At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, July 8, 2019 at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: Donald E. Bryan, Chairman; Harry W. Bryant, Jr., Vice-Chairman; Robert C. Jones; Don Matthews; E. Morgan Dunnavant; Joe N. Chambers, Jr.; and Danny R. Allen. Also present were Karl Carter, Asst. County Administrator and E.M. Wright, Jr., County Attorney. Rebecca S. Carter, County Administrator and Cheryl T. “Nicci” Edmondston, Zoning Administrator were absent.

Re: Call to Order

Chairman Bryan called the meeting to order.

Re: Establishment of a Quorum

Chairman Bryan certified there was a quorum. Seven of seven members were present and the meeting could continue.

Re: Invocation and Pledge of Allegiance

Supervisor Chambers 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

Vice Chairman Bryant moved, Supervisor Matthews seconded and was unanimously carried by the Board to approve the agenda as presented.

Re: Approval of Minutes

Supervisor Jones moved, Supervisor Matthews seconded and was unanimously carried by the Board to approve the minutes of the June 10, 2019 and the June 24, 2019 meetings as presented.
Re: Approval of Claims

*Supervisor Allen moved, Supervisor Dunnavant seconded and was unanimously carried by the Board to approve the claims as presented.*

Re: Public Comment

**Nelson Bailey, District 5:** Good evening, thank you. My name is Nelson Bailey. I’m in the 5th District. I brought this to the Planning Commission’s attention. This is what is called the Access Management Regulations with DMV. 24VAC30-73. I only want to highlight it because you’ve got a copy in front of you. It says that immediately you must remove dirt from the highway. Things like that and how to put in a commercial logging operation or how to put in a private drive. So I thank you for your attention. This is a 700 page manual that is not abided by. The 56 had three mud incidents within three months where the mud stayed there for three months on the roads, Mulberry Hill and places like that or Mulberry Grove. There are other places that had the same problem. At 30 mph on a rainy day you skidded and it stayed there for six months. What’s up here? It says so right here what you’ve got to do but why isn’t it being done. Thank you.

**Bryan:** I call to your attention, Mr. Bailey, the front of this says VDOT.

**Bailey:** Yeah.

**Bryan:** The County doesn’t own any roads.

**Bailey:** But the county kind of is guides responsible citizens…

**Bryan:** Do you mind if I continue? Thank you.

**Bailey:** Has my time stopped?

**Bryan:** Sure. You’ve got a minute and thirteen seconds. I’ve advised you before, everybody has a boss.

**Bailey:** Has a what?

**Bryan:** Has a boss.

**Bailey:** Has a boss. Yeah. Yeah.

**Bryan:** So if you call VDOT and you get nixed, then go up the chain.

**Bailey:** Ok.
Bryan: I can’t tell VDOT what to do. You know, I’ve already mentioned this to VDOT to please police this and I was told yes. You know, so as a citizen you are welcome to go up the chain in VDOT. Certainly I can’t tell VDOT what to do with the roads.

Bailey: A phone call here and there to disturb somebody’s repore, would be sufficient in most cases.

Bryan: Anybody from VDOT here tonight?

Dunnavant: Actually it’s a state police issue more than it is VDOT.

Bryan: If it becomes a hazard, than certainly call the state police as well.

Bailey: It has been done and nothing has been done about it. That’s my point. We’ve got three people…

Bryan: As county government, I don’t supervise the state police either.

Bailey: Yeah. I defer my time to Quinton.

Bryan: You can’t.

Bailey: I can’t do that. Ok. Thank you.

Bryan: Thank you Mr. Bailey.

Matthews: Mr. Fredrick, are you getting this information. This is about the third time in the last three months screaming about road conditions on logging processes in the county. We can’t control that so anyway.

Fredrick: Yes, sir. It was brought to my attention either two weeks ago or last week. I sent one of my inspectors to look at specific areas. There was some evidence of dirt on the road and it appeared that it had been broomed. But there was still trace amounts.

Matthews: What’s the process, let’s say I start a log operation and I get mud on the road, what is the…if he complains to VDOT or any citizen complains to VDOT, what do yall do? What is the response to that?

Fredrick: Well, we are also not an enforcement agency. So, we have reached out to state patrol in the past to have them come out.

Matthews: Are you listening to this Mr. Bailey?

Chambers: Mr. Matthews, I logged for 44 years and every time I got mud on the road, state police got me. I don’t see why they don’t get the rest of the people.
Fredrick: We have had situations in the past where it’s been so bad that we’ve gone out ourselves and cleaned it up and used their bond to pay for that work. In this case we went out and looked and I think the loggers and the pictures I saw when my inspector went, it was…you could broom it again and it would look the same as it looked right before you broomed it.

Matthews: Was it pushed down in the pavement is that what was causing it? What’s the deal?

Fredrick: Mud was there, and it was either so spread out or broomed off to the point that I don’t think other than taking a fire truck and washing it off until you’ve got good clean asphalt which is not practical.

Matthews: Was it asphalt or surface treated road?

Fredrick: I didn’t ask. It looked like a secondary route so I assume it was surface treated.

Matthews: Because that will mash down with traffic coming out of those areas and there is not much you can do other than broom it and hope for a good heavy rain to get it off then but other than that.

Ivan “Chip” Davis, Dillwyn Volunteer Fire Department: Thank you. I’m here to give my last update before we have the tractor pull on the 27th. As I speak there is work detail going on down there right now. They are setting poles and putting up lights. You will have to excuse me I will have to leave early because I’ve got to get to work or they will ostracize me. But the last time, I forgot and I do apologize to the Sheriff’s Department, they’ve been very involved in this and I didn’t mention them. We have gotten 100% commitment from our Sheriff’s Department to be there to help with traffic and whatever else we may need. They are one example of all the different agencies, individuals, companies that have been donating time and effort in this endeavor. We’ve met people that are digging out basements and sending dirt down so we’ve got…it’s coming from everywhere. We’ve got help, it’s right funny but it’s really, really true. It’s really pleasing to do this project. We just hope this will be a positive reflection not only on our departments but also on the county and will be good entertainment and a great fund raiser and a very positive thing for Buckingham. We thank you because we couldn’t have done it if yall hadn’t given us a place to do it. We thank you.

