

**Buckingham County  
Board of Supervisors  
Monthly Meeting  
October 11, 2022**

At a regularly scheduled meeting of the Buckingham County Board of Supervisors held on Tuesday, October 11, 2022 at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: T. Jordan Miles, III, Chairman; Joe N. Chambers, Jr., Vice-Chairman; L. Cameron Gilliam; Donald R. Matthews, Jr.; Harry W. Bryant, Jr.; and Danny R. Allen. Dennis H. Davis, Jr. was absent. Also present were Karl R. Carter, County Administrator; Kevin Hickman, Finance Director; E.M. Wright, Jr., County Attorney; Cheryl T. “Nicci” Edmondston, Zoning Administrator and Jamie L Shumaker, IT Manager.

**Re: Call to Order**

Chairman Miles called the October 11, 2022 Board of Supervisors Meeting to order.

**Re: Establishment of a Quorum**

There were six of seven members present so the meeting could continue.

**Re: Invocation and Pledge of Allegiance**

The invocation was given by Chairman Miles and the Pledge of Allegiance was led by Vice Chairman Chambers and said by all who were in attendance.

**Re: Approval of Agenda**

**Miles:** Our next item on the agenda is Item D. Approval of the Amended Agenda. There is an amended agenda at your seat. So is there a motion to adopt the amended agenda.

**Chambers:** So moved.

**Miles:** A motion has been made by Vice Chairman Chambers, seconded by Supervisor Matthews to approve the amended agenda. Are there any questions? All in favor will record your vote aye, those opposed no. Motion carries 6-0

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

**Re: Approval of Minutes**

**Miles:** Item E is Approval of the minutes that are found in your packet.

**Matthews:** So moved.

**Allen:** Second.

**Miles:** Motion by Supervisor Matthews, second by Supervisor Allen to approve the minutes as presented. Any questions on the motion? All in favor record your vote aye, those opposed no. Motion carries 6-0.

**Supervisor Matthews moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the minutes of the September 12, 2022 meeting as presented.**

**Re: Approval of Claims**

**Miles:** Next is Item F, Approval of Claims as found in your packet.

**Bryant:** So moved.

**Allen:** Second.

**Miles:** Motion by Supervisor Bryant, seconded by Supervisor Allen to approve the claims as presented. Are there any questions before we vote? All in favor please record your vote aye, those opposed no. The motion carries 6-0

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

**Re: Announcements**

**Miles:** Does any board member have any announcements under Item G? If not we will move to Item H. Presentations.

**Re: Presentation of Resolution of Memoriam to the Family of John D. Kitchen, Jr.**

The following Resolution of Memoriam was presented to the family of John D. Kitchen, Jr.

**Resolution in Memoriam  
John D. Kitchen, Jr.**

**Whereas**, John D. Kitchen, Jr. departed this life on Monday, September 12, 2022 at 92 years old in Buckingham, Virginia;

**Whereas**, John D. Kitchen, Jr. was born on January 1, 1930 in Buckingham County;

**Whereas**, John D. Kitchen, Jr. was the son of the late John D. Kitchen and Alma Swan Kitchen;

**Whereas**, John D. Kitchen, Jr. is preceded in death by his wife of 63 years, Marie Londeree Kitchen;

**Whereas**, John D. Kitchen, Jr. is survived by his children, Darlene Hanna Phillips, John D. Kitchen, III and Sonya; Thomas Lee Kitchen and Karen; and grandchildren Melissa Phillips Ritchie and Adam, Heather Lynn Phillips, John D. Kitchen, IV, Joseph D. Kitchen and Jeremy S. Kitchen and Kara; great-grandchildren Grayson and Reese Adkins, Cassidy R. Rose, Layne Kitchen and Bryce Faust;

**Whereas**, John D. Kitchen, Jr. was a veteran of the United States Navy;

**Whereas**, John D. Kitchen, Jr. was a real estate broker and owned his own realty company for many years and loved farming;

**Whereas**, John D. Kitchen, Jr. was a Member of the Buckingham County Board of Supervisors from 1988-2011;

**Whereas**, John D. Kitchen, Jr. was loved and respected by all who knew him and will be greatly missed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Buckingham County Board of Supervisors does, in memoriam on this 11<sup>th</sup> day of October, 2022, pay tribute to and express it's highest esteem for John D. Kitchen, Jr. and extends its deepest sympathy to his family and loved ones.

**Miles:** Many Board members and staff members here served with Mr. Kitchen. He also did a great job for the Maysville District which I'm glad to represent and follow in his footsteps. I

didn't know if any Board member wanted to make a note of the late Supervisor Kitchen. I think one or two of you did serve with Mr. Kitchen.

**Chambers:** I had an opportunity to serve with him. I had the pleasure to serve with him. He did a lot for this county and we are grateful to have been in his presence. Thank you.

**Allen:** I served with him too and I really appreciated him being on here and I enjoyed working with him.

**Miles:** Thank you for allowing him to give many years, I think it was 24 years of his life and service to the County. Thank you for being here.

The family thanked the Board.

**Carter:** May I say something Jordan? I also worked with John and he looked after the people in his district and looked out for the elderly. He always helped them in their time of need from the County.

**Re: Presentation: Dr. Jean Runyan, President, Piedmont Virginia Community College**

**Miles:** She is with us today. There was a nice reception across the street today at the old County Administration Building. She is here to make a presentation to us and we welcome you Dr. Runyan.

**Runyan:** Good evening. It's wonderful to be here. This is an opportunity for me to just say that I'm excited and honored to be serving as Piedmont Virginia Community College's 6<sup>th</sup> President. Just to comment on our commitment to Buckingham County also serving the residents of this important county as well. I had the opportunity to serve at 3 comprehensive community colleges, most recently in Colorado before coming to Piedmont Virginia on July 1<sup>st</sup>. My father also served in the Navy for 30 years and so much of our time was spent at Virginia Beach area and I actually graduated from Princess Ann High School. My mother who is 90 still lives there. So it's really like coming home. I'm also really honored to follow in the footsteps of Dr. Frank Freidman who served for 23 years at Piedmont Virginia Community College. We are celebrating our 50<sup>th</sup> anniversary this year. That's 50 years of impact and excellence in the communities that we serve. So as part of your materials tonight you did receive a presentation. We just highlighted some of our key partnerships and our commitments. So last year alone we had over 1,061 students who earned an Associate's Degree or Certificates and about 2% of those students actually indicated that Buckingham County was their home. I'm looking forward to continue to support the students that come to us because they want to earn a credential or certificate or degree and enter the workforce or if they want to come and transfer to one of our four year university or college partners. Some come back and train in their current jobs. So, as part of our 50<sup>th</sup> anniversary, we have the opportunity to celebrate and reflect but we are also

looking towards the future. And as part of my role as president it's really to come and listen and learn so I find that in these journeys throughout our service region I continue to do so. I will be launching our new strategic plan which will guide us from 2024 through 2027 and I'm really hoping that you all will have an opportunity to have input into who we are and how we serve Buckingham County. So in your packet you have a QR code and you also have been given a copy of our annual report and on the back is a QR code which will take you to a survey and I'd like to know from you all how we can serve the learners and the students and the residents of this area and how we can continue to be a good partner. So thank you for the opportunity to say Hello and I'm looking forward to being part of the communities that we serve. So thank you.

**Miles:** Thank you Dr. Runyan. Does any Board member have any questions for Dr. Runyan? Ok. Thank you for being here Dr. Runyan. Thank you for coming to Buckingham.

**Re: Donna McRae-Jones, Buckingham/Dillwyn Garden Club-Donation of a bench to the Extension Service**

**Miles:** Our next item on the agenda is Item H.3. Donna McRae-Jones, Presentation of Buckingham/Dillwyn Garden Club Donation of a Bench to the Extension Building. Mrs. McRae-Jones, I welcome you to the podium for some comment on that. Thank you for being here.

**McRae-Jones:** Thank you. It's indeed an honor to be here and stand with my presentation or actually request. Being the Outreach and Public Affairs person for the Buckingham/Dillwyn Garden Club. We took on a project for recycling plastic. Partnered with TexTrex and as a result of that with the help of the community, 503 lbs. and 8 oz. of plastic which honored us with a bench. Given that we now have our meetings at the Extension Building, also their 4-H also assisted us with collecting the plastic, we would like permission to place our first bench at the Extension Building.

**Miles:** Ok. Does that conclude your presentation Maam?

**McRae-Jones:** That concludes my presentation.

**Miles:** So you have heard Mrs. McRae-Jones' request with regard to a bench and congratulations of that recycling goal. That's great. So you have heard her request, is there any action as a regards to her request?

**Matthews:** I make a motion to accept Mrs. McRae-Jones' request.

**Miles:** Ok. A motion has been made by Supervisor Matthews and seconded by Supervisor Gilliam to approve the request of the Buckingham/Dillwyn Garden Club with regards to the donation of a bench to the Extension Building. Any questions before we vote? All in favor

please record your vote aye, those opposed no. The motion carried 6-0. Thank you for being here.

**McRae-Jones:** Thank you and we will invite you to our dedication of the bench.

**Miles:** We appreciate that. Thank you Mrs. McRae-Jones.

**Re: Public Comment**

**Miles:** Our next item is I. Public Comment. Just a reminder, public comments must be made in person here. Of course all emails, voicemails are delivered to us person to person individually. You do have 3 minutes to state your opinion or what you would like offered to the Board. Please state your name, address and your voting district before you offer that. Madam Clerk I ask that you call the names.

**Lann:** We have 18 tonight. The first is Santoshi Young, District 5.

**Miles:** Thank you being here Mrs. Young.

**Santoshi Young, District 5:** Thank you. Hello, my name is Santoshi Young and I am here tonight with my daughter, Gracie. We live at 500 Unity Place Buckingham and we are in District 5. Since last month we spent a little time digging into what your jobs are as Board of Supervisors. A couple things we found out is this is not your full time job and you probably don't get paid much to do it. I can only imagine how valuable your time is and how you probably don't want to waste any of it. I am sure you have heard of the saying Work Smarter Not Harder. It's something that I have always found valuable in my life as I'm sure you can agree. This is only the 3<sup>rd</sup> month for Gracie and me. So we know the last 2 had about 14 people speaking out against the gold mining in this county. If you have the same amount tonight, that is roughly 45 minutes of time that you have spent listening to us. I think it's safe to say that there has been much more time spent previous to that. As I'm sure you can guess, we are going to keep coming back and speaking out until something is done about it. Ideally Gracie and I would like that something to be the Rights Based Ordinance that has been proposed to you. We believe it protects us better by requiring all future mining corporation must provide clear evidence that they can mine safely without poisoning our air and water. By adopting this immediately you will saving quite possibly hours upon hours listening to us depending on how long this drags out. If you still aren't sold on the ordinance being legal or the best thing to do at least request to listen to the recording of Ben Price where he explains how the ordinance is possible. If you obtain a copy you can even multitask by listening in the car or while cooking supper. We are aware that you recently found out that you have the right to place a band on mining based on land use and zoning. Perhaps that is the route you would believe is best. If so, then go with that or go with us. But do something and do it now. Save all of our precious time and energy and our air and water. Thank you.

