill

Chairman Carwile called the meeting to order.

Garland H. Hamlett, Jr. gave the invocation.

Motion was made by Garland H. Hamlett, Jr. seconded by Robert L. Shook, Jr. 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 David M. Guill and carried with all other members present and voting yes to approve the minutes as corrected.

Motion was made by Robert L. Shook, Jr., seconded by Gary D. Walker and carried with all other members present and voting yes to modify the courthouse study contract with Glave' & Holmes Architecture to include the additional work requested at a sum of \$9000.

The meeting was recessed for the purpose of conducting the following 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 revisions to the DUI Ordinance.

There being no comment the public hearing was adjourned.

Chairman Carwile called the meeting to order.

Motion was made by Garland H. Hamlett, Jr., seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to adopt the following DUI Ordinance:

Section 70-74

Article III. Reimbursement of expenses incurred in responding to DUI and related incidents

- A) Any person convicted of violating any of the following provisions of the Code of Virginia or any similar ordinance in the County Code shall, at the time of sentencing or in a separate civil action, be liable to the County of Charlotte or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the locality for responding law enforcement, firefighting, rescue and emergency services, including those incurred by the sheriff's office of Charlotte County or by any volunteer fire or rescue squad or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. Any person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to Charlotte County or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by Charlotte County when issuing any related arrest warrant or summons, including the expenses incurred by the Sheriff's office of Charlotte County or by any volunteer fire or rescue squad, or by any combination of the foregoing:
1. The provisions of Code of Virginia sections 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or 46.2-341.24 when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

2. The provisions of Article 7 (Code of Virginia section 46.2-852 et seq.) Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
 3. The provisions of Article 1 (Code of Virginia section 46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license;
 4. The provisions of Code of Virginia section 46.2-894 relating to improperly leaving the scene of an accident.
- B) Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed one thousand dollars (\$1,000.00) in the aggregate for a particular accident or incident. In determining the "reasonable expenses" a flat fee of two hundred and fifty dollars (\$250.00) may be billed, or a minute-by-minute accounting of the actual costs incurred may be billed.
- C) The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, the County of Charlotte, or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving operation of a vehicle or other conduct as set forth herein.

Motion was made by Garland H. Hamlett, Jr., seconded by Warren E. Weston and carried with all other members present and voting yes to adopt a resolution supporting the Drakes Branch Volunteer Fire Department Vehicle Acquisition as follows:

The undersigned, being the duly qualified Clerk of Charlotte County, Virginia, does hereby certify that the following is a true and accurate copy of a Resolution passed by the County Board of Supervisors of Charlotte County, Virginia, at its regular/special meeting on the 11 day of February 2014, which Resolution was duly introduced, seconded, and approved, and is effective as of the meeting at which it was approved, and that said Resolution remains in full force and effect:

"NOW, THEREFORE, BE IT HEREBY RESOLVED, that the County Board of Supervisors of Charlotte County, Virginia does hereby approve (within the scope of the qualifying language set forth below) a tax-exempt loan to the Drakes Branch Volunteer Fire Department (the "VFD") from First-Citizens Bank & Trust Company in the principal amount of \$262,195.00, which loan is for the following purpose (check applicable purpose):

1. for the construction of a fire station for the VFD, (cross out the following if not applicable) including the purchase of the underlying real property.
2. for the purchase by the VFD of a fire truck or fire trucks, and

Which fire truck(s) and/or fire station will be owned and operated by the VFD at the following address:

4818 Drakes Main Street

Drakes Branch, VA 23937

RESOLVED, FURTHER, that the approval of the loan to the VFD set forth above is given solely for purposes of the public approval requirements for tax-exempt financing applicable to the VFD because of Section 150(e)(3) and Section 147(t) of the Internal Revenue Code of 1986, as amended, and such approval does not obligate the County or its Board of Supervisors in any way regarding repayment of the debt.

[USE THE FOLLOWING TWO PARAGRAPHS IF VFD DOES NOT HAVE A WRITTEN AGREEMENT WITH COUNTY]

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the County Board of Supervisors of Charlotte County, Virginia hereby does approve a written agreement requiring the provision of fire fighting services to the County by the VFD in the form of the written agreement attached hereto as an exhibit and incorporated by reference herein.

RESOLVED, FURTHER, that Russell B. Clark, Clerk of the County Board of Supervisors hereby is authorized to execute on behalf of the County a written agreement with the VFD in the form of the written agreement attached hereto as an exhibit and incorporated by reference herein."

Motion was made by Gary D. Walker, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to reappoint James Jones representing District A to the Transportation Safety Committee for a term of 4 years.

Motion was made by Gary D. Walker, seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to appropriate the following:

10-1101-3002 – Courthouse Study - \$1,605.00

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

Motion was made by Haywood J. Hamlet, seconded by Robert L. Shook, Jr. and carried with David M. Guill voting no and all other members present and voting yes to pay the coyote claims for Micheal Whitmer, Derek Horvath, and Fred Flynn.

The meeting was adjourned.