

**Buckingham County
Board of Supervisors
Monthly Meeting
And Joint Public Hearing with
Planning Commission
June 13, 2011**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, June 13, 2011 at 7:00 p.m. in the Buckingham County Agricultural Center, the following members were present: E.A. "Bill" Talbert, Chairman; I. Monroe Snoddy; Joe Chambers, Jr.; Dr. Brian D. Bates; Danny R. Allen; and John D. Kitchen, Jr. F.D. "Danny" LeSueur was absent. Also present were Rebecca S. Carter, County Administrator; Karl Carter, Asst. County Administrator; Rebecca Cobb, Zoning Administrator; and E.M. Wright, Jr., County Attorney.

Re: Quorum Present

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

Re: Call to Order, Invocation and Pledge of Allegiance

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

Re: Approval of Agenda

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to approve the agenda as presented and the following addendum:

Department/Agencies

J-6 Consider School Board revisions to the FY11 Budget

Other Matters for Board Consideration:

K-4 Consider Resolution for the 75th anniversary of Virginia State Parks.

Re: Approval of Minutes

Supervisor Kitchen moved, Supervisor Snoddy and Bates seconded and was unanimously carried by the board to approve the minutes of the May 9, 2011 and the May 16, 2011 meetings.

Re: Approval of Claims

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

Re: Approval of First Quarter Appropriations

Supervisor Kitchen moved, Supervisor Snoddy seconded and was unanimously carried by the board to approve the First Quarter Appropriations as follows:

General Fund	\$	1,601,937
Water Fund	\$	307,312
Sewer Fund	\$	68,920
Capital Improvements Fund	\$	38,820
VPA Fund	\$	663,010
**Courthouse Debt Service	\$	927,703
Schools:		
Instruction	\$	3,754,168
Adm/Attn/Health	\$	219A41
Transportation	\$	371,684
Operations	\$	448,614
School Food Services	\$	44,258
Capital Outlay	\$	218
Cafeteria	\$	294,564
Technology	\$	267,618
**Debt Service -High School	\$	303A01
**Debt Service -Middle School	\$	946,130

**Actual Budget Numbers

Re: Announcements

There were no announcements.

Re: Public Comment

Will Deane: Well, thank you. My name is Will Deane and I represent the Ellis Acres Memorial Park, as if you didn't know, each time that I've appeared before the Board I've had my hands out asking for something, it gives us a great pleasure this night with our arms open to you to invite you to our official opening of Ellis Acres Memorial Park. It will be November 11, 2011 at 11:00 a.m. in the morning. This will be our official opening. This was made possible by many things. Including the waivers that you have given to us, to the individual donations by people to the many grants. Two things that have happened in the past couple weeks really have put us in the position for this official opening. We had \$89,000 grant from the Charlottesville Area Community foundation, we received the check this weekend and deposited it this morning. We also have \$50,000 grant from Wal-Mart being recognized by what is happening with Ellis Acres from Arkansas. They are coming this month, the 23rd at 9:00 a.m. to 1:00 p.m. to present the award and to have a briefing of the park and also the Supervisors and Associates are coming to perform community service. They didn't just want to give us the money, they wanted to come and work with it so we are going to paint our picnic tables and paint our fence and do some mulching. You all are invited to that also but come prepared to work. But total awards and fund raisers and contributions for Ellis Acres is approaching \$380,000. I just think people should know that. People have worked hard. You see we've got our Ellis Acres Boosters, that is an organization that formed to provide publicity, fellowship and to raise funds. (the Boosters was asked to stand for recognition) Things are going very good. We are working on the outdoor restrooms. We are renovating those and we'll start renovating the interior of the building. We also have us a web page along with the Town of Dillwyn. If you forgot to mark your calendars, I'll let you know something a little later about the official opening in November but please mark your calendars. This is for June 23rd at 9:00 a.m. at Ellis Acres. Thank you very much and I appreciate all your support.

Temple Taylor: Board of Supervisors, Mrs. Carter, it's so good to be here with yall and see yall's faces. Since I retired, I miss all yall. I'll come back and visit yall. I just wanted to take this time to thank the Board and all the citizens here in Buckingham for coming out to my business, Dillwyn Dry Cleaners. I'll be there a year come July. Yall have really supported me and that has meant so much to me and Herman. Going through this year, it's been rough for me and Herman. Herman has been real ill and I've been back and forth. But God's a good God. He's looking over us. One person I just wanted to special thank is Billy Kidd. Billy Kidd has been so faithful to send his deputies by to take care of my business when I was in the hospital with Herman. He called and talked to me and I really appreciate Billy doing that. I appreciate his deputies coming out. He told me, "Temple don't worry about a thing there, you take care of Herman. That meant a lot to me and it meant a lot to Herman. Thank you everybody. I appreciate it.

Re: Road Matters

Mrs. Huckabee-Mayfield: I'm going to start off tonight for the update report for this month.

