

**Buckingham County
Board of Supervisors
Monthly Meeting
February 9, 2009**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, February 9, 2009 at 7:00 p.m. in the Buckingham County Agricultural Center Auditorium, the following members were present: I. Monroe Snoddy, Chairman; Joe N. Chambers, Jr., Vice-Chairman; Dr. Brian D. Bates; F.D. "Danny" LeSueur; Danny R. Allen; E. A. "Bill" Talbert; and John D. Kitchen, Jr. Also present were Rebecca S. Carter, County Administrator and E.M. Wright, Jr., County Attorney.

Re: Quorum Present

Chairman Snoddy certified that there was quorum-seven members were present and that the meeting could continue.

Re: Call to Order, Invocation, and Pledge of Allegiance

Chairman Snoddy reconvened the meeting from the Special Called Joint Meeting between the Board of Supervisors and the School Board which was held at 5:00 p.m. in the conference room. Supervisor Talbert gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Approval of Agenda

Supervisor Kitchen moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve the agenda as amended.

1st amendment: Reconvene the meeting from the 5:00 P.M. Special Meeting.

2nd amendment: Corrected Date on the Agenda and Corrected A

3rd amendment: Please add new Item J-12: Consider Public Hearing for Proposed Updated Buckingham County Emergency Operations Plan

4th amendment: Please add new item L-8: Savings on Monthly Telephone Bills

5th amendment: Please add J-13 Steps

Re: Approval of Minutes

Supervisor Kitchen moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve the minutes as presented.

Re: Approval of Claims

Supervisor Kitchen moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve the claims as presented.

Supervisor Talbert: I'm going to vote for the claims, but I have one comment. Here we have two cylinders that was put on the trash trucks, \$5,301.05. I would like Mrs. Carter to talk to our supervisor, if those cylinders, if something blocking it, if it has a bypass or rings a bell, to look into that if we don't we need to put safety devices. I'd rather go to Farmville, Prince Edward County half loaded then bust a cylinder.

Mrs. Carter: I have an answer for that. There is a cylinder that continuously goes out and we've turned it over to the company we purchased the vehicle from because it's a problem that should be under warranty.

Supervisor Talbert: If not I simply say if we can have a safety device bypass, some trucks have a safety bypass in it so you can't put but so much in it, I would appreciate you looking into it with Mrs. Amos.

Supervisor Kitchen: Joe Chambers is very familiar with all those cylinders and so forth. Joe, do you have any kind of problems like that.

Supervisor Chambers: I don't pack. But I don't have problems like that.

Re: Announcements

Chairman Snoddy called for any announcements. There were none.

Re: Public Comments

Chairman Snoddy asked if there were any public comments.

Lenny Rosser: I am from John Kitchen's district, 5 I believe. The subject matter I'd like to talk to you about it land use tax breaks for tree growers. The problem with tree growers is that they are more at risk than the farmers are. We are subject to fire, theft, piracy, bugs. Our crop is a 35 year to 90 year crop. That is pine and hardwood. The problem with this is that we are not getting any special exemption for this and we are taking the most risk. The risk involves that when we get our taxes assessed; all the land was assessed at \$2,000 an acre and up to \$600 an acre for the value of trees on the property. That really sounds good, but when you have second growth, it's not worth that. So when people get their trees cut, there is no incentive to put the loblolly pine in there to continue the income and the future for the county. That is already happening because the value of the trees at this point are worth \$180 to \$300 for second growth. They are talking about \$600 per acre and that is every year and then when you go to harvest the trees you are stuck with capital gains. Everybody handles this accept

the grower gets some kind of exemption. No here's what happening with this, when you have a piece of ground that you are paying so much on and then you go to get it cut, you don't have an exemption then you can't get the tax out of it later. And you only suffer from that. In my opinion, I think we ought to have some kind of special exemption. The farmers go on, it used to be the farmers now they are tree growers, but you have to remember, we are both farmers. The difference is 35 to 90 years. The only circumstances, if you want to have an income off these trees, you better make some kind of special exemption to make you pay, where you are going to pay \$145 an acre to put these pines back, that's the fastest growing, loblolly pines, if you don't put them on there, then you are not going to have anything in the future and you are already losing taxes on the value of the second growth. So it's still to your advantage, you are already losing money, but we are talking about maybe one crop, most people don't live to be 90 years old. I'm hoping in that respect, that yall would consider this special tax exemption for tree farmer's right along with the rest of the farmers. We need it and it's fair. You don't have to replant these trees when you have your timber cut, and the end result, you can also sell to developers and everything else. Now I've got 40 acres of second growth there and I didn't know this until about three years ago when I started checking into it. Now I'm taking a beating on these 40 acres. Now where is my incentive to plant these trees back in here? If you give me an incentive, you can lock it in so you would have to progressively use this incentive or get penalized for not keeping in that asset. If you go the other way, the whole county is going to lose and is already losing on the tax base now. I know this, I was on the equalization board and I know how it went down. So I'm talking with experience and thank you for listening to me.

Henry Wood: Members of the Board, Mr. Chairman, I'm Henry Wood and I'm here representing Farm Bureau and Buckingham Cattlemen's Association. On the issue of land use. I got beat to the table on that tonight. We would like for you to consider putting into motion the proper procedure for adopting an Ordinance in the County to allow a bounty to be paid on coyotes killed in the County. Buckingham County Farm Bureau and the Cattlemen's Association will fund up to \$3,000 per year for \$50 per head for coyotes killed in Buckingham. If you would see fit to put the ordinance in place. We understand that we can't offer a bounty unless the County puts an ordinance on the books. We would ask that if you see fit to do this, that you would have the animal warden be the one that the person would take the coyotes to and if he would simply sign a voucher and bring that voucher to the Farm Bureau office and we will handle all the monetary paperwork and pay the funds out on his voucher. We would do this on an annual basis until we see fit. We would notify you if we did not continue it from year to year.

