At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, May 14, 2018 at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Building, the following members were present: Danny R. Allen, Chairman; Donald E. Bryan, Vice-Chairman; Robert C. Jones; Don Matthews; E. Morgan Dunnavant; Harry W. Bryant and Joe N. Chambers, Jr. Also present were Rebecca S. Carter, County Administrator; Karl Carter, Asst. County Administrator; E.M. Wright, Jr., County Attorney and Rebecca S. Cobb, Zoning Administrator.

**Re: Call to Order**

Chairman Allen called the meeting to order.

**Re: Establishment of a Quorum**

Chairman Allen certified there was a quorum. Six of seven members present and the meeting could continue. Vice Chairman Bryan came in later in the meeting.

**Re: Invocation and Pledge of Allegiance**

Chairman Allen gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

**Re: Announcements**

There were none.

**Re: Approval of Agenda**

*Supervisor Jones moved, Supervisor Matthews seconded and was unanimously carried by the Board to approve the agenda for May 14, 2018 meeting as presented.*

**Re: Approval of Minutes**

*Supervisor Matthews moved, Supervisor Jones seconded and was unanimously carried by the Board to approve the minutes of the April 16, 2018 and April 23, 2018 meetings as presented.*

**Re: Approval of Claims**

*Supervisor Dunnavant moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the claims as presented.*
Re: Public Comments

Frank Howe, District 4: Good evening. I’m here this evening to talk to you about a life or death matter and one that effects every person in this room and every person from Buckingham County. I’m here tonight because the efforts and determination of students from Parkland High School in Florida compelled me to try to do something to make a difference. There is a gun sickness here in America. A gun sickness. We have confused and distorted the rights of the Second Amendment. But regardless of my or your understanding of the Second Amendment we do currently regulate ownership of dangerous weapons. Private citizens are not allowed to purchase, sell or own hand grenades. Why? Because they are so dangerous that the safety of the group overrides the right of the individual to own such a weapon. If this auditorium this evening were filled to capacity, a sick, cowardly individual could in about ten seconds kill half the people in this room. We are relatively safe from that because hand grenades are illegal to own and hard to get. If this auditorium tonight were filled to capacity, a sick, cowardly individual armed with a AR15 could in about 15 seconds kill half the people in this room. We are not safe from this occurrence because they are legal and very easy to get. Like so many others, I have written letters, signed petitions, contributed money but the people in our country that make the laws are owned by the people who make the guns. Tonight, I’m not asking you to make a law, I’m asking you to take a stand. I’m asking that at your next monthly meeting, you discuss and pass the following resolution. We, the members of the Buckingham County Board of Supervisors call upon the members of the Virginia General Assembly to enact legislation to prohibit private citizens from buying, selling or owning assault weapons or high capacity ammunition magazines. This is a life or death matter and you can do something to save lives. You may choose to deflect or ignore this request. Most of our elected officials do this regularly, or you may choose to do the right thing, the sane thing. God help us if sometime in the future a mass shooting occurs here in this county. It could be one of our schools or could be right here in this room. God help us. If you fail to consider or fail to pass such a resolution if such an awful thing happen here in Buckingham, what would you say to yourself and what would you say to us. Please take this proposal seriously and please act. Thank you. I have copies for each of the members of the Board.

Jeeva Abbate, District 5: District 5. I’m in Harry Bryant’s district. Gentlemen, I’m here to invite you to an open house tonight. I hope you come. We are just being good neighbors and inviting our Supervisors to an open house on May 20th. We’d be real happy to have you. We invited Harry to come to our dedication of our solar panels. He was a big hit. Everyone was happy to see local government in attendance. Our solar panels are producing about ½ of what our main hall uses in electricity. We have Harry some refreshments. I think had some of Melanie’s famous chocolate cake. So we had a good time with Harry. We’d like to invite you, our supervisors and support you and I give personal tours so if you come and want to see anything or ask any questions, we are an open community. You can see what we are doing and we bring about 7,000 people into Buckingham every year to take yoga lessons and they pray with us and do exercises and eat good food and go home real happy talking about Buckingham. So, please come. You are all invited. Thank you very much.
David Ball, District 3: David Ball. District 3. Supervisors, Mr., Mrs. Carter, good evening. First off I don’t recall last month saying that this meeting was going to be called at 6:00 tonight. Somebody had mentioned to me that there was going to be a formal change of date and time. I think it is something that should be announced to the public so the people in this community will know when the meetings are to be held.

Matthews: It was announced last month.

Ball: I don’t recall seeing anything about that. Back to the topic of economic development, it’s a critical part in this county, if we don’t have economic development we don’t have a future. The economy right now is flourishing and the stock market is going crazy, we should be doing great and we are not. That is a problem with most of rural America. That is something that needs to be worked on and addressed. We should have experts come in and talk about what important in the economy. How to go about it. I know Virginia’s state of the chamber, board or chamber for the state, they talk about it. They have a blue print for actually economic development. You can go online and download it and look at it and see what they recommend for what’s going to help the grow the economy. What they say, we need industry. We need those kinds of jobs to build the economy. If we don’t have stable jobs, there’s not going to be home building. There’s not going to be economic growth. All these things are tied together. They have a blue print, for $20, $25 or $35 it’s a blue print for growth in this state. Take a look at it. I think you’ll find it very interesting. Thank you.

Marie Flowers, District 3: Marie Flowers, 3rd District. I’ve come to complain again. I’m complaining because…my thought is, my issue is I did not know that the meetings are going to start at 6:00. One of my friends from the garden club called me to let me know. We don’t give people enough time. Even though a lot of people don’t come to these meetings, I think it’s a public service and a responsibility to let people know. The public hearings said 6:00. I went through the paper again. I think somebody has a responsibility to make sure that the citizens of our county know when, where and why they are meeting. Even if they don’t care, you all have a responsibility to let people know. I don’t have internet so I can’t get on to the computer and I don’t know what your agendas are until somebody might call me or tell me. How do I get information on the progress of the Memorandum of Understanding with Kyanite? Is there…there’s no progress on it? Ok. That’s all I have to complain about today but I’m sure there will be more.

Allen: It was voted on at the last meeting to change it at 6:00. I don’t know if anything was sent out.

Re: VDOT Road Matters and Requests for Additions to the Secondary Six Year Plan and Consider Scheduling a Public Hearing for the Six Year Plan

Shippee: Good evening everyone. From a maintenance standpoint the big push is to finish up these rural rustics that were on the Secondary Six Year Plan from last year. Still trying to get those hard surfaced this month or beginning of next month to get those finished up. Going to start mowing secondary routes and hit those trouble spots. We sprayed some growth retardant on
the primary routes so that is hopefully going to hold us a little longer and push that back a little bit. Probably the biggest thing that I have tonight is discussion of the Secondary Six Year Plan. I’d like for you all to consider setting a public hearing on that for next month and I’d also like to get your feedback on…we’ve got enough money to add approximately 6 ½ miles to the outer years of the Secondary Six Year Plan 2023-24 so I’d like to get your feedback on that. If I don’t get enough to fill the 6 ½ miles, what I’ll do is look at the unpaved roads that we do have and look at traffic volumes and see which one’s have the highest volumes, see how many residences are on those and try to balance those out and come up with a recommendation for you for the public hearing. Aside from that, I’m just here for your suggestions, comments or concerns.

Allen: I was looking at the list you sent us. The first page added up to 14 roads. If I’m not mistaken you were down to #13 already committed or ready to work on or start to work on.

Shippee: The original last year secondary six year plan, the latest email that I sent is that what you are talking about.

Dunnavant: The one in our book for tonight.

Matthews: You’ve got three lists.

Shippee: You should have a copy of the formal six year plan that was adopted last year.

Allen: The second list is what I’m seeing.

Shippee: We have kind of a cheat sheet that I made up that shows roughly the first 8 that if the board keeps the priorities the same for this six year plan, those will be the next 8. 737, Warminster Church; 699, Winfrey-Inez; 764, Lee Town; 1 mile of Rt. 630, Red Road; 669, Rocky Mountain Road; 684, Cobbs; 785, Brill Road and 773, Shumaker Road. If you left the priorities as they are and took the ones that were 1-10 that were constructed last year and move them to the bottom and move them up in natural progression, those would be next on the list.

Allen: I just wanted to make sure we weren’t skipping something.

Matthews: So the first 8 and then the second 10?

Allen: On the second page, down to 10, is already committed is what I’m understanding. They are starting on Warminster Church Road.

Dunnavant: They are committed. They are in the process of being bidded out, aren’t they Mr. Shippee? On the listing here. 1-11 they are actually going out to bid. The next one would be #12, Winfrey Inez Road?

Shippee: Yes, actually ok, I see what you are talking about. That’s last years list. 1-10 are the ones we should have hard surfaced between now and June. Those are done. Those will still be on the secondary six year plan but they will be at the end of the plan in case we have to add
anything to finish those out. Number 11 through 18, those are the ones that would move up the list and those are the ones that that if the funding is laid out would get done in the next fiscal year. Sometime between July 2018 and June 30, 2019. Those will be hard surfaced then everything else on that list will move up. Assuming you guys want to leave the priorities the same and then what we are looking to do is add 6 ½ miles beyond #25, beyond Paynes Pond Road for consideration in the outer years.

**Dunnavant:** If we have anything we want to add to the list, get that to you next month?

**Shippee:** I really need it tonight. That was the purpose of sending out the email was to get it as quick as possible. If you can get it to me by Friday, I can work it in. Just keep in mind that anything we add needs to have 50 vehicles per day in order to be eligible for unpaved road funds.

**Dunnavant:** The only one I’m aware of in my district right now would be the east mile, or maybe not quite a mile of Red Road. Nobody else other than that group has come to me to ask about anything.

**Shippee:** Just a back story on Red Road. We had to do a supplementary traffic count to get this particular mile on there because when they do the traffic counts, they do them on the midpoint of the road, and at the time we add this to the plan, Red Road did not qualify. So we did a supplementary traffic count on the most popular end of the road and got it to qualify and that how that mile got in there.

**Dunnavant:** Make sure they do that on the other end.

**Shippee:** I can submit that. We may not be able to add it this year because technically it won’t qualify until I have that in my however, seeing that the money for construction is 2023-2024. It is something we can keep in mind.

**Dunnavant:** We’ve got time. Just stick it in there so it holds its place.

**Allen:** How about roads that are paved that need work done to it?

**Shippee:** The majority of the money that’s available is for unpaved roads. That’s why we do the rural rustic concept which is basically taking the existing gravel surface and making it a hard surface. There’s no reconstruction. We basically go from the maintenance standpoint. We sweep the ditches, get the leaves out, but usually the work of the road, the geometrics of the road stay the same. It just goes from gravel to hard surface. Part of that program is posting these things at 35 mph. So once these get done, I’m going to submit a list to our traffic engineering folks and have them check the roads and they will put up 35 mph signs for these rural rustic projects.

**Allen:** I just keep thinking about 622. You started awhile back. Supposedly like old money or special money yall used. You got ½ way through it and stopped.
Shippee: There’s not a lot of that construction type money. That’s probably where that came from before the secondary construction funds and they don’t exist right now.

Matthews: I do have a complaint from a citizen on Wise Ridge Road about the dust and traffic on that road. He says it’s about 5 residents on there. What is the traffic county on Wise Ridge Road, do you know?

Shippee: Do you know the number?

