

**Buckingham County
Board of Supervisors
Monthly Meeting
March 7, 2011**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, March 7, 2011 at 7:00 p.m. in the Buckingham County Agricultural Center, the following members were present: E.A. "Bill" Talbert, Chairman; Joe N. Chambers, Jr.; Dr. Brian D. Bates; Danny R. Allen; and John D. Kitchen, Jr. F.D. "Danny" LeSueur and Rebecca S. Carter, County Administrator was absent. Also present were Karl Carter, Asst. County Administrator, Rebecca S. 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 Snoddy seconded and was unanimously carried by the Board to approve the agenda with the following addendum:

K. Department/Agencies: Appointment, Requests and Presentations

**K-8 Dr. Gary Blair, Buckingham County Schools:
Budget Presentation**

N. County Administrator's Report

N-2 No Interest Bonds Jump Start School Construction Projects*

Re: Approval of Minutes

Supervisor Kitchen moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve the minutes of the February 14, 2011 and February 17, 2011 meetings as presented.

Re: Approval of Claims

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

Re: Approval of Fourth Quarter Appropriations

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

General Fund	\$	1,535,313
Water Fund	\$	312,495
Sewer Fund	\$	69,864
Capital Improvements Fund	\$	36,250
VPA Fund	\$	664,506

Schools:

Instruction	\$	3,848,079
Adm/Attn/Health	\$	239,177
Transportation	\$	436,372
Operations	\$	492,374
Capital Outlay	\$	218
Cafeteria	\$	294,263
Technology	\$	285,866

Re: Announcements

Talbert: John Staton called me and I went this afternoon and picked up this proclamation, and what it is, the 250th Anniversary is coming up and they want to celebrate it in May this year at our Buckingham County Day. What they did is followed a proclamation that we started 50 years ago:

At a regular meeting of the Board of Supervisors of Buckingham County held at the Courthouse thereof, on April 3 and 5th 1961, the following resolution was passed:

Moved by K.M. Beasley, seconded by B.D. LeSueur and carried the following actions:

Whereas, the General Assembly, on May 17, 1961 which was when Buckingham was formed.

What's yall's pleasure?

Supervisor Bates moved, Supervisor Snoddy and Chambers seconded and was unanimously carried to approve to have a resolution passed on the 250th Anniversary of Buckingham.

Re: Public Comments

Pete Petoni: My name is Pete Petoni. I was here last month to speak for the continued operational funding what we personally know as Buck2 that Jaunt provides. I would like to repeat my request or our request to continue the operational funding for that route. It means a lot to us. Since the last time we spoke, I mentioned then that my gas savings was about \$3200 and in the last 30 days, the price of gasoline has gone up about 30 cents a gallon. That would come close to \$5800 just for me alone. Increase of about \$500. So that will be a lot of money to stay in the county because we don't have to spend it on fuel. My second comment is I spent the last 30 days in and out of the fire training facility here and I've got about 30 hours to go in class. I would like to thank you for that fine facility as well as the burn building itself. Thank you very much it's a fine facility and we are making good use of it.

Re: VDOT: Road Matters

Mrs. Huckabee Mayfield: Good evening. I'll start my update with the maintenance for the next 30 days. As you may know our winter weather operations were undertaken over the past month. We hope we've seen the end of that. Over the next month, VDOT will focus on the following:

- Brush cutting will continue throughout the month.
- Maintenance of non-hard surfaced roadways will continue, as needed.
- Maintenance of stone shoulders will be performed, as well as spot ditching and litter pickup
- We will continue to respond to customer service requests
- We will fill pot holes as they occur and surface repairs will be made in anticipation of schedule work

We have traffic engineering issues. The request for a reduction in the statutory speed limit to 25 mph in the courthouse village area of Rt. 60 and is still under review.

Talbert: The Board voted last time, not to follow up on that. That's out.

Mrs. Huckabee Mayfield: We've also received a request for Slow Moving Farm Vehicle signs along Rt. 60 and has been reviewed. One sign will be installed 1200 feet each of Anchor Point Lane for eastbound traffic and another sign will be installed 800 feet west of Rt. 610 (Red Road) for westbound traffic.

We've also received a request for a reduction in the statutory speed limit on Rt. 771 (Mountain Top Road). The roadway and shoulders are in good condition and there have been no reported

crashes in the past three years. No changes in the current statutory 55/45 speed limit are proposed at this time.

Other issues: VDOT is currently updating its Secondary Six Year plan balances and will be preparing the draft 2011 plan in the near future. I hope to have this to you prior to the next board meeting. This year, Buckingham County will receive an additional planned \$56,677 in Telefee funds.

