

**Buckingham County
Board of Supervisors
Monthly Meeting
January 10, 2011**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, January 10, 2011 at 7:00 p.m. in the Buckingham County Agricultural Center, the following members were present: I. Monroe Snoddy; Joe N. Chambers, Jr.; E.A. "Bill" Talbert; Danny R. Allen; John D. Kitchen, Jr.; Dr. Brian D. Bates; and F. D. "Danny" LeSueur. Also present were Rebecca S. Carter, County Administrator; Karl R. Carter, Asst. County Administrator; Rebecca S. Cobb, Zoning Administrator; and E.M. Wright, Jr., County Attorney.

Re: Quorum Present

County Administrator Rebecca Carter certified there was a quorum-seven members present. The meeting could continue.

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

County Administrator Rebecca Carter called the meeting to order. Supervisor Bates gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Nominations and Voting for 2011 Chairman

Administrator Carter opened the floor for nominations for the 2011 Chairman.

Supervisor Kitchen nominated Supervisor Talbert.

Supervisor Kitchen moved, Supervisor Allen seconded and was unanimously carried by the Board that Supervisor Talbert would be Chairman for the 2011 Calendar year.

Administrator Carter turned the meeting over the Chairman Talbert.

Chairman Talbert thanked the Board and stated that he will serve to the best of his ability.

Re: Nominations and Voting for 2011 Vice-Chairman

Chairman Talbert opened the floor for nominations for the 2011 Vice-Chairman.

Supervisor Bates nominated Danny LeSueur.

Supervisor Kitchen nominated Joe Chambers.

Chairman Talbert called for votes for the nomination of Danny LeSueur:

Supervisor Bates moved, Supervisor Allen seconded and nomination passed with a 4-3 vote. Supervisors Snoddy, LeSueur, Bates and Allen voting in favor. Supervisors Kitchen, Talbert and Chambers voting in opposition.

Chairman Talbert called for votes for the nomination of Joe Chambers:

Supervisor Kitchen moved, Supervisor Chambers seconded and the nomination was defeated with a 4-3 vote. Supervisors Kitchen, Talbert and Chambers voting in favor. Supervisors Snoddy, LeSueur, Bates and Allen voting in opposition.

Chairman Talbert declared that Supervisor LeSueur was the Vice Chairman for the 2011 Calendar year.

Re: Approval of Agenda

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

Re: Approval of Minutes

Supervisor Kitchen moved, Supervisor Snoddy seconded and was unanimously carried by the Board to approve the minutes of the December 13, 2010 meeting as presented.

Re: Approval of Claims

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

Re: Approval of By-Laws and Rules of Procedure

Supervisor Kitchen moved, Vice-Chairman LeSueur seconded and was unanimously carried by the Board to approve the By-Laws and Rules of Procedure as presented below:

BUCKINGHAM COUNTY BOARD OF SUPERVISORS BY-LAWS AND RULES OF PRACTICE AND PROCEDURES

CREATION

The Buckingham County Board of Supervisors hereinafter called the Board is an elected body provided by the Code of Virginia, Section 15.1-527; it consists of seven (7) members elected from each of the voting districts.

SEAL OF THE BOARD

When affixed to any paper or document by the Clerk of the Board, the seal has the force and effect for authentication for the Board.

PRINCIPAL OFFICE

Highway 60, Buckingham Administration Building, Buckingham Village, Virginia; mailing address: P.O. Box 252, Buckingham, Virginia 23921-0252.

CHAIRMAN AND VICE CHAIRMAN TO THE BOARD

At the first meeting of the year, the Board shall elect one of its members to serve as Chairman and one to serve as Vice Chairman. Both shall be voting members and shall serve for one year.

COUNTY ADMINISTRATOR

The County Administrator shall be Clerk to the governing body and her general duty is set forth in the Code of Virginia, Section 15.1-117. She shall maintain an office at the same address as the Board.

COUNTY ATTORNEY

The County Attorney assists the Board of Supervisors,, the Planning Commission, and the Board of Zoning Appeals in analyzing legal issues and provides advice and action in legal matters, and represents the Board in all civil actions.

QUORUM FOR THE CONDUCT OF BOARD MEETINGS

A majority of the Board shall constitute a quorum for the purpose of conducting Board meetings.

PUBLIC SESSIONS

Regular public sessions shall be held on the second (2nd) Monday of each month at 7:00 p.m. in the Buckingham Agricultural Center on Route 60 in the Village of Buckingham, unless otherwise scheduled by the Board of Supervisors.

MEETINGS AND ATTENDANCE

1. All meetings and business shall be conducted in accordance with the Code of Virginia, Robert's Rules of Order Revised, and these by-laws.

2. Members who cannot attend a meeting, whether regular or special shall attempt to notify the County Administrator or the Chairman beforehand.

3. Meetings shall start at the appointed time, and if the Chairman is not present, the Vice Chairman shall preside. If neither the Chairman nor the Vice Chairman are present, the County Administrator shall call the meeting to order and preside for the election of temporary chairman.

4. For each regular meeting, the County Administrator shall draw up an agenda of items which are known to be matters which should come before the Board, and shall see to the preparation of a Board packet describing and concerning such matters and to its distribution to members at least 4 days before each regular meeting.

5. Any person making a written presentation or demonstration of a matter by way of brochure, picture, etc., shall provide the County Administrator 15 copies of the matter 7 days prior to the meeting at which they wish to make a presentation. This requirement shall not apply to citizens speaking during the Public Participation period.

6. Any person wishing to submit an item for consideration by the Board must do so via the Office of the County Administrator not later than 7 days before the meeting at which they desire the item considered. Any item submitted after this deadline will not be considered for action unless recommended by the County Administrator or a majority of the Board.

7. The County Administrator shall allocate time to items on the agenda to suit the convenience of the Board.

8. The Board shall consider all items docketed on the agenda before taking any other items unless an undocketed item is brought by consent of the Board.

9. Time permitting, items not on the agenda shall be heard as the final items of the Board's business. If time does not permit, in the opinion of the Chairman of the Board, hearing items not on the agenda, such items shall be carried over to the next regular or special meeting.

10. The Chairman's vote on all issues before the Board shall be recorded with the prevailing side, unless the Chairman clearly votes otherwise.

11. In the event of inclement weather, the regularly scheduled Board meeting will be held on the following Monday of the month.

ORDER OF BUSINESS

1. The Order of Business shall be as follows, subject to rearrangement by the Chairman absent objection by the Board:

- A. Call to Order
- B. Verification of a Quorum
- C. Invocation and Pledge of Allegiance
- D. Approval of the Minutes and Claims
- E. Announcements and Public Participation
- F. Highway Matters
- G. Public Hearings
- H. Presentations
- I. Zoning Matters
- J. Agency and Department Requests
- K. Appointments to Committees, Boards, and Agencies
- L. Items for board Consideration
- M. County Administrator's Report
- N. Informational Items
- O. Other Board Matters
- P. Adjournment/Recess

CONDUCT OF BUSINESS

1. Motions shall be recorded with the number of yeas or nays except that a vote indicated as "carried" shall mean a unanimous vote. Any member may require a polling of the members and the Clerk shall record the same.

- A. On all votes, the Chairman shall call for a showing of hands.
- B. Board members shall show hands when voting nay and yea and also when abstaining.

2. The Chairman or any member may call for the question after all members have spoken, or it appears that all members have spoken who desire to speak. No vote on the call of the questions shall be taken unless a member shall require it.

3. When the question is called and there is no dispute, the Chairman shall call for the vote.

4. Any member abstaining on a vote shall so indicate following the call for the vote.

5. Exhibits before the Board shall become the property of the Board and shall be filed with the County Administrator.

6. Citizens shall not speak at a meeting until they are recognized. Citizens shall request recognition by addressing "Mr. Chairman" or Mrs. Chairman" (as appropriate) and await

acknowledgment. At his discretion, the Chairman may permit a dialogue without individual recognition between members of the Board or between a member and a citizen if such dialogue is orderly and contributes to the expedition of the business. Once recognized to speak, citizens shall begin by stating their name, district of residence, and by identifying the matter(s) they wish to address before the Board.

7. Should two or more persons speak at the same time, the Chairman shall indicate recognition of the first person to speak.

8. Should it be desired by the Chairman, any member, or by the County Administrator, the member making a resolution shall reduce the same to writing and deliver it to the County Administrator's Office. The County Administrator shall transcribe verbal resolutions as accurately as possible, but when loosely worded or when unindicated "whereases" precede the motion, the County Administrator should use appropriate language to accomplish the intent of the Board.

9. Prior to initiating a public hearing, the Chairman shall recount the rules under which the hearing shall be operated, but he may amend the rules during the hearing by giving notice of the change to those gathered.

10. At the beginning of the public hearing, the Chairman shall call upon the County Administrator or the chairman of the committee handling the matter at hand or shall himself recount a description of the issue placed before the hearing.

