

**Buckingham County  
Board of Supervisors  
Monthly Meeting  
Joint Planning Commission  
Public Hearings  
March 8, 2010**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, March 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.

Those Planning Commission members present for the Joint Public Hearings were John Bickford, Chairman; Royce Charlton, III; Patrick Bowe; James D. Crews; Cassandra Stish; and Alice Gormus. Henry Hagenau was absent. Also present was Rebecca Cobb, Zoning Administrator/Planner.

**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 as presented. There were no addendums.**

**Re: Approval of Minutes**

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

**Re: Approval of Claims**

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

**Re: Approval of Fourth Quarter Appropriations**

Buckingham County  
FY 2009/2010  
Fourth Quarter Appropriations

General Fund	\$ 1,543,651
Water Fund	280,855
Sewer Fund	572,764
Capital Improvements Fund	36,250
VPA Fund	681,053
***Courthouse Debt Service	585,916
Schools:	
Instruction	3,939,554
Adm/Attn/Health	243,833
Transportation	473,616
Operations	537,378
School Food Services	34,258
Capital Outlay	218
Cafeteria	306,333
Technology	204,206
Debt Service for School Renovation	175,500
**Debt Service High School	315,401
**Debt Service Middle School	985,320

\*\*Actual Budget Numbers

*Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve the Fourth Quarter Appropriations for FY 2009/10 as presented.*

**Re: Announcements**

There were no announcements.

## Re: Public Comment

**Peter Kapuscinski:** I'm Peter Kapuscinski. I would like to thank the Board for allowing me to speak tonight. I'm from the third district. I've given you all a script, in reading the script tonight I'd like to substitute the Commissioner of Revenue anywhere I indicated the Financial Administrator, that was my error. I am, together with other taxpayers in our County, being charged excessive taxes on my vehicles by virtue by having the Commissioner of Revenue assess these vehicles at artificial and unrealistic high market values, which brings me here tonight. I have time line that brought me here tonight to lodge a complaint; it has gone on for a year and half now. I asked that you indulge me for the next few minutes while I try to explain and please excuse me if I go over my three minute limit. I did ask to be on the agenda in March and was told that it was full and that my best bet would be to talk to you in the public part of this meeting. Our County is taxing us unfairly. Particularly during the dire time and people, for the most part, have no time or are unaware of how to fight it since it is not coming to them in the form of a tax rate, but rather in the form of unfair assessment, which procedurally is much more difficult to argue. I understand that the County needs money to run it, and I am not arguing about paying taxes. However, if you want to raise taxes, then do it in a way that people can come here and speak their mind, and question where that money is being spent and where you intend to get it. When you argue that you are keeping the rates the same or lowering them, but at the same time you shift the burden of getting more revenue to the Commissioner's office by allowing them unchecked, to raise assessments, then that is tantamount to raising taxes and giving far fewer people an honest view toward what you are really doing and an outlet for their complaints.

I am asking for you to act on this issue today, as I speak to you suggesting that you and the Commissioner of Revenue get together and bring this out of control situation back into control. If you think about it, these unfair assessment policies actually fight what we are all trying to protect. By assessing unfairly, autos and trucks, we force people, who can pay for new vehicles to buy old used ones, or keep the ones they now have until the wheels fall off just to avoid being taxed unfairly. How, may I ask, does that help to promote jobs in our community or anywhere else?

I am here today to ask that this complaint be placed in the public record. I want to note that according to Representative Abbitt, whom I contacted on this matter, and the Commonwealth of Virginia, there is an appeal process used for assessing vehicles. The Commonwealth also used the NADA, but only as a default document where other evidential matter does not exist. If, as in the case of the State sales taxes, a taxpayer can prove that the document used by the state as a default reference, reflects values in excess of the market value of an automobile, that the taxing authority for the Commonwealth, and indeed the local taxing authorities are compelled to reduce the values accordingly. That is under state regulations 58.1-3980, "Application to Commissioner of Revenue or other Official for Correction"

In closing, I would ask the Board and its members to address this critical issue with the Commissioner of Revenue and respond to the taxpayers this evening or as quickly as possible with a definitive answer as to your intended action. Thank you.

**Quinn Robinson:** (some of this is paraphrased, to quiet to pick up on tape very well) My name is Quinn Robinson. I live in the Andersonville area; I am represented by Mr. Kitchen on the Board. I have an issue that came up during the January meeting. I have a problem that I need your help with. There was a woman that came forward at public comment period, it was recorded in the minutes, Mrs. Wood, she said that she had gone through the procedure and raised an issue of a guardrail and was told that, I don't know if this is true, that it wasn't going to be a guardrail, that it was better for her kids to be hit than for us to put a guardrail there. To me that is preposterous. The purpose of the transportation department is to provide good roads and make sure they are safe. I just don't understand. I don't know her, but it seems that the Board should make some kind of inquiry to find out what happened and if this conversation is accurate and suggest that an apology is in order. I just don't understand what is happening. I wasn't at last months meeting but I do know that there was some discussion of ethics and morals and priorities in terms of what VDOT is doing. To me, your business and their business is to represent certain people and when comments like this are made, my credibility is stretched and the seven of you were there and didn't say, "What are you talking about". I'm sorry that I had to bring this up. I think it merits some sort of inquiry.

**Supervisor LeSueur:** I'll explain on that too. Comments I made last month as it pertains to issues that I had with VDOT in regards to clearing the highways during the snow. Basically what their response was and the way I took it was that the highways were more important than public safety when somebody is sick. I've got a deal with that issue and talk to them about that and I also told them that I would go as far as the General Assembly to deal with that issue and when I do that I will look into that guardrail issue.

There were no more public comments.

## **Re: VDOT: Road Matters**

**Kevin Wright:** Good evening to the Board. I appreciate the opportunity to come and give you an update of VDOT matters and things that are going on. I understand that Board members have a concern about the snow and I would be glad to discuss that with you at anytime I could. Some of the first things that I have on my update to you is to offer a public complement on the crews at both the Dillwyn and Andersonville Area Headquarters. We don't like to mention snow right now; we are hoping it is all behind us and are real happy we have nice weather ahead of us. I did want to complement them publicly. Those crews worked 24 hours a day on 12 hour shifts through several big snow storms recently. We even had some folks from our area volunteer to go to Northern Virginia and help them out. They just did a remarkable job. The crew members around here have never seen snow like this and never had to push snow like this. This is their first opportunity in some of these deep snows but they did a great job and got most all our roads open within 24 hours of the end of the snow storm. There are a few exceptions but for the most part they have most of our roads open well ahead of the established time frame that we look for, which is 48 hours. I would like to thank them for all their hard work.