One last addendum, a question was brought up at the last meeting about VDOT's attendance at these meetings, as you all recall, VDOT reorganized this past year, and a result many of the functions went to the residency office have been transferred to the District Office. As a result we have created two liaison positions for the 10 district counties. While it will be impossible for me to attend every board meeting, I have committed to attending quarterly and as additional items come up, if you need my attendance, please just ask and I'll make sure to be here.

Do you have any other questions, I'd be happy to answer them?

Bates: I just wanted to thank Mrs. Huckabee-Mayfield for reaching out to me a couple weeks ago to answer the issues that I had. Thank you very much.

Chairman Talbert asked if there were any road issues from the public.

There were none.

Re: Zoning Matters: Introduction of Special Use Permit for a Garage

Cobb: My first item tonight is 11-SUP-196. This is an application from Aaron Wickizer for a Special Use Permit for the purpose of operating a commercial garage/shop at 2807 South Constitution Rte. approximately 3 miles north of Dillwyn. The current property owner is Shirley Seay and the Tax Map is Section 110 Parcel 26 in the Maysville Magisterial District.

The Buckingham Planning Commission held a public hearing on February 28, 2011. Prior to the meeting a letter was received in the Zoning Office from Windy Knoll Subdivision. The subdivision entrance and several homes within the subdivision are adjacent to the subject property. The letter expressed concerns about the property becoming a junkyard which they state would devalue property and create a rodent problem. During the meeting one person spoke with concerns about hours of operation, mud at the entrance and mailboxes, and property values. The Planning Commission voted unanimously (3 were absent) to approve the Special Use Permit with conditions.

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. There shall be no more than four (4) inoperable vehicles and/or machinery/equipment outside of the main structure at any one time.
4. The property shall be kept neat and orderly,

5. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.
6. That all documentation submitted by the applicant in support of this request becomes a part of the condition except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.
7. 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.
8. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.
9. 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.
10. The county Zoning administrator and on 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.
11. That the applicant (s) understands the conditions and agrees to the conditions.

Kitchen: I make a motion that we approve it. I know this fellow. He's worked on my vehicles. He's very good, very clean and neat.

Supervisor Kitchen moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve 11-SUP-196 for Aaron Wickizer to operate a commercial garage/shop at 2807 S. Constitution Rte.

Re: Zoning Matters: Request for refund of Variance fee

Cobb: In January 2011, Bill Eberle requested a variance and paid a fee of \$300. After that he withdrew his variance application and would like the Board to consider refunding the \$300.

Supervisor Bates moved, Supervisors Snoddy and Allen seconded and was unanimously carried by the Board to approve to refund the \$300 variance fee to Bill Eberle.

Re: Consider Appointment/Reappointment for Southside Virginia Community College Board

We have been notified by Nancy Carwile, Chair, SVCC Board that Harriette C. Beasley's term as Buckingham County's Representative will expire on June 30, 2011. Ms. Beasley is eligible to serve one more four year term.

Talbert: Mrs. Beasley's done an excellent job and she will serve another four years at your discretion.

Supervisor Bates moved, Supervisors Kitchen and Allen seconded and was unanimously carried by the Board to reappoint Mrs. Hariette C. Beasley to another four year term as the representative to the SVCC Board.

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

John E. Bickford's term has expired as a member of the Planning Commission.

Supervisor Snoddy moved, Supervisor Chambers seconded and was unanimously carried by the Board to reappoint John E. Bickford to the Planning Commission for another term.

Re: Consider Request from Buckingham County Anti-Litter Task Force for Funding for 2011 Spring Clean Up Tire Day

The Anti-Litter Task Force would ask again for the Board of Supervisors to approve to have a Free Tire Day in April during the Spring Clean-Up for the month of April 2011. Emmanuel Tire Company will furnish the trucks and the cost for this day will be \$3,000.

Supervisor Bates moved, Supervisors Kitchen and Allen seconded and was unanimously carried by the Board to approve to appropriate \$3,000 to Anti-Litter Task Force for the purpose of the 2011 Spring Clean-Up/Tire Day and the funds be taken from Reserve for Contingency.

Re: Public Hearing: Case 10-SUP-195 U.S. Cellular

Cobb: I have provided you with an application from US Cellular for a Special Use Permit for the purpose of 195' telecommunications tower on the property of James & Lucille Hudgins, Tax Map 54 parcels 125, Chapel Road in the Marshall Magisterial District.

