

**Buckingham County
Board of Supervisors
Monthly Meeting
February 14, 2011**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, February 14, 2011 at 7:00 p.m. in the Buckingham County Agricultural Center, the following members were present: E.A. "Bill" Talbert, Chairman; F.D. "Danny" LeSueur, Vice-Chairman; Joe N. Chambers, Jr.; Dr. Brian D. Bates; Danny R. Allen; and John D. Kitchen, Jr. Also present were Rebecca S. Carter, County Administrator; E.M. Wright, Jr., County Attorney; and Rebecca S. Cobb, Zoning Administrator.

Re: Quorum Present

Chairman Talbert certified there was a quorum-six members present. The meeting could continue.

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

Chairman Talbert called the meeting to order. Chairman Talbert gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Approval of Agenda

Supervisor Bates moved, Vice-Chairman LeSueur seconded and was unanimously carried by the Board to approve the agenda with the following addendum:

- J-6 Consider Payment of School Construction Project Invoice
- J-7 Discussion Regarding Summer Recreation Department Maintenance
- J-8 Discussion Regarding Traffic Control and Parking During County Administration Complex Construction Project
- J-9 Ending Year June 30, 2010 Financial Report

Executive Session:

P. 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.

Re: Approval of Minutes

Supervisor Kitchen moved, Vice-Chairman LeSueur seconded and was unanimously carried by the Board to approve the minutes of the January 10, 2011 and the February 7, 2011 meetings as presented.

Re: Approval of Claims

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

Re: Announcements

Talbert: I'd like to read one thing here that I think is an honor that one of our students here that is going to Hampden Sydney College. A local student attending Hampden Sydney College was named to the Dean's list for the first semester of 2010-2011 academic year. I'll cut it short; the student is Mathew William Allen, son of Mr. & Mrs. Acie Allen. I'd like to congratulate him. I think it is a great honor when one of our students achieve this.

Remind the Board that the March meeting will be held on March 7, 2011. So citizens please take note of that.

Re: Public Comments

Mrs. Lee from Gold Hill District: I'm here to talk to you about the importance of keeping the Jaunt work run operational for the entire year. As of right now, the 8:00 run is suspended from April 1st to the end of June. I'm here to stress the importance of this service for Buckingham Citizens who have no choice but to work outside the county. It is not realistic to expect the county to have jobs for all the tax paying citizens, therefore it's necessary for us to work outside the county. In doing so, it becomes a tremendous financial burden on those citizens and Jaunt has given us a means of lowering that cost. Unfortunately Jaunt and the riders can not do it alone; therefore we need your support. I'd like to remind the Board that most of those citizens that work outside the county spend their money earned in Buckingham County. I for one make my money in Albermarle County but I shop and spend the money here to support the local businesses in Buckingham. The end result is that it benefits the county with added revenue. I stand before you tonight asking you to do everything in your power to find the funds to keep this necessary service available to us not only for this year but for the years to come.

Talbert: I thank you citizens for coming, we allow three minutes but if you need a little extra time, we will give it to you, but strictly to the point that you want to speak on in public. I know

sometimes you get awful upset but please do not relate to any of the Board members or anybody else in the audience, just speak of what you are here to speak on. Thank you.

Pete Petoni from James River District: I to am here to speak on Jaunt on the Route from Duck's Corner to where I work. Just personally speaking Jaunt saves me half of my transportation budget in a given year, over half. It would cost me \$33-3400 alone at the current price of gasoline to drive myself for about 50 weeks a year to work. Jaunt has cut that in half. I ask that you continue the funding of Jaunt to benefit all these folks here on the 8:00 run and I really appreciate.

Allen: How many people are being affected by the 8:00 run?

Pete Petoni: About 15.

(All the people on that run stood up in the audience.)

Talbert: Again, thank you. Pete's our treasurer of the Toga Fire Department and does a great job and I appreciate it. Citizens I do appreciate you coming out and coming to the Board meeting. That's what it's all about.

Lois Ott from the Marshall District: You know me well. I've been before you before. I sent you a packet of information on the health hazards of cellular towers. I know you've read it but if I could call your attention to just a couple of the things. It says that over 100 scientist and physicians at Harvard University have called cell phone towers radiation a hazard. On the other page it says that the current US Standard for cell site radiation is 581,000 megawatts **square** centimeter. Many other counties have set levels hundreds of times lower. It is a really big health hazard especially for children. The children whose skulls have not gotten as thick as mine, it goes into the brain and effect the DNA. I have out of the paper that I just got Saturday that I have handed out to you guys; it says "Unsightly Towers things of the past?" I'm asking that Buckingham County Board of Supervisors do not allow any additional cell towers in Buckingham County unless they are more than a 1/4 mile from a residential area. This tower that is proposed on Chapel Road is less than a 1/4 mile from twelve homes. Some of those homes have small children. There are plenty of areas in Buckingham County that a cell tower could be located but just not near single family homes in residential neighborhoods. There are plenty of people that want them on their property but not in our neighborhood. That's all. How many of you guys have cell towers within 800 feet of your home?