Right now we are focusing on customer service requests. We do have some potholes with all the water that we've had. We are patching those as we are made aware of them. Also doing some brush trimming. As far as construction goes, the Rt. 613 project is scheduled for advertisement tomorrow and we will be moving forward on that very soon.

Also, the other thing I wanted to update you on is what the gentleman just spoke about, Mr. and Mrs. Wood's concerns. I have met with both Mr. and Mrs. Wood at the site and explained to them about the guardrail situation. What they were looking for was at a T intersection, a guardrail to prevent traffic from running through that intersection into their field. I explained that guardrails are not designed to take that kind of impact. Guardrails take an angular impact, anything that we put up to try to stop a head on collision like that; to stop them from going straight through an intersection does not work. Guardrails are not designed for that and would give her children a false sense of security. What we have done, at their approval, and they were okay with what we talked about, we put up a sign at the end of the road, it is a double chevron, black arrow on a yellow panel to let them know that they are coming up to a stop situation. You are going to either have to turn left or right. We also put in a larger stop sign to make it more visible from farther away. I spoke to Mr. and Mrs. Wood and they were comfortable with that. I gave them my business card and told them that if they had any more problems, we would monitor it and if we needed to do something else, we certainly would. We are concerned for public safety.

We try to balance it between traveling customers but we also have to look out for pedestrians as well. I apologize, I have looked into the comment that was made, that has been dealt with at our level. I apologize publicly for that comment. Whether it was made exactly like that or interpreted, I'm not going to get into that here; it's not really an accurate statement of VDOT and our concern about the public. We are trying to balance them both. We feel like we have accomplished that with Mr. and Mrs. Wood. They were happy when I left. We have not heard anything more from them.

That's all the updates I have. I do notice you have on your agenda; the next item is to set up a work session for the six year plan. We do need to accomplish that before I leave today. But that is all the updates I have for you, if you have anything for me....

**Mrs. Carter:** If I could comment on the Six Year Plan Work Session, I understand that you need to have a public hearing by the April meeting.

**Mr. Wright:** It does not have to be done by April meeting. I believe the requirement in the code is to have a public hearing once every two years. It's at the Board's discretion as to whether they will like to have a public hearing.

**Supervisor Talbert:** Mr. Chairman, due to some of the comments from some of the constituents in my district, they were told by somebody... I don't know if the people were from Richmond or Lynchburg or wherever, that there would be nothing done to unpaved roads for ten years. So why are we going to have a work session? Why are we going to update a six year plan and not going to get it done in ten years?

**Mr. Wright:** So that we can review the money that is already in the plan and see if there is some way we can make use of that money right now. There are no new funds projected for updating roads within the next six years but we do need to establish priority. To talk about if there is anything that we can do with the money we've got within the plan instead of money just sitting there doing nothing, I'd like to work with the Board and try to find something that we can accomplish with that money instead of it sitting in the bank, so to speak, and not doing any good for the citizens. That is the purpose of the work session.

**Supervisor Talbert:** Well, it's seven of us sitting up here. One I've been working on for four years. It's fourth priority on budget. I was told that that was the best way to go because there was no budget, no money, no nothing. But my whole point is, why waste the public's time, why waste our time because if y'all had the money you would put it out there anyway. Because you can't take the money from maintenance work to unpaved roads. One person went to the president on that. He keeps getting referred back to Lynchburg. I can't see the purpose of it.

**Mr. Wright:** It's strictly up to the Board. If the Board chooses not to do a work session, then VDOT will set the priorities and submit a six year plan, unilaterally. That's always an option. It's one that we don't like but....

**Supervisor Talbert:** I tell you what I would like to do, go with a lottery. Put all of our names in there with a road that you want done, and pick one each year, so seven years come around, you are going to get something done. That road, Rt. 748, has been 30 years on the six year plan. It's useless.

**Mr. Wright:** I understand, but the Board sets the priorities. I'll be glad to work with you any way I can.

**Supervisor Kitchen:** How much money are we talking about already in the pot?

**Mr. Wright:** I cannot give you an exact number, I'll be honest, I've been working with the three counties that I've got right now. I went out and looked at Prince Edward's today and I haven't exactly been able to look at Buckingham County to see exactly where you stand with what funds you have available and what projects you have on your plan and how we may be able to use that money. I wish I could tell you now, but that is what I was planning to bring to the work session.

**Supervisor Kitchen:** Well, when will it suit you to have a work session?

**Mr. Wright:** I'm available at any time at your convenience.

**Chairman Snoddy:** Why don't we have it in May?

**Supervisor Kitchen:** May is fine. Does that sound good to you?

**Mr. Wright:** We would like to have it by the end of April. The blueprint, we call it the blueprint; the reorganization of VDOT is taking place. They would like to do it before I leave on April 25<sup>th</sup>. At that point they do not know exactly who is going to be here in the department to be monitoring and managing that six year plan. If there is any way that you can get done before April 25<sup>th</sup>, it would be appreciated. If not, we will work with you any way we can.

**Supervisor Kitchen:** We can do it next week as far as I'm concerned.

**Supervisor Talbert:** I won't be here next week. I'll be in Indiana.

**Mrs. Carter:** Perhaps we can do it an hour earlier than our budget work session. Which I'm asking you to postpone to the 29<sup>th</sup>. Then we can have the hearing in April.

**Supervisor Talbert:** Mr. Chairman, I regret the fact that last year I went to visit my son, time was changed for the budget last year, this year, the budget work session, the fact I'm going to be in Indiana next week, I'd appreciate that we don't have the thing on this road when I'm not going to be here. That's just me, I'm just one person.

**Supervisor Bates:** Bill, are you going to be here on the 29<sup>th</sup>?

**Supervisor Talbert:** Yeah, I'll be here on the 29<sup>th</sup>.

**Supervisor Bates:** We are going to move the budget thing to the 29<sup>th</sup>.

**Supervisor Talbert:** Good, I appreciate that. That's fine then.

**Supervisor Kitchen:** What time is the budget work session?

**Mrs. Carter:** 7:00

**Supervisor Bates:** So we can have the VDOT work session at 6:00 on the 29<sup>th</sup>.

**Supervisor Bates moved, Supervisors LeSueur and Talbert seconded and was unanimously carried by the Board to hold the VDOT Six Year Plan Work Session on Monday, March 29, 2010 at 6:00 p.m.**

**Supervisor Talbert:** On this road, 748, Mark and I have been working on that, so it will not be done tonight. Mark called me this week and we will be working on that.

**Supervisor LeSueur:** What I would like to do, is sometime meet, especially on pushing those roads. It's been a long time since we have encountered snow fall in the winter like we did this year, I think we've learned from mistakes that we've made and try to do better next time. I think that if you and I get together and talk about that, Mark was really hinging on policy and

procedure, we also have to look at ethics and morals. Honestly, the procedures don't take care of ethics and morals a lot of the time, and if the State can't realize that, then we have issues. So I hope that you and I can sit down and try to work that out. I'd rather handle it locally and not have to go up the ladder to try to get it resolved if you and I can.

