

**Buckingham County
Board of Supervisors
Monthly Meeting
October 13, 2015**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Tuesday, October 13, 2015 in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: Joe N. Chambers, Jr., Vice-Chairman; John N. Staton; Cassandra Stish; E.A. "Bill" Talbert; and Donald E. Bryan. Chairman Danny Allen and I. Monroe Snoddy were absent. Also present were Rebecca S. Carter, County Administrator; Karl Carter, Asst. County Administrator; Rebecca S. Cobb, Zoning Administrator; and E.M. Wright, Jr., County Attorney.

Re: Quorum

Vice Chairman Chambers certified there was a quorum. Five of seven members present. The meeting could continue.

Re: Call to Order, Invocation and Pledge of Allegiance

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

Re: Announcements

There were none.

Re: Approval of Agenda

Supervisor Talbert moved, Supervisor Bryan seconded and was unanimously carried by the Board to approve the agenda as presented.

Re: Approval of Minutes

Supervisor Stish moved, Supervisor Bryan seconded and was unanimously carried by the Board to approve the minutes of the September 14, 2015 meeting as presented.

Re: Approval of Claims

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

Re: Public Comments

Talbert: Mr. Chairman, I'd like to make a request. If I'm out of order, please say so. We have this fine group of ladies and gentlemen here that has served our country and they want to make a comment and I think they should go first.

Chambers: Is everyone ok with that?

It was the consensus of the Board for the Veterans to go first.

Carrol Gathwright: Good evening. Members of the Board, Mrs. Carter and the fine people of Buckingham. My name is Carrol Gathwright and I live in the 5th District and I'm a past Commander of VFW Post 8446. I'm here tonight to represent VFW Post 8446 and American Legion Post 134. Tonight I'm here to ask you for some financial assistance. The Building we are in now was hauled, literally hauled on a truck from Byrd Field in Richmond which is Byrd International Airport now, after the war in 1948. It was located at its present location on Rt. 60 ever since. It's right across from Lee's last camp. The uses of the building over the years has been for public meetings, church services, weddings, class reunions, birthday parties, the teenage club in the 60s where many my age learned to dance and of course they used to have public dances there and I'm sure many of you attended those. It is the only revenue, well not the only revenue but the major revenue source for the Post. We are trying to keep our prices for the rentals low so we can serve all the members of Buckingham County. It is the lowest price rental in the county. Over the years it's been used for political rallies at no charge. Buckingham Senior Group used the building for five years at no charge. Boy Scouts, Relay for Life at no charge. The Woman's Club, Chamber of Commerce and Historic Buckingham at a very reduced charge. We've spent about \$10,000 replacing about 1/3 of the floor joists. This building was not maintained for many years. It's only been in the last 7 or 8 years that we've had enough money to do something with the building. Of our \$1500 was spent on siding and other improvements. The windows and doors because we couldn't afford the fuel bill was donated by members of the community and businesses in the community, each window. Many of the VFW members also purchased windows. The proceeds that the VFW generate are used for local veterans, McGuire Hospital, the Fisher House at McGuire Hospital, Dues Already Paid. If you don't know what that is, it's a hunt planned by Kyanite Mining and we are sponsors of that. We are asking for \$14,000. Your careful consideration of this matter is greatly appreciated and I certainly thank you in advance for anything that you can do. Do you have any questions?

Bryan: This is to continue the floor joists?

Gathwright: Continue the floor joists and do other improvements on the building to continue to serve the community. The building is pretty long. We did about a 1/3 of them several years ago. We got an anonymous donation of about \$8,000 from somebody in the community and we used all that money to replace a 1/3 of the joists at that time. The floor was almost caving in.

Bryan: This is one time money you are asking for right? Not recurring money?

Gathwright: No sir. Just one time.

Bryan: Based on, we should have that money left over, Mrs. Carter?

Carter: I didn't know about the request so I haven't really looked at the accounts but I do know that the library reserve that we didn't spend this year still has some money in it. I feel like it is sufficient to cover the \$14,000 as a one-time thing.

Staton: Mr. Chairman, I move that we appropriate the money to the veterans for the good work that they do.

Bryan: I second that.

Chambers: Motion by Mr. Staton, second by Mr. Bryan to appropriate this \$14,000 to the Veterans. Any questions?

Talbert: Only thing I've got to say is it couldn't be spent better.

Chambers: All in favor, let's vote.

Supervisor Staton moved, Supervisor Bryan seconded and was unanimously carried by the Board to appropriate a one time appropriation of \$14,000 to the VFW. Supervisor Allen and Snoddy were absent.

Gathwright: Thank you very much. I'd just like to say that I've been in Buckingham County for 16 years, and I never felt welcomed home from Vietnam until I went to one of the schools veterans day presentations. If you haven't been, please go. It is absolutely great. The people in Buckingham County do more for Veterans than any other place that I know on earth. We certainly appreciate it.

Chambers: Any more public comments?

Kenda Hanuman: Good evening. I'm Kenda Hanuman. I'm from District 5, Mrs. Stish's district. I have two letters here and copies for everyone including Mrs. Carter, for the PEIS, the Programmatic Environmental Impact Study. Mrs. Stish has already seen them. I don't know if you've shared them. These are letters asking both Politian's and the Federal Energy Regulatory Commission (FERC) to conduct a Cumulative Study of the impacts of the present four pipelines they are proposing for Virginia. This is something that you don't have to commit one way or another of how you feel about them, but you can ask to have it studied as a whole rather than fragmented in time. I guess I would just like to say that I hope you are considering what your legacy will be should this pipeline go through and should we have the compressor station here in Buckingham. Instead of being known as Historic Buckingham, we'll be known as Industrial Buckingham. I don't think any of us really want that. I know that you really care about the wellbeing of the county and all of its people and I just have faith and pray that you will consider everything before you make anything like that happen in our beautiful county.

Chambers: Anyone else for public comments.

Heather Nolan: Good evening. My name is Heather Nolan. I'm from the 5th district as well. I'm here tonight representing Yogaville Environmental Solutions and I'd also just like to speak on a resolution that was just presented to you as Supervisors. The points that Mrs. Hanuman was making that each of you as Supervisors don't need to take a position on the pipeline or compressor station even though it certainly is an important one to note while at the same time if you are willing to support this resolution, you will be encouraging the Federal Energy Regulatory Commission to not only look at each of the proposed pipelines that are going to move each one by themselves just masses amounts of natural gas. The Atlantic Coast Pipeline which is proposed to go through our area. There were several landowners in court today being sued by Dominion Transmission. It includes the Mountain Valley Pipeline that goes through southwest Virginia. It includes the Appalachian Connector and the upgrade to the WB Express pipeline. So we really question if in fact all four of these pipelines are really even needed. We understand there are pipelines already in the ground. A lot of people are constantly talking about how we already have all these pipelines in the ground and many of them as I understand it are not even being used to full capacity. So what this resolution is proposing the Federal Energy Regulatory Commission to do is to really look to see do we really need each one? Do we need all four of them? What are the alternatives to having these behemoth pipelines running through Virginia? Are there alternatives to give us the energy that we need without building and upgrading the WB Express? Without building the Atlantic Coast, Mountain Valley and Appalachian Connector. In particular for the Atlantic Coast pipeline and the Mountain Valley Pipeline, you probably already know that they both have the same origin in West Virginia and basically the same terminus in North Carolina and by the virtue of their trajectory they seized a lot of Virginia property owner's property on their routes. Not only from an energy natural gas perspective are they needed but what is it doing to Virginians and our property rights. So this resolution would be encouraging the Energy Regulatory Commission to look at the impacts, the need and looking at the alternatives. Those are the main pieces. I want to speak just briefly to a couple of other points also...

Chambers: Time is up. Thank you for your comments.

Nolan: I'm speaking on behalf of an organization.

Chambers: You are representing a group? You get five minutes. You have two more minutes.