BUCKINGHAM COUNTY
Board of Supervisors Meeting – June 13, 2011

MAINTENANCE	
Planned Maintenance activities for the next 30 days: <ul style="list-style-type: none">• Crews will tractor mow along primary routes and address customer concerns.	
CONSTRUCTION	
<ul style="list-style-type: none">• Route 609: The road will be closed from Route 15 to Route 633 for bridge work. A signed detour will be in place. The estimated completion date is August 2011.	
TRAFFIC STUDIES/SPECIAL REQUESTS	
<ul style="list-style-type: none">• As a result of our traffic investigation, DEAD END Warning Signs will be installed on Route 736 for southbound traffic, just south of Route 60, as well as DEAD END Warning Signs for eastbound and westbound traffic underneath the street name signs at the intersection of Route 60 and 736. Sign installation is pending.• A request was received for a SCHOOL BUS STOP AHEAD to be placed on Howardsville Turnpike. We recommend that FREQUENT SCHOOL BUS STOPS NEXT 1.0 MILE signs and FREQUENT SCHOOL BUS STOPS NEXT 1.0 MILE be installed.	
PROJECT STATUS	
<ul style="list-style-type: none">• The Draft Secondary Six Year Plan has been submitted for the Public Hearing.	

I'd like to introduce Mr. Randy Hamilton who is the Lynchburg District Programming Director. He will be presenting the plan and answer any questions you may have.

Chairman Talbert asked if anyone had any questions for VDoT.

Chambers: On Rt. 20 going north, about 5 miles south of Scottsville, Forest Lane, that road is in real bad shape. I think the state took over those subdivisions, am I right? Anyway, Supervisor Kitchen and Talbert went down there and there is nothing but chunk holes in the road and it's washed out. People asked me the other day if the County can furnish them some camels to go back to their home and leave the cars at home. That's how bad it done got. I told them we weren't in the camel business, I didn't know.

Mrs. Huckabee-Mayfield: What's the route number on that?

Chambers: Forest Lane. The subdivision on Rt. 20 north.

Huckabee-Mayfield: I will check on that.

Chambers/Talbert: I appreciate that.

Kitchen: Did you check on the homeowner's thing there?

Chambers: I got a copy of subdivision, Mrs. Cobb can help me, I think that the state took them over, didn't they?

Kitchen: No, they didn't take that over. They numbered all the roads they took over there. They didn't take them all over. You ever notice the roads got the numbers on them and are hard surfaced, that's the one's the state took over. Forest Ridge, some of the lane's they did not take over.

Huckabee-Mayfield: I'll verify that for you and get back with you.

Chambers: They say a school bus travels that road.

Kitchen: That is probably one they should've took over but it washes real bad.

Talbert: It's in bad shape, I tell you. I feel sorry for the nice homes that's in there and have to come through a road like that. I don't know who does the maintenance on it.

Does any citizen have anything at this time?

Cassandra Stish: State Route 664, Sycamore Creek Road, where it comes off Woodland Church Road and goes down a rather steep hill, it has washed out significantly. It's too narrow for two vehicles to pass there comfortably and much too narrow for a school bus and a vehicle to pass through comfortably. The shoulders are eroded almost continually. I recognize that you guys send a grader out there often to keep it from wash boarding out, but it's just so steep and steep banks on either side but it's always cut. So if there's anyway to just fix that part of it anyhow since that is the part that's most dangerous. Thank you.

Re: Public Hearing Six Year Plan

Randy Hamilton: Mr. Chairman, Board members, good evening. I'm Randy Hamilton, Program Director in Lynchburg for this section. Previously I was resident engineer in the Chatham Residency. I appreciate you having me here this evening to go over the six year plan for public hearing. In previous years, I do not know how Mr. Wright handled it but I do have sections of the code that I need to announce.

Good Evening ladies and gentlemen; my name is Randy Hamilton, Virginia Department of Transportation, Section 33.1-70.1 of the Code of Virginia as amended requires that the County

Board of Supervisors in conjunction with the Department of Transportation formulate a Six Year Secondary Road Improvement Plan. This is currently done on a yearly basis. Tonight's public hearing is being conducted for fiscal years 2012-2017. The purpose of this hearing is to receive public comments on the Secondary Roads Six Year Plan for the Fiscal Years 2012/13 through 2016/17 in Buckingham County for secondary road construction budget for the Fiscal Year 2012/13. We point out that the six year plan is not a construction plan but rather an allocation plan. In other words, in the next six years, we will allocate money to the project listed for construction. At this time I'd like to go over the draft plan of the roads that we have in that. You go to page 2, first item is countywide traffic services; countywide rural additions; countywide engineering and survey; countywide right of way; then you have Rt. 20 Constitution Route to reconstruct approximately ½ mile at the intersection of Rt. 631. You have Rt. 700 Woodyard Road relocate the connection to Rt. 20; also on Rt. 20 replace bridge and approaches over Slate River; also Rt. 697 Rural Rustic 1.48 miles west of Rt. 646 and 1 ½ in length. Rt. 636 also is a rural rustic, 3 miles south and then Rt. 700 Woodyard Rd. This draft plan is last years plan that the board approved. This is a continuation of last years plan. At this time we would like to solicit comments from the public regarding this plan. We ask that if anyone wishes to speak, you come to the microphone so we will have a clear recording of your comments. Also please state your name, and magisterial district for the record. Let me remind you that it is a public hearing and not a question and answer session. So it's not a prolonged hearing for everyone, anyone with questions can reserve then until after the hearing and I will be happy to discuss them at that time.