**Mr. Wright:** I would be glad to sit down with you. Just give me a call or stop by there. Do better if you would give me a call and make sure I'm in the office and I'll be glad to sit down with you anytime.

**Supervisor Bates:** Mr. Chairman, I've got a question. The restructuring or blueprint, is fully manifested by the end of April?

**Mr. Wright:** Our goal is to have everything in place by April 26<sup>th</sup>; I believe is the date that all the changes will take effect. We do not know exactly what is happening. We are hoping in the next week or two to get more education of where people who've been identified for layoff whether or not they will be placed in other positions around the department and who will be where. So hopefully within the next couple of weeks, we will start getting a picture of what our team will look like so to speak, moving forward and what the organization will look like.

**Supervisor Bates:** One of the concerns I have, I was at a meeting with some other County people from other counties last week, and they were under the impression that VDOT presence at every Board meeting may not be possible under this restructuring. Is that your understanding of how things may be headed?

**Mr. Wright:** I know that they are working on that. There is a committee in our central office that is looking at some of the things that need to be changed under the new structure and representation at the Board meetings is one of those items that they are looking at. To the best of my knowledge, they have not come up with a decision on who will represent VDOT at the Board meeting and whether or not someone will be at every Board meeting. I think that is one thing they are feeling their way through. Some counties do have VDOT at every Board meeting, some counties only have someone when they need us or we need them. So that's one of those things that still have to be worked through. No matter what, once this thing happens, you will have somebody in Dillwyn, it may be an area maintenance manager, pretty much the position I'm acting in now, so that person will be there. You will still have a contact here in the county; I'm just not sure what that liaison role will be like between us and the board. As soon as I find something out, we'll give you some information on how that's going to work. They are still working on it.

**Supervisor Chambers:** On 602, going toward Glenmore, I think its Walters Fork Creek, where that curve is at the bridge, people want a guardrail there. They've had quite a few accidents there. People running over that bank there. They think guardrails will take care of that problem. It's down below Bradshaw's airport. It's kind of a curve right there at the bridge.

**Mr. Wright:** What we will do is have our traffic engineers take a look at it and make sure a guardrail is warranted there, sounds like it would be, then it will be prioritized, and as soon as we can get some funding for guardrails, not sure when that will be, but we will go ahead and get it on a list of guardrail needs for the County and as soon as we can find some funds for it, we can make that happen.

There were no citizens concerns for VDOT.

### **Re: Public Hearing: Case #09-ZMA-180 Donald Todd Morris**

Mr. Donald “Todd” Morris requests approval to rezone his property from Agriculture (A-1) to Agriculture Comprehensive (A-C). The property is located at Tax Map 186 Parcel 3, on 636 in the Francisco Magisterial District containing approximately 200 acres. The applicant currently has two chicken houses on the property but would like to add two more houses. The existing chicken houses are considered a non-conforming use. The Zoning Ordinance requires that when a non-conforming use is expanded the property must come into compliance with the ordinance.

The Planning Commission held a public hearing on January 25, 2010. There was one public comment in favor of rezoning the property and one letter that was mailed requesting denial of the rezoning. The Planning Commission decided to recommend approval with the following conditions:

1. That all federal, state, and local regulations, ordinance and laws be strictly adhered to including updating the Nutrient Management Plan prior to installation of any new Intensive Agriculture Facility.
2. That all documentation submitted by the applicant in support of this request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these 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 wishes of the Planning Commission or Board of Supervisors.
6. That the applicant (s) understands the conditions and agrees to the conditions.

Chairman Snoddy declared the public hearing open for public comments.

There were no public comments.

Chairman Snoddy declared the public hearing closed.

**Supervisor Talbert moved, Supervisor Bates seconded and was unanimously carried by the Board to approve Case #09-ZMA-180 for Donald Todd Morris to rezone from A-1 to A-C for the purpose of adding two additional poultry houses.**

## **Re: Public Hearing: Case #09-ZMA-183 Buckingham Partners, LLC**

Buckingham Partners requests approval to rezone their property from Agriculture (A-1) to Village Center (VC-1) for the purpose of a seven (7) lot subdivision. The property is located at Tax Map 123 Parcel 94 on 631 in the Maysville Magisterial District containing approximately 26 acres.

The Planning Commission held a public hearing on January 25, 2010. There were two public comments against rezoning the property. The Planning Commission decided to recommend approval with the following conditions:

1. An Erosion and Sediment Control Plan must be submitted to the office (if required by the E&S Ordinance) and the appropriate fees/bond paid (5-2-2-2). The following steps shall be followed for the implementation of the E&S Plan:
  - a. Two estimates (on their respective letterheads) from two different contractors stating the estimated cost of implementation of the E & S according to the approved plan, stating the estimated cost of maintenance of the E & S before, during, and after, and the estimated cost of the final stabilization of the E & S Plan as approved by the plan approving authority and these estimates shall be submitted to the Zoning Office and the performance guarantee shall be the higher of the two estimates plus 10% for cost overruns and administrative costs. These estimates shall be separate from the road construction performance guarantee estimate.
  - b. The performance guarantee shall be issued to the county and once the performance guarantee is issued to the county and approved by the county and the appropriate fees paid, the Agent shall issue an E & S permit.
  - c. Fees: \$300 for the first acre and \$50 for each acre after the first acre. Checks shall be made out to Buckingham County Treasurer.
  - d. Once the applicant is ready for the implementation of the E & S upon the land, the applicant shall notify the County of the start date and estimated completion date.
  - e. The applicant shall be responsible for any and all E & S implementation, maintenance and final stabilization of the E & S Plan as submitted and approved by the Plan approving authority.
  - f. It shall be the responsibility of the applicant to notify the agent upon implementation of the plan is complete upon the land. The County shall make every effort to come to the site and inspect and any specification as shown on the approved E & S Plan shall be corrected by the applicant and if the applicant fails to correct any specifications,

the agent shall call upon the performance guarantee to hire a contractor to correct any measure.

- g. During implementation, maintenance and till final stabilization, the applicant shall once a week visually inspect for any failures of the E & S and shall call the agent to notify of such failures and the applicant shall take immediate steps to correct any failures. Failure by the applicant, shall cause the agent to call upon the performance guarantee to correct any failures not corrected by the applicant.
- h. The applicant shall call the agent once final stabilization has been reached for inspection by the county agent.
- i. Once all requirements and final stabilization is reached the agent shall release the performance guarantee.

A performance guarantee shall also be posted with the County for the Construction of the Road to meet the requirements of a private road under the Subdivision Ordinance. The construction of the road shall proceed no farther until the E & S is implemented upon the land and the E & S is approved by the County.

