

**Town of Louisa
Monthly Meeting
August 19, 2008**

Present: James S. Artz, Mayor; Mary Jane Clarke, Vice-Mayor; A. Daniel Carter, Warren D. Gehle, Matthew L. Kersey, H. I. Dulaney, Council Members; Ronald M. Maupin, Attorney; Brian W. Marks, Town Manager; Donna L. Pinter, Treasurer; Jessica M. Ellis, Clerk; M. Brad Humphrey, Project Manager; Stan Batten, Chief of Police

Also Attending: Mrs. Lisa Williams, representing Maguire Woods and VEPCO; Shana Strang, the Central Virginian

Absent: None.

All copies including: reports, handouts, and documents can be found following the minutes.

Mayor Artz called the meeting to order at 7:01 p.m.

BUSINESS FROM THE FLOOR

None.

CONSENT AGENDA

Council member Kersey made a motion to approve the consent agenda as presented. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

OLD BUSINESS

**Action: Resolution supporting the actions of the Town of Louisa
IDA**

Mr. Marks explained to Council that the resolution that was authorized last year by the IDA and Town Council for the VEPCO refinancing had expired. Mr. Marks stated that Mrs. Lisa Williams of Maguire Woods attended the July 16, 2008 meeting of the IDA to speak to them about the expiration and that she was also in attendance tonight to speak with Council. Mr. Marks then introduced Mrs. Williams to Council.

Mrs. Williams stated that the resolution had expired due to the lack of financing as a result of market conditions. Mrs. Williams informed Council that they are now in a position to move forward and are requesting Council's support in authorizing a new resolution. Mrs. Williams stated that the terms and conditions of the resolution remain the same as they were when they were approved in 2007. Mrs. Williams also noted that the IDA approved the request at their July 16, 2008 meeting.

Council member Clarke made the motion authorizing the resolution of support. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

RESOLUTION
OF THE TOWN COUNCIL OF THE
TOWN OF LOUISA, VIRGINIA

WHEREAS, by resolution dated June 19, 2007, the Industrial Development Authority of the Town of Louisa, Virginia (the "Authority"), the issuance by the Authority of up to \$159,500,000 of its pollution control refunding revenue bonds (the "Refunding Bonds") to assist Virginia Electric and Power Company (the "Company") in refinancing the costs of acquiring, constructing and equipping certain air or water pollution control facilities and/or sewage or solid waste disposal facilities and related facilities and equipment at the North Anna Power Station of the Company located at State Route 700 in Mineral, Louisa County, Virginia (the "Facilities"), by refunding bonds previously issued by the Authority in 1984, 1985, 1987 and 1994;

WHEREAS, by resolution adopted on June 19, 2007, the Town Council of the Town of Louisa, Virginia (the "Council") approved the Company's refinancing of the Facilities and the issuance of the Refunding Bonds;

WHEREAS, due to unforeseen changes in the capital markets for tax-exempt bonds, the Company determined to temporarily suspend the refinancing of the Facilities and the issuance of the Refunding Bonds. The Company now wishes to proceed with the refinancing and federal tax law requires the Council and the Authority to affirm their respective approvals of the issuance of the Refunding Bonds;

WHEREAS, the Authority has recommended that the Council ratify and affirm its approval of the issuance of the Refunding Bonds;

WHEREAS, a copy of the Authority's resolution ratifying and affirming its approval of the issuance of the Refunding Bonds, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council; and

WHEREAS, except to the extent modified by this resolution, the Council now desires to ratify and affirm its prior resolution adopted on June 19, 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOUISA, VIRGINIA:

1. The Council ratifies and affirms its approval of the issuance of the Refunding Bonds by the Authority in an aggregate principal amount not to exceed \$159,500,000, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") to permit the Authority to assist in refinancing the Facilities.

2. Except to the extent modified by this resolution, the Council hereby ratifies and affirms its prior resolution adopted on June 19, 2007.