Mrs. Carter: Do Animal Control Officers do this in other counties that have this ordinance or does the game warden?

Henry Wood: I'm not sure who would do that. I know that other counties have it but they are based on tax dollars. The other counties I'm familiar with are not private funds like I'm proposing here. Because if the County would like to match it and make it \$6,000, we'd be glad to do that. It would be more incentive. We understand that when we brought it up before, that it was a difference of opinion of how valuable the bounty actually is on controlling the population, one of the things we want to do it get a baseline to see actually how many coyotes there are in the County. The last time I talked to someone in Prince Edward County on this, they had on the books for many years and two years previous to this they had not had a claim against the bounties. So we don't know if we would fill up in the first 60 days or whether we would get 50 or 60 coyotes turned in a year. But we feel like that we have the \$3,000 in order to get a benchmark and see how things are in the county, so we would like to request that you put in motion the procedure.

Supervisor Bates: Is this being done with exclusive private funds anywhere else in the state?

Henry Wood: Not to my knowledge but it could be, I don't know. All the other counties I know of are county funded.

Supervisor Bates: I would just like to simply ask that, I don't know if the County would be inclined to go in this direction, but if they are, the first thing we do is ask the County Attorney to investigate whether we can legally do it, pass an ordinance with private funds not county funds and also if we had a sundown provision in the ordinance that it could be reauthorized for a set number of years to do your study and then it will expire subject to County reauthorizing it in case the Farm Bureau not want to continue to fund the program and we have an ordinance on the books. The first question we need answered is can we legally do it?

Supervisor Talbert: I think the last time you brought it up, the County Attorney said that you have to have an ordinance in order for private money to be put in it. The County didn't have to participate in it.

Henry Wood: We are certainly not going to ask you to do something illegal. As far as the sundown clause as you call it, that's fine, we would notify you before the end of the year if we are not going to fund it for the following year, which is my proposal. If you want to reverse it, I don't have a problem with that.

Chairman Snoddy: I know one thing, they are a problem.

Henry Wood: I talked to farmers this weekend and he said he's killed 5 on his farm in the last six months.

Supervisor Bates: Game and Inland Fisheries made a report to us on a variety of issues some months ago about a bear problem. I know that they stated that the Bounty would not be fruitful.

Henry Wood: We acknowledge that it doesn't control the population and that's been documented out west many times. But it does give us a baseline. We don't know how many coyotes are being killed in the County. This will give us some reading as to what is going on. That is why we are willing to put the money up.

Danny LeSueur: Our hunt club killed 13 in the last two years. I'd say 10 of those came off of Royce Charlton's farm.

Henry Wood: One way to look at it is to think of it as a death penalty for a murderer. Once you kill that murderer, he's not going to kill anybody else and every dead coyote is not going to eat another calf.

Supervisor Bates: Is the Farm Bureau precluded from paying a bounty unless there is a local ordinance?

Henry Wood: That is what I was told.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to ask the County Attorney to research any questions related to the bounty.

Re: Alan Leatherwood, VDOT Resident Engineer

Alan Leatherwood: Not a lot of good news to report. Currently, we found out last week that as of July 1, 2009 through June 30, 2014 there will be no state money going through the formula for primary, secondary or urban construction, statewide. So, that includes your unpaved roads. Things are kind of bleak. That is where we stand.

Supervisor Talbert: I received a letter from the Governor Tim Kaine, paraphrase it some of the stuff:

“Thank you for your interest in the future of transportation in the Commonwealth” and it goes down to say “State and federal allocations for transportation will be reduced by \$2.6 billion over the next six years.” This comes from the Governor’s office, I’m not going to read the whole thing but it goes on to say “reductions to the Commonwealth’s Six Year Programs; reductions in services and programs provided by VDOT; and organizational staffing changes which will result in a reduction of approximately 1000 employees at VDOT.” Signed Tim Kaine, Governor of Virginia.

Alan Leatherwood: That is what I’ve been telling you about. Those reductions are coming.

Supervisor Talbert: So what you are saying, there is no use talking about a six year plan.

Alan Leatherwood: Well, we haven’t been given the go ahead to do that. I think that there are projects that are, the federal money will continue to flow the way I understand it right now. But the projects that we have are federal projects, unless you want to mess around with that. We will just keep on going as we are going I guess.

Lenny Rosser: Is there money for road repair?

Alan Leatherwood: Yes, at least it is right now.

Re: Consideration of a Public Hearing for Zoning Map Amendment for the purpose of building and operating poultry houses. Applicant: Clinton Shumaker

Rebecca Cobb: The first item I have tonight is 08-ZMA-171, Mr. Clinton Shane Shumaker requests approval for rezoning of Tax Map 55 Parcel 22, on 717 in the Marshall Magisterial district. He is requesting that it be rezoned from Agriculture to Agriculture Comprehensive (A-C) for the purpose of some poultry houses.

The Buckingham County Planning Commission held a public hearing on December 22, 2008. There were several public comments at that time. The citizens that spoke expressed concerns about odor, chemicals leaking into the ground, and dust. After the hearing the applicant offered to plant rows of evergreen trees as a buffer to block the odor and as a visual barrier. The applicant also offered to apply calcium chloride to Rt. 717 as well as to his drive as needed to keep the dust to a minimum. After doing more research and talking with the applicant, the Planning Commission made the decision during the January 26, 2009 meeting to recommend approval of rezoning the property. The conditions are:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to including submission and approval of a Development Plan and a Nutrient Management Plan prior to installation of an Intensive Agriculture Facility.
2. That all documentation submitted by the applicant in support of this request becomes a part of the conditions.
3. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
4. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable
5. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the rezoning approval, if it be the wished of the Planning Commission or Board of Supervisors.
6. That the applicant (s) understands the conditions and agrees to the conditions.