The Buckingham Planning Commission held a public hearing on December 20, 2010. The Commission voted 4-2 to recommend denial due to the change in the landscape on the requested property. After the meeting US Cellular provided new photos and a new survey of the area. In light of this new information you asked the Planning Commission to reexamine the request. On January 24, 2011 the Planning Commission reviewed the new material and voted to recommend approval with additional conditions. During the last Board meeting you heard comments during general public comment that expressed concerns about the health hazards from cell towers and requested that you not allow cell towers within a quarter of a mile of any home. I have consulted with Cityscape Consultants and they have provided two documents for your review. In summary, the documents say that the county can not deny a tower based on health concerns if the tower is meeting all FCC requirements. Also, Cityscape indicated to me that creating a condition or change to the ordinance that banned towers from within a quarter of a mile to any residential neighborhoods would be a barrier to entry and is considered illegal.

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

1. The applicant will request and obtain the required electrical permitting from the county needed for service.
2. The applicant shall comply with Buckingham County collocation policy
3. The facility shall be constructed so that access is only attainable by qualified personnel
4. All supporting structure access ports are to be sealed in a manner to prevent wildlife access and/or internal nesting.
5. The applicant shall submit to the County upon completion of construction a certification from a Virginia Registered Professional Engineer that the structure as built and including future installations has been constructed under the TIA/EIA standards for Buckingham County Virginia.
6. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
7. In the 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.
8. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Planning Commission or Board of Supervisors.
9. The County Zoning Administrator and 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.
10. If the building permit is not obtained within six (6) months from the date of approval then the Special Use Permit shall be null and void.
11. A minimum vegetative buffer of 15 feet on all sides shall be maintained for the life of the tower.
12. That the applicant (s) understands the conditions and agrees to the conditions.

Bates: Is the information that CityScape provided, is County Attorney in concurrence with the legal parameters that are set forth there.

Cobb: Yes, I think so.

Bates: So it's not just coming from CitiScape, our attorney has looked at it as well.

Cobb: Yes

Chairman Talbert declared the Public Hearing open for comments. He explained that each person has three minutes, not to exceed five.

Lois Ott: I'm representing a group.

Talbert: If you are representing a group, you can have five, that will save us time.

Lois Ott: (Some of this is paraphrased, Mrs. Ott did not speak very loud so it didn't come out on tape very well) I'm Lois Ott from the Marshall District. Since I was here last, they've had what is known as the Mobile World Congress, I think I mentioned last time, but they have accomplished some really good exciting technology that is going to get rid of cellular towers forever. What I have, I got some things from the internet, Alcatel-Lucent has come up with this exciting thing called the lightRadio. There is much buzz around Barcelona at the Mobile World Congress. This followed the announcement of a breakthrough of wireless technology. The lightRadio is essentially reduces the size of a base station and tower to the size of a rubics cube. It says they have essentially compressed everything into a cube that is multi-technology and multi-band in one antenna. They can be mounted on poles, buildings and anywhere else there is a power source and broadband. This one says tiny cubes may replace cell phone towers. Five carriers in the United States, Europe and China are enrolled in trials this year and it should be commercially available in 18 months.

This is so interesting though. It says that lightradio will radically shrink and simplify base stations for cell towers. It says they expensive, power hungry and difficult to maintain. Cell tower base stations annually emitting 18,000,000 metric tons of carbon dioxide. That seems a lot to me. I don't know how you measure carbon dioxide. The lightradio's will cut energy consumption in half. How could you not wait 18 months for something that is that much better?

In this information it tells you that you will be able to put them on telephone polls, sides of buildings, they can make use of them and there will be no more dead spots. You will be able to reach all areas with these little cubes. It says the signal can change directions. In other words, at 5:00 everybody is traveling Rt. 15, they can cover everybody.

AARP says that cell phone towers are industrial structures and need to be confined to commercial or industrial property and not pollute neighborhoods.

The Chesterfield Observer recommends against cell phone towers.

I would appreciate not only because it is such good technology, Buckingham County does not need these nasty things, especially in neighborhoods. It devalues property. I for one will see that my property values go down and I will not pay such taxes if they put it by my house.

Acie Allen: I'm here not as a school board member and not as an attorney. I'm not representing anyone but myself. I'm here as a taxpayer. We are in an economic crisis, we all know that. The county is having to pick up funding. How can you approve a cell tower that is going to devalue property, from what I understand about a dozen properties, that means these people, their value will go down and there will be less taxes? That means I, and everyone else in the County will have to pay more taxes. I think with the devaluation of property values surrounding the cell tower, we are not asking for more a moratorium, we are asking for a denial of this application and any subsequent application that will put a tower in a residential area. My main argument is the devaluation of the property in the area makes me pay more taxes. Second point, I know they

implied at one time to have done a balloon test and everything was hunky-dory, well they came back and either reapplied or made some changes in their application. When they made the changes in the application, they moved slightly the original site of the cell tower and also the trees are all gone. They were not required this time to do a balloon test. I believe the application should be denied until they go back and do that balloon test because it's not the same. The location is not the same, so a balloon test should be done. Again no one is asking for a moratorium we are asking for a denial.