Matthews: I don’t know. Mrs. Braxton, what is your road number? 756

Shippee: Let me check it. It’s 80 vehicles per day. That would qualify for unpaved road funds based on the traffic count.

Matthews: She’s also concerned with the speed limit on that road. It’s a dead end road.

Shippee: It’s currently unpaved, correct?

Matthews: Yes.

Shippee: Unpaved roads, the statutory speed limit is 35 mph.

Matthews: There’s no posting there. Is there anything you can do, children at play signs or anything we can do there?

Shippee: The children at play signs is a county function. You can do that. That way it is 35 mph so it would qualify for that. The county would pay for the signs. The county would pay for installation and the county will pay for the upkeep if that is something you decide to do.

Matthews: Ok. Can we get that placed on your six year plan? Will that make you happy, Mrs. Braxton?

Shippee: That’s about .6 miles so we have roughly 5 ¼ miles left to add so if you can think of something that you have a preference for or something your citizens have asked for let me know or I’ll try to go with the highest traffic roads first.

Allen: 617, you might a little more to that. I don’t think we are going very far.

Shippee: That was added about 4 years ago and at the time the request was made to add ¼ mile to it.

Allen: Since you got more, you can add a little further to it if you want to.
Shippee: If the Board wants to do that, I can modify that. If you would like, let’s say add another ½ mile to it, if the board would like to do that, I can modify the current project and do it while we are out there now.

Matthews: We have another one in our district too, I don’t know the number but it’s Crescent Road and that’s if you are traveling 15 south, it would be past the Methodist church on the right. From 15 back to 15. It’s a loop there.

Shippee: 689. 60 vehicles per day so that would potentially qualify.

Matthews: If I can get that in there too. I’ve got one other question, I made a point about it not long ago, at the end of 769, the north bound land is actually going downhill and visibility there is getting worse now foliage is on the trees, I know when we talked earlier, there was no money to cut that bank back or whatever needs to be done but I’m really concerned about the safety issues of that particular portion.

Chambers: What about Ivy Road? If you go to Glenmore, take a right…

Shippee: That’s already on the Plan. Ivy Road, 702. That’s on the plan. If funding holds up that one should be funded for construction July 2020.

Carter: I have provided you all with petitions and letters for that where they would like to have it moved up. Talking to Scot there is a possibility of maybe moving two down if you…

Shippee: The Board can put it as a #1 priority if they want. But you are pushing everything else down. We can take a look at it if that is your desire.

Matthews: The others are waiting too so its one or the other. If you get in line eventually it will happen. I’d like to stay as it is.

Shippee: If it would make sense to do it, I did one in Prince Edward where they had ¼ mile they wanted to add, and I could advance that one without effecting the order of any of the others. It just happened to be how the money worked out. If I can work it that way and it makes sense then yes, I’ll make the recommendation to advance the smaller roads like that but it’s not very common. With Ivy Road being 2 miles, that one, if you advance that one, then you are going to push quite a few down the list.

Matthews: What about work to shoulders and things of that nature on some of these roads that are kind of narrow? I just noticed some, School Road and Stage Coach Road.

Shippee: As far as doing some shoulder widening and that sort of stuff?

Matthews: Not as much widening, but they are getting rough in some of those areas and we don’t want to have an accident.
Shippee: A lot of it is us trying to stretch maintenance dollars as far as we can. We do have some safety and operational funds that we try to use to address some of the worst areas. Rt. 633 is one of those examples. Those funds are very limited and are not guaranteed to be there per year so we try to prioritize that as best we can. Yes, there are a lot of places where the shoulders are breaking up and roads are narrow. It’s just very difficult to identify an existing funding stream to take care of that. I will say this, if the Board would like to allocate some funding for that purpose out of the county’s budget, then we can certainly make use of it through a Memorandum of Agreement or something like that to where we can potentially do the work and bill it back. I’ll have to look at the details and figure out the legalities but that is always an option if it’s a high priority for you. Right now we are tasked to do the best we can with the maintenance dollars.

Matthews: If you have left over money from the six year plan does it get used for anything else?

Shippee: You can use what’s listed as tele fees for that type of work but that’s roughly $50,000 a year. Not going to go very far. If that’s something you would like to consider doing, then that’s something we can look at adding a line item for ongoing shoulder work but legally, I’ve got to figure out how to get that accomplished.

Matthews: I’d like to hear some possibilities on that in the future.

Allen: You really want it tonight but if we get it to you this week, it would be ok.

Shippee: If you can get it to me by Friday, it would be fantastic. The biggest thing is to ask you all to set the public hearing for next month so we can wrap that process up.

Allen: I’ve got some thoughts. Anyone want to make a motion to set the public hearing for the six year plan.

Bryant: I make a motion.

Jones: I’ll second.

Allen: We have a motion and a second that we have a public hearing scheduled for next month for the VDOT Six Year Road Plan. Any discussion? Let’s vote.

Matthews: Those that I gave you will go on the six year plan?

Shippee: I will have those on the list for the public hearing, yes. If I get other roads in addition to Mr. Matthews, what I’ll do is go through and look at the traffic count and look at the houses and come up with a system and it’s your final decision as to the priority.

Allen: Thank you sir.
Supervisor Bryan moved, Supervisor Jones seconded and was unanimously carried by the Board to schedule a public hearing for the Secondary Six Year Plan for the June 11, 2018 meeting.

Re: Public Hearing: Case 18-SUP253 Virginia Keys School Request to Expand Operation

Cobb: Yes, sir. This is Case 18-SUP253 application by Richard Kingswell, Virginia Keys School asking for a special use permit for a private school on Tax Map 140 Lot 56 containing approximately 2 acres on High Rock Road. The Planning Commission held their public hearing on March 26 and is recommending their approval with conditions. The hearing has been advertised and I do believe we have someone signed up for that. Do you have any questions for myself or the applicant?

Conditions:

1. That all federal, state and local laws, regulations, permit requirements and ordinances will be adhered to.
2. 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.
3. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.
4. The permittee or their agent shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under this special use permit and from the operation of the permitted activity and such insurance shall extent to the benefit of personal injury or property damage that occurs off premises by employees, agents, invitees, guests, contractors and students of the permittee. Insurance must be obtained prior to start of permitted activity and shall remain valid through the time the permittee conducts activity under the special use permit. The Zoning Administrator may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the special use permit. Failure to maintain such insurance shall be grounds to revoke such permit.
5. The students shall be monitored and prevented from trespassing on adjacent parcels. If students trespass and are a private nuisance to the neighbors then the permit may be revoked by the Board of Supervisors through public hearing.
6. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the 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. No school structure greater than 150 square feet shall be erected within 100’ of adjoining properties without adjacent landowners written permission.
10. The Buckingham County Noise Ordinance must be adhered to.
11. The County Zoning Administrator and one other County staff member as appointed by
the County Administrator, shall be allowed to enter the property with proper notice, if a
complaint is registered against the property for noncompliance with this permit. Any
complaints not solely related to this permit will be given to the appropriate department or
agency.
12. 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.
13. That the applicant(s) understands the conditions and agrees to the conditions.

**Allen:** Yes, I do.

**Bill Lay:** Bill Lay, Virginia Keys School.

**Allen:** My question, my thoughts I was reading over and its talking about foster children.
Beginning we talked about last time you were here, it was children going out of the foster
program. You pick them up and help them to be able to get further in life more or less.

**Lay:** The use of the property that we are here to discuss, we’ve got several programs going on at
Virginia Keys School. The property on High Rock Road would be used as an emergency intake
type facility. This would be for children who are brought into DSS custody or VJJ custody either
from their home or school or some entity other than their families. At the Virginia Keys School,
the larger operation, we bring the kids in and teach them high school, trade skills, independent
living and transitional skills that enables them to go back into their communities and have
employment and live better lives. Those are the two entities that we have going on there. The
belief on the High Rock Road property, the young guys, the young kids will come in and they
would stay with us for a shorter period of time. Roughly two weeks to 45 days until a suitable
placement could be found for them to go to. Currently their transition is a bit rocky as a place
for them to go. This will be an almost therapeutic type environment.

**Allen:** What age group would that be?

**Lay:** We are looking at 12-18 bracket. Mostly, I would assume the 17-18 year olds would not
be coming, so maybe 12-16.

**Allen:** So you will be working with the Social Services here?

**Lay:** Yes, we currently have contractual agreements with 32 localities throughout the
Commonwealth. We have talked with Mrs. Coleman, and in fact he and Dr., I can’t remember
his name, were the first visitors we had on campus 2 ½ years ago. The 32 localities range from
Fredericksburg, Spotsylvania, Bedford, Prince Edward, Richmond. 32 of them.

**Allen:** So you would be almost like a foster care person?
Lay: It would be an extension of that. Yes. We would be the guardians of the kids while in our care. As the one’s we have now.

Allen: So you have to go through all that training through social services.

Lay: We are licensed through the Department of Social Services and Department of Education as well as we carry contractual licenses with Department of Juvenile Justice as well.

Allen: I was just wondering.

Lay: No, that’s good. I’m glad you asked. Our program being roughly 3 years in existence here, we’ve had roughly 47 students that have come through our doors that we’ve transitioned back into their homes and of those 47, the successes that we had, currently I have a 19 year old young man working in the assisted living program in Farmville that received a Certified Nursing Assistance certification from us. We have had 5 high school graduates in a transitional class where the class size is 10. Our population being 20 for the school, to have 5 young men complete their high school diplomas in our program in pretty outstanding. Having these type of outcomes that we are able to present back into the localities is pretty successful for a program like ours. To sort of toot our own horn to you guys, we have pretty much become the go to program in the Commonwealth in terms of our platform and format and the type of outcomes that we win with these young men to complete high school and get jobs and teach them to live out in the community without getting incarcerated or tossed back into services. You guys are welcome, I heard the gentleman that invited you out to an open house. I think I may have to have one of those so you guys can come out and check us out. We would love that. Any other questions?

Allen: I guess I need to open the public hearing. The public hearing is open to anyone that would like to speak. You have three minutes.

David Ball, District 3: David Ball, District 3. Supervisors, Mr. and Mrs. Carter, hello again. Last month when I heard this program introduced, I was extremely impressed. Knowing the type of programs that are available across the state, I think this is a great project. We should support them and approve what they do. In fact, one of the biggest problems with society today is the at risk students or child. The At risk child is the lost forgotten part of our community. Unfortunately, I can attest to the fact that a great many organizations within the cities, urban areas take a lot of the grant monies for these types of programs, but they use those to fund the organizations and very little actually goes to the actual cause that they are committed to. So I think there is a great deal of grant potential and growth potential. I think this is one of those favorable things that we can say in Buckingham County that we are doing to make a difference for a lot of forgotten kids of our state. Thank you.

Allen: Anyone else? That’s all. We will close the public hearing.

Dunnavant: I have two comments for it. I renew my objection from last month for us as a county to requiring a private individual to have insurance. My line of thinking on that is if we
put in writing requiring them to have it and something happens and they lose their insurance and something happens, the potential is there for people to look to us to cover it since we thought it was necessary in the first place. Item #5, what is a private nuisance? I would think, I think that’s a typo, I think it should be public nuisance shouldn’t it? In #5, a student shall be monitored and prevented from trespassing on adjacent parcels. If the student trespasses and are a private nuisance. Shouldn’t that be a public nuisance in the wording there?