Tonight I would like to ask you to consider a public hearing.

Supervisor LeSueur moved, Supervisor Talbert seconded and was unanimously carried by the Board to set a public hearing for March 9, 2009 at 7:15 p.m. in order to hear public comments on the rezoning of the Clinton Shane Shumaker property from A-1 to A-C.

Re: Zoning Department Annual Report

Rebecca Cobb: I have provided you with an overview of the cases we saw in 2008 to show you how things are changing growth wise in the County.

- 3 cases from Verizon for Cell Towers, each 310' lattice
- 4 cases requested Zoning Map Amendments
 - Red Road Subdivision A-1 to R-1
 - Buckingham Palace A-1 to PUD-1, later withdrawn
 - Camryn Station M-1 to B-1
 - Shumaker Chicken Houses A-1 to A-C
- 2 cases for Restaurant SUP approval
- 5 cases requesting SUP's for other types of businesses
 - Mini-Storage Buildings
 - Meat/Butcher Shop
 - Pet Grooming
 - 2 Campgrounds
- 3 Withdrawn cases
 - Tactical Shooting Range
 - PUD-1 development
 - Variance

Also, during 2008 the Comprehensive Plan was updated and adopted and work began on updating the Zoning and Subdivision Ordinances. Major changes were adopted for Article 9 of the Zoning Ordinance and a Contract was signed with CityScape Consultants for creating a Cell Tower Master Plan and reviewing all new tower applications.

Supervisor Kitchen: On the report, you have hog houses, shouldn't that be chicken houses.

Re: Dr. Braxton Apperson, CSA Fiscal Agent; CSA Management Team

Braxton Apperson: Good evening. I'm here representing the CSA Management Team. As you know CSA is funded by state and local funds. The Governor cut \$41,015 out of CSA. We had hoped that we could get through the year with what we had. Ideally, not having to ask for that money but at least asking for less than that amount. It is not turning out that way. So I'm here tonight asking you to appropriate \$41,015 to cover what the state cut out of CSA.

Supervisor Kitchen: It's really a laugh. You've got the governor spending a half a million dollars to transfer people back and forth for this big party; you've got \$6.5 million spent to put the party on. And he can't give yall \$41,000 for this. It's time we say no to those people down there. I make a motion that we deny.

Supervisor LeSueur: I would like to make a comment on this. This is not basically just for what you would consider poor people. This is for children that have unusual circumstances that need help.

Braxton Apperson: It's not a welfare program. This is not in with Social Services. It's a separate fund. It's Comprehensive Services Act for families and children with unusual needs. Its services beyond what a family is able to handle. Its foster care and other services. It's for special ed students beyond what is normally provided for in the school.

Supervisor Kitchen: They can throw money away like they are doing on big parties; they can certainly come up with \$41,000.

Supervisor LeSueur: Irregardless of the fact of whether they had a \$6 million or \$12 million dollar party, we still have kids out here with needs that need to be dealt with.

Supervisor Kitchen: They can come up with the money if they have to. Every time they come up with a shortage down there, they come back to the localities and say here yall have to fund this.

Supervisor Bates: Dr. Apperson, the county is funding the Comprehensive Services Act at the mandated level right now. This \$41,000 is the shortfall. Is there a way you can provide us with information that will specifically tell us what the average Buckingham County citizen not going to get services if we don't do this? What is that service? Can you provide that information to us?

Braxton Apperson: It's a variety of services. It can be anything from a child in a foster home to these special needs child in the schools beyond the ability of special ed teachers or regular classroom aids that help that child. Some of them have such severe behavioral problems and emotional problems that they need to have someone with them every minute of every day to watch what goes on. There are also some children that are able to live in their own homes but the services provided are such things as day school. The local school system doesn't have the capacity to deal with those children. They can be taken to a day school and returned in the evening and be able to continue to live with their family. Now, what we have been able to do, we tried to hold down our costs. The way we've done that is keep as

many children as we could in the community. By doing that, it holds the reimbursement rate down. We are operating at about 16.5% local reimbursement appropriation rate. The lowest we can go would be 15%. If we went entirely with institutional places the rate would rise to about 25%. So at 16.5% we are serving a big majority of these children in the community. They all are mandated under state and federal law to receive the service, it's just a question of whether you can do it or not.

Supervisor Kitchen: \$41,000 may not sound like a lot of money but it is. Is there any way you can cut that some?

Braxton Apperson: Well, we have looked at services; I don't see how we can. The number of children that need help increased this year over last year. The children that needed help increased.

Supervisor Kitchen: Have you been back to the state and asked for the money?

Braxton Apperson: No we have not asked them for it. The notice went to the County Administrator's office and we received the notice if I recall, in August. As I understand, that will be next year too.

Supervisor Bates: So this will be a reoccurring reduction. For at least next year.

Supervisor LeSueur: One thing about this CSA, I've seen children come through this with issues when they went in and came out with 180 different child. If this process works, then we need to continue with this process and these children do change themselves, it's worth \$40,000 to get one child changed so they won't go out there and do something they are not supposed to be doing.

Supervisor Kitchen: That's good. They need to go ask for the money before they come to the localities and if they turn you down, then you can come back. I think you should go back to them to refund it.

Supervisor LeSueur: John, we can't go to them and ask them to give us more money on our budget. You think they are going to do it.

Supervisor Kitchen: They cut it out, let them refund it.

Supervisor Kitchen moved, Supervisor Talbert seconded to deny the request for \$41,015 for CSA to cover budget shortfall. The motion was defeated with a 5-2 vote. Supervisors Bates, Allen, LeSueur, Snoddy, and Chambers voting against and Supervisors Talbert and Kitchen voting for.

