

**Buckingham County
Board of Supervisors
Monthly Meeting
February 8, 2010**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, February 8, 2010 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; E.A. "Bill" Talbert; F.D. "Danny" LeSueur; Dr. Brian D. Bates; Danny R. Allen; and John D. Kitchen, Jr. Also present were Rebecca S. Carter, County Administrator; Karl Carter, Asst. County Administrator; and E.M. Wright, Jr., County Attorney.

Re: Quorum Present

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

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

Chairman Snoddy called the meeting to order. 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 Talbert seconded and was unanimously carried by the Board to approve the agenda with the following addendum:

PROPOSED AMMENDMENTS TO FEBRUARY 8, 2010 BUCKINGHAM COUNTY BOARD OF SUPERVISORS AGENDA

1. REQUEST FROM SUPERVISOR BATES FOR THE BOARD TO INVITE THE PLANNING COMMISSION TO MEET WITH THE BOARD ON MARCH 8, 2010 FOR A JOINT PUBLIC HEARING REGARDING THE SPECIAL USE PERMIT FOR THE DANNY ELDER PRIVATE SCHOOL PROPOSAL
2. REPORT FROM KARL CARTER FROM THE FIRE TRAINING FACILITY COMMITTEE*
3. QUOTES FOR ITEMS FROM THE SEWER PLANT GRANT AWARD*

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.

Re: Announcements

There were no announcements.

Re: Public Comment

Chairman Snoddy called for any public comments.

Larry Baker: Mr. Chairman, members of the Board, I'm not a public speaker and not a politician, but I have some.

Chairman Snoddy: Sir, can you give your name and what district you are from, please.

Larry Baker: My name is Larry Baker and Mr. Chambers represents me at Slate River Mills. I have property in Buckingham and live in Prince Edward. I've been here for 10 or 15 years back in there, I've worked for the State for 35 years. I have interest in the County and that's why I'm here. To begin with, your subdivision ordinance it says, "The provisions of this ordinance are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare." I'm here to say that your subdivision ordinance does not meet that requirement. I gave you a handout and first off, I want to say that Mrs. Cobb and Mrs. Carter have been totally professional and I have no complaints with them. My problem is not with the administration of your ordinance; it's with the ordinances themselves. There are a number of them but I'm only going to point out one tonight. In your handout I gave you, Exhibit A, you will notice the bottom right hand side it says "Meets standard division requirements". Then exhibit B says "does not meet standard division requirement". Do you notice the difference in the two? One of them has wider egress and ingress, I don't know what that means, but anyway, you can come and go on a 10 foot entrance but you can't own the thing. Exhibit B says that you own the 50' right of way. It's yours. It could be 100' but you could not subdivide it in Buckingham County under the subdivision ordinance. And #3 says, page 6, 3-1-2 says, "right-of-way of not less than ten feet or more than twenty feet providing ingress and egress" is restricted. If it is more than 20' it does not meet the standard subdivision ordinance. What that does, Gentlemen, is all over Buckingham County, not only in my district, not only in my district, Mr. Chambers can attest to that, all over Buckingham County if you get off Rt. 15, 20, and 60, there are families and they have a family farm. That family farm represents the total retirement income. This subdivision ordinance right here says not only can they not divide it with their children; they can't subdivide it and sell it to somebody from New York or New Jersey. A person who wants to subdivide, who would want to divide the same property, I don't know if Mr. Wright, here he is, I'm sorry,

this is not Mr. Wright, I was thinking about Kevin Wright, I can assure you that he will represent to make sure the access to the highway is correct. Mrs. Cobb will administer the subdivision ordinance to assure that further subdivision of that property will meet your subdivision requirements. But they are bound by your rules and I'll say that the rules are there to prevent further division of that property in order circumvent your rules. Mrs. Cobb can attest to that. And the resident engineer can guarantee safe access to the highway. I used to do that for a living. But I say all this to you, all over this county there are family farms, they can not divide. Not only can they not divide it with their children, they can't will it to their children. I asked the Commonwealth, no I didn't ask this man, I asked the Clerk of Court, "Do you examine the will?" He said no. I asked Mrs. Cobb, do you examine the will? She said no. I said, "Suppose you will this property?" Hell if I know. You see. It's a dilemma basically. What you are doing, you are imposing a lifetime restriction encumbered on that family farm. Lifetime. Because the subdivision ordinance says you can't further subdivide it. You can't give it to your children. Those are some things that are wrong and I read in the paper somebody said you needed more income, everybody needs more income, you know why you are not getting it, because you are not allowing farms to be subdivided. The guy from New Jersey will come in here and buy 2 acres and put a \$200,000 house on it and income or taxes will be 10 times what that 2 acre subdivision, they are all over the county, he will pay 10 times the taxes than those 10 house trailers. You said times are bad, 53% of your new building permits were issued for singlewide and doublewide trailers. 53%. You say the economy is bad. It was exactly the same percentage in 2004. They don't pay much tax. I grew up on a farm in Charlotte County with 9 children, I was the youngest, I would welcome a singlewide trailer. Nothing wrong with that. There is not tax base there. If you want to increase your taxes, allow, relax your requirement on subdivision, relax the requirements on large lot subdivision in minor or major subdivision. Those two things, like I say, Mrs. Cobb is able to administer, you know 200' road frontage for a 3 acre lot and they've got 40 acres, he wants to divide 15 acres, he's got to have 400' frontage on his. 15 acres. That does not make sense gentlemen. I think the idea, and I'm part of that too, you say I don't want some foreigners down here from out of New York and New Jersey, we've got to many of them now, unless there are Seponi or Tutelo Indian in this crowd, we are all immigrants. I immigrated to Buckingham in 1967, I don't know when you came here but I can assure you that either you came here from somewhere or your forefathers did. You should welcome, let the money come in here from tax base and furthermore, I can't start a business here in Buckingham County but a guy from New Jersey, and I know a guy who has 200 employees, looking for a place in Buckingham County, he wants to build \$200,000 or \$300,000 houses. You should welcome these people. That's where the knowledge is, that's where the money is, that's where your future is. Your restrictions are stricter than Powhatan County, Charlotte, Prince Edward, Cumberland, Nelson and Appomattox. I talked to the County Administrator, and you know what they said, "You've got to be kidding me", I said "No, 20' is maximum." You know what they said, "I want 10' minimum, I'd take 1000' if I can get it, its ridiculous people. Some smart person said, "You are better off lighting candles than cursing the dark". All I can do is curse the dark, you have the candle and you have the matches, gentlemen. Thank you.