Chairman Talbert declared the public hearing open for comments.

Comments will be called upon by districts.

District 1: There were none.

District 2: There were none.

District 3: There were none.

District 4: There were none.

District 5: There were none.

District 6: There were none.

District 7: There were none.

Chairman Talbert declared the public hearing closed.

Mr. Hamilton: Ok Mr. Chairman. Basically it's the board prerogative whether to pass the draft.

Supervisor Bates moved, Supervisor Kitchen seconded and was unanimously carried by the Board to approve the Six Year Plan for FY2012-2017 as presented.

Re: Joint Public Hearing with Planning Commission regarding Updating Zoning Ordinance to Match Comprehensive Plan

The following Planning Commission members were present: John E. Bickford, Chairman; Cassandra Stish, Vice-Chair; R. Patrick Bowe; James D. Crews, Sr.; Henry Hagenau; Alice Gormus; and Danny R. Allen, Supervisor Representative. Absent was Royce E. Charlton, III.

Planning Commission Chairman Bickford called the Planning Commission meeting to order at 7:20 p.m. A quorum was established with six of seven Commissioners present.

Zoning Administrator Cobb: Tonight's public hearing is on the Zoning Ordinance revisions to the Business District, Light Industrial, Heavy Industrial, the Recreational Access, and the Landfill Waste Disposal as well as the Telecommunications Article. The revisions include changes to the Permitted Uses and Special Uses, this is mostly just to clear these up, make them a little more broad so that we don't have to revise the text every time someone wants to start a new business. We also made changes to the setback requirements. In some cases we decreased the setback requirements trying to allow for more business friendly options, however when the property is zoned Business or Industrial and it is next to something more Agricultural or Residential we do maintain and in some cases increase the setback requirements. The other corrections are just references that were misplaced. Then, for the Telecommunications Article we have one change that says the applicant will have to notify any property owners within 2600 feet. Originally it said that they would notify adjacent landowners, this is going to be any landowners within 2600 feet, the applicant has to notify them, usually this is done at the balloon test. That's the changes that are before you tonight for the Zoning Ordinance.

Chairman Bickford: Thank you, Ms. Cobb. Mr. Chairman, would you like to open up...?

Chairman Talbert declared the public hearing open to hear comments.

Planning Commission Chairman Bickford declared the public hearing open to hear comments.

There were no comments.

Chairman Talbert declared the public hearing closed.

Planning Commission Chairman Bickford declared the public hearing closed.

Chairman Bickford: Does anyone have any questions for Ms. Cobb?

Commissioner Stish moved, Commissioner Hagenau seconded and was unanimously carried by the Commission to recommend the changes to the Zoning Ordinance as provided to the Board of Supervisors.

Chairman Bickford: Mr. Chairman, the Commission has approved this unanimously.

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve the Planning Commission's recommendation to approve the changes to the Zoning Ordinance as provided.

Chairman Bickford: Thank you, Mr. Chairman. I appreciate the opportunity to meet. Do I have a motion to adjourn the Planning Commission meeting?

Commissioner Hagenau moved, Commissioner Stish seconded and was unanimously carried by the Commission to adjourn the meeting for the Planning Commission.

Re: Zoning Matters: Introduction to 11-SUP-201 for LINK, LLC

Mrs. Cobb: This is the introduction to case 11-SUP-201 from Learning Independence and Necessary Knowledge, LLC also known as LINK. They are asking for a special use permit for the first phase of a recreational facility. This phase included two restaurants with alcohol service, zip lines, shooting range, overnight lodges, horse stables and riding arena. This is located on Tax Map Sections 140, 141, 154, Parcels 58, 32, 1 containing an approximate total of 170 acres off of Route 628 (High Rock Rd) in the Curdsville Magisterial District.

The Planning Commission held a public hearing on May 23, 2011. During that public hearing they heard comment from one person who had concerns about the shooting range; in particular they had concerns about a back stop being provided. The Planning Commission also questioned the applicant about the septic system, operating hours, noise, the shooting range design and ultimately voted unanimously to approve or recommend approval, the special use permit with conditions. I will follow this by saying there was someone at that public hearing that chose not to speak that night but called me later and they had further concerns and I urged them to come here tonight and speak during general public comment time to speak to you about that. One thing that I will bring to your attention is that there has been some correspondence between myself and VDOT as well as the applicant. The applicant does have a long range plan for five phases this development and let VDOT know what those phases are and we can tell on their application what those phases entail. What VDOT has told me is that they will not give a recommendation about Phase 1. They want to see the entire project and give their recommendations based on that. They would break it down into phases but they also want to, for the applicant as well as the county, look at the project in its entirety, just in case, in the future, there needs to be a lane added or gets costly and the applicant backs out and that sort of thing. However the applicant has provided you with information from their engineer which states that they do not have concerns about the road at this time and they feel like it should be judged on just phase 1 at this time. They are willing to give more information as they bring phases

forward. That is all the information I have at this time. The applicant is here if you have questions for them.