Supervisor Bates: I'd like to ask the County Administrator if the Board does authorize this money which we have nothing to do but that at this point, what is the anticipated source out of our budget? Where would this come from?

Mrs. Carter: It would have to come from Ending Year Balance.

Supervisor Bates: Would this then in the budget that is just about to come up that we will be considering in the next 60 days, with this then because the Governor has eluded it from funding for the next fiscal year, be in the next CSA request for next year?

Mrs. Carter: Probably, but we haven't seen those yet.

Supervisor Bates: We haven't seen those yet, but most likely that will be the case. So whatever happens, it's going to be an increase for the county.

Supervisor LeSueur: With this process right here, can this be brought forward from that budget item line toward the budget or do we need to take action on it?

Supervisor Bates: I guess the following question for Dr. Apperson would be this: Can the County appropriate ½ of that money at this point, see how the fiscal year ends on June 30th, see how far you get and circumstances may change and you won't need the whole \$41,000 and if March or April rolls around and you say look, I've gone through the \$20,000 and I'm back again, then we will have to answer it again. But rather than giving the whole 41 and change now, we give \$20,000 at this point and see if you can do services at that.

Braxton Apperson: We can try.

Mrs. Carter: In the beginning of the budget, when it was cut, they said they would try to make it without it. We might have to come back, just like the other departments; they are trying to make it without. This is a case where they have had to come back.

Supervisor Bates: Every since I came on the Board, the Comprehensive Services Act has been the most difficult thing because it is state and federal mandate and all comes from local dollars to pay for it.

Braxton Apperson: I have to tell you, when this was first proposed back in 1990, I was in opposition of it. I think it was a poor arrangement from the beginning.

Supervisor Talbert: I just want to say, I'm not against any child, I would take money out of my own pocket, which I have. The simple thing is we have one of the most finest Treasurer's here in this County and she is right now shifting things around to save people's homes. If this child doesn't have a home to go to, it's not much use, I'm going to vote for this \$20,000, but you've got to look at the overall fact that we as a County, we are going to have to cut back a lot, we just read about the State and \$2.6 billion and this, Dr. Apperson, is not against any child. Nobody loves children more than I do, nobody wants to help children more than I do, but like I said what are you going to do when their house comes up for auction and they are going to lose their home, what are they going to do then. That is why I'm trying to say that State is mandating too much for this Board and any other Board in the State of Virginia, period. I'll go along with what Supervisor Kitchen said.

Supervisor Kitchen: I'm not against the children, I raised 4 of them. I'll do anything in the world I can for mine, yours and anybody else's. When you have a bunch people sitting down there saying we can spend money the way we want to but we are going to tell the County how to spend theirs. We are going to take the money out of their pocket but we are going to save ours. I don't go for that. Some time or another, you just have to say no.

Supervisor Snoddy: I've been involved with CSA for several years, and I can tell you some good results come out there. I can tell you this. I know of one boy in particular, he stayed in there for three or four years, I can't call his name but I ran across him one day in Charlottesville at the Kroger, and he recognized me and came up to me asking me about where I was from. I asked him what he was doing

and he said that he was attending the University of Virginia in the evenings and working here in the mornings.

Supervisor Bates: Mr. Chairman, I would like to simply say, I agree with what Bill and John said, but the fact of the matter is unless you change the Constitution of Virginia, you don't have a choice in the matter and you are going to spend a lot more money than this when you tell the people in Richmond no and they call you into court and force you to do it. I don't think there's much option here. In this County and all counties in Virginia are going to be facing more situations like this if the legislatures keep voting as they do.

Supervisor Bates moved, Supervisor LeSueur seconded and the motion passed with a 6-1 vote to appropriate \$20,000 to the Comprehensive Services Act. Supervisor Kitchen voted against.

Re: Buckingham County Library: Progress Report and Budget Presentation

Linda Paige: I am President of the Local Buckingham Library Board and Vice President of the Regional Library Board. This evening we would like to make a budget request as well as a progress report of what is going on at Buckingham County Public Library. But prior to that I would like to acknowledge some of our people who have come out this evening to support us. We have our regional librarian, Ms. Peggy Epperson; local board members; and friends members. We understand the situation as far as the budget is concerned, and we are asking for level funding from what we received last year. We appreciate the support that you all have given the library. Now, this is Ms. Joyce Nelson who is Regional Branch Manager. She is going to give you a progress report of things that have been happening at the library.

Joyce Nelson: We care a lot about the financial abilities of the county. What we see at the library is an opportunity to deal with the human capital for Buckingham County. I did make a little brochure that I will share with you all. But we deal with the youngest to the oldest in the county. We are, the definition of human capital is marketable commodities possessed by individuals that can take the form of education, skills and talents. We meet all those needs at the library. We have GED classes which are raising the level of our Buckamites; I understand is the proper term, the Buckamite's abilities to get better jobs. Our younger citizens come out and have story time and talents are being developed here. The most recent use of our community use room is the Census Bureau coming and training people. There are a lot of ways that the community is fostering with the library. If you listen to the morning talk shows, they have been informing us that the usage of the library increases in times like this. Computer, we have new ones this year with the support you have given us. We have three more available to the public and they are using them for job searches, resume', compositions and applying for jobs. People are really using the library. Just in one month to the next, check out of periodicals and magazines have shot up about 20%. People can't afford magazine subscriptions in hard times, they come to the library. We thank you and hope that you continue to support us.

Re: Consider report from the County Attorney and consideration of at-large Planning Commission Member

John Kitchen stated that at this time he would like to withdraw his motion that was made last month and eliminate it from the agenda.