Kitchen: Larry, the Planning Commission is working on the Subdivision Ordinance. I believe they have asked for a work session with us on 16th, so we will be meeting with us so check back to see if anything happens. They've been working on it for quite a while.

Larry Baker: I've met with them, they were totally cooperative. I believe Mr. Bickford is chairman, he is a solid citizen and he wasn't at the last meeting, but you have some qualified people on there. But I guess, I'm trying to address the inadequacies and trying to facilitate change. Thank you.

Re: Road Matters

Mark McKissick: Thank you Mr. Snoddy. I don't have too much for you other than a few projects that will be going on this spring. Rt. 613 has been delayed. It goes to advertisement in March. Also, we've gotten finalized on several stimulus packages. That is for design for bridges, 2 bridges there, pipe, big pipes, at 3 locations and asphalt work on Rt. 15.

Talbert: Mark, on that Thunder Road down there, they went straight and went straight on down like, 761, they put it all together, yall said to do it when Alan was there. That thing is still a problem. I mean, it's still on the books, 761. We had the minutes to show that we asked for it to be 748 all the way to the cul de sac down there.

Mark McKissick: There's no money to do anything.

Talbert: We don't want to do nothing. I just want to make sure that 761, that little bit down to the cul de sac, it's all one road there. Contractor came in there and pushed it, why he didn't go down Thunder Road I don't know. He went on down to that lady's house like it used to go, you know. Now, Thunder Road goes down to the cul de sac down at Walker's. Matter of fact its 5 houses down there, used to be 6. Anyway, what I'm saying is 761 is still on the books and we had voted that it be removed. Thunder Road is just one road.

Mark McKissick: There are still 2 roads there. Yall have to go through and abandon if you want to abandon one of those.

Talbert: You see...we did 3 or 4 years ago. We thought all we had to do was vote to do it and that was it.

Mark McKissick: No sir. What you have to do is pass a resolution and go through the public hearing and notify all the landowners. It's a long process.

Talbert: Can you bring me the paperwork that we need to do this?

Talbert: We'll do that next month. That thing's got to be settled one way or another.

Mark McKissick: If you want, I'll get it to Mrs. Carter, a copy of the resolution wording.

LeSueur: Mark, I'd like to thank the State Highway Department for their diligence on working with the EMS in the last snow storm we had. The one thing I would like to bring up is, if we could, it be a standing that in any snow storm like that, that Wingo Road be a top priority in plowing in front of that Rescue Squad building. We have in the past, had the state highway department push right in front of the doors where the vehicles come out of the building itself. Is it anyway we could get you all to help us with that as well when you do Wingo Road. And also, the fire houses in the County when you are at those facilities. It really helps us. I'm not worrying about the parking lots, just right in front of the bays where the trucks come out.

Mark McKissick: Let me explain what the official policy is. The policy is, you probably know where I'm heading with this, we hit the primary roads first, no secondaries under any circumstances until primaries are taken care of, high volume and essential needs secondaries second. They are second on the priority list.

LeSueur: What I'm going to bring up to you now, since you brought that up and opened up the door for me, I wasn't going to bring up, is during the first snow storm we had, we had an elderly lady that was laying outside in the upper end of Buckingham County that we tried very diligently to get the state highway department to help us plow a road to her home. She had been laying in her yard in the snow for I don't know how long. Well, the lady ended up passing away because of the fact. Whether she would have if we had gotten to her quicker or not is here to be but what really aggravated me at the time was that the primary road in this County took priority over a persons life in that instance. That I do not agree with. There is no road in this county that takes priority over somebody's life. Now that is something that we are going to have to work through. Now whether I've got to go higher than the local highway department, I don't know. Whether Mr. Wright has the authority to make that decision, I do not know. Whether I've got to go to Lynchburg, I do not know. I don't have a problem going as high as I've got to, to try to resolve this issue.

Mark McKissick: It's a statewide policy. It is not our policy. Mr. Wright can not address that, neither can Lynchburg. Although we can, when there is an emergency, can break protocol and try to get in there.

LeSueur: What I was told, from dispatch, the first snow storm was that we cannot get anybody to help you at this time because the primary roads take priority over everything else in the county.

Mark McKissick: That's what we were given and they backed off that some.

LeSueur: At some point and time, I don't care what job you've got, I don't care where you work, where you come from, ethics and morals take over. It's all ethics and morals at this point. So, you let me know where I need to go to work on that and I'll do whatever I have to do. Whether I've got to go to the General Assembly, wherever I have to go, I'll do what I need to do. I don't think its right at this point.

Mark McKissick: It's administrative policy.

LeSueur: I believe you. It's all about the dollar. It looks like to me I always have to take the hammer to the middle man here as of late, and I apologize for that, Mark, but I do want to stress my concern over that issue because it is a major concern to me. I guess because I, probably several of us sitting up here on this board, take very high priority to emergency services in this county and protecting the lives of everybody that lives here. I just want to make that very clear.

Bates: I thought, basically, I am amazed at how well the primary roads have looked right after bad weather the last week to ten days. But as you are aware of, Mark, only 2 of the 4 fire departments are on primary roads, and none of the rescue squads are on primary roads, it's an unfortunate circumstance that most of the really serious accidents we encounter are on primary roads but if we can't get the fire department and rescue squads there, we can't service them. Hopefully if we go far enough through the process, we can get a little bit of administrative common sense come down the line, to free you guys to do what you want to do.