11. Subject to revocation or extension by the majority of the Board assembled, the Chairman may in all matters establish a maximum time for consideration of the matter, and/or limit the amount of time available to each speaker on a matter and/or limit the number of times each speaker may address the Board on a matter. Notwithstanding the foregoing statement, every Board member shall be entitled to make a statement on every matter before the Board and the Call for the question shall not be entertained until all members who wish to exercise this right shall have done so.

12. All members or citizens shall limit their comments before the Board. The Chairman may prohibit questions from citizens until a speaker has finished his/her presentation.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.

2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order, the regular business may be suspended by vote of the Board to discuss the matter.

3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches; however, the Board may vote to overrule.

4. When a person engages in such breaches, the Chairman shall order the person to stand silent, or may, if necessary order the person removed from the County property.

5. In the absence of a law enforcement officer, the Chairman may direct the County Administrator and any member(s) to act as Sergeants of Arms.

6. While the Board is sitting, members and citizens shall refrain from standing, talking, or leaving their places unless necessary.

COMMITTEES

Ad hoc committees will be appointed by the Chairman, as needed. Constitutional officers may be appointed to committees. The following committees have been appointed by the Board:

Water/Sewer Committee: The Water/Sewer Committee shall consist of two Board members, the Public Utilities Director, the County Attorney, and the County Administrator.

It shall be the responsibility of this committee to review and study all aspects of the operations of the Utilities Department.

It shall be the responsibility of the Water/Sewer Committee to act on behalf of the Board of Supervisors in all matters relating to the hiring, promotion, termination, and pay scale adjustments of all Water and Sewer Department employees below the Public Utilities Director level.

This committee will review and study water/sewer rate structures. All findings and recommendations of this committee regarding water/sewer rate structures will be heard by the Board of Supervisors and the Board may take whatever action it so desires with respect to the recommendations.

Finance Committee: The Board shall establish a Finance Committee that will consist of two Board members, the County Administrator, the Finance Director and the County Attorney.

o All requests for funds, or actions that will encumber funds, shall be submitted to the Board of Supervisors. The Board of Supervisors may refer such requests to the Finance Committee. Departments wishing to have a request acted on by the entire Board at its regular meeting should submit the request, not less than fifteen days prior to the regular Board meeting, to the County Administrator.

- o If a request is referred to the Finance Committee, the Finance Committee shall consider the impact of the request on the overall County budget and make a recommendation to the Board of Supervisors.

- o After hearing the recommendation of the Finance Committee, the Board may take whatever action it so desires with respect to the request.

- o This committee shall not direct the County Administrator's preparation and submission of the proposed annual budget as required by statute.

- o The County Administrator shall serve as an ex officio member.

Personnel Committee: The Board shall establish a Personnel Committee that will consist of two Board members and the County Administrator.

- o It shall be the responsibility of the Personnel Committee to act on behalf of the Board in all matters relating to the hiring, promotion, termination, and pay scale adjustments of all County employees, except County water and Sewer employees, below the County Administrator level.

- o The Personnel Committee shall meet as necessary to review personnel matters as they arise.

- o The Personnel Committee's actions shall not take effect until a report of its proposed actions has been made, in writing, in the County Administrator's Report section of the Board packet to the entire Board. If the Board agrees with the proposed actions, then the proposed actions may take effect with no formal action by the Board being necessary, immediately following the Board meeting at which the report was filed. If no action is taken by the Board to the contrary, it will be assumed that the Personnel Committee's actions are agreed to.

- o In the event that the Board disagrees with the proposed actions of the Personnel Committee, then the Board may take whatever action it desires with respect to the personnel issue at hand and thus overrule the Personnel Committee's proposed action before it is enacted. In this event, the Board will need to take formal action during a meeting to achieve its aims.

PARLIAMENTARIAN

The County Administrator shall act as Parliamentarian to the Board.

RULES

These by-laws may be suspended or altered at any time by a majority vote of the Board of Supervisors

CERTIFICATION

These by-laws were adopted on March 3, 1992, amended July 13, 1992, May 9, 1994, January 20, 1998, January 12, 2004, January 12, 2005, January 9, 2006, January 8, 2007, January 14, 2008; and January 12, 2009, January 11, 2010, and January 10, 2011 by the Buckingham County Board of Supervisors.

Rebecca S. Carter
County Administrator/Clerk

Re: Announcements

Chairman Talbert called for any announcements from Board members or the public.

There were none.

Re: Public Comment

Chairman Talbert called for any Public Comments that did not pertain to the scheduled public hearing.

Bob Saxon: Supervisor's, I'm Bob Saxon. I got my tax bill like everybody else did and it says it's due September 6, 2010. It does not say anywhere on here that it has to be in the office by closing time on that date. The County has a drop box out here and I assumed that was what that was for, if you could not get here by the time you could use the drop box. My son and I did that, put the money in the drop box with our tax tickets. We got a receipt back with a 10% penalty. It was on the property before midnight. If I had brought this to the office at 4:28 and December the 6th, when would it have been processed and put in the bank? The same time it was done when I put it in the drop box. I understand that I was not the only citizen that has done that. I was told when I went to inquire at the Treasurer's office, they said, "Well, we don't know when you put it in there. How do we know that you didn't put it in there the next day." My son came home that evening and I told him, "you go down there and put our check and stuff in the drop box, it's 9:30." I said you go down there. He said, "Daddy, I'll go by the post office in the morning I'll put it in there then." I said "No, you go down there now and get it in there so it's there on that property before midnight." Then I get 10% interest, penalty. And I'm not the only person that this has been done to. When I inquired about the drop box at the Treasurer's office, "Well how we know you didn't come in and put it in that morning." Because I tell you I didn't. I don't think it's fair for the county to sit there and put a penalty on people that paid their taxes on time because my check went in the same deposit that yall put in after 2:00 on December 6.

Chairman Talbert: Mr. Saxon, everyone has three minutes so if you could close out, we'd appreciate it.

Bob Saxon: I'd like to bring this to the Board's attention that I'm not the only one that this County is cheating and stealing from. My money is hard to earn.

Supervisor Kitchen: Is there anyway we can put some kind of a time thing on that box to show what time it is put in?

Chairman Talbert: I don't know how much it would cost, I'm sure it would right expensive.

Supervisor Kitchen Would you check into that or check into either...

Administrator Carter: I don't know if we can put a time on there, but we can request, and I'm sure they already do it, but check it early that morning and late that evening.

Supervisor Kitchen: Anything in there in the morning when they come in, wouldn't be charged a penalty.

Administrator Carter: But if she came in on December 7th and took what's in that box out, you can't post it to the computer for the 6th.

Supervisor Kitchen: I understand that, but it still was there. That's why I say if there is some way or another to put a timer on that box.

Chairman Talbert: We can check into it.

Administrator Carter: I will check into it.

Chairman Talbert: I thank you Mr. Saxon for bringing that to the attention of this Board, but at the same time that is a Constitutional Officer and we have no jurisdiction over the Constitutional Officers. There are 5 constitutional officers in Buckingham County but I appreciate you coming to the Board and making it public.

Lois Ott: This has to do with the cellular tower, my name is Lois Ott, I attended the Planning Committee last month where they denied the cellular tower to be put on Chapel Road. I am asking that the Board of Directors uphold the Planning Committee's denial.

Re: Presentation of Plaque in Memory of Edward J. LeSueur

Chairman Talbert asked the LeSueur family to come up front.

Before Supervisor LeSueur and Becky present and read the plaque that you will be getting, I want to give each supervisor a minute or two to address this family of Edward LeSueur because he was one extraordinary man.

Administrator Carter read the Resolution to the family:

RESOLUTION IN MEMORIAM TO Edward J. LeSueur

WHEREAS, Edward J. LeSueur departed this life on December 3, 2010 at the age of 74.

WHEREAS, Edward J. LeSueur was born on December 2, 1936 in Buckingham County to the late Joshua Jackson and Mary Jamerson LeSueur.

WHEREAS, Edward J. LeSueur was preceded in death by his brother, Ivan Lee "Pokey" LeSueur. He is survived by his wife, Lillie LeSueur; a step daughter, Tammy Baird and her husband, Charlie of Dillwyn, two grandchildren, Samantha and Justin Baird; two sisters, Alice L. Young of Richmond and Hazel L. Ragland and her husband James of Buckingham; one godchild, Kay R. Dunevant and husband, Bruce of Dillwyn; numerous nieces and nephews; and three aunts, Pearl L. Stone of South Hill, Nannie L. LeSueur of Dillwyn, and Ruby K. Powell of Ashland.

WHEREAS, Edward J. LeSueur was Funeral Director for Dunkum Funeral Home for 54 years, where he put his all into making sure all funerals were directed well and provided comfort to those who lost love ones.

WHEREAS, Edward J. LeSueur joined the Dillwyn Volunteer Fire Department in 1957. He was the current President and had served as President of the Fire Department since 1972. He was also Vice-President before assuming the role of President. He and Shelton Foster dispatched for the fire department and rescue squad by phone for the entire county before radios and current communication systems.