Bill Talbert stated that he would withdraw his second.

Supervisor Kitchen moved, Supervisor Talbert seconded and was unanimously carried by the Board to withdraw his motion to have Bobby Jones appointed as an At-Large Member of the Planning Commission and have it eliminated from the agenda.

Re: Consider appointment to the Planning Commission to represent the Francisco District (District 5)

Supervisor Talbert: I would like to make a nomination and I hope the Board will support me, Patrick Bowe. I think he would do an excellent job on the Planning Commission.

Supervisor Talbert moved, Supervisor Chambers seconded and was unanimously carried by the Board to appoint Patrick Bowe to the Buckingham County Planning Commission to represent District 5.

Re: Consider appointment of Transportation Enhancement Grant Committee for the Courthouse Enhancement Project

Supervisor Kitchen stated that he would like for Chairman Snoddy to serve on this committee in his place.

Mrs. Carter: This is the Transportation Enhancement Grant money that we received several years ago. The Commonwealth Regional Council have submitted a proposal for engineers for this project and according to the Grant requirements we need to have a committee of certain people from the County and from the public to serve on the committee to review these proposals and work with the project. We recommend that the committee consists of the County Administrator, Asst. County Administrator, and I had suggested Supervisor Kitchen since it was in his district, but Supervisor Kitchen just stated that Chairman Snoddy is going to serve, Todd Fortune with CRC and ask VDOT to have a representative to be on that committee, and Joyce Cline, who is a resident and business owner in the Village. She has been very helpful so far with this project, so I ask that you appoint her to the committee.

Supervisor LeSueur moved, Supervisor Talbert seconded and was unanimously carried by the Board to accept the Courthouse Enhancement Project Committee recommendation with the change from Supervisor Kitchen to Supervisor Snoddy. The committee will consist of the County Administrator, Asst. County Administrator, Chairman Snoddy, Todd Fortune of CRC, a VDOT Representative and Joyce Cline.

Re: Consider the Finance Committee Report

Supervisor Kitchen: I make a motion that we park all County vehicles except for the County Administrator and one Animal Control Officer that is on duty, they can alternate; also all Solid Waste trucks on a six month trial basis.

Supervisor Bates: John, did you say something about Solid Waste Trucks as well?

Supervisor Kitchen: Yes, solid waste trucks. I didn't have that included at first; I had Karl add those on.

Supervisor Bates: So the Solid Waste vehicles will be parked here at the County office.

Supervisor Kitchen: Yes.

Supervisor Bates: I would simply say that I intend to vote against the motion. For several reasons; Reason Number 1 is that as I understand it is the way the Animal Control Officers operate, because they live in different ends of the County even though one may be on call, if he gets a call at the other end of the County he would call the other Animal Control Officer and if he's available he will take care of the situation in his area. If that practice does not happen, then I think that the increase cost of the use of the County vehicle would be one factor, the second factor would be the service the ACO provides to the County will be I think somewhat diminished. Also, the Solid Waste vehicles, as I understand it, the drivers are leaving from their home on their routes when they pick up trash and they are leaving something 3, 4, 5 o'clock in the morning to go on their route. So to bring them to the central part of the County when they would be leaving from home, I don't think would produce savings.

Supervisor Kitchen: Right now, Mrs. Amos, her nearest site is Rt. 655, one way she goes is 8.7 miles from her home and the next place that she goes is 9.7. Its 17.4 miles. That would be a lot of savings. She can come here and pick this up and we will save either 8.7 or 9.7 every time she takes that truck to the Rt. 655 site. There will be a big savings and that is what we are looking for. We are trying to save money. I think this is a way we can do it, we can try it on a six month trial basis and if it doesn't work out we can always go back. As far as the Animal Control Officer, they can work it out but only one of the vehicles will be parked.

Supervisor Bates: I would simply follow, Mr. Chairman, to say when the Finance Committee to discuss this issue, it was our belief that the Board of Supervisors could not tell the Sheriff to park vehicles nor the School to park vehicles. We could simply ask them to do their own analysis and come to their own conclusions but because they are all separate constitutional officers we don't have authority to not drive vehicles home. That is why we sent a recommendation for them to look at it.

Supervisor Kitchen: I think they have agreed to do that. I know that the schools have, I haven't talked to the Sheriff.

Supervisor Allen: I know Todd Shumaker, the Recreation Director; he goes a lot of places when he is off work. He does soccer and tournaments and all that.

Supervisor Kitchen moved, Supervisor Talbert seconded to park all County vehicles except for the County Administrator and one Animal Control Officer for a six month probationary period. The motion passed with a 4-3 vote. Supervisors Kitchen, Talbert, Snoddy and Chambers voting yes and Supervisors Bates, LeSueur and Allen opposing.

Re: Consider Appropriation of \$4,410 for Virginia State Library Grant for the Circuit Clerks Office

The Buckingham County Clerk's Office has been awarded a state grant in the amount of \$4,410 for item conservation. These funds have been received by the Treasurer's Office. The funds do not require any matching funds from the County. Please consider appropriating this money to line item 4-100-21600-3310 for use by the Clerk's Office.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to appropriate \$4,410 to the Clerk's Office for item conservation in line item #4-100-21600-3310.

Re: Consider real estate tax refund in the amount of \$3,477.76 as a result of actions of the Board of Equalization

Supervisor Kitchen moved, Supervisor Talbert seconded and was unanimously carried by the Board to approve a tax refund to Variety Shade Landowners of Va., c/o David Coombs in the amount \$3,477.76 due to results of the Board of Equalization.

Re: Consider carry over request from Commonwealth Attorney

The Commonwealth Attorney is requesting that the Board carry over money remaining in his 07/08 budget and make this a part of his budget in the amount of \$22,107.12.