**Miles:** Thank you for being here Mrs. Young.

**Lann:** John Laury, District 6.

**Miles:** Thank you for being here Mr. Laury.

**John W. Laury, District 6:** My name is John W. Laury. I live in District 6. Union Hill Road, Buckingham Virginia. You cannot count on the state to ban goldmining. Why wait to put protection in place. When we now know that we can adopt a ban on metallic mining. We can adopt the Rights Based Ordinance and a ban based on zoning and land use now. Let's do it. We understand the state has the authority to regulate industry. What we are concerned with is the state permitting industries that violate our right to be free from poisoning. We want a stronger law that steps forward and says here are our rights and they come first. The ordinance doesn't try to replace or interfere with state regulations which have not protected us. You, our representative, can protect us with the Right Based law. In other words the proposed ordinance doesn't ask that we regulate gold mining in Buckingham County. Rather it insists that we protect the rights of the people and community here by requiring proof from industry of one other community that was not harmed by a metallic mine. It's not a new environmental law, but a civil rights law for all of us. The toxic trespass bill doesn't need to regulate industry at all. It stands strong as written. It defends the right of people and ecosystems against violation. It's a civil right law for all of us. Please adopt it now with the ban based on zoning and land use. Thank you.

**Miles:** Thank you Mr. Laury.

**Lann:** Maggie Snoddy, District 5.

**Miles:** Hello, Mrs. Snoddy.

**Maggie Snoddy, District 5:** Good evening. My name is Maggie Snoddy and I live at 194 Mountain View Road and I'm in District 5. I am a member of the Buckingham County Anti-Litter Task Force also known as the BATF. I'm here tonight to again thank the Board for all your past support of the work that our committee does and to ask for your leadership and participation in our upcoming fall cleanup which starts on October 22 runs through November 12<sup>th</sup>. I was here about a month ago to ask each of you to appoint someone in your district to lead a team and clean a road or part of a road in your district. In addition I sent each of you an email September 29<sup>th</sup> asking the same thing. I have not heard back from you yet but the BATF is not deterred. So on behalf of the BATF I am here tonight to ask you again to please appoint someone in our district to clean a road or part of a road. Everyone works at their own pace. No effort is too small. It benefits the county and it's a good thing for the County. Less trash on the road. You can ride any road in Buckingham and the litter and trash on the road is absolutely

disgusting. Everyone should be able to agree that we need to do something about this litter problem. It's not a democrat issue or republican issue. It's not a liberal issue or a conservative issue. It's an issue that should concern each one of us. The BATF is also working to stop the litter on the front end and we will be looking for your support and leadership as we go forward. We can't just continue to shovel it up on the back end. So you still have time to call and sign up. Beat the crowd and call me now. I do look forward from each of you. Thank you so much.

**Miles:** Thank you Mrs. Snoddy,

**Lann:** Donna L. McRae-Jones, District 2.

**Miles:** Welcome back Mrs. McRae-Jones.

**Donna McRae-Jones, District 2:** Thank you. My name is Donna Linell McRae-Jones. My address is 1806 CARA Road, Cumberland Va and I'm in District 2. I come before you to share my interest in the fact that the ordinance should be looked upon and strongly suggest that it be adopted. When looking at Buckingham as a whole, a community of everyone, our safety should be above all most important. I understand too about big businesses coming in and flaunting money to do different things but if you look at the track record of these large corporations with mining and look at what's left in the areas of which they have mines and the disaster. Of course they incorporate to pay for such things but that money is never enough to compensate the people that are left behind. That had been there before they got there. Sickness, here it is, a great example of that and I'm sure it's known by a lot of people, I'm sure you've heard the advertisement of Camp Lejeune and the water had been poisoned. A lot of sickness as a result. Families. Here we are what, 50 years later, now it's deciding what's wrong and what happened then. Buckingham is a beautiful place. My husband and I came here to retire mainly because he loved to hunt and fish. Naturally I'm not close to where they are planning to build, but that effects Buckingham as a whole. So I encourage you to consider looking at the urgency of the public and their plea as far as the ordinance goes. Thank you.

**Miles:** Thank you maam.

**Lann:** Chinsuk Henshaw, District 4.

**Miles:** Good evening, Mrs. Henshaw.

**Chinsuk Henshaw, District 4:** Good evening everybody. My name is Chinsuk Henshaw. Our future home is being built as we speak at 9868 S. James River Highway. We are really looking forward to moving in the near future. Listening to everybody's opinion, here goes mine. Just to make my point I would like to mention a documentary that I watched a few years back. At the time my only thought was I'm glad I'm not living in that area. I just felt bad for the way the people of Guatemala was affected. It was about gold incorporated labs in a remote village in

Guatemala. Soon there was blown up mountains, spoiled water supplies, and broken promises over jobs. As the gold fringe brings huge profit for the company, the community launches a powerful resistance struggle. This to me provides a powerful look at the reality of what it means when gold miners dig into the third world country. Are we that country in Buckingham? Don't we deserve better than that? I feel like this is exactly where we are going. No matter what the company provides or promises to these people in Buckingham, I know I don't think they are going to fulfill their commitment. We should protect and you decide to have a solar energy panels and protect the environment. To me it doesn't make sense to have a corporation come to our home and ruin the elements that we need to have. Fresh Air, Fresh Water and the land. Thank you.

**Miles:** Thank you and welcome to the Maysville District.

**Lann:** Mindy Zlotnick, District 5.

**Miles:** Welcome Mrs. Zlotnick.

**Mindy Zlotnick, District 5:** Thank you. Can yall hear me? My name is Mindy Zlotnick and I live at 132 The Way, Buckingham. I live in District 5. On September 26<sup>th</sup> the State Agency Committee invited Joe Lerch from the Virginia Association of Counties to speak to local governance. Specifically Chairman Miles asked, "Does a county, city or town have the independent authority of their own to ban goldmining in their locality?" Mr. Lerch responded, "In a zoning ordinance, you can say that this is not an allowed activity. Or you can also say that this is only allowed in a certain type of district like an industrial district with a special use permit. If you want to say we don't even want to consider it, that could be your ordinance too." He also said there were very few instances where States can preempt local authority in the case of mining and that he knew of no preemptions of local land use authority. This sounds really good. The Board could pass an ordinance to ban gold mining based on land use and zoning. Article 7 Section 15.2-2280 of the Virginia Code seems to confirm what Mr. Lerch says. I quote "Any locality may, by ordinance regulate, restrict, permit, prohibit and determine the following:" It lists 4 instances and the 4<sup>th</sup> being the excavation or mining of soil or other natural resources. This sounds like a strong support in prohibiting or in Mr. Lerch's words, banning mining. I have 5 requests of the Supervisors this month. 3 of which have already been fulfilled by my representative, Mr. Bryant, who I thank. My first is to ask for clarification from the County Attorney and administration of the Virginia Code already cited. In a memo given to the Board on August 8<sup>th</sup> they said that they sought to find authority in the Code of Virginia to allow for adoption of an ordinance to prohibit the mining of metals generally or specific metals, such as gold. Does this give the Board the authority they seek? 2. Invite Joe Lerch to the November meeting of the Board so that they entire Board can hear his analysis of the authority counties have to ban metallic mining. 3. Consider a local ordinance to ban metallic mining based on Mr. Lerch's comments and the Va Code cited above before the GA meets in January. Adopting an ordinance like this would set a strong example and send a strong message to the General

Assembly about the needs of a rural community.4. Consider adopting the ban and the rights based ordinance. Their intentions complement each other. 5. Invite Ben Price from the Community Environmental Legal Defense Fund to explain the power, security, and complementary nature of a rights based ordinance to an ordinance based on zoning and land use. Thank you for your consideration of these requests.

**Miles:** Thank you Mrs. Zlotnick.

**Lann:** Jeff Creed, District 5.

**Miles:** Good evening Mr. Creed.

**Jeff Creed, District 5:** Hi. My name is Jeff Creed and I live in District 5. 522 Unity Place. We are happy to hear that Joe Lerch, Director of Government Policy at VACO says localities have the authority to protect themselves by adopting local ordinances to ban gold mining based on zoning and land use without being preempted by the State. Please invite Mr. Lerch to the next meeting to advise you on adopting a ban on metallic mining. We ask you to adopt the rights based ordinance and also research your authority to protect the community's health and safety. It is not a ban. It will complement a ban and by requiring metallic mining applicants to prove that their operation is safe. Please invite Ben Price to clarify the strength of this ordinance. We cannot be sure at the state level if the General Assembly will ban gold mining. The fear is that the gold mine study will be interpreted by the General Assembly that it is ok to mine gold with improved "regulation". This is what we want to protect ourselves from. The state may say that regulations may protect us but experience shows us otherwise. Regulation of metallic mines has been tried the world over and are clearly not working. There is a long list of devastating problems with metallic mining that cannot be resolved by better regulations. We don't want to mitigate those problems. We want to avoid them all together. Also there are no local jobs and tax revenue. There will be all pain and no gain. The August 8<sup>th</sup> memo from the Administrator and Attorney to the Supervisors, the rights based ordinance was characterized as a ban on gold mining. The proposed ordinance is not a ban. It has a different approach. It requires reasonable, common sense documentation from a company to first prove there is another similar mine that has caused no harm. It also asks for proof that there are no environmental justice concerns. Based on this information a local permit is granted or not. Please consider sweeping environmental laws, regulatory laws enacted in the 1970's. Why are we clearly not better off today? The regulatory system is set up to issue permits to industry to mine that's allowing, permitting industry to poison us. It actually legalizes allowable pollution instead of eliminating or stopping the harm. We want to stop it cold with rights based law, we avoid this trap. Do not trespass at all on our bodies, water, air, land. Stop it at the entry level. The local special use permit is the very first permit. You have the authority and tools to deny it now utilizing both the toxic trespass ordinance and a local ban. Thank you for doing your sworn duty to protect us.

**Miles:** Thank you Mr. Creed.

**Lann:** Ken Nadle, District 5:

**Miles:** Welcome, Mr. Nadle.

**Ken Nadle, District 5:** Ok. Thank you. My name is Ken Nadle and I live in District 5. We now know the county can adopt a protective ordinance restricting or prohibiting mining according to Virginia code, based on zoning and land use, without fear of state preemption. There is popular agreement that we don't want gold mining, for many good reasons. Why wait to put protections in place? Adopt a ban now and the complementary rights based ordinance. Please invite Joe Lerch to the next meeting so that all can hear him confirm your authority to adopt a ban on metallic mining. Please also invite Ben Price, who helped draft both the Buckingham and the Halifax rights-based ordinances. It would be good for all to hear the benefits of both ordinances. For Buckingham to adopt both ordinances will send a strong message to Richmond that we don't want gold mining and that communities have authority to protect themselves. In a recent interview with the James Exchange, it sounds like Chairman Miles has broadened his perspective, thanks to his work with the State Agency Committee. Whereas in August there was confidence in the General Assembly enacting a statewide ban, Mr. Miles now says, and I quote: "I don't think the General Assembly is going to do anything. Virginia clearly lacks an Environmental Justice regulatory framework and the regulatory framework to manage something that could be so dangerous, and poison wells and much less the James River. The Commonwealth doesn't have what it takes to regulate something as impactful and large scale as gold mining." The permits start here at the local level. Just saying no to permits is not a strong hand. We need ordinances in place now to pose serious roadblocks. We know Aston Bay thinks Virginia is an open highway, a mining company's dream with very weak state protections and none in Buckingham. Why not make the first bold step? You have the authority to do it. What is the hold up? You are our representatives, sworn to protect us. You have the tools to do it, let's get on with it, now.