WHEREAS, Edward J. LeSueur became a member of the Dillwyn Town Council in 1962. He served as Mayor of Dillwyn from 1974 to 1980. He resigned as Mayor to run for the Buckingham County Board of Supervisors where he served from 1980 to 2004. He received a pin from the Virginia Association of Counties for 20 years of service on the Board of Supervisors. While serving on the Board of Supervisors, Edward was instrumental in the building of Buckingham Primary and Buckingham Middle Schools as well as renovations and additions to the Buckingham High School. He also played a role in the building of the Buckingham Correctional Center in 1982; nursing home facility, Heritage Hall in 1983 and oversaw the remodeling of the Buckingham County Courthouse.

WHEREAS, Edward J. LeSueur was instrumental in organizing the first rescue squad in Buckingham in 1970 where he was a lifetime member. He served as Captain of the Rescue Squad and was Chairman of their Finance Committee. He was also instrumental in acquiring the land from Craddock-Terry Shoe Corporation in Dillwyn for the first rescue squad building in Buckingham. Before the rescue squad was established, Edward used the hearse from Dunkum Funeral Home to transport individuals to the hospital.

WHEREAS, Edward J. LeSueur serviced on the Board of Directors for the Lions Club for 16 years where he was President for two years and Vice-President for five years. He organized the Buckingham County Day parade from 1974 to 2000. He decorated the Town of Dillwyn each year for Christmas.

WHEREAS, Edward J. LeSueur was a giver, provider and caretaker with total of 44 years of service to the Town of Dillwyn and the County of Buckingham and a faithful member of the First Baptist Church in Dillwyn where he served as a Deacon.

WHEREAS, Edward J. LeSueur was known and loved by so many. He touched the lives of everyone he met. He gave so much of himself to people and expected nothing in return. Buckingham County has suffered a large void with the loss of Edward J. LeSueur.

NOW, THEREFORE, BE IT RESOLVED, that the Buckingham County Board of Supervisors does, in memoriam on this 13th day of December, 2010, pay tribute to and express it's highest esteem for Edward J. LeSueur and extends its deepest sympathy to his loved ones.

ATTEST:

Rebecca S. Carter
County Administrator/Clerk

I. Monroe Snoddy
Chairman

Administrator Carter: I've never been able to just say a few words about Edward, but I'll try. As long as I have worked for the County, I've worked with Edward. And he still continued to come by the office generally weekly to check on how people treated me and how things were going with the County. Edward had priorities that he instilled in me and the Board members he worked with continued his theory. Edward had priorities, first was the elderly, second was the children, and third was that fire department and rescue squad. He instilled that in me. One of my fondest memories, well I had a few, but was his budget advice. Cut the sheet to fit the bed. Starting out as administrator, I wasn't real schooled at meeting the "Big Dog", politicians in Richmond. I wasn't real schooled in how to get help from them and he showed up at my office one day and said, "Come on, let's get in the car we are going down to the big house and go rub shoulders with the Big Dogs." Through Edward I was introduced to a lot of people. I was introduced to Governor Gilmore as Miss Beck, County Administrator. So, Edward knew a lot of people in a lot of places and he used that to help this County. I do miss him and express my sympathy to you.

Supervisor Kitchen: I'd like to say that Edward and I were very good friends and had been for many, many years. When I came on the board he took me under his wing and helped me along. I'll never forget it, if we disagreed on an issue, he'd say "I'm going to fight you to the end on this one John Boy." I never will forget that. I really miss him, I really do.

Supervisor Allen: I never got to work with him, but I always heard good things of how much he had done for the County and helped the County. That's a great legacy to leave behind. I know you all are proud of him.

Supervisor Bates: I was honored to work with Edward here on the Board but more than on Board, I would say that Edward LeSueur was the perfect Southern gentleman. He treated everybody equal from the average person on the street right up to the Governor. He mixed well with anybody. I had the occasion to be able to dance with Lillie, and I don't think I ever saw a man that could dance like Edward LeSueur. I don't think most people know the many kind things that he did for people over the years and he is definitely going to be missed in this County.

Chairman Talbert: First I'd like to say that Edward was a Christian. That tells it all about that man right there. He didn't tell you, he didn't have to say it, he showed it in his action that he was a Christian. Let me tell you something, when he got down and said, "Let me tell you Mister..." he'd point that finger. Loved him dearly.

Supervisor Chambers: I'd just like to say that when I came on the Board, he was like a role model to me. Whenever we had issues, he would tell me "Stick to your guns, boy, stick to your guns." I always had a great respect for Edward. He played a great part in this County, not only in the Board but he played a great part of taking care of members of my wife's family. We have high respect for Edward.

Supervisor Snoddy: I worked with Edward on the Board for 10-12 years or so, and I always enjoyed going with him to different places and different functions. He could always lead the way and show you who you needed to see and how to get there. I certainly appreciate what he has done for the County. He was always interested in the citizens. Always.

Vice Chairman LeSueur: I have a lot of things to say about this man. One, there will never be another man like him, ever. I loved that man dearly with all my heart. I think back to 2004, when I beat him for Board of Supervisors, I told him that one thing Edward, there will be a LeSueur on the Board. But Edward, I'm not exactly sure how many peaches that man bought over his lifetime, but there is not a man that didn't take more care of the elderly people in this County than Edward LeSueur. Every year, he came out of his way to give my kids money, every year. That was one thing that my children said to me after he passed. Vic Moss continued that tradition this year at church by giving the kids that money that Edward couldn't give this year. Edward and I are not real close relatives but we are kin down the road, but he was like a father. When it came to fire and rescue, he was very instrumental in everything that has gone on in the County for the past 44 years. This County will never recover from a loss like that. Ever. To his family, I regret losing this man. I love yall so much.

Lillie LeSueur: I will accept this for Edward. I want to thank you and the Board so much.

Re: Public Hearing: David LeSueur Request to Rezone from A-1 to A-C for the Purpose of an Intensive Chicken Farm Operation

Zoning Admin. Cobb: This is a public hearing for Case 10-ZMA-192, a request to rezone from A-1 to A-C by David LeSueur which is Tax Map 139 Parcels 9 & 10, Route 650 (Bell Road) in the Curdsville Magisterial District. This is for the purpose of operating two broiler chicken houses. I will make one comment to the Board in Condition 2 and also par of the proffers from Mr. LeSueur, it talks about recording a survey that has been updated. The one you have was dated 11/9/10, it was updated on 12/8/10. That new survey is pretty much what you have. It's a little more specific about the exact feet from property lines and a little more detail on the drainage way. Do you have any questions for me?

From the packet:

Please consider the following conditions:

1. That all federal, state and local regulations, ordinance and laws be strictly adhered to including obtaining a Nutrient Management Plan prior to installation of any new Intensive Agriculture Facility.
2. The landowner shall record, in the office of the Buckingham County Clerk, the plat surveyed by Mr. Duggan and dated 11/9/2010 which combines parcels 9 and 10 prior to applying and constructing any Intensive Agriculture Facility.
3. That all documentation submitted by the applicant in support of this request becomes a part of the conditions except that such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.

4. 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.
5. 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.
6. 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.
7. The County Zoning Administrator and one 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.
8. That the applicant (s) understands the conditions and agrees to the conditions.

In addition to the above conditions the applicant will be proffering several things that will be provided prior to the public hearing. The proffers include such as leaving a buffer of trees and taking other measures to minimize the dust.

Chairman Talbert declared the public hearing open for public comment.

Darvin E. Satterwhite: Mr. Chairman, Board members, I'm Darvin Satterwhite. I have a hand out that will speed things up a bit, if you don't mind. What I've handed out to you is actually what we filed with the County. Mrs. Cobb indicated to you that we have updated the plat but the setbacks are certainly what we've had for the Planning Commission. The ordinance requires 150' from property lines. We are 314 feet from the sublet property line and that plat is the second page of your handout. We have taken a photograph to show you pretty much where the chicken houses are going to be but if you can see the view from each property line. The property that is actually closest to the chicken houses is Mr. LeSueur's, the applicant's, house. As you can see we've got that there. That is a screen between the facility and Bell Road and Mr. Banton's house in the front. We are about 1500 feet from Bell Road. We make all the set back requirement that are in the ordinance. We've also had discussion and I've presented to the County Zoning Proffers with this application that will run with the land. We have a copy of those attached as well in your handout. The chicken houses will be constructed in substantial compliance with the plan that you have before you. Most of the proffers are from the discussion at the Planning Commission. I believe we've complied with everything that the ordinance requires and what comments we've heard from the Planning Commission level. We did get Planning Commission approval back in November. We are asking the board to consider this recommendation and act accordingly with the Planning Commission recommendation. I am here to answer any questions you may have.

Supervisor Kitchen: How much road frontage does Mr. LeSueur have?

Mr. Satterwhite: If you look on this application, coming out to the road, but it's really, it's just the roadway coming in right here.

Supervisor Kitchen: I see where you have it laid out, I see the plat. I see the road going into it. I just want to know how much road frontage it has from Rt. 650.

Mr. Satterwhite: Well I can't really give you much more than what's on the plat itself. It's as you know a wide sweeping opening on the road coming in. We have good sight distance there in both directions with respect to things coming in and out so I don't think we would have any problems.

Supervisor Kitchen: Is a commercial entrance required for this or not?