This money carryover and becoming a part of his permanent budget would accomplish several things:

Due to his office converting to full time status, he needs funding for additional staffing that was being absorbed in his private practice before. Also, some technology may be purchased and finally to absorb budget cuts.

Supervisor Bates moved, Supervisor LeSueur and Chambers seconded and was unanimously carried by the Board to approve to carryover and make a permanent part of budget the amount of \$22,107.12 to the Commonwealth Attorney.

Re: County Attorney Report

Mr. Wright stated that he had nothing to report this month.

Re: Karl Carter, Finance Officer/Asst. County Administrator-Overview of Financial Report Ending June 2008

Karl Carter: You all have received your fiscal year financial report for the audit of 2008. I'm not going to go through the whole thing. There are a few highlights I'd like to share with you. First of all, as in previous years our spending has been pretty flat, which in finance, is what you want, you don't want peaks and valleys going up and down. I'm just going to pick a couple categories, like General Government –General Financial Administration for 2008 \$111,000, although it's an increase from last year, it's still under budget by \$40,000. Law enforcement expenses are \$1.8 million; this is an 8% increase for the fiscal year but a 15% decrease from 2007. In considering the high cost of fuel last

summer, that's a pretty good number for them. Solid Waste, same category, they increased only \$15,000 for 2008, once again with the cost of fuel last summer, that's pretty amazing number for them. Our debt service went down about \$1.1 million in principal. This is the first time in 6 years we paid more principal than interest on our debt service. This is the second year of paying principal for the courthouse. Total General Fund expenses were \$13.5 million which was an increase of \$1.3 million as compared to increase of \$1.6 million the previous year. Even with the increase of \$1.3 million, the total General Fund Expenses were \$4 million under the budget. On the revenue side, real estate taxes increased by \$900,000. This is because we only realized the first half of the reassessed value for the year of 2009. Categorical aid, pretty much on line with 2008. In 2009 we will start seeing the cuts from the state. In the year 2010, we saw a memo that there will be a 17% cut across the board for all constitutional officers. On the bad side, our interest, has significantly decreased to about \$88,000 due the economy started in downward trend last year. Unfortunately, the trend is still continuing this year we are in right now. Once again we have no material weaknesses in our audit. That means our internal controls work fine and that's what you want in your audit. That's about all I have for you. I can answer any questions you may have.

I do need to ask you how you want to handle Robert Huff coming down talking to you about the audit. In the past, you did two by two and he said that he could come to the Board meeting.

Supervisor Kitchen: I think the two by two would be better.

Supervisor Bates: We just need to choose a day. Can we get 3 or 4 days from Robert to when he is available to come here? I don't know how we are going to act on it.

Mrs. Carter: We can give you a call.

I would like to thank Karl and make a comment that I really do believe that given the fact of the financial and economic state that the Country is in right now, that this is a good financial report for Buckingham County. We are in a good financial condition with a \$5.3 million General Fund Balance. But one thing to remember is that the money reserved for school payments is included in that and also some of this money that was collected in June is being reimbursed due to Board of Equalization actions. Karl and I had a really hard time trying to figure out what our tax base will be for next year but I would like to commend the Board of Supervisors, the public and all department who are working conservatively and keeping us sound this far.

Supervisor Bates: Mrs. Carter, this is by no small measure for your presence as well.

Re: Consider Resolution of Congratulations and Acknowledgement to Sandra Moss

I'm sure that you have seen it in the paper that we are very fortunate to have a person in our County that has been awarded the Manheim's Fifth Annual Barbara Cox Anthony Automotive Woman of the Year Award and that is Sandra Moss. Sandra, we are real proud.

Supervisor LeSueur moved, Supervisor Chambers seconded and was unanimously carried by the Board to draft a resolution of congratulations to Sandra Moss for her accomplishments in the automotive industry.

Re: Consider Resolution in Memoriam to the Honorable William Samson Kerr

The Board had asked us to provide you a resolution the Judge Kerr Family:

**RESOLUTION
IN MEMORIAM TO
WILLIAM SAMSON KERR**

WHEREAS, The Honorable William Samson Kerr departed this life on Monday, December 29, 2008 in Williamsburg, and

WHEREAS, William Samson Kerr was born on October 7, 1939 in Roanoke, Virginia to the late Howard E. and Gertrude Wilkerson Kerr, and

WHEREAS, The Honorable William Samson Kerr is survived by his wife, Lola Osborne Kerr; two daughters , Anne Leigh Kerr of Richmond and Amy Watkins Boyd and her husband Andrew of Williamsburg; three grandchildren, Corinne, Camille and Stuart Boyd; a sister, Betty Kerr; a nephew, John Kerr; and two stepdaughters, Sydni Jackson and Sharon J. Syrek, and

WHEREAS, The Honorable William Samson Kerr graduated from Appomattox High School in 1957. He graduated from the University of Richmond in 1962; where he was a member of the ROTC and went on to continue his education at TC Williams School of Law, where he was president of the Student Bar Association and a member of ODK. He was also a captain in the U.S. Army, serving in the Judge Advocate Corps in Chicago and Arizona.

WHEREAS, The Honorable William Samson Kerr was employed by McGuire Woods Battle and Booth in Richmond after leaving the Army in 1969. In 1972, Sam was appointed by Circuit Judge George Abbitt as Commonwealth Attorney for Appomattox County, serving in that position until he entered private practice of law in 1984. In 1995, he was appointed to the 10th Judicial Circuit as Juvenile and Domestic Relations Judge, where he served until his retirement in 2004. He was appointed by the Chief Justice of the Virginia Supreme Court to the Judicial Performance and Review Commission in 2008.