Re: VDOT: Road Matters

Bates: When we lost our resident engineer, VDOT said that they would come to every meeting and she's been to one meeting since that time. You can't get an answer down at VDOT, you call the Dillwyn number, you get someone over there at Shenandoah Valley at the call center. It's ridiculous. I had to find out from a constituent that the two rural rustic projects that this Board approved last fall didn't make it into the Governor's budget which it shouldn't have been coming out the budget any how because it was supposed to be coming out of this years budget, not next

years. So I've been working with Delegate Abbitt, and the lady that is supposed to be representing VDOT has been copied on emails and she hasn't responded to my inquiry. I don't know what in the world we've got VDOT for. They don't pave roads, they don't answer questions, it's becoming a real frustration. Delegate Abbitt is working on getting us an answer on this question on the rural rustic roads and Kevin Wright, who's the one who worked with us through that process; he's been the only one at VDOT who's returned a call or done anything to try to resolve the situation so far. I don't understand what in the world is going on with VDOT but they are not helping the citizens.

LeSueur: To add to what you are saying, Brian, I made a comment a couple months ago to the effect that I appreciate the paper the VDOT gave us because it does help, I didn't mean for the paper to take place of the person being here at the meeting. I think that needs to be displayed to VDOT in any manner and I don't have a problem with this Board sending a letter to VDOT in that matter.

Bates: I've expressed my concerns to Delegate Abbitt and he's looking into solving the problem.

LeSueur: Ok, then we can wait to see what comes of that and take issues later.

Re: US Cellular, SUP request 10-SUP195

Cobb: I have before you tonight from US Cellular, Case 10-SUP195, Tax Map 54 Parcels 125, Chapel Rd. in the Marshall Magisterial District. US Cellular is applying for a telecommunications tower. This has been before you last month. There was so some new information in regards to the site and how much timber had been cut off the property. It went back to the Planning Commission and they reviewed the information and they voted to recommend approval at this time. Through that discussion of clearing of the property there was some conditions that have been added: #10 is a condition that they have to obtain the building permit within 6 months of this Special Use Permit approval or it will become null and void, similar to previous applications. As well as they added the condition that they want a vegetative buffer of 15 feet on all sides shall be maintained for the life of the tower. Their concern is there currently there are trees and some of the property has been logged but there is remaining trees or if it is logged at a later date, there will be a buffer there.

The Planning Commission asks that you please consider the following conditions:

1. The applicant will request and obtain the required electrical permitting from the county needed for service
2. The applicant shall comply with Buckingham County collocation policy
3. The facility shall be constructed so that access is only attainable by qualified personnel
4. All supporting structure access ports are to be sealed in a manner to prevent wildlife access and/or internal nesting
5. The applicant shall submit to the County upon completion of construction a certification from a Virginia Registered Professional Engineer that the structure as built and including

future installations has been constructed under the TIA/EIA standards for Buckingham County, Virginia.

6. That all federal, state and local regulations ordinances and laws be strictly adhered to.
7. In the even 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
8. 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.
9. The County Zoning Administrator and other County staff member, as appointed by the County Administrator, shall be allowed to enter the property at any time to check for compliance with the provisions of this permit. Upon entering the property the inspectors shall attempt to notify the landowner of their presence on the property.
10. If the building permit is not obtained within six (6) months from the date of the approval then the Special Use Permit shall be null and void.
11. A minimum vegetative buffer of 15 feet on all sides shall be maintained for the life of the tower.
12. That the applicant(s) understands the conditions and agrees to the conditions.

Talbert: I'd like to have a little discussion. I think we all got a copy of a petition with 160 some names on it opposing this. I, too, would like to have a public hearing and see where it goes at our next meeting if my colleagues would go along with that, to get some public input.

Bates: Mr. Chairman, along that line, if we are going to set a public hearing for next month, if we could ask the County Attorney to look into the two issues that were raised by that petition, namely, it appears to be a moratorium on cell tower construction which I do not believe the County can do, state law overrides us on that. But I'd like the county attorney to give us that opinion. The second thing is, the proposed, what amounts to a setback of a ¼ mile setback from residences, I'd also like to know what limitations there are on the county in regards to that. Often times the Board of Supervisors is in a position where it has to rule on things that it has very little control over as dictated to us by Richmond. So, I'd like to know what our latitude is.

Supervisor Kitchen moved, Supervisor Chambers seconded and was unanimously carried by the Board to hold a public hearing on March 7, 2011 at 7:15 p.m. to hear public comment on Case 10-SUP-195 U.S. Cellular to locate a cell tower on Chapel Rd.

Re: Zoning Yearly Update

Cobb: My second item is the yearly update. I'll just give you a few quick numbers. We saw eleven cases through 2010. Eight of those were Special Use Permit Requests, 2 variances. The Planning Commission as you know has been working on the ordinances. We had thirteen work sessions last year and our schedule is very much the same for this year. I also provided information regarding the building permits that we saw. There was a total dwelling permits,

meaning singlewide, doublewide and modular and stick built homes, we had 66. This is a decrease from last year but I'm starting to tract to new categories, residential additions which through 2010 we had 39. I'm also going to start tracking remodels, because I'm starting to see a lot of those. I believe that while housing permits are down, people are investing in their property and to me that is something good to watch and see what's going on. So I'm starting to monitor that. Do you have any questions about my year end report?

Bates: Do you have this in a form that you can email it?

Cobb: Yes.

Re: Public Hearing: Proposed Revisions to the Buckingham County Zoning Ordinance

The Planning Commission has drafted and held a public hearing to delete the current Planned Unit Development district from the Zoning Ordinance and Add a Residential Planned Unit Development (RPUD-1). I have provided for your review a clean copy of the RPUD-1.

Below is a bulleted list of some of the requirements within the RPUD-1

- Permitted uses are residential in nature-single and multifamily housing and mobile home parks
- Special uses are country clubs, golf courses, commercial uses that provide a service such as doctor's offices, etc.
- 60% open space and 40% housing, pavement, and other impervious surfaces
- Cluster developments would be allowed for developments using public water and public sewer or using packaged water and sewer systems
- Maximum residential density shall range from 4 to 6 units per acre but no more than 6 dwellings per structure
- 30% of open space must be common open space for use by the residences

Chairman Talbert declared the public hearing open.