The conditions are as follows:

1. That all federal, state, and local regulations, ordinances and laws be strictly adhered to.
2. Right of ways and roadway shoulders shall not be used for parking
3. The property shall be kept neat and orderly.
4. That commencement of the business shall begin within one year of the approval by the Board of Supervisors or this special use permit shall be null and void.
5. The applicant/owner shall maintain liability insurance to cover all participants and employees.
6. A music/Entertainment Festival Permit shall be sought at least 60 days before any such event.
7. The owner shall hire private rescue if the County becomes burdened with the rescue calls from the facility.
8. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.
9. No structure greater than 150 square feet shall be erected within 100' of adjoining properties without adjacent landowner's written permission.
10. No new trails or roads, except for main entrance road, shall be built within 100' of property lines without adjacent landowner's written permission.
11. The Buckingham County Noise Ordinance must be adhered to.
12. The shooting range may only be open and operating Monday through Saturday.
13. The shooting range may only be open and operating Monday through Saturday.
14. The shooting range shall not operate prior to 8 a.m. or after 5 p.m. during Standard Time (as observed November through March). The shooting range shall not operate prior to 8 a.m. or after 6 p.m. during Daylight saving time (as observed March to November)
15. That all documentation submitted by the applicant in support of this request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.
16. Nothing in this approval shall be deemed to obligate the County to acquire any interest in the property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
17. 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.
18. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the permit approval, if it be the wishes of the Planning Commission or Board of Supervisors.
19. 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.

20. That the applicant (s) understands the conditions and agrees to the conditions.

Talbert: You said there was one person that wanted to speak that didn't speak at the Planning Commission? The Board can either set a public hearing or make a final decision. What is the pleasure of the Board?

Kitchen: Mr. Chairman, we were down there and talked to the lady and she said that they might not want to put the shooting range in at this time because they don't know exactly where they are going to put it. Did they settle that Bobby?

Bobby Snoddy: I'm an attorney in Dillwyn and I represent LINK. The applicant has decided to post the concern about the shooting range, to withdraw that from this phase, postpone it to a later phase, and as you recall in reviewing the documents that you have been provided with, the phases are set up where the applicant has to come back to you every time they go from one phase to the next phase. We have several people here tonight to any and each of you that want to be spoken to. We have Mr. Timmons from Timmons Group to talk about the highway. We have Paul Louis, whom you are familiar with, to speak with you about the septic system. Ms. Browning, she is the project manager so to speak and she will answer any general questions that you have. I have a letter here that withdraws that shooting range portion of phase 1 and postpones it. We don't say which of the future ranges it might be but it gives us an opportunity to fine tune it to what your concerns are and what the public's concerns are.

Kitchen: What you are saying, Bobby, is to approve phase 1 but without the shooting range down the road because the lady said that they were planning on buying, I believe they said another couple hundred acres.

Bobby Snoddy: There is a contract in existence that has been signed for the Huddleston property that is about 179 acres at the New Dominion School and High Rock Road which is going to be closed on August the 2nd.

Kitchen: That's a nice piece and there are nice places in there for the shooting range.

Bobby Snoddy: Yes and I think that future plan will come forth and have time to speak on issues as far as the shooting range is concerned. Mr. Hagenau is here because he's the one who brought it out at one of the earlier Planning Commission meetings that anything they do as far as the shooting range is concerned will have to be NRA approved. It's going to have to be NRA plan and rubber stamped by NRA on how the back stops. The shooting range is more of a...I hate to spend so much time on it...but more of a skeet range than anything else. But we will talk about that in the future phases.

Chambers: I don't see no need for another public hearing. I make a motion that we approve this permit with the conditions.

Bates: Is that motion representing the changes that Mr. Snoddy...withdraw the shooting range.

Chambers: Yes

Talbert: The only comment that I would have is that I welcome them to Buckingham County. I'm already impressed with what they have already done and what their plans are. We toured it, Mr. Kitchen and I went down there and toured it and I was very impressed and we welcome that. They are going to employ a whole lot of people when it gets up and going. It might be three years down the road. I think they are going to have food before then, the way I understand.

Bobby Snoddy: This part of the county does not have a lot of commercial operations right now. It's perfect for that area.

Kitchen: It's going to be a good facility.

Supervisor Chambers moved, Supervisor Allen seconded and was unanimously carried by the board to approve the 11-SUP-201 LINK LLC as recommended by the Planning Commission with the above stated conditions and the shooting range being postponed to a later phase.

Re: Consider appropriation of \$15,123.49 Four for Life Funding to be paid to the Buckingham County Volunteer Rescue Squad.