Bryan: Date? July 27th?

Davis: The 27th and starting pull time starts at 7:00. We will probably open up the gates an hour or two before that. Waiting for it to cool down.

Bryan: Parking will be in the fields there?

Davis: Parking will be in the fields. We are in the process of organizing that now. We have mowed those fields a couple of times. Wayne Llewellyn has taken bushhogg and gone in there and kept it down low. Immediately before that in the area where the public will sit, the sitting
area, we will get that and take it down with lawnmowers and get that where it’s more comfortable. This year we plan on a bring your own chair event. We are not doing bleachers. That’s is too far to go the first year.

**Bryan:** Thank you Mr. Davis.

**David Ball, District 3:** Good evening. David Ball, District 3. I appreciate that my representative doesn’t accept the document. Two things I come up here with letters, one of course is a breach of public trust and disrespectful and that’s having county employees and county vehicles parking in the handicap parking. I came to the county building to drop off a get wall card from a group of citizens to Mrs. Carter, and observed a county employee parking in a handicap parking space. A young lady, recreation department. There was no reason why she would park there other than she was just taking advantage. I think that is a county issue. It’s a parking issue and a violation. If a senior citizen had a handicap parking space came to park, they would not have been able to park in a handicap space. There was nothing heavy. There was nothing there but the receptionist and the way she defended the person was telling me that I didn’t know anything about handicap parking. That was disrespectful and defensive. The fact that it wasn’t taken serious, but I had taken pictures. Pictures to prove that this infraction occurred. I think there ought to be a little more respect from County employees for the laws as well for their citizens. The other issue I have since the county has not done anything about having their own to livestream these meetings, is to work with the school and I put this in an email to Daisy Hicks. I think that by having a student or students working through the CT department to come and do camera operation. They will get credit and they get experience. It gives them education experience to take them to the workforce and also gives you the opportunity to have a camera person here to do the videotaping without having to pay, it really doesn’t cost that much to have somebody here videotaping the meeting. The technology is here. You have the equipment. So why aren’t you doing it? As far as VDOT, when I worked for VDOT, they can pull permits, cancel permits, suspend them and block off entrances. The fact that VDOT says they can’t do nothing. That’s disappointing. Any Supervisor that has an issue with roads or concerns of citizens, can easily address…

**Bryan:** Time is up.

**Quinn Robinson, District 4:** Good evening, gentlemen. Quinn Robinson, District 4. I just want to say a couple things, I noticed that Mr. Toms isn’t here and that the SUP for the microwave tower is apparently not open to public discussion. However, since it was tabled at the last meeting in order to get more information, I’d like to know if the new information has been received and from where it came. Why don’t we know about it? If it was significant enough to halt the process, I think it should be shared with us. The other thing is that CityScape, I don’t think when they took the test for their permitting in terms, not permitting but the ok as far as the county’s needs, that it did not include the location on the ACP property. That was a distinction and you couldn’t tell from the diagrams how far the tower is from the compressor station. I couldn’t figure it out. There is no indication about it. It makes a bigger problem than merely a nuisance because if it falls, it could be catastrophic. I appreciate Supervisor Matthews comments about the distinction between broadband and Dominion. If anybody wants to put broadband in
jeopardy, then keep bringing up Dominion’s participation. That was legislation from the General Assembly that brought that about and I think if we have confidence and support, the electric coop is the best, surest way to get it. The other thing, Mr. Toms stated the providers, meaning the coop, was in it for a profit, that’s not the way coops work. Anyway thank you for your attention and I hope you realize that if this is passed you are putting forth a condition that is already in violation. Their activities have been vacated until there is agreement with the court.

Re: VDOT Road Matters, Scott Fredrick, Resident Engineer

Fredrick: Good evening Supervisors, Mr. Carter. The last meeting it was asked what section of Rt. 15 we were going to be paving by you Mr. Jones. We are going to be doing from the intersection of 805 up to 840 or 841. I think they run together. One map showed 841 but if you look on Google Earth it shows it as 840. It’s about a 1.3 mile section of 15. I hope I’m not saying that wrong. I was hoping that was the information you were looking for.

Jones: I’m not familiar with the numbers you gave. 805?

Fredrick: Yes, 805 up to 840 or 841. I didn’t look up the actual names. We go by numbers. It seems like 840 is 2 or 3 miles south of the northern county line. We are doing a 1.3 mile section is what we were able to budget this coming year.

Jones: But you don’t know if it’s going to be from the James River Bridge south?

Fredrick: No we don’t have that section programed yet. We have all of our primary routes, we assess them every year and they get a score. We pick the one’s that score the most points to resurface them. We try to have our primary routes above a certain number and secondary routes above a certain number. We average for the whole residency. We definitely target the worst sections in order to get that over all. It’s not just chose it half hazardly. That’s the section of 15 we are doing this year.

Jones: 805 and what’s the other one?

Fredrick: 805 and 840 or 841 depending on what you…

Allen: Is 805 Cartersville Road? That’s what I’m coming up with.

Fredrick: It’s possible.

Jones: I don’t think so.

Allen: It don’t sound like it to me but that’s what’s coming up on the map.

Dunnavant: Cartersville is 610 isn’t it?

Jones: Yeah, that’s 610.
Fredrick: That’s what we have scheduled next year. We are currently paving on 60 from the Appomattox County line heading this way. We are going to do 5 ½ miles of that section of road. It was in pretty bad shape. It had pavement failures where the pavement was breaking. 5 ½ miles we are doing in deep mill to try to make it to where it won’t reoccur in the near future.

Jones: You also finished paving…

Fredrick: 600 and 652. We just completed those…

Jones: Does that go all the way to 20?

Fredrick: I didn’t write down the whole…we definitely started at 15. I think we did it in its entirety but I didn’t look up the limits of it. Other work that’s ongoing through our season contractors is 678 bridge replacement. We are actually doing demo work right now on the bridge and it’s still going to be finished and back open by September 13. Our surface treatment for Buckingham County is getting a start in mid-August. We are doing 56 miles of surface treatment. That’s a substantial amount of mileage. So we are preparing all those roads, all the roads we are going to be surface treating we are trying to come in and if anything needs to be done before we surface treat it we are trying to take care of that. Some of the stuff you will see in the near future, not everything but the list of highways so to speak. 632 we are going to be patching that tomorrow. 662 we will be patching next week. That’s a spot that was a rural rustic that we did last couple years and when a logging operation moved in it started deteriorating so we are going to patch that.