**Miles:** Thank you Mr. Nadle.

**Lann:** Gerry Sackett, District 5.

**Miles:** Thank you for being here sir.

**Gerry Sackett, District 5:** I'm Gerry Sackett, District 5. I'm a resident of this county for 42 years. Glad to be here. I live at 101 Rama Lane, Buckingham, District 5. I understand there is new information about the county's authority to adopt a ban based on zoning. That's great. Let's do it. I urge you adopt the rights based ordinance also. Act now to put these protections in place. I want to address a main concern of the county administrator and attorney about the rights based ordinance. The memo presented at the August 8<sup>th</sup> meeting to the Supervisors stated "The authority set forth in the Town of Halifax ordinance might be categorized as a "claim of right" rather than authorized and permitted by the State of Virginia. (Virginia is a Dillon State and

localities can pass ordinance only in areas where the General Assembly has granted clear authority). And later they say, “We can’t recommend that Buckingham County adopt an ordinance based on this claim of right. It would put the county in a difficult position if called upon to defend such an ordinance.” The rights based ordinance for Buckingham County is grounded of plans of preexisting rights from the US and Virginia Constitution. Thus draws it’s authority from them. The Constitutions are supposed to be the foundation for Virginia law and thus the Constitution should be the higher authority giving us our claim of rights. The County Attorney and Administrator are looking to Virginia law as the higher authority instead of the Constitution. Here they seem to be saying that under Dillon’s Rule the County can’t pass any law the state has not specifically authorized by the Virginia Code. We respectfully disagree. Our research shows that is not what Dillon’s Rule says. Dillon’s Rule allows for local laws that are necessary for the proper administration of County affairs. Protecting the health and safety of the community then is part of your administrative responsibility and authority. For the County employees to say that the Supervisors have no authority to enact county laws for the purpose of protecting the community from toxic trespass or poisoning is unnecessarily and excessively obedient to the State and dismissive of the county’s actual public responsibility. We know you can do this. We are happy to know that Virginia Code gives authority to ban mining based on land use and zoning. We believe this rights based ordinance can stand alone and has defensible authority and will strongly complement and support a ban. If you love your home, stand up for it. You were elected to stand up for us. Working together we can do great things. Thank you.

**Miles:** Thank you Mr. Sackett.

**Lann:** Heidi Berthoud, District 5.

**Miles:** Welcome, Ms. Berthoud.

**Heidi Berthoud, District 5:** Thank you. Alright. Good evening. Hello, my name is Heidi Dhivya Berthoud and I live in District 5. We share common ground in not wanting gold mining in Buckingham. We need to agree on how to stop it. We now know that according to Virginia Zoning Law “Any locality may, by ordinance...regulate, restrict, permit, prohibit, and determine...The excavation or mining of soil or other natural resources.” Let’s get a ban in place and adopt the rights based ordinance. I am concerned about so much talk of Dillon’s Rule in response to the proposed rights based ordinance and being obedient to a system that handcuffs local governments. Let’s remember the dark history of this rule. John Forest Dillon was a friend of the railroads which were expanding rapidly across this continent back in the late 1800’s, one of the big land and power grabs, bullying local communities in the say. As an Iowa State Supreme Court judge, in the 1860’s Dillon invoked earlier judicial decisions, strengthening a precedent to help a railroad corporation veto a municipal law that the city of Cedar rapids had enacted to regulate railroads. When the colonists rebelled against the British Empire, the first complaint they listed in the Declaration and Independence was the king’s denial of their right to make local laws. Not state laws; there were no states. Colonists said that their communities had

the legitimate authority to govern their affairs without interference from London, the empire's control center and they were mightily miffed that the kind routinely preempted their local laws. They waged a war of secession from the British Empire to secure the right of local self-government. So where did we get so off track? Simply put, the federalist, the propertied elite, took over and created our legal system to their benefit, leading to where we are today. Local communities having to assert and protect ourselves from powerful, polluting industries. Around the same time that Dillon was making his ruling, what became known as the Cooley Doctrine (of home rule) expressed the ideas of an inherent right to local self-determination. Michigan Supreme Court Judge Thomas M. Cooley stated, "Local government is a matter of absolute right and the state cannot take it away." The Cooley Doctrine shows us there are other ways of thinking. Your constituents have given you a Community Bill of Rights, a strong, innovative, common sense, legitimate way to protect us from the toxic trespass of metallic mining. We ask you to assert your authority in the face of very real potential devastation, which we all agree we want to avoid. Don't delay. Adopt the rights based ordinance in full now. And do adopt a ban based on land use and zoning. Thank you very much.

**Miles:** Thank you Ms. Berthoud for being here.

**Lann:** Ella Rose, District 6.

**Miles:** Welcome, Mrs. Rose.

**Ella Rose, District 6:** Hello, my name is Ella Rose. 5732 S. James River Highway. I live in District 6. I'm grateful that we all agree that we don't want gold mining in Buckingham County or the State of Virginia. I wish we could count on the General Assembly to ban gold mining or other metallics. The GA denied the moratorium we asked for even though it was for a short time while the State gold mining study was being done. Why wait to put protection in place until the General Assembly gets around to it next year, maybe. Now we know you can adopt a ban based on zoning and land use. I ask you to do it now and I still want you to adopt the rights based ordinance as it claims our rights and responsibilities to make decisions locally. It also asserts our right as a community to be free of toxic trespass and in empowers you as our elected leaders who have the responsibility to protect us. Regulatory laws have not protected us. Right based law can. Please invite both Joe Lerch and Ben Price to clarify how these ordinances can benefit our county. Let's not wait for the State to ban gold mining or other metallic mining. Adopt these two complementary ordinances now. You can do this. I'm so glad you don't want gold mining in the county. Take bold action now to protect us. Thank you.

**Miles:** Thank you Mrs. Rose. Can the audience here the comments ok?

**Lann:** Marie Flowers, District 3.

**Miles:** Good evening Mrs. Flowers.

**Marie Flowers, District 3:** Thank you. You make people feel like you actually want to listen to what they have to say.

**Miles:** The whole Board does the same thing, Mrs. Flowers. Thank you.

**Flowers:** Marie Flowers, District 3, 266 LeGrande Lane, Dillwyn. Ok. I'm here to support the no toxic trespass ordinance that everybody has been talking about. Also I have another issue. The no signage for the zoning. I think that's really bad. It's...I think it's deceptive for people. Ok. We are citizens. You, me, all of us. But what we want for you to do it stand up for what is right. Um, you are not always going to be on the Board, and somebody said there's an issue for being sued for something. You have to stand up. Regardless of what the consequences could be for standing up for what is right. The women of Iran are standing up for what's right and they are going to die. What are all the men going to do if they shoot all the women? We were told at the last Board meeting that we could do this no toxic trespass ordinance. I know you are getting feedback from everybody and I heard from the Chairman of the Board that most of the people that are telling yall what to do are women. Um, my request is even bigger than the ordinances or the signs. Um, what I want yall to do is think of the people first. It has to do...we are all going to be...that's the biggest issue. Care about the people and think of what the consequences are for anything for the people. Thank you and thank you, Jordan for being so friendly and making people feel like they are really welcome here.

**Miles:** Thank you Mrs. Flowers.

**Lann:** Kenda Hanuman, District 5.

**Miles:** Good evening, maam.

**Kenda Hanuman, District 5:** Good evening, I'm Kenda Hanuman. I live at 247 Rama Lane in District 5. You've pretty much heard everything I was going to say. I don't know if I need to repeat any of it. I would like to say that I'm grateful that Chairman Miles and Supervisor Bryant and Commissioner Kapuscinski attended the meeting for the State Agency Committee, right. It's called SAC, on September 26<sup>th</sup>. I think it's pretty educational. I think you've gotten quite an education here tonight as well. I hope that you will attend the next meeting scheduled for October 18<sup>th</sup>. We will continue to talk about the draft that we are putting together for the Study of the Goldmine and its effect on the Commonwealth. It will be finished in November to go to the Governor and then go to the General Assembly after he approves it. I've been writing to the Farmville Herald and the Farmville Herald has been doing a fabulous job putting this issue on the front page. I agree. Amen. So I really do think that the message that Joe Lerch gave the county, that you do have the power to make this decision to ban goldmining is really key and I think if not for the State Agency Committee meeting and inviting him there, that may not have come to light. So I have appreciation for Mike Skiffington and Virginia Energy and everything

that's been in the making that's making things happen. I will say regarding the idea of possibly getting sued. I've heard that said before, if we have a community rights, the community is Buckingham County. It's not just one section of Buckingham County, but I really think that Kathy Murali who was a council person in Pennsylvania, that adopted the first community Bill of Rights, her statement was when they said, well, you'll get sued. She said state and local politics tried to shut me down. And I was threatened with lawsuits. But I was clear. I'd rather get sued than do nothing while my kids and my community were poisoned. I'd rather get sued than do nothing in the face of so much injustice. So I ask you...

**Miles:** If you could quickly conclude please.

**Hanuman:** I ask you take bold, proactive step to approve both the land use gold ban and the rights based metallic mining ordinances to fully protect our county from all metallic mining. Thank you. Sorry for going over.

**Miles:** Thank you.

**Lann:** Diane Gilliland, District 4.

**Miles:** Good evening maam.

**Diane Gilliland, District 4:** I am Gilliland District 4. Hello. Theresa. McManus is not here. Thank you, Mr. Gillam for putting your phone on the on the podium. The rest of you she will have you for dinner. Any who but she's not here tonight. So anyhow. Front page of the Farmville Herald, serious threat to Buckingham, the goldmine. Yay. How come everybody else knows this but you guys? We all know it. The paper has it purely stated. It's a threat. We...people will die. It's not. Maybe they will die. It is black and white. You guys know it? Y'all are not God. You need to know God. Because if people die, because y'all said yes to this and folks die, you're the ones who got to answer to Jesus Christ. You will. You will stand before Him and when he looks you all in the eye and says, "Did you do this?" Did you cause this? What are you going to say? You gotta say, Yep. And where is he going to say? What's he going to tell you? There's no place in heaven for you. There is a special place in hell for you. Because you killed these folks. Because you know it. We know it. Don't do it. It's like crack, again say no. I don't even know why we're all here beating this dead horse over and over and over again. We all know it's not a good thing. It's not good for Buckingham. It's not good for the citizens. Not good for you. It's not good for your families. It's not good for mine. Y'all know it. Why are we all continuously standing here hoping and praying that you gentlemen sitting on this board are going to save Buckingham. Your job is to protect. You are to do good for us. And that's what we expect from you not to turn Buckingham upside down and sideways and burn it up and do whatever you jolly well, please, to better you know, to deepen your pockets with money. We're not making anything off of it. We're gonna die. Please, you guys know what to do? You know what to do. Thanks.