3. This resolution shall take effect immediately upon its adoption.

Adopted by the Town Council of the Town of Louisa, Virginia this 19th day of August, 2008.

Clerk, Town Council of the Town of Louisa,
Virginia

[Seal]

Discussion: False Burglar Alarms

Council member Kersey moved to forward the False Alarm Ordinance to Public Hearing. Council member Dulaney seconded the motion. The vote went as follows: 5-0 in favor.

Discussion: Vehicle Decals

Mr. Marks presented several different options to Council regarding the Town of Louisa doing away with vehicle decals. Mr. Marks stated that Council would need to review and discuss the options and make a selection as to which one would be best for the town.

After some discussion, three options remained, and Council member Carter made the motion to send the three options to public hearing. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Discussion: Regional Waste Water Treatment Plant

Mr. Marks reported that he met with Dewberry and the Louisa County Water Authority to discuss the WWTP project. Mr. Marks stated that we are still waiting for the background study that was started last August to be completed. Mr. Marks informed Council that DEQ would then review the study after its completion, and noted that he did not feel comfortable moving forward with the project without DEQ's approval.

Mr. Marks then requested authorization to complete the application to enter into the bond pool with VRA. Mr. Marks stated that he would also like to pursue financing with Rural Development at a rate of 2.75% for new projects. Mr. Marks noted that the bond pool has an application deadline of September 19, 2008.

Council member Gehle made the motion authorizing Mr. Marks to apply for financing with VRA as well as pursuing financing with Rural Development. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

Action: Acceptance of a 2009 NHTA Grant

Mr. Marks stated that Chief Batten had applied for the grant back during the winter months and the funding was just recently awarded to the Police Department. Mr. Marks stated that Council's authorization to accept the grant is all that is needed.

Council member Kersey made the motion authorizing the acceptance of the 2009 NHTA Grant. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

NEW BUSINESS

Action: Resolution affirming compliance with IRS and VRS tax code

Council member Kersey made the motion to adopt the resolution. Council member Dulaney seconded the motion. The vote went as follows: 5-0 in favor.

RESOLUTION

Affirmation of Authorization to Pick-up the Employee's Contribution to
VRS for TOWN OF LOUISA
Under § 414(h) of the Internal Revenue Code

WHEREAS, the TOWN OF LOUISA provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the TOWN OF LOUISA desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after August 19, 2008, the Town of Louisa shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the TOWN OF LOUISA in lieu of member contributions; and it is further

RESOLVED that pick-up member contributions shall be paid from the same source of funds as used in paying wages to affected employees; and it is further

RESOLVED that member contributions made by the TOWN OF LOUISA under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the TOWN OF LOUISA directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the TOWN OF LOUISA shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the TOWN OF LOUISA on behalf of such employee pursuant to the foregoing resolutions.

Adopted in LOUISA, Virginia this ____ day of _____, _____.

Name & Title Printed

Authorized Signature Title

Discussion/Action: Resolution supporting sidewalk reallocation

Mr. Marks reported that due to the cost of the additional work that would have to be done in order to complete the sidewalk project on Cutler Avenue; it would be in the town's best interest to use the

funding towards another project within the town. Mr. Marks stated that he had conversed with VDOT about the additional costs that the Cutler project would require and informed Council that he had petitioned VDOT about the possibility of reallocating the funds to another project and had received their approval.