The Four-for-Life program stipulates that four additional dollars be charged and collected at the time of registration of each passenger vehicle, pickup and panel truck. The Department of Health then returns 26% of the registration fees collected back to the locality where the vehicle is registered. The funds are to be used for emergency medical services only.

For the fiscal year March 1, 2010 through February 28, 2011, Buckingham County has received \$15,023.49. I ask that the Board appropriate these funds to line item 4-100-32300-7009 so that it can be paid to the Buckingham County Volunteer Rescue Squad.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the board to appropriate the \$15,023.59 received for the Four for Life program to 4-100-32300-7009 to be paid to Buckingham County Volunteer Rescue Squad.

Re: Consider the Bid for the Building Inspector’s Vehicle

One bid was received for the new vehicle for the building inspections department. The only bid was from Gilliam Motor’s in the amount of \$22,410. Please consider awarding the bid for this vehicle to Gilliam Motors so that we can place the order for the vehicle.

Supervisor Bates moved, Supervisor Kitchen seconded and was unanimously carried by the Board to award the bid to Gilliam Motors for the building inspection truck in the amount of \$22,410.

Re: Consider request from the Commissioner of Revenue to reimburse Buckingham Slate #2 LLC in the amount of \$8,330.16 for taxes paid in error

Buckingham Slate #2 LLC was assessed with four buildings for the tax year 2009 to 2011 that were demolished at the end of 2008, assessed for metal industrial buildings for the tax year 2010 and 2011 that collapsed in snow storm 2009/10 and assessed for tax year 2011 for a warehouse that was removed 2010. Documentation was received 1/15/11 showing buildings were destroyed. This was on properties purchased from LeSueur-Richmond Slate Corp. and part of the buildings demolished prior to purchase.

Mrs. Midkiff respectfully requests that Buckingham Slate #2 LLC be reimbursed for the \$8,300.16 in taxes paid in error on these buildings.

Supervisors Kitchen and Snoddy moved, Supervisors Chambers and Bates seconded and was unanimously carried by the Board to approve the refund of \$8,300.16 to Buckingham Slate #2 LLC for taxes paid in error.

Re: Consider Board of Zoning Appeals appointments/reappointments for the Slate River, James River and Maysville Districts that expire June 30, 2011

The following BZA terms will expire June 30, 2011:

- Gordon Ragland, Jr., Slate River
- Cassandra Stish: James River
- Luther Thomas: Maysville

Kitchen: I talked to Mr. Thomas and he will serve another term.

Bates: I talked to Cassandra and she will serve.

Chambers: I haven’t had a chance to talk to Gordon but I’ll throw his name in there and if he wants to resign, that’s up to him. He didn’t say he didn’t want to serve.

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to reappoint Gordon Ragland, Jr., Cassandra Stish, and Luther Thomas to the Board of Zoning Appeals if they so wish to serve.

Re: Consider Authorization to request bids for a solid waste front/loader vehicle with front end loading compaction body

Request that authorization be given to solicit bids for a solid waste front/loader vehicle with front end loading compaction body. The money to pay for this vehicle has been reserved with \$50,000 per year in reserves for the last three years and the balance is budgeted in reserves for the next fiscal year beginning July 1, 2011.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to authorize county administration staff to solicit for bids for a solid waste vehicle with funds coming from the reserve for the solid waste truck.

Re: Consider School Board revisions to the FY11 Budget

A memo from Gary Blair:

Enclosed is a copy of the revised FY11 Budget that was approved at the June 8, 2011 school Board meeting. The changes in the budget reflect the following:

- Changes in the amounts that we are projected to receive from the federal and state governments based upon March 31 ADM
- Additional donations received
- An additional \$19,000 in local maintenance is being requested to offset the cost of water

At the March 2011 meeting of the Board of Supervisors \$18,320.39 was appropriated to pay Dr. Eddie Chernault, clerk of the works for the elementary building project, from our construction fund. To assist you, we will continue to pay him; however, we do need an additional appropriation from the county to pay him from June 9, 2011 through the projected completion of the project. As we stated in March this would be approximately \$30,000.

Karl Carter: Gary Blair couldn't be here tonight. I talked to him this afternoon and told him my opinion on these things. First thing he has is to change the amounts based on the ADM as of March 31st. That is all federal and state money. No local money. The same with the donations received. I recommend that we do approve those changes.

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve the changes to the FY11 budget that involves the federal and state money due to the March 31 ADM and the donations.

Karl Carter: The next line, the additional \$19,000 in local maintenance, I think we should wait until the ending year report to see how much money they will have left over. They may or may not have enough money at the end of the year to pay this. I recommend that we do not approve this right now and wait to see what they have left at the end of the year. See how their balance looks.

It was the consensus of the board to wait.

Karl Carter: The clerk of the works thing, they came to us a couple months ago, the way we decided to approve it, we didn't say how to do the transfer. My recommendation is that we do the transfer on a month to month basis so that whatever money goes into that fund, comes right back out the same month so that it will be a wash and not cost them anything. It will be paid by the school construction project so they are not paying the money off of that. I think the way they want to do it is as a total, but if something changes, he works a certain amount of days you will have to back track it and balance the numbers to what the actual numbers are each month.