Mark McKissick: I wish that were the case.

LeSueur: I don't want to sit here and hammer Dillwyn residency for not doing this. What I want to do is I want to get this administrative rule straight so this won't be a problem going forward with these type issues. Until this year, it's been a while since we've had this kind of weather to be in this situation. So, I think we need to..., and we've had several things going on here we've had problems with, that we will look at a little later, that we need to deal with as of late. Thank you for your time.

Re: 09-ZMA-180, Donald "Todd" Morris- Chicken Houses

Mrs. Cobb: The first item I have for you tonight is 09-ZMA-180. This is a request by Donald "Todd" Morris to rezone his property which is Tax Map 186 Parcel 3 on Rt. 636 in the Francisco Magisterial District. He is wishing to rezone that property from A-1 to Agriculture Comprehensive (A-C). The applicant currently has two existing chicken houses on the property and would like to add more. Currently the property is considered a non-conforming; therefore it will have to go through the rezoning process. That is what he is doing. The Planning Commission has held their public hearing. I am asking that you all schedule a public hearing on this case.

Talbert: So that will be at the March meeting at 7:15.

Supervisor Talbert moved, Supervisor Bates seconded, and was unanimously carried by the Board to schedule a public hearing for 09-ZMA-180 Donald "Todd" Morris to rezone from A-1 to A-C at the March 8, 2010 meeting at 7:15 p.m.

Re: 09-ZMA-183, Buckingham Partners-Subdivision

Mrs. Cobb: The next item I have for you is case 09-ZMA-183 listed as application by Buckingham Partners for Tax Map 123 Parcel 94 on Rt. 631 in the Maysville Magisterial District. They are requesting that the property be rezoned from Agriculture A-1 to Village Center for the purpose of a seven lot subdivision. This too has been before the Planning Commission for public hearing and I ask that you set a public hearing.

Supervisor Kitchen moved, Supervisor LeSueur seconded and was unanimously carried by the Board to schedule a public hearing for 09-ZMA-183 Buckingham Partners to rezone from A-1 to VC-1 on March 8, 2010 directly following the Morris public hearing.

Re: Planning/Zoning Update

Mrs. Cobb: Also tonight I've done a yearly update, I did this for you all last year to let you know what my office has been doing and the Planning Commission has been doing.

In 2009 we saw 12 cases, some of those are pending. You just set a couple public hearing for them tonight. There were 7 cases for Zoning Map Amendments, 3 currently pending. I do want to thank you all and the Planning Commission for sticking to the Comprehensive Plan. That is something that we recently adopted and is a pretty important big and important document and we have done that quite well this year. As well as the Comprehensive Plan, E.M. Wright and the Planning Commission have worked on the Zoning Ordinance to mesh with that. That is coming along. Hopefully we can get that done soon. Also an update for you, City Scape Consultants, we are still working with them to revise Article 9 of the Zoning Ordinance.

Some other information for you, we sold 80 Dwelling permits for 2009. You will notice that is about a 40% decrease from last year. That is pretty important information there. I've also provided you a chart showing the decrease in improvements, which isn't just dwellings, that also includes commercial. I also show you what type of dwellings that we are seeing in the County.

Bates: Becca, on those improvements, total dollar improvements for 2009, does that include the commercial improvements being done by Dominion with the new power plant?

Mrs. Cobb: That does not. These improvements are only an estimate that the landowner provides. Most of the permits that Dominion has gotten, they haven't been able to give us a dollar estimate on the zoning form, so that is why that is not included there.

LeSueur: A lot of those permits are probably temporary permits for trailers that they bring in for contractors to utilize and then they will be taken away when the project closes.

Mrs. Cobb: Finally tonight, I just spoke about how the Planning Commission has been working on the Zoning Ordinance and they would like to invite you all to a work session on February 16th, next Tuesday, at 7:00. What we'd like to do is I'm hopefully going to do a little presentation showing you where we are and where we are hoping to go and get some feed back from you all to see how that is looking and maybe get that first part approved and then go on to the next phase and the next phase.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to attend the February 16, 2010 Planning Commission Work Session at 7:00 p.m.

Re: Linda Paige, Buckingham County Public Library

Mrs. Paige: Mrs. Carter, Mr. Snoddy, and Board of Supervisors. Good Evening. My name is Linda Paige and I'm the President of the Central Virginia Regional Library Board as well as the local Library Board. Tonight we are coming forth to ask you all if you could please, we know its tough economic times, if you could give us level funding. Right now I'm going to turn the presentation over to Joyce Nelson who is the librarian. We also have Elaine Petoni, who is also a member of the local Board and on the Central Virginia Regional Library Board.

Joyce Nelson: I won't take up a lot of your time. Mrs. Paige is passing out a brochure. We've made use of the visuals from the American Library Association that recognizes the broad categories that public libraries involve. Education preferably, education in a very broad sense. Public Libraries serve everyone. Underneath visuals I put some specifics of what our library, Buckingham, does. Beyond education we have people read your board packet there, people will come in and prepare themselves for your meetings and keep up with things coming up in local government. We keep tax forms. We help people find people jobs. We actually have a gentleman from Virginia Employment Commission come into the Library once a week until very recently and help people who are unemployed and are almost at the end of drawing their benefits, he's been working diligently with them to make sure their resume' is all they could be. Pointing out things that they might be qualified to do beyond what they ever imagined. Our library, we hope, saves people money too. They can use the computers for internet shopping. It might be a matter of finding services, looking to buy whatever. We are sure we help them save money. Some people have to give up their own internet service as well as magazine subscriptions and newspapers too. We still have them at the library, we haven't had to give up ours yet and hope we won't have to do that. The Library is involved in saving lives. We put things out there that Government agencies provide to us, disaster checklists, things that will help you get ready. For disasters, we have brochures to help them know what the next step will be. These things are provided to the library from Government Agencies and foundations that recognize that libraries are wonderful places to distribute their material. We hope you will continue to support us with local funding this year. I hope if you haven't had a chance, you'd go down to the main branch in Farmville. They've got the shelves and wow, it's nice to see such a nice space. Libraries are described as a third space. You can have a space to come and think. We hope you will continue to support us and we appreciate all that you have managed to do for us so far.