Carl Takis: Good evening, my name is Carl Takis. I represent US Cellular. I'd like to just address a couple of the comments that were made. The location of the site has not changed. What we did is go out and resurvey where the trees were cut to confirm that our site was still in a stand of trees. This is a 40 acre parcel and the property owner cleared about 30 acres and left 10 acres on Chapel Road, so the tower itself, the balloon test result will be exactly the same. Also, I wanted to see if there were any questions that you guys have. The technology that we are utilizing today is what's being proposed, the tower and site that we are proposing does comply with the ordinance, CityScape, the consultants, that the County has recommends approval.

Talbert: How do you decide, some people have been on the list for five years for a tower, before this, do you just pick up one and say lets do this?

Takis: The towers are designed where there is little service. Right now we have a site on Maxey's Creek on Rt. 20, one at Sprouse's Corner; we just built a tower near Cumberland. We are proposing this tower and one further north near Fork Union. There is very little coverage in this area. The size of the tower dictates the amount of coverage. Originally we had proposed a 295' tower and reduced that to 195' tower. That was a little reduction in coverage. Our engineers were ok with that reduction in coverage to prevent it from being lit which is one of the worst things that could happen.

Talbert: You've answered my question. I'd appreciate if you would leave your card with the secretary over here.

Kitchen: Mr. Chairman, I'd like to ask this gentleman to show me in these pictures just where this tower is going.

Mr. Kitchen took the pictures down to Mr. Takis and he showed him.

Takis: These are the pictures that CityScape took. These are the pictures they took back in June or July. The trees were cut in September or October. With that being said, the revised survey that we did shows that our tower site is still within the wooded area. Oh, you have the new ones. This is south from where our lease area. So our lease area will be here, the tower will be sitting in this direction.

Kitchen: The trees are very sparse in that area too. From the east there is a few trees.

Takis: From the east and from the north and west, there aren't any residences up to that property line. This is the area that was cut from here back. The nearest residence, I don't have a map to show you, but its back in here. These residences near here and here will still have foliage around.

Lois Ott: Mrs. Flippen is 450 ft mine is 800 feet and the ones on the other side are closer.

Takis: The trees are still there.

Gentleman from audience: They are still not tall enough to hide it.

Kitchen: My understanding is once they signed the contract on this, the owner cut the trees. It doesn't look like it has very much coverage.

Takis: From the back side yes.

Chairman Talbert declared the public hearing closed.

Cobb: Susan Rabold from CityScape is here tonight if you have any questions for her. She does have additional information on the new technology.

Bates: For those who are not aware, CityScape is a consultant for Buckingham County, not US Cellular.

Susan Rabold: Good evening. I just wanted to address a couple of items that you may have questions on that was presented in Barcelona recently. That rubiks cube size equipment is in reference to the base stations, it is not an elimination of the tower. You still have to have the antenna that goes on the tower or above ground elevated structure. The base station if you recall in our education sessions, base station is ground equipment where the electronics are held that allow those signals to communicate from one tower to another. It does not eliminate the tower. The other thing is, this equipment that they are talking about using in the next perhaps 18 months, is predominantly in markets where the infrastructure and the network is far more sophisticated even in comparison to where our most urban clients are nationwide. European and Asian markets, our networks in the United States fails in comparison to the advancement where they are. It will be many, many years before rural America will see this technology. All these base stations have to have fiber optic in order to work. I just want you to understand, that you are in first generation deployment and there are other market areas in the United States where there is third generation wireless moving towards fourth generation wireless. You are still in the first phase and don't have coverage yet countywide. This kind of technology is really...

Bates: Is it correct; is my understanding correct that this new technology also requires broad bank access?

Rabold: Yes, that's what the fiber optic is.

Lois Ott: I'd like to rebut. This information I have says it can go on light poles or side of buildings. I think she is mistaken.

Talbert: I hate to cut you off but we've had the public hearing. What's the Board's pleasure?

Chambers: I thought Mr. Wright was supposed to look at some criteria for us.

Mr. Wright: Actually, Mrs. Cobb covered that. You ask if I am in concurrence with that and I am. You probably have a subtle difference in set backs. What CityScape presented in terms of...you can not consider health issues, you can't put a moratorium on it, set backs you do have some discretion on but not much.

Supervisor Snoddy moved, Supervisor Kitchen seconded for discussion.

Kitchen: Now let me ask Supervisor Snoddy, didn't you tell me that your son signed a contract with one of these companies about 4 years ago and nothing has been done one. Right now, over here on 631, Mrs. Floyd Neal Word just signed a contract here last April. It's a five year contract and they haven't come to the county, they haven't done anything as far as getting the tower up. Her land is tied up for five years with an option for another nine years. In the interim time, she is not getting paid anymore that what's in the contract until the tower goes up. They don't have the best reputation in the world. Now I use a cell phone all the time and I know the towers have to be but there are places they could go other than others.