WHEREAS, The Honorable William Samson Kerr was active in canoeing, biking, hunting and running. He was a member of the Virginia Bar Association, the Float Fishermen of Virginia and the Blue Ridge River Runners.

NOW, THEREFORE, BE IT RESOLVED, that the Buckingham County Board of Supervisors does, in memoriam on this 9th day of February, 2009, pay tribute to and express its highest esteem for The Honorable William Samson Kerr, and extends its deepest sympathy to his loved ones.

ATTEST:

Rebecca S. Carter
County Administrator/Clerk

I. Monroe Snoddy
Chairman

Supervisor Kitchen moved, Supervisor Talbert seconded and was unanimously carried by the Board to adopt the above resolution in memoriam to Judge William Samson Kerr.

Re: NAACP 100 Year Anniversary Resolution Request

Supervisor Chambers: I would like to ask the Board to pass a resolution of congratulations to the NAACP. It is their 100 year anniversary.

Supervisor Chambers moved, Supervisor Talbert seconded and was unanimously carried by the Board to have a resolution of congratulations drafted for the 100th Anniversary of the NAACP.

Re: State Permit Levy Increase and for the Virginia Uniform Statewide Building Code

The next item is another state mandate that we are seeing. Presently the state mandates that we put a levy on building permit which is now 1.75% of the cost of the building permit and we send that on to the State of Virginia. They are now increasing this rate to 2%. Our Building Inspection Ordinance has the 1.75% in it so we would have to have a public hearing to implement the 2%. Also during this past year, Supervisor Allen has talked with us some about looking to see how much it actually costs our building inspection department to issue building permits and do inspections. Maybe we can look at the building permit fees in line with that. We do have probably one of the lowest in the State of Virginia. So, in order to save money, when having the public hearing, and if the Board is interested in me looking at that and bring back to you possibly an increase in the building permit fees. It would be better to do it with that and save money on public hearing at that time. We have to do this before July 1. I will bring it back to you to set up a public hearing in April or May. What I want to know is, do you want us to check into the building permits more and see what the other building permit fees are in the State.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to have the County Administrator look into building permit costs.

Supervisor Talbert: I would also like them to look at the building code, if you have a permit; it's a \$1000 before you have to get a permit. I think that should be raised to \$3,500 and exempt the electric, stick to the \$1000 for electrical because that is very important. I'd like to be able to look into that too. Raise it to \$3,500 before you have to get a permit. You spend \$25, \$35, or \$40 and you have to pay \$75 to go out and inspect that, then we aren't getting anywhere. You raise it to \$3,500 and you go get one of these slide on building or manufactured buildings, most of them are \$2,500 to \$3,000 right now you have to get a permit to put one down. I'd like to see that looked into too.

Mrs. Carter: Sometimes that is the only way we have to make sure they are meeting the setbacks from people's property lines.

Re: Consider scheduling a public hearing for required Rural Development in application for financial assistance in the Development of the New Water Plant Facility

The Board had authorized us to apply for grant money and loans from Rural Development for our new Water Treatment Plant. We need now to be in compliance that we have to have a public hearing regarding that is what we intend to do. I have the information for your consideration to schedule a Public Hearing on March 9, 2009 at 7:30.

Supervisor LeSueur moved, Supervisor Chambers and Kitchen seconded and was unanimously carried by the Board to schedule a public hearing for March 9, 2009 at 7:30 p.m. to come into compliance with the requirements of Rural Development for the funding applications for the New Water Treatment Plant.

Re: County Administrator's Report

Meals on Wheels:

I have given you a copy of the Meals on Wheels financial statement. It is amazing. They have \$20,052.99. They have provided for you a listing of their expenses and their sources of revenue.

Bear Hunting Season Proposals affecting Buckingham County

Jim Bowman with the Department of Game and Inland Fisheries sent this to me, it is regarding the hunting regulations that you all requested. Bobby Jones has been going to the meetings for you all. I think this is a little different from what you initially asked. They have added:

- Add 2 weeks to bear archery season (statewide) so that it begins and ends at the same time as the deer archery season. Currently, the bear archery season opens 1 week later and closed 1 week earlier than for deer.
- Expand the bear muzzleloader season to a full week (currently only 4 days). The season would overlap the 2nd week of the deer muzzleloader season.
- Enact a 1 week hunting season during December (beginning the 2nd Monday in December) that would occur when hounds are allowed. A 1 week hound training season (non-kill) may also be considered for the prior week.

I want to keep you abreast of what they are looking at.

John Kitchen: I would like to say, I travel about the County more than anybody else, over the last three years I've seen one bear. I don't think we have a bear problem. We have more coyote problem that we have bear. I think people are over blowing the whole bear situation. I don't see a need to increase the season for them.

Danny LeSueur: What I would like to do is table this issue and talk to some of my constituents regarding this time frame and how it's proposed.

Mrs. Carter: We don't have time; they want to know something by before the 13th.

Danny LeSueur: This is a significant decision to make in such a short period of time.

Brian Bates: The big concern is the 3rd bullet.

Mrs. Carter: Bobby, did they discuss any of this when you were at the meeting? About the Dogs?

Bobby Jones: About the dogs during bear? No

Danny LeSueur: Let me ask you Bobby, what is your opinion on bullet #3?

Bobby Jones: I don't know. John was the one that was instrumental in getting me to go down to see them. Then he changed and said he doesn't want to do it. It doesn't make any difference to me, I'm not a bear hunter but a lot of people in my area would like to be able to shoot a bear in black powder season, the two week season rather than the four days that we have now. That's all that we wanted. They told me they were going to make some changes but to me going from 4 days to 6 days is really irrelevant.

Danny LeSueur: What if we took back to them to add the two weeks to archery and expand the muzzleloader season to both weeks and do away with the dog? Two weeks on the first bullet, two weeks on the second bullet and strike the last bullet. That will be two weeks archery, two weeks muzzleloader and do away with the dogs.