Bryant: Texas School House. There is a big hole there.

Fredrick: Do you know the number on it?

Bryant: I don’t know the number. Texas School House. They put the 911 addresses up there and I don’t know either one of them.

Fredrick: We just did that and there is a problem with it?

Bryant: A couple to three months ago, there was a hole there and I contacted yall and you fixed it and it came right back.

Fredrick: We will have to hit that again. If you have a problem fix the top it will just come back. Now we know it will keep coming back we will try a different means. Ok. So, 607 there’s a work order in now to pull the ditches and it’s where it was logged both sides of the road they are clear cutting so we are trying to recover from that. 608 the school bus garage called in that vegetation was grown in. We went out last week and did some tree trimming and today we started 725 and tomorrow we have 609 planned for vegetation removal. 633 we are going to do some leveling and patching on that and also cutting back some vegetation and prepping for surface treatment like I said before. Then something that’s come up I think two meetings ago is the intersection of 633 and 635 that is heavily skewed. We fixed that before will millings and
before the last meeting I went and looked at it on my way home and it’s kind of rutting out again. Since we are doing surface treatment there, we are going to come in with some hot mix asphalt and patch that and fix that for good and surface treat it. Cover everything up and make it look uniform so hopefully that one will go off the radar after that. So for a quick update on our rural rustics, our rural rustics for anyone that doesn’t know is where we take a road that’s not hard surfaced and put down about 6” in stone and when we get that done we compact it real good and surface treat on top of that. It turns a gravel road into a hard surface road. So, it looks like 7 of them. Some of them we are already working on and I’m going to start with the one’s we’ve already done some work to. Red Road we just got done placing stone on Red Road. Brill Road we just started on today I believe. We are hoping to complete that one this week and next week go to Shumaker Road and when we get Shumaker done, the ones we will be going to are Warminster, Rocky Mount Road, Winfrey-Inez Road, Lee Town Road. Our goal is to have all this done by the end of July and then have them all surface treated by the end of August. That’s kind of our plan and what we are hoping to accomplish. So now, I’m going to turn it over to you guys and see if you have any issues to be addressed.

Dunnivant: Two questions. Rt. 60 just east of Red Road on the left bound lane has got a slide coming in the pavement and there is grass growing in the pavement. It’s cracked open an inch or so wide and it’s got grass growing in it. I think you need to take a look at that. It’s getting ready to slide off.

Fredrick: Ok. Thank you for bringing that to my attention.

Dunnivant: When they put in these rumble strips all up and down the primary roads. Is it just my perception or did we lose some passing zones again?

Fredrick: Lose passing zones?

Dunnivant: Yes sir.

Fredrick: We may have.

Dunnivant: I know we did. We’ve been steadily losing them over the years. Why is that?

Fredrick: They evaluate them.

Dunnivant: We haven’t had any head on collisions. Not that I’m aware of. Are you aware of any Chip? Have yall responded to any head on collisions?

Fredrick: It’s a statewide movement to bring everything up to standards to answer your question.

Dunnivant: I would like to get on record saying we’d like to get some of our passing zones back next time yall do them.
Fredrick: Ok. We can certainly reevaluate it.

Chambers: On 652, we still have a problem down there after you pass Union Branch Church at the graveyard. It’s a tree on the left hand side there leaning over the highway and a branch almost hit him. I don’t want him to get killed. He carries my petitions around for me so I’ve got to take care of that. 652 after you pass the church at the graveyard. Union Branch Church.

Fredrick: Is there an address number next to it?

Chambers: What is that address? After you pass Union Branch Church, it’s a big church, the first is Mount Tabor and the second one is Union Branch and then it’s the graveyard.

Harris: It’s been dead. A big white oak tree. Branches falling off.

Fredrick: I’m getting better as I go. I’ve learned to take good notes now or I won’t be able to figure it out later.

Dunnavant: 56 and 60. How are they coming on the plans for that up there?

Fredrick: 56 and 60?

Dunnavant: Duck’s Corner.

Fredrick: Duck’s Corner, they moved one of the entrances.

Dunnavant: I know they adjusted it. Have they gotten it drawn on plans yet?

Fredrick: I haven’t seen that. I’ve been told they made the opening larger. It still goes…they had a small entrance by the building and they opened up to be able to access it more freely from the west of the gas pumps. I haven’t seen it yet.

Dunnavant: When you do get it, I’d appreciate it if you could share it.

Fredrick: I’d be glad to do that.

Allen: Trent’s Mill Road, 622. They started on that long time ago and made it real nice. They made it wider but they didn’t go but 2/3 of the way and stopped. They said it was old money. I don’t know if you can find any more old money but anyway. I just wanted to know if you know of any latest on extending the pavement on that road. The other end coming out of Cumberland is paved and their end looks real good. Nice pavement. Buckingham side looks poor. If you could look at that I’d appreciate it.

Fredrick: Ok. Do you know how long ago that was?

Allen: 5 or 6 years by now. Been a while.
Fredrick: I’d have to see what funding they did use and maybe we can figure out how to do that.

Allen: That’s going to be part of the 60 corridor from Cumberland. I’d like to connect to it too.

Fredrick: Yeah. If they did our side and we did 2/3 of our side, it makes sense to get the gap. But we have to have the money to do it.

Allen: Right. I know you can find it though.

Bryant: Yeah, Howardsville Road just below Glenmore. You fixed one hole down there and 400 yards down the road there’s another hole just like it.

Fredrick: 602, Howardsville Road.

Bryant: Going towards Howardsville, about 300 yards down, yall fixed one and did a fine job but another one just like it. On the edge of the road. Pipe’s giving away or something.

Fredrick: Do you have any cross street or intersections nearby?


Fredrick: Ok. We will certainly address it. Potholes are easy.