- 2. The final plat shall show adequate easement along any stream, drainage course and other water ways for the purpose of widening, deepening, relocating, improving, or protecting. Such easements shall not be considered part of the required street width (5-2-2-1).
- 3. Soil evaluations sheets and plats showing the location of the drain fields shall be submitted showing the lots will adequately support the necessary septic tank systems (5-2-3-1)
- 4. The developer shall be responsible for the erection of the Street signs according to the specifications as specified by our 911 coordinator. The fee for address markers and street signs shall be \$30 for each address marker and \$125 for each Street sign. The fee is to be paid to the Buckingham County Treasurer prior to final approval.
- 5. All fees shall be paid in full before the agent shall be allowed to sign off on the final plant (6-1-3). The minimum fee for a major subdivision is \$2000 plus \$50 per lot.
- 6. The final plat shall include the statement “the subdivision of the land described herein is with the free consent and in accordance with the desire of the undersigned owner, proprietors, and trustees.” The statement shall be signed by such person and duly acknowledged before an official authorized to take acknowledgements of deeds (6-3-6-1).
- 7. The accurate location and dimensions by bearing and distances with all curve data on all lots and streets, boundaries of all proposed or existing easements, parks, school sites, all existing easements, parks, school sites, all existing public streets, their names, numbers, and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- 8. 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.

Chairman Snoddy declared the public hearing open for public comments.

There were no public comments.

Chairman Snoddy declared the public hearing closed.

**Supervisor Kitchen:** I've looked at this thing; I see no reason in the world to turn it down.

**Supervisor Chambers moved, Supervisor Bates seconded and was unanimously carried by the Board to approve Case #09-ZMA-183 for Buckingham Partners LLC to rezone their property from A-1 to VC-1 for the purpose of a seven lot subdivision.**

### **RE: Planning Commission: Reconvene of February 22, 2010 meeting**

Planning Commission Chairman Bickford called the Planning Commission meeting to order. Chairman Bickford certified there was a quorum-seven of eight members present.

### **Re: Public Hearing: Case #10-SUP185-Danny Elder**

Mr. Danny Elder on behalf of the Central Virginia Christian School requests approval of a Special Use Permit for the purpose of a private school. The property is located at Tax Map 138 Parcel 15; Lot A on Industrial Park Rd. in the Curdsville Magisterial District containing approximately 6.50 acres.

This is a joint hearing with the Planning Commission and the Board of Supervisors. If the permit is approved I recommend that the following conditions be approved with the permit:

1. That all federal, state, and local regulations, ordinances and laws be strictly adhered to.
2. Commencement of the Private School shall begin within two (2) years of the time that the approval by the Board of Supervisors becomes final and non-appealable or this special use permit shall be null and void.
3. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.
4. No building shall be located within one hundred feet (100') of any adjoining property line. No recreation field and/or play area shall be located within one hundred feet (100') of any adjoining property line.
5. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.
6. The property shall be kept neat and orderly.
7. Right of ways and roadway shoulders shall not be used for parking.

8. If the adjacent property is owned by any other business or entity other than Buckingham County then the owner/applicant shall create a barrier which will prevent individuals leaving the property to which this special use permit applies. The barrier shall be on or next to the sides of the adjoining property with the exception of the access road.
9. 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.
10. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Planning Commission or Board of Supervisors.
11. That the applicant (s) understands the conditions and agrees to the conditions.

**Mrs. Cobb:** They have contacted me, I've provided you with the conditions, they have contacted me about some concerns about #4 which says that "No building shall be located within one hundred feet (100') of any adjoining property line. No recreation field and/or play area shall be located within one hundred feet (100') of any adjoining property line." Their concerns are with the buildings, they are planning on adding on to what they have there now. So they have requested a 50' building setback and leaving the 100' setback for the field and play area. I'm going to leave that up to your discretion as to what you want to recommend tonight.

Commission Chairman Bickford called for any questions.

There being none, PC Chairman Bickford declared the public hearing open for public comment.

There were no comments.

PC Chairman Bickford declared the public hearing closed.

PC Chairman Bickford asked for Mr. Danny Elder to come forward to answer questions.

**Commissioner Stish:** Mrs. Cobb alluded to the exception to the 100' setback for the buildings. So, you're fine with using that for the fields. And you plan on having a barrier, fences. So I think 50' is acceptable for a building. At this moment in time it's still an industrial area, it's supposed to be anyway.

**Commission Bowe:** Where exactly do you plan on putting these recreation fields? Right now you have 112' behind the building and you are asking for an exception of 50' that leaves you 61-62'. How are you going to recreate 70 children in a 62' area?

**Mr. Elder:** The long range plan is to eventually build a multi-purpose center down here, like a gymnasium type thing. Also, out front, out beyond the parking area, down where the waterworks, the field there, we were looking at that and we are hoping that in the future to be

able to purchase additional property. That is definitely what we are hoping for is to be able to purchase more property.

**Commissioner Bowe:** We are talking about children playing in front of the parking area, between the road and the parking area?

**Mr. Elder:** It's the area beyond the parking area. Between the parking area and where the sewage system plant is. It's probably a couple acres there.

**Commissioner Stish:** Do you have another parcel?

**Mr. Elder:** No in the same parcel.

The Commissioners study the plat of the area.

**Commissioner Crews:** Is that going to be fenced if you are going to use it as a recreation area?

**Mr. Elder:** It's definitely being discussed. Mr. Crews, we haven't gotten that far. These children are well supervised; you can rest assured of that.

**Commissioner Bowe:** It doesn't take but a second for them to run out in the street though. It doesn't take but a second for one of them to run out after a ball into the street. I think it needs to go farther than discussing. If you are gonna put in a play area in the front here between the parking area and the road, I think it needs to be fenced, at least along the road.

**Mr. Elder:** If that is yall's request, it will be done.

**Sheri Birkhill:** Play grounds have to be fenced.

**Commissioner Stish:** So the play ground will be fenced inside the parameter fence. Is that correct?

**Mr. Elder:** Yes.

**Sheri Birkhill:** I'm the Administrator at the school. I will be happy to provide you with any information that you are asking for. It is law that a playground be fenced, so the playground will definitely be fenced. I think what he is alluding to is we do not have a plan exactly where the playground is going to go. We are raising money for renovations right now. That is not at the top of our priority list, but the playground will be fenced. Are there any other questions I can help you with?

**Commissioner Stish:** I am concerned with from the building, they have to go past the parking lot to the proposed play area. Is there going to be a fenced corridor?