Nolan: Thank you. So we also wish to express concern about baseline studies being conducted on air, soil and water before construction ever begins. As we've read stories in other communities where there have been detrimental impacts from gas infrastructure. The communities themselves have a very difficult time proving that there's been any impact whatsoever because they didn't have baseline studies in place to compare to. There is a lot of concern as you know about the compressor station that is proposed on the property that was just purchases between 660 and 663. We've heard discussions by Dominion about silencers where people will not be able to hear the compressor station. We would encourage the Board of

Supervisors to make sure there is a noise ordinance in place. It certainly can't hurt. It does protect the community from maximum amounts of noise. A lot of time companies want to talk about averages because sometimes it might be quiet and other times it might sound like the roof is going to pop off from so much noise as we've seen in other communities effected by compressor stations. So we don't want to talk about averages. We want to make sure the decibel level is never something that would create severe impacts on people in the area. I just want to make clear that Yogaville Environmental Solutions is completely opposed to the Atlantic Coast Pipeline and the Compressor Station in this area so we are really asking the Board to make sure there are checks in place with noise ordinance, baseline studies and we'd also like to express concern about the boring that will take place underneath the James River also. We are curious if the Board of Supervisors already knows who is going to be monitoring that? Who's going to be doing the engineering that's behind that? We'd just like to have those questions answered and those concerns addressed.

Chambers: So you are saying that you are opposed to all pipelines in the County?

Nolan: We are opposed to the Atlantic Coast Pipeline and to the proposed compressor station. That's really as community members what we've been researching because that's what's being proposed to this community. There are many pipelines already here.

Chambers: Let me say something very briefly. In 2009, they came through the north end of the county. The line came up from the James River, nobody in the area came to complain about it. They were satisfied. They build a playground for the church down there beside the church. All those people down there are happy with it.

Nolan: Well, I think more and more, seeing that communities all over the United States find they are being impacted by gas infrastructure, it's all connected to the extraction of natural gas which is polluting people's water. People are signing nondisclosure agreements and are having to move away from their homes where they once felt safe. We don't see that information because the companies take it out of public view.

Chambers: Yes, maam. That one goes 16 miles on the other end of the county down there and no one complained about it.

Nolan: This is a 42" natural gas pipeline.

Chambers: Thank you.

Nolan: It's a bit different and a compressor station is something that is not there and we don't want to see that. Thank you.

Tiffany Adkins: Good evening, members of the Board. I am back before you to find out if there was an acknowledgement or agreement of which county we are definitely located in.

Carter: The county attorney is going to give a report soon but we did find that, I think you all said that the difference in the tax in your house payment went up \$100 a month. The difference between Buckingham tax and Cumberland tax on the property is about \$19.37 so I don't know why the \$100 impact came in.

Adkins: Ok. Thank you.

Chambers: We have a public hearing scheduled for 7:15 so we will come back to VDOT matters.

Bryan: Mr. Chairman, can I ask for a brief recess for the members of the VFW can embark.

Talbert: Thank you for your service.

There was a brief recess.

Chambers: Anyone else left for public comment.

Quinn Robinson: Good evening. My name is Quinn Robinson. I live in Andersonville area in District 4. I speak for myself only. Anything I say isn't representative for anyone else. I wanted to make a couple complaints. The pipeline continues to be a major issue to me. I admit it's a difficult, divisive, destructive topic. We haven't handled it well. I want to refer back to last month when during public comment the time was very sharply limited to the three minutes. I understand that. That's the rule. But the young woman that just came up here about the property issue with Cumberland County which is an administrative matter that should have been handled outside this meeting. Her time allotment went on for 10-12 minutes. It turned into a work session. It's just absurd. All we need is a fair shot at this and it just distorts things when that doesn't happen. But I'll leave that to you. The other thing was the issue about the library. I support the library. I think Buckingham's future is going to be in knowledge, information and education and I think most of you, not all of you, agree with that to promote it and the library is key to that. I'm really dismayed by some of the antics by the Planning Commission trying to water down support that was expressed in the public comments on the library for the future of the county in the comprehensive plan. Then one gentleman holding up his phone saying this is the new library. By that logic we can do away with the fire stations and hand out extinguishers. It just doesn't make sense. It's not the way civilized society handles things of that nature. Thank you very much. We want to know if possible if there is going to be a public hearing on the impact of the compressor station. It's vital. Dominion's been...we've been around to all these things, misrepresenting things, making promises they never keep, so we'd like to know if it's going to happen and will we get to proper notice.

Carter: An application for special use permit has not been received. They have said they will make application possibly in January. However, as we state every time, if the federal government, FERC, approves this project, they don't have to have a special use permit because federal regulations will trump local regulations. However, Dominion has made us aware that it is their intention to apply for a special use permit which will require two public hearings. One

through the Planning Commission and one through the Board of Supervisors. I would say if they make application in January, then February or March would be the first public hearing.

Chambers: Mr. Robinson, does that answer your question?

Robinson: Yes.

Chambers: Ok. Thank you sir. Anyone else have any public comment? If not we have a public hearing scheduled.

Re: Public Hearing: Proposed changes to the Workforce Investment Act Consortium Agreement

Carter: Yes, this is a matter of needing to have this hearing to make changes to the Workforce Investment Act Agreement because of federal law changes. Mostly it is the wording. It used to be South Central Workforce Investment Act Consortium Agreement and now the federal regulations have changed to call this the South Central Workforce Innovation and Opportunity Act Consortium Agreement. All through here it talks about changing the name of the act however it does also change the Board, the way the Board membership is. I have contacted them, they've assured us that this agency does have a liability policy that protects the Board members. Supervisor Talbert is the appointee on the Workforce Investment. The County Attorney has reviewed this and pretty much said that the change of most significance was in the name of the Consortium and also the name of the Board.

Vice Chairman Chambers declared the public hearing open.

There were no comments.

Vice Chairman Chambers declared the public hearing closed.

Staton: Mr. Chairman, if I may. I've been studying this document and I'm going to make this statement so that the citizens of Buckingham can see what you get with a federal mandate. The South Central Workforce Innovation and Opportunity Act Consortium Agreement is a federal mandated through the state comes to us that started in 1998 under Public Law 113-128 of 1998. It requires the Governor of Virginia to designate local workforce development areas. Under the powers of Article I, page 3, 4, and 5, it gets into the meat of it. Section 1-A, Collectively perform the functions of the chief local elected officials of the Member Jurisdictions as permitted. For purposes of the Act, the Member Jurisdictions shall act through the Consortium Board. Alright. The way I read this thing that Chairman has the ability and the full force legally to encumber these ten counties with indebtedness. It has a simple majority as a voting regulation. It tells you in here that you can opt out by giving 120 days' notice and making arrangements to pay whatever the liabilities are for that year. But yet you have to have six members of that Board to agree with you and let you opt out. I see no reasonable way out. If you come up to a long term indebtedness for instance, they have the right to purchase, buy, lease, sell, trade, whatever real property and if they have issued \$20,000,000 worth of bonds and it fell

down and I have no faith of the state or federal government to live up to their end of the bargain and pay the money, then all ten counties will instantly be \$2,000,000 in debt. Now I'm just beating my gums but I wanted to say this so the people could see what we are faced with a lot of times. I don't know of anything they've done since 1998.

Carter: We work with the Workforce Investment.

Talbert: They have helped a lot of students in this county. I agree with you because they built a... I forget how many millions it was over there in Halifax County. Of course all counties, if it went under were responsible and I voted against it because I don't think it was right. It was way over yonder and nothing comes to this end and never will. Cumberland and Buckingham are just the last ones on the end down here.

Carter: They hold most of our programs at Southside College.

Staton: I have one more thing to say and I want to say this. We understand that it's mandated. We understand that we are required to participate but we are not required to like it and if somebody doesn't object publicly on the record then everything is hunky-dory and we don't care what you think.