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to transfer money on a month to month basis for the clerk of the works for the construction project on Rt. 20.

Re: Consider electronic devices for Board members

Talbert: I want to ask you this before you start to discuss this. Do you come with an IPAD?

Karl Carter: Danny LeSueur asked this question a couple of months ago, he was getting tired of paper copies. They are getting so thick now and they take a lot of time, a lot of paper. Once a month when we are printing this, you can guarantee we are going to have to call the copier repair guy because the copier gets jammed. It's just so many copies going through there at one time. We are up to 13 now and you can see they are pretty thick so it ties up the copier all day. It ties up Mrs. Lann's time. Mr. LeSueur talked about getting a lap top for the Board members. We looked at that. That will work. We looked at something a little cheaper. We found out that our neighboring county, Albermarle and Charlottesville are doing ipads for their board members. I have mine here. They are pretty simple for those who do not like to use computers. I can show you, you just click on it and its right here. All the attachments in your board packet are still listed here. Just scroll through. You don't have to type anything. Mr. Kitchen played with it the other day. If the prints to small, just use your finger and zoom in. Once again, there is no keyboard to have to key things in. The only thing, an Ipad is cheaper than a lap top because it doesn't have any RAM memory. We figured out a way to store it and make the documents work. But they are cheaper than a laptop. If you guys want to go with that, that's what we'll do.

Bates: The school board has been doing some kind of electronic board documents for quite some time now. A number of other counties are doing it.

Mrs. Carter: I think they pay a fee for a software program. We wouldn't have that fee. We can do it in house.

Bates: So our only cost is the cost of the equipment?

Mrs. Carter: Right, we can do the rest in house.

Talbert: What's the cost of each one?

Kitchen: It will eliminate a lot of paper work.

Bates: Do we have a cost?

Karl Carter: They are about \$700.

Mrs. Carter: They are about \$700 but we are going to see if we buy in multiples we might get a discount.

Bates: I think it's an ideal time and probably well past due. Most everything we do at work is electronic these days. The long term cost in copy cost and paper alone pays for the device.

Mrs. Carter: Also for yall's benefit for storage of filing. You won't have these packets everywhere. You will have the minutes or anything you need to right there anytime.

Bates: So virtually, every board packet you have will be on that Ipad.

Mrs. Carter: We can go back and download other meetings too. We can put the minutes on there so you can go back to whenever.

Bates: You have funds to do this through reserve for contingency?

Mrs. Carter: To purchase them, yeah. That's really all the cost we'll have.

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve the purchase of IPAD 2 for the Board members at a cost of up to \$725 each and funds come from Reserve for Contingency.

Bates: You would be providing them to Board members but they are County property. It's not like we are getting something that we are going to be using.

Kitchen: It's like this and I'm going to make it clear, if I like it, I'm going to pay for it. Taxpayers are not going to pay for it.

Bates: It's county property. When we should leave the Board, like I'll be leaving the Board at the end of this year, the thing stays here.

Kitchen: I just want to make that clear that I have the opportunity to buy it if I want to.

Talbert: The old saying is, Karl, I've heard it all my life, that you can't teach old dogs new tricks. But we are not dogs so I'm willing to learn.

Re: Line of Duty Act (LODA)

(Memo from Karl Carter)

What is the Line of Duty Act? The Line of Duty Act was created in 1966 to provide death benefits to public safety employees killed in the line of duty. It is generally understood that public 'safety employees' mean law enforcement, and volunteer fire and rescue personnel. What are the benefits provided?

- Death Benefits of \$100,000 to include presumption claims
- Death benefits of \$25,000 for presumption claims, if within 5 years of retirement
- Continuation of health insurance for:
 1. Employee/Volunteer (in case of permanent disability)
 2. Spouse (in case of death of or permanent disability)
 3. Children (in case of death or permanent disability)*

*children are eligible to age 21; college students are eligible to age 25

In 2010 a budget amendment was made to shift the cost of the LODA from the general fund of the state to the local government for their eligible employees. This amendment not only applies to future costs but any claims that may have occurred in the past 5 years.

The Line of Duty benefits are administered by the State Department of Accounts and claims are investigated by the State Police.

Effective July 1, 2001, all local governments must:

1. Start paying to the Virginia Retirement System (VRS)
2. Opt out and self fund the benefits
3. Opt out and self fund through VACorp

What should we do? I don't think we have the personnel or the resources to self-fund and administer the program on our own. If we stay in the trust and fund the program through VRS, we would be placed in a pool that would include all local governments in the State. Because we are going to be placed in a pool with the Northern Virginia and Virginia Beach localities, our rates are going to be higher than if we went with VACorp and were placed in a small pool. Based on this, my recommendation is that we opt out of the VRS trust fund and fund the

program through VACorp. The rates per person are less than the VRS rates, only \$194 for paid staff compared to \$233 for VRS and VACorp has a rate of \$48 for volunteers while VRS has a rate of \$58 for volunteers.