There were no comments.

Chairman Talbert declared the public hearing closed.

Supervisor Kitchen moved, Supervisor Bates and LeSueur and unanimously carried by the Board to approve the above changes to the Zoning Ordinance for RPUD-1.

Mrs. Carter: Mr. Chairman, can I make a comment regarding what you just approved, we were hoping to get a comment in. Rebecca and I have been talking about this, in what you just approved; it allows a mobile home park in a Residential PUD area without a special use permit. So we were discussing on how we would enforce the Mobile Home Park Ordinance that we have, we were looking at the possibility that a mobile home park in a residential area should require a special use permit so that she would have the tools to make sure that the mobile home

park ordinance is being followed also. I think what you just approved does not do that. Is that correct?

Cobb: A mobile home park is a permitted use in what was just approved.

Carter: So what that would mean is Mobile Home Park could go into a PUD area. It would have to be rezoned if we didn't have it but there is no tool in place to enforce the mobile home park ordinance that goes along with it that says how far apart the mobile homes should be and how many homes could be in it?

Bates: So let me ask a question, should what we have just approved have that language in it that would enforce the Mobile Home Ordinance?

Carter: I think to better enforce the mobile home park ordinance which is part of the zoning ordinance; a special use permit should be required so she can make sure all those things are in place.

Bates: So we would have had to take mobile home parks, item 3, out of permitted uses and dropped it down to special use.

Carter: What you just approved is all new as far as the Mobile Home Park and PUD.

Kitchen: I'll add that to my motion.

Bates: I make a motion to reconsider the action we just took on this Residential PUD.

Supervisor Bates moved, Supervisor Allen seconded and was unanimously carried by the board to reconsider the motion to approve the Residential PUD change in the Zoning Ordinance.

Bates: Now, Mrs. Cobb, if I understand this situation correctly, we need to strike mobile home parks and add it to special uses by special exception? Where does it go?

Cobb: It would go under special use permits.

Carter: I might add that this is not going to increase the time frame of getting permitted because they can be done at the same time, so both applications could be done at the same time so it will not delay the process to the applicant.

Bates: I make a motion to approve this with this change noted.

Supervisor Bates moved, Supervisor LeSueur and Kitchen, and was unanimously carried by the board to approve the Residential PUD with the exception of taking the mobile home park from permitted use and put it in special use permit needed.

Re: Mary Hickman, CRC Annual Report

Good evening Mr. Chairman and members of the Buckingham County Board of Supervisors. First I'd like to thank you for this opportunity to come before you tonight. During the month of February, I will be attending all the Board of Supervisors meetings in the region to personally present the Commonwealth Regional Council FY09/10 Annual Report and you should each have your complimentary copy in front of you. As you are aware the Commonwealth Regional Council is one of 21 planning district commissions in the State of Virginia. The Council is comprised of an appointed representative from each participating member. That representative represents the interest of their sponsoring entity in all business that falls before the Council. Therefore, that representative has a vote as to the annual work program policy of the organization. The alternate has the same ability to take the representative's place if he or she is unable to attend the meeting. You will note in your annual report that in the past fiscal year, the Buckingham representative was Brian Bates and his alternate was Danny LeSueur. The role of a local government representative to the Council is to bring the perspective of their localities to the work of the Council. By adding a representative to the Council, the member's locality's priorities and issues are represented and enable the Council to target available resources to regionally address them. This in turn enables the staff to implement the work program and policies of the Council. The ultimate goal is to benefit its members, thus impacting the region.

If you could please turn to your annual report, I'd like to note that in the past fiscal year, the Council consisted of six counties, Amelia, Buckingham, Charlotte, Cumberland, Lunenburg and Prince Edward, along with Longwood University. The benefits and services provided by the Commonwealth Regional Council are grouped into three programs during FY09/10 and according to our scope. The first program area consists of local and regional planning services. At the request of its members and associated towns, the staff of the Council is available to assist its members with the following services: grant writing services and project administration services. During the past fiscal year, the CRC assisted Buckingham County and Town of Dillwyn with the following: Under grant writing services, staff was able to assist Buckingham County with Phase II application of its Streetscape VDOT Enhancement Application. This is an application for continued Streetscape improvements in the core of the Buckingham Courthouse Village. Also staff has assisted the Town of Dillwyn with its Virginia Community Development Block Grant construction application with its Town Revitalization. This was submitted in March 2010 and I'm happy to announce that the Town has received notification this month that that project was fully funded. Lastly we also assisted Buckingham Volunteer Rescue Squad for the Rescue Squad Assistance Fund Application in March 2010, requesting funding to recharter an ambulance. Under Project Administration, which consists of construction projects, staff assisted with administration of the current VDOT Enhancement Project which is Phase I. The first phase of construction is for Streetscape improvement between the County Courthouse and the County Administration Complex. This is to provide complete access between these two focal points. Another project staff is assisting on consists of the Town of Dillwyn VDOT Enhancement Project Phase II. Phase II of construction will do Streetscape Improvements between the railroad tracks and the Dillwyn Drug Store. Projects that staff has assisted included the Town of Dillwyn Comprehensive Plan and also the Town of Dillwyn Downtown Revitalization Planning Grant.

Remember, the goal of these services is to encourage and assist localities to plan, thus developing and enhancing the locality thus overall promoting the development of the region.