Stish: Mr. Chairman, may I make a comment, please? Thank you. Alright, so I understand and appreciate where you are coming from Supervisor Staton, I do. A mandate from any place is no picnic. I do think that this is a good change for this organization. I do appreciate that it's changing into and bringing into the words opportunity. I think we need to start turning our attention to other types of workforce investment, development and opportunities for innovation incubators and other kinds of startup funding and other things that we come across. I also appreciate that in here is quite a bit of language about the members who are going to be appointed to this thing which it used to just stop at private business CEO's or executives of small business and it goes on to explain they want employers of optimum policymaking and hiring authority; represent businesses, including small businesses, or organizations representing businesses described here that provide employment opportunities that, at a minimum include high-quality, work relevant training and employment in in-demand industry sectors or occupations in the local area. In other words they want the movers and the shakers on this board. We can't just send anybody to these things. If we are going to protect this investment and make it go someplace and actually work for us, we've got to make sure we've got engaged, dedicated business owners who are thinking forward about the workforce of tomorrow on this thing.

Carter: I might add, Supervisor Talbert serves as the Board rep but we have not had a business appointee for a long time because we've had several appointees but they chose to withdraw.

Talbert: Calvin is the last one.

Carter: You have put Calvin on there now but prior to that we didn't have one for several years because they would go to a few meetings and drop out. But Calvin Bachrach.

Stish: I attended the Governors Summit and Rural Caucus the other weekend or so, and I listened to the Chief Information Officer for the State of Virginia talking and he said that if every computer science major in every college in every community college across the entire nation was to be pointed at nothing but cyber security jobs, we would still only fill 10% of the jobs. 10%. These are robust living wage jobs that don't take a heavy duty amount of internet connectivity. They take some decent Bootcamp training. They run a wide array of skillset. Ranging everywhere from somebody that has the science of Psychology or Social Sciences all the way to the hard core technology stuff. We can take a thread like that and bring it to this board and tell them lets focus on this area. Let's focus on coding bootcamps. Let's focus on cyber threat, cyber security jobs. Let's focus on something else. Maybe then we wouldn't have to be so worried about the revenue that's going to come from the pipeline or not. If we don't innovate in all these different areas, we are sitting ducks. I just want to say this is like the third meeting, two more to go after this one, and I'm going to go out saying you know we better be looking forward. Eyes on the road along the way for what these people need to thrive and be prosperous.

Staton: I have no problem with the concept. I have a large problem with the implementation.

Stish: Well, sometimes unfortunately localities have not been proactive in the people, the citizenry appealing to the federal government so this is there best tool I'm sorry to say it is clunky but we need to make the most of it.

Staton: Thank you Mr. Chairman.

Chambers: Anybody else? What's the Board's pleasure?

Stish: Mr. Chairman, I make a motion to accept the changes as recommended and approved by our county attorney.

Chambers: Motioned by Supervisor Stish, second by Supervisor Talbert to accept the changes made. Any question on the motion? Let's vote.

Supervisor Stish moved, Supervisor Talbert seconded to accept the changes to the Workforce Innovation and Opportunity Act Consortium Agreement. This motion passed with a 4-1 vote. Supervisors Stish, Talbert, Chambers, and Bryan voting in favor. Supervisor Staton opposed. Supervisors Allen and Snoddy Absent.

Re: Public Hearing: Case 15-SUP231 Proposed Permit for Pet Boarding

Cobb: This is a public hearing for the special use permit for Pet Boarding, case 15-SUP231. Application by Jonathan and Kristin Ober on the Property of Esther and Warren Younce. Tax Map Section 154, Lot 11A containing approximately 21 acres in the Curdsville Magisterial District. The Planning Commission held a public hearing on August 24, 2015. At that time there was no public comment against this request. You have been given a list of conditions. The applicant is here if you have any questions for them or questions for me. I am just asking you to hold that public hearing. I will also note that last month there was Mrs. Adkins who spoke

previously this evening, mentioned that she was an adjacent landowner and didn't receive a letter. I checked into that and she is an adjacent landowner and did receive her letter for this public hearing.

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
2. The facility shall meet all safety requirements of all applicable building codes.
3. That commencement of the facility shall begin within one year of the approval by the Board of Supervisors or this special use permit shall be null and void.
4. Any solid waste generated by the business will not be disposed of in a County container. If use of a County Container becomes necessary the applicant will pursue a commercial solid waste container and follow the County Solid Waste Ordinance.
5. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions.
6. The pets shall be monitored and prevented from trespassing on adjacent parcels.
7. No pet boarding structure shall be erected within 100' of adjoining properties without adjacent landowners written permission.
8. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions.
9. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
10. That the property be kept neat and orderly.
11. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.
12. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Planning Commission or Board of Supervisors.
13. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property at any time to check for compliance with the provisions of this permit.
14. That the applicant (s) understands the conditions and agrees to the conditions.

Vice-Chairman Chambers declared the public hearing open.

There were no comments.

Vice-Chairman Chambers declared the public hearing closed.

Bryan: I move to accept the Planning Commission's recommendation.

Staton: Second.

Chambers: A motion by Supervisor Bryan, second by Supervisor Staton to accept the recommendation of the Planning Commission. Are there any questions? All in favor.

Supervisor Bryan moved, Supervisor Staton seconded and was unanimously carried by the Board to accept the Planning Commission's recommendation to approve Special Use Permit 15-SUP231 for Pet Boarding.

Re: VDOT: Road Matters

Stish: I have a question. I got a complaint from a citizen that was driving through the worksite on Rt. 20. Going through there apparently the VDOT trucks were going a lot faster than maybe they should have been and thrown debris up and damaged her windshield. She wasn't sure who she's supposed to talk to. Is there a number she calls? Does she call Scott's office or the main office? She feels like it's going into a big black hole.

Carter: Has she contacted anyone?

Stish: She did contact VDOT but wasn't sure if it was effective. I was going to ask.

Carter: Maybe she can contact Scott and he can tell her who to contact.

Stish: I just wanted to make sure to bring that up.

Chambers: Any other road matter? For the record I have a complaint about Ivy Road off of 655. It has a lot of potholes and needs scraping. If we could call VDOT.

Re: Presentation: Donna McRae-Jones, Relay for Life

Jones: My name is Donna L. McRae-Jones. I'm here this evening representing Buckingham County Relay for Life for 2015-2016. We have with the support of our educational board and Buckingham High School have already kicked off for this coming year. We had a tent set up for two games at the Buckingham County School which I'm glad to say our team won both games. I wanted to present you with an ink pen that also has a light. The cost of them are \$2.00 and I'll collect my money later. Now that you have them in your hand I'm sure \$2.00 will not be a problem. I want to say that we want to do this year a little differently. We want to be visible in Buckingham. I have the support of the Dillwyn Township and this is our third year coming up of HOPE day. I'm sure you have notification of that. We paint the town purple with bows. This next year will be April 23rd. It will be held at Dillwyn Baptist Church. I've noticed that a lot of the activities we've had and maybe it was because you didn't know we were having these activities so we'd like to have the opportunity to present our activities on our website. I will get the information to Lynn to put on the website. We'd be appreciative for that. Upcoming activities we have so far would be our leadership workshop we'll be having on October 26th which is a Monday, 5:30 at the Transportation Building. I want to say that this year as always my job has been on the committee as a survivor chair. I'm sure probably on one hand can count just how many people you know that have been impacted with cancer. For that, we would

also...we put the county on the back of the T-shirt for the simple reason is because I have support from Lyn, she prints off our programs for us. Which is very appreciative and cost effective. But also we'd like to know if the Board would consider doing a presentation or a fund amount to the Relay for Life for Buckingham for the coming year. As for the dollar amount, I'll leave that up to you and your budget. Anything is appreciative. \$1 is \$1 more than I had when I stood up here. So I'll leave that up to you. So also, a staff member that couldn't be here tonight will be here at the next board meeting to present American Cancer Society to you and what they have done. As far as a lot of our members here in the County they have received a lot of support from the American Cancer Society in various ways. They are available by phone, or website for transportation and they also give stipends for gas to get their treatments. With that I thank you for your time and now I'll collect my \$2.

Bryan: You said you wanted to advertise on the county website.

Jones: Yes I do.