**Miles:** Thank you, Ms. Gilliland. Could you state your district if that wasn't mentioned?

**Gilliland:** Mr. Miles' district. District 4.

**Miles:** It just wasn't mentioned.

**Gilliland:** It is your district.

**Miles:** Thank you.

**Lann:** Quinn Robinson, District 4.

**Miles:** Welcome, Mr. Robinson

**Quinn Robinson, District 4:** Good evening, gentlemen. Good to speak to you tonight. I'm quite impressed with the talents have been presented about the gold mine problem. And I think it's so clear that you should take action immediately to put an end to this. But I'm District Four and I live on Andersonville Road up by the church. A lot has been said, and the things I'm realizing is that we have so little control over what happens to us in this county. And that was true with the pipeline. And it's true again. And let's take action and do this. Be first in Virginia rather than last as Buckingham has often been. One of the things I'm concerned about, was this matter of who's going to benefit from this? We had a couple of county representatives endorse and promote this. Where's the Attorney General? How come he didn't know about the county attorney in terms of not knowing about this exception to the regulation about local determination for zoning and land use? I'll remember that next vote. I hope everyone here does. He's got a golden ticket on that one.

**Miles:** Thank you, Mr. Robinson.

**Robinson:** That's it. Three minutes.

**Miles:** I apologize. I thought you were done. Keep going. Keep going. Keep going.

**Robinson:** Thank you.

**Miles:** I apologize.

**Robinson:** Well, anyway, the people that are going to benefit from this is some bank fund up in Canada, and not for anybody in Dillwyn. We're the ones who are going to have to deal with the complications of poisoned water, and so forth. And I think it'd be better to let the next generations in Buckingham live a free and healthy life rather than sell off our future to this stuff. Again, I just don't understand how this, so many people work so hard to get this clarified, and some action done on it. And then it turns out that there was a way to do it all along with the

intervention of the man from the Association of Counties. It should have been investigated earlier. People who are supposed to be running this county should know what, who knows what and how to get it into the discussion. Anyway, I urge you to take positive action to prevent it. This cyanide, the mercury, all that has nothing but going to present us with another Superfund site. I don't want to see that. The other thing I want to mention,

**Miles:** I'm gonna give you 10 more seconds if that's okay, because I interrupted. I apologize. 10 more seconds.

**Robinson:** Thank you, sir. The speed race on 640 goes on from daylight to dusk. They're way beyond the 60 mile an hour's and it's children out there, there's old people, myself, and a lot of buggies from the committee of them.

**Miles:** Mr. Robinson, thank you. Thank you very much.

**Lann:** David Ball, District 3.

**Miles:** Welcome, Mr. Ball.

**David Ball, District 3:** Good evening, David Ball, District 3, repeating what was already said. I want to first address one thing here. And that is, since Mr. Frederick isn't here, I want to point out that there is a lot of dead trees on the right ways all around the county. And I mean, these are either in the right away or on the right away line. And they are a public hazard. They need to be removed because last thing you want to hear is a dead tree fell across the road hit a car and killed somebody and that somebody could have been you. So that needs to be taken care of. Secondly, there are a lot of rumors running around the county. Rumors about stuff that apparently is not true. I mean, there's even rumors about you Miles. I understand there's a rumor that you're gonna move to Richmond and I don't know, are you planning to run for the city mayor as a stepping stone?

**Chambers:** He's going to run for Governor, I think.

**Miles:** Continue Mr. Ball, please.

**Ball:** There's a lot of rumors. Also I want to take a little time to say, Virginia is a leader when it comes to regulating mining in the state. I am a certified general mineral miner. And that certification is a lifetime mineral, is a lifetime certification. Also, I was an MSA safety instructor. Now, the fact is, Virginia has a very comprehensive legislation. If you want, I can get you copies of the legislation. They have a nice little section of guidebooks. And there's two or three books that talk about all the mining regulations in Virginia to give you an idea of how comprehensive Virginia is. Not only that, they're backed up at certain locations by federal mine inspectors. So Virginia is a very comprehensive mine inspection state. In fact, we were the leader

in the country as being one of the most regulated mining industries. Also, I guess, there are a lot of subjects here. And I'd like to be able to talk about all of them, but I don't think I'm going to so I will leave it at that. And hopefully, hopefully, if you do decide, good luck.

**Miles:** Thank you, Mr. Ball.

**Lann:** And lastly, we have John Lien, District 4.

**Miles:** Thank you for being here, Mr. Lien.

**John Lien, District 4:** Good evening. I have two questions.

**Miles:** Would you would you mind state your name and your district and address?

**Lien:** Maysville, District 4. It is my understanding that Danielle, correct me if I'm wrong. stated the maximum acreage of solar farms the county will allow was 4000. This correct?

**Allen:** 4500.

**Lien:** 4500? Okay, good. Is this written down? Is this going to become code, or is it just going to be here say? It's on the books? Okay. And there's no debating this number at this point?

**Matthews:** There can be some debate?

**Miles:** This isn't really a time for Q&A right now. But if you would just state your opinion and then debate staff later on to other board matters, or we could address a different time.

**Lien:** How about I send it as a request? So is it going to be available for us to see this statement 4500 acres?

**Miles:** Well, what you could do, Mr. Lien, is that if you have specific questions you could give them to me. I'll give them to the staff and then we'll respond if that's okay.

**Lien:** Okay. Well, I think you've answered my question. That's issue one, issue two. Over the last few years, the county has received \$460,000 in grants for a new animal shelter. I'd like to know, my wife particularly, where is this money now is and how has it been used? There is there no, I don't think there's any shelter plans are there? I'm asking questions.

**Matthews:** Yes, there are but I'll let Mr. Carter answer that.

**Miles:** If we can we can deliberate because this is taken from your time, the Q&A.

**Lien:** I'm done. That was my two issues. So I'm good.

**Miles:** Okay. Yeah. Thank you. We'll respond under maybe the County Administrators report if that's okay. Is it okay with you Mr. Carter?

**Carter:** Yes.

**Miles:** Okay, so thank you Mr. Lien.

**Lann:** That is all.

**Miles:** Okay, that concludes the public comment period item I.

**Re: VDOT Road Matters**

**Miles:** Moving on with our agenda is Item J. VDOT matters. Scott Frederick, the Division Resident Engineer is not with us. So what we'll do is we'll ask our County Administrator and staff to record any VDOT related issues and transmit that to Mr. Frederick. So what we'll do in the usual manner is that we'll start with Supervisor Allen and move our way down if that's okay, Mr. Carter. So Supervisor Allen, any VDOT issues, sir?

**Allen:** All I have to say is I'm glad they did cut all that stuff up down there at the gravel pile and now they are starting to slowly get rid of the chipped up wood. It's slowly going away. It's getting better. That's all I have.

**Miles:** Thank you Supervisor Allen. Supervisor Bryant?

**Bryant:** I don't have anything more than it's like I said the last couple meetings that the roads need to be cut back some. Bushes are hanging in the roads mighty bad.

**Miles:** Thank you Supervisor Bryant. Supervisor Matthews?

**Matthews:** Yes, sir, Mr. Chairman. Back Mountain Road, I'm getting a lot of complaints on that particular road on the rough riding. It's been some patches done and it's just like pieces as big as your hand out there in the middle of the road. You can't ride down that road, you can't go 20 miles an hour on that road. So it really needs to be resurfaced, or whatever before winter gets here. The second thing is there are a lot of trees that are still in the right away across the county, including District 3, which is my district. And I have addressed several of those. But we need, we need some directions. It's easy to say there are a lot of trees across District 3 or across the county. But, you know, Mr. Frederick would need to know exactly like an address of those areas that need to be addressed. The other thing is on State Route 636. There's a severe curve, right above Concord Baptist Church heading west. And there's quite a bit of truck traffic that's on that

particular highway. And that particular curve is kind of where you...it kind of creeps up on you. So you don't really know that it's there. So I'd like to see Mr. Frederick, either do a traffic study about placing a sign in that particular curve. That's south, it would be east of let's see, it's actually west of Concord Church about probably a half a mile. And then it's probably the other side of Apple Blossom Road is where the other side, it should be a sign in both directions. Those transfer trucks are dropping down into the opposite lane, trying to make that curve and it's going to be an accident there one of these days, and it's not going to be pretty. So those are two concerns that I have Mr. Miles.

**Miles:** Thank you, Supervisor Matthews. Vice Chairman Chambers any VDOT issues, sir?

**Chambers:** No.

**Miles:** Thank you, Mr. Vice Chairman. So Maysville district, I do want to express appreciation to VDOT (a.) for working are continuing to work with the landowner across from Route 60 Convenience there where it used to be a lot of ivy and vines all over transfer trucks and the landowner has cleaned that up. I don't know if folks have noticed. But on 60 on the left, if you're headed westbound, right near what used to be, what is Route 60 Convenience. Also echo what my fellow supervisors have said in that when I'm, you know, sort of in my district, and whether it's jogging or driving, there are there has been a low hanging tree on Troublesome Creek Road for what seems to be a year now. And I've given VDOT, there's no address because no one lives in the tree. But there I have described the length or about 60 where it is. So it's going to fall either on someone jogging to many people's happiness, or to someone who's in an Amish buggy or a school bus or something like that. So in all seriousness that needs to be addressed. And there are lots of dead trees and low hanging limbs, that would be good if VDOT, maybe did a survey. And lastly, Mr. Carter, if we could inquire as to the speed limit signs readers that we've been waiting on for a few months now that the Board has discussed in previous for the for the courthouse village and I think there was some talk about the Town of Dillwyn proceeding Supervisor Gilliam as well. So that concludes my VDOT matters. Supervisor Gilliam, any VDOT matters?

**Gilliam:** Well, first of all, I have 2 but before I do that, I just want to commend VDOT. Earlier this month, way before the Board meeting, I had about three or four complaints from constituents contacted the Dillwyn Office and literally all 4 of them were taken care of within a period of 24 to 48 hours. All 4 people called me back and told me that it almost came as soon as I made the phone call. So I want to say thank you to the Dillwyn office for doing that. I have noticed on 711 there is a couple potholes that needs to be addressed on 711. About midway on 711 there's two or three bad potholes. Also, I got a call from the fire chief of Dillwyn Fire Department today. And I'm not sure the number, maybe we can talk to VDOT about doing a study or whatnot. But where Scott's Bottom Road comes out on 60 also shoots across I think it's CAIRA. I think they had another pretty good accident there today. I don't think this is the first accident from what Mr. Davis had told me. And seems to be, I don't know if the cars are running up on it before it stops.

But if we could get VDOT to maybe look at that, and maybe get with whoever handles the accidents and see how many accidents we've had there. Because Mr. Davis from the fire department said that he thought that was a serious matter that needs to be addressed. So if we could do that, that'd be great. But again, I really appreciate what they did. By the time I made the phone calls within a day they were done and taken care of. So thanks for that.