Supervisor LeSueur moved, Supervisor Bates seconded and was passed with a 6 to 1 vote, with Supervisor Kitchen opposing, to accept bullet number 1 as stated, amend bullet number 2 to include 2 weeks of muzzleloader season and strike bullet number 3.

Habitat ReStore:

The Farmville Area Habitat for Humanity wanted to announce the upcoming opening of the Farmville Habitat ReStore in the former Schewels building downtown on South Main Street. A Habitat ReStore accepts new, slightly damaged, and gently used furniture, lighting, home accessories, major appliances, hardware items and other building supplies and sells them to the general public at an economical price. The proceeds go toward building additional houses.

Courthouse Security Assessment Program:

I have provided you with a Security Assessment of the Buckingham Courthouse. I have not released this to the public in order to not release security information. I ask you to read that report. A meeting with the Sheriff and Court Personnel will soon be scheduled to review this report and make recommendations to address any deemed necessary concerns.

I am going to talk to Judge Blanton regarding the possibility of locking the courthouse in the evenings rather than hiring someone to do surveillance. But other than that, I think it's a pretty good report. If you have any questions, I'm sure the Sheriff or myself will sit down with you to talk about it.

New Phone System:

The office has been equipped with a new phone system. We've had those phones and didn't have to buy new ones. It is voice over IP and we couldn't do it until we got the fiber optic lines ran to our building. The good news on that so far that we are finding that going to that system, we will have a savings of \$102 a month on our telephones and we are looking at long distance savings but we are not sure about that yet. But that's about \$1200 a year savings there.

Tax Delinquency Publication:

You had extended the deadline for the delinquent Real Estate Property List to be put into the news paper to January 30, 2009. I ask for your direction now with that list.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to proceed to advertise the delinquent Real Estate Property list.

STEPS:

I just received a request from STEPS that I just received this afternoon. They have received an appropriation request through the stimulus package. They had just received this on Friday and are sorry for the inconvenience. They do not need any local money from the county they just need a letter of support from Buckingham County.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to authorize the County Administrator to write a letter of support for STEPS.

LEPC:

Another addition is, we have been working with the Local Emergency Planning Commission (LEPC) on revising our Emergency Management Plan mandated to be revised. We have provided you with comments we have had regarding the draft that was sent out. The state has already approved what's in this plan however the County has to have a public hearing. It is a pretty big document and if you have not received a copy of it and you want one, please let us know and we will get a copy of it. But we do need to go ahead and schedule a public hearing that way we can have the next 30 days to review that document. I'd like to have it in March.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to schedule a public hearing on March 9, 2009 at 7:45 p.m. to hear public comments on the Local Emergency Management Plan.

House Bill 2084

This house bill has moved right through the House of Delegates, 99 in favor and 0 against. This is one that is of concern to us especially the wording of it. It will exempt a portion of the revenue we expect to receive from the new power plant. So far, it has gone through the House and it's going to the Senate Finance Committee now. We really have a problem with the wording of this. Currently the law is that the local government has the authority to exempt if they want to. When the power plant came to us for a Special Use permit way back 8 or 9 years ago, they did not ask for any exemptions. Certainly would have considered some exemptions as an incentive. This law not only takes away our revenue, it takes away the local governments rights and authority and we are really working hard against this.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to go on record opposing HB2084 and that the County Administrator forward that result to our Senator as well as the Senate Finance Committee.

Supervisor Bates: We've tried to figure out various members of this Board have tried to figure out exactly what the bottom line affecting this will be on this County and nobody can give us a straight answer because I don't think they honestly know. We know it could be as much as the whole revenue from the power plant as well as revenue we get from the chip mill, and some logging equipment. This could have a substantial impact on Buckingham County.

Chairman Snoddy: Not just the real estate but the personal property too.

Mrs. Carter: Currently we are lobbying to get that word taken out and that word is still in there. It is very vague and it could mean \$1.6 million.

Supervisor Bates: I urge the citizens of Buckingham to call the Senate, don't bother with the House because it has left the House, but call down to the Senate and let Senator Ruff know how you feel about it. I'm sure anyone who feels strongly enough to call him, he would want to know.

That concludes my County Administrator's Report.

Re: Other Board Matters

John Kitchen: I have a request from Pete Gowin from down at the driving school. They had a water leak down there and a water line burst. I recommend we reduce their water bill down to \$100.00.

95,852 gallons went through the meter. Total bill was \$960.84. The leak formula that is specified in the Water Ordinance brings the bill to \$495.61. This is a discount of \$496.23.

Supervisor Kitchen moved, Supervisor LeSueur seconded and was unanimously carried by the Board to reduce Pete Gowin's water bill to \$100.00.

Re: Executive Session

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to go into executive session under the following code;

Executive Closed Session: Discussion, Consideration or Interviews of Prospective Candidates for Employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; and evaluation of performance of departments (Code of Virginia, as amended, Section 2.2.3711.A.1)

Re: Return to Regular Session

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to return to regular session.

Re: Certification of Business Discussed

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board that to the best of each Board member's knowledge only business matters related to the code of which the executive closed meeting was convened was discussed or considered in the executive session.

Re: Authorize advertisement of Waterworks Operator

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to authorize the County Administrator to advertise for a Class II or higher Waterworks Operator.

Mrs. Carter: Also, we need to accept the resignation of Toby Bryant and Howard Drumheller.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to accept the resignations of Toby Bryant and Howard Drumheller and send them a letter of appreciation for their years of service.

There being no further action to be taken, Chairman Snoddy adjourned the meeting.

Attest:

Rebecca S. Carter
County Administrator/Clerk

I. Monroe Snoddy
Chairman