Matthews: Two things, on Rt. 20 right at Centenary before you get to the garage on the right at Centenary, there’s a pine tree hanging over 20 almost at a 90 degree angle. It’s going to fall with a big rain.

Fredrick: Leaning a little?

Bryan: It’s slowly coming.

Matthews: It’s either going to come down or somebody needs to take it down. It’s on 20 right there at Centenary. It’s a road that goes to the left.

Chambers: 678.

Matthews: 678 veers off to the left, its right before you get to that.

Bryan: If you miss it, you’ve got your eyes closed.
Matthews: Another thing, there’s a skid steer track over, I believe its Salem Church Road. CAIRA Road, 632 before you get to 60 right at Salem Church I believe. Is it this side or the other side? It’s been there for a year. I was wondering if the state would be willing to take their backhoe over there and pick it up because it’s kind of heavy.

Fredrick: Got you. It’s on 632?

Matthews: Yes sir.

Bryan: You guys are going to be in that area tomorrow. You can’t miss that one either.

Fredrick: Evidently we’ve been ignoring it for a year. Alright. If we are going to already be there, it should be easy to get it. Any others?

Matthews: One other thing. Any information on the Shephards design change?

Fredrick: As far as I’m aware, after we had our last meeting the changes have been implemented. I have not seen that on paper yet but we had a follow up meeting internally and they were to be put in there. It’s about ready to go to ad.

Matthews: I’d like to see it.

Fredrick: I will share that with you as well. Thank you.

Re: Public Hearings

There are none scheduled.

Re: Matt Lawless, Scottsville Town Administrator and Justin Doyle, Community Conservation Manager, James River Association: Virginia Scenic Rivers Program

Doyle: Good evening, Chairman Bryan, Vice Chairman Bryant and the Board of Supervisors. My name is Justin Doyle and I’m employed by the James River Association. A river conservation organization that has offices in Lynchburg, Scottsville, Richmond and Williamsburg. Matt Lawless from the Town of Scottsville are here this evening to share information about the Scenic Rivers Program and encourage Buckingham County to support our new Scenic Rivers Designation on the James River in partnership with Albermarle County, Fluvanna County and Town of Scottsville. The intent of the Virginia Scenic Rivers Program is to identify, recognize and provide a level of protection to rivers with significant scenic, historic, recreational and natural values. The program is administered by the Virginia Department of Conservation and Recreation that began in 1970 when Virginia General Assembly passed the Virginia Scenic Rivers Act. Since then more than 700 miles of river received State Scenic River Designation across our Commonwealth. Before a river or river segment can be designated, staff of the Department of Conservation and Recreation must conduct a study to determine if it
qualifies for State Scenic River Designation. Studies are typically initiated by the requests of local governments and for rivers or river segments to be studied it must be five miles long and publicly accessible and identifiable beginning and end points. Upon receiving a request from local government or governments, the Department of Conservation and Recreation conducts a river evaluation. If the river qualifies for scenic status, the local governing body will approve a resolution. The final step of the designation process is the General Assembly passes a bill designating the river or river segment as a State Scenic River. Now, Mr. Lawless with the Town of Scottsville will talk about the local effort to designate a segment of the James a Scenic River.

**Lawless:** Good evening gentlemen of the Board, Mr. Carter, thank you. Let me share my greetings from the Town of Scottsville town council. I’ve been on the job in Scottsville for about a year and half now and I’ve enjoyed visiting and learning my way around Buckingham County as well including the restaurants and the James River State Park. We absolutely see the James River as a shared environmental economic asset. We see all the fisherman, boaters, and bird watchers on the River during the high season. Town council has made a high priority of this initiative to share and celebrate the James River in our community. It’s actually here on the 50th anniversary of the State Scenic River Program. The Scenic River recognizes the trees, birds, fish that we all enjoy promoting awareness and tourism of our segment of the James. This program is the way we can highlight our stretch of river to a statewide, national and international audience and help to draw some attention to it. I want to stress that there is no land use impact by taking this action. It recognizes what we have but does not impose any additional state regulation on it. The initiative is to promote the river and tourism. It also has no relevance on pipeline matters which I know are frequently on your agendas. As I’ve learned the area and the river, I’ve enjoyed seeing the huge sycamore trees, seeing the eagles and otters there. I think we should share that with our residents and tourists alike. I’ve met with Mrs. Carter and Mr. Carter about this matter a year ago and other actions that we can take on it together. The State requires action from every governing body adjoining the segment of river. Fluvanna County Board passed the petition in June after the Town of Scottsville Town Council took it up in April. Albermarle has it on their agenda in August. I suppose I request a vote if it pleases the Board that you do direct your administrator, my colleague, to petition the State Department of Conservation and Recreation to study the James River for inclusion in the Scenic River Program especially in honor of the 50th anniversary of that program. I’d be happy to answer your questions about the matter.

**Dunnavant:** Question. Do you know for a fact it won’t effect if we get an opportunity to withdraw water from the river at some point?

**Lawless:** Absolutely not. There is nothing less than scenic about the out take pipe.

**Dunnavant:** Do you also know it won’t backfire like the historic designation they put in Dillwyn some years back? It’s hampered some upgrades to low income housing there. It’s been dragging on for six months or more. They haven’t been able to proceed with both projects.

**Lawless:** The first scenic river in the early 1970’s was the Rivanah in Fluvanna County and you can ask the one’s on the Fluvanna County Board. They have no problems with it.
Dunnavant: The other question I had, will the scenic river designation hamper some type of future work such as bridge replacement or anything like that like the scenic byway did on Rt. 20 between Scottsville and Charlottesville. Have you noticed where the right of way over there has been purchased 110 feet wide to rebuild the road through that very crooked hazardous section of road and they can’t do it because it was designated scenic byway.

Lawless: VDOT has a different set of rules. There is no effect to bridges here. They sometimes use bridges as markers to say which section they are going to study. Bridges are sometimes convenient access points on that. We might go from Howardsville to the bridge at Bremo or something like that. But the only infrastructure consideration is dam construction. If there were going to be a new dam in the river they would have to look at that but bridges, no.

Dunnavant: So it can’t hamper economic development?