Talbert: We have public hearing for people to state their feeling. I haven't heard anything to speak for it tonight. Where are the ones that are for it, I've just heard those against it? I think that should shed a light on the way the Board votes regardless of whose doing or not doing. The public had the opportunity to fill this place up and we would have had to go somewhere else. That's the way I feel about it.

Supervisor Snoddy moved, Supervisor Kitchen seconded for discussion to accept the Planning Commission's recommendation to approve the Special Use Permit for US Cellular to put a cell tower on Chapel Road. The vote was tied with Snoddy, Bates, and Allen voting in favor and Kitchen, Talbert and Chambers opposing. The motion was dead due to the vote being tied.

Re: Consider Appointment for Comprehensive Services Board

Bates: Does this have to be a Board of Supervisor's member?

Talbert: Yes

Chambers: I'll let you know next month.

Allen: When do they meet?

Snoddy: Second Thursday at 9:30.

The item was postponed to the April meeting.

Re: Consider Funding for Jaunt Route

Like all other agencies depending upon state funds, Jaunt is getting their share of state cuts. As pointed out by some citizens of the County at last month's meeting, the current funding we provide for JAUNT will only allow the later route to run for 9 months instead of 12. For the months of April, May and June the riders will have to find other means of transportation if we continue to give level funding. In order to keep the route going for the full 12 months, JAUNT will need an additional \$3,900. If you agree to give the additional \$3,900 please include in your motion to take these funds from "reserve for contingency".

Supervisor Bates moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the additional \$3,900 to be fund JAUNT from the Reserve for Contingency.

Re: Donna Shaunesey, JAUNT-Budget Presentation

Ms. Shaunesey: Thank you so much. We really appreciate it. With the gas prices going the way they are, ridership was good before but I expect it to be even higher as people leave their cars behind and take advantage of the service. Thank you very much.

I'm here to speak to you about FY12 Budget though. It looks a little bit better than FY11 in that we just need a little additional money in order to keep the route going for the whole year. For FY11 we are getting \$20,577. We need an additional \$1942 to keep both routes going for the whole year. I know you haven't actually done your budget yet but we are making a preempted plea for the route for another whole year and a half. Ridership is up 7% over last year and we expect it to continue. On the way here I stopped at the Food Lion in Dillwyn where I was checking out the work being done by a local contractor to put our very first shelter there. He was there with his son and they were taking the plastic off. We look to have that shelter in hopefully by the end of the month and depending on weather and how many strong people we can rally up to bring the shelter down to Dillwyn.

I know these are difficult budget times, I'm not going to go on and on, we are also facing lots of challenges as well. Officially, gas prices are hitting us as well. Like everyone else, we haven't had any salary increases in three years or bonuses. We really appreciate any consideration you can give us and thank you so much for your support. I also have a Buckingham brochure for anyone who would like one for their constituents.

Re: Consider Request from Sheriff Kidd for Transfer of Funds

Request to transfer \$26,000 from the Courtroom Security Fund into the part-time salary line (31200-1300) in order to pay part time Courtroom security personnel. We have only transferred a total of \$12,000 since July 2010, which was used and left us with a negative \$15,072. We are

requesting this amount to bring us up to date along with an additional \$10,928 to hopefully carry for March, April and May payroll.

Also, please transfer the following amounts from Courthouse Security fund into the following budget lines for supplies ordered for courtroom security employees:

31200-6010	Guns/Holsters	\$3,426.19
31200-6011	Uniforms	<u>\$1,005.00</u>
	Total	\$4,431.19

Supervisor Kitchen moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve the above requests to transfer \$26,000 from Courthouse Security to part-time salary line item (31200-1300) and \$3,426.19 from Courthouse Security to 31200-6010 and \$1,005 from Courthouse Security to 31200-6011.