Re: Sam Goin, Farmers Market

Sam Goin: Mr. Chairman, members of the Board, County Administrator, first off I'd like to start off by saying thank you for your support in the Farmers Market and allowing us to use the Buckingham Community Park for our Farmers Market. I'm back to ask your permission to do this again this year. We are already getting calls asking to be in our Farmers Market, some from outside of the county. They are saying they have heard good things about what we are doing. I have to say that my experiences here with Buckingham Farmers Market, I did 6 Farmers Markets last year, Buckingham Farmers Market rated #3 in my decision. So, it is a good Farmers Market and I think from what I'm hearing already from a couple vendors that have heard about us, they are looking at coming to Buckingham and bringing their crafts. I expect you will have even more people that live here in Buckingham that would want to be in the Farmers Market too because people are coming with different items. We had one gentleman that made homemade candles. He was very well pleased with what he did in Buckingham. He was surprised at the number of sales he did here. I can say during the last 2 months we had up there, in September and October, our sales went down, but I think that was reflecting the economy. I think it could be a great thing. We've had people going to some training and stuff like that. We hope to do a lot of different things this year, maybe even bring in some special guests that will bring things that you don't normally have in this area. We are trying to work on that. We had one training on January 21st, we've had the largest training session that they've had anywhere in the state. We had this place packed pretty good. Again I would like to ask you if we could use the Buckingham Community Park again this year.

Supervisor Talbert moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve for the Buckingham Farmers Market to use the Buckingham Community Park for their farmers market.

Re: Karl Carter, Fire Training Facility report

Karl Carter: Good evening. I come here on behalf of the Fire Training Facility Committee. On January 28, 2010, the Fire Training Facility Operations Committee held its first meeting to discuss standard operating procedures for the Buckingham County Fire Training Facility. All fire departments were represented with the exception of Glenmore.

Using NFPA 1403, Standard on Live Fire Training Evolutions, as a guide, the committee came up with some operating procedures for the training facility. To make sure we were heading in the right direction, we got Don Brown, Division III Chief for the Virginia Department of Fire Programs to look over our operating procedures. Not only did Mr. Brown approve of these procedures, he also said they were effective procedures in his opinion.

As you review the draft copy, please be aware that Fire Training Committee will be preparing any and all supporting documents such as user agreements and facility check list forms. Once these documents have been prepared, and reviewed by the Commonwealth Attorney, we will bring them back to you for Board approval.

I won't read the entire document to you. I'll read the first page; it kind of sums it up.

Standard Operating Procedures for the Buckingham County Fire Training Facility

These Standard Operating Procedures (SOP's) are divided into two general categories: 1.) Administrative Procedures, and 2.) Training Regulations. The Administrative Procedures cover the range of activities from scheduling of the facility to criteria for site monitors, to regular maintenance. The Training Regulations cover the range of activities associated with actual training at the facility. These SOP's were developed by the Fire Training Facility Operations Committee for approval by the Buckingham County Board of Supervisors.

Administrative Procedures

1. Management
 - a. The Fire Training Facility is the property of Buckingham County. The county will maintain the facility and ensure that it is adequately insured.
 - b. On September 14, 2009, the Buckingham County Board of Supervisors established the Fire Training Facility Operations Committee. The Fire Training Facility Operations Committee is comprised of the following members:
 - i. Two members from each department (voting members)
 - ii. The Assistant County Administrator (vote only in event of a tie)
 - iii. The Emergency Services Coordinator (non-voting)
 - iv. The General Properties Supervisor (non-voting)
 - c. The Fire Training Facility Operations Committee is responsible for the management and training activities of the facility. These duties include:
 - i. Developing and maintaining current Standard Operating Procedures (SOP's) for all activities at the Fire Training Facility.
 - ii. Making recommendations to the Board of Supervisors as it relates to the SOP's, maintenance, and other issues related to the FTF.
 - iii. The Fire Training Facility Operations Committee will continually review the SOP's to ensure that they are appropriate and current and will report any revisions to the Board of Supervisors.

Re: County Attorney Matters

There were none.

Re: Fiscal Year Ending 2009 Financial Report and Consideration of Review of the Report with the Auditing Firm.

Mrs. Carter: I am pleased to provide you all with this financial report at these concerning times. I believe as of June 30, 2009, the County did stand financially strong in these very concerning times. I just kind of highlighted and the auditors have given their view of the financial highlights. The General Fund Balance as of June 30, 2009 was \$5,790,943. This is an increase over our 2008 fund balance of \$409,855. This increase is because we did not spend all of our reserves and also the reserve for the new school debt service was not used. However, we did not expend more than what was budgeted and we brought in more than was budgeted. Most of the increase you'll see....total fund balance was actually \$7,560,291 but that includes the \$1.7 that is reserved in SunTrust for the County Administration/Social Services/Heath Department expansion. We did, the biggest increase that I saw in our revenue was in personal property. That was \$490,836 increase. A good portion of that also were delinquent taxes collected. We did exceed our budgeted amount in Real Estate, \$133,967 and that also includes additional delinquent taxes collected. We have a total of real estate and personal property delinquency collected of \$542,113 and that went up \$215,000 more than the previous year. That is fantastic that we've been able to collect it but it's important to remember that that is not regular revenue that comes in. I'm also glad to see an increase of \$37,222 of sales tax. We are starting to see our local sales tax pick up. I remember last year at budget time, Supervisor Kitchen was concerned why sales tax was not picking up with the new McDonald's and things coming in but we are starting to see the results now. It appears this year they are coming in very well also. The largest decrease in one single item was our returns on our invested money. We show a decrease over the previous year of \$188,458. That was our biggest one time decrease. For the Board members, I've highlighted the pages where you can go see budget vs. actual. You will see all total primary government expenditures, the enterprise water/sewer expenditures and also school expenditures and revenues. As always, each year, I ask your pleasure as to whether you want the auditors to come to a public meeting or meet with you all on the two at a time basis. Mr. Huff can attend the March regular meeting or he can meet with you individually. He is available for March 8th but if you choose to meet in individual sessions, he's available Feb. 10, or Tuesday, February 16th and I originally told you in the morning but he says now he can meet from 8 to 1 on the 16th. I ask your pleasure.