If you take my recommendation, first please take action to adopt the attached resolution to opt out of the VRS program. Second, please take action for us to enter into an agreement with VACorp to fund the program.

Talbert: I think, Karl, we can exempt the fire department, I don't know about the Rescue Squad but I know our Fire Department the insurance we have is \$50,000 ain't it.

Mrs. Carter: We can't exempt.

Karl Carter: If you're a member of that fire department, whether you are a lifetime member or an active member, they pay different rates but they are covered under this policy.

Talbert: I'm talking about our insurance. What we have on our buildings, our men, and equipment and everything.

Bates: That's in addition to whatever this is though Bill.

Talbert: But how much is it going to cost the County?

Karl Carter: The VaCo policy is \$15,000 a year. It's cheaper than VRS. I don't have the figure here, but their per person rate is a lot higher.

Mrs. Carter: We've had many discussions with VaCo at some of our conferences on this matter and the big concerns and the concern that I have that we can't seem to get an answer to is then when are they going to start telling us that that volunteer fire fighter or that volunteer rescue person is a liability. So there are a lot of unanswered questions because this just came down in the last session, kind of a quick secret little thing that we found out at the Homestead Conference so it's very new to us but we do in looking at the numbers that going with VaCorp is the most cost effective for us right now. Because we don't know the answers to those questions.

Bates: The state's requiring you to do one or the other and you've got to get the best that you can get.

Kitchen: You've got to go with it. Karl has a recommendation there to pass the resolution to opt out of VRS.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to opt out of VRS.

Talbert: Only thing, I would like to you to check into if we vote to go with this, let us check with our insurance companies because a lot of times if you've got two insurance companies, one ain't going to pay. We need to know this because if you've got \$50,000 on 30 men, I know they won't all get killed, but you could lose 3 or 4 at a time. We've been very fortunate not losing any but if they are not going to pay there's no use in us paying on the men up there. We need to find out about that.

Supervisor Kitchen moved, Supervisor Allen seconded and was unanimously carried by the Board to enter into an agreement with VaCorp for the Line of Duty Act.

Bates: What this does is offer the same level of service it just gives us a little better price.

Re: Consider Request from Ellis Acres to waive minimum monthly sewer charge

(memo from Ellis Acres)

Request that the Buckingham County Board of Supervisors grant a waiver on the sewage monthly charge at Ellis Acres Memorial Park to coincide with the current water bill waiver for the remainder of this year. The sewage connection was made to facilitate the construction progress. There is no sewage flowing, and none is anticipated until the Outside Restrooms are operational in the last quarter of this calendar year. Existing water usage is primarily by volunteers for washing hands and water plants.

Construction at the park is going well. The recent sewage connection allows for construction to begin on the outside restrooms. The WalMart Stores approved a \$50,000 equipment and furniture grant for the Community Building. The presentation will be at the park on June 23, 2011 at 9:00 a.m.-1:00 p.m. in connection with a community service work effort by the managers and supervisors of WalMart Stores. Please join us for this award celebration and community service contribution.

Your positive response on the sewage waiver and your participation in the WalMart Stores award are paramount to our continued success. Thanks for considering these vital requests.

Wilbert M. Dean
Executive Board

(Memo from County Administrator)

You are presently waiving the monthly water charge. It is important to understand that when you waive any water and sewer charges, the charge is made to and paid by the Board of Supervisors as the Water and Sewer are enterprises that can not grant relief of payments. I just want you to be aware that just because it is relieved does not mean that the water and sewer operations do not require the payments.

Supervisor Chambers moved, Supervisor Bates seconded and was unanimously carried by the Board to grant the waiver of minimum sewer charges for the Ellis Acres.

Re: Consider resolution for the 75th Anniversary for the Virginia State Parks

A RESOLUTION OF CONGRATULATIONS ON THE 75TH ANNIVERSARY OF VIRGINIA STATE PARKS AND JAMES RIVER STATE PARK

WHEREAS, James River State Park, named because three miles of the park boundary front on the middle James River remaining the focal point of cultural and natural interpretation; and

WHEREAS, James River State Park makes up 1,557 acres with the original 849 acres purchased from Douglas Branch in 1993 to spur economic development; and

WHEREAS, Virginia was the first state to open six state parks simultaneously on June 15, 1936, with James River State Park being the 32nd park dedicated on June 20, 1999; and

WHEREAS, Virginia's State Park's have been recognized nationally as the best managed park systems in the country; and

WHEREAS, James River State Park features panoramic views, fishing, hiking, biking and equestrian trails, picnicking, cabins, camping, boating, educational, environmental and historic interpretive programs, along with the multitude of programming including: The Summer Festival, the Fall Festival and Haunted Wagon Ride and a venue for outdoor recreation and weddings; and

WHEREAS, James River State Park draws visitors from far and wide thus contributing to the economical and recreational opportunities for Buckingham County, the Town of Wingina, the Town of Appomattox, and the Town of Farmville.