**Cobb:** I’m assuming it is private. Again this was taken from a previous permit with them. I’m assuming it’s private maybe because it’s on a individuals property or in the adjoining neighbor property.

**Dunnavant:** I’ve never heard of something being a private nuisance but I have heard of public nuisance.

**Cobb:** Right. We can…

**Lay:** Just to refresh the Board from last month. That condition was put into the special use permit to cover neighbors at the time I believe during the previous schools that were there, not our organization someone had their car stolen and there was some concern about being able to cover that and so the condition was put into our permit. We have had no personal property damages while we were managing the school.

**Dunnavant:** Being a business person myself, I thoroughly believe you should have insurance. That should be on yall. It shouldn’t be us up here as the county dictating what insurance a private entity should have. Now, if you were leasing land from the county for your operation to be on then I believe we would have grounds to stipulate the insurance requirements to protect ourselves. But I don’t think we should be dictating insurance requirements from a private individual. That’s my comment to this Board.

**Lay:** Yes. We would certainly support removing that condition because it is an annual fee that if you look at the long term effects on our business. We are here to stay and if you look at a 20-25 year condition on this permit at $1000 + per year, it becomes a…

**Dunnavant:** It’s also a first with our zoning. A first requirement of insurance of any permittee. I don’t want to see zoning restrictions grow which this is, a growth in restrictions.

**Carter:** When you contract with your agencies, do they require they have your insurance before they bring the children there?

**Lay:** The agencies that we contract with do not require this type of insurance. They require multiple levels of liability both professional as well as liabilities for within our property. This is the only time this clause has been brought to us. In fact some of the localities have very specific language that we write into the policies.
Allen: Mrs. Cobb, this pretty much came up, I don’t know if you had heard but I had heard that they were saying that a couple got out and stole some vehicles and messed them up.

Cobb: Right. This…just like you said, this was the concern when they were first starting because the first establishment that had been there had quite a bit of trouble with students leaving and stealing vehicles and damaging property.

Allen: So you are saying the potential is gone, maybe change it to adequate insurance is efficient.

Dunnavant: I don’t think we should have any insurance requirement on a private individual.

Allen: It’s to protect the neighbors. It’s all that’s for.

Dunnavant: They are conducting a business and I’m stating my point, they are conducting a business and if they are a responsible business they have adequate liability insurance to cover whatever happens from their clientele. But whatever term you put on your residence or whatever term you’ve got insurance to cover their actions, has got insurance to cover employee accidents. I don’t believe it’s appropriate for us to force any private entity to have insurance through our zoning restrictions. I don’t think its appropriate.

Bryan: Are you make a motion to strike that?

Dunnavant: I will make it in a form of a motion that we approve the special use permit without condition #4 in it.

Bryant: I’ll second it.

Allen: We have a motion and a second to approve without #4. Any discussion?

Bryan: Basically what he’s saying is that you have insurance to cover if somebody leaves the premises and damages my property?

Lay: Yes, we have insurance. We have liability. We have compensation, comprehensive plans insurance. We are governed and licenses by the Department of Social Services and the Department of Education. We have insurance to cover our insurance. I mean it’s…we would not be bringing adolescent boys onto our campus without making sure that the kids, our staff and our neighbors were taken care of and covered. We have been good neighbors and will continue to be good neighbors at school.

Allen: All I’m saying is something happened, maybe before yall, and that was to protect the neighbors. Mr. Wright do you have anything to add?

Wright: No, sir.
Allen:  Let’s vote.  7 yes.  It’s approved with #4 removed.

Supervisor Dunnivant moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the Special Use Permit 18-SUP253 for Virginia Keys Schools to expand their operation and omit Condition #4 regarding insurance.

Lay:  I would like to thank the Board of Supervisors and invite you all to come out and visit our campus.  Thank you.

Re:  Public Hearing:  Update of Zoning Ordinance Article 9

Cobb:  Yes, so this is the drafted changes to Article 9 of the Zoning Ordinance and as we discussed last month when we scheduled the public hearing, the predominant change is that for depending on the type of application, the collocation applications we are reducing the fee from $4000 to $1800 and some other changes are about small cell legislation.  We’ve incorporated that into the document and other things too I guess to incorporate into your motion would be that CityScape at no charge review the Master Plan and update our inventory so that’s what that is about.  We do have someone signed up for the public hearing.
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Supplemental Document to Article 9 of the Zoning Ordinance

Purpose
In accordance with the County’s zoning authority this document serves all county staff and potential applicants with a list of publicly owned properties and detailed submittal requirements for all applications.

Section One: Uses of County-owned lands

The following Buckingham County-owned properties are available for new wireless telecommunication infrastructure subject to all the zoning requirements of this document and the Zoning Ordinance.

<table>
<thead>
<tr>
<th>Property</th>
<th>Address</th>
<th>MP Site ID</th>
<th>Infrastructure Type</th>
<th>Infrastructure Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Waste &amp; Recycling Center</td>
<td>29420 N. James Madison Highway</td>
<td>5</td>
<td>Monopole</td>
<td>125’</td>
</tr>
<tr>
<td>Household Waste &amp; Recycling Center</td>
<td>720 Plank Road</td>
<td>10</td>
<td>Monopole</td>
<td>199’</td>
</tr>
<tr>
<td>Water Tank</td>
<td>52 Dillwyn Primary Road</td>
<td>14</td>
<td>Concealed Antenna Attachments</td>
<td>n/a</td>
</tr>
<tr>
<td>Household Waste &amp; Recycling Center</td>
<td>Section 138, Lot 16</td>
<td>15</td>
<td>Concealed</td>
<td>125’</td>
</tr>
<tr>
<td>Water Treatment Plant</td>
<td>1788 Troublesome Creek Road</td>
<td>18</td>
<td>Monopole</td>
<td>199’</td>
</tr>
<tr>
<td>Household Waste &amp; Recycling Center</td>
<td>16836 W. James Anderson Highway</td>
<td>26</td>
<td>Monopole</td>
<td>199’</td>
</tr>
<tr>
<td>Buckingham County Courthouse</td>
<td>13043 W. James Anderson Highway</td>
<td>27</td>
<td>Monopole Flag Pole/concealed attached</td>
<td>125’</td>
</tr>
<tr>
<td>Buckingham County Administrative Offices</td>
<td>13360 W. James</td>
<td>28</td>
<td>Monopole Flag Pole/concealed attached</td>
<td>125’</td>
</tr>
</tbody>
</table>
(a) If an applicant requests a permit to develop a site on County-owned property, the permit granted hereunder shall not become effective until the applicant and the County have executed a written agreement or lease setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted.

(b) No permit granted under this section shall convey any exclusive right, privilege, permit, or franchise to occupy or use the publicly-owned sites of the jurisdiction for delivery of telecommunications services or any other purpose.

(c) No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the agreement between the lessor and lessee. Further, no permit shall be construed as a conveyance of a title interest in the property.

**Section Two: Submittal requirements for each type of facility.**

#1 For All New WCFs outside the right-of-way:
In addition to the submittal requirements of any subsection below, each applicant shall submit a completed application form and required application fees as part of its submittal package.

(1) Prior to application submittal.
   (a) The applicant shall contact the Zoning Administrator to confirm submittal requirements and Planning Commission and Board of Supervisor meeting dates.
   (b) Balloon Test for all new freestanding macro cell WCFs outside the right-of-way greater than 50 feet in height
      1. The applicant shall arrange to raise a balloon of a color or material that provides maximum visibility and no less than three feet in diameter, at
the maximum height of the proposed WCF and within 50 horizontal feet of the center of the proposed antenna support structure.

2. The applicant shall inform in writing the zoning administrator, abutting property owners, elected County Supervisor, and appointed Planning Board Commissioner of the district of the date and times of the test at least 14 days in advance.

3. The applicant shall request in writing permission from the abutting property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.

4. The date, time and location of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date. The advertisement shall also include an alternate inclement weather date for the balloon test.

5. Signage similar to rezoning signage shall be posted on the property to identify the location on the property where the balloon is to be launched. This signage shall be posted a minimum of seventy-two hours prior to the balloon test. If unsuitable weather conditions prevail on the date of the balloon test then cancellation of the test shall be clearly noted on the signage.

6. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen.

7. The applicant shall record the weather during the balloon test.

8. If the wind during the balloon test is above 20 miles per hour then the balloon test shall be postponed and moved to the alternate inclement weather date provided in the advertisement.

(2) Provided with application:

(a) For all new macro facility towers, the applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the county as well as known tower owners as indicated on the list of wireless service providers provided by the county:

"Pursuant to the requirements of the Buckingham County Zoning Ordinance, Article 9 is hereby providing you with notice of our intent to meet with the county staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at _________ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a support structure of ________ feet in height for the purpose of providing _________ (type of wireless service) _________. Please inform the County Staff if you have any desire for placing additional wireless facilities or equipment within 2 miles of our proposed facility. Please provide us and Buckingham Planning Department"
with this information within twenty business days after the date of this letter. Your cooperation is sincerely appreciated.

Sincerely, (pre-application applicant, wireless provider)"

(b) An affidavit by a radio frequency engineer demonstrating: (NOTE: These documents are needed to justify a facility and to determine if the proposed location is the only or best one in the designated geographic area of the proposed facility.)

(1) No existing wireless communications facilities located within the geographic area meets the applicant's engineering requirements, and why.

(2) Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.

(3) Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.

(4) Other limiting factors that render existing wireless communications facilities unsuitable.

(5) Costs of concealment technology that exceed facility development costs shall not be presumed to render the technology unfeasible.

(c) Sixteen sets (11"×17") of signed and sealed site plans by a surveyor or engineer licensed in the State of Virginia, including antenna support structure elevations, and landscape plans if required, and one reduced copies (8 1/2½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities. The site plans shall identify adjacent land owners, land uses, height of principal building, size of lots, and existing zoning and land use designation.

(d) An identification card for the subject property from the office of the Commissioner of the Revenue for the County or a tax bill showing the ownership of the subject parcel.

(e) Proof that a property and/or WCF owner's agent has appropriate authorization to act upon the owner's behalf (if applicable).

(f) For monopoles using breakpoint technology a written statement by a registered professional engineer licensed by the State of Virginia specifying the design structural failure modes of the proposed facility.

(g) Materials detailing the locations of existing wireless communications facilities to which the proposed antenna will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.

(h) A map showing the designated search ring.

(i) Identification of the intended service providers of the WCF.

(j) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of
the property.

(k) The applicant shall supply a statement on applicant letterhead of compliance with all FCC rules regarding interference to other radio services.

(l) The applicant shall supply a statement on applicant letterhead of compliance with all FCC rules regarding human exposure to radio frequency energy.

(m) One original and two copies of a survey of the property delineating an area equal to 200 percent (200%) of the height of the WCF as measured from the boundary of the equipment compound of the tower in all directions. This survey shall include all property lines and buildings and be completed by a professional surveyor, licensed in the State of Virginia, showing all existing uses, structures, and improvements.

(n) A landscape plan in accordance with the provisions of Section 7 (8) of Article 9 in the Zoning Ordinance, to include without limitation, any required buffer.

(o) If the United States Fish and Wildlife Service require the applicant to submit any information to them concerning the proposed wireless communications facility, the applicant shall also furnish a copy of any material submitted to the United States Fish and Wildlife Service to the county as part of the application package.

(p) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this document and the Buckingham County Zoning Ordinance.

(3) Provide with building permit:

(a) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace," if applicable.