Lawless: I see none of that. Economic development is my top priority with the Town. We are looking at factory renovations, small business development, growing businesses and we see this as a positive for us.

Dunnavant: What is the gain then?

Lawless: What is the gain? The gain is tourism awareness. You have 700 miles of the river that is celebrated and say come see the scenic part. Our friends in Buchanan on the upper James River, they’ve got a stretch of Scenic River, they have an outfitter business and they said can we please designate some more. People are coming to rent canoes and kayaks and they only want to paddle the scenic part. The river looks just the same the next five miles.

Jones: My idea on that is, we have enough designations from the government now. We don’t know what’s going to happen down the road. I’d rather see them leave it alone.

Bryan: So basically you want a resolution from us petitioning to make this area a scenic byway.

Matthews: To do a study. You are going to do a study first, is that what the deal is?

Lawless: It’s a directive to the study and then a volunteer team with the state supervision goes through and we count the trees and the birds and fish and what all makes it scenic and if it checks yes, then it’s a General Assembly action to add it to the list. If there are any concerns, you can take it up with state delegates and senators in January.

Matthews: Are you adding an additional outfitter there in addition to what you already have? Is that what the study going to help, I mean is that what it’s going to help or promoting to do?

Lawless: The one we have in Town is doing fine but certainly it would help in business.
Matthews: Are you thinking someone will come in...another outfitter come in to relieve some of the pressure that this one is experiencing? Is that what you are saying? Economic growth in that capacity?

Lawless: Either new businesses or new jobs, yes.

Dunnavant: Who’s funding the study?

Lawless: DCR. They have staff, James River Association is a partner.

Dunnavant: What do you think it’s going to cost?

Lawless: When you did the upper James, how much did you pay for it?

Doyle: Typically the way the evaluation works is DCR partners with local organizations or outfitter and that organization or outfitter takes DCR staff down the section of river that’s being evaluated and DCR staff takes a look at the different criteria that they look at when they are evaluating a stretch of river. I do know that DCR has utilized higher education, students from colleges and universities to do evaluation too. So it could take a few different forms depending on DCR staff. Availability of staff.

Bryan: Bottom line there’s no financial impact to the county? We are not going to be spending money?

Doyle: That’s correct. I will say when we did it with Buchanan, Glasgow, Botetourt County, Rockbridge County, they were very supportive of it and we did have a celebration when the designation was adopted and went into law, we had a celebration with the General Assembly members who were patrons of the bill.

Chambers: I don’t see no problem with it. It doesn’t cost the county any money, I see no problem with it. I make a motion to participate.

Matthews: Second.

Bryan: Motion made and seconded. Mr. Carter, are you aware of what needs to be done?

K. Carter: I’ll get with Mr. Lawless and get the specifics but he did get with me and Mrs. Carter about a year ago that this was coming up.

Bryan: Then you will bring it forward in the Board package. Ok. Motion made and seconded to approve for a DCR study. Any other comment?

Dunnavant: Before we vote on it, I just want to say that I believe this will come back and haunt us at some point and time. If nothing else, if we need to upgrade the bridge across the river,
instead of just upgrading the bridge simply for traffic, we’ll have to have the bridge upgraded to be scenically sympathetically as well.

Jones: I think we need to look at this thing some more rather than voting on it tonight.

Chambers: It’s just a study.

Bryan: It’s just a study now. Then it’s going to be up to DCR to approve it or disapprove it.

Matthews: Will the results of the study be sent to us?

Lawless: Absolutely. They want to complete it when the leaves are on the trees. So it will probably September and you will see the results in the fall.

Bryan: Any other comments? Call for the vote. 5 yes, 1 no, 1 abstained.

Supervisor Chambers moved, Supervisor Matthews seconded to approve participation for DCR to do a study on the James River for State Scenic River Program. This motion passed with a 5-1-1 vote. Supervisor Dunnavant opposing. Supervisor Jones abstaining.

Re: Zoning Matters: Case 19-SUP268 Atlantic Coast Pipeline LLC: Special Use Permit for Microwave Tower at proposed Compressor Station.

K. Carter: Yes, Mr. Chairman. This is a continuation for action from last month. The Atlantic Coast Pipeline, LLC received a Special Use Permit for the construction of a microwave tower at the proposed compressor station. The Special Use Permit was valid for eighteen (18) months. The Board of Supervisors approved the Case17-SUP242 on July 10, 2017 so this SUP expired January 2019. The Zoning Ordinance does not provide for authority to renew this same permit or to grant an extension. Due to this, the ACP, LLC has submitted a new application for a special use permit. This application seeks authorization of the same tower, on the same property and under the same terms. The Planning Commission unanimously recommends approval of this Request for a Special Use Permit. The public hearing was held on June 10, 2019 where seven people spoke. Three spoke in favor, four spoke in opposition. The Board of Supervisors wanted to table the decision until the July 8 meeting tonight. Mr. Toms is here tonight for any questions you may have.

Conditions:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
2. If the building permit is not obtained within thirty six (36) months from the date of approval then the special use permit shall be null and void.
3. Existing trees along the northwestern property line and along the front of the property (as noted on the site layout submitted with the application) shall be maintained as a buffer for the life of the station. East of the station access road and east of the existing Transco
lines there shall be trees planted and maintained after construction to provide a buffer and block visibility from the highway and adjacent properties.

4. The tower must be designed and located within the property, such that, should all or a portion of the structure(s) collapse, the structure(s) will fall completely within the subject property lines.

5. The tower shall not exceed a structural height of one hundred ninety-five (195’) feet with a lightning rod not to exceed four (4’) feet for a total height of one hundred ninety-nine (199’) feet above ground, including foundation; and

6. The applicant shall provide FAA determination of no hazard to air traffic; and

7. Submittal of the approved State Historic Preservation Office (SHPO) and National Environmental Preservation Act (NEPA) analysis reports; and

8. Submittal of certification by a Registered Virginia Professional Engineer that the structure shall be designed and constructed to meet or exceed EIA/TIA-222-G (as amended) Class III, Exposure C standards

9. The applicant grants Buckingham County the right to locate, without charge to the County, space on the tower for Buckingham 911 communication equipment at a beneficial height and also grant to the County appropriate ground space for necessary support equipment.