**Miles:** Thank you, Supervisor Gilliam.

**Re: Public Hearing: Case 22-SUP316 Karen and David Whyko**

**Miles:** Our next item is Item K, Public Hearings. We do have three public hearings scheduled the first one is K.1. Case 22-SUP316. Landowner/applicant: Karen and David Whyko. This does regard a request for a special use permit and so before we open the hearing, I'll call on Mrs. Edmondston, our zoning administrator for a brief introduction.

**Edmondston:** Thank you, Mr. Chairman. Yes, Case 22-SUP316 is for Karen and David Whyko. They are located at 1904 Pattie Road, Buckingham, Virginia, which is the same location Tax Map 77 Parcel 18-- 374.9 acres on which the special use permit is being requested. Please note that at last month's meeting, the applicant was agreeable to the request of one of the Board members to remove the campsite from his request. That is how this case was advertised for the last two weeks in the Farmville Herald. Mr. Whyko is here with us this evening to answer questions and concerns as well after the hearing.

**Miles:** Thank you, Mrs. Edmondston. First what we're gonna do is open and close the public hearing. And then if there's any questions from the Board for the applicant, we'll entertain those. So Madam Clerk, I'll open the public hearing.

**Lann:** We have one signed up and that's David Ball, District 3.

**Miles:** Okay. Good evening, Mr. Ball.

**David Ball, District 3:** David Ball, District 3. My concern here is the fact that this site is what 364 acres twice the size of the average farm in Virginia. Larger than pretty much any other site that has come here for this Airbnb and event center request. And yet you want to take the campsites out. I mean, come on. Where are the people that come to these big events gonna stay? Miles away? Create heavy traffic when they could be right there at the event? You know, it seems a little bit ridiculous to take something that is like a serious, you know, proposal to take that and slap restrictions on them. And yet not on some of these others. Come on.

**Matthews:** A month ago, you said take the camp sites away. Didn't you?

**Ball:** No.

**Matthews:** You did. No he did. He made a statement to put a moratorium on the campsites here about a month ago.

**Ball:** On small sites. He's got a large site.

**Matthews:** I don't give a rip what site it is. If you got a dry campsite...

**Miles:** Okay, gentlemen, this is...

**Allen:** He's not finished talking yet.

**Miles:** Please, don't have a debate, please.

**Ball:** Well, Don wants to.

**Miles:** No, You can continue Mr. Ball.

**Ball:** Well, that's my thing. I don't think it's fair to him to take that away. Because if he's going to have large crowds of people, and having been to some state events, a lot of people that come to these big events and state programs, they set up campsites where they can actually stay at the event so that they can be right there. And that makes sense.

**Miles:** Does that conclude your remarks?

**Ball:** It does.

**Miles:** Okay, thank you, Mr. Ball. Does that conclude the public, I'm sorry, the public hearing?

**Lann:** Yes, sir.

**Miles:** Okay, thank you, Madam Clerk. So I'll close the public hearing and ask if the applicant would please come to the podium, and we'll survey and see if there are any questions from the Board. So, Board members, are there any questions or anything that you all would like to address with regards to this special use permit that's been introduced? Any questions?

**Chambers:** I've got none.

**Allen:** Have you thought anymore about the campground, campsite or what we talked about?

**Whyko:** Not anymore. As far as the camp sites goes, we already took that out. So it's moot point but if I did have a...you know what, I'm not going to bring it up. Let's move on.

**Miles:** Any other questions or concerns? I will state this that I know that our newly appointed zoning ordinance committee is has been tasked with considering an Airbnb policy or an Airbnb policy. Yes, for to bring to us at a later date. I'm going to abstain, and that this has nothing to do with your project but for the purpose that I do think that we need to have a policy in place before we approve any more special use permits. And that's so I'll be abstaining. I'm not gonna vote against but I think that we need a policy in place first, so.

**Matthews:** We're actually looking at that whole policy as far as campsites and Airbnb's. Not just Airbnb but campsite with that.

**Miles:** Yes, sir. Any other questions or comments Board members? All right. Is there a motion to approve this special use permit?

**Allen:** So moved to approve.

**Miles:** Motion by Supervisor Allen, seconded by Supervisor Bryant to approve Special Use Permit, I'm sorry, Case number 22-SUP316. Does anyone have any questions before we vote? All in favor, please record your votes, aye. Those opposed no. The motion carries. 5-1-1. Thank you, sir for being here.

**Supervisor Allen moved, Supervisor Bryant seconded to approve Case 22-SUP316 Karen and David Whyko for Special Use Permit for AirBnB and event center. This motion passed with a 5-1-1 vote. Supervisors Gilliam, Chambers, Matthews, Bryant and Allen voting in favor. Chairman Miles abstained and Supervisor Davis was absent.**

**Re: Public Hearing: Case 22-SUP317 Rodney and Terri Banks**

**Miles:** Our next public hearing is K.2. is public hearing for Case 22-SUP317. This is for Rodney and Terri Banks with regards to request for a special use permit for the purpose of operating an AirBnB Bed and Breakfast and one dry campsite. Mrs. Edmondston, before we open the public hearing if you'd address this please.

**Edmondston:** This is the public hearing for Case 22-SUP317 Rodney and Terri Banks located at 568 Mountain Vista Road, Scottsville are our applicants. The property for which they are requesting this special use permit is Tax Map 9 Parcel 69. It is two acres and it's located at 15681 South Constitution Route, Scottsville in Slate River Magisterial District. Their application before you and the reason for this hearing is to obtain that special use permit for the purpose of operating an Airbnb Bed and Breakfast and one dry campsite. They are both here with us this evening as well to address concerns of the Board and to answer questions?

**Miles:** Thank you, Mr. Edmondston. I'll open the public hearing. Mrs. Lann, did we have anyone sign up?

**Lann:** We have one, David Ball, District 3.

**Miles:** Good evening, sir.

**David Ball, District 3:** David Ball, District 3. Now what is the minimum size for a house to be built on a lot in the county? So this is two acres and they want to do it at Airbnb and a campsite. Basically, they're taking the driveway and making a campsite. This is ridiculous. This this whole application just goes to the idea that this is an overwhelming problem.

**Miles:** Excuse me, Mrs. Lann. If you would start the clock, please.

**Ball:** Oh, it's not gonna be that long. But it's gonna be an overwhelming problem. There are a lot of Airbnb's coming up. But when you get little teeny properties that want to do it just for the tax advantages. This is... and even if they're not there. It's still it's kind of ridiculous. A little bitty lot, a house and a driveway. And I want to call it an Airbnb with a campsite. Give me a break. Thank you.

**Miles:** Thank you, Mr. Ball.

**Lann:** That's all.

**Miles:** Thank you, Madam Clerk. So the public hearing is closed with regards to this case. Does anyone have any questions for the applicant? If not, or if so...

**Chambers:** I'll make a motion the application be approved.

**Miles:** Motion made by Vice Chairman Chambers, seconded by Supervisor Allen to approve Case 22-SUP317. Are there any questions before we vote? All in favor please record your vote aye, those opposed no. The motion carries 5-1-1 with one abstention.

**Vice Chairman Chambers moved, Supervisor Allen seconded to approve Case 22-SUP317 Rodney and Terri Banks for a Special Use Permit for an AirBnB and one dry campsite. This motion passed with a 4-1-1-1 vote. Supervisors Gilliam, Chambers, Bryant, Allen voting in favor. Supervisor Matthews opposed, Chairman Miles abstained and Supervisor Davis was absent.**

**Re: Public Hearing: Update Building Permit Ordinance and Building Permit Fee schedule**

**Miles:** The next public hearing is K.3. Update of building permit ordinance and a building permit fee schedule. So what we will do is we will call on Finance Director Mr. Hickman to introduce this and then we'll open the public hearing. So Mr. Hickman, if you would do that, sir.

**ARTICLE II  
FEES**

**Sec. 5-200 Permit and inspection fees, generally.**

An owner or other person is required to pay the fees for a permit or inspection required by the Building Code or this chapter as follows:

- A. **Basis for fee.** Any fee paid is to reimburse, in whole or in part, the Department of Community Development's cost to review plans, issue permits, and conduct up to one re-inspection of work performed pursuant to a permit.
- B. **Amount.** The amount of the fees are as provided in this article.
- C. **Form of Payment.** Each fee shall be in the form of cash or a check payable to the "County of Buckingham" Payment shall be made in the Treasurer's Office.
- D. **When the fee must be paid.** Any fee must be paid at the time any application or request is filed. An application or request shall not be filed if the required fee is not paid.
- E. **Issuance of permit.** No permit or permit amendment shall be issued until the required fee has been paid.
- F. **The payment of fees for a permit or permit amendment shall not relieve any person from the payment of any other fees that may be required by law including, but not limited to, fees for water connections and sewer connections.**
- G. **The building official shall keep an accurate account of all fees due and collected pursuant to this chapter.**
- H. **Neither the county nor the county school board shall be required to pay any fee otherwise required by this article for a permit or inspection required by this chapter.**

**Sec. 5-201 Fees for permits.**

The fees for permits are as provided herein:

<i>Type:</i>	<i>\$ Amount per Gross Square Foot</i>	<i>Minimum</i>
<b>Residential Structures:</b> <ul style="list-style-type: none"> <li>• One and Two Family Dwellings</li> <li>• Mobile + Pre-Fabricated Homes</li> <li>• Additional Livable Space to existing residential structures</li> </ul>	\$0.23	\$125.00

<b>Accessory Residential:</b> • Attached + Detached Garages • Shed • Porches + Decks	\$0.11	\$50.00
<b>Alterations &amp; Repairs:</b> • Residential • Commercial	\$0.23	\$50.00
<b>Commercial Structure:</b> • New • Additions	\$0.11 + \$0.02 a sq ft for each: electrical, plumbing, and mechanical	\$50.00
<b>Pools, Hot Tubs, Spas:</b> • Residential • Commercial	\$0.23	\$50.00
<b>Mobile Offices:</b>	\$0.23	\$50.00
<b>Electrical:</b>	\$0.02	\$50.00
<b>Plumbing:</b>	\$0.02	\$50.00
<b>Mechanical:</b>	\$0.02	\$50.00
<b>Cell Towers:</b>	New Tower: \$500	Co-Location: \$250+\$25.00 per structure
<b>Amusement Devices:</b>	N/A	• Kiddie Rides: \$15.00 • Intermediate Rides: \$25.00 • Major Rides: \$45.00

**Sec. 5-202 Fee for demolition permits.**

The fee for each demolition permit shall be \$50.00.

**Sec. 5-203 Party/Wedding Tent Fees**

The fee for a tent for party/wedding purposes is \$25.00; Zoning Review Approval fee of \$10.00 and state surcharge. If a second inspection is necessary due to the tent not being installed correctly an additional \$25.00 will be added.

**Sec. 5-204 State Fee.**

A 2% (percent) mandatory state fee shall be added to all permits.