WHEREAS, James River State park allows individuals to reconnect with nature, an essential part of a healthy lifestyle, by providing a tonic for the mind, body, and spirit; and

WHEREAS, James River State Park shared hands-on learning through Standards of Learning-based environmental education programs enhancing comprehension for thousands of students annually.

NOW, THEREFORE, BE IT RESOLVED, the Buckingham County Board of Supervisors hereby congratulates Virginia State Parks and James River State Park on the occasion of its 75th Anniversary and extends best wishes for many years to come.

BE IT FURTHER RESOLVED, Saturday, June 18, 2011 is designated as "**James River State Park Day**" in the County of Buckingham.

Supervisor Bates moved, Supervisor Snoddy seconded and was unanimously carried by the Board to adopt the above resolution for the 75th Anniversary of Virginia State Parks.

Bates: I'd like to encourage everybody to go up to our own state park, the James River State Park and enjoy it. It's a beautiful place.

Kitchen: It's a nice facility. The only thing about it is they allow the state senators and delegates to come up there to quail hunt and they won't allow other people. I found that out the hard way.

Re: County Attorney Matters

Mr. Chairman, Members of the Board, on May 9, 2011 reflected in your minutes on page 183 you passed a motion concerning the maintenance truck, I ask that you rescind that action and authorize that the truck be disposed of according to County and State policy.

Supervisor Bates moved, Supervisors Chambers and Allen seconded and was unanimously carried by the Board to rescind the action taken on May 9, 2011 in regards to the maintenance truck to be found in on page 183 of the minutes.

Supervisor Bates moved, Supervisor Allen seconded and was unanimously carried by the board to dispose of the maintenance truck according to state and county policy.

Re: County Administrator's Report

Rebecca Cobb's Recertification: First, I'd like to call your attention to Rebecca Cobb's recertification of the Online Combined Erosion and Sediment Control Administration. She's been recertified as a combined administrator. So that brings us into compliance again with that.

Tax Stabilization Ordinance Issues: The next issue is regarding our Tax Stabilization Ordinance. We ran into some problems with our deadline date being July 1 for people to recertify or apply because tax tickets went out in May. Our computer system, our software system, if they are not recertified to qualify for the tax stabilization the computer will not give them the reduction and it sends out a regular tax ticket. So we've gotten several calls and we've worked with these people and the treasurer's office is working out something with them for this year but with the reassessment coming up I think this ordinance needs some more clarification. I want to make sure that we are accomplishing your goal for the disabled and the ones that qualify that their taxes do not go up. It refers to some cases as the rate and then to the assessment. So I ask that you all would appoint a committee. Supervisor Kitchen is the patron of this ordinance originally. I'd like Supervisor Kitchen to be on the committee; Karl Carter; Commissioner of Revenue; County Attorney and myself to bring back some information to you all to revise this ordinance so it will work the way that you all wanted it to work.

Supervisor Chambers moved, Supervisor Allen seconded and was unanimously carried by the Board to appoint a committee of Supervisor Kitchen; Karl Carter; Commissioner of Revenue; County Attorney; and Rebecca Carter to look at the Tax Stabilization Ordinance.

Firework Display Regulations: The next item, there have been some question about the fireworks regulations adopted by the state. As you know Buckingham does not have a fireworks ordinance. We use the state code. There are just a couple things that Chairman Talbert asked that I'd like to bring to your attention. There are some exceptions to that new regulation is that permits are not required for the use or display of permissible fireworks on private property with the consent of the owner of such properties. So I think some people that planned 4th of July

events, this is your answer. If you are on private property and you have permission, you do not have to have a permit or otherwise it has to be done through a certified person that has had the classes and all on fireworks. It clarifies it on private property; you will be ok to have your fireworks.

Talbert: Becky I appreciate you looking that up.

Mrs. Carter: The County Attorney gave me the information.

Talbert: Mr. Attorney, I appreciate it.

Report from Auditor of Public Accounts: The next item is a good report from the Auditor of Public Accounts for the Clerk of the Circuit Court.

Report of Advantages and Disadvantages of the Elimination of County Decals: Chairman Talbert requested that this item be carried over until next month.

Mrs. Carter concluded her report with the information items of May's building permit report and a letter of appreciation from Ellis Acres Memorial Park, Inc.

Re: Other Board Matters

Snoddy: I'd like to request that a resolution be done for Rev. James Davenport.

Supervisor Snoddy moved, Supervisor Chambers seconded and was unanimously carried by the Board to have a resolution drafted for Rev. James Davenport.

Re: Executive Closed Session

Supervisor Bates moved, Supervisors Chambers and Allen seconded and was unanimously carried by the Board to enter into executive closed session under the following code: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. (Code of Virginia, Section 2.2-3711.A.1)

Re: Return to regular session

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

Re: Certification

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

There being no further business to discuss, Chairman Talbert declared the meeting adjourned.

ATTEST:

Rebecca S. Carter
County Administrator

Ernest A. Talbert
Chairman