**Sheri Birkhill:** I don't think there is a need for a corridor. We've been out there and looked at it and we can walk on the sidewalk around the parameter and the grass area so we are not parading down the center of the parking lot. You have to keep in mind, like you said, just one second, there is a primary school just up the hill now and I'm sure they are one or two seconds away from disaster too. We are just fortunate that our student/teacher ratio is 15:1 and in kindergarten it's 7.5:1. So, the kids are super well supervised and they are actually escorted to and from their cars with a teacher everyday. They are top priority and safety is one of our core values. We take that pretty seriously.

**Supervisor Kitchen:** I want to speak at the public hearing, you haven't closed it have you?

**PC Chairman Bickford:** Yes, I've already closed it. We didn't have anybody speak.

**Supervisor Kitchen:** Does the Board have any say of whether or not...it's a joint public hearing.

**Board Chairman Snoddy:** How do you feel about us opening our own public hearing? We haven't received a recommendation from the Planning Commission yet.

**Supervisor Kitchen:** I couldn't hear, you were speaking the other way.

**Supervisor Bates:** Mr. Chairman, if I could just make a recommendation on procedure, if everyone will be agreeable. The Planning Commission closed their public hearing and they put a recommendation that they make. Then we can open our public hearing for the Board and proceed. Any comments can be made at that time.

**Commissioner Stish:** I'd just like to say, I know that there has been discussion of this case, Mr. Hagenau was here, and a couple other Commissioners shared his concerns, that we are proposing a school with young children into our sole industrial area for the County specific to industrial type development, and I think it might be a topic for discussion because a school is not an industrial endeavor. That is something we should think about. If we proceed, we have more than one school in the area, so in some ways it's not really incongruent with current uses in the area but not for that specific land, in the industrial park.

**Commissioner/Supervisor Allen:** Question about the 50', why are we going to make them have a barrier and a fence to be in and make it go 100'. I might have missed it but are you going to cover that 50' or what?

**Chairman Bickford:** The 50' is between the buildings, the play area will still be 100'.

**Commissioner/Supervisor Allen:** I don't see why you need either one if you are going to have a fence. It looks like you've got a barrier, fence and where the children play, they are going to put up another fence.

**Chairman Bickford:** My understanding of the barriers for the playing fields, not around the building. The situation of the Planning Commission last time was, that if it develops in the Industrial Park and it will, that it will be around the complex for the safety of the children. In other words, if they develop the field now, they know they have to have a barrier around the field so they can't be going in and out the field, as the development of the industrial park develops then they will have to put up more around the parameter.

**Commissioner/Supervisor Allen:** I just don't want to be taking space away from them.

**Supervisor Kitchen:** Are they going to have a barrier or fence all the way around the property?

**Chairman Bickford:** As I understand it with the conditions, at some point, with the development of the park with business or whatever, it would be incremental. Where the field is will have to be done right away, but...

**Mrs. Cobb:** What the conditions say is that as long as the County owns the adjoining property, they do not have to put up a fence but as soon as a business or industry moves in, they are then required to put a fence there as a barrier between their property and the business.

**Commissioner/Supervisor Allen:** Somewhere down the line, there is going to be 2 barriers.

**Chairman Bickford:** Well, I think what you are saying, I understand it perfectly, when it comes to the point when a barrier is needed, there is no reason he can't tie into the existing fence in the field.

**Commissioner Bowe moved, Commissioner Charlton seconded and was unanimously carried by the Planning Commission to approve the SUP for Danny Elder on behalf of the Central Virginia Christian School with the amendment to Condition #4 to change the setback around the building to 50' and leave the fields and play area at 100'.**

**PC Chairman Bickford:** Chairman Snoddy, the Planning Commission has recommended approval with the conditions listed and with the change in condition number 4 to allow buildings to be 50' from adjoining property lines.

Board Chairman Snoddy declared the public hearing open for the Board of Supervisors.

**John Kitchen, Jr.:** District 4. I have a couple of items here that I would like to explain to you. At the January Board meeting, concerning the sale of this property, the County Administrator asked several things and the main one was to have the property appraised. Well, the Board turned that down, why I don't know. I can understand why Mr. Elder did, because I had the property appraised. I have the appraisal right here if anybody would like to look at it. The property was appraised for \$681,000. Due to the condition of the economy, 20% was taken off that and the appraisal came in at \$500,000. So that's \$95,000 less, so what Mr. Elder is doing,

he's getting 39% off of this property, 19% between the \$405,000 plus the 20%. But I had two reasons for having this property appraised; number 1 was to see that the taxpayers were getting the fair market value for the property. They are not. The next reason I had it appraised I wanted to ask Mr. Elder and the Board of Supervisors to do the right thing by the taxpayers of Buckingham County and approve the appraisal value of this property. I have it here if anyone wants to look at it. Another thing I'd like to point out, this is from the appraisers, the reasonable time allowed for open market, this definitely was not done, this whole deal was cut behind closed doors, it was not put on the open market. What happens here tonight, I have no control over, but I do want the people to know that I'm living up to the promise I made when I was campaigning. That was to represent all the people to the best of my ability and not just a select few. Thank you very much.

**Teresa Davis:** District 4: I can understand his concerns, but what I don't understand is that we've already voted on this issue and it's being brought up again. If this appraisal is correct, I always thought you had to have three, why not have it done prior to the meeting versus now. To me this issue is taken care of and we are just going over the same issue again. If the Board had not wanted the offer on the table originally, it should have been counter offered at that point versus coming to it now. I just, really as a taxpayer, think this is just a waste of time and I'm sorry but I appreciate the Planning Commission's concerns as far as the children's safety and I promise you that we will do whatever you say to take care of these children. If you look across the street there is a public playground that is closer to the road than what we propose. As a parent myself, I am probably very overprotective and we are not going to let your children in any situation that they are not safe. I just felt I needed to say that. Okay. Thank you.

**Jeff Slaughter:** District 5: I have a question, Mr. Kitchen, you are asking about the taxpayers getting their money's worth, I had a hard time hearing; I just want to clarify what you said.

**Supervisor Kitchen:** What is that?

**Jeff Slaughter:** I had a hard time hearing what you said, you said something about you wanted to make sure the taxpayers were getting their money's worth?

**Supervisor Kitchen:** Fair market value of the property. That's why I had it appraised. The County Administrator asked... one her first things asked for was to have it appraised so the citizens would be getting fair market value for this property. Well, the Board turned that request down. I had the appraisal myself, I paid for it myself by a very qualified gentlemen that one of the Planning Commissioner's son recommended this gentleman to me, he's been in the business for years, that's what he does.

**Jeff Slaughter:** I have some information, I don't know if it's correct or not, but there was already \$150,000 put down on that building from Waterworld at one time, is that right?

**Supervisor Kitchen:** Right.

**Jeff Slaughter:** I couldn't hear your words of how you came about the appraisal and so forth, but did you say that you appraised it at \$680,000?