Mr. Satterwhite: VDoT approval was required, Mrs. Cobb, wasn't it? I think anytime you have a commercial facility, but I would have to refer that to the Planner.

Mrs. Cobb: Yes, VDoT did sign off on it.

Chairman Talbert declared the public hearing closed.

Supervisor Kitchen: Since it's apparent that Mr. LeSueur has met all the rules and regulations of the County, and I understand the concerns of the citizens and next door neighbors, we have no other obligation but to approve it.

Supervisor LeSueur: I have a comment. I'm going to have to vote against this project because of the fact that a majority of my constituents in my district are against this and I just can't see voting for it.

Supervisor Kitchen: Danny, I sure can understand that, but when he meets all the rules and regulations of the County then we have no choice to approve it.

Supervisor Kitchen moved, Supervisor Chambers seconded and the motion was passed with a 6-1 vote with Supervisor LeSueur opposing to approve the rezoning application of David LeSueur from A-1 to A-C for the purpose of constructing and operating two broiler chicken houses.

Re: Introduction of Special Use Request by U.S. Cellular

Mrs. Cobb: I have the introduction of Case 10-SUP-195. This is an application for the construction of a telecommunications tower on the James and Lucille Hudgins property, Tax Map 54 Parcel 125 on Chapel Road in the Marshall Magisterial District.

The Planning Commission held a public hearing on December 20th and heard public comment at that time. The public expressed concerns about the County having too many towers and about this tower being within a residential neighborhood. They also expressed concern about the towers

decreasing property values and the general visibility of the tower. One thing that came to light at the Planning Commission public hearing was that when this application came forward, the property was a wooded parcel. Since that time a lot of the property has been clear cut. So because of that, the Planning Commission voted to deny this application. The vote was 4 to deny and 2 in favor. The two that voted in favor said that they felt there was coverage needed in the area and the four that voted against it said they were concerned about the change in the property and they didn't have up to date photos and maps and that sort of thing. Since that time, US Cellular has been in touch with me and they have asked that you postpone your decision tonight so they can provide you with new information about the property. So, between the time of getting you all the packet, I have received new information from US Cellular, they had a surveyor go out to survey the property and show that there is some wooded area left on the property. Actually the site for the tower is going to be in the wooded lot. I do have copies of that information if you would like to look at it tonight or you can wait until next month.

Vice Chairman LeSueur: Is this information that the Planning Commission hasn't seen?

Supervisor Kitchen: What they did, they clear cut the property after they made application for the tower.

Mrs. Cobb: During the public hearing for the Planning Commission, the Planning Commission was not aware that trees had been cut off the property. I had gone out and saw that the trees had been cut as well as the neighbors nearby knew that and provided information to the Planning Commission. I knew there was some buffer along Chapel Road back to the site but wasn't sure of the exact location of the site because the flags had been moved. So, since then I've been back to the property again and measured it and it is several hundred feet of trees from the road back into the property and the site is within the back portion of those trees.

The Planning Commission has not seen what's in front of you now. It just came in a couple of days ago.

Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried to refer 10-SUP-195 US Cellular back to the Planning Commission.

Supervisor Kitchen: I'd like to add that the Planning Commission go out and take a look at the site.

Chairman Talbert stated that the motion had already been voted on.

Re: Recommended Changes to the Zoning Ordinance-Request for Public Hearing

Mrs. Cobb: One additional item is a request that you set a public hearing for changes to the Zoning Ordinance. The Planning Commission held their public hearing and recommend their approval that you delete the current Planned Unit Development district within our Zoning Ordinance and replace it with the Residential Planning and Development that we have drafted.

Supervisor LeSueur moved, Supervisor Bates seconded and was unanimously carried to set a public hearing on February 14, 2011 at 7:15 p.m. to hear public comment on changes to the Zoning Ordinance to delete Planned Unit Development and replace it with Residential Planned Unit Development (RPUD-1).

Re: Peter Ohlms, Mobility Manager, Jaunt: Public Transportation Needs Assessment Report

Donna Shauncey: I'm not Peter. This is Peter. But I'm Donna Shauncey with Jaunt and while he is setting up I just thought I'd say a few words to give you an introduction to what you are about to see. We have a power point presentation if you would like to come down here and join us down here in the galley.

I'm sure you are all familiar with Jaunt and one of our projects is an effort to look at what mobility needs are all over not just Buckingham but all over the service area. We really wanted to, since Buckingham is our newest member of the Jaunt family, we wanted to devote a lot of attention in particular to Buckingham. Peter has spent the last year really going everywhere throughout the County and learning a lot about the transportation needs. What he is going to show you today is more long range plans and setting the ground work so that as things change and more funding becomes available we can prototype the transit needs are for your constituents are in the future.

Peter Ohlms: Good evening and thanks for letting me have some time this evening to talk with you. The executive summary for my, the full report looks like this, but the executive summary was included in your board packets as I understand and the full report is available in the County Administrator's office.

I'll just start my mentioning that in urban areas, public transportation or transit, is often viewed as a way to address congestion. But in a rural area, it's more often needed to provide mobility for people who lack access to basic services. People who need to get to the grocery store, medical appointments, and education. But despite that critical need, public agencies in areas with low population densities often think of transit unfeasible and unaffordable. But there are some options for flexible and affordable rural transit. I'm going to try to lay some of those out for you tonight.

What I did was not really a Jaunt expansion plan, I do work for Jaunt, but this an attempt to discuss potential solutions for public transportation for the County, whether they involve Jaunt or not. Because public transportation more and more is becoming an economic development tool

that companies ask about when they are deciding to relocate to an area or whether to expand in an area sometimes it's just important for those reasons.

We've been working on this plan for a little over a year. It provides some short and long term ideas for the County and for Jaunt and other agencies that implement transportation concern. It also serves to help Jaunt learn more about Buckingham because as Donna mentioned it's one of our newest counties.

I'll start by reviewing the existing services that are in the County. Jaunt has a commuter route to Charlottesville. You see some of the statistics for it up there. Our ridership for that route has been pretty strong. 8,000 trips on that route initially per year and last year we had over 12,000 trips on that route. It's good for commuters because it gets you in town to work a typical workday. There are two trips a day, one early and one later. We have had to buy our largest bus in the Jaunt fleet for Buckingham County which is one of our smallest counties because it was so crowded. We've put up a bus stop sign in the Food Lion Parking lot and maybe this week we will get passenger shelters delivered. Hopefully in the next few months, we will install one in the parking lot. That will be one of Jaunts first bus shelter and passenger waiting area.

But Jaunt is not the only transit provider in the County. Buckingham has two public transit systems. The Piedmont Area Transit bus is the other system in the county. It is operated out of Blackstone. The Town of Blackstone has a municipal system that actually runs that service and it connects Buckingham to Cumberland and Farmville. The fare on that is \$0.50 where the trip to Charlottesville on Jaunt is \$3.00. So it's important to note that this service is also available. It's not geared toward commuters though, it's geared toward making shopping trips or appointments or part-time work. You can't leave Farmville on this system late enough to work a typical work day. It doesn't have weekend service right now. The ridership last year on PAT was about 4,200 trips.

This is just a map of the two systems. The Jaunt route that goes Rt. 20 to Charlottesville and the PAT comes up Rt. 15 and goes east on Rt. 60 to Cumberland and back down to Farmville. One of the interesting things about this county is that the commuters, people who work here and commute out the county, some go north to Charlottesville, some go south to Farmville, some go west to Lynchburg and some go east to Richmond. It is difficult to put together a single bus route that will serve everybody.

Some demographics about Buckingham County, you probably know a lot of this and some of it is old from the 2000 census. The county is not very dense. There are less than 30 people per sq. mile. The Percentage of people of age 65 are higher than state average. Same with the percentage of people with disabilities and the travel time to work is higher than state average. So people have fairly long commutes that live in Buckingham County and the median household income is below the state average and the poverty level is higher. I'll also note that we've looked at some previous plans such as the County Comprehensive Plan and they do mention additional or enhanced public transportation at some point in the future for the County.

This map shows some of the agencies that we worked with because to get some of the needs we went through different agencies, Buckingham Social Services, Buckingham Public Schools, the community colleges and most of the human service agencies are in Farmville. You can't see it on this map to well but I tried to delineate them and send the report based on educational organization, medical providers, transportation providers and other agencies such as Crossroad Services Board, the health centers, DRS and other workshops for people with disabilities who need sheltered work, Social Rehabilitation programs, community services groups such as Head Start in the County, Piedmont Senior Resources. I talked to somebody at the James River Baptist Association and the Heritage Hall Nursing Home. We tried to reach as many organizations as we could that would serve people that would have a need for public transportation.