The second program you will notice includes the local and regional economic development services. In the past fiscal year, due to the lack of crucial economic development funding and budgetary shortfalls, the Council had to reduce its initiative geared toward economic development services. However, the Council has strived to continue to market and promote the region as the budgetary limitation would allow. As you see in the report, there are several items that were able to be taken under the economic development services. This included regional advertisement in the Virginia Travel Values publication, fall edition. This particular fall edition was included in various daily newspapers. Also was the creation of generic regional driving tour geared toward tourism in the region. This particular map was distributed throughout the region. Also the Council is the regional liaison to the Virginia Economic Development Partnership. Staff coordinates regional communication between the Virginia Economic Development Partnership and local governments for available sites and building. Also the CRC was a member of the Fast Facility Website during this past year. This is a national catalog of available buildings and sites and CRC's member sites were included on this website.

The third and final program consisted of regional activities which was multi-jurisdictional members of the region. The CRC undertakes annually the Transportation Long Range Plan. This is the identification of Transportation deficiencies within the region. This includes Buckingham and the Town of Dillwyn. Also this past year, staff was able to work in coordination with students from Longwood University where we conducted a VDOT Sidewalk Survey within Buckingham, Charlotte, Cumberland and Prince Edward Counties. This was to document the location of sidewalks within the VDOT Lynchburg district. Its overall goal was to ensure up-to-date data for VDOT. Also this year, CRC has had the Regional Hazard Mitigation Plan which Buckingham is included. This allows Buckingham to continue to be eligible for certain types of FEMA funding. Lastly, in coordination and partnership with the Virginia Cooperative Extension, the CRC held a 2010 Food Symposium. This provided the regions local government, agencies, agricultural producers and other food advocates within the region an opportunity to explore ideas and resources for development of robust local food system.

Now if you will turn in there, you will notice that the CRC has a total of five staff with an average of 15 years experience. Over the years, the County and Town of Dillwyn have worked either directly or indirectly with each one of the current staff and with me tonight is Todd Fortune, the Community Development Planner.

In closing, on behalf of the Commonwealth Regional Council, I would like to thank Buckingham County for continuous support and participation in the organization. The organization may look a little different from when it was created in 2005, but we have strived to continue to provide essential services for our members that are aimed at one purpose, to make the region a better place for all who live and work here. This coming year, and probably for a number of years to come, localities within this region will be faced with struggles. Each obviously cannot overcome them alone, therefore, localities will want to reach other and come together on many issues that bind them. The CRC is that vehicle in which localities can come together and discuss their

struggles, problem and encourage local government cooperation. Furthermore, it is a resource to which member localities can get assistance with plans and implement initiatives and enhance their localities thus enhancing the overall region.

Once again, I would like to thank you for this opportunity and if you have any questions, please feel free to contact me or any of the other four staff. Thank you.

LeSueur: I will add that the rescue squad did get another grant from the CRC; I think that was approximately \$30,000 in this last grant cycle for the rescue squad. They have been very helpful with me, with the grant writing in the volunteer organization. As you know, the volunteers are pretty busy with home life, work life, and whatever. Professional grant writing is the way to go. Thank you.

Re: Consider Appointments:

Alternate Commonwealth Regional Council:

LeSueur: My time ran out as far as...I think Mary can say to my effect. I missed three meetings and I think the By-Laws of the CRC, if you miss three meetings in a row then you lose your delegate to the County. Because of my work schedule, I missed those three meetings. I do plan on attending this month; I'd like to be put back in as representative.

Supervisor Bates moved, Supervisor Allen seconded and was unanimously carried by the board to reappoint Danny LeSueur as the board representative to the CRC.

Bates: Danny, you've been working pretty good hours getting that new power plant of ours up and running, so I think people can be understanding of that.

LeSueur: I want to get that new revenue going.

Appointment of Chairman Talbert to the Crossroads Services Board

Supervisor Bates moved, Supervisor Kitchen and Chambers and was unanimously carried by the board to appoint Chairman Bill Talbert to the Crossroads Services Board.

Appointment of Supervisor Snoddy to the Social Services Board

Mrs. Carter: Actually, I've made a mistake on this, his term is not up but he is willing to continue to serve, so I guess we can go ahead and confirm it.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the board to reappoint Supervisor Snoddy to the Social Services Board.

Reappointment of Gail Braxton to the Crossroads Services Board

Supervisor Chambers moved, Supervisor LeSueur and Bates seconded and was unanimously carried by the board to reappoint Gail Braxton to the Crossroad Services Board.

Re: Appointment/Reappointment to the Planning Commission for the Marshall District

This item was postponed due to Supervisor Snoddy being absent and this being his district.

Re: Consider Recommendation of Finance Committee for Approval to Negotiate a Contract for Phase One (system study and design) for a County Radio Communications System with the Atlantic Group Consultants for a Cost not to Exceed \$25,000.

Bates: The finance committee met and we looked at all the different consultants and we met with a consultant several times beyond that to come up with the proposal that's before the Board tonight and we recommend approval.

Kitchen: You are asking for \$25,000 and no more?

Bates: Not to exceed.

Bates: The only comment I have is that the \$25,000 figure is for Phase One for the design of the system.

Talbert: I'd like to say this to the Citizens, our updating E911 and Sheriff's department, everything in the electronics that need to be updated, that is what this is all about. It's going to be about a \$500,000 project and we are working on some grants and things. Just so yall know what we are talking about.

LeSueur: I will reiterate, this is money well served to the public and communities because I see so often, being President of Dillwyn Rescue and even on fire, it's important to have good communications when you are in an area, and we have so much area that is lacking that communication, so this is excellent that we are doing this project.