**Supervisor Kitchen:** That's what the, under normal times, what it would be appraised at, \$681,000 but the appraiser took 20% off of that because of the economic times, he rounded the thing off to \$500,000. With the \$405,000, Mr. Elder is getting a 39% discount off the property. 19% from the \$500,000 and the \$405,000 and the 20% on the economic times.

**Jeff Slaughter:** Correct me if I'm wrong, was this building not built with money given to the County from the Federal government.

**Mrs. Carter:** No, the County of Buckingham paid for it.

**Jeff Slaughter:** County of Buckingham paid for it. Okay. Thank you. I wasn't sure, I had heard that.

**Supervisor Kitchen:** I had this appraisal, I didn't bring it out, the County paid \$110,000 for the road, right Becky?

**Mrs. Carter:** We did get a grant for the road, but had to pay it back.

**Jeff Slaughter:** So the price that was agreed on by your Board at the January meeting, \$405,000, if you've already gotten \$150,000, that's right about where it's at, so the County basically has gotten...

**Supervisor Kitchen:** That was all together a different thing. That was a gentleman that was buying the property, he had a bypass and in a couple weeks past away, but they had signed the contract. That was the Board's decision and I had voted for it, I won't lie to you, to keep the \$150,000. But that had nothing to do with this thing right here. That was going to be a gentleman that was going to have 150 jobs for this county, was going to be a big tax payer. Mr. Elder is not going to be paying any taxes and he has I don't know how many people working, I don't have no idea, he can probably answer that, how many people do you have working for you?

**Danny Elder:** That doesn't have anything to do with this discussion, Mr. Kitchen.

**Supervisor Kitchen:** Okay, well, fine. That's good.

**Jeff Slaughter:** How many people are working down at the building now? Nobody's working down at the building now are they?

**Chairman Snoddy:** Gentlemen, we don't need a debate.

**Jeff Slaughter:** He was asking how many people... that's fine. I was answering a question. Mr. Kitchen, you were asking me how many employees are working down at the building now or for Mr. Elder?

**Supervisor Kitchen:** Is anybody working at the building now?

**Jeff Slaughter:** Yes, is anybody working down at the facility now? So even though that man promised 150 jobs, that didn't come through, but there's nobody been working down there for years. When the school is down there, there are going to be people working down there.

**Supervisor Kitchen:** The building has been used by the recreation department. But nobody's working in there, no.

**Jeff Slaughter:** But there's nobody working there now.

**Chairman Snoddy:** You just keep going over and over. We need to go on with business.

**Jeff Slaughter:** I agree. I was just trying to answer his question.

**Supervisor Kitchen:** Nobody is working in the building right now.

Chairman Snoddy declared the public hearing closed.

**Supervisor Bates moved, Supervisor LeSueur seconded to approve the Special Use Permit for Danny Elder on behalf of the Central Virginia Christian School as recommended by the Planning Commission. This motion passed with a 6-1 vote. Supervisor Kitchen voting in opposition.**

**Supervisor Bates:** I do have a question, Mr. Elder, if you don't mind, when you came to the Board with your offer for \$400,000, you got a counter offer from the County for how much?

**Danny Elder:** \$405,000

**Supervisor Bates:** Who among us told you that?

**Danny Elder:** To my recollection, it was Mr. Kitchen.

**Supervisor Kitchen:** I think you are wrong, but I won't argue.

## **Re: Public Hearing: Proposed Zoning Ordinance Amendments**

**Mrs. Cobb:** The next item will be updating our ordinance. This is a process that we started to get this inline with our Comprehensive Plan. I would like to ask that the Board and Planning

Commission come down for a quick presentation. Most of you have seen it, but I would like for the public to see what we are doing.

Mrs. Cobb showed a slide presentation of the changes. (A copy of the presentation is attached to the February 16, 2010 minutes)

PC Chairman Bickford declared the public hearing open for public comments.

There were no comments.

PC Chairman Bickford declared the public hearing closed.

**Supervisor Bates:** I'd just like to say that Mrs. Cobb did a fantastic job at the work session on presenting it.

**Supervisor Kitchen:** I'm certainly sorry I missed it but I didn't want to come here and give everybody a cold.

**Commissioner Stish moved, Commissioner Gormus seconded and was unanimously carried by the Planning Commission to approve the changes presented to the Zoning Ordinance.**

There being no further business for the Planning Commission, Chairman Bickford declared the Planning Commission meeting adjourned.

**Supervisor Bates:** Mr. Chairman, before the Planning Commission departs, I would like to thank them for doing this with us tonight.

Chairman Snoddy declared the public hearing open for public comment.

There were no comments.

Chairman Snoddy declared the public hearing closed.

**Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve the recommendation of the Planning Commission for changes presented to the Zoning Ordinance.**

## **Re: Introduction of request for a SUP for Transcontinental Gas Pipe Line for Communication Tower**

Transcontinental Gas Pipe Line Company LLC requests approval for a Special Use Permit to construct a 100' private use telecommunications tower. The property owned by the Virginia Power and Electric and Transcontinental Gas has a 300'x300' easement for the purpose of monitoring the gas lines and handing off to Columbia Gas which will provide gas to the new

power station. The property is located at Tax Map 9 Parcel 54, on Rt. 20 in the Slate River Magisterial District containing approximately 66 acres.

The Planning Commission held a public hearing on February 22, 2010. There were no public comments at that time. The Planning Commission decided to recommend approval with the following conditions:

1. A buffer of evergreen screening (trees or hedging) shall be provided around the entire facility with the exception of any associated office building. A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment.
2. The tower and other structures shall meet all safety requirements of all applicable building codes.
3. Documentary evidence-of compliance with all Federal Communications Commission (FCC) requirements shall meet all safety requirements of all applicable building codes.
4. The applicant must provide documentary evidence that the facility will not exceed applicable health standards established by the Federal Government and/or American National Standards Institute.
5. The tower shall be designed and built according to the current ANSI standard of TIA/EIA-222-G for Buckingham County, Virginia and so certified by a Registered Professional Engineer of the State of Virginia.
6. No advertising or artificial lighting of any type may be placed on the tower.
7. That commencement of construction of the tower shall begin within one year of the approval by the Board of Supervisors or this special use permit shall be null and void.
8. The tower shall be used solely for the business Band Communication needs of Transcontinental Gas Pipe Line and/or its successors and heirs.
9. 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.
10. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Planning Commission or Board of Supervisors.
11. That the applicant (s) understands the conditions and agrees to the conditions.

I spoke with the applicant today; he expressed a concern about Item 1. A buffer of evergreen screening (trees or hedging) shall be provided around the entire facility with the exception of any associated office building. A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment. I will let him come forward and speak to that.