(b) Prior to issuance of a building permit a stamped or sealed structural analysis of the proposed WCF prepared by a registered professional engineer licensed in the State of Virginia indicating the proposed and future loading capacity of the WCF.

(c) Prior to issuance of a building permit, proof of Virginia Department of Historic Resources (VDHR) approval and State Historic Protection and Preservation Office (SHPPO) approval, if required.

#2 Attached, collocated, collocation modifications of existing arrays, or combined antenna on an existing WCF.

The following shall be provided in addition to the requirements listed above.

(a) If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
(b) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or structure.

(c) When required, photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, and pictures of exterior building materials and roof materials.

(d) Concealed Attached WCFs: Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

(e) Equipment cabinets shall be located within the existing building or behind an opaque enclosure matching the architectural designs and colors of the principal building or structure. If the existing equipment compound is not sized adequately to accommodate the new proposed ground equipment, then a revised site plan of the original WCF site shall be submitted addressing the overall ground space for the WCF.

(f) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the utility company, the development standards for attached WCFs, and compliance with existing legal restrictions contained in any easement granted for said transmission towers and/or light stanchions.

(g) Provide with Building Permit: Prior to issuance of a building permit a stamped or sealed structural analysis by a registered professional engineer licensed in the State of Virginia indicating the antenna support structure and/or building or structure to which the antenna will be attached has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.

#3 Replacement of WCFs.
The following shall also be provided in addition to the requirements listed in #1. Replacement of WCFs shall accomplish a minimum of one of the following: 1) reduce the number of towers; or 2) reduce the number of nonconforming towers; or 3) replace an existing tower with a new tower to improve network functionality resulting in compliance with this ordinance. Replacement is subject to the following:

(a) Height: The height of a tower approved for a first time replacement shall not exceed one hundred and fifteen (115) percent of the original height of the tallest tower or the maximum height permitted in district whichever is greater. (For example a 250’ existing tower could be rebuilt at 287.5’).
(b) A second replacement for a tower previously replaced requires approval of a Special Use Permit.

(c) Breakpoint technology: Replacement monopole towers shall use breakpoint technology in the design of the replacement facility.

(d) Replacement WCFs shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

(e) The existing tower being replaced, including tower base but excluding the tower foundation, must be removed within ninety (90) days of the initial operation of the new tower.

#4 Freestanding concealed WCFs.
The following shall be provided in addition to the requirements listed in Section #1:

(a) Height:
   1. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.
   2. New concealed towers shall be limited to 199’ or less in height.
   3. For replacements of existing towers #3, entitled, “Replacement of WCF’s”.

(b) New concealed freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.

(c) Photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples.

In addition to the requirements of Section Two, #1, the applicant shall provide simulated photographic evidence of the proposed WCFs appearance from any and all residential and village zones as identified on the zoning map that are within 1,000 feet and vantage points approved by the Administrator including the facility types the applicant has considered and the impact on adjacent properties including:

1. Overall height.
2. Configuration.
3. Physical location.
5. Materials and color.
6. Illumination.
7. Architectural design.

#5 Non-concealed WCFs.

(a) It is intended that all new non-broadcasting towers be 199’ or less in height. However, should a tower be required in excess of 199’, all new non-broadcast facilities shall be subject to the following additional requirements:

1. Propagation maps and corresponding data including but not limited to topographic and demographic variables for the intended service area shall be provided for review illustrating with detail that the service area and intercoupling hand-off will be sufficiently compromised to require an additional antenna support structure(s) for network deployment, which would not otherwise be required.

2. It shall be noted on the site plan that the tower shall be designed to allow for a future reduction of elevation to no more than 199’, or the replacement of the tower with a monopole type structure at such time as the wireless network has developed to the point that such a reduction in height can be justified.

(b) Photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, and pictures of exterior building materials and roof materials.

(c) The applicant shall provide simulated photographic evidence of the proposed WCFs appearance from any and all residential and village zones as identified on the zoning map that are within 1,000 feet and vantage points approved by the Administrator including the facility types the applicant has considered and the impact on adjacent properties including:

1. Overall height.
2. Configuration.
3. Physical location.
5. Materials and color.
6. Illumination.
7. Architectural design.

#6 Antenna Element Replacement

For any replacement of an existing antenna element on a WCF, prior to making such replacement, the applicant, in lieu of the requirements provided in Section Two #1 shall submit and provide:
(a) A written statement setting forth the reasons for the replacement.
(b) A description of the proposed antenna replacement including the antenna element design, type and manufactures model number of the existing and proposed antenna.

#7 Small Cell Facility
For any small cell facility, in lieu of the aforementioned items a certification is required and includes an application and sketch plan with the following items:
(a) Location of proposed structure by GPS coordinates
(b) Location and size of existing or proposed buildings and structures
(c) Setbacks from property lines, right-of-ways, and existing structures
(d) Entrance/Access and parking layout
(e) Exterior lighting if any. All illumination shall be full cutoff and pointed in a down direction.
(f) Tax map and parcel number
(g) Zoning district
(h) North Point
(i) Date of drawing and name of individual who prepared the plan
(j) Minimum setback lines
(k) Approximate boundary dimensions
(l) A certification of structural integrity from a professional engineer licensed to practice in the Commonwealth of Virginia, or a certification of testing and design from a manufacturer of the pole structure
(m) Certification that the antennas meet or exceed FCC emission and interference requirements.

Section Three: Other Submittal requirements for WCFs
(a) Demonstration of Visual and Aesthetic Impacts:
1. The applicant shall provide a statement as to the potential visual and aesthetic impact of the proposed WCF on all adjacent properties and roadways, trails, and travel ways.
2. Except where the facility will be located entirely within an existing structure, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:
   i. The benchmarks and datum used for elevations. The datum shall coincide with the Virginia State Plane Coordinate System, South Zone, North American Datum of 1983 (NAD83), United States Survey Feet North American Vertical Datum of 1988 (NAVD88), and the benchmarks shall be acceptable to the County.
   ii. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment.
   iii. Except where the facility would be attached to an existing structure or is less than fifty (50) feet, the topography within two thousand (2,000)
feet of the proposed facility, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available.

iv. The height, caliper and species of all trees where the drip-line is located within fifty (50) feet of the facility that are relied upon to establish the proposed height and/or screening of the monopole. All trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted, regardless of their distances to the facility.

v. All existing and proposed setbacks, parking, fencing and landscaping.

(b) The location of all existing and proposed access ways

Interference with public safety communications. In order to facilitate the regulation, placement, and construction of WCFs, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of a WCF or applicant for a WCF shall agree in a written statement to the following:

1. Compliance with "good engineering practices" as defined by the FCC in its rules and regulations.

2. Compliance with all FCC rules and regulations relating to radio frequency interference (RFI).

3. In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the county's public safety communications equipment and will implement appropriate technical measures, antenna element replacement, to attempt to prevent such interference.

4. Whenever the county has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

i. The county shall provide notification to all WCF service providers operating in the county of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the county and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "good engineering practices," as may be amended or revised by the FCC from time to time.

ii. If any WCF owner fails to cooperate with the county in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the county public safety communications equipment, the owner who failed to cooperate and/or the owner of the WCF which caused the interference shall be
responsible, upon FCC determination of radio frequency interference, for reimbursing the county for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the county to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within 24 hours of county's notification.

Allen: Alright. Let's open the public hearing.

David Ball, District 3: David Ball, District 3. I really do support the changes, some are more detailed than they need to be but particularly reducing the cost of the applications. Anything we can do to encourage these tours. I know recently I got one of these things and the biggest obstacle in using it is the fact that we don’t have a lack of coverage but one of the biggest concerns is I think they have these things powered down at non-peak use times and sometimes those are the best times to get on because you are not competing with other people so if they are power down their towers during that time, it weakens the signal and you are not getting the full benefit. That would be a concern I think in the applications. I have looked at the plan that you have for what you have in the county versus the actual place and there are a lot of areas in the county that aren’t being covered. I think anything we can do to improve that. If you’ve ever done research online, you will find that Buckingham County among the counties of Virginia is amongst half of the counties in Virginia that have less than 50% of the citizens with access to broadband, internet, wi-fi, any kind of access and it’s understandable that its rural but in this day and age. There are international third world countries that are better connected than we are. That’s kind of shameful. So anything we can do to encourage and improve that also would help to bring about industry. I know there are a lot of agricultural producers that would love to have greater access to the internet so they can put out their products and businesses so I think that would be a boom for the county. Thank you.

Allen: That’s all. If no one else wants to speak, I will close the public hearing. Back to the Board members to see what you have on your mind. Only thing I can say is the $4,000 was an issue for the Planning Commission before and it seems like it fixed that problem. The other issue was there was so much to read and keep up with, I recon as long as we’ve got CityScape to look at it we are in good shape. Anything else you want to add to it Mrs. Cobb or do you like what you see?

Cobb: Yes, I would just say going off of what Mr. Ball mentioned about having gaps in the service. That’s part of what CityScape can help us with. Hopefully once they do the inventory and they see exactly the towers that we’ve gotten now since we started this then we can identify the empty spots and maybe we can write new language to really gear the people, incentivize people in those areas. That’s the hopes of doing that inventory.

Dunnavant: Page 6, the numbering jumps from 4-6. There is no #5. That’s on page 6 of the first count of pages.
Cobb: Ok. I see that. I can fix that.

Dunnavant: So that’s a typo there. There is places throughout that speaks of ascetic affects and it requests for color samples of shingles, paint and facades and I don’t think that it’s appropriate for us to be asking for that in our zoning and as rural locality as we are. You get it in one spot and it will eventually bleed over into private residences. Will be asking that everybody’s house has to match. I think that should be removed, the ascetic parts of it. One other point that wasn’t listed in here that affects everybody when they malfunction, is the daylight versus night illumination of the towers. I don’t know if anybody remembers the one in Dillwyn when the daylight strobe was on 24 hours a day and when you had any cloud cover or overcast it was like a lightning storm going on all night. There is no notation in here about daylight illumination versus night illumination which should be significantly less than in the daylight.

Cobb: That’s because we actually require the towers to be 195’ or less which means they don’t have to have that…

Dunnavant: They won’t have any illumination.

Cobb: No. That is the FCC requirement that if its 200’ or taller it requires that so we require it to be less than that.

Dunnavant: But it mentions in here about taller towers that will one day when the population of towers increases that they will be brought down to 195’ height. So if it mentions that there are towers higher than that now, they’ve got illumination on them and it doesn’t mention that problem. I don’t know how many folks we’ve got from Dillwyn here or anybody that remembers that tower when it was messed up for about 6 months.

Carter: I do. I remember the calls.

Matthews: What are you referring to the ascetic values?

Dunnavant: Page 5 in the first section of numbers. Page 5 Article 9, #2, Item C,D,E speak of ascetic blending. Page 7 #4 Architectural and painting samples will be required and several other places. I stopped making notes after I got that far.

Matthews: How do you want to revise it? I’m just curious.

Cobb: Those are there for historical areas or if it’s a neighborhood if the people are concerned about what the equipment is going to look like. It gives us the ability to request that. If it’s not in there then you don’t have the ability at all. It gives us the option to request that to see what they are going to do and that sort of thing.

Matthews: I see where you are coming from and I agree with you. Some places it would be appropriate to have certain things and other places it may not be.
Cobb: Exactly, that’s why it says we may require. It’s not something that we do with each case.

Bryan: May.

Allen: Big word.