Council member Kersey made the motion to approve the resolution as presented by Mr. Marks. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

**Town Council
Town of Louisa
Resolution 2008 - 001**

At a regular meeting of the Town Council of the Town of Louisa held in the Town of Louisa Municipal Building at 7:00pm on the 19th day of August 2008, at which the following members were present, the following resolution was adopted by a majority of all members of the Town Council, the vote being recorded in the minutes of the meeting as shown below:

RESOLUTION OF SUPPORT
FOR
THE REALLOCATION OF SIDEWALK BUILDING FUNDS

Whereas, The sidewalk installation project along Cutler Street was approved and funded following the Virginia Department of Transportation Six Year Plan process, and

Whereas, the Virginia Department of Transportation has indicated that the project has been cancelled due to excessive costs because of the topography of the path and a creek crossing, and

Whereas, the Louisa Town Council regrets the decision of the Virginia Department of Transportation, feeling fully that pedestrian safety is a responsibility of both the Town of Louisa and the Virginia Department of Transportation, and

Whereas, The Town of Louisa will support the cancellation of the Cutler Street project provided that the funds already allocated be used for new sidewalk construction within the Town of Louisa town limits;

Therefore be it Resolved, that the Louisa Town Council requests that the funds allocated for the Cutler Street Sidewalk project allocated through the Virginia Department of Transportation Six Year Plan be reallocated to the installation of new sidewalk along the corridor from:

- (a) Lyde Street from the Fire Department to Denton St a distance of approximately 900 feet, or
- (b) Patrick Henry Drive from Church Street to Cutler Street, a distance of approximately 616 feet, or
- (c) McDonald Street from South Street to Elm Avenue a distance of approximately 1100 feet, or
- (d) McDonald Street from Elm Avenue to Ashley Street a distance of approximately 630 feet.

Present

James S. Artz, Mayor
Mary Jane Clarke
Warren Gehle
Bud Dulaney

Vote

Presiding
For
For
For

Present

A. Daniel Carter
Matthew L. Kersey

Vote

For
For

A copy, teste _____
Jessica M. Ellis, Clerk

STANDING COMMITTEE REPORTS

Police Department:

(Please refer to the Police Department report.)

Chief Batten had nothing further to add to his report.

Water & Sewer Department:

(Please refer to the Water & Sewer Department report.)

Mr. Humphrey stood before Council and read aloud from his report, highlighting areas of interest.

Litter Committee:

No report.

Streets & Sidewalks

No report.

Cemetery

No report.

REPORTS FROM STAFF

Counsel

Mr. Maupin stated that he had drawn up a deed of easement for a sewer transition line for Lockridge to sign. Mr. Maupin stated that he

has received the signed deed and has approved the document. Mr. Maupin then stated that a resolution from Council authorizing the Town Manager to execute the easement to accept the same is necessary.

Council member Clarke made the motion to accept the deed of easement and authorize the Town Manager to execute the same. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Maupin then stated that it was necessary for Council to adopt a motion confirming the authorization of the Town Manger and Treasurer to reinvest the certificates of deposit.

Council member Kersey made the motion authorizing the Town Manager and the Treasurer to reinvest the certificates of deposit. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Maupin also stated that a motion authorizing the Town Manager to place an advertisement in the Louisa County High School Athletic Program is needed.

After some discussion, the following action took place:

Council member Clarke made the motion authorizing the Town Manager to place an advertisement in the LCHS Athletic Program. Council member Carter seconded the motion. The vote went as follows: Kersey, for; Dulaney, for; Carter, for; Clarke, for; Gehle, against (4-1 in favor).

Clerk

No report.

Treasurer

No report.

Manager

Mr. Marks reported that the Town of Louisa had won an award from VML and it would be presented at the VML Conference. Mr. Marks then took a moment to remind Council that the Conference would be coming up in October and asked that if there was anyone interested in attending.

Mr. Marks reminded Council that he is still waiting for short biographies from each Council member which will be posted on the Town of Louisa website.

Finally, Mr. Marks informed Council that all the summer employees had left and were returning to school for the fall semester.

COMMUNICATIONS

Mr. Marks noted a thank you letter that was received thanking the Town of Louisa for joining the Chamber of Commerce.

Council member Carter made mention of a concern reported to him by a local citizen regarding the failure of motorist traffic to yield to pedestrians in crosswalks.

ADJOURNMENT

Council Member Clarke moved to adjourn the August 19, 2008 meeting at 7:58 p.m.

Mayor

Clerk