Re: Dr. Gary Blair, Buckingham County Schools: Budget Request

Dr. Blair: Good evening Mr. Chairman, members of the Board and Mr. Chairman; we appreciate the time to come discuss the budget. This has been the most difficult budget I've dealt with in my 37 years in education. We have a serious reduction in revenue from the federal government in the tune of \$521,344. Reduction in state revenue of \$177,440. At the last meeting the school board recommended a budget with an increase from the funding from last year from the Board of \$1,790,514.40. Like I say, this has been a floating target. We did not receive detailed information until Friday, March 4th, from the Board of Education. They keep changing it. But we had to move forward with our budget for several reasons. One of the main reasons is if we don't get the money, with a reduction from the Board, within two weeks from the adoption of the budget from the Board of Supervisors, we need to have contracts go out and that's a long process. We had to bring this forward and not have the school board nor the Board of Supervisor's wait. It is a big amount. We realize that. Again it is due to decreased revenues and increased expenditures. The \$1,790,514.40 will allow us to reserve our programs, our services and positions. The total budget is \$24,483,929. \$23,396,022 is operating budget. The rest of it is lottery construction. There are four reasons we are moving forward:

1. The school board did approve that amount
2. We need enough time to look at options
3. It's time for our employees turn their focus on classroom instruction instead of worrying about whether they were going to have a job next year
4. We would like to invite the Board of Supervisors to sit down and go through this budget line by line. We want to turn over every rock and every stone and every pebble.

We would like to remind you that one of our core values is stewardship and responsible use of county funds. With this amount, \$1,790,514.40, we expect that to be decreased as time goes on because we should be able to pay some of the bills we have this year like we did last year. We don't expect to carry over funds like we have done in the past. As you know the stimulus money is gone, we used that for Gold Hill and Special needs buses, and to preserve some positions. We

have 341 positions in Buckingham County. I think when I got here we had 350 or 365 and I do think we are in a type of transition and its difficult because the burden has been placed on the shoulders of the local governing body and I certainly regret that because we do know how much you support education and care about our children. Like the Board talked about at their meeting on March 1st, we are on the same side, trying to do what's best for Buckingham County and for our children. We appreciate every consideration that you give us. If you have questions, I invite you to sit down with us and I think it's important to look at where we've been, what we are going through and all the reductions we've considered. Again, I would like to say that we will continue to look at reductions and efficiency with our new policy. So again, the \$1.7 million would be the greatest amount and we hope to come back as it progresses to make that a lower number. We just didn't want to have to come back and ask for additional funding. Thank you Mr. Chairman and members.

Chambers: Do you have any dates in mind?

Dr. Blair: We will get with Mrs. Carter and she can get with you.

Kitchen: Have you presented your budget to Mr. Carter?

Dr. Blair: Yes.

Re: Consider Resolution of Memoriam for Reverend Doctor Lorene Booker Hutcherson

Resolution in Memoriam Reverend Doctor Lorene Booker Hutcherson

Whereas, Rev. Dr. Lorene Hutcherson departed this life on Thursday, February 3, 2011 at the age of 83.

Whereas, Rev. Dr. Lorene Hutcherson was born May 16, 1927 to the late Irene Chambers Booker and Robert Booker, Sr. in Buckingham County and is survived by two sons, Thomas Wesley Hutcherson, Jr. and wife, Sandra; and Robert James Hutcherson, Sr., both of Arvonnia; a daughter, Florene "Flo" H. Taylor and husband, Milton of Charlottesville; six grandchildren; twelve great-grandchildren; a brother, Edward Lewis Booker, Sr. and wife, Ruby of Arvonnia; a sister, Pearl Powell of Richmond and many nieces, nephews, cousins and friends.

Whereas, Rev. Dr. Lorene Hutcherson attended Buckingham Training School in Buckingham and graduated from the S.C. Abrams High School in Fluvanna. Rev. Dr. Hutcherson continued her education at the Virginia Union University School of Theology in Richmond and received her Doctor of Divinity from the Faith International Bible College.

Whereas, Rev. Dr. Lorene Hutcherson retired from Central Piedmont Action Council (CPAC) after 33 years of service and continued to be active in the community in the CPAC Board of Directors, Nelson County Ministers Conference, Club XXV, NAACP, Zion Sunday School Union, United Baptist Association and Women Missionary, Education Convention of Central Virginia, Baptist General Convention, Area F, Buckingham Voter's League, Buckingham Training School Commemoration, Inc., Dean of Buckingham County Church Wide Institute, Order of the Eastern Stars, Heroines of Jericho as well as one of the founding members of the Central Virginia Community Health Center and Spiritual Travelers Gospel Singers.

Whereas, Rev. Dr. Lorene Hutcherson was called to ministry in 1991 where she became the Associate Minister under the leadership of Rev. Maynard Jones of the Union Branch Baptist Church. She was involved in the Sr. Choir and Gospel Chorus, Missionary, Superintendent and teacher of Sunday School, Deaconess, Usher, Improvement League, Pastor's Aid and Women's Ministry among others.

Whereas, Rev. Dr. Lorene Hutcherson was loved and respected by many and will be greatly missed by all who knew her.

NOW, THEREFORE, BE IT RESOLVED, that the Buckingham County Board of Supervisors does, in memoriam on this 7th day of March, 2011, pay tribute to and express it's highest esteem for Rev. Dr. Lorene Booker Hutcherson and extends its deepest sympathy to her loved ones.