Bryan: Did you know that was \$14 or a combination pen/flashlight?

Jones: That is not a problem. You can include that amount and subtract that from the amount you plan to give us. I got it covered. Thank you for your time.

Re: Update, Library Committee Report

Spencer Adams: Mr. Chairman, members of the board, Mrs. Carter, Mr. Carter. It is with pleasure tonight that the Library Liaison Committee makes its presentation. The Library Liaison Committee has been working and developing a plan that will meet the needs of the Buckingham County citizens with particular attention to the concerns expressed by you and others relating to the expenditure needed to accomplish this goal. I'd like to introduce Mrs. Peggy Epperson with the Central Virginia Regional Library to review the needs.

Epperson: Good evening. My name is Peggy Epperson. I am the director of Central Virginia Regional Library. I want to talk to you not about the needs of the library but the needs of the community and the role the library can play in meeting those needs. Now the Stated Mission of the library is to serve as a lifelong learning resource by providing access to information and assisting in its use for personal and community development. This includes using library resources and classes and programs of interest and value to our community. Now the staff of the library could not be more eager to assist the citizens but we are severely limited by our present facility. One of the most obvious issues is inadequate shelf space. You see we have to constantly move the books around to try to accommodate new books coming in. There is an old rule of thumb that a library building should house about 5 books per square foot. This means that our present building should house about 17,500 books. We actually have 29,750 books in the building. That 12,500 more books than the building was ever designed to hold. But the State recommendations are for more than we have. The state recommendations is 2 books per capita which is almost 35,000 books. So we need 4500 more books to have an adequate usable collection. We can't increase the shelf space in the present building. The shelves are already to

close together and there is not enough seating for people to use the books as it is. Another big problem is meeting room space. This is often mentioned to the library staff that there is not enough meeting space in Buckingham County. This is a place for groups to meet and discuss. This is well within the mission of the public library but while we have one of the few free meeting spaces in the county, the size is totally inadequate. It can seat 12 people if you seat elbow to elbow and there is a pole down the middle. As inadequate as this space is, we very frequently have requests for two groups who want to use it at the same time or for a room that will accommodate a larger group. Now despite the limitations last year the library offered 92 programs in this space to a total of 1580 people. We are greatly hampered by our inability to extend programming just by the lack of adequate meeting space. Our third big problem comes with children's services. An important mission of the library is to provide children's services. Such as early literacy activities, and support for school children and their developing interests. But we don't have an area for children's programs. We don't have workspace for the children's staff to prepare and we don't have shelf space for a good collection for the children. Now above the children's space, we'd also separate out our very enthusiastic young patrons from adults who are doing serious research or study but our small building pushes these two groups in conflict because they are too close together. We have no room for teenagers. Not even a table to sit at to look at the materials. This is an age group that is totally unserved by the library at this time. Another area is information and technology services. Now the hallmark of modern library systems is public access to information technology. This is a critical issue for many people while our society increasingly assumes that our people have access to the internet, you all know people who do not. They do not have computer, they don't have the money to pay for the monthly charges. Now the library is absolutely committed to offering these types of services to the public. We have done as much as we can in our present building including installing a fiber optic line and fax and copy services. We also have a brand new integrated library system which was installed last November which is state of the art. We have six public access computers but that's not enough for the public who want to use it. Last year those six computers were used a total of 7,273 times. So every computer was used over 1000 times in a single year. We estimate that there were 1,339 additional uses of our Wi-Fi services. People park out in the alley at night to use it. We absolutely need to double the number of workstations we have right now. But there is no place to put the additional computers. Current thinking libraries is that demand for these basic access services as well as whatever is coming next will only continue to increase for the foreseeable future. Now there are some problems that are just general to the whole building. The building has poor air circulation making hot and cold spots uncomfortable for both staff and patrons. There is insufficient lighting in many areas which is a safety hazard as well as the fact that you can't read all the book titles. It's not possible to add any natural light to the present building or for light fixtures to be added. There is a serious shortage of parking spaces which is a common complaint that we hear. As I already mentioned, there is not enough seats in the library. There is very little workspace for the staff as well. The roof of the building, a flat roof, we've had leaks and we've had flooding, loss of books and damaged carpeting many times. While we do have a wheel chair ramp to get into the building, many parts of the building are not handicap accessible and the building as a whole is not ADA compliant. All these factors discourage people from using the library. We feel like the library has a good collection, modern technology and a variety of program offerings but the impression that you get is a cramped, dim and outdated institution. We've done everything we can to offer good service despite the

limitations of the building. But speaking for the library staff, our ability to carry out the mission which is to provide information and assist with its use, is severely limited. Our determination to assist is limitless. Thank you. Could I answer any questions?

Bryan: I have a question. How many people came up to get their GED last year?

Epperson: I'm sorry I do not have that information. Linda Paige, may have better information.

Bryan: Mrs. Paige, did you have a class with the GED from the Library?

Paige: I had two. There's a new test now. Roughly over the past five years, we've had 60+. 2015 was the new year for the GED.

Adams: I'd like to take this opportunity to introduce to the Board the other members of the liaison committee. Mrs. Julie Dixon, our Architect; Elaine Pettoni; Pat Howe; and Linda Paige. Mrs. Epperson has been an advisor to the committee; Supervisor Staton and Supervisor Stish. Due too many things that came up for her, hasn't been able to participate in the process. I'd like to go into a few things now that we have done that you all requested. After the designation of the soccer field site in the Industrial Park, core drilling is done which revealed that we are dealing with shrink swell soil and surface water was struck 8 and 11 feet. This meant that none of the soil excavated could be used as fill dirt. The soil excavated would have to be removed from the site and all soil for back fill for parking lots would have to be purchased and brought in from elsewhere. Also this site was not joined in line with the placement of a library there. So the committee was charged with analyzing the feasibility of using the Dillwyn Primary School itself and the grounds of the 14 acre site which in zoned in line with the library usage at that time. The committee proceeded with this and found 1. The building is 24,357 sq. feet and constructed in 1954. This is more than 2 times the size needed for a library. 2. Load bearing masonry walls run through the center of both corridors supporting the roof surface. This structural corridor would have to be completely modified for the building to work as a library. Cellular classroom design does not translate into the open needs of a library. 3. All systems, Electrical, mechanical, plumbing, ventilation, communications data, AV & security would have to be removed and replaced by new updated systems. 4. The building is not ADA compliant. 5. There are multiple bathrooms that would have to be added for afterhour's access to public meeting rooms. 6. The present windows which cover the majority of the outside surface of the building will need to be removed and replaced with smaller energy efficient windows and the rest of these areas bricked up for energy conservation. 7. There is a lead paint and asbestos present in the building and these would have to be dealt with with any renovation. I'm just going to run over a little something here that I know personally. From 1987 to 2003 I was the HERA designee for the school division. When asbestos insulation was removed from the cafeteria area the abatement contractor was not able to proceed so far under the corridor from the front of the building to the cafeteria. So this had to be sealed up. Any structural changes penetrating the floor surface beyond this point may encounter and most like will encounter asbestos. I know there are some floor tiles underneath certain fixtures in the building we did not remove during floor tile removal. Dillwyn Primary School has a flat roof that was sealed with spray polyurethane. The roof at the present time is not covered by warranty. There is a buried oil tank

for the two furnaces in the basement. Removal or mitigation would lead to environmental problems that will require an additional expenditure. After looking at the building itself we looked at the lower field. The lower field behind the school across from the Industrial Park was looked at. There is a very distinct possibility that this is also shrink swell soil like that across the road. This area is utilized as a practice field by the little league sports. Also if the school building was sold, it is uncertain as to what would be on the property adjacent this site. This lead the liaison committee in considering the Wingo Road site next to the recycling center. This site under current zoning is permitted used at this time. If the soil at this site proves not to be shrink swell soil the cost relating to foundation and ground preparation could be dramatically reduced. The local library board will cover the cost of the topographical survey, engineering, and geotechnical engineering and core drilling for analysis of soil samples. These results will be made available to the county for future use. Throughout the process the liaison worked on redesign of the building based on input and comments from the public. At this time we would like to go into a slide show of the redesign of the building.