**Sec. 5-205 Fees for other permits, plan amendments and re-inspections.**

- A. The fees for re-inspections are established for each inspection of work performed, after the second inspection of such work, shall be \$100.00 per inspection.
- B. Other fees and cost shall be as follows;

<i>Additional Info and Cost</i>		
<i>Type</i>	<i>Minimum</i>	<i>Other</i>
<b>Amendments:</b> <ul style="list-style-type: none"> <li>• Edit Permit</li> <li>• Add Mechanics Lien</li> <li>• Square Footage Change</li> <li>• Etc.</li> </ul>	\$50.00	Plus any additional fees for permit, after adjustment
<b>Working Without a Permit:</b>	\$100 fee	plus cost of permit
<b>Church Sanctuary</b> (Additions are considered Commercial)	exempt	exempt
<b>Residential Sheds 256sqft and Below</b>	No Permit Required	
<b>Commercial Sheds 150sqft and Below</b>	No Permit Required	

**Sec. 5-206 Refunds.**

Upon receipt by the building official of a written request by the owner within six (6) months of the event identified below, a fee paid pursuant to this article may be refunded as provided herein:

If a permit application is withdrawn or voided after the plan is reviewed, in whole or in part, but before the work authorized by the permit begins, the owner shall be refunded the entire building permit fee less \$20.00 for processing plus any other direct cost incurred by the County.

**Hickman:** Good evening Board. In front of you, in your packet, you have the old policy, and then the updated new policy. I also gave you all a kind of quick cheat sheet to go through what updates are happening to the new policy. So to quickly go through, for the first the electrical, mechanical and demolition permits are going from 25 to 50. The reinspection fee is going from 50 to 100. And then we have three additional fees that are going to be added to the ordinance and that is an amendments fee, a cell tower fee, which is 250 for colocation and 500 for a new tower altogether. And then lastly, we have a new fee of building without a permit and that will be \$100 plus the cost of the permit. Are there any questions?

**Miles:** And I'll add to what Mr. Hickman is saying is that there is a handout here. Did you want to maybe briefly discuss that Mr. Hickman with regards to the old and new rate but comparing our surrounding some of the surrounding counties?

**Hickman:** Yes, of course. So I included just as a comparison, Cumberland County, Prince Edward County, Fluvanna and Culpepper Counties. And to go through those Cumberland County ranges from 50 to \$75 on the fees that we are increasing. So we are well within those range. Prince Edward County is on the lower end, they are at 25 for the reinspection fee and 50 for all the other fees, so we'll be mostly in line with Prince Edward County. For Fluvanna County. They're ranging between 45 and 65. And then Culpepper County I added in just because they did a couple things different. They did \$75 or three cents per square foot, which you see with some counties in Virginia, but for there's was mostly because their county does the building without a permit fee. So that's why I added that into your comparison. To compare the new fees. Cumberland County also has an amendments fee. They also have a cell tower fee to go through those the amendments \$50, the cell towers \$100 or \$7 per 1000 value. And then lastly, the building without a permit fee is \$25 or 25% of the permit fee \$50 or 25% of the commercial, whichever is greater. For Prince Edward County, they do not have an amendment fee. They do have a cell tower fee of 500 for colocation and 750 for a new cell tower. They do not have a building without a permit fee. For Fluvanna. They have none of the three that we are proposing to add to our amendments. And then once again, for Culpeper County, they have a \$75 amendments fee, no cell tower fee, and they do have that \$200 plus the cost of the permit fee.

**Lann:** No one signed up.

**Miles:** Okay, thank you for that. Okay, I'll open the public hearing and then close the public hearing saying there was no one signed up to speak. So does any board member have any questions for Mr. Hickman with regards to these building permit ordinance and fee schedule changes?

**Allen:** I see you doubled everything. But do you think the reinspection fee \$100 is a good or bad thing for us to have?

**Miles:** So right now, Supervisor Allen, it's right now the current rate is 50. And the new rate would be 100. So are you asking the board that?

**Allen:** Yeah. If you call them and say, Hey, I need to be re inspected again, because it didn't get inspected. They will charge them 100?

**Miles:** So, County Administrator Carter and Mr. Hickman, could you all maybe explain a little bit that process and the time it takes I mean, we haven't revisited these fees in many, many years.

**Carter:** When did we last do that?

**Hickman:** It was 2004, if I'm mistaken.

**Carter:** I'll give you an example that I've heard from staff here is that when people come in and get permits, they're surprised at how low it is. They'll be like, is that all I gotta pay? I mean, we haven't done these fees since 2004. You just said. So we're way behind compared to other localities with these building permit fees.

**Hickman:** It was 2009.

**Miles:** 2009 or 2004?

**Hickman:** 2009.

**Miles:** Okay, thank you.

**Carter:** So what Mr. Hickman has given you tonight is just trying to get us with the surrounding counties what their fee structures are.

**Miles:** And then it's very, I mean, just looking at the building permit report that we get every month. It is extremely rare that we do have a reinspect. Is that correct? Okay.

**Matthews:** Is that because they're in violation or they had they don't have...

**Carter:** They don't have their stuff together in time. So he had to come back. Come back second. Yes, sir. So he tried to tell them to make sure you have everything the right the first time before he comes out.

**Lann:** If the inspection fails twice, we charge to come out the third time.

**Miles:** Okay, so it's you get two licks and then the reinspection would then happen.

**Allen:** The reinspection is a third one. Okay.

**Bryant:** Just two inspections, charge on the third one.

**Miles:** I think it's good to add that for clarity as well for the public as well as the board. So any other questions? Is there a motion to approve these new fees? A motion has been made by Supervisor Bryant, seconded by Supervisor Matthews to approve the update of the building permit ordinance and the building permit fee schedule. Any questions before we vote? All in favor please record your vote aye. Those opposed no. And the motion carries six to zero. Thank you all.

**Hickman:** Mr. Chairman. I would also like to thank Mr. E, M. Wright and Tommy Ranson for their help on getting this together and out to the public.

**Miles:** Thank you, Mr. Hickman.

**Bryant:** Good job.

**Miles:** Yes, good job on staff on that.

**Supervisor Bryant moved, Supervisor Matthews seconded and was unanimously carried by the Board to approve the changes to the Building Permit Ordinance and Fee Schedule.**

**Re: Zoning Matters**

**Miles:** Our next item is Item L. Zoning matters. Mrs. Edmondston, there are no new cases at this time. Is that correct Ma'am?

**Edmondston:** That's correct, Mr. Chairman.

**Miles:** Thank you.

**Re: Designation of Board Member attending VACO Conference to hold Voting Credentials at the Annual Business Meeting**

**Miles:** Moving on now to Item M Department, Agency reports and items of consideration. The first one is M.1. Designation of Board member attending VACO conference to hold voting credentials and annual business meeting. I have volunteered for that. But if another board member who is attending would like to have that designation, please make that...

**Chambers:** I make a motion that you go.

**Matthews:** I'll second.

**Miles:** Thank you, Reverend Chambers. The motion has been made by Vice Chairman Chambers and seconded by Supervisor Matthews to designate Supervisor Miles as the voting credentialed individual for the VACO conference. Any questions before the vote? No one else is interested? All in favor, please record your votes aye. Those opposed no. 6-0 The motion is carried.

**Vice Chairman Chambers moved, Supervisor Matthews seconded and was unanimously carried by the Board that Chairman Miles will hold the voting credentials at the VACO Annual business meeting.**

**Re: Planning Commission Member Bickford's term will expire December 2022**

**Miles:** Item M.2. Planning Commission Member John Bickford, District 1, his term will expire in December 2022. Please consider reappointment or appointment at either this meeting or our November meeting.

**Allen:** Let's wait to the next meeting since his Supervisor is not here.

**Miles:** All right. So by consensus of the Board we will table M.2.

**Re: Industrial Development Authority Member John O'Bryant, District 4 term will expire December 2022**

**Miles:** The next item is M.3. Industrial Development Authority Member John O'Bryant, District 4, his term will expire in December. We do need to consider reappointment or appointment at this or the next meeting. I will add that due to redistricting. Mr. O'Bryant lives right across from road from District 4 in District 3 but we did check the Bylaws and Mr. O'Bryant can continue to represent a district for the Maysville District even if he lives in Francisco District. So he can be reappointed with a motion.

**Chambers:** I make a motion.

**Allen:** Second.

**Miles:** A motion by Vice Chairman Chambers, seconded by Supervisor Allen to reappoint Industrial Development Authority Member John O'Bryant to represent District 4 in a new term. Anyone have any questions? All in favor please record your vote aye. Those opposed no. And the motion carries six to zero. Thank you.

**Vice Chairman Chambers moved, Supervisor Allen seconded and was unanimously carried by the Board to reappoint John O'Bryant to the Industrial Development Authority for another term.**

**Re: Consider Zoning Review Committee recommendation regarding Pit Privies**

**Miles:** The next item is M.4. Consideration of zoning review committee recommendation regarding pit prairies and I will ask Mr. Carter, if he could brief us on this.

**Carter:** Yes, sir Mr. Chairman. It was the decision of the Board last month, we have heard discussion of dirt privies to the Zoning Review Committee. The Committee met on October 4 discussed this issue along with other organizational matters. It is the recommendation on the committee to move away from dirt privies and only allow vault privies in the county. If you decide to accept this committee's recommendation, it will become a policy of the county and that policy will be related to the health department. So when a privy issue comes up the health department, they will know the county's stance and make a proper response to the applicant. So the committee met, we think that we need to go away from the dirt privies to the vault privies. So it's up to the Board if you want to accept that recommendation.

**Miles:** I know Supervisors Gilliam and Matthews serve on that committee. Any comment or not?

**Matthews:** I make the motion to put that into policy.

**Chambers:** You still gonna have a vault inside right?

**Matthews:** Right.

**Chambers:** I don't have a problem with that.

**Miles:** Does that satisfy you? A motion has been made by a Supervisor Matthews seconded by Supervisor Gilliam to adopt the zoning review committee's recommendation regarding pit privies. Any questions? All in favor please record your votes Aye. Those opposed? No.

**Allen:** I thought last month we said to not fool with it. Not make a change. Why are we fooling with it again?

**Miles:** So we voted unanimously last month to send this to the zoning committee that the newly appointed zoning committee recommendation, Supervisor Allen.

**Allen:** I don't think so.

**Miles:** Mr. Carter, could you...okay,

**Allen:** I know Joe and I was talking about it that we decided to just let it go.

**Miles:** Mr. ...

**Allen:** Yes we did. I didn't ask you. I'm telling you what we said.

**Chambers:** I thought it was too but when they said to put this vault in there you know. You can still use it you just have to put a vault in there is how understand it.

**Allen:** No, this is saying to get rid of it.

**Chambers:** No, not get rid of it. That's what I'm saying. They said put it in a vault instead of in the dirt.

**Matthews:** It's like a septic tank.

**Miles:** Essentially. Does that clarify what you are asking Supervisor Allen?

**Allen:** No, I thought that's what we talked about last month. No use worrying about it now.

**Chambers:** You still could use it you just have to put a vault in there, you know. I should have said something.

**Miles:** How did we vote on that Mr. Carter?

**Carter:** Let me pull up the minutes and I'll get back with you.

**Allen:** You watch.

**Chambers:** They still can use them, they just have to put a vault on the inside.

**Miles:** That's correct. Right, Mr. Carter?

**Carter:** Right. So what the committee discussed was right now, they're just going into the ground that dirt right, nothing else. So it can seep into the ground. What the committee wanted and what other localities are doing making you have a vault which is concrete. So that keeps everything in place, and they had to come and get it occasionally pumped out like a septic system.