Supervisor Chambers moved, Supervisor Bates and Snoddy seconded and was unanimously carried by the Board to approve the above Resolution of Memoriam to Rev. Dr. Hutcherson.

Re: Consider Resolution of Appreciation to Dr. H. Powell Anderson, DMV

**Resolution of Appreciation
Dr. H. Powell Anderson, DVM**

Whereas, Dr. H. Powell Anderson was born here in Buckingham County on September 17, 1932; and

Whereas, Dr. H. Powell Anderson graduated Buckingham High School in 1949 and continued his education at Virginia Polytechnic Institute studying Animal Husbandry from 1949 to 1952; then University of Georgia studying Veterinary Medicine from 1952 to 1956, and

Whereas, Dr. H. Powell Anderson received his State Board Certifications for Virginia, Georgia and Florida from 1956 to 2010; studied preventive medicine for animals and humans from 1979 to 1981; and Homeopathic Medicine for animals and humans from 1979 to 1981 where he received a HMD degree; and

Whereas, Dr. H. Powell Anderson started Veterinary Practice in Tampa, Florida from 1956 to 1998. He came back to Buckingham and did relief veterinary work from 1998 to 2000. Dr. Anderson then built and operated the Andersonville Animal Clinic in May of 2000 until he sold it to a new veterinarian in 2008 where he continues to work a reduced case load.

Whereas, Dr. H. Powell Anderson has served his community in many ways, such as member and president of Center for Attitudinal Healing from 1965-68 in Florida; taught the health and wellness course of "Feel Like a Million" from 1996-98 in Florida; discussion seminar leader from 1996-98 in Florida; set up animal visitations in nursing homes; education presentation to schools, Pen Pals Program through the local courts; wildlife rescue, animal rescue and adoptions, county humane society; worked closely with Buckingham County Animal Control; Animal Rescue Foundation for Central Virginia; Transport Buddies Inc. and Central Virginia Humane Society-SPCA Regional Transport Facility.

Now, Therefore Be It Resolved, that the Buckingham County Board of Supervisors, on this 14th day of February, 2011, would like to express their appreciation, and sincere thanks, and gratitude to Dr. H. Powell Anderson for the many long hours of outstanding service that he has provided through the years to assure the health and welfare of animals and families.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to approve the above Resolution of Appreciation to Dr. H. Powell Anderson.

Re: Request from Supervisor LeSueur for purchase of Laptops for Board of Supervisors

This item was postponed to April meeting due to Supervisor LeSueur being absent.

Re: County Attorney Matters

Mr. Wright: I have a few things I'd like to discuss, first dealing with the redistricting. This is Board is aware, we have basically come very close to finishing the legal descriptions of the districts. We expect to finish that tomorrow. We expect to have advertisement in the Farmville Herald this Friday and the following Friday for public hearing. This is progressing fairly nicely. We are going to try to talk to the press to see if we can get a little extra coverage on that.

Second thing, the action that you took earlier concerning the cell tower, I want to make the Board aware, the act we talked about earlier require any time a denial of that service, you will need to have a written opinion of finding supported by substantial evidence on record indicating the reasons for the denial. Denial can not be based on health issues; it has to be on conditional zoning matters. So I suspect if that is what the position of the Board is, you need to do a little bit more to substantiate on record as to why you took the position you did, the fact that people were not hear to speak for or otherwise is not the type of information we need if case were challenged. I just needed to make the Board aware of that. And I'll follow what instructions you have.

Chambers: We need to reconsider the thing then, don't we?

Kitchen: I'm not voting against the tower, I'm voting against the location.

Talbert: Mr. Attorney, when they came at first, all the timber was there, the tower was okay and everything, then they came back...

Mr. Wright: I'm not debating it, if we get challenged on it, I'm going to have to respond to it and based on what's on the record, I'm telling you I'm going to have difficulty...the motion to approve it was denied so it fails. There is nothing on the record that I'm aware of based on the discussion I heard specifically relates. I don't care which way you do it; I advise you what's right.

Talbert: I understand. When you have a vote in a governing body and it ties, everything else is going to be questioned if it ties?

Mr. Wright: It's not a question as to whether it ties; the question is it didn't pass. You have 150 days to respond if they have a question on a cell tower. If you don't respond, they can go ahead and do it if they wanted to. The response as I took it was the motion failed so it was a denial of their request but there is nothing in the record if they challenge this indicating why is was denied.

Chambers: Ok, I see what you are saying.

Mr. Wright: Since it was denied, if they challenge it, there has to be substantial evidence in the record to substantiate the denial and it has to be in writing citing those things in the record.