First the overall building size at 12,200 sq. ft. could be reduced while still meeting the needs of our county. Recommendation from the liaison committee is to reducing the overall size of the building proposed by 2,602 sq. ft. for a total building square footage of 9,589 sq. ft.

The next slide shows you the different from the original floor plan and the reduced sized floor plan.

Finding was the Cupola which provided natural light to the interior and circulation des as a significant cost for the project. The recommendation is moving the lobby and circulation desk toward the front of the building to give these areas natural light from the front façade. The committee recommends removing the Cupola above.

The next slide shows what it looks like if you remove that. I also want to call your attention to the windows. I'm going to come to that in a few minutes. Look at the reduction of windows on the front side of the building there. I know there was a concern and I'll deal with that later. But you see a real reduction there. This has been illustrated on that part of the building.

Finding the vaulted ceiling above the lobby is expensive to build, complicated structurally and could lead to inefficient heating and cooling in the public area. The recommendation of the liaison committee is removing the open span vaulted ceiling and replacing it with a simple span, flat ceiling of a higher elevation than the standard ceiling above the remaining area.

Finding Eliminating corners and simplifying the geometry of the building will reduce cost overall. The committee recommends removing all but the two front "bump outs" in the plan for a simple footprint. You see the bump out towards the back of the building has been removed. This will save money on foundation costs. A straight wall doesn't cost as much in putting a foundation in as far as if you've got that added.

Talbert: Why are you going through the expense of a fire place?

Adams: We'll answer that a little later. It's in line...I'll answer this way...it was in line with things in Buckingham County based on the Peter Francisco fireplace design.

Talbert: We want a library not Peter Francisco stuff.

Chambers: Let's let him finish his presentation and ask the questions later.

Talbert: While the picture was there...

Adams: Thank you Supervisor Talbert. I mentioned this already. The number of windows could be reduced for significant costs savings and when carefully done with no significant impact on the quality of the interior or view from the exterior. Our recommendation is to eliminate a significant number of windows, simplify the windows at the front entry façade and reduce the overall size of the windows. That is something that we have done. I know that was a concern of yours Supervisor Talbert.

Findings: Overall cost reduction strategies employed throughout the building and outlined above could reduce the original budget by 1/3 or more. More importantly the committee determined that careful redesign maintains functionality in all key areas-specifically those related to the library as a community center and an asset for the county it serves.

Now, let's go to the slides as far as the building. We are going to walk through the building as far as areas. The entry lobby is sized to accommodate display areas for the Friends of the Library with display cases and vending if the library choses to incorporate that component. More overly the heavily used business center in this location within view of the circulation desk is easily accessible to visitors. A lot of use are made of those machines in the library. This is important for a lot of people in the community. The circulation desk is located in toward the center of the lobby space to provide visual access to the most possible point throughout the library. This provides maximum flexibility when there is only one staff person in the library while providing space for three people during times of heavy use. This is the open space concept.

Next slide please. We've heard about the need for community places to meet by the staff here. Let's go to the back of the library. The community reading room is anchored by the Peter Francisco chimney and fire place that terminates the entry access. This room provides ample space for community gatherings including book clubs, author series desk lectures and small group discussions. But is configured to foster intimate reading space when not in use for gatherings. This room is inspired by the great community gathering rooms that define the libraries of the past. Now, the community meeting room on one end of the building. This room provides 643 square feet for community use space available to all community before and after hours. This room can accommodate 90 people standing in rows and as many as 45 at table programs. It has its own entry and exit and bathrooms and storage areas. On the other end of the building they have the community activity room. The Community Activity rooms provides dedicated space for community groups specifically for children's activities that is accessible before and after hours. It can seat up to 79 people at a lecture and 37 at an even requiring table

seating. It's accessed to its own bathroom and storage areas. Through the use of mobile laptop carts the library intends to use this space to expand its technology instruction offerings.

The teen library provides a dedicated space for young adult library users an area that can tailor to their interest including providing adequate space for action oriented programming. One library office has direct visibility into this space. We thought that was important.

Children's story space. The children's story area provides open space filled with plush carpet for cozy floor seating as well as flexible and mobile furniture options for customization depending on the program offering. The area will be scaled specifically for the use of children. There is a dedicated office space for the children's librarian adjacent that provides visual and physical access. Tutoring rooms, in addition to the small gathering spaces scattered throughout the public portions of the library, there are two private tutoring rooms near the entry. These are heavily utilized locally and give our library an even more effective means of providing after school support, ESL (English as a second language) sessions and private tutoring.

Staff section. The staff entry is located at the rear of the building. It leads staff directly to the lockers for personal storage and through the staff work room where they connect with the internal workings of the library before entering the public space. Included in the staff work room is a small kitchenette. The public computer stations. The lobby contains at least 12 public computers-all within eyesight of the circulation desk for direct monitoring and easy access to provide assistance. The public computer stations are one of the most heavily utilized offerings at the library and this more than doubles our current capacity.

The Adult stacks provide ample space for current volumes as well as future growth and is interspersed with reading zones for quiet individual time. Then we have the Genealogy and Special Collections. The area between the entry lobby and the adult stacks provides dedicated space to house both the genealogy and African American Special collections allowing flexibility for custom displays and easy access for these very popular community components.

Conclusion: The Library Liaison Committee has presented the Board with an analysis of the current designated site on Main Street at the Industrial Park, the former Dillwyn Primary School, and a re-design of the original library building.

The Liaison committee recommends moving the designated library site to 3.5 acres on Wingo Road which will be more cost effective with regards to site development and will provide better visibility and access.

Based on average construction cost data, preliminary analysis and the redesign of the library building, this project could be completed for an estimated \$1.8-\$2 million.

The library liaison committee is requesting the designation of 3.5 acres on Wingo Road to enable the project to move forward with the preparation of necessary construction documents.

Are there any questions?

Chambers: Do any board members have any questions at this time?

Stish: I just want to say great work. You guys really did...this is great. Number 1, the in-depth exploration of all the possibilities answered a lot of the questions I was getting from constituents who were concerned about moving forward without looking at open buildings and looking at various sites. I just want to tell you how much this really means to me and I want to tell you I hope this information gets out that this was thoroughly looked at and DPS building is probably not the best place for a library. With that said, I hope my colleagues will equally embrace these changes and see that the earnest effort was made to make a good asset for the county that is also affordable for the county. I appreciate the fireplace. I want to keep it.

Chambers: I like the fireplace too.

Stish: It's a little touch of something special.

Talbert: It's about \$15,000-\$20,000.

Stish: You know what, sometimes you just have to have something a little nice.

Adams: We thought about, you have Francisco Auction, Peter Francisco is one of the two main people I see with Carter G. Woodson. And we remembered Peter here. We are assembled in his auditorium tonight.

Chambers: I like the idea of the fireplace. I'd like to see it stay in there.

Talbert: Let me say this, I know Spencer has done more, as much for Buckingham County with the school and library and all, I went over some things, I went over to EC Glass and took some courses on this and I worked 19 years in mill work and worked all my life at the park and all with the 33 buildings down there, I mean, you've done a great job in reducing it. I knew you could do it all along.

Adams: It's a team effort. The people back here. It's a team effort and Mrs. Carter, thank you for your assistance along the way.

Carter: If I could make a statement, I see there is a request asking the Board to designate the 3.5 acres on Wingo Road so they can get the construction documents ready to bid it out to know how much it's going to cost. As you know, the other sites we held public hearings but now I believe there has been discussion that the county would own the building and lease it to the library. If that is your pleasure then you don't have to have a public hearing because the board will own the property.

Stish: That is the model...is that the model that Farmville is operating on. So we are documented a similar model that's sort of standards best practice.

Chambers: I think the committee has done a great job. You've looked at all the options and come back with a fair one and I've got no problem supporting it.