**Allen:** So it's not going to be a drain field and all hooked to it?

**Carter:** No, sir.

**Allen:** So you just talking about a vault under...I didn't see that issue written out. On my part, it said just gonna get completely get rid of it. Oh, now, when last month I know we said we won't going to worry about that.

**Miles:** Does that does that help Supervisor Allen?

**Allen:** Yeah, now that you've told the whole story

**Miles:** Okay, we need we need to conclude we need to close the voting. So if the remaining supervisors would please record their votes. Have all the supervisors voted? Okay, thank you. The motion carries six to zero.

**Supervisor Matthews moved, Supervisor Gilliam seconded and was unanimously carried by the Board to approve the Zoning Review Committee's recommendation to make it a policy that pit privies have a vault instead of dirt.**

**Re: Consider appointment for Anti-Litter Task Force due to Supervisor Matthews needing to step down from the committee**

**Miles:** The next item is Item M.5. Consider appointment to Anti-Litter Task Force due to Supervisor Matthews deemed to step down from the committee. So what this means is that we need a Supervisor to serve along with me and beautifying our roadways and picking up trash and going to a few meetings. We have 2 clean ups. We've got one coming up in late October that will go into November.

**Matthews:** I'd like to nominate Mr. Gillam to take my place on the Anti-Litter Task Force. The reason I'm doing this is because I took on some extra responsibilities when Mr. Bryan resigned and I'm giving those responsibilities back. I've got a lot on my plate, not just here.

**Miles:** So the motion has been made by Supervisor Matthews, seconded by Vice Chairman Chambers...

**Allen:** What's the motion?

**Miles:** The motion is to appoint Supervisor Gilliam to serve with me on Anti-Litter Task Force Supervisor Allen. It's been seconded by Vice Chairman Chambers to appoint Supervisor Gilliam to the Anti-Litter Task Force. And he's got his bag over here already. So I think he's very prepared. Any questions before we vote? All in favor please record your vote aye. Those opposed no. Motion carries 6-0.

**Supervisor Matthews moved, Vice Chairman Chambers seconded and was unanimously carried by the Board to appoint Supervisor Gilliam to the Anti-Litter Task Force in place of Supervisor Matthews.**

**Re: Consider appointing a representative to the Crossroads Services Board**

**Miles:** Okay, the next item is on our amended agenda Item M.6. that is consideration of appointing representative to the Crossroads Community Services Board. Just for some background. Our last citizen representative did resign due to time constraints. I've been approached by Carter Allen who does live in the Maysville District. He's very interested in serving. He's an attorney and he has insight into those matters. So I would entertain a motion unless there are other nominations for the citizen representative for the Crossroads Community Services Board.

**Matthews:** Do you want to make a motion for that?

**Chambers:** I make a motion.

**Miles:** A motion by Vice Chairman Chambers, seconded by Supervisor Bryant to appoint Carter Allen to the Crossroads Community Services Board. Anyone have any questions before we vote? All in favor, please record your votes, aye. Those opposed no. The motion carries 6-0.

**Vice Chairman Chambers moved, Supervisor Bryant seconded and was unanimously carried by the Board to appoint Carter Allen to the Crossroads Community Services Board as Buckingham's citizen representative.**

**Re: Finance Committee Recommendation regarding the AMB Building Services LLC funding for capital repairs to Juvenile Detention facility**

**Miles:** Continuing on page two of the amended agenda is Item M.7. Finance Committee recommendations regarding the AMB Building Services LLC funding for capital repairs to the juvenile detention facility. You all recall that last month Ms. Sheriff came and spoke up to the board with some recommendations. So Mr. Carter, could you...Thank you.

**Carter:** Yes, sir, Mr. Chairman. Just as a refresher, I'll go back and say, you know, we're a part of a six localities I belong to that facility in this region. So the presentation Ms. Sheriff gave us last month was \$2.8 million. So we were split that cost 1/6 with all the localities that belong to that region. Their equipment issues talking about replacements, mostly HVAC equipment, which has come to end of its useful life as most of the equipment the original equipment that was put in when the building was built in 2001. The full board referred this to the Finance Committee for a recommendation for how to proceed with the financing of this request. Finance Committee met and discussed several options, including paying all requests upfront, paying using a payment plan for the entire balance or use a combination of the first two. It was the finance committee's recommendation take advantage of some onetime funds were received for property sales and industrial park and the former Gold Hill School to pay for all the costs with a onetime payment. As ABM mentioned last month, this total project costs us \$2.8 million, with 1/6 with

Buckingham's costs being \$466,000. So that was the recommendation of the finance committee, to pay for this is a onetime payment and not to carry this year by year and take advantage of the onetime monies we have come in for this fiscal year.

**Miles:** Any Supervisor have any question with regards to the finance committee and staff recommendation or finance committee recommendation, I should say with regards to this request, M.7. Again, this is for capital repairs, splitting that money up for the juvenile detention facility. Any questions? If not, I'll entertain a motion to approve the request or the recommendation I should say.

**Matthews:** So moved.

**Miles:** A motion has been made by Supervisor Matthews seconded by Supervisor Gillam to approve the finance committee recommendation with regards to the request for the juvenile detention facility. Any questions before we vote? All in favor, please record your vote aye. Those opposed no. The motion carries 6-0. Thank you.

**Supervisor Matthews moved, Supervisor Gilliam seconded and was unanimously carried by the Board to pay the \$466,000 for the Juvenile Detention Facility repairs in a onetime lump sum and take it from the onetime money received from sale of Gold Hill School.**

**Re: EMS Consider Advertising for bids for the paving of the parking lot at Glenmore Station**

**Miles:** Our next item for consideration is M.8. EMS Consider advertising for bids for the paving of the parking lot for the Glenmore rescue station. Mr. Carter, could you introduce this, sir?

**Carter:** Yes, sir. Mr. Chairman, this is just a request for the Board. I talked with our General Property Supervisor Daniel Queen, he suggested we may want to look at paving that driveway and parking lot at Glenmore EMS station. For those who have gone by that you see when we got that building it's just a gravel parking lot. So there is no pavement there at all. We've been fortunate we haven't had a lot of snowfall lately. So we haven't had to worry about getting that snow when you know their emergency calls are being sent out all during the day. As you'd imagine, it'd be a lot better if we had that driveway, that surface hard surfaced so that they could keep the snow off and plowed off as it came during the day need be. I'm asking tonight to give us permission just to put up a request for proposal so we can see how much it will cost to pave the facility. So not asking you to approve anything tonight just to permit us to advertise and get in prices for this project, the actual costs and bring it back to you.

**Miles:** Okay, motion by Supervisor Matthews. Hold on one second. This was just a motion by Supervisor Matthews, a second by Supervisor Allen to permit the advertising for bids for the paving. Supervisor Bryant?

**Bryant:** If we're gonna do that at Glenmore, the solid waste site at 56 needs it worse than Glenmore does.

**Miles:** The Rt. 56 Solid Waste Facility?

**Bryant:** That's right. I'm on the Solid Waste Committee and I think we ought to open it up for bids for asphalt and concrete on both of them.

**Miles:** Can we do that in this motion, Mr. Carter?

**Carter:** Yes, sir. If you want to do both, I can make it a group project and do it all at one time.

**Miles:** Okay, very good. So the amended motion that's been made would be to include the... Okay, so what we'll do is we'll amend this motion to also include the Route 56 Solid Waste and Recycling Facility for the bid. Supervisor Bryant?

**Bryant:** That could be for asphalt and concrete both we want bids on both of them.

**Miles:** Correct.

**Bryant:** Okay, fine. I'm good to go.

**Miles:** Yes, sir, Supervisor Bryant. Any questions before we vote? All in favor please record your vote aye. Those opposed, no. And the Motion carries unanimously.

**Supervisor Matthews moved, Supervisor Allen seconded and was unanimously carried by the Board to approve to advertise for Request for Bid for both asphalt and concrete for Rt. 56 Solid Waste Site and the Glenmore Rescue Station.**

**Re: General Properties Request to take down the retaining wall at Ag Center and some trees**

**Miles:** Our last item under this section of the agenda is M.9. General Properties are requesting to take down the retaining wall at the Ag Center and remove the maple tree in front of the Arts Council building.

**Bryant:** Should have been done.

**Miles:** Mr. Carter?

**Carter:** Yes. And we placed before you tonight a letter from the General Properties Manager discussing those two options. That retaining wall in the front of the building is something we think was put there years ago because it was his tank behind it. That wall is not really serving a purpose now, so his recommendation is to just remove that wall instead of trying to make repairs to it. It'll save us in the long run. Also, those maple trees in front of the Arts Council building, as you know, when you drive by there, because some of those branches fall off during winter storms and windy storms, and after that so he'd like to have those trees taken down so that, you know, they won't cause a hazard to anybody at that facility or anybody's property when they visit that facility. So, those are his two recommendations for General Properties.

**Miles:** I will say before we make motions that that tree, you know, has been obviously has issues but the, the electric company has obviously, they've needed to make changes to the tree, but that that has been one of the most beautiful trees in the village. So I'll entertain a motion to approve the general properties request.

Someone in audience kept yelling no.

**Bryant:** I'll make a motion.

Someone in audience again kept yelling no.

**Miles:** Is there a second to that? Maam. A motion has been made by Supervisor Bryant to approve the general properties request. Is there a second? Seconded by Supervisor Allen. Are there any questions before we vote on this, M.9.?

**Allen:** So it's a \$1,000. \$900 for one part of that and \$100 for....so it's \$1,000 all together for the cost?

**Miles:** Mr. Carter?

**Carter:** No. It was \$900 to repair the wall. If we just take it down, he thinks it would be \$100. That's the cost of demolition on the wall and clean it up. It will stay in the house.

**Miles:** Any more questions? All in favor please record your vote aye. Those opposed no. The motion is carried 6-0.

**Supervisor Bryant moved, Supervisor Allen seconded and was unanimously carried by the Board to remove the retaining wall in front of the Ag. Center and remove the trees in front of the Arts Council building.**

**Re: County Attorney Matters**

**Miles:** Our next item is Item N, County Attorney matters. Mr. Wright?

**Wright:** Mr. Chairman, I have no formal matters. But I would like for the Board to know that regulating uses on land by zoning and land use is not a novel concept to me.

**Miles:** Thank you, Mr. Wright.

**Re: County Administrator's Report**

**Miles:** Our next agenda item is item O County Administrator's report and Mr. Carter also after O.1. If you could maybe respond to Mr. Liens one or two questions if that's okay, sir.

**Carter:** Yes, sir.

**VRS:** In your packet tonight, you should have an Audit report from the Robertson, Farmer, Cox Associates regarding our VRS standing with the state. There's a letter in your packet. It is probably the fourth paragraph down and that's the main gist for that letter. It says in our opinion management assertion that census data report to the Virginia Retirement System by the County of Buckingham during the year, June 30 2022 were complete and accurate, based on criteria set forth by the Virginia Retirement System and based on the trustees plan provisions, as mandated in Section 51.1 -136 of the Code of Virginia is fairly stated. So that stands they came and audited our VRS reports and claims and they found no issues and that staff did a great job of preparing that report. And they should be commended not just for our staff, but the school board as well. So they had a clean bill as well.