Bates: In working with this group, the specification that they have been tasked to meet is 95% coverage of the county, 95% of the time which according to the experts that is about as good as you can get.

Talbert: Also, when the courthouse was being built, they were going to put all the wires in the wall, we visited Amherst and other counties, they put a floor where you pick the tiles up, a grid floor, you save about \$150-200,000 just by picking the tiles up and run the wires through and go back and that's it.

Supervisor Kitchen moved, Supervisor LeSueur seconded and was unanimously carried by the board to approve the Finance Committee's recommendation to negotiate a contract with Atlantic Group of Consultants for Phase One (system design) not to exceed \$25,000.

Re: Consider USDA Appropriation Requirement to restrict \$316,000 of the Water Fund for Restricted Water Capital Improvements

On October 13, 2009, the Board approved an appropriation of up to \$400,000 of the Water fund to be restricted for expenditures for Water Plant Capital Improvements. USDA has recommended another \$316,000 be appropriated in the same manner.

This money must be "restricted" to Capital Improvements for the Water Plant in order to be compliant with the Rural Development Loan and Grant Application. Expenditure of these funds will be brought back to the Board for final approval.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the board to approve an appropriation of \$316,000 from the Water fund to be restricted for Water Plant Capital Improvement expenditures.

Re: Consider Payment of School Construction Project Invoice

Mrs. Carter: Mr. Carter is actually managing the payments regarding the new school construction project and the school has submitted an invoice. This invoice has been signed by the architect, contractor, Mr. Davis and School Superintendent. I ask you to take action to pay this invoice on this project in the amount of \$763,152.31.

Supervisor Kitchen moved, Supervisor LeSueur seconded and was unanimously carried by the board to approve the invoice for the School Renovation Project in the amount of \$763,152.31.

Re: Discussion Regarding Summer Recreation Department Maintenance

Mrs. Carter: It's getting close to spring time where we start up our spring and summer programs and maintenance of all the parks. I'd ask your authority to advertise and hire a seasonal, part-time maintenance worker for the recreation department.

Supervisor LeSueur moved, Supervisor Bates seconded and was unanimously carried by the board to authorize the County Administrator to advertise to hire a seasonal, part-time maintenance worker for the recreation department.

Re: Discussion regarding Traffic Control and Parking During County Administration Complex Construction Project

LeSueur: I know we had on the table to look into a highly priced sign going across from the Administration Complex, we are quite far along in this project anyway, I think it would behoove us to kind of kill this. We will also maintain the \$5,000 we put up front to the Sheriff's department for them to control the traffic.

Bates: It's going to take VDOT another three months to do the permit for the project anyway.

Mrs. Carter: Mr. Chairman, if I can make a comment, we have found that we haven't even finished the permitting process with VDOT. By the time they are installed it will be June and we have a move in date of September and the back parking lot will be completed by then. It will be a waste of money to do this.

Bates: It's like pushing a rope up the hill.

Supervisor LeSueur moved, Supervisor Kitchen seconded and was unanimously carried by the board to reconsider the motion made at an earlier meeting to put flashing pedestrian crossing signs across from the County Administration Complex and continue with the \$5,000 approved last month for the Sheriff's Department to control traffic.

Re: Ending Year June 30, 2010 Financial Report

Mrs. Carter: On Friday we received our ending year financial report, I have provided you all a copy of that report, and will just highlight a few of the items until which time you chose to meet with the auditors.

The County all Funds Balance was \$9,690,647.00 as of June 30, 2009. **The General Fund Balance was \$7,895,873.00 and the Capital Improvements Balance (CA/SS/HD/ Project) was \$1,794,774.00.** Also included in this amount is the **\$681,385.00 that is reserved for economic development (funds received for sale of properties in the Industrial Park.** This leaves the actual unreserved balance to be **\$7,214,488.00.** This is an increase in our fund balance of **\$2,130,356.00.** The County received **\$1,759,186.00** in additional sales tax. About **\$1,600,000.00** of this increase is from the Bear Garden Power Plant purchases that we cannot expect to receive again. About **\$40,000.00** is from past McDonald's sales tax that we found was going to Prince Edward County and the additional sales tax is from other sales in our county. It is important to realize that the sales tax from the Bear Garden Plant is money that should not be appropriated into reoccurring expenditures as we will get that money again as it was due to the large purchases made by Dominion and the Construction Company during the course of the construction of the project. Our largest reduction in local revenue is reflected in use of money (investment interest). This amount was **\$67,398.00** less than expected. However the decrease in the previous year was around **\$188,000.00.** The overall balance is more than expected because of increased revenues, most of the reserves were not spent, all capital projects were not completed, and overall operating expenditures did not exceed the budgeted amounts. **Overall the County received \$2,317,639 additional general fund revenues, \$20,525.00 more federal revenue but \$262,895.00 less state revenue than budgeted. The general fund expenditures were \$360,204.00 less than budgeted and the school spent \$364,202.00 less that budget however you allowed this full**

amount to be carried over to the FY11-12 school budget. The County expected to have an ending year balance of approximately \$5,000,000.00.

Without the additional one time sales tax our unreserved balance would have been \$5,600,000.00. In reviewing the revenues that will be reoccurring revenues and expenditures our ending year was about \$600,000.00 better than expected.