Stish: I make a motion that the 3.5 acres on Wingo be designated for the purpose of a library that's going to be owned by the county and the library board is going to proceed with gathering their construction documents and whatever tests need to be ordered.

Adams: We'll have those tests done in about a month, right Julie? We'll have that back very shortly. It's going to be a team effort getting this altogether too. We are going to try to move forward as much as we can because this is an important thing. A very important thing. It's kind of like a school building. In Buckingham, you kind of got to figure these things are going to last 50 years right? At least.

Chambers: I need to ask Mrs. Stish a question, Mrs. Stish, in your motion does that mean move forward with seeking bids for the library?

Carter: I don't think they have the bid documents prepared. When you start the bid process, is when you have to authorize me and my staff to seek funding because you can't award the bid until you have funding in place. I think you all have to get the bid documents prepared. Maybe within a month.

Chambers: So the motion is to move forward with the 3.5 acres.

Bryan: I'll second that motion.

Chambers: A motion by Mrs. Stish and a second by Mr. Bryan to move forward with the request from the library for the 3.5 acres. Are there any questions?

Stish: I just have one more quick thing I want to say, I just want to say this because I know there is some concern out there, we are beholding to a degree to provide this service to the community. This Board is. It's not...I just want to say that I deeply appreciate the collaboration between the library board, liaison committee and coming up with a workable solution. One that we feel like we can move forward and it's going to be affordable and that we can fit into what we already sort of outlayed as a budget parameter testing the water. So I just want to add that one more time that we are required to make this happen.

Staton: If I could make one comment, Mr. Chairman, the estimates here are fair but the only way to get closer estimates is after we get the geo borings done, preliminary engineering done, because the big bug-a-boo in this is the \$100,000 +/- foundation. The time we get the biddable drawings we'll have a better since of the actual costs.

Talbert: May I ask Mrs. Carter, how is this going to affect Buckingham's annual fee we give for the Prince Edward county library?

Carter: We don't give a fee to Prince Edward Library.

Talbert: We give so much to the one in town.

Carter: For the regional library.

Talbert: Regional Library.

Carter: Do you mean how much will it affect the annual appropriation?

Talbert: We give what \$300-400,000?

Carter: No, we give \$170,000.

Talbert: Is that going to stay in Buckingham or still go to the region?

Carter: It goes to the Regional...

Adams: They act as the fiscal agent. Hiring, firing and everything like that.

Talbert: So this will be a regional library right?

Adams: It is now.

Talbert: Nobody's giving anything to Buckingham right?

Carter: Yes, the state provides the money for the library.

Talbert: I know the stat give so much.

Staton: Mr. Chairman, it's a regional library concept. The Board of the regional library in which Buckingham is represented deals with the Virginia State Library, deals with funding, deals with hiring, firing, everything to do with day to day operations of the library including the maintenance.

Chambers: If there are no more questions, are we ready to vote. Let's vote.

Supervisor Stish moved, Supervisor Bryan seconded and was unanimously carried by the Board that the 3.5 acres on Wingo be designated for the purpose of a library that's going to be owned by the county and the library board is going to proceed with gathering their construction documents and whatever tests need to be ordered. Allen and Snoddy were absent.

Adams: I have a question, was that just for the land, or do we have permission to move forward with the documents?

Stish: It was included for the documents.

Adams: It was for the documents too. I want to have that straight. Thank you. Thank you. Thank you.

Re: Zoning Matters: Introduction 15-SUP232 for Proposed Solar Facility

Cobb: Yes, this is a request for a special use permit, Case 15-SUP232, applicant, Virginia Solar LLC on the property of Robert and Lillian Johansen and is on tax map 153, Lots 29&30 containing an approximate 210 acres off of High Rock Rd. in the Curdsville District. The Planning Commission held a public hearing on September 28, 2015 and heard comments in favor and also against. The Planning Commission is recommending approval with conditions.

1. That all federal, state and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
 - a. All active solar systems shall meet all requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical And Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and state building code and shall be inspected by a county building inspector through the building permit process.
 - b. An erosion and sediment control plan must be submitted and approved prior to any land disturbance.
2. That the building permit must be obtained within 3 years of obtaining the Special Use Permit and commencement of the business shall begin with one year of the building permit or this special use permit shall be null and void.
3. All solar panels and devices are considered structures and subject to the requirements for such, together with setback requirements of that district and other requirements, unless otherwise stated in these conditions.
4. Free standing solar facilities shall be a maximum of 10 feet in height as measured from the highest grade at the base of the structure to the apex of the structure.
5. Exterior surfaces of the collectors and related equipment shall have a non-reflective finish and solar panels shall be designed and installed to limit glare to a degree that no after image would occur, towards vehicular traffic and any adjacent building.
6. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner. The signage must identify the owner and provide a 24 hour emergency contact phone number.
7. A minimum of 7 foot fence with a minimum of one strand or barbed wire must be placed around the perimeter.
8. After completion of construction, the Solar Power Plan, during normal operation and excluding maintenance shall not produce moise that exceeds 50 dbA as measured at the property lines of the project boundary, unless the owner of the affected property has given written agreement to a higher level.

9. Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary and full cut-off lighting pointed in a down direction.
10. Visibility of site from roadways shall be blocked either by natural grade or natural tree buffer. Where natural grade and trees are not sufficient a planted evergreen buffer shall be established to block the view with the exception of gates areas, and site-seeing area.
11. The solar facility shall not obtain a building permit until evidence has been given to Buckingham County that the electric utility company has a signed interconnection agreement with the permittee.
12. The following requirements shall be met for decommissioning:
 - a. Solar farms which have reached the end of their useful life or have not been in active and continuous service for a period of one (1) year shall be removed at the owners or operators expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, county may require evidentiary support that a longer repair period is necessary
 - b. The site shall be restored to as natural condition as possible within six (6) months of the removal.
 - c. The owner or operator shall notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal.
 - d. Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities to a depth of 3', so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. Disturbed earth shall be graded and reseeded unless the land owner requests in writing that the access roads or other land surface areas not be restored. Hazardous materials from the property shall be disposed of in accordance with federal and state law.
 - e. At the expense of the permittee, a cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate, which shall be net any salvage value, shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation. This cost estimate shall be recalculated every 5 years and the surety or other guarantee shall be updated in kind.
 - f. The decommissioning cost shall be guaranteed by escrow, surety bond, letter of credit or other before any construction commences.
 - g. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the county may collect the bond or other surety and the county or hired third party may enter the property to physically remove the installation.
13. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions, but only to the extent the same have not been modified, amended, and/or changed during the permitting process.
14. Nothing in this approval shall be deemed to obligate the county to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

15. In the even that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.
16. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Planning Commission or Board of Supervisors.
17. That the applicant (s) understands the conditions and agrees to the conditions.
18. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property at any time to check for compliance with the provisions of this permit, with reasonable advanced notice and subject to the security, health and safety standards and regulations that apply to the Project Site.

Tonight, I'm asking for you to set a public hearing for this request.

Chambers: You've heard the comments from Mrs. Cobb. What's the pleasure of this Board?

Stish: I move to set a public hearing at 7:15.

Staton: Second Mr. Chairman.

Chambers: A motion by Mrs. Stish, a second by Mr. Staton to set a public hearing for the November meeting at 7:15. Any questions? All in favor.

Supervisor Stish moved, Supervisor Staton seconded and was unanimously carried by the Board to schedule a public hearing to hear comments regarding 15-SUP232 for Proposed Solar Facility for the November 10, 2015 meeting at 7:15 p.m.

Bobby Snoddy: What date is that?

Chambers: November 10th.

Cobb: November 10th.

Snoddy: Thank you very much. I will just say for the record that two of the principles of Virginia Solar LLC are here tonight if you have any questions. I think it is pretty forward.

Stish: I very much enjoyed reading the package.

Snoddy: The application was very well done. Well thought out. The position of the applicant was set in the application. Thank you.

Chambers: Do any of the board members have any questions for them while they are here?