**Brad Lushbaugh:** I am with Transcontinental Gas Pipeline. Do you need a little history on the pipeline?

The Supervisors all agreed they were familiar.

Well, on item 1, one of our concerns is that this site is heavily wooded to begin with. There has been some clearing done but predominantly it is old growth woods. It is hardwood and pine mix mostly hardwood. It's old wood. It's been there a long time. The site where the tower will be is within a 300'x300' clearing. Inside that will be a 200'x200' fenced in site that will have gas metering facilities. The tower is within that fenced area that is in that 200'x200' area. Behind the site and adjacent to it are the Transcontinental Gas Pipeline's pipeline. There are four of them and they are adjacent to the site. We don't allow trees on a right of way for several reasons. One is that they restrict or prohibit aerial surveillance of the pipeline. By aerial surveillance we do many things and one is to ensure that anybody out there doing any excavation in the vicinity of the pipelines, we can see them and know they are there and dispatch somebody out there to make sure that they don't get into our pipelines. The other issue is that shrubs tend to seek out the warmth in the pipelines themselves and the roots of trees will seek out the warmth of the pipe and wrap around them. They are coated externally to prevent corrosion but so happen a root wrap around the pipe can actually cause the coating to break up over a period of time. This doesn't happen quickly, it takes years to happen but anyhow. Also around the facility itself, if we were to plant trees, once they got the size to them, they will be subject to lightning and snow and sleet and ice and potentially fall over on the fencing and the gas handling facilities and we don't want that. I have an aerial photograph here, but I do have copies if the Board would like to see it that shows where the clearing is and the highway and the pipeline right of way that leads up to Rt. 20. I know you can't see it from there, but it's about 1300' from Rt. 20 back to where the communications tower is going to be. It's a pretty long ways.

**Supervisor LeSueur:** Is that going to be on the south side of 20 or the north?

**Mr. Lushbaugh:** Well, 20 runs north and south, so it's on the west.

**Supervisor LeSueur:** If you are going to Scottsville, it's going to be on the left or right?

**Mr. Lushbaugh:** If you are coming from Scottsville towards Buckingham, it's going to be on your right.

**Supervisor LeSueur:** Is that going to be right in the right of way?

**Mr. Lushbaugh:** It's right adjacent to the Transco right of way. What this facility does, it routes to Columbia Gas for the Bear Garden Dominion Plant. You can see that square area, I did this the best I could to scale, that's the 300'x300' area, the red lines are Transcontinental Pipeline. Judging out towards the pasture or old hay field, you will see 2 lines that approximately indicate the clearing area that has been cleared now. The pipeline and access road is back to the nearest facility. As you can see, if you are going down Rt. 20, 1300' away is really not...you are going to have to be slowing down and taking your eyes off the road to see what's back there.

**Supervisor Bates:** That larger square that's drawn, is that area going to be cleared? That is cleared, okay. But the trees between that square and that field are intact except for the access way.

**Lushbaugh:** What we'd like to request is that, is to respectfully request that we be permitted to either require a green or black vinyl plaid chain link fence to be utilized instead of any evergreen buffer so to speak. We use this in many other areas. The green and black, either one, they both do a good job; they tend to camouflage the fence. It doesn't stand out. The other stands out and glares at you a little bit but using the green or black vinyl plaid, it just blends in much better. The facility will be painted a green, similar to this tile.

**Supervisor LeSueur:** That home that's in front of that, that should not be visible from that.

**Lushbaugh:** It's not.

**Supervisor Kitchen:** I don't see why this is an unreasonable request.

**Supervisor Kitchen moved, Supervisor Chambers seconded and was unanimously carried by the Board to change Condition #1 to reflect the use of the vinyl plaid fence instead of evergreen buffer.**

**Supervisor Bates:** This isn't going back to the Planning Commission, so we need to make the change.

**Supervisor Talbert moved, Supervisors Bates and LeSueur seconded and was unanimously carried by the Board to approve the SUP for Transcontinental Gas Pipeline for a communication tower with the change in Condition 1 to use vinyl plaid fence instead of evergreen as a buffer.**

## **Re: Sheriff William Kidd, 2010-11 Budget Request**

Good evening. It's a little bit difficult to come before you tonight to ask for something when I don't know exactly what it is I'm asking for.

**Supervisor Bates:** This has got to be about the budget.

Until legislature gives us the final figures, I have to go with the worst case scenario and that is the Compensation Board has notified our office that the funding reductions for the Buckingham Sheriff's office for FY2011 would be 21.54% which amounts to \$182,214. If this reduction stands, we will lose 4 road deputies and 2 dispatcher positions. The loss of 4 deputies will make it impossible to continue 24 hour coverage of the County. Right now the Sheriff's office is fully staffed and last year our deputies responded to 10,610 calls for law enforcement service. The average response time was 26 minutes. Little longer than I like but it's a big county. Emergency Op Center is fully staffed now and the loss of two dispatchers will effect efficiency of the center

and the sheriff's office overall. Considering that the Emergency Operation Center in 2009 received 85,638 telephone calls from citizens. Those calls range from questions concerning the weather, general questions to the more serious 911 calls which totaled 6145. What I'm asking for tonight is that when you make the final budget decision please consider supplementing the funding of our office. I feel confident that the legislation is going to come through and put some of the funding back but I wanted to put that bug in your ear.

**Supervisor LeSueur:** One thing that I always try to recommend to each department before making drastic judgment calls is to please sit down with the county and see what we can work out rather than reducing somebody's job. It's easy and always has been easy to go out and say well, I need to cut x number of thousand dollars, in budget that's the easiest way to do it, we just cut 4 or 5 jobs and that gives me \$100,000, we're done. But there are several, schools included, that are losing positions, I would much rather sit down and try to come to some kind of... and we may not even be able to do that....but try to come to some kind of resolution to work that out rather than just get rid of people.

### **Re: Consideration of Water Bill Reductions for Sue Moss and Carolyn Davis**

Sue Moss and Carolyn Davis experienced leaks in December and January.

Sue Moss: December usage was 7671 gallons at a cost of \$137.08. January usage was 142,614 gallons at a cost of \$2,954.06. Ms. Moss had the leak repaired. Leak formula was applied which reduced the January bill to \$785.45. The minimum bill for each month would have been \$62.58. The total billed amount for the two months was \$3,091.14 minus the \$2,168.61 adjustment for a total billed amount of \$922.53. If the Board decides to reduce these two bills back to the minimum of \$125.16 for both, it will need to be forgiven \$797.37.

Carolyn Davis: December usage was 20,039 gallons at a cost of \$397.16. January usage was 17,872 gallons at a cost of \$351.94. The leak formula was applied to the December bill which reduced it to \$147.03. The total billed amount for both months was \$498.97. If the Board decided to reduce these two bills back to the minimum of \$125.16 for both, it will need to be forgiven \$373.81.