10. 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.

11. 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.

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

Chambers: Mr. Chairman, I’m satisfied with the answers I got since the last Board meeting. I make a motion that we approve it.

Jones: I second.

Bryan: Motion made and seconded to approve Case 19-SUP268. Any further comment?

Bryant: For how long?

Bryan: 36 months.

Bryant: Do you need 36 months?

Toms: Hopefully not, but that keeps us from having to come and renew it again. Based on courts right now.
Bryant: I think we should go 18 but if yall want to go 36 that’s fine.

Smith: 36 is normal.

Bryan: Call for the vote. 6 yes. 1 abstain.

Supervisor Chambers moved, Supervisor Jones seconded to approve 19-SUP268 Atlantic Coast Pipeline LLC for special use permit for a microwave tower at the proposed compressor station. This motion passed with a 6-1 vote. Supervisor Matthews abstaining.

Bryan: While we have you up here, Mr. Toms.

Toms: Thank you. I just wanted to take the time thank you. I want to introduce you to Felix Sarfo-Kantaka who is with me tonight. He’s been working with the pipeline folks and Union Hill for the past year. I will be retiring next month and this will probably be my last meeting with you guys. So, just wanted to make sure you knew his face and he will continue to work with the county. I was talking today with Mr. Wright, I’ve probably been working with Farmville, Prince Edward and this area when I moved to Farmville back in the late 90’s so I’ve known Becky Carter for about 20 years and Karl as long as been here and several of you. It’s been good. I think we’ve done a lot of good things for the county and look forward to continue to see Felix carry forward with the responsibilities here. With that congratulations with all you’ve done. I think that we’ve done some good things. We did Bear Garden, we built the pipeline through the county. Struggled a little bit to get to Bear Garden and done some solar projects and done some water lines opportunities to get intakes for the county and we will continue to work forward on this pipeline. So I think together, we’ve done a lot of good things for economic development here and I wish you good luck and Felix will take over and fill my shoes to that extent. Felix is here tonight and I wanted you to see his face and he will continue to follow up with you. After 42 years they are finally going to let me hang it up. I’m trying to catch up with Danny over here. Thank you and have a good evening.

Bryant: Good luck on your retirement too.

Re: Consider appropriating Four for Life funds in the amount of $16,190.72 to be paid to Buckingham County Volunteer Rescue Squad

K. Carter: The Four for Life program stipulates that four additional dollars be charged and collected at time of registration of each passenger vehicle, pickup and panel truck. The Department of Health then returns 26% of the registration fees collected back to the locality where the vehicle is registered. The funds are to be used for emergency medical services only. For the fiscal year March 1, 2019 through February 28, 2019 Buckingham County has received $16,190.72. I ask that the Board appropriate these funds to line item 4-100-32300-7009 so that it can be paid to the Buckingham County Volunteer Rescue Squad.

Allen: Make a motion to appropriate the $16,190.72.
Bryant: Second.

Bryan: Motion made and seconded to appropriate the Four for Life funds for the rescue squad. Any further discussion? Call for the vote. 7 yes.

Supervisor Allen moved, Vice Chairman Bryant seconded and was unanimously carried by the Board to appropriate the $16,190.72 received for Four for Life to be paid to the Buckingham County Volunteer Rescue Squad.

Re: Animal Control Facility Update

K. Carter: Yes, sir Mr. Chairman. As requested we have looked at some different options for the new animal control or proposed animal control facility. The three options we came up with are below.

1. We advertise for Request for Proposals for A/E service for design and construction of a new facility. The result of that was we only received one response and his estimate was $250 to $300 per square foot. (5000 sq. ft.) This facility would cost the County between $1.24 and $1.5 million. This estimate does not include contingencies.

2. The second option was to design the facility in-house by our own staff. The result of that was estimated at $105 per square foot (5000 sq. ft.). This facility would cost the county between $650,000-$700,000. This estimate does not include contingencies or engineering fees as well.

3. The third option we came up with was the possibility, with your direction, of looking at renovating the Gold Hill School and locate the facility down there. The result of that estimate was $52 per square foot and for almost 10,000 square foot. This would cost the county $520,740 and estimate does not include contingencies, engineering fees, and some of the needed equipment, such as dog kennels, bowls, etc.

We ask tonight is that you establish a committee to look at these three options or even more options if the committee comes up with more to see how we want to deal with this going forward.

Bryan: After speaking to Mike Markley, it says at the bottom, we would like to request that the Board appoint a committee to study these three options. Hey, I think that’s a fantastic idea. It says me, as the Chairman, county administrator, county attorney, county staff and a board member that the facility is located in his district. However after speaking to Mr. Carter tonight, that includes two other supervisors. One, it’s currently in Morgan’s district and if we look at Gold Hill it’s going to be in Bobby’s district. So instead of me being on it because you can only have two board members on it, so I’d like to appoint Mr. Dunnavant and Mr. Jones and the other members, county administrator, Mr. Carter, county attorney, and the county staff to study these options.

Jones: Gold Hill School is in my district.
Bryan: Yeah, that’s why we want you on this board.

Jones: I understand that.

Bryan: The current facility is in Morgan’s district.

Jones: The only thing other than that I think you are right as far as the committee goes. But I can bring it up later, but whatever we decide on after it’s done, we need to make sure that that woman down there on the east coast that runs PETA comes up and entertains us long enough to tell us what she wants to have done so we don’t have this problem again.

Bryan: Do you want this in a motion?

Allen: I make a motion that we appoint Mr. Jones and Mr. Dunnavant and the other members on this list to have a committee to study the building.

Bryant: Second.

Bryan: Motion by Mr. Allen, second by Mr. Bryant that we establish the committee to look at proposals for the animal control facility. Any more discussion? Call for the vote. 7 yes.

**Supervisor Allen moved, Vice Chairman Bryant seconded and was unanimously carried by the Board to appoint Supervisors Dunnavant and Jones, County Administrator, Asst. County Administrator, County Attorney and county staff to a committee to study proposed animal control facility.**

Re: Consider Russel Enterprises request to waive penalty for McDonald’s utility bill

Allen: It’s what $115?