Bryan: I have one. Mrs. Cobb, under condition 13.

Cobb: That is a condition that is still a work in progress that I'm getting with the county attorney and their attorney to work out the conditional language on that. So stay tuned, that one will probably changing.

Bryan: I noticed in their document they had offered to facilitate first responder training. Would that be considered as condition 13?

Cobb: That condition does pull in things in their document that is not listed as conditions. They did have concerns about that though as far as when they mention things like how many people are going to be onsite during instruction. They were worried because of bad weather or things like that that there is not enough people their working that they would be considered in violation of their permit. So we are working on clearing up that language so that yes, it does capture some of those other things that's in the application but doesn't make them null and void for things that are weather related.

Re: Comprehensive Plan Completion

Cobb: The Comprehensive Plan has been completed. You adopted that and approved that last month so now the Planning Commission is looking toward you all for direction on what their next task. The Comprehensive Plan lists lots of things that they could look into and start working on. Typically we start working on the zoning and subdivision ordinances just making tweaks and changes to that so I'm asking you now is that what you want us to start working on or something else in the Comprehensive Plan that you would like to see and also once you give us direction, is there anything specific in that document that you want to see us working on.

Stish: Mr. Chairman, Mrs. Cobb, so yes, I do have a couple of things. I do believe it should be the subdivision...it should be the ordinances next. The Plan is only as good as the ordinance that starts them. I don't want it to consume the Planning Commission forever, so maybe it could be another committee or something. I don't know how you want to do it. I do know maybe there is somebody on the Planning Commission that is interested in working on some of the implementation strategies that were put forward. We also have a new district, right. We have various things that need to be flushed out. So I would say bring the ordinances into compliance, look at those new districts and make sure they are supported by the proper language. Clearly we might want to look at something regarding fracking. We might want to take a look at the noise ordinance and dust it off and make sure its up to snuff. We've had some people asking about that this evening. Those would be my top items.

Chambers: Thank you. Any other Board members?

Carter: If I could comment, one of the problems we constantly had was the zoning and subdivision ordinance saying the same thing. We have ran into that. Someone might pull the subdivision ordinance and try to go by that yet somewhere in the Zoning ordinance might trump it or change it. So what would be the Board and Becca, because you have to pretty much enforce

these, if we had the Zoning Ordinance and subdivision ordinance as an article of the zoning ordinance, a fracking ordinance also to try to work that way so that way if we work on it together, then we know the zoning ordinance is saying the same thing as the other ordinances. How many years have we been trying to accomplish that? A long time.

Talbert: You will keep on. You will never get it.

Carter: Maybe the Planning Commission would want to look at that.

Cobb: I would think so if it's the desire of the board.

Stish: You are administration, you are the officer in charge of this area that has to enforce this, you know, statutorily, does it make you feel more supported or less supported?

Cobb: More supported. I mean, one of the things too that we run into is ours isn't really written as a code, so when there are enforcement issues I have to go to the magistrate and I basically hand him a piece of paper and say this little paragraph right here, it doesn't really translate well into going to court for an issue.

Carter: I was thinking since we have the new zoning district that this would be a good time to bring it together.

Stish: That sounds good. Let's make a motion for that. That's a pretty significant...

Bryan: Do you want that as a motion, Becca?

Cobb: I would like specific direction for the Planning Commission.

Stish: I make a motion to let the Planning Commission work on creating a master zoning ordinance that will have the other ordinances changed to become articles of the same document.

Bryan: I second that.

Chambers: It was motioned by Mrs. Stish, second by Mr. Bryan to task the Planning Commission to do what now? It was so long.

Stish: To draft the zoning ordinance in such a way that it's a master document and that all the other current ordinances become articles of that master document.

Chambers: Thank you. Any questions on the motion? All in favor.

Supervisor Stish moved, Supervisor Bryan seconded and was unanimously carried by the Board to task the Planning Commission to work on creating a master zoning ordinance that will have the other ordinances changed to become articles of the same document.

Re: Certified Letters

Cobb: My last item for tonight is the certified letters. I spoke to you about this previously. Last year we started sending all of our public hearing notices whether for the Planning Commission or your public hearings for zoning issues as adjacent landowner letters and were sent out certified mail. I spoke to you previously that I was getting a lot of those back where the post office was attempting to deliver them three times that they are required and they just won't picked up by the residents for whatever reason. That concerns me. The purpose is not just to prove that I sent the letters. The purpose to me is to make sure that they are actually receiving them and they are aware of the possible change in their neighborhood. So after speaking to you, you asked me to check into some other mailing options. They either ended up with the same type of thing where they have to be signed for. So many people commute out to work and they are not back in time to get to the post office to get those letters. Or they are just really expensive and costly for sending something of value basically value it and send it. In doing a little research and looking at the code and talking to the county attorney, we can do an affidavit where I list...and this is something that I sort of do already where I list all the people and their addresses when I send out the letter. In this I have to include a statement basically certifying that I have done this on this date and I provided an example for you all in your packet tonight and then we have a notary sign off on that. So I'm asking you if we can change to that process.

Staton: I move that we change to the affidavit form of notification. Reason being I received, I didn't know I received it until the second or third certified by the Farm Bureau. I didn't even know it was out there. At least this way it gets delivered to the box.

Talbert: I second.

Chambers: Motion by Mr. Staton, second by Mr. Talbert to change this differently to what Mrs. Cobb had recommended. Any question on the motion? All in favor.

Supervisor Staton moved, Supervisor Talbert seconded and was unanimously carried by the Board to change the way of sending adjacent landowner notices to having an affidavit signed and notarized instead of sending certified letters.

Stish: Thank you for exploring it.

Re: Consider Appointment to the Southside Community College Board

Carter: Yes we had that on the agenda last month. The appointee couldn't that you appointed the month before last couldn't.

Talbert: I talked to Mr. Chenault, I think the reason why he wasn't accepted, teaching there had nothing to do with it. He said he checked into it the person told him they wanted somebody that had never been there and never been involved in what goes on, etc., etc. I talked to him. He was very disappointed that they didn't accept him.

Carter: Do you have an appointee?

Talbert: Senger has never called me back.

Staton: If he can legally serve I don't see why he couldn't go on and serve.

Talbert: I don't see why we need anybody.

Carter: They said he could not.

Talbert: They are not going to accept him.

Stish: He's too familiar with...

Talbert: That's the way to put it right there. Just stop right there.

Chambers: So what do we do?

Talbert: Do you have to have one?

Carter: Yeah, we need to have representation especially with some of the programs we would like to get with workforce investment at the community college. We would like to get some programs started. So we really need a representative and if you all would like for me to serve until we can get an appointee.

Stish: Dr. Snead, do you know of anybody?

Snead: I can look.

Stish: Would you poke around and send us some ideas of who might be...does that work for anybody on this board?

Talbert: Yeah, I've done all I can do.

Bryan: Is there reimbursement for mileage, do you know?

Carter: I think so.

Bryan: I can ask Mrs. Lee if she would be interested.

Carter: I'll let them know that we hope to have somebody in November. If anything important comes up, I'll represent you all until that time.

Chambers: So Mr. Bryan is going to check with somebody.

Re: Consider request from Piedmont Senior Resources Area on Aging, Inc.

Carter: As we talked about last month pursuant to their bylaws, the past appointee can no longer continue to serve due to absences to the meetings. I checked back into that and that is their bylaws. So we do need to appoint someone to the Piedmont Senior Resources Area on Aging. I would expect that tonight you will not be prepared to do that. It really needs to be somebody that works with seniors. Has involvement with seniors or health care. Someone in the health field. So Cassandra, were you going to check with someone?

Stish: When we looked before, Becky, my sister was helping to do some looking around, right? She gave more than one name at that point. Let me see who else was on that list. Now that we know this is no longer an option.

Chambers: So Mrs. Stish will check into this for us. Thank you.