Page 14 of this document provides you with a Statement of Revenues, Expenditures and Changes in Fund Balances. Pages 58 through 68 provide a comparison of budgeted against actual. The total **delinquency collections for real estate and personal property were \$619,634.00; an increase from the previous year of \$77,518.00 (page 73). This brought our percentage of delinquent taxes to tax levy from 19.30% to 16.20%.** This is encouraging to see an increase in delinquent collections in a still slow economy.

As in the past I ask your pleasure in having the auditors come to a meeting to answer any questions or to do your individual sessions two at a time. Mr. Huff has provided the following dates for individual sessions: Wednesday, Feb. 23rd, or 28th, or March 4th. Generally these sessions, are in the morning or the afternoon, whatever is your pleasure.

It was the consensus of the board to do Wednesday Feb. 23rd afternoon and call Becky with the times to meet.

Talbert: You know the chairmanship is not a one person up here; there are seven of us up here. All I do is sit her and look at this mike and read this and try to keep control, that's basically what a chairman does. Unless they need me during the day, I'm always there for them and whatever I can do. Same for yall, if you need me at anytime, if you need me I'll be there.

Re: Consider Livestock Claim in the Amount of \$100.00

We have a livestock claim for a calf in the amount of \$100 for Raymond B. Allen.

Supervisor LeSueur moved, Supervisor Allen seconded and was unanimously carried by the board to approve the livestock claim for Raymond Allen in the amount of \$100.

Re: Consider requests from James River Baptist Association

Letter from James River Baptist Association:

This letter is in follow up to our telephone conversation today concerning Impact Virginia. The James River Association will host young people form around the Commonwealth for Impact Virginia the week of July 17-23, 2011. This community mission program, under the auspices of the Virginia Baptist Mission Board, provides opportunities for teenagers to live their faith by participating in home repair projects throughout our area. The goal of the projects is to make homes safer, warmer and drier. The association plans to identify 15 projects. The projects will be homeowners (not renters) and they will be substantial. Each project will utilize 1-18 people

working for 4 ½ days. Possible jobs include roofing, window replacement, ramp installation etc. This web link provides additional information on the undertaking.
www.vbmb.org/missions/impact-mission-camps/virginia.cfm.

My reason for writing is to seek two things from the county. We certainly want to comply with all building code and inspection requirements. As you might imagine there will be a very tight time constraint with all of the labor taking place within a one week time frame. We would like to coordinate with the Building Inspector to ensure that we can get all required inspections done while the volunteers are still on site. Our second request is that permit fees be waived. This work will be accomplished with all volunteer labor and donated materials and any funds directed to fees will be funds that cannot be used for construction.

Gordon Ragland, Jr., Moderator

Bates: Mrs. Carter, is he going to be able to coordinate this with Tommy?

Mrs. Carter: Yes, I've met with Tommy about this and we are going to have a premeeting, to try to set up and bring organization asking them to designate someone to get permits and schedule inspections. But Tommy will work them to accommodate their request.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the board to approve the requests of the James River Baptist Association for inspections and waive building permit fees.

Talbert: That's a good program. We've been all the way up there with our church, in the mountains doing mission work and all and it really helps some people.

Re: Consider Matter of Solid Waste Vehicle Repairs, maintenance and Discarding

Before you speak, Joe and I met with the Solid Waste Supervisor, and I'm going to let you take this Joe.

Chambers: Mr. Chairman, all I'm saying is there is some misleading information in the letter that Mrs. Amos sent to Mrs. Carter. The reason I called the meeting is if you recall back in November we got a bill for \$3,000 for putting a spring on a truck and the towing was \$1,000. The next month we got another \$3,000 without the towing. So I questioned Mrs. Amos and she said will you said the spring was \$200 and some dollars, Joe and she called the Mac place, she said it was \$300, she said I'm going to get the invoice to prove it to you. When she went and got the invoice, the business that charged the county had charged \$800 for the spring.

Talbert: I was there, I saw it.

Chambers: You saw it.

Talbert: We need to do something and my recommendation as your Chairman; I recommend that we appoint a committee for transportation to assist with repair of our trash trucks, to help Carolyn with this situation. I don't think I can set that committee up without yalls....I tell you two of them on here...John, he knows trucks, ok, and of course you have trouble with other vehicles. He's retired and John's retired and I know you have trouble working, would you all have a problem with them sitting on the committee and save a whole lot of time.

Kitchen: By-Laws allow you to set a committee for a special thing.

Talbert: If I can do it then, I would say that Joe and John would be on this committee because they are retired and can do it.

Bates: What authorities...what job is this committee...

Chambers: What I'm saying, if we are going to be on it we should have the authority for trucks not getting worked on unless me and John approve it, all three of us approve it.

Talbert: Yes, work with Becky.

LeSueur: I think that since this is new, and I don't have a problem with the committee, I think it's got to be some rules and guidelines of what can be done.

Talbert: Do you want to postpone it?

LeSueur: Yeah, let's postpone it until you all can see what you can come up with, with Carolyn about some guidelines.

Chambers: You're not going to come up with anything with Carolyn because she's not going to tell the truth. That's the problem.

Talbert: Ok. Is that agreeable?

Bates: I don't think this board needs to get into any name calling with employees up here at the microphone. I don't think that's appropriate. Another thing, this board as long as I've been on it has never allocated the authority to approve expenditures to a committee, never done that. In fact, I remember a few years back some board members accusing the Finance Committee of doing that when the finance committee wasn't doing that. I'm uncomfortable; I want to see a recommendation from the County Administrator.

Chambers: I'm just saying, when a person sit there and the Chairman sit there and heard her, she puts something else in writing, that's what I'm saying.

Bates: That's a personnel matter.