Kitchen: I guess do it like we've always done.

LeSueur: I'm ok with the 16th, I mean the 10th.

Bates: How about the day of our board meeting, the 8th? Is he available from 10 a.m. on?

Mrs. Carter: He said he'd be available from 10 on, on the 8th.

Bates: Can we do it in two's on the 8th leading up to our meeting? Then we can get the times back to you that we are available.

Mrs. Carter: Hopefully we can get the times together so he won't have to sit there all day.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to meet with the auditors in twos on the 8th of March leading up to the Board meeting.

Re: Consider awarding bids for Wastewater Treatment Plant Grant funded items.

Mrs. Carter: We did receive bids to purchase some items with the Rural Development Grant money for the Wastewater Treatment Plant. This is grant money that was left over that can only be spent for things at the sewer plant.

We bid out a tractor and 6' rotary cutter, I have provided for you 4 (four) bids. The lowest bid being James River Equipment for \$28,898.92.

The following bids were received:

Crewe Tractor	New Holland 4055	\$29,844
James River Equip.	John Deere 4520	\$28,898.92
Phillips Equipment	John Deere 4520	\$31,141
Taylor Forbes	Kubota L5740	\$29,399

Supervisor Kitchen moved, Supervisor Talbert seconded and was unanimously carried by the Board to award the bid for a tractor and 6' rotary cutter to James River Equipment Company at a price of \$28,898.92.

Mrs. Carter: The next item was a pick up truck. We received 2 bids.

Gilliam Motors	2010 Ford F150 4 x 4 Supercab	\$21,433
Crossroads Ford	2010 Ford F150 4 x 4 Supercab XL	\$20,700

Talbert: Where is Crossroads Ford?

Mrs. Carter: Richmond, I believe.

Kitchen: Somewhere near Ashland, I think.

Talbert: My concern, it's only about \$1,000, how much is it going to cost if something happen with it?

Mrs. Carter: In the bid specs, item #21 in the Award Philosophy reserves the right for the County to award a bid in a manner which the County deems will best serve its interest. There is a \$733 difference, if you choose to go with the higher bid; you will just need to state your reason of why you think that will be in the best interest of the county.

Kitchen: I think that we need to go with the local dealer myself. He's got 20 some people working here in the County.

Supervisor Kitchen moved, Supervisor Talbert seconded and was unanimously carried by the Board to award the bid for the 2010 Ford F150 4 x 4 Supercab to Gilliam Motors at a price of \$21,433. The Board awarded it to Gilliam due to them being a local dealer.

Mrs. Carter: The next item is a Portable Video Inspection Unit. We were only able to get one bid from that from Virginia Public Works for \$69,968.51.

LeSueur: That's a camera system right?

Talbert: Why do we need that since we put new sewer lines in?

Bates: We still have to monitor them.

LeSueur: You've got to monitor them, you can find out where you have a problem. How much does it cost to have a contractor to come in here and do that type of work?

Mrs. Carter: I don't know.

Kitchen: If we have one and it will save on time.

Bates: It's grant money.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to award the bid for a Portable Video Inspection Unit to Virginia Public Works for \$69,968.51.

Mrs. Carter: The next item is a Trav-L-Vac 300. We only got one bid from EH Wachs Company for \$15,327.50.

Kitchen: Explain exactly what that is.

Mrs. Carter: It will actually... it will...you carry it with you when they have to go out and clean out the lines.

Supervisor Kitchen moved, Supervisor Bates and LeSueur seconded and was unanimously carried by the Board to award the bid for the Trav-L-Vac 300 to E.H. Wachs Company for a price of \$15,327.50.

Bates: Mrs. Carter, I'd like to say that I appreciate you saving on photocopying by having the bid packets available. Thank you.

Mrs. Carter: I have them together if you need to see them.

A memo was passed out to you from Mr. Markley, Utilities Director; also these were some other items that were under \$10,000 so we could get quotes, so I have provided you with the lowest quotes. Again, this is federal grant money that we either use or lose. These items are what the federal government has approved the funds to be used for:

1. Backup blower & motor (existing equipment backup)
Red Acres Equipment \$ 4,922.00
2. GPS System
Earth Vector Systems \$ 9,958.00
3. Desktop Computer
Dell \$ 2,483.00
4. Laptop Computer
Dell \$ 1,958.00
5. Tough Book Computer
Panasonic \$ 4,276.38
6. 2" Trash pump \$ 526.06
7. Jetta Heads
Virginia Public Works Equipment \$ 955.00
8. Footage Counter
Virginia Public Works Equipment \$ 662.59
9. Tools & Box
Napa \$ 640.45
10. Tools & drill \$ 302.98
Farrish Hardware
11. Printers (2) HP \$ 259.96

You can approve these items in one motion.

Supervisor LeSueur moved, Supervisor Bates seconded and was unanimously carried by the Board to approve the above equipment quotes to purchase equipment with the Rural Development Grant funds for the Wastewater System.

Re: Consider request from Buckingham County Anti-Litter Task Force for Funding for 2010 Spring Cleanup/Tire Day.

Mrs. Carter: The next item is to consider a request from the Buckingham County Anti-Litter Task Force for funding for the 2010 Spring Cleanup/Tire Day. The Task Force is asking for approximately \$3,200. They are planning to schedule this day for either Saturday, the 10th, 17th or 24th of April in the Food Lion Parking Lot or the County Administration Parking Lot. The date will depend on what day the Earth Day will fall on.