We also did a little survey. It's not statically significant, we got just about 40 responses. We did hear from a lot of the people who have needs that represent some of the population that we would be looking at. This map is the home location of survey responses. The icons are current Jaunt riders and the push pins represent other riders. We did get a response from a number of other areas in the county. I will not that nearly half of them were from the Heritage Acres Apartments facility which is in the Dillwyn area. We heard from Social Services clients and patients at CVCHC as well. I'll just go through some of the survey results. Most of the people who we surveyed said yes we think there is a need for additional transit service within the county. We asked where they would go if they could on public transit. If you add up all the locations in Buckingham, Buckingham is where people want to go. But people want to go to Charlottesville and Farmville as well as other places. We asked when they would want to travel. On the left is within the county. On the right is to and from Charlottesville. We picked Charlottesville as one of the places out of town. You can see that people want to travel at different times, straight across is days and hours on the left of each chart is the weekday commute times, morning, afternoon, evenings and weekends. There are a number of people who want to move around on the weekends and evenings We also asked about fares. Most people thought \$3 would be reasonable to go to Charlottesville which is what Jaunt charges now. But a quarter of the folks who responded to the survey said that \$3 was a little steep for a trip within Buckingham County. We asked why they would ride. The top reason was work trips, whether daily or occasional trips to work on the bus. Medical appointments came in second and we also got some responses in other categories for personal trips such as shopping, dining. We asked them how often they would ride. The number one answer was 5 days a week, Monday-Friday. But a few people said once or twice a month, or once or twice a year or maybe even seven days a week.

We looked at transportation barriers. I essentially classify a transportation barrier as having no car or having no driver's license or not having either one. Because in a rural county like Buckingham, if you don't have that you do have some limitations on your transportation. So almost half of the people in our survey have some sort of transportation barrier.

Going from the survey results into the needs we identified. We used the survey results and we used the interviews with agency staff that I mentioned earlier to put together this list of needs. One is using the existing bus routes can be difficult for people. Some is because they can not get to a stop. If you got a bus route nearby but it's a mile or two away and you don't have a way to

get to it from your home, you might as well not have a bus route nearby. Using multiple providers was a challenge for some people if they would have to use, for example, Piedmont Area Transit down to Farmville and then get on the Farmville area bus to complete their trip could be a reason not to do it. And as with all public transit, you have to plan in advance. You can't just hop in the car and go. You have to know what you are doing in advance. Medical appointments were one need for transportation. People typically had a general medicine appointment could do it within the county at the health center or the doctor's office in Dillwyn or they might go down to Farmville. But if they had a specialist visit they needed to make they were going to Charlottesville. Dialysis trips could go to Farmville or Zion's Crossroads or Charlottesville.

Employment and education are two other great needs. Employment trips, we have the daily commutes which we all think about, but there is also a need to go on job search or interview if you are looking for work. That may be a different kind of transportation need. You don't need to be there all day, just part of the day. For the daily commutes, the Farmville issue did come out that the Piedmont Area Transit schedule just accommodates part time work right now. Education trips as with work trips, they go all over the place. After school programs, the County provides transportation but sometimes there is a need for additional services there. And of course shopping and personal trips. People need to get their hair cut and people need to go to the grocery store.

This is a little confusing map. It looks better on paper but it's trying to point out where people work that live in Buckingham County. In the report there are similar maps for where people work in Buckingham County and all around like that. The purpose of this map is to look at whether people are working just in Charlottesville or where. Using this data from 2007, there are clusters of employment in Charlottesville and in Farmville as well as in the County. There aren't so many clusters in Richmond or Lynchburg, which suggests that we might not want to do a commuter route to those areas. They might not do as well.

I also mentioned we did a comparison with a peer county that Jaunt already operates. Nelson County, Jaunt has been there for 35 years. It's not that different from Buckingham in terms of number of people and size, so we did a comparison to predict ridership that way. We also looked at some data to think about how many residents have a need for passenger transportation and we used the number of people residing in residents without a car, plus the number of people residing in households below the poverty level. That measure produced an estimate of about 2,800 residents in Buckingham County that may have a need for passenger transportation services. We also looked at a mobility gap measure which is comparing the number of trips per day of a family with a car to the number of trips per day with a family without a car. So, using that measure, we'd like to think it would be about 1,700 more trips per day if they had transportation available. That doesn't mean they would all ride the bus but they would have some kind of reliable transportation available, those are the trips that they are not making now.

Alright, let me go into a few solutions. It's a long term approach, we are not expecting anybody to come up with the money to do all this right now. The last page of your executive summary has a chart of these options that you can refer to. I also note that we didn't project some of the

costs and ridership figures for all of these because it's just difficult to do it for all of them. When there is a cost figure, it's generally about ½ of the full costs because one of the benefits is that we get to leverage federal dollars to operate public transportation and it's usually dollar for dollar after you subtract the passenger fares. So if the county puts in a dollar, the feds kick in a dollar to operate the service. So the first thing was an interagency council. That is not a transportation recommendation but it's something that exists in a lot of Jaunt's rural counties that I think would be helpful. It's essentially getting agency stats together. Folks that work at human service agency come together once a month or maybe once every two months to talk about issues and a lot of times transportation is one of those issues. It can help figure out what are the biggest problems and where we can go from here. Travel Demand Management is a fancy way of talking about car pools and van pools and helping people who want to car/van pool find each other. There are Travel Demand Agencies based in Charlottesville and Richmond so people who live in Buckingham that are going in those areas can connect with those agencies and find a car pool partner. But if they are going to Farmville, there is not an agency that they can call right now. So investigating something like that could be a good start. Again, not really providing transportation, not providing bus routes, it's just helping start sharing a ride. Again, this one call center concept is not providing any transportation, it's just providing one number where people might call to find information on all the systems that exist or to get information on how to ride the bus, which one I need to call. Long term, that could include actually scheduling trips on a various systems. The first real transportation operation recommendation is commuter service for both the Jaunt and PAT buses. That is just to overcome the need to get from their home to the bus stop. It would be a small vehicle that would go to their homes and take them to the bus stop.

A mid-day route to Charlottesville, what we call a mid-day at Jaunt, it would be something different from or commuter service which is fixed stops and fixed times. This would be something that would be something that will come to people's doors and take them into Charlottesville around the 10:00 time frame and come back around 2:00. So it's more for shopping and medical and other needs.

Intra County service that means service within Buckingham County. With a rural area, usually what is called a demand response or dial a ride service is what works pretty well. You don't have a fixed route or stops or schedules. You just say service is available on Monday and people call up and say can you get me from home to the doctor. Trips are arranged that way. There could be certain amounts that are done, but some sort of intra county services are clearly needed.

Another suggestion is to increase the Piedmont Area Transit Service to Farmville and Cumberland. If we had one return trip from Farmville around 5:00 p.m. commuters could go there and work. That would be a fairly low cost improvement. There would be a couple trips from Cumberland, if they would just operate 2 days a week the middle college would have some additional options for people to get there and back.

Volunteer transportation network is an option. You don't have to use public transportation for every trip. It might be possible for churches to get together and say we've got some people that could provide rides and maybe we could have one number that people could call and we could match volunteers with people that need a ride.

In the longer term, an express bus to Farmville might be a possibility. As I mentioned, the bus currently goes through a scenic tour of Cumberland on the way to Farmville. That is not going to be attractive to anyone with an option to drive so a bus that goes straight down might be more useful to get commuters that could drive their cars there.

Service to Richmond and Lynchburg as I mentioned probably wouldn't work as a commuter daily service but maybe once a week or once a month for folks that need to go there occasionally. That kind of service could be possible.

Weekend and Evening service within the county and going to Charlottesville or going to Farmville, those are all longer term ideas once you get more bus service in the County.

This is really a longer term plan to try to present a menu of some options that the county could pursue in the future. But with that said, there is an immediate need to continue the services that exist. So we want to mention that the existing Jaunt service does have an issue this spring, the service will be reduced for three months due to the County providing level funding. There was not a budget cut, but Jaunt needed an additional \$3,900 to provide the same level of service and because we received level funding, we are going to have to do a little cutting and the proposal is to reduce service through April, May and June from two buses a day to one bus a day. We hoped that it would be possible without affecting the current riders but we got new riders and it made it difficult to do that.

So I'll say it again, this plan isn't about that particular problem, its not something that needs to be addressed now. The first part of this plan is about serving people that do not have any other way to get around, and then expanding services to people who have a vehicle and would like to take the bus if it is convenient for them.

So the next step for the County is in your hands. Piedmont Area Transit and Jaunt are both able to consider expansions with state funding that is available. There are also grants that would make those funding sources richer. We'd like to hear from you as far as your priorities and we can put those in our plans.

I can try to answer any questions or throw them to Donna if I can't.

Chairman Talbert thanked Mr. Ohlms for the presentation.

Re: Consider Appointment of Local Business Representative to the Workforce Investment Board

Vice-Chairman LeSueur: Mr. Chairman, I do have a person in mind and I've got to get some confirmation from her and that would be Melissa Louis of the Spa in Dillwyn. I'm going to throw her name out there and what I'd like the Board to do is go ahead and vote on her tonight and I will make a motion to include her on the Workforce Investment and if there is an issue with it, I'll bring it back next month.

Vice Chairman LeSueur moved, Supervisor Kitchen seconded and was unanimously carried by the Board to appoint Melissa Louis to the Workforce Investment Board to represent the County.

Re: Consider Appointment of Board Alternate to the Commonwealth Regional Council

There were no volunteers, therefore the issue was tabled until February meeting.