**Medical Building:** The other thing I want to update you guys on tonight is the medical building in Dillwyn. As I told you last month, they have closed. They also came and got the keys since last month. So that building is totally in their hand now. So we don't have any issues with that building and don't have anything to do with it anymore.

**Miles:** Fantastic news. Can't wait to have a doctor and some health professionals there.

**Carter: November Meeting:** Another thing I had on my list to remind you of is our meeting next month is November 15. That's going to be on Tuesday because of the VACO Conference. So it'll be on Tuesday next month as well.

**Mr. Lien's Questions:** Now getting back to the questions the gentleman had earlier, he asked about the 4500 acres, zoning policy, I mean solar issue. We're going to incorporate that number into our solar policy. So that's why it hasn't...we haven't completed the policy yet. But that'll be one of the criteria in the policy if the Board chooses to keep going with that number.

The second issue he had was regarding Animal Control Facility. We did receive a donation of \$430,000 for that facility. We actually put that out to bid one time to see how much it would cost. We got a shock when it came out as more than triple that number. So the County and the Board of Supervisors for last few years have added to that amount. So they've donated 460,000 and the Board has increased that amount to \$1,000,000. So we are actually still trying to get that facility built. We still have plans and drawings and we're working on and that \$1,000,000, we don't know if that number will be enough either. So we're still adding to that amount of money that was donated. So that money is still being held for that exact purpose. And it's not been spent about anything else.

**Miles:** I was going to add that we do have a committee set up for that, Supervisor Matthews, I think and myself do serve on that committee and we have met some but again, the issue as Mr. Carter alluded to, is when it comes to the funding, quite frankly, and the what's the name of the professional who tells us that it's too small and too all these all these regulations?

**Carter:** State Vet.

**Miles:** The State Vet. Yeah, so that I mean, we do know something has to happen and we are working on it.

**Matthews:** Does that answer your question, sir?

**Lien:** It does.

**Matthews:** We do have plans to have it done at some point in time with, you know, funds? Unless you want us to go up on your taxes?

**Miles:** Thank you, Mr. Lien. Supervisor Matthews. Oh, Mr. Carter, the building permit for the hotel. I didn't know if you want to touch on that.

**Carter:** They came and picked that up last week. So that project is closing out as well and moving forward. So hopefully, we'll see some ground being broken soon on that. Thanks for reminding me. More good news for the county.

**Miles:** No problem. Absolutely. And good business.

## **Re: Informational Items**

**Miles:** Under informational items, you will see several items there. And I didn't know if any Supervisor has any question about the informational items. If not, we'll go to Q.

## **Re: Other Board Matters**

**Miles:** Other Board Member matters. And I'll just start off by saying that, and I've talked to the County Administrator about this. Riding throughout the county, and I know other Supervisors have seen this. And I don't know what vehicle we use to solve this issue. Some of the county owned blue signs have been really mangled up and some of them even have been run over top of summer down, is there any way that we can have our EMS department to maybe survey some of these things? Or we get with them for replacement? Or is there a replacement plan in place, Mr. Carter?

**Carter:** Traditionally what we've done is we get a call from a person, like we had one last week. They called and said their sign had been mangled by VDOT when they had snow removal. So the quickest and easiest way is for the homeowner to call the office and say what's happened to the sign. We do ride around. So when you look at other road signs they ride around, if they see one, then they will replace it. But you know, they can't cover all the roads all the time.

**Miles:** That's the issue. It's a huge county.

**Carter:** So the easiest way if that landowner call the county and we would take care of that issue.

**Miles:** So we'll stick to that. That's just something I wanted to bring up and I've seen it in some other districts. Supervisor Gilliam.

**Gilliam:** First of all, I got some Buckingham proud news. Okay. I like to see us talk about maybe getting a resolution done. A lot of times when we do resolutions, we give them to sporting events. We just did one for the kids who went to, I think it was Alabama. And also we do it if someone passes away or whatnot. But this past Friday, I think we had a prettiest page on the front of the Farmville Herald. Tyshia Chambers, who is the daughter of Elton and Mrs. Chambers. And I believe it's the Granddaddy on the board that should be awful proud. She came in run up in the beauty contest at the Five County Fair. So I think the Board could adopt a resolution for her winning second runner up in the beauty pageant.

**Chambers:** It was first. She won.

**Gilliam:** Oh ok. First. You see a proud grandfather. You may need to get electric fence to put around the house to keep all the boys out.

**Matthews:** Are you making that a motion?

**Gilliam:** I am. I'm making a motion.

**Matthews:** All right. I'll second that.

**Miles:** A motion has been made by Supervisor Gilliam, seconded by Supervisor Matthews to adopt and present a resolution honoring Miss Chambers as referenced in the comments by Supervisor Gilliam. Any questions before we vote? And congratulations to her also. All in favor please record your vote aye. Those opposed no. The motion carries 6-0. So what we'll do is we'll present that at the November meeting. Are there any other board matters?

**Chambers:** I got one Mr. Chairman.

**Miles:** Yes, sir Vice Chairman Chambers.

**Chambers:** I am displeased at one of our Commissioners. The statements he has made in my district. I represent my district well, and Joyce Gooden is the representative of my district. And regarding the special use permit for Mr. Yoder, I had a town hall meeting at the church and one person spoke against that in the community. One lived in Northern Virginia spoke against it. So the Catholic school had no problem with it. And then I had to get on my Planning Commissioners because I heard Mr. Peter Kapuscinski had said that the Planning Commission got it wrong. And she said he was talking for itself. He won't talk for the Planning Commission. He shouldn't be making comments like that. And then in the last Planning Commission, meeting, he said that I didn't respect the people in the district and I do. So he should be...and I think he is unhinged. I don't think he should be serving on the Planning Commission. And with that, I'll make a motion that we ask for his resignation.

There were outbursts from the audience.

**Miles:** Order. The Board will come to order. No comments from the public. Thank you.

**Chambers:** I make a motion to ask for his resignation from Planning Commission.

Someone in audience blurted out "Bullsh\*\*".

**Miles:** Order. Please. Is there a second? Motion made by Supervisor Chambers, by Vice Chairman Chambers, seconded by Supervisor Bryant to and correct me if I'm wrong Supervisor Chambers to request that the Board requests the resignation of Commissioner Kapuscinski. Correct?

**Chambers:** That's correct.

**Miles:** Okay. Is there any is there any question or comment on this before we vote?

**Allen:** Well, you know, I think maybe what he heard was at last Planning Commission, there was some little arguments about it. That was said, and, you know, he said he was he was talking about himself, but...

**Bryant:** He downgraded the Board of Supervisors.

**Chambers:** That's what he did.

**Allen:** Well, in our minutes. It was written down that he did say about the whole Planning Commission that we done wrong. And he kind of said it wrong. And there was argument in the Planning Commission last month about it. But I don't know if we want to say that we want to get rid of him.

**Chambers:** I said ask for his resignation. It's up to them if we get rid of him or not.

**Allen:** Well, how about just talk to him about what he said.

**Chambers:** I got the motion on the floor.

**Matthews:** What was actually said?

**Miles:** Supervisor Matthews.

**Matthews:** What was actually said?

**Allen:** That was...you didn't read your...it was in your minutes this month. Yoder was saying...

**Miles:** Could you speak to your mic? If you don't mind?

**Allen:** So he came before this committee here? You don't remember it?

**Matthews:** I do remember.

**Chambers:** He was the only one who spoke at public comments about it, and said that, see, the Planning Commission tasked this man to get another location. He got another location, which is in my district, and then they wanted VDOT to approve his entrance. VDOT approved his entrance. And he said that the VDOT was wrong. They need another place. He got another place to come. I'm not gonna vote for him come across my field. He voted for a sawmill in his district. But not in my district. We had one person said, 1800 people in the district, he hold what one person said. He don't represent District 6. He represents District 3. And secondly, you pile up a

lot of mileage and plus coming to my district and then charging for mileage to come over there. I've got the reports right here.

Matthews: Yeah, but he's still, I mean he still can when he's voting on something he's allowed to go look at that site.

Miles: Vice Chairman Chambers.

Chambers: I call for the vote.

Miles: The question has been called and so which calls for an immediate vote. All in favor of the motion will record their vote aye. Those opposed no. Have all the supervisors voted? Voting still open. Motion carries.

**Vice Chairman Chambers moved, Supervisor Bryant seconded to ask for Planning Commissioner Pete Kapuscinski's resignation from the Planning Commission. This motion passed with a 4-2-1 vote. Supervisors Gilliam, Miles, Chambers and Bryant voting in favor. Supervisors Matthews and Allen opposing. Supervisor Davis absent.**

**Miles:** Does that conclude other board member matters? If so, we will go into executive closed session.

**Re: Executive Closed Session**

**Miles:** Is there a motion with regards to entering into executive closed session which is Item R.? Is there a motion to enter into executive closed session?

**Allen:** So moved.

**Miles:** Would you read in your motion Supervisor Allen, the language please?

**Allen:** Go ahead, you read it for me please?

**Miles:** The motion is to enter into executive closed session with regard to consultation with legal counsel and briefings by staff members or consultants pertained to actual or probable litigation where such consultation or briefing an open meeting would adversely affect the negotiating or litigating posture of the public body and consultation with legal counsel employed or retained by a public body excuse me regarding such specific legal matters requiring the provision of legal advice by such counsel 2.2-3711.A.7. The motion made by Vice Chairman Chambers, seconded by Supervisor Allen to do so. Any questions before we enter into executive closed session? All in favor, we'll record the vote aye. Those opposed no. The motion carries 6-

0 to enter into executive session. What we're going to do is the board will retreat to the other room here.

**Vice Chairman Chambers moved, Supervisor Allen seconded and was unanimously carried by the Board to enter into Executive Closed Session under Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. §2.2-3711.A.7 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. §2.2-3711.A.30.**

**Re: Return to Regular Session and Certification**

**Miles:** The motion that would be under Item S. Is there a motion to return to regular session and certify that you're the best member of each board members knowledge, only business matters related to the codes of which the executive meeting was convened, was discussed or considered in the closed session? The motion has been made by Supervisor Allen, seconded by Supervisor Bryant. And again, those code sections are 2.2-3711.A.7 and 2.2-3711.A.30. Any questions before the vote? All in favor please record your vote aye. Those opposed no. Motion carries 6-0.

**Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board to return to regular session and certification that to the best of each Board member's knowledge only business matters related to the codes of which the executive meeting was convened was discussed or considered in the closed executive session.**

**Re: Action as a Result of Executive Closed Session**

**Miles:** Is there any result? Is there any action as a result of close action? There is none.

**Re: Adjourn**

**Miles:** I now adjourn until our November meeting.

There being no further business to discuss, Chairman Miles declared the October 11, 2022 meeting adjourned until the November 15, 2022 meeting.

**ATTEST:**

---

Karl R. Carter  
County Administrator

---

T. Jordan Miles, III  
Chairman