Bates: Do you have a source for these funds, Mrs. Carter?

Mrs. Carter: They will have to come from Ending Year Balance or Reserve for Contingency.

Bates: It's been pretty successful in the past.

Kitchen: What did we spend last year?

Mrs. Carter: This is about the same amount as they spent last year.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve to appropriate approximately \$3,200 to the Anti-Litter Task Force to fund the 2010 Spring Cleanup/Tire Day and to take these funds from Reserve for Contingency.

Re: Consider Bid for Repair and Painting of Solid Waste Containers or New Replacement of Containers.

During the December Board Meeting you recommended that the County seek bids to repair some of the solid waste containers and compare the cost to purchasing new containers.

The following bids have been received to repair and paint the containers. These prices are per container.

Dillwyn Repair Service: Total of \$478.50 per container

Wharam's Welding Services: Total of \$793.00 per container.

The cost quoted to purchase new waste containers (using the low bidder) was \$5,360.00 for eight (8) containers or \$678.00 each. According to this information new containers can be purchased for \$678.00 or old ones can be repaired for \$478.50. Repair will save \$200.00 per container or \$1,600.00 for eight containers.

Please consider this matter.

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve the low bid of Dillwyn Repair Service to repair the dumpsters at a price of \$478.50 per container.

Bates: I'd simply like to say that the savings from this will pay for half of Tire Day.

Chambers: I think we should go ahead and fix all that need to be done while they are doing them.

LeSueur: Mrs. Carter, how many do we have that need to be fixed?

Mrs. Carter: I'm not sure if it is 8 or 10. Carolyn's been out sick but I think she said 8.

LeSueur: I had heard 8. Is that all we need? Or do we have more that need to be fixed?

Mrs. Carter: We probably have more but she was trying to get the worse ones done.

Kitchen: Metal is cheap, so I think we should do as many of them as we can.

Bates: We just approved the per container price, so she can repair as many as she needs to be repaired. At that per container price, it is still within our procurement policy.

Re: Request from Supervisor Bates for the Board to invite the Planning Commission to meet with the Board on March 8, 2010 for a joint public hearing regarding the Special Use Permit for the Danny Elder Private School Proposal.

Kitchen: What time was the last one?

Bates: This one would be 7:30. That should be time to do the others.

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve to hold a joint public hearing with the Planning Commission on March 8, 2010 at 7:30 p.m. to hear public comments on the Special Use Permit for the Danny Elder Private School Proposal.

Re: County Administrator's Report

Legislative Updates:

I'd like to address some Legislative Updates. There is a House Bill 570, regarding real property tax assessment appeals. This changes the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property before the Circuit Court. The second half of the amended changes, as of today it was referred to the Committee of Finance. A Senate Bill

280 has been read for the third time and was passed by the Senate that allows a County Meal tax. The County can set the rate. There does not have to be a referendum. And also the same thing for the Cigarette Tax, House Bill 889 at this point is at Sub-Committee at the House so that one has been passed. House Bill 992, Law Enforcement employees overtime compensation will require the employers of more than 10 law enforcement employees to pay overtime compensation at a rate of 1 ½ employees regular rate of pay. The current law says more than 100 law enforcement officers. I believe Law Enforcement officers should be paid overtime if they work overtime, but I believe the problem with this is that the locality will have to bare all the cost, the state will not be giving any money to help pay that overtime. It has been sent to a committee. I will keep you posted on that. The one that concerns me the most, actually its 3 bills proposed, maybe 4 depending on how it's read, concerning our Machinery and Tools tax. House Bill 613 is classified as new investment Machinery and Tools for manufacturing, processing and reprocessing mine and television broadcasting made after July 1, 2010 will be tangible personal property and not subject to local tax. At the present time as of February 3rd, the Sub-Committee recommends reporting this out with 7 yes and 1 no. If this should pass, what this would do to us is eventually you would not receive any Machinery and Tools Tax. As everyone replaces their machinery and tools, we could no longer tax them. This will affect our new power plant but I think legislation they proposed last year pretty much cleared most of the machinery and tools from taxation so we had already counted that in. This will affect restaurants when they replace equipment, logging equipment, Kyanite Mining and Hi-Test. Anyone with Machinery and Tools equipment. We get about \$200,000 a year from Machinery and tools. Another one that the Sub-Committee recommends reporting, was an amendment to House Bill 545 on Machinery and Tools and this tax exemption would be used to production so far that would classify the power plant in that also I think. Another one, House Bill 999, Certified Renewable Energy Manufacturing equipment, separate classification for property tax. Local property tax separate classification for certified renewable energy manufacturing equipment, facilities, that word still scares me to death, and add certified renewable manufacturing equipment, facilities and devises to separate class of property for local property tax purposes. So the local governing body can exempt or partially exempt such property. So I believe if they are going to pass one, this is the one that we would want to support if we had to support any because it does give the local body the authority to partially exempt or exempt, there might be things you might want to consider exempting to enhance industry in the County. I believe it should be your option. So, I will keep you updated on that. Weather permitting and time, I'm planning on spending some time at the General Assembly this week and I'll keep you posted as much as I can.

Notice of Appointment of County Administrator to Virginia Association of Counties Finance Committee

I have been appointed to serve on the 2010 VACo Finance Committee. I just wanted to make you aware of that.

Inspection Report for Water Treatment Plant

I have also provided you with a report of inspection performed on December 10, 2009 of our Water Plant. It is a very good report, taking into consideration that we are in the process of building a new plant.

LeSueur: What is the status of that, Becky?

Mrs. Carter: We've gotten everything turned in to Rural Development; the Health Department has been reviewing the engineer report. Right now we are pushing to get the rest of the paperwork to Rural Development and hoping to get a letter of intent from them.

LeSueur: Becky, if you would, pass along at least from my standpoint, I can't speak for the rest of you, but tell them at the Water and Sewage, that we appreciate what they are doing and appreciate them staying within the parameters Commonwealth of Virginia's Department of Health. We know it's difficult because they've got, they don't have a whole lot to work with this at this point, at either location.