Re: Consider Re-appointment of Supervisor Monroe Snoddy to the Crossroads Services Board

Supervisor Snoddy: I've served on there for three years and I think someone else should try it for a little while.

Chairman Talbert asked what it consists of.

Mrs. Carter: There is a monthly meeting, I believe, Mr. Snoddy, it's held during the day?

Supervisor Snoddy: It's at 6:00 on the 4th Thursday.

Mrs. Carter: There is a pay to the Board member from the state. So there is a monthly payment.

Supervisor Snoddy: They do good work, I'm not saying they don't.

Chairman Talbert: It has to be a Board member right?

Mrs. Carter: It has to be a Board representative. I'm not sure that is etched in stone, we've always had a Board representative on Crossroads Services Board.

Chairman Talbert stated that we would carry this over to next month.

Re: Consider Reappointment of Cassandra Stish to the Old Dominion Resource Conservation and Development Executive Council

Cassandra Stish has agreed to be reappointed to the Old Dominion Resource Conservation and Development Council. Mrs. Carter serves as alternate.

Supervisor Bates moved, Vice-Chairman LeSueur seconded and was unanimously carried by the Board to appoint Cassandra Stish to the Old Dominion Resource Conservation and Development Executive Council.

Re: Karl Carter, Assist. County Administrator: Update on NaCo Drug Prescription Discount Card

Karl Carter: Good evening members of the Board. I'm here tonight to give you an update on the NaCo Discount Drug Card program that I told you about before. I just passed out a card to you all, the actual card, we finally got some in the mail. I will remind you that on the card, it says it three times, I counted before I came up here, this is not an insurance card. This is a discount drug prescription card. It is compared to coupons. All stores take coupons and take discounts, some stores do not accept coupons, so it's like a discount on your prescription. All you need is one per household. If your pharmacy accepts it, you win. There is no cost to the County and no cost to you. It's free because we are part of the National Association of Counties. All citizens can use these cards for free. There is no cost to them whatsoever. The County is providing access to this program, we are not the administrator of the program at all. There is a 1-800 number on the card to call to get questions answered or to find out what pharmacies accept this card in this area. Like I said before, there are a lot of pharmacies around here that accept it like the Dillwyn Pharmacy, Health Center, Farmville CVS, Wal-Mart, Bruce's Drug Store in Scottsville, Clarks Pharmacy, Appomattox Drug Store, Cumberland Pharmacy, Fork Union CVS. All CVS' should cover it. After tonight, you are the first ones to receive the card, we will put some adds in the paper and radio announcements so we can get the word out that these cards are now available.

Supervisor Bates: Karl, can a citizen use this, say they have a prescription drug plan through their work, can they use this in conjunction with that for say the deductible?

Mr. Carter: I don't think so, It's just a discount on the prescription. I don't think you can use it for the co-pay.

Supervisor Bates: How will citizens be able to get these?

Mr. Carter: We will put some at the participating pharmacies, we will have some at the office and I will put some in the back for anyone here to pick one up. We were looking into putting them in the tax bills but once again, not everybody in the County will receive one and some people do not live in the County.

Re: VDOT Road Matters

Mrs. Huckabee Mayfield was not able to attend the meeting. The following update was included in the packet.

Planning and Investment Management Section

Jorg Huckabee-Mayfield, Transportation & Land Use Director

(434) 856 8170

VDOT CALL CENTER: 1 800 367 ROAD



**Buckingham County Board of Supervisors
Meeting**

January 2011

MAINTENANCE (For the next 30 days):

- Winter weather operations were undertaken over the Christmas weekend.

Over the next month, VDOT will focus on the following:

- Brush cutting will continue to be performed.
- Shoulder maintenance will continue, as needed
- We will continue to respond to customer service requests
- We will fill pot holes as they occur
- VDOT snow fighting crews and equipment will continue to respond to weather events

PROJECT STATUS

No updates this week.

TRAFFIC ENGINEERING ISSUES

None this month.

No activities requiring road, lane or structure closures are reported at this time

OTHER INQUIRIES/ISSUES

VDOT is beginning to plan for the upcoming Secondary Six Year Plan process. At this time, the Lynchburg District is reviewing last year's plans and verifying allocation balances. We will be meeting with County Administrators in the near future to discuss each county's preferences and methods of coordinating plan development. At this time, we have not received allocation amounts for this fiscal year.

Re: Consider letter of Suggestion and Request from Walter E. Saxon, Jr. Regarding Traffic in the Courthouse Village

Mrs. Carter: Yes, I will address and also Mr. Tommy Ranson is here to assist me with it because I asked him to look into it. You have a letter from Wes Saxon addressing that he heard we were looking to do something about the traffic in the Courthouse area for the employees during the construction process. He expressed his concerns for the traffic through the Village area more or less all the time. As you see there he talks about the number of times that vehicles have run into his house and other places. He's asked that we reconsider the flashing lights and do something that would flash your speed. He's asking you all to look at something more permanent. So we got a final cost for doing the temporary flashing lights and I think it was \$11,000. We thought it was going to be about \$15,000. Tommy worked on getting some estimates to do the permanent, and I'll let him describe what it would be at about \$25,264.

Tommy Ranson: I think the question you were asking and my question as well, was does this include the flashing amber lights with the pedestrian crossing signs but according to this estimate from Richardson and Waylon, the electrical state contractors with VDOT, or does work for VDOT, this does include the amber flashing pedestrian signs as well as the your speed signs. If you are familiar with some of the signs in Appomattox when you come on 460, it flashes your speed, that is what this will do as you come into the Village. I did check to make sure that this was included and it was included in this \$25,264.76.

Supervisor Kitchen: Tommy, would it be something like the ones in Appomattox?

Mr. Ranson: Yes, sir. It would be that with the addition of the amber flashing lights saying pedestrian crossing. We had some discussion about not just putting it where the employees have been crossing back and forth from the County Administration Building to the church parking lot, but actually putting it at the east and west entrance coming into the village so it will be for all the citizens in the village not just anyone crossing in that one spot.

Supervisor Kitchen: Is that going to suffice for the employees going back and forth across the road?

Tommy Ranson: What it would do it would notify motorist coming into the Village that they need to slow down obviously to the speed limit.

Supervisor Kitchen: It's a 35 mph speed limit, are we going to have that speed limit lowered or what?

Tommy Ranson: I guess that would be something the Board would have to ask VDoT to do.

Supervisor Bates: I thought they said they wouldn't lower it even temporarily.

Tommy Ranson: I'm not aware of that. I don't know.

Supervisor Kitchen: We can cut it back 10 mph it would make them slower than the lights I think. Then we have the lights that show the speed and we would have a double whammy there. I think we should ask.

Tommy Ranson: We wanted to try to get the Board more information with this new request so you would have some idea of what we are looking at not only for the citizens crossing the road but for all the citizens throughout the village to be better protected by having signs on each end of the village.

Chairman Talbert: Basically what you are saying is hold of on the other. Don't do anything with what the Board has voted on until you find out about this other.

Mrs. Carter: I would suggest that, I'm not sure if they can lower the speed limit, I know it's been discussed before, but I am sure that won't unless the Board officially requests. If yall want to take action, then we will see what else they need.

Supervisor Bates: I worry that if we delay this much further, we are not going to have the signs up for the immediate hazards, the reason we tried to address this thing in the first place which was employees having to cross the road two or three times a day to go to work. We keep putting this off, someone is going to get hurt.

Tommy Ranson: Yes, time wise, the date for construction of this was to be finished by February 19th.

Supervisor Kitchen: My point is if we lower the speed limit to 25, we can put the signs up now and do a resolution to ask the state to lower it.

Supervisor Bates: I disagree with you John, I think difference in, what was the first project, \$11 thousand and something...

Tommy Ranson: The Board approved \$15,000 and project came in at approximately \$12,000.

Supervisor Bates: Right, and to add these other, speed detection signs, will be approximately \$25,000. I will tell what, I think you would be better ahead to get these flashing signs up here, do like we said, get VDoT to lower the speed limit and if you are hell bent in spending that money, put it in selective enforcement and get the Sheriff to use the difference, that \$13,000 to pay his deputies to sit at the ends of these courthouse and people will slow down to keep from getting a ticket.

Chairman Talbert: Do you have a problem with this Sheriff.

Sheriff Kidd: Nope.

Vice Chairman LeSueur: I'm game with that. I made a comment at the last meeting that that's not a lot of money to save one person from getting hurt.

Supervisor Bates moved, Vice Chairman LeSueur and Supervisor Allen seconded and was unanimously approved to petition VDoT to lower the speed limit within the Courthouse Corporate area to 25 mph.

Supervisor Bates moved, Vice Chairman LeSueur seconded and was unanimously carried by the Board to authorize the County Administrator to go ahead with the installation of the project that the Board previously approved.

Supervisor Bates: I have a question for Mrs. Carter, if we were to look at selective enforcement where will this money come from?

Supervisor Kitchen: This other money is coming out of the reserve for the project.