Dunnavant: Mrs. Cobb, where is the word may in here? Where does it say may? The way I read it, it all reads as a shall.

Cobb: I think I remember from last month we talked about it, it was in the supplemental page 5 or 6 and it was at the bottom on the page and it said…

Matthews: It says the permit uses #1 and 5 may be technically reviewed by a third party. Is that what you are referring to?

Cobb: Because it says when required…

Dunnavant: If that’s the case then we need to say when it’s required. We can’t be ambiguous. We’ve got to be able to stand up here and this is when it is and this is when it’s not.

Allen: You are saying each case is separate.

Cobb: Yes, this is something that is not new. This has been in this document for nine years now and I can say that out of however many cases we’ve had since then, it’s not something that we have required yet.

Allen: Any more discussion?

Bryan: I move that it be approved as amended.

Jones: I second that.

Allen: We’ve got a motion and a second to approve as is. Any more discussion? Let’s vote. 6 yes 1 no. So approved.

_Vice Chairman Bryan moved, Supervisor Jones seconded to approve the changes to Article 9 as presented. This motion passed with a 6-1 vote. Supervisor Dunnavant opposing._

Re: Faye Shumaker, Chamber of Commerce, Update

Shumaker: Good evening, Chairman Allen, Members of the Board of Supervisors and Mrs. Carter. The Chamber appreciates the opportunity to speak to you this evening. Our President, Eddie Slagle sends his regrets but he is under the weather tonight. The Chamber’s mission is to offer to the businesses of Buckingham County and surrounding areas an opportunity to join
together for the improvement of our members and the good of our community. I hope after I touch on a few of our projects and endeavors, the Board and the community will realize our genuine commitment to the businesses of Buckingham County. We appreciate Supervisor Bobby Jones and his very frequent attendance to our meetings and I feel he can attest to our keen desire to be beneficial. We currently have 160 members and our dues are $35 a year. You do not have to own a business to be a member and we have several great members who just want to be an asset to the community. They consider this an opportunity to do so. We are a busy group. In August of last year we donated $500 to the Buckingham County Youth League to support their championship team which headed to Alabama to play on a national level. In September we cosponsored Historic Buckingham’s 2nd Annual Wine Festival and in October cosponsored the Safe Kids Halloween on Main Street in Dillwyn which provided candy to 1,041 trick or treaters in a safe environment. Main Street in Dillwyn is closed by the Sheriff’s Department from the pocket park to Faye’s Beauty Shop. If you’ve never been a part of this event, you need to make certain to do so next year as it’s truly an amazing affair for such a small town. In November we sponsor our Chamber Cook Off. A theme is chosen and our members try to outdo each other to win free membership for a year. We’ve had various themes, Mexican, Soups, Family Favorites, and Casseroles are the one’s that come to mind. Each December we try to have a Christmas House Tour which features homes throughout the county. This event is also well received and we already have some commitments for this upcoming year. January is the month for our awards banquet. At that time we honor Volunteer of the Year, Youth Achievement Award, Business of the Year, and a Lifetime Achievement Award. Anyone can submit a nomination to the Chamber and we encourage you to do so as we have so many deserving people in Buckingham County and this is the opportunity to recognize them. February is the month the Guide Book arrives in your mailbox. If you did not get one, they are available at the County Administrator’s Office as well as Moss Motors. The Super Bake Sale comes in late March or early April. The money made at the sale goes to fund the Halloween event that we previously mentioned. This is cosponsored with the Town of Dillwyn. In April we begin the Chamber Photo Contest which is open to anyone. Not just Buckingham residents but the photo must be taken in Buckingham County. We’ve had some really great pictures entered showcasing Buckingham in several different categories. Applications are available on our website, Moss Motor Company and Kyanite Mining. You can contact me and I will see that you get one. Our Vice President Krishna Joe and Board Member Jordan Miles have been working on our website and are now posting events to our Facebook Page. Please check us out. Some of our recent meetings have featured Mathew Merris with Stratta Solar who gave a great review of the Solar Facility located off Rt. 60; Scot Shippee, Resident Engineer; Susan Harris and Ruby Call from Buckingham Correctional Center. People always ask us what do you do with the money that you raise? We actually do quite a lot. Some of our recipients are Habitat for Humanity; Historic Buckingham; Buckingham VFW Post 8446; Dillwyn Fire Department; Ellis Acres; 4-H; Buckingham Youth League and the Dillwyn Fire Department. I am proud of the financial support that we give but I’m also very proud of the moral support that we give to our local businesses through our networking we give the opportunity to showcase our members and their businesses at least two meetings each year. We have ribbon cuttings for new businesses and we generally do whatever we can to be supportive. This month we are showcasing for the first time Business of the Month and we hope to continue this to bring attention to the great businesses we have in our area. The Chamber would like to extend an invitation to anyone that
would like to be a part of our group to see our Treasurer, Sandra Moss tonight or stop by Moss Motor to sign up. Applications are also available on our website. I challenge you to become a part of the Chamber and help us support our local businesses. Time Magazine did a feature on how buying local boosts the economy and the bottom line of this article is very basic. More money stays in your community. They discuss the velocity of the money or the circulation speed and if we support local businesses it means more goes into input. All costs except supplies, upkeep, advertising and paying employees which puts more money back into our community. I urge you to join your local Chamber. Step up, join up, and build up our Buckingham businesses because together we can do a great job. Thank you so much.

Allen: I know there have been some people coming in at 7:00. Last month we changed the time of our meeting from 7:00 to 6:00 and it’s going to stay that way for a while until we decide to change it. At this time, 6:00 is the meeting.

Carter: There is a banner on the website that has the change.

Re: Buckingham VFW Post 8446

Carroll Gathwright: I’m not Vic Moss but I’m going to try to do the best I can for him. My name is Carroll Gathwright. I live in James River District and I’m here this evening to represent VFW Post 8446 and American Legion Post 134. I came before this Board a couple of years ago and asked for some very much needed funding to do work on the post. If I may approach. We wanted to make sure we gave you an accounting of the money that we spent and how we spent it and it certainly went a long way to bring this building up to standard. We’ve worked very hard to keep the price of renting the facility low enough to where everybody in the county could continue to use it. I think we’ve been very successful with that. We want to thank you very much and we appreciate it. What this county does for veterans. It’s a very good place to live for veterans. The school system, the residents of the county and everything involved in that is very pro veteran. We thank you very much for that.

Matthews: Thank you for your service.

Re: Zoning Matters: Introduction 18-SUP254 Telecommunications Tower

Cobb: Yes, this is case 18-SUP254, application by Beacon Towers for the property of Freddie Snoddy, Tax Map Section 16 Lot 81 containing 94 acres on S. Constitution Rte. This is an application for a telecommunications tower. The Planning Commission held their public hearing and is recommending approval with conditions. Tonight I’m just asking you to set a public hearing for this request.

Conditions:

1. All feed cables shall be hidden within the monopole and all access ports shall be sealed to prevent wildlife intrusion; and
2. Prior to permitting, applicant shall provide a letter from the tower manufacturer certifying the proposed tower can support a minimum of six (6) arrays of similar design, including the primary user. The letter shall be signed by a licensed Virginia Registered Professional engineer; and

3. If an emergency power backup generator is used, its noise level shall not exceed 65dBA at the nearest property edge. Testing shall be limited to the hours between 9:00 a.m. and 4:00 pm. (Monday through Friday); and

4. Should the highest antennas arrays be lowered in the future for capacity needs, the unused top portion of the tower shall be removed; and

5. No advertising shall be installed on the fencing near the ground compound; and

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 with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complains not solely related to this permit will be given to the appropriate department or agency.

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

12. Tower shall not be constructed until a tenant is ready to locate on the tower immediately after building.

13. The construction of the tower must be complete within 2 years from the date of approval or this permit will be null and void.

14. The Tower shall be constructed to fall within the lease area upon failure. Upon seeking a building permit, the applicant must certify and provide construction plans showing the break point technology.

*Supervisor Matthews moved, Vice Chairman Bryan seconded and was unanimously carried by the Board to schedule a public hearing for the June 11, 2018 meeting to hear public comments on 18-SUP254 for Beacon Towers.*
Re: Zoning Matters: Introduction: 18-SUP255 Private School

Cobb: The next item I have is Case 18-SUP255, application by Samuel Beiler for a private school on Tax Map Section 190 Lot 1H containing 47 acres on Evans Mill Road in the Curdsville Magisterial District. The Planning Commission held their public hearing and is recommending approval with conditions. Again, I’m asking you to schedule a public hearing for this request.

Conditions:

1. That all federal state and local regulations, ordinances and laws be strictly adhered to.
2. Commencement of construction for the school shall begin within two (2) years of the time that the approval by the Board of Supervisors becomes final and non-appealable or this special use permit shall be null and void.
3. No building shall be located within fifty feet (50’) of any front property line and not within twenty-five feet (25’) of any adjoining side or rear property line.
4. The location of the private school shall follow generally the geographic site as submitted in the application.
5. That the applicant follows the County Solid Waste Ordinance.
6. That all documentation submitted by the applicant in support of this special use permit requests 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.
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. Right of ways and roadway shoulders shall not be used for parking.
9. If the school discontinues operation for a period longer than two years (24 months) then the permit becomes null and void.
10. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit shall be given to the appropriate department or agency.
11. 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.
12. 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 Board of Supervisors.
13. That the applicant (s) understands the conditions and agrees to the conditions.

Supervisor Matthews moved, Vice Chairman Bryan seconded and was unanimously carried by the Board to schedule a public hearing for June 11, 2018 to hear public comments regarding Case 18-SUP255 for Private School.
Re: Zoning Matters: Request for a Special Use Permit Refund

Cobb: This was case 18-SUP256. The applicant went through the special use permit process with the Planning Commission. After the Planning Commission was recommending denial of the request, he has decided to withdraw the application. The application comes with a fee of $200 which typically goes to the advertisement. One with the planning commission and one with the Board of Supervisors. He is requesting a refund of half of that since he is not proceeding with that half of the application.

Carter: We don’t have anything in there that requires us to do that?

Cobb: No, this is just his request. It’s up to you all.

Allen: He used $100 and has $100 left over. You want to give him the $100 back.

Cobb: That is what he is requesting.

Bryan: So moved, Mr. Chairman.

Matthews: Second.

Allen: A motion and a second to return $100 to applicant. Any discussion? No discussion, let’s vote. 7 yes.

Vice Chairman Bryan moved, Supervisor Matthews seconded and was unanimously carried by the Board to refund $100 for Case 18-SUP256 to Garrett Grant for a Dog Boarding Facility that was withdrawn half way through the process.