Mrs. Carter: That concludes my report.

Re: Other Board Matters

Bates: I just have a question for Mrs. Carter on these House Bills, Becky, is it your understanding that the Virginia Association of Counties interpretation that House Bill 613 and 545 could seriously impact the tax revenue we get from the facility.

Mrs. Carter: Yes, this year VACo has actually asked for my help, any of our help to try to oppose that.

Bates: So VACo wasn't so sure last year, but this year it seems likely.

Mrs. Carter: Last year the wording would not have taken all the machinery and tools tax away.

LeSueur: With that, I would be more than glad to do the same thing this year as I did last year.

Bates: My concern is that, I think the public needs to be aware that this County has worked for 10 years to get that power plant constructed and now that they are finally moving along and they are going to be producing electricity in about another year, the Board of Supervisors has made commitments to the School Board for the construction of a new school based on that anticipated revenue and now the state wants to take that money away from us and we lose that revenue stream there is no choice of this Board but to raise taxes. So, the state will be putting this County in a very bad financial position and as our auditors points out, this Board of Supervisors have done a good job of managing its finances, it's not fair for the state to do this to us.

LeSueur: With what Brian's saying, I'm sure where it's coming from is not Dominion again, it's manufacturing.

Bates: Sure, but it really doesn't matter, the state needs to stop this because they are going to be passing a bunch of costs on to us in education no doubt and some others as well, and then they are going to take away a revenue stream from us, it doesn't make sense at all.

LeSueur: Clarification has got to be there based on like it was last year. We've got a report that was sent into the State Corporation Commission based on how Dominion was going to put its facility in Buckingham County. The report itself states that the first year that Dominion will be putting x number of dollars toward Buckingham's tax revenue. In very bold letters within that State Corporation Standards, that they put forward in their permits to come into Buckingham, it states that it will very much enhance the economic development of Buckingham County which is one of the reasons that the State Corporation looked to say hey, this is a big boom to give the permit to Buckingham County for the tax revenue.

Bates: One would have to ask himself, why would any county go out and try to recruit a power plant if you weren't going to generate some tax revenue to help better the community. And if they are going to tie our hands and take this kind of money away from us, how can we make commitments to improve the school system and to do the other things that we need to do, it's not right and so I hope this Board will support Becky in whatever she needs to convey to the legislature that this bill is not in the interest of local government.

Kitchen: Let me ask you, it's not going to affect the real estate that will be coming in. I know they have a lot of equipment.

Bates: The real estate has some value, but we understood 5 or 6 years ago was that the bigger share of value was going to be the machinery and tools.

Kitchen: I think you are right; we need to give Becky what she needs to go down there and raise all the hell you can.

Mrs. Carter: Legislation that was passed last year, Delegate Abbitt assured me that he had an amendment put in there that would protect the building and the land, so we knew then that eventually that we would lose the machinery and tax due to the environmentally clean deal that was in the house bill, now Supervisor LeSueur, when you met with Dominion Power following that and gave me the new numbers, I was under the impression that they would actually going to eliminating some of that machinery and tools tax to offset the difference. But now if this goes through, all the machinery and tools tax, we will lose all of it.

Bates: I see this as very serious.

LeSueur: The biggest thing last year was the pollution issue. The pollution recovery equipment is what the biggest issue was last year which wasn't going to affect the bottom line dollar figure of that power station. But when it comes into a point where I'm looking at a turbine, a generator, all your pumps and equipment that we have to deal with within a power station, if that comes to be and we are not able to recover the cost of those, then we are in some serious trouble.

Kitchen: That facility, that word facility in there, that is only the part that the equipment within that facility...

LeSueur: Right but when you look over at that scrubber, only the pollution facility.

Kitchen: Yeah, only the pollution stuff. I thought that was all settled.

Mrs. Carter: The word is still in there.

Kitchen: Bill and I were down there and talked to Watkins Abbitt, he said that it only covered the pollution equipment.

LeSueur: If you all would like me to, I can contact Dominion and I can contact Senior Vice President of Corporate Communication, deals with the legislative stuff, and talk with him in regard to these bills and how they could potentially impact us and they will tell me. I did last year and they were pretty straight up on the effects that that portion would have and try to find out.

Kitchen: It's not going to just affect Buckingham; it's going to affect all the others.

LeSueur: Any county that has a power plant.

Talbert: To change the subject: I was at the Workforce Investment Board in Keysville here a couple weeks ago, L.P. went with me, they adopted two more vendors, one is in computer and one is in health, I'd like to see if we could contact, what's her name, the head of it, Deborah; I don't think people realize that this is out there for them and it could help them get jobs and do some of this training.

Also, I was at the School Board meeting and I have to give the School Board, the Superintendent, and Tana can you help me, they are looking at nine hundred and some thousand dollars less money.

Tana Knott: Overall, they said it would be about \$1.5.

Mrs. Carter: But in that \$1.5, they counted the carry over too. I had a meeting with them; they are counting the carry over.

Talbert: I'd also like to add that the situation that happened at school here a few, last week or something, I think that the Superintendent and people under him, the Sheriff's Department and State Police, I don't think they could have handled it any better. I've heard so many comments on the way that was handled.

LeSueur: Oh, God, don't get me started. I was getting ready to get to that in one second. Bill I'll tell you why, I'm going to just give a tidbit this evening and it's going to happen Wednesday. Mr. Chairman, if you are finished with everybody else, I would like to conclude.