Mrs. Carter: The \$11,000 is coming out of the Reserve for Contingency for the project. Right now you all appropriate \$19,000 or \$21,000 for enforcement of the ordinances and the Sheriff's Department distributes that among the law enforcement officer's salaries.

Supervisor Bates: Right, I understand that, we've been doing that for a long time. But I think this is a one time money to get people's attention to the speed limit through the courthouse, we are serious about it. We can't have people dodging tractor and trailers.

Mrs. Carter: You would need to appropriate that money from the Ending year balance or the reserve for contingency.

Supervisor Bates moved, Vice Chairman LeSueur seconded and was unanimously carried by the Board to authorize up to \$5,000 from Reserve for Contingency for the Sheriff's Department to use to enforce the speed limit through the Courthouse area and when that money runs out they come back to us and let us know how it is.

Supervisor Bates: Sheriff do you have any input on that?

Sheriff Kidd: Not at this time, no sir. We will do what you want us to do.

Re: Consider Fiscal Year 2011-2012 Tentative Budget Schedule

Due to the way the calendar falls for 2011, we have noticed that the budget calendar for 2011-12 will be to be adjusted. Because March's Board of Supervisor's meeting is so late in the month, March 14th, we only have three full weeks between March's Board meeting and April's Board meeting on April 11th. With only so few days between meetings it will be impossible for us to do all the things necessary to adopt our budget according to the code.

Mr. Carter has provided you with two different options. Both options include rescheduling our current Board of Supervisor's meetings. The first option is to move the March Board meeting from March 14th to March 7th. By moving the March meeting up a week it will give us the four weeks we need in order to do everything we need to do such as advertise the budget a full week before we hold the public hearing.

Option two includes leaving the March meeting date the same but moving the April meeting from the 11th to Wednesday the 13th. Also with this option we would come back a week later on Wednesday the 20th to adopt the budget.

Supervisor Kitchen moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve the first option of moving the March 14th meeting to March 7th.

Re: Consider Appointment to the Finance Committee for 2011

The By-Laws and Rules of Procedure require that a Finance Committee be appointed consisting of two Board members, the finance officer, the County Attorney and the County Administrator. The present Board member representatives are Supervisors Bates and LeSueur.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to reappoint Supervisors Bates and LeSueur to the Finance Committee for 2011.

Re: Consider Appointment to the Personnel Committee for 2011

The By-Laws and Rules of Procedure require that a Personnel Committee be appointed consisting of two board members and the County Administrator. The present board member representatives are Supervisors Chambers and Talbert.

Supervisor Kitchen moved, Supervisor Snoddy seconded and was unanimously carried by the Board to reappoint Supervisors Chambers and Talbert to the Personnel Committee for 2011.

Re: Consider Appointments to the Water/Sewer Committee for 2011

The By-Laws and Rules of Procedures call for the appointment of a Water/Sewer Committee. This committee is to consist of two board members, the Public Utilities Director, the County Attorney and the County Administrator. The present board members that serve are Supervisors Kitchen and LeSueur because the water and sewer customers are primarily in their districts.

Supervisor Kitchen moved, Supervisors Snoddy and Bates seconded and was unanimously carried by the Board to reappoint Supervisors Kitchen and LeSueur to the Water/Sewer Committee for 2011.

Re: Consider Sheriff's Department Vehicle Bids

Per the board's request, we advertised for the purchase of three marked police vehicles for the Sheriff's Department. The bid opening was on January 4th at 1:00 p.m. at the County Administration Building.

The two bids we received were from Gilliam Motors and Sheehy Ford. Gilliam's price per vehicle is \$22,533 and Sheehy's price is \$22,199.47 per vehicle, both with no deviations from our specifications. The listed price using the state contract is \$23,000.66.

Supervisor Kitchen: Mr. Chairman, I'll make a motion that we give the award to Gilliam Motors and the reason I do that because they are \$333.53 higher than Sheehy Ford, but it would be \$166.77 per vehicle, if we had to run them down to Richmond one time, that would be gone. Mr. Gilliam has plenty people working for him and not only that he is a large tax payer in Buckingham county.

Supervisor kitchen moved, Supervisor LeSueur seconded and was unanimously carried by the Board to award the bid for three marked police vehicles for the Sheriff's Department to Gilliam Motors at a price of \$22,533 each.

Re: Consider Change Order Number 1 for the Sewer/Drain field for the Government Complex in the amount of \$30,877.56

Mrs. Carter: As you have been made aware of early in the process of the County Administration/Government Complex, there has been a problem in locating the sewer system for the complex. So they found another location and they presented a change order, originally of about \$83,000 which we rejected. Now we do bring back, they brought the price down to \$30,877.56 which is about \$52,000 less than what they originally proposed. We found some other deducts and there is money in the Reserve for Contingency for the project to pay for this.

Supervisor Kitchen: Mrs. Carter, let me ask you this, who designed this?

Mrs. Carter: Timmons Engineering.

Supervisor Kitchen: They were approved by the architect?

Mrs. Carter: Yes

Supervisor Kitchen: Well they knew because they brought the sewer from the Courthouse up here that this land was not all that good. Same architect. I just don't see the taxpayers of Buckingham County paying for somebody else's mistake.

Mrs. Carter: Actually R. Stuart Royer did the sewer for the Courthouse. R. Stuart Royer was the engineer for the sewer at the courthouse. Timmons did the site work.

Supervisor Kitchen: They did the site work.

Mrs. Carter: They didn't do the water and sewer. R. Stuart Royer did the water and sewer.

Supervisor Kitchen: Yeah, but I'm talking about, they did the site preparation for the sewer and the location.

Chairman Talbert: Can we put this out to bid?

Mrs. Carter: No.

Supervisor Kitchen: My concern is that we are paying roughly ½ million dollars for architect for this project and they are supposed to design this project up here.

Mrs. Carter: Timmons designed it and the Health Department rejected it.

Supervisor Kitchen: Well they did all the forms and all the paperwork and everything. They did it right before us and told us how it was. How much it was. I just don't think the taxpayers should have to foot this bill. What we don't spend, it goes back to the taxpayers. I make a motion that we reject it and let them pay for it. The architects should pay for it.

Chairman Talbert called for a second on the motion.

Supervisor Chambers seconded.

Chairman Talbert called for discussion.

Vice Chairman LeSueur: I have a question for Counsel: With that situation with the Contractor, as it relates to that sewage, do we have a leg to stand on in argument of that matter?

Mr. Wright: No. It will stop the project, you would pay the contractor the rest of the money he is due. You will not recover any money, you will lose money, the contract will fall apart and if you want to kill a project, that's a good way to do it.

Vice Chairman LeSueur: For a sewage system.

Supervisor Kitchen: Who's responsible? Somebody should be responsible.

Mr. Wright: In every project, there are items that are going to be changed.

Supervisor Kitchen: I know all that E.M. but if you know the soil is bad and knew that they did core drilling...

Mr. Wright: They had discussions but they, the way I understand it, it was an ongoing discussion. Comments were made one way or the other, up and down by a few thousand dollars. To collect in errors in admission, you've got to point to the negligence. You are not going to get that with this situation, in my estimation. You are welcome to take it on, but the project will stop, you will end up paying for a project you won't have and it will just be hanging.

Chairman Talbert: In other words what you are saying is the architect and engineer has got us. They bid on this building knowing that this might come up. We are going to have to foot the bill now. How many more things down the road?

Mr. Wright: There are many words in how you phrase it. If we want the project to move forward you'll pay it.

Chairman Talbert: What you say it's going to cost the county more money than what it is then if go ahead and pay it.

Mr. Wright: A lot more money.

Supervisor Chambers asked Supervisor Kitchen if he was going to withdraw his motion now.

Supervisor Kitchen: Yeah, I want to vote on it.

Supervisor Chambers: I withdraw my second, because he says it's going to cost us more in the long run.

Chairman Talbert: I agree with John, at the same token, I don't want to see the project stop if we don't have a leg to stand on.

Supervisor Kitchen: I don't want to see the project stop, but what I'm saying is, it's like they are holding a loaded gun to our head.

Chairman Talbert: I agree with you.

Supervisor Kitchen: Can we go ahead with the project and request this money at the end from the architects?

Mr. Wright: What basis are you requesting money? What basis do we make that request?

Supervisor Kitchen: What are we paying them for?

Mr. Wright: We are paying them to design this building and see that it's built.

Supervisor Kitchen: They designed the building and the sewer thing and the whole nine yards. Any way the laws says....