Talbert: We'll postpone it and bring it back with a recommendation. I think it will help, not only help her...

Kitchen: What do you want to do guidelines as to what you want the committee to do?

Talbert: Yes, so the board will have a guideline to go by. This is also for the new stall they've got down at the high school, the committee needs to be involved in that too, so maybe we can work that in there.

Mrs. Carter: We've got a lot of research on that but Karl is not here tonight so I didn't want to bring that up until next month. This committee could certainly take a look at the information that we are coming up with.

Kitchen: I brought you some prices Mrs. Carter.

Mrs. Carter: You did bring me some prices from one prices but I would like to see bids from all of them.

Chambers: The County is getting ripped off and I don't care what any Supervisor says, I've got the invoices to prove it.

Talbert: Let's get some guidelines to go by and then we'll take go from there.

Re: Consider Resolution of Appreciation from Dr. Powell Anderson DVM*

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the board to approve for a resolution of appreciation be written for Dr. Powell Anderson.

Talbert: I simply say who would have thought a man that has been in Florida for 30 years had 18 veterinarian working under him, was born and raised right here in Andersonville and moved back and set up such a business, he's sold it now but that is what this is all about.

Re: County Attorney Matters

There were none.

Re: County Administrator's Report

2010 Census Information: We have received most all the information. Appears the county experienced about a 1500 people growth. That does not include...although correctional center inmates are included in our population, they were included in the total number. This is the actual number of people. We need to start our meetings regarding the redistricting. I believe you all received a letter from me. I'd like to start that as soon as possible because of the process and the public hearing and also time for the Department of Justice to review and approve our

redistricting ordinance. We would like to start this Thursday at 6 or 7 whatever is convenient to you all and meet every Thursday until we accomplish our task. Does that work for you all?

It was the consensus of the Board that 7:00 would work.

Legislative Updates: I'm happy to say that Delegate Abbitt, who is on the appropriations committee, has held the Machinery and Tools Tax in the Appropriation's Committee so it will not be voted upon this year. So that's good news for us this year.

The bill regarding Recordation Tax just passed the Senate. 28-18 I spoke to Senator Ruff, he did not vote for it. I spoke with Senator Deeds and he did vote in favor of it, reason being he thought it would be fair. What this bill is for if you finance your property or buy a piece of property and record it you will have to pay a recordation fee. Presently if you refinance it you have to pay a recordation fee again. This eliminates the second fee. I don't think it will have that big effect on us. The reason we opposed that was that we felt that it wasn't a good time for the state to be losing revenue. That did pass 18-22.

I've got a few other issues that I would like and encourage the public too, to talk to your legislatures about regarding the Governor's Budget Amendments, the House Appropriations Committee and Senate Finance will be meeting over the next week to work on the budget, if anyone needs a list of those people I'll be glad to get them to you. You can also get it off the website. Delegate Abbitt is the only one from our region...

Legislature regarding the Line of Duty is moving forward. The Senate has proposed an amendment for the localities the authority to implement and to administer the program itself instead of the state. We would have to fund and have in place an insurance policy for all law enforcement and volunteer fire and rescue squad members in the event they were injured in the line of duty or God forbid, killed in the line of duty. The problem that some of us are seeing with that is that our volunteer fire and rescue, with the liability insurance is the County going to start looking at well, that volunteers a liability, that volunteer is a risk, are they going to start looking closer at who the volunteers can be in order to keep premiums down. Of guidelines for that would have to be adhered to. So all these things will be ironed out but that is moving forward and so now pretty much the Virginia Association of Counties has taken the stand that the localities should administer their own program rather than being administered through the state or VRS. That's where that is as of today.

K-12 Education funding: The Senate has an amendment that will increase the education spending by \$100 million over the introduced budget. The Senate amendment projects that 97 localities would have would lose substantial funding through the introduced budget and we have seen that through what the school has proposed. We encourage you all to talk to Delegate Abbitt regarding this.

There is also a House amendment that will send the case load back to the locality services for approximately 20,000 children through the Comprehensive services act. Where the state funds

that they will be sending that back to the localities. We all know the cost of Comprehensive Services is substantial now.

There is a Senate amendment that will restore \$7.5 million for therapeutic foster care. No amendments or adjustments have been made to this.

There is also a Senate Amendment that will restore \$6.5 million of the \$13.4 million shortfall of Sheriff's funding. The sheriff's in the back and I'm sure the Sheriff's Association is fighting for this. The House has restored \$3 million of the shortfall.

I'll try to keep you posted because it's getting close to the cross over and we are trying to stay up to date with what's going on.

We all appreciate Delegate Abbitt for holding that Machinery and Tools proposed legislation in the Appropriations Committee.

Report Requested by Supervisor Kitchen from Donald Shumaker regarding Coyote in Buckingham County and Surrounding counties. We have a report from Donald Shumaker regarding Coyotes in Buckingham County and I believe that Supervisor Kitchen had requested.

Kitchen: I think you all read it and it's a very good report. We definitely have a problem and how we are going to handle it will be up to the Board to decide and everybody think about it and see if we want to come up with some money or whatever. But it can get to be terrible.

Talbert: I'd like to say along with Supervisor Kitchen, Donald Shumaker, if yall don't know him he's an authority on what he's talking about on any wild animal. He's been all over the United States and foreign countries trapping. He's wrote books and been in the Virginia Wildlife and other books, a lot of articles over 30-35 years so he knows what he's talking about when he talks about the coyotes.

Kitchen: It's not a real serious problem but it certainly can get to be. I think the funding has run out on the bounty.

Mrs. Carter: Pretty close.