Chairman Snoddy: Ok

LeSueur: Mr. Chairman and Board members, what I want to do is give a small synopsis of what happened on January 26th and express my disappointment from a Board member standpoint, from a parent standpoint, and from a spouse standpoint. I'm going three different avenues. The first is on an afternoon about 4:00 p.m. I hear a rumor that there is a potential bomb threat for Friday morning, January 27, 2010, a rumor. This is after school was over with. I had to contact local law enforcement to be able to come up a hammered down, I guess, rendition of what was going on. The reason I got that information was being from the Board of Supervisors and also a parent that was very concerned and husband. My concern was a message that I received about an hour later had come to all parents of the students of the high school at Buckingham. Now, I admit, I'm not the brightest bulb in the house, and you know, I'm not a rocket scientist by no means, but if I receive a message that I've got a potential threat for the next morning that had not been confirmed at that point, 5:00 p.m. on the 26th, but I'm going to have all my students report to school the next morning at regular time with a bomb threat being set for 8:30 a.m. and I'm going to bring all my high school children right into an environment not knowing whether I've got a bomb or not. I didn't send my child to school but my wife had to go. After all the kids got there they locked them down in the gym. Now law enforcement did an excellent job. An excellent job. They did all they could possibly do. One of my concerns is what authority does this board have in regard to public safety in Buckingham County whether it be schools, whether it be any industry or whether it be any store or house in this County. The first thing I did when I heard of it, I contacted our emergency services coordinator and he knew nothing about what was going on. I told him "don't do anything until I get back to you" and that's when I called our sheriff's office. But I believe that we've got some very large communication problems between our school system, the county administration and the public of what takes affect when these situations arise. Our parents didn't even know what was going on until the next day when they actually bought this threat out and the threat actually said, and I want to straighten out one comment that was brought out in the newspaper and that was that the Superintendent of schools allowed the parents to make a decision of whether or not they wanted to keep the children home or not, that is a very false statement. I'm sorry that statement got out in the public. I will tell you right now, I have got the voicemail at home, the voicemail says that there is a potential threat for the 27th, we are working closely with law enforcement and working with our protocol and that all children at Buckingham County High School will report to school tomorrow morning at normal time, report to their homeroom and go to the gym after they get there and the school will be locked down. Now why will I send my child to a locked down facility the next morning not knowing what's going on. There was a pile of kids there, I went there. Needless to say, I was

not a very happy camper because I had to work all night long and I dwelled on it all night long thinking that here I am, an elected official to this county, me not knowing about it and coming to find out that the decision was made by the school not to contact any of their school board members and all of this had already taken place. I had a School Board Member call a Board of Supervisor to ask him what had actually taken place or what was going on. Something just doesn't seem right. Hopefully we can resurrect this problem and whatever we need to do, or whoever we need to call whether it is the Virginia Department of Education to try to clarify or whoever they tell us or whoever the State who issues our proclamation to say, we've got to have an emergency services order. We've got to have a document; the school has to have a document. Now which one do we work by, do we work by ours or by the schools? Well, the school hasn't showed us theirs; Kevin has given them ours, so how do we even know that we are on the same page when we get into a situation like that. We don't even know how to react to an emergency situation at the school. It's just like the longstanding situations that we've had with the school in the past that they want to do their thing away from whatever Buckingham County has got. When it comes to the issue of protecting the kids, the students, the faculty and also the parents of those children, I take a very big interest in that when it comes to safety. Mr. Chairman, that's all I have to say and I will continue my rant and rave on Wednesday evening at 6:00 p.m. Thank you.

Mrs. Carter: Mr. Chairman, if I could comment further on that, I called a meeting of the school superintendent, Kevin Flippen, Sheriff Kidd and Captain Dixon, and also the State Police were invited to talk about the communication failure. Captain Dixon said that he dropped the ball by not notifying me or Kevin because in Nelson where he came from, their Emergency Service Coordinator was right in their office and knows what's going on all the time. So I think we've got our communication line straight. We did go over and look at the schools policy with the one we were allowed to see. In that policy, it does grant the manager of the property the right to call shots of whether to shut a building down or not. But, Mr. Blair since that time, I've met with him again and he says that they will be revising their policy, looking at more details and brining it back to the County for their review. So hopefully we can get a better communication going.

Bates: Mrs. Carter, what is the State Police's position on that particular type of event? Did they convey that to you?

Mrs. Carter: The State Police did not come to the meeting. They called to say that they would not be there. So, the State Police have a different protocol. When you call into the State Police for a bomb threat which I understand that this was a written threat giving a date and time of detonation and all my training that is to be taken very serious. I think that the School Superintendent felt very sure it was a student, but I think that you have to look at the worst case scenario of what it could be, but the State Police play a whole different role, if they are there, they take over and they bring in bomb detonation people and the whole nine yards and cover 100%. I think the dogs were brought in after the children were in the building.

LeSueur: Brian, the protocol for State Police from what I found out is if there is a significant time that is given and date, in their standards, do not allow an officer in that building, Officer Bodeck, clarify this for me if I'm wrong, an hour after the time that was given. Now I'm going to bring all my kids in, but State policy, I don't even go into the building to look for the bomb until an hour after the time.

Actually if they did it by order, they would have a detonation team on site, and the whole nine yards. Where and what point and time do we say, "Ok, do we take this thing seriously or are we going to half way do this", and that is going to have to be looked at. Mr. Bodeck, let me ask you a question, you may know or may not know...

Officer Bodeck: Yes, sir. I am a bomb tech in the military by the way.

LeSueur: You are? Ok, what are those standards?

Officer Bodeck: The standard is if we have a time and date, no one goes in that building, no ways of communication, no cell phones until at least an hour or hour and a half after that time. Now at that time, we send our people in there to check for a device.

Talbert: Let me ask you a question, yall went in or someone went in after you found out that night, and completely made a search before the next morning, is that right?

Officer Bodeck: That was just a walk through. As far as I know we don't have the resources to deal with a bomb.

LeSueur: Thank you Mr. Bodeck.

Chairman Snoddy asked for any other business.

There being no further business to discuss, Chairman Snoddy recessed the meeting to reconvene on February 16, 2010 at 7:00 in the Agricultural Center for a joint work session with the Planning Commission.

ATTEST:

Rebecca S. Carter
County Administrator/Clerk

I. Monroe Snoddy
Chairman