Mr. Wright: Here is they skinny of it, a break down or short version of it. When the project was bid, the health department had not issued the permit which was anticipated based on the way it was designed. Now, you are correct, Mr. Kitchen, there was some discussion of soil, they had identified there was a problem with the soil. When they submitted the design, the health department says, no, we can not approve the permit that way. In the interim, the contract was sent, they went back and redesigned it to the way the health department would issue the permit. The original proposal they submitted, I think, if I remember correctly was \$80 some thousand dollars. That was totally unacceptable and we had to do some trade offs, and I say we, I have a habit of saying we, but it come down to this. So in terms of proving errors and omissions which is where it would go, there has not been a negligence level raised at this point that would be actionable. There is no violation of contract with them that would be actionable. The contract was bid based on a system that was being submitted to the health department to be approved. Then when the system was approved, they had to modify it with no additional engineering cost as I understand it was involved in making that modification. The change in cost was strictly what the contractor says it's going to cost to put in what the health department has now approved. So, as with a lot of projects, you don't have all the permits you need when the project is bid. This is one of those cases where it was anticipated that the permit would be forthcoming and it was on a slippery slope at that time. That permit did not come through when it was anticipated. It is easier to modify it, there was some discussion among the engineers with the engineers and architects of whether they wanted to spend time appealing the decision of the health department which was one viable alternative from a point of view of moving forward you don't know when that's going to be, you would delay the project, you add to the cost so they came to a compromise with the health department and said let's do it this way and that's where it is at this particular point and time.

Chairman Talbert: Supervisor Chambers withdraw his second, we still have to vote on the motion but I came here to vote against it but since you explained it and we saved fifty some thousand dollars, which they could have stuck to the fire with eighty some thousand dollars, really.

Mr. Wright: It's my understanding that the original number that they proposed was eighty some thousand dollars and there was a lot of work that went into it by the architects and some concessions by the contractor and other people to try to minimize this because they knew it was a problem and they knew we were on a tight budget, clearly, this will come close to using the contingencies and that's why you put a contingency line in there. To deal with things that you don't anticipate and I understand the point that this Board is not committed to not spend another dime more than it has to spend but sometimes you just reach the point where you've got to blink and go on and just say you need to hold your nose when you go.

Supervisor Kitchen: If we do this, then we are just giving them a license to steal.

Mr. Wright: I disagree with that Mr. Kitchen, you don't know how much effort, and I understand when they come to you and say it's \$30,000, you don't know how much effort it was to give them a license to take \$80,.000.

Supervisor Kitchen: I know yall compromised and that's fine, a good deal you made but the same thing, it's still the taxpayers...

Mr. Wright: It's yall's wisdom and I serve at yall's pleasure so which ever way you want to go I'll ride that horse.

Supervisor Kitchen moved to reject the Change order No. 1 and send it back to the architect. There was no second. The motion was defeated with a 1 to 6 vote with Supervisor Kitchen voting in favor and Supervisors Snoddy, LeSueur, Chambers, Talbert, Bates and Allen voting in opposition.

Mr. Wright: Mr. Chairman, you still need a motion to approve the change order.

Vice-Chairman LeSueur moved, Supervisor Allen seconded to approve the Change Order No. 1 in the amount of \$30,877.56. The motion passed with a 6-1 vote. Supervisor Kitchen voting in opposition.

Re: County Attorney Matters

Mr. Wright: I do have one item on the County Attorney matters. Last month you all voted to take some grant money from the water/sewer to expand the computer system and the software system, Mr. Carter has negotiated a contract and it requires some further action by yall so I'll let him do the talking because he is not as argumentative as I am.

Mr. Carter: As E.M. said last month I came before you for a computer system upgrade for the County Administration building. We haven't had an upgrade since 1996. This new system will give taxpayers the ease of doing payments online and not having to come into the building to do water bills, real estate or personal property. They can do a lot of thing from their house and not having to come to the county building. What Mr. Wright has prepared a resolution that we need to approve tonight to move forward with this. The funds for this is coming from the Water/Sewer project. There are no General Funds at all. Grant money is paying for this, no county money at all.

WHEREAS, on December , 2010, the Board of Supervisors authorized money from the Water and Sewer Department (from the Water Plant project) be used to purchase a new computer system and software, including hardware and software for the telephone and internet use and access; and

WHEREAS, the computer system with the proprietary software currently used by the County (BAI) is only available from one source, CAS SEVERN; and

WHEREAS, the hardware and software for the telephone and internet access is available on state contract through ABS.

ACCORDINGLY

The Board does find, pursuant to Section 2.2 - 4303 E of the 1950 Code of Virginia, as amended; that CAS SEVERN is the one source practicably available to provide the new computer system and software upgrade that is used by the County; and

FURTHER

The Board does authorizes the County Administrator to enter into a contract (a copy of the proposal is filed with the Clerk) with CAS SEVERN for the purchase of a new County Computer system (Alternative II) and BAI software in the amount of \$ \$74,028,00; and

FURTHER

The Board authorizes the County Administrator to enter into a contract (a copy of the proposal is filed with the Clerk) with ABS for the purchase of hardware and software for the telephone and internet access in the amount of \$\$23,904.24.

It is directed that action be posted in designated public place for public business of the County.

Vice-Chairman LeSueur moved, Supervisor Snoddy seconded and was unanimously carried by the Board to approve the above resolution for the upgrade of the computer system at the County Administration Building using funds from the Grant for Water/Sewer Projects.

Re: County Administrator's Report

Mrs. Carter: The first item is that I have provided you with a personnel committee report.

Second I would like to update you on what little I do have so far with legislative updates. I think the biggest issue right now that VACo is working with is House Bill 1588. This bill is identical to the House Bill last year, 570, which was defeated. It passed the House but was defeated at the Senate. This bill transfers the burden from the taxpayers to the assessor when a tax payer appeals the assessment of real property with the Board of Equalization. This in turn transfers it to the localities when such appeals go to the circuit court. The bill can be characterized as a big government bill because it will increase government costs. Passage of this bill will overturn the case of legal precedence and require local governments to hire additional assessors and additional attorney fees. It will also lead to a large number of appeals and litigations. They are also concerned that it will encourage frivolous appeals and litigation because the applicant will not have to demonstrate justification for the claim. So now you have to have justification of why you file an appeal to the circuit court but with this House Bill that will no longer be necessary. Also there is a concern that circuit courts will be burdened with endless appeals as it will become effective January 1, 2011. So, some of the localities are concerned that this will become a liability and it will require the localities and cities and towns to set aside and reserve tax dollars to pay for this costs. VACo has advised that this is a high priority with them to try to defeat this on behalf of the localities. The way it's been, most states do it the way Virginia is doing it now. One example of a state that is doing it the way Virginia is proposing now to do it, is Texas and they are not having a good success with that. They are seeing a higher rate of appeals and more costs.

Another issue that we found, was a hidden provision in last year's budget bill from the Commonwealth. It will have a financial impact on Buckingham County of about \$60,000. In lieu of taxes, the Department of Corrections pays a service charge. There is a formula by the state where each locality that has a correction facility in the county, calculates the cost of law enforcement, fire and rescue or any other services that are provided by the localities such as court services to that Department of Corrections, and we use this formula and bill them for payment in lieu of taxes. Somehow last year, that got changed so we recently found this out. Brunswick County found this out when they sent their invoices to their Department of Corrections, they received a letter saying by the way the code has changed and we no longer pay it. Now they are trying to get that changed. Some of the localities have correctional centers and I've looked back through some of our and I believe the payment in lieu of taxes actually was an incentive for the Department of Corrections used to the localities to encourage the location of the facilities in the County. I don't think there has been any decrease for the need for our fire and rescue, sheriff's department and court services for the Department of Corrections.

I would like for you all to take action tonight for me to officially join with the other counties to encourage that to be reversed.

Supervisor Snoddy moved, Vice Chairman LeSueur seconded and was unanimously carried by the board to authorize Mrs. Carter to join forces with the other Counties to get payment in lieu of taxes for the Correctional facilities reversed.

The Generally Assembly will start up on January 12th and I'll try to keep you all posted. I'm still pretty concerned about the Machinery and Tools tax, so we will be watching that this year.

The other issue is, and the Commission of the Revenue is out on sick leave so she couldn't be here tonight so she couldn't be here tonight, regarding the Tax Stabilization Ordinance. I think we need to do some clarification in there. I believe initially when that ordinance was adopted it was that their assessment would not go up. The purpose was to try to maintain the same tax amount that that qualified person pays. We need to relook at some of the wording in that. The Commissioner of the Revenue has also asked for a change in date of application. She has presented to me that it would be January to April 1st. My concern there was is if we adopt a change in tax rate, we are not going to do that until the end of April. So that person wouldn't even be able to make an application for that year but Mr. Wright searched some of the other counties ordinances and they do have an April 1 deadline. The Commissioner of the Revenue's reasoning for that is she has to run the tax book by May 1st so if any changes are made after that, supplements will have to be made in the computer. I would like to ask for more time to work on this with her and bring it back to you next month.

Re: Other Board Matters

Chairman Talbert called for any other Board matters.
There were none.

Re: Executive Closed Session

Supervisor Bates moved, Vice-Chairman LeSueur seconded and was unanimously carried by the Board to enter into executive session under the following codes:

Section 2.2-3711.A.5. – Discussion concerning 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.

Section 2.2.3711.A.7. – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Re: Return to Regular Session

Supervisor Bates moved, Vice Chairman LeSueur seconded and was unanimously carried by the Board 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

There being no further business, Chairman Talbert declared the January 10, 2011 Board of Supervisors meeting adjourned.

ATTEST:

Rebecca S. Carter
County Administrator/Clerk

E.A. "Bill" Talbert
Chairman