Re: Dr. Cecil Snead, Buckingham County Public Schools, Division Superintendent: Final FY18 Budget Update

Snead: Good evening Mr. Chair, Members of the Board, Mrs. Carter, I stand here before you this evening as I do at this time every year to review the adjustment for the operating budget. A little background information, on March 31, after the state determines the ADM, it goes to the budget department and finance department and we so accordingly adjust our budget with you. We have not made an adjustment to the state side of the budget in a long time, you will see before you in your packet the explanation beside each adjustment. I will not take time to go through each minute detail however some of the adjustments that were made for example, the incentive program for at risk, you will see that was reduced $87,939 however it was just basically adjusted or moved by the state into the lottery funded programs. So in some ways, we go throughout the year chasing the money like a squirrel that at the end of the year you will find we have our total state revenues additional from the state of $279,090 and on the expenditure side you will see where we placed an adjustment of $285,069 into instruction and the let’s see…basically that concludes my presentation. Staff recommends the adjustments. Thank you.
# Regular Operations Funds

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<tr>
<th>Local Revenues</th>
<th>FY18 Budget</th>
<th>Adjustment</th>
<th>Adjusted Budget</th>
<th>Explanation</th>
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## State Revenues

### Standards of Quality Programs

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<th>Program</th>
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<tbody>
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<td>Retirements</td>
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### Incentive Programs

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### Categorical Programs

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### Lottery Funded Programs

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<td>TITLE V PART B - RURAL &amp; LOW INCOME</td>
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<td>IDEA PART B - SPECIAL ED PRESCHOOL</td>
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<td><strong>TOTAL FEDERAL FUNDS</strong></td>
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<td><strong>$114.00</strong></td>
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<td>LOCAL COUNTY APPROPRIATIONS</td>
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<td>LOCAL INSTRUCTION</td>
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<td>LOCAL ADMINISTRATION</td>
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<td>LOCAL YEAR END - FACILITIES</td>
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<td><strong>TOTAL LOCAL APPROPRIATIONS</strong></td>
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<td>TOTAL REGULAR OPERATIONS REVENUES</td>
<td><strong>$23,820,214.00</strong></td>
<td><strong>$259,909.00</strong></td>
<td><strong>$24,080,123.00</strong></td>
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</table>
## Cafeteria Fund

### Local Revenues

<table>
<thead>
<tr>
<th>Source</th>
<th>FY18 Budget</th>
<th>FY19 Budget</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Food Service</td>
<td>$207,000.00</td>
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<td>($207,000.00)</td>
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<td>Beginning Year Balance</td>
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<td><strong>Total Local Funds</strong></td>
<td><strong>$425,270.00</strong></td>
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### State Revenues

#### Categorical Programs

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<thead>
<tr>
<th>Source</th>
<th>FY18 Budget</th>
<th>FY19 Budget</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Lunch</td>
<td>$1,247.00</td>
<td>($225.00)</td>
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<td>Breakfast After the Bell</td>
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<td><strong>Subtotal Categorical Funds</strong></td>
<td><strong>$17,534.00</strong></td>
<td><strong>($225.00)</strong></td>
<td><strong>$17,309.00</strong></td>
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#### Lottery Funded Programs

<table>
<thead>
<tr>
<th>Source</th>
<th>FY18 Budget</th>
<th>FY19 Budget</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Breakfast</td>
<td>$26,836.00</td>
<td>($3,927.00)</td>
<td>($22,909.00)</td>
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<tr>
<td><strong>Subtotal Lottery Funds</strong></td>
<td><strong>$26,836.00</strong></td>
<td><strong>($3,927.00)</strong></td>
<td><strong>$22,909.00</strong></td>
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<td><strong>Total State Revenues</strong></td>
<td><strong>$44,370.00</strong></td>
<td><strong>($4,152.00)</strong></td>
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### Federal Funds

<table>
<thead>
<tr>
<th>Source</th>
<th>FY18 Budget</th>
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<th>Difference</th>
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</thead>
<tbody>
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<td>National School Breakfast</td>
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<td>National School Lunch</td>
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<td>USDA Summer Feeding</td>
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</tbody>
</table>

**Total Cafeteria Fund Revenues:**
- **$1,328,805.00** (FY18)
- **$1,324,653.00** (FY19)

**Grand Total Revenues:**
- **$25,149,019.00** (FY18)
- **$25,575.75** (FY19)
- **$25,404,776.00** (Total)

---

**Buckingham County Public Schools**

### School Operating Budget 2017-2018 Expenditures

#### Categorical Regular Operations Fund

<table>
<thead>
<tr>
<th>Category Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000</td>
<td>Instruction</td>
</tr>
<tr>
<td>2000</td>
<td>Administration, Attendance &amp; Health</td>
</tr>
<tr>
<td>3000</td>
<td>Office Transportation</td>
</tr>
<tr>
<td>4000</td>
<td>Operation &amp; Maintenance</td>
</tr>
<tr>
<td>5000</td>
<td>Facilities</td>
</tr>
<tr>
<td>7000</td>
<td>Debt Service</td>
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<tr>
<td>8000</td>
<td>Technology</td>
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</tbody>
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**Total Regular Operations Expenditure Budget:**
- **$1,429,214.80**
- **$259,500.00**
- **$1,688,714.80**

#### Cafeteria Fund

<table>
<thead>
<tr>
<th>Category Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5000</td>
<td>School Food</td>
</tr>
</tbody>
</table>

**Total Cafeteria Fund Expenditure Budget:**
- **$1,328,805.00**
- **$1,324,653.00**

**Total Expenditure Budget:**
- **$25,149,019.00**
- **$25,575.75**
- **$25,404,776.00**
Allen: So we need a motion to approve your…

Snead: Adjustment of the budget.

Chambers: So moved.

Bryant: Second.

Allen: We have a motion to approve and a second. Any discussion?

Dunnavant: With your budget update, educate me a minute Dr. Snead, are you asking for additional funds?

Snead: No, sir. This is all state side.

Dunnavant: I didn’t hear that come out so I wanted to make sure.

Snead: No, it’s a routine budget adjustment. Every year.

Allen: Any more discussion? If not let’s vote. 7 yes. So approved.

Snead: Thank you sir.

Supervisor Chambers moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the above recommended budget adjustments for the school system.

Re: Kyle A. Laux, Senior Vice President, Davenport & Company LLC, Resolution for Reimbursement from loan proceeds for any up front expenditures for the Sprouse’s Corner Sewer Project

Laux: Mr. Chairman, Members of the Board, and Mrs. Carter and Mr. Carter. Nice to see you this evening. Kyle Laux, Davenport out of Richmond. We’ve had a good opportunity to be your financial advisor for a number of years and we thank you for that. What we have tonight, I don’t plan on taking too much of your time. One maybe kind of procedural item for you to think about and staff think about Sprouse’s Corner sewer line extension it our purpose tonight. So it’s a procedural item to talk about and also to give you an update and some information on how that would be financed so we can come back and have those answers for you. I have a couple page presentation. Again, if you have questions, I’ll be happy to answer them. I’ll try not to take too much time. Again, I’m out of Richmond, with Davenport and we certainly appreciate our relationship with the County over a number of years. Every so often when you need something financed or refinanced, it tends to be when we come around so we appreciate that. The Sprouse’s Corner Project as we understand is around $1.3 million to run the line to connect sewer to that area. What we’ve been working with your staff on is how that project will be financed. How you would raise the money in order to do that project and make sure it can be paid for over time with existing revenue sources that you have. Something else that we’ve done
that we’ve been watching for you for a while is the potential opportunity to refinance and existing debt for savings. We will talk about that over the next couple pages. I just want to introduce that concept to you. Don’t want to get you to excited about that right now because we don’t know for certain if that can or can’t be done. We will know that answer by the time we come back to you next time but again just wanted to introduce that concept to you as we go through this. So briefly, our goals and objectives is to make sure we are getting low cost monies when we think about this financing. We talk about how we do that. We do it through a competitive process. You see on that second bullet point there. I want to make sure that you and the county have maximum control over terms and conditions of financing that you get. We will talk about that process and how to make sure that happens. We do structural financing so we have minimum financial impact to the county both in terms of the sewer fund and general fund. We think we can do all that and will know more about that process over the next month or so. Lastly, on the bottom of the page there, if we go through this process and are able to refinance and existing debt for savings purposes, we will actually be back and talk to you about that. Again, I just want to introduce that concept right now. We don’t know whether that is possible yet or not, but what we will do over the next month or so is evaluate that and sort of survey the market place and see if we can indeed refinance some existing debt for savings purposes. Page 3 just shows trends in terms of interest rates. For anybody that watches the news you are probably aware the rates have remained very low but have ticked up a little bit over the last six to eight months. Picture is worth a thousand words. Bottom left shows you very very long term, I say very very but that’s an overstatement, but since 1980 what the average interest rate on a tax exempt bond has been so visually look at that and understand we are at a very low level historically. On the right hand side we take the exact same data and look at it over a shorter time period and you will see the lines are more squigglier. It’s been volatile the last couple years. The rates have ticked out over the last 6-8 months but remain competitive so we will have more details in terms of what is available to you when we come back and again, we just want to make sure you have a briefing so you wouldn’t be seeing it for the first time. On page 4 in terms of the new money side of things, when we say new money, we mean for the Sprouse’s Corner Project as we understand it, it is about $1.3 for the project and we will work through that process with your staff to make sure that’s the right amount. It may be a little higher or a little lower by the time we come back. That’s not for us to decide. It’s for the folks on the construction side of things. It will be repaid from your sewer fund so obviously we make sure the project can be repaid from the sewer fund as we look through your numbers and sewer revenues with your staff. It does look like that can be done. That’s important. That keeps the general fund from anymore impact then they need to have so we will watch that closely as we work through this process. The loan term will be in the 20-30 year length. We are working on finalizing those details over the course of the next month. There are a couple different avenues we can look for the actual financing from that will dictate a little bit of what the term of that loan is as well as the actual cash flows of the sewer fund. Those are the kind of details we are evaluating and narrowing down over the course of the next month. You will expect to see a loan in the 20-30 year length which is pretty typical for a utility project. Most local governments in Virginia will finance utility projects especially new construction over 30 year time period. Rural Development, federal program will go a little longer, 40 years. That’s a pretty long time. 25-30 year time period is pretty normal for many across the state especially when putting a new pipe in the ground that will be there a long time. Last point down here we want to make sure we are
obtaining a loan that is fixed for as long a term as possible. So we are talking about in the next couple pages how we are going to go out and find that financing and bring it back to you. There are some caviances with anything in the world today to make sure to bring that all back so you can ask questions about that. On page 5, I mentioned this on the offset, when we say refunding it’s the same thing as refinancing. Think about whether it’s a home mortgage that you have or maybe over the last couple years take that from a higher rate to a lower rate and pay the loan off faster. Those are the two concepts we will be thinking about here when looking at your refunding or refinancing candidates. There are two particular loans that we are focused on. Both of them are on the water and sewer side, a 1998 loan and a 2004 loan. They both have interest rates in the mid 4% range. You see the 98 loan is a 4.50 and the 2004 is a 4.125. The idea with both of those loans if we can and we don’t know the answer quite yet and we will figure that out over the course of the next month or so we can bring that rate down and/or shorten the final maturity without impacting the annual payment but so much that’s what we are shooting for there. Interest rates savings by lower rate, pay it off faster if we can, that would be the idea. Again, if the market cooperates there which we don’t know at this time. That’s the process we are going through right now. The way we go out and get this financing, we talk about this as a dual track approach. We are blessed in Virginia because we’ve got a lot of different options as a local government to go out and find financing. There are two that make a lot of sense here giving the county’s solid financial standing and the size of the general project. Those two are the things to think about. One is a direct bank loan, and that is a competitively bid bank loan with a banking institution. We bid it out to local banks, regional banks, national banks. The more the merrier in terms of who we bid it out to. That’s something you’ve had success with in the past. That is option #1 that we are evaluating. Direct bank loan. The second option is through the state’s Virginia Resource Authority program. It’s option #2 there. That program you have also used successfully in the past. A program by the state you get approved for loans across the state and selling bonds in public markets. There are certain nuances to each of those. We will talk about those in just a second but ultimately where we would head from here is go out and get competitive proposals from banking institutions so we come back to you in June and let you know what those are in terms of interest rates, terms and conditions. We will be able to compare that head to head with the state program and have a recommendation for you of which of those makes sense giving the project. A lot more words on this page but basically where you are right now is you are not committed to anything, not any cost right now until you make a decision in June and we work at risk so if nothing happens on this you don’t get a bill from us. We presume if we come back in June and have something good either from the banking institutions or the state, VRA, you can take action at that point. At that point we will know what the terms, conditions and interest rates are etc. In terms of direct bank, I will hit on a couple of these, our two different options. Direct bank loan as we mentioned is competitive bids so it’s local, regional banks, national banks. It doesn’t make any difference to us. We are looking for the lowest possible costs and best possible terms for you all. Bank loan will probably be limited to maturity being 20 years. Just in this environment, banks aren’t willing to lend in a local government world for more than 20 years. We may ask for 25 year but probably won’t get that back. So we will probably see with bank loan is shorter amortization and ultimately the interest rate will be whatever it is they are able to bid when they send us their bids in a couple weeks. The bank loans tend to have more flexible prepayment provisions than the VRA program so that’s a considerably important issue thinking about the life of the loan. First thing you care
about is the interest rate. The second thing you care about it your ability to pay it off usually with refinancing purposes or just maybe you have a little extra cash flow in the future. So bank loans tend to have a little more flexible prepayment provisions than VRA state program. The flip side is the banks may not be able to lock in interest rates for that full 20 year time period and may come back and say we have a couple bids for 20 year loan but rate may only be fixed for 10-15 years or something in that range. We will see what that looks like when we get the bids and we will be able to evaluate head to head what they look like next to each other as well as how that compares to a VRA financing. Trying to get that concept out there over the course of the next month. VRA program has been around for a long time and you’ve had a couple loans with them very successfully. They really do as they pool together loans from other local governments across the state, their program has the backing of the state so when they go to sell bonds in other credit markets they have very good credit ratings because the state puts their backing behind the program. The way their program works, a little longer lead time, so their interest rates on their bonds are not set until they go out into the marketplace usually in August. So one of the things we will end up comparing when we come back in June is set bids with interest rates from the banks versus the VRA program that won’t set their rates until August. So that’s something else we will be weighing over the course of the next month in terms of knowledge of exactly what that interest rate may or may not be. So again, I’ll go through all the details on VRA. It’s a long standing state program. Very well run. Its something you’ve used successfully in the past. Those are the two things we are comparing as we think about this project. So our next steps this evening we are really here to give you this information and answer any questions you may have. We also have what’s called a Reimbursement Resolution. All that Reimbursement Resolution lets you do is if the staff needs to spend some dollars on the project which you’ve approved it, before we have financing in place, all that resolution does is let’s you pay yourself back with the proceeds of the loan. It doesn’t lock you into anything. It just gives you the ability to do that if you and staff decides that’s the right thing to do. So there are two purposes for tonight. We will then move forward over the courses of May and June, and for your purposes of the Board we will be back June 11th and have all this information we’ve talked about in terms of bids from various banks, VRA and those things we can talk in more specific numbers about what makes sense and what doesn’t make sense and have those recommendations for you. With your approval of things on June 11th, if a bank loan ends up making sense and you are comfortable with that, that can be closed on very quickly, by the end of June. If VRA makes more sense, then they will basically go through their process and expected to be in the market that first week of August so the interest rate on the VRA pool will be set the first week of August. So one way or other, we expect by the end of June or early August you will have the funds in hand and that project can keep rolling. With all of that, that is really all we have for this evening. Again, just wanted to give you a briefing or a little information. If you have any questions, I will answer them at this point and obviously we will be back with you in June.