Kitchen: Think about it and come back with some ideas of what you might want to do.

Payment in Lieu of Taxes: Buckingham and Dillwyn Correctional Centers: The next issue is the budget amendment that last year at the end of the budget process that we didn't know about, where the correctional centers will no longer pay service charge in lieu of taxes. The way that is figured, you take the law enforcement, fire and rescue and you had a formula to where the correctional centers would pay in lieu of taxes. Well in last year's budget, that was taken out. So since we hadn't officially been notified I had invoices sent to the Correctional Centers and sure enough we got Dear John letter for close to \$60,000. I am working with surrounding

counties that have correctional centers, we are working on some legislation to try to get it back but we are not real hopeful. But we are working on that.

Buckingham County's 250th Anniversary Kick Off Celebration: You have a letter there from Margaret Thomas. They are going to be having a kick off celebration on April 2nd on the steps of the new courthouse addition. The event is open to all. They are planning a special event for Board members and legislatures.

Information regarding the status of Virginia Cooperative Extension Plan for

Restructuring: Previously I had informed you of Virginia Cooperative Extension's Plan for Restructuring. I want to make you aware that that has been put off the table for a while. Legislature is requesting additional information and I don't think that it will happen this budget year.

Publicity Regarding Our Proposed Waste Water Treatment Plant and Efforts to Restore the Chesapeake Bay: I want to call your attention some good publicity for our waste water plant and our efforts to the Restore the Chesapeake Bay project.

That concludes my County Administrator's report.

Re: Other Board Matters

Chambers: I would like to adopt a resolution on Dr. Lorene Hutcherson

Supervisor Chambers moved, Supervisor LeSueur seconded and was unanimously carried by the board to have a resolution of memoriam for Dr. Lorene Hutcherson written.

Talbert: Becky, it has been a whole lot of controversy by the citizens, on this septic thing that we voted on. I even went to an architect and asked him and he said he never heard of such a thing. But, it's already been paid, the \$30 some thousand.

Mrs. Carter: What was that price again?

Talbert: \$38,000 or something.

Kitchen: Almost \$39,000, Bill.

Mrs. Carter: It was a change order that was brought from \$80 some thousand to \$39,000.

Talbert: The architect I talked to said that he felt like all the experience he's had, it either went to the architect or the contractor but I'm saying it's the architects fault. Is there any way we can, I know we made a motion, can we reconsider that and try to reclaim if it's been paid?

Mrs. Carter: It's been paid.

Chambers: That's been paid Bill. We approved that last month.

Talbert: I know we approved it but I tell you, when you talk to people in the public and they have jumped on your back especially people in your district, and especially when talking to other architects that have never heard of such a thing...I know when you add on something, that's not the architects fault, that's something we added on. This is something that was there, he should have caught it. Like that light line, that didn't cost us anything, did it?

Mrs. Carter: Actually we have a credit. We have a lot of deducts, you do not have to approve deducts and I've been saving them for in case something happens that we have another increase. But with the sewer system, we knew there was a problem with that, we knew there was going to be a change order coming with that from the very start and the reason I didn't bring it to you all for payment for several months was because we were trying to negotiate it down.

Bates: Mr. Chairman, if I'm not mistaken, when the Board voted to approve the project, County Administrator made us aware at that time that there was a discrepancy between the health department was willing to approve and what was designed. She was going to work to negotiate the best deal. That was brought to our attention before we approved it.

Kitchen: We paid those people to design it. Let me ask you citizens, how many of you can go into a home no matter where it is without approval from health department? How did the county get approval to start on that building without approval from the health department?

Mrs. Carter: We didn't start on the building until we had the approval of the health department. The health department would not approve the initial plan. They approved the redesign of it and to change the place...

Kitchen: Then they did not approve it Becky.

Talbert: There's nothing we can do about it now. The money's gone.

Kitchen: We can take it out of their next pay.

Talbert: Well, we'll bring it up next month. I'm just disappointed that I even voted for it.

Bates: Mr. Chairman, the point remains...Becky, actually we took...the night we were made aware of discrepancy of the septic system, was that the night we awarded the bid? Or was that the night we put the project out to bid.

Mrs. Carter: I found out about it the day we awarded the bid.

Bates: Before this board voted to award this bid we were made aware there was a problem with the approval by the health department of that septic system. The contractor said it would cost this, the architect said it should cost that and the health department was in the middle of all that. We took action with full information that there was a problem with that design. At that time the

Board could have said we are not going to award the bid until that was resolved but we did award the bid.

Mrs. Carter: You awarded the bid in June.

Kitchen: Yeah, but was that explained about the...

Mrs. Carter: I'll look back and make sure. I'm not sure if it was explained in numbers because we didn't know what the numbers were.

Kitchen: I don't remember that. I think it was just a smoke screen. It was a smoke screen all along.

Re: Executive Session

Supervisor LeSueur moved, Supervisor Bates seconded and was unanimously carried by the board to enter into executive closed session under the following codes:

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.

Section 2.2-3711.A.5 to discuss a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Re: Return to Regular Session

Supervisor Bates moved, Supervisor LeSueur 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 Board member's knowledge only public business matters as were identified by the motion by which the closed executive meeting was convened were heard, discussed or considered in the executive closed session.

Re: Recess

There being no further business to discuss, Chairman Talbert recessed the meeting to reconvene on Thursday, February 17, 2011 at 7:00 p.m. in the Conference Room of the County Administration Building.

ATTEST:

Rebecca S. Carter
County Administrator

E.A. "Bill" Talbert
Chairman