**Supervisor LeSueur:** I'll elaborate on this. What I do is look at L-2 and L-3. These happened right at the same time. L-2 was given an adjustment and so was L-3. This leak was read on two pay cycles, so the leaks were before the reading and after the reading. So they got an adjustment on one month. But as soon as the customer found out that they had the leak, they immediately got that thing fixed. What I'd like to recommend, and I'd like to make a motion, that we reduce these bills to the minimum bill status which they normally have and bill them at that rate.

**Supervisor LeSueur moved, Supervisor Chambers seconded and was unanimously carried by the Board to reduce the water bills for Sue Moss and Carolyn Davis for December 2009 and January 2010 back to the minimum bill for both months.**

## **Re: County Attorney Matters**

**E.M. Wright, Jr.:** Mr. Chairman, the Board tasked me with the responsibility of drafting a contract for Danny Elder for the sale of the property at the industrial park at the last meeting. We received back a response after lunch. I provided you with a copy of that agreement this afternoon and along with a cover sheet stating forth the highlights of that sale agreement. Considering that you now have had an opportunity to review the agreement, I would offer to answer any questions you might have concerning this document.

**Supervisor LeSueur:** I think the documents very specifically covers the concerns that Supervisor Bates had on his list.

**Mr. Wright:** Could you include in your motion to authorize the Chairman to sign?

**Supervisor Bates:** I have a question, Mr. Chairman. Mr. Wright, in regards to the access road; can you explain that note a little more clearly please?

**Mr. Wright:** If you would refer to the diagram of the plat that is the last page of your contract, you see the 6.50 acre lot being sold, down to the right where you see the 60' right of way, that road does not exist. You will see where right at the corner there, you see something that says road found, then you will see the end of State maintenance, the state road ends right there. If you go past that area, there is not a road matter of fact there is a ravine that runs down there that serves as a drainage shield. You will be selling the 6.50 acres of the property, the remainder is accessed by going through the parking lot and going out the other side and coming out on the property. I just wanted everyone to understand that when that property is sold, we have access to the pump station but that is a very limited use, to have continued access on a regular basis to the rest of the property will require some construction of a road to the rest of the property.

**Supervisor LeSueur:** And what that would be, Mr. Wright, to go off into that 60' section that is beside the existing...

**Mr. Wright:** The notion was this 60' right of way, when Waterworld would share in the construction cost of that additional road to leave access to that front of the 23.5 acres. I just want the Board to be aware of the fact that the public road stops and there is no formal access to the remainder of the property.

**Supervisor Bates:** But we will have access to the pump station.

**Mr. Wright:** You have access to your pump station.

**Supervisor Kitchen:** Is that going across the corner of the property line down there E.M., that goes to the pump station?

**Mr. Wright:** To go to the pump station, you go exactly the same way you go now.

**Supervisor Bates:** Is that closing date realistic?

**Mr. Wright:** That was a date that they suggested.

**Supervisor LeSueur moved, Supervisor Talbert seconded and was unanimously carried by the Board to accept the document as presented and give authority to the Chairman to sign the agreement.**

**Re: Consider Letter of Request from Buckingham Branch Railroad Company for a resolution supporting their application for funds from the Virginia Department of Rail and Public Transportation Rail Preservation Fund.**

Buckingham Branch Railroad asks that the Board of Supervisors adopt a resolution supporting Buckingham Branch's request for funds from the Virginia Department of Rail and Public Transportation Rail Preservation Fund. Buckingham Branch Railroad will provide the local matching funds if these grants are approved. The FY11 application this year is requesting funding for a three year project to repair and upgrade three existing railroad bridges in Buckingham County. The bridges are located at MP0.3 (at New Canton), MP9.6 near Johnson Station Road and MP10.6 (between Johnson Station Road and Stanton Town Road). They are requesting \$560,181 for the three year project.

The following resolution was adopted:

**Resolution Endorsing the  
Rail Preservation Application of  
Buckingham Branch Railroad Company**

**WHEREAS**, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the projects; and

**WHEREAS**, Buckingham Branch Railroad has identified projects that are estimated to cost \$560,181.00 and

**WHEREAS**, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

**WHEREAS**, The Buckingham Branch Railroad is an important element of Buckingham County's transportation system; and

**WHEREAS**, the Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

**WHEREAS**, Buckingham County supports the project and the retention of the rail service; and

**WHEREAS**, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

**NOW, THEREFORE, BE IT RESOLVED**, that Buckingham County does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Buckingham Branch Railroad.

Date Adopted:

Signed: \_\_\_\_\_

Title: County Administrator

**Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve the above resolution of support for Buckingham Branch Railroad.**

### **Re: Consider revisions to the budget calendar due to the uncertainty of the Virginia State Budget**

Mrs. Carter requested that the budget work session be postponed until March 29<sup>th</sup> and an additional session on March 30<sup>th</sup> if necessary. The reason for this request is so she may provide the Board with the most accurate recommended budget as possible. It is expected that the State will have made the final decisions by that time. This will still allow sufficient time to advertise for the April 12<sup>th</sup> public hearing.

**Supervisor Kitchen moved, Supervisor Talbert seconded and was unanimously carried by the Board to approve the amendment to the budget schedule to hold the work session on March 29<sup>th</sup> and 30<sup>th</sup> if necessary at 7:00 p.m.**

### **Re: County Administrator's Report**

**Mrs. Carter:** I really don't have any legislative updates right now. On the whole, about \$800,000 is up in the air for Buckingham County. That is why I have asked for a postponement for the budget work session.

### **Re: Board Matters**

**Supervisor Talbert:** I'd like to say to the gentleman, Peter I call him, I have a hard time pronouncing his last name, I think we need to check with the Commissioner of Revenue, I know we don't have authority over that, but since you do have an appeal situation with the state on this, I'd like somebody...the Board...I just don't think the Commissioner has the right, if we go trade a vehicle they use this book and when it comes to pay taxes, we use this book. We should use one book. If you are going to buy from this book, why not tax from this book.

**Re: Executive Session**

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to go into executive session under the following codes: 1) Code of Virginia Section 2.2-3711.A.1-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 or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. And 2) Code of Virginia Section 2.2-3711.A. 19- Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law enforcement or any emergency service officials concerning action taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

**Re: Return to regular session**

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

**Re: Certification**

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to certify that to the best of each member's knowledge only public business matters as were identified by the motion by which the closed meeting was convened were heard, discussed or considered in the Executive Closed Session.

There being no further business to discuss, Chairman Snoddy recessed the meeting to reconvene on March 29, 2010 at 6:00 p.m. in the Buckingham County Agricultural Center.

ATTEST:

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Rebecca S. Carter  
County Administrator

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I. Monroe Snoddy  
Chairman