Bryan: Looks like they are claiming they sent the check in but can’t find the check. They are saying it got lost in the mail. However I had them pull the check today and they did cut another check to pay June and July’s and that was postmarked 21-June. I don’t know if it was an oversight on them or however, the payment was not made in time so it is in fact late. How do you want to proceed?

Matthews: The late fee is $1,154? How much was the bill?

Bryan: $1,154.07.

Matthews: Is that the bill or the late fee?

Bryan: That’s the bill.

Matthews: So what’s the late fee?
K. Carter: $115.41.

Matthews: Did we have the check in house and didn’t put it in the bank?

Bryan: No sir. We never received the check.

Dunnavant: The check didn’t make it to us.

Matthews: What percent do we get on late fee?

Bryan: 10%

Dunnavant: I assume it’s just like the late fee on the real estate. It’s to encourage you not to be late.

Bryan: Yes, sir. They are current now. They paid the June and July.

Matthews: My question is, was the check ever found, postmarked or anything? Did it not get returned back to the sender? We never received it? So the check was lost, intentional or unintentional. That’s part of doing business. I don’t see it.

Dunnavant: If we do deviate from the policy on this one, the next one is going to ask for a deviation and if we say yes to these and don’t say yes to the next one, we are going to have hell to pay.

Bryan: Moving right along.

Re: Consider bid for Sprouse’s Corner Project

K. Carter: Yes, sir. I talked to Mr. Mike Markley. He has a letter in your packet and I’ll read part of it for you. On May 16, 2019 we received one bid for the Sprouse’s Corner Project from Anderson Construction and it came in a little bit more than we estimated at $1,535,827. Engineers estimate for this project is $1.3 million. As a result, the Board had asked Mike Markley to sit down with the contractor to discuss ways to get that number lower and get closer to the budget. Mike met with the contractor and got the number down to $1,254,547.25 and that number does not include equipment of $103,131.20. So overall project will be $1,357,678.45. You are talking about $57,000 and a little more than we estimated. So what he’s asking for is for the Board to award the contract to Anderson Construction at a price of $1,254,547.25 and authorize the purchase of this equipment at $103,131.20. This is all coming from Utility fund so there is no taxpayer money being used. All water funds.

Dunnavant: I move we award the bid to Anderson as outlined in this memo here and we purchase the equipment, the county and then turn it over to the contractor for installation.
Matthews: Second.

Bryan: Motion made and seconded to award the bid for the Sprouse’s Corner Project as presented. Any further discussion? Call for the vote. 6 yes 1 abstain

Supervisor Dunnivant moved, Supervisor Matthews seconded to award the contract for the Sprouse’s Corner Project to Anderson Construction as a price of $1,254,547.45 and the county purchase equipment at a price of $103,131.20 and turn equipment over to the contractor for installation. This motion passed with a 6-1 vote. Supervisor Jones abstained.

Re: Update on Bates Solid Waste Site

K. Carter: Due to some grading issues at the site we initiated a change order with the contractor, Pearson Construction. Committee thought this would be the perfect opportunity to use this change order to get Pearson to get this site compatible with our new gated system. As a result the change order was issued to do grading, clearing, concrete work, some electrical work and some fencing changes. The change order was issued and it came back higher than what the committee expected. As a result of several conversations, including a face to face meeting, we have a price of $30,000 and a time frame the committee is comfortable with. The $30,000 will do all the things we want at the site and be completed by August 16, 2019. The committee recommends approval of this change order in the amount of $30,000 with a deadline of August 16th. The committee is composed of Supervisor Bryan and Supervisor Dunnivant; Mrs. Carter, county administration, myself and county attorney. We are asking you to approve this change order of $30,000 so we can get the Bates site completed by August 16th.

Chambers: So moved.

Matthews: Second.

Bryan: Motion made and seconded to approve the additional funding of Bates Site. Any further discussion? Call for the vote.

Jones: I hope they ride herd on that.

Bryan: Yes, sir.

Matthews: Have they gone back to the site yet?

Bryan: Not that I’m aware of.

K. Carter: They are waiting for tonight’s meeting to approve it.

Supervisor Chambers moved, Supervisor Matthews seconded and was unanimously carried by the Board to approve the $30,000 change order for Pearson Construction for the Bate’s Solid Waste Site.
Re: Consider offer of Green Ridge Recycling and Disposal Facility LLC to reserve disposal capacity in proposed landfill in Cumberland

K. Carter: Yes, Mr. Chairman. I’m going to propose that you guys let me get more information on this offer from Green Ridge Recycling because when you read the proposed contract there are no numbers in it to agree to. I got Mr. Wright to read it with me this afternoon and use his legal eyes and he determined that we must sign a contract with them so we want to see what the terms are before we get into a contract with them.

Bryan: Sounds good.

Re: Library bid update

Dunnavant: Are you sitting down? The bids came in roughly 26% above what our architect and engineering firm anticipated. We got 2 bidders. Kenbridge Construction and Jamerson Lewis. Jamerson Lewis has the apparent low bid. We had a meeting today with the library committee and the decision we came up with through the library committee’s meeting was to authorize Crabtree Rohrbaugh and Associates engineer and architect, Josh, to sit down with Jamerson Lewis and the library committee and enter into some value engineering arrangements and see if we can come to a consensus of what we can do within the building and stay within our budget and get what we are asking for. Some of the numbers that the subcontractors supplied back to them seem a ways off the mark with the bid tabs. I think that has a lot to do with the situation we just mentioned at Sprouse’s Corner. We only got one bid on that and had to negotiate to get it in our budget. I feel quite confident sit down a time or two with Jamerson Lewis who I have dealt with in the past a great deal, I believe they will help us get to a number we can afford and get us the facility we are looking for.

Matthews: There is another reason too. The last 3 or 4 years, the construction costs have been steadily on the rise every year. This isn’t something that is just happening in Buckingham. It’s happening across the United States. So, the economy is in good shape and that causes competition and competition causes things to go up sometimes. Not just the cost of fuel but construction materials in general.