**Jones:** We are looking at $1.8 million? Is that correct?

**Laux:** $1.3 for the project.

**Bryan:** Then to refinance the two loans would be $1.87.
Laux: The two loans in total would be about $2 million. $1.8 is probably more accurate but $1.8 to $2 million. If we get to that point, we will only refinance what we need to refinance. So it’s about $1.8 in terms of refinancing and about $1.3 for the actual project as we understand it right now.
Bryan: You want from us a motion on the Reimbursement Resolution?

Laux: Yes.

Bryan: My motion is for the Reimbursement Resolution tonight by Davenport and Company.

Matthews: Second.
Allen: There is a motion and a second for the resolution as presented. Any more discussion? Let’s vote. 7 yes. So approved.

Vice Chairman Bryan moved, Supervisor Matthews seconded and was unanimously carried by the Board to approve the Reimbursement Resolution as presented by Davenport and Company for any expenditures made by the County for the Sprouse’s Corner Project before funding is obtained.

Re: Consider Resolution in Honor of Garden Club’s 85th Anniversary

RESOLUTION IN HONOR OF GARDEN CLUB’S 85TH ANNIVERSARY

WHEREAS, the Buckingham-Dillwyn Garden Club was formed in 1932 as the Dillwyn Garden Club, and

WHEREAS, over the years the Club has fostered a love of gardening, both for pleasure and for the production of fresh food, and

WHEREAS, under its motto "For the Beauty of the Earth" and through its programs, the Club has contributed practical expertise and assistance to gardeners of all abilities and sizes of garden, from its work with 4-H members to retirement home residents, and

WHEREAS, the Club, in 1933 became and is a federated member of the National Garden Club of America and of the Virginia Federation of Garden Clubs, and

WHEREAS, through these affiliations, the Club has and continues to support youth-centered programs that help youth realize the rewards and life lessons from gardens and habitats for becoming good stewards of the earth including environmental awareness/education, plant-to-food connections, outdoor classroom projects, horticulture education, and the social aspects of gardening. These programs also include the Virginia Wildflower Program, started with the Virginia Department of Transportation in 1976, for the beautification of Virginia’s roadsides by the planting of wildflowers and trees, and the Healing Garden at Lewis Ginter Botanical Garden in Richmond, Virginia, which features plants known for the medicinal properties in a setting designed to restore the spirit, and Youth Education Opportunities offered through scholarships awarded annually to college students studying horticulture-related fields, and

WHEREAS, the Club's annual plant sale provides County residents an opportunity to easily and affordably acquire Buckingham-grown plants, along with knowledge of how to plant and care for them, and

WHEREAS, the Club established and maintains the Blue Star Memorial at the Lee Wayside, and

WHEREAS, in 2018, the men and women of the Buckingham-Dillwyn Garden Club are celebrating the 85th year of the Club's existence, now therefore be it

THEREFORE BE IT RESOLVED, that the Buckingham County Board of Supervisors recognizes and commends the Buckingham-Dillwyn Garden Club for its many accomplishments, and

BE IT FURTHER RESOLVED, that the residents of Buckingham County are encouraged to take note of the Garden Club's accomplishments and contributions to this community.
Matthews: So moved.

Bryan: Second.

Carter: We have someone here to accept it. Mr. Chairman, if you would present it to them I will read it.

_Supervisor Matthews moved, Vice-Chairman Bryan seconded and was unanimously carried by the Board to approve the above Resolution in Honor of Garden Club’s 85th Anniversary._

Re: County Attorney Matters

Wright: Mr. Chairman, Members of the Board I am here tonight to give you an update on several projects that are outstanding. The first one you want to know about it the library contract. That is progressing nicely. Attorney’s get in the way of progress at time. They are having discussion of how to mechanically by words. It’s going to happen. Probably going to happen in the next day or so. The scope of work has been defined, the method of professionalism will be implemented. We just have to put it in the right package and get some signatures. So, that’s happened.

Another item I expect you have interest in is the 617 waste site. I have an email from Mr. Saunders of last night that says they are in the process of reviewing some documents and don’t anticipate any problems. I submitted some paragraphs for their review and execution. I suspect that will happen in the next couple weeks, that project will be closed. You’ve already authorized the expenditure of those funds to acquire that.

The third item I want to talk about is the EPA site. In case you see a publication, the county’s entered into a consent arrangement with EPA about the liability and exposure of the county, and the cost is substantially reduced from the $5 million or so that was requested. The appropriate papers have been filed with the federal court in Charlottesville, and those are being processed. That’s on track. That’s just an informational item that’s on track but it’s going to require the expenditure that will probably be in the next 60 days and you’ve agreed and authorized that expenditure. Once we get notice of that, that money is going to have to be spent.

There are two litigation matters pending against the county involving the pipeline. The suit filed by Blue Ridge has been dismissed and the court has received notice from the petitioners that they are entering the appeal. That’s getting ready to go through that process. The other, the judge has ruled and that is going to be dismissed and I’m certain that that is going to be appealed to.
Those are updates on the various items. If you have any questions I’ll be happy to try to address those.

Thank you Mr. Chairman.

**Re: County Administrator’s Report**

**Carter:** The first item I have Mr. Chairman and Board members is a letter from the Federal Emergency Management Association announcing our approval of the submitted Regional Hazard Mitigation Plan.

The second item is a Write of Election. A petition to have a special election for the Clerk of Court.

The next item is to give you an update on Central Virginia Electric Broadband Program. We had a meeting scheduled last week to get information for the Board and to get a copy of the map and discuss more community meetings. Unfortunately the gentleman had a heart attack and was in the hospital and so he could not make it. We are trying to get something else scheduled. That is something that right now is the Curdsville Area that it’s looking at. You all had approved the resolution so we want to stay involved. This may be an opportunity to reach those out in the boonies that others won’t build up to.

Update on the Bates Market site status. According to Mr. Hill, I believe VDOT will be sending a letter. We thought we’d get it today but have not. We will bid that out this month I’m sure.

Gravel Hill Site status, I believe Mr. Wright gave you that status.

The other item I handed out to you is the General Reassessment information. This is just to let you know that the wonderful time of every six years is approaching. We have to start that process. I’m working on the RFP to be submitted. I’ve given you things that you will need to be thinking about for the June and July meetings as far as appointments for the Board of Assessors, if you so choose, and Board of Equalization. I do encourage you to discuss amongst yourselves because last time we found it difficult especially the Board of Equalization. It can take up a lot of time. We’ve got to get started. The Board of Assessors need to be ready to roll when they start. The Equalization come on more toward the end. That is who the landowners appeal to.

**Dunnavant:** How much do we reimburse those people that do that position? Is it spelled out in here? I haven’t had time to read it.

**Carter:** Yes, sir. The Board of Assessors in the past and you all can change this, has been paid $50 per day plus mileage. The Board of Equalization has been paid $50 per meeting plus mileage. The Clerk of the Board of Equalization which is a member, but appointed by the Board of equalization gets $75 per meeting plus mileage. They are responsible for recording the session and transcribing the minutes.
**Bryan:** We don’t have to do the Board of Assessors if you hire the right company.

**Carter:** If you hire the right company but in the 30 some years that I’ve been here, we’ve always hired a professional firm and had a Board of Assessors. I think the reason is these Board of Assessors travel to each parcel with the professional. That’s up to you all if you want to do that. I did seem to help because people did see the Board of Assessors before they go to the Board of Equalization with anything. Another reason for double protection is because you all cannot make any decisions once it’s started. If the Board of Equalization doesn’t concur with someone’s appeal, then they go to the Circuit Court. In the past they have had both boards to assist the public.