Kitchen: Like I say, I did not, my problem with that is the location of it. I'm sure they didn't have no control over the man cutting the timber but they could have very easily left enough there to buffer it.

Chambers: Mr. Chairman, hearing what the county attorney has said, I make a motion we go on and approve the thing.

Mr. Wright: I'm not asking that now.

Bates: Would it be...would the county's position be satisfied if the Board members that essentially opposed Monroe's motion got on record with their reason for their opposition to it and address the zoning related issues?

Mr. Wright: Those notions would have to be zoning related issues. Someone will have to capture in writing those reasons.

Talbert: I might be in left field on this, but when you set up for the county or Board of Supervisors to hear against or for, and you have nothing for it and you have some against it, the people had a right to come hear and speak their...that's why I voted against it. So I'm just simply saying that...

Mr. Wright: That's reasons why you get to where you are, for lack of a better word, that's a political consideration rather than a zoning reason, in other words, people in the neighborhood are opposed to it or people in the neighborhood are in favor of it. It's too close to this type of operation or visual esthetics, its things that and I'm sure the people against it have in their heads that's what we are thinking. I'm not trying to steer you one way or another.

Kitchen: This is setting the record straight; I have no political issue in it.

Talbert: Me neither.

Mr. Wright: You misunderstand the meaning of political; it's the influence of a group....

Supervisor Chambers moved, Supervisor Snoddy seconded to rescind the earlier vote to deny the Special Use Permit for US Cellular to put a cell tower on Chapel Road. The motion was passed with a five to one vote with Supervisor Kitchen opposing.

Bates: This is to reconsider the earlier decision so that means no action is taken. Now, if I'm not mistaken...

Chambers: My motion was to approve it.

Bates: Your motion was to reconsider.

Chambers: I make a motion to approve it.

Supervisor Snoddy seconded.

Bates: Question: Mr. Wright, do have anything on this?

Mr. Wright: Not right now. It depends on what happens next.

Supervisor Chambers moved, Supervisor Snoddy seconded to approve the request for a Special Use Permit by US Cellular to put a cell tower on Chapel Road. The motion passed with a five to one vote. Supervisor Kitchen opposing.

Talbert: I have nothing against cell towers. That's why I want to talk to you. I don't care if you put it 10 ft from my house because we can't get any service up there and it's not fair we have to suffer and buy phones, pay bills for cell phones, we have US Cellular, as a matter of fact, here is a brand new phone that I got from US Cellular, but I don't think its fair that I'm out there in the country within 5 miles of Willis Mtn. Tower, within 6 or 7 miles from the one down there on 15 and the one on 56 across from where the crow flies. That's what I want to talk about, I don't have any land to put it on but I know the man next door does and he would allow it. That's why I want to talk to you, we need one.

Mr. Wright: So you approved it. It's not a denial, so I'm quiet.

Re: County Administrator's Report

Karl Carter:

Mechanic Analysis-School Bus Garage: The Board tasked the Finance Committee to find out whether it would be cost feasible to hire a mechanic at the new school bus garage. We pulled invoices from our two largest vendors, we took the total invoices and subtracted the parts for repairs and got the cost for labor. We know we have to pay for the parts regardless of whether we outsourced it or kept it...we came to find out that we paid \$10,000 to get these vehicles repaired. It was the decision of the finance committee that it would not be cost feasible to hire a mechanic at the school bus garage because when you factor in buying the equipment, the salary, we will spend a lot more than \$10,000.

Kitchen: Let me ask you a question, Karl. On the parts, were they retail or wholesale?

Mr. Carter: I'm sure they have a mark on them, yes, sir.

Kitchen: Retail. The County or Schools can go somewhere and get it wholesale and save 40, 50 or 60% and sometimes 80%. Would that change the figures?

Mr. Carter: It wouldn't change it for the amount of equipment and salary that we'd have to pay.

Chambers: Best thing is to let it stay like it is.

Talbert: At the present, we will let it stay like it is.

No Interest Bonds Jump Start School Construction Projects: We've got some good news finally. We've been waiting for the Department of Education since October. We applied for some Qualified School Construction Bonds and were awarded for the Dillwyn Lower Elementary School project \$10 million in interest free money for those projects. Out of \$25 million, we've been approved for \$10 million of that money should be interest free. That's good news we've been waiting for since October and just found out about last Wednesday.

Senator Warner's meeting: Another thing I have, an announcement, we received word from Senator Warner's office; he will have someone here in this building on March 21st from 10 to 12 to talk to constituents about any problems they are having.

That's all that I have.

There being no further business to discuss, Chairman Talbert recessed to reconvene on March 14, 2011 for budget work session.

ATTEST:

Rebecca S. Carter
County Administrator

E.A. "Bill" Talbert
Chairman