Dunnavant: There aren’t as many active contractors out there to pull from since we had that hiccup in 2008, 2009. I would like to ask the Board to let the library committee entertain the value engineering process with Jamerson Lewis to see if we can get some of these seemingly out of line prices in order for the project. Do we need a motion for that or just the consensus?

Bryan: Do we need a motion for that Karl?

K. Carter: Just a consensus. We will bring it back next month.

Chairman Bryan asked each Board member if they were alright with this recommendation. Everyone was in consensus.
**K. Carter:** Our financing package will not be affected by this. We have until August 19th.

**Dunnavant:** Our financing is good until August 19 and we are going to have this completed by July 29th.

**Bryan:** So it will be good for the August meeting? Ok.

**Re: Social Services: Request for a Board of Supervisor’s Proclamation**

**Stephanie Coleman:** Good evening Mr. Chairman and good evening Board of Supervisors members. I am here tonight not to ask for any money but to ask you to assist us in honoring a group that has been dedicated to coming to Buckingham County for the past 15 years to help low income homeowners. Those that are elderly, those that may have disabilities or medical problems and aren’t able to do routine maintenance and repairs. They will be coming back here in two days now. They have been a great resource in many situations they actually allowed us to help keep people in their homes when their homes would start deteriorating and becoming unsafe. This has been an excellent resource and there hasn’t been any cost to the county whatsoever. They have gone in and made outstanding relationships with many of our members and it’s been a good exchange both ways. They bring youth in from Newport News associated with the church and the youth get great experience. It’s a good exchange all the way around. I have written many thank you notes but I thought this would be a special year for how long they have committed to this. I just ask you to join me this year in helping me thank them with this proclamation.

**Chambers:** Are you saying you want a resolution supporting this?

**Coleman:** Well, I think in your package you have a memo and attached to the memo is a proclamation. If the Board sees fit to approve this, if the Board could just sign this and acknowledge that we recognize them and encourage our citizens to be thankful to this group next week while they are here making repairs once again.
Bryan: Have you coordinated with Lyn for temporary dump permits?

Coleman: Yes.

Chambers: So moved.

Matthews: Second.

Bryan: There has been a motion made and a second to accept the proclamation for St. Jerome Missions work from the 10th to the 17th in the County. Any discussion?

Allen: Do you have any idea where they are working at?

Coleman: I do. It’s different areas of the county and I do have that information and of course it’s confidential so I can’t give that out at a public meeting. Yes, we do know.
Bryan: Do you have a copy of this Jennifer?

Lann: Yes sir.

Bryan: Call for the vote. 7 yes. Thank you.

*Supervisor Chambers moved, Supervisor Matthews seconded and was unanimously carried by the Board to accept the above Proclamation for St. Jerome Missions.*

Re: Consider a meeting with Senator Mark J. Peake to discuss needs of the County

Bryan: Looks like he wants us to respond with several dates and times of the months of July, August, or September that are convenient for us. He wants us to discuss dates and send an email.

Matthews: Can we do it prior to a Board meeting?

Bryan: We can definitely do it before the August or September meeting. When is our August meeting?

Dunnavant: Second Monday.

Bryan: It would be the 12th of August at 5:00. If not looking at possible 9th of September hopefully at 5:00.

K. Carter: I will get those dates to him and let you know.

Re: Consider recommendation for reappointment/appointment to the Circuit Court Judge for Board of Zoning Appeals

Bryan: It looks like we have three people on that.

Chambers: Are they willing to serve?

Dunnavant: David Wine has moved out of the county so we will have to find a new person for his spot.

Bryan: Frank Braxton

Matthews: He’s in my district. I know that Mr. Lawing still lives here. They live near each other.

Bryan: Can we get that back for the August meeting because they expired June 30th?
**K. Carter:** Yes, sir. Morgan are you going to be looking for someone for David Wine to replace him.

**Dunnavant:** Since he was in my district, I’ll see if I can find somebody willing to step up to the plate?

**K. Carter:** I’ll get in touch and see if they want to reserve.

**Re: County Attorney Matters**

**Discussions regarding the Fire Lane Parking Violations**

**Wright:** Last time I handed out a revised Parking Ordinance. Since it just arrived in your hands I ask that you take a look at it and the appropriate procedure in my estimation would be that you set a public hearing in August and proceed from there. I don’t have any further comments. I’d be happy to answer any questions.

**Matthews:** So moved.

**Dunnavant:** To go to public hearing?

**Allen:** Second.

**Bryan:** Motion made and seconded to set a public hearing for the revised Parking Ordinance.

**Allen:** I want to add to it that we add the county parking lots into it.

**Wright:** It’s in there.

**Allen:** It’s been added. Ok.

**Bryan:** Any other discussion? Call for the vote. 7 yes

*Supervisor Matthews moved, Supervisor Allen seconded and was unanimously carried by the Board to schedule a public hearing on the Parking Ordinance for Monday, August 12, 2019.*

**Re: County Administrator’s Report**

**K. Carter:** Just a couple quick things. We did receive a grant from the Department of Criminal Justice for $22,658 for the School Resource Officer. That is the second year we received that grant. This is about $8,000 more than we got last year. Last year we got about $14,000 so this is an increase in funding from the State.
The second thing I have is we also received a grant from the Department of Criminal Justice for $70,669 for the Victim Witness person at the Courthouse. This is the third year for that and it’s about the same amount of money.

The third thing I have a letter from Sheriff Kidd. He’s letting the Board know, a lot of you may have heard already heard that Gilliam Motors told him they are no longer doing the Ford Franchise License anymore. So he usually bids the vehicles out and specs out the Fords. He’s making you aware that he’s going to look at getting them off of state contract and Sheriff’s Association contract to help speed the process and get the vehicles he wants because now we don’t have a local vendor in the county that sells Fords anymore. So whatever option he uses to buy the vehicles, he still needs to find somebody close by to service them.

Then you have the personnel committee report provided under separate cover. As long as you agree to that, no action is taken.

**Bryan:** You will let us know what Senator Peake says?

**K. Carter:** Yes, sir.

**Re:** Other Board Matters

There were none.

**Re:** Adjournment

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

**ATTEST:**

_______________________________________ _________________________________  
Rebecca S. Carter     Donald E. Bryan  
County Administrator    Chairman