**Bryan:** Ok.

**Carter:** That concludes my report, Mr. Chairman.

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**Re: Other Board Matters**

**Bryan:** Based on your input from the Bates Market and Gravel Hill Site from Mr. Wright, being on the Utilities Committee we had talked about the gates systems. It looks like we are slightly behind in our work. What I’d like to do is move forward. We do have Rt. 600 that is currently an unmanned site and a perfect site to start with and give us input. By now, county residents should have their decals. If they don’t, they are either not going to get them or try to beat the system. I move that we move forward with the new gates system and that would be our test site for now.

**Dunnavant:** I’ll second that and add to it that the second one we do would be Rt. 56 after we learn from the input process.

**Bryan:** This would give us data.

**Matthews:** I understand that but why would we move to Rt. 56 instead of others?

**Bryan:** Because I don’t think that Bates or Gravel Hill will not be completed by then. My motion for right now is to just do Rt. 600.

**Matthews:** I’d like to leave it at that and just wait til the letter gets here with approval from VDOT on the Bates Market position because that…

**Bryan:** Yeah, it’s going to give us a couple weeks of data anyway. Before we move on I’d like to have a couple weeks of data just for 600 to see how things are going to see if we need to work out any kinks before we proceed anywhere.

**Matthews:** Doesn’t 56 already have a fence? What you will be doing there is a gate situation.

**Carter:** The gate situation will have to be installed at all the sites.
Matthews: I understand that but it already has the fencing around it, a majority of it other than the gates. I think the next project would be Bates Market. They can work on Bates…

Bryan: Right, if its available. We fully support that Mr. Matthews but looking at it right now in real terms we don’t think Bates will be ready by the time that we are ready to proceed with the next project.

Carter: My goal, pushing it, is to bid it out starting next week hopefully. Have prebid meetings and all that. I would like to have a bid to come back to you in June or no later than July meeting. Then I would say it would take a month or six weeks depending on the weather.

Dunnavant: It’s about 3 weeks’ worth of natural work and how long it will take to get a weather window, 3 good working weeks.

Carter: People are anxious to see this.

Allen: Let me make a statement. We have a motion made and a second to get started with the gate system at Rt. 600. Now anymore discussion?

Jones: I have a question, looking at having a system that we are going to try out, what’s going to happen, how are we going to work it for example, I have a home that I have renters that are working in construction in Cumberland that needs to use our trash. What are we going to have to do in order to be able to get them to be able to come in through the gates?

Bryan: They live in Buckingham County?

Jones: They live in my rental house.

Bryan: In Buckingham County then they should be paying for taxes on their vehicles.

Dunnavant: They should have county stickers.

Matthews: You say they are doing a job in Cumberland?

Bryan: Where they work is immaterial. It’s where they live. If they are residing in Buckingham County and own a vehicle then they should be paying personal property in Buckingham County.

Jones: They don’t own any property in Buckingham.

Allen: Their vehicles is what he’s getting at.

Carter: Personal property, not real estate.
Dunnavant:  Not to be smart, but are they driving to work or does someone pick them up?
Jones:  They are driving to work.

Dunnavant:  Then they have a vehicle that the sticker would be on.

Bryan:  That vehicle should be registered in Buckingham County.

Carter:  I believe what Mr. Jones may be speaking of, if it’s a renter, someone that owns
property but don’t live here.

Jones:  Right, they don’t live here.

Carter:  We only have a special permit for that.

Jones:  Right.  I got a…

Wright:  If it’s a commercial situation, then the owner has the responsibility of dumping the
trash.

Allen:  You’ve got to dump their trash.

Wright:  If they have a car here, the register their car here, they are fine.

Jones:  I’m sure they don’t want to register their car here.

Bryan:  I think it’s a requirement.  Sheriff Kidd, can you attest to that?  What’s the requirement
to register a vehicle?  If it’s housed.

Kidd:  Where its housed at.

Bryan:  Thank you.  If it’s housed in Buckingham they are required to be paying Buckingham
personal property taxes.

Chambers:  What if they live in Buckingham but have North Carolina tags on it?

Bryan:  Then they are illegal.

Chambers:  I think they are living in his house while they are working somewhere.

Bryan:  In 30 days of moving into the state, to obtain a Virginia driver’s license and Virginia
tags.

Jones:  I came up here this week and talked to them and they gave me a permit to give to the
guys that moved into my house.  All they have to do is display that in order to get in.
Bryan: It probably wasn’t explained to them correctly. If they own a vehicle they are required by law to register that vehicle in the county.

Dunnavant: One other thing for discussion while we are on this, I was talking to some of the other fellows about the enforcement with the courts on the violators of the system, which I understand from Mr. Hill that the one’s he has taken to court, before the judge didn’t prosecute. Installing our system we want the citizens to understand we are doing this for their convenience but the noncooperators will go to court and we want to encourage the court system to do more than shake a finger at them and say behave better next time. That’s kind of what we are speaking of. Anyway.

Allen: Do you want to add on to it or will we automatically we are automatically going to have a camera at each site?

Dunnavant: That’s given.

Allen: Ok. Motion made and a second. Let’s vote. 7 yes to start on gate system on Rt. 600.

_Vice Chairman Bryan moved, Supervisor Dunnavant seconded and was unanimously carried by the Board to start the gating system at Rt. 600 as a test site._

Re: Executive Closed Session

Bryan: I move we go into executive closed session under Section 2.2-3711.A.1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body; and evaluation of performance of departments.

_Vice Chairman Bryan moved, Supervisor Dunnavant seconded and was unanimously carried by the Board to enter into executive closed session under the above state Code._

Re: Return to open Session and Certification of Item Discussed

Bryan: I move to return to Open Session and Certification that to the best of each Board member’s knowledge only business matters related to the code of which the executive meeting was convened was discussed or considered in the closed executive session.

_Vice Chairman Bryan moved, Supervisor Bryant seconded and was unanimously carried by the Board to enter into regular session and certify to the best of each Board members knowledge only business matters related to the Code of which the executive meeting was convened was discussed or considered in the closed executive session._
**Re: Other Board Matters**

**Chambers:** Yes, Mr. Chairman, I had asked Mrs. Carter to do a survey of employees, in July they work extra hours on the 2\(^{nd}\) and 3\(^{rd}\) and be off the 4, 5, and 6\(^{th}\).

**Matthews:** What extra hours are you talking about?

**Chambers:** Working 7:30 to 5:30. We wouldn’t be giving them something for free. They would give something back.

**Dunnavant:** Hour for hour Mr. Chairman. As long as it’s hour for hour, I’m good to go with it.

**Chambers:** What do you mean hour for hour?

**Dunnavant:** They work an hour they get an hour.

**Chambers:** It doesn’t work like that.

**Bryan:** What is the State giving? Have we heard?

**Carter:** July 4\(^{th}\).

**Chambers:** Most people are on vacation.

**Matthews:** Are they working 10 hour days?

**Chambers:** 7:30 to 5:30 for two days. Then give them the Thursday and Friday.

**Matthews:** That’s 10 hour days.

**Dunnavant:** Would it be right to give them what the State’s giving?

**Carter:** It’s in the middle of the week.

**Dunnavant:** Oh, it’s the middle of the week, Wednesday.

**Chambers:** I make a motion that we give them the 5\(^{th}\) and 6\(^{th}\) off.

**Matthews:** Mr. Chambers, by what we were just talking about, if you, the 4\(^{th}\) is on a Wednesday, so they are working that Monday 10 hours, Tuesday 10 hours. That’s 20 hours. They get 8 hours of pay on the holiday. That’s 28 hours. They are going to be off, the 5 and 6\(^{th}\), so to make up that 12 hours that they are getting the 5\(^{th}\) and 6\(^{th}\), would you agree to work the next
week 2 additional hours a day or the week prior to that. You are getting 2 days on top of the holiday. 2 x 5 is 10 hours. You are working 10 hours but we are giving you 12.

Chambers: That’s too much.

Carter: The Treasurer and Commissioner would have to close with us too. They wouldn’t be open if we were closed. We have to be on the same page.

Dunnavant: The only thing I would add to it, they had secretary’s day and that coincided with County sticker day and property tax time. They closed the Treasurer’s office for secretary’s day. An I heard about that.

Bryan: I did too.

Chambers: They do it every month though. I heard they close for lunch every month.

Dunnavant: This is secretary’s day. It’s a Hallmark Card holiday.

Carter: We can’t tell them when to close.

Dunnavant: What they did and I haven’t had a chance to talk to Christy about it, they closed everybody left the whole secretary’s day, whatever day that was. They weren’t in. People came 20 miles across the county to pay their personal property and get their stickers and they get over here and there is a note on the door they are closed for secretary’s day. I got a rash of calls.

Chambers: We have no control over that. That’s the Treasurer and Commissioners themselves.

Dunnavant: I know but these are offices we have control over.

Bryan: We have no control over their office.

Dunnavant: Office hours, no.

Bryan: We don’t have to know when they close. If she wants to close.

Dunnavant: That’s what I explained to my complainants. That position is elected like the Board is. They need to take that up with that office. Let’s not get the folks that we have to look after fussing at us.

Matthews: If you are giving them 2 more days that they are getting paid for, that’s 8 x 3 is 24. They are working 16, getting paid for 40. So that’s 24 hours. If they do 2 hours on each day on that Monday and Tuesday, that’s 4 hours. You’ve got to make up 12 hours additional. I’d agree
to do 2 hours the next week or week before every day and that would be 10 hours. You are still getting away with 2 hours.

**Carter:** Majority of people will be on vacation anyway. We have a very slim staff that week. A lot of people are taking off anyway. Other times you have just straight out given it to the employees.

**Dunnavant:** There are 2080 work hours every year. Employees are obligated to give the county, we are elected to see that the people are getting the value for their tax dollars that they are giving. They are obligated to give 2080 work hours a year. Time present or time allotted for comp time or vacation time. I agree with you Mr. Chambers, but I’ve got to make these statements. I’m not voting against you but we’ve got to realize that.

**Chambers:** Well, discuss it then.

**Dunnavant:** 16 hours is a lot of time to give out.

**Allen:** We’ve got a motion and a second to give employees off July 5 and 6 of 4th of July week.

**Chambers:** 2 hours extra on Monday and Tuesday. That’s my motion.

**Allen:** Any more discussion on it?

**Dunnavant:** That’s 4 hours for 16. That’s pretty good.

**Allen:** Let’s vote and decide if you are going to do it or not.

**Matthews:** What’s that motion again?

**Allen:** The motion is for them to work 10 hours on Monday, 10 hours on Tuesday, holiday on Wednesday, off Thursday and Friday.

**Matthews:** With pay.

**Allen:** I assume so. I don’t think they are going to want no pay. I don’t mean no harm in that.

**Chambers:** We just sit back there and said we are going to try to give incentive to do something. I call for question.

**Jones:** I don’t care what you do you can’t keep people from complaining.

**Allen:** We need 2 more votes here, Bryan and Matthews.
Supervisor Chambers moved, Supervisor Bryant seconded to give the employees July 5th and 6th off extra for 4th of July holiday and they work 10 hours on the 2nd and 10 hours on the 3rd. This motion passed with a 6-1 vote. Supervisor Matthews abstained.

Dunnavant: Throughout the year we can hope to get 12 hours extra production out of them right.

Chambers: They’ll do that.


There being no further business to be discussed, Chairman Allen declared the meeting adjourned.

ATTEST:

____________________________________ ____________________________________
Rebecca S. Carter     Danny R. Allen
County Administrator     Chairman