Re: Karl Carter, Sheriff's Department Vehicle Bids

K. Carter: Yes, sir. We had the bid opening for three SUV vehicles for the Sheriff's Office on October 5, 2015 at 11:00 a.m. We only had one vendor participate in the bid opening and that was Gilliam Motors. Their bid per car was \$26,810 for a total of \$80,430.

Talbert: I move we give it to Gilliam.

Bryan: Second.

Chambers: Motioned by Mr. Talbert, second by Mr. Bryan that we award the bid to Gilliam Motors. Any question on the motion? All in favor.

Supervisor Talbert moved, Supervisor Bryan seconded and was unanimously carried by the Board to award the bid for the 3 SUV's for the Sheriff's Office to Gilliam Motors for a price of \$26,810 per vehicle for a total of \$80,430.

Re: Consider Resolution required for Sprouse's Corner Sewer Project Planning Grant

Carter: Yes sir what I have provided to you all this evening is a Resolution of the Governing Body of Buckingham for the US. Department of Agriculture, Rural Development. We have sought and will be awarded a planning grant to help with the design of the Sprouse's Corner project. This is a resolution that they need adopted by the county.

RESOLUTION OF GOVERNING BODY OF

Buckingham County

The governing body of the County of Buckingham, consisting of seven members, in a duly called meeting held on the 13th day of October, 2015 at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the development of sewer availability to Sprouse’s Corner to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator of the County of Buckingham be authorized to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

Buckingham County

ATTEST:

_____ By _____

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Board of Supervisors of the County of Buckingham in a duly assembled meeting on the 13th day of October, 2015.

Secretary/Clerk

Bryan: So moved.

Stish: Second.

Chambers: A motion by Mr. Bryan, second by Mrs. Stish. Any questions? All in favor.

Supervisor Bryan moved, Supervisor Stish seconded and was unanimously carried by the Board to approve the above stated Resolution for the USDA Rural Development for the Sprouse’s Corner Sewage Project.

Re: Consider authorization to pursue planning grants for a design, plan and cost estimate for the development of the new Zoning District NC-1 (Neighborhood Commercial)

Carter: Yes Mr. Chairman. You all have approved for the rezoning of the Industrial Park into a new zoning district entitled Neighborhood Commercial (NC-1). Portions of this property are zoned light industrial. Housing, business and commercial. I believe the county should consider developing the property into sites compatible with the new zoning. A plan and design is needed to develop these sites to make them marketable. Right now we don't have anything that is marketable when you take someone up there. I'm not sure where...I've got a couple things I'm looking into but first I'd like for you all to authorize me if you so wish to explore the concept of developing this piece of property into what you have zoned it as, Neighborhood Commercial 1 and to seek grants, planning grants, to help design that.

Talbert: I move we give her the authority.

Chambers: A motion by Mr. Talbert, second by Mr. Bryan to give Mrs. Carter the authority to pursue this matter. Any questions? All in favor.

Supervisor Talbert moved, Supervisor Bryan seconded and was unanimously carried by the Board to authorize Mrs. Carter to explore the concept of developing the Industrial Park property into Neighborhood Commercial 1 and to seek grants to help design that.

Re: Consider resolution authorizing amendments to the Commonwealth Regional Council Charter

Carter: This is proposed changes to the Commonwealth Regional Council. They again have reviewed their current charter over the last few months and they determined they need additional changes to the Charter. I think most of the changes that I'm familiar with is dealing with nonparticipating entities will be charged for their services. We are a member so we don't get charged as much as say Cumberland County who is no longer a member. A lot of it deals with that and Supervisor Stish is our appointee there. Maybe she can explain more.

Stish: Yes, we mostly are working through this language to #1 allow for exploration of asking other entities like perhaps the regional jail board or regional library or workforce investment board to join. Right now the state doesn't allow those types of entities to belong to a PDC but we are actively seeking support in the General Assembly to have that language extended so we wanted to make sure our charter is actually prepared to accept other eligible entities should that language...

Talbert: Do you recommend this?

Stish: I am. I think this....

Talbert: I move we accept it.

Stish: If you want more details...no details.

WHEREAS, the County of Buckingham is a current member of good standing of the Commonwealth Regional Council; and

WHEREAS, the Commonwealth Regional Council has been discussing an overall review of the current Charter for the Council to reflect the current position of the Council; and

WHEREAS, the Commonwealth Regional Council has authorized a proposed Charter Amendment for presentation to current members in good standing relating to Article III (Principal Office), Article IV (Members), Article V (Dues), Article VI (Officers), Article VIII (Amendments), Article IX (Addition or Withdrawal of Localities or Institutions of Higher Education), and Article X Dissolution); and

WHEREAS, the Commonwealth Regional Council has presented current members of good standing with a Charter Amendment which would amend the above sections of the existing Charter.

NOW, THEREFORE BE IT RESOLVED, that having reviewed the proposed Charter Amendment, copy attached, and having no objections thereto, the Board of Supervisors of the County of Buckingham recommends, and deems it to be in the best interest of the Council and its Members, and

FURTHERMORE, BE IT RESOLVED, as a current Commonwealth Regional Council Charter Member in good standing, hereby directs or authorized its representative to the Commonwealth Regional Council to adopt the Bylaws accordingly to reflect these Amendments.

This resolution was adopted at a regular meeting of the Buckingham County Board of Supervisors held on October 13, 2015.

Chambers: Motion by Mr. Talbert, second by Mr. Staton to adopt the resolution. Any questions? All in favor.

Supervisor Talbert moved, Supervisor Staton seconded and was unanimously carried by the Board to adopt the resolution authorizing amendments to the Commonwealth Regional Council.

Re: Consider resolution strongly opposing any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “opt out” of administering the Virginia Stormwater Management Program and further recommendations regarding an additional stakeholder advisory group with more rural representation

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia’s expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth’s expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173/Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173/Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia’s lead environmental regulatory agency, the DEQ was established as the Commonwealth’s VSMP authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer and enforce the Commonwealth’s environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Buckingham County, along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia’s Water Regulations; including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia’s “Opt Out” localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to “Opt Out” provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration and enforcement; and

WHEREAS, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acres; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisors of Buckingham County **STONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Buckingham County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Board of Supervisors of Buckingham County strongly recommends that DEQ and the General Assembly impanel and additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and program, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

This resolution was adopted at a regular meeting of the Buckingham County Board of Supervisors held on October 13, 2015.

Bryan: After reading that, I move strongly to adopt a resolution for us to oppose that.

Talbert: Second.

Chambers: A motion by Mr. Bryan, second by Mr. Talbert to strongly oppose. Any questions? All in favor?

Supervisor Bryan moved, Supervisor Talbert seconded and was unanimously carried by the Board to approve the resolution opposing any recommendation or effort to reverse or amend the action of the 2014 General Assembly affording Virginia counties and cities the statutory right to opt out of administering the Virginia Stormwater Management Program.

Re: Consider authority to submit March 2016 Tobacco Grant Application for assistance with the Sprouse’s Corner Sewer Project

Bryan: So moved.

Talbert: Second.

Chambers: Motion by Mr. Bryan, second by Mr. Talbert to approve this. All in favor.

Supervisor Bryan moved, Supervisor Talbert seconded and was unanimously carried by the Board to authorize Mrs. Carter to submit March 2016 Tobacco Grant application for assistance with the Sprouse’s Corner Sewer Project.

Re: County Attorney Matters: Cumberland/Buckingham Boundary Information

Wright: I have two matters that I'd like to discuss with you tonight. One of which is the boundary line information between Buckingham and Cumberland County. I met with the Administrator who is also the County Attorney for Cumberland. They acknowledge that there is some difficulty, not with this particular property but that exists between Buckingham and Cumberland. When you factor into the amount of actually establishing the boundary line between it would have to be totally by agreement by cost. I think Cumberland's position is that what we have currently letting Commissioner's resolve based on best information they have available, that she would be in favor of keeping it like that. So at that point your choices are to either make a decision to continue with the same pattern we've had where the Commissioner's based on best information available have located the properties and tax them as to what they think is appropriate or either to begin some type of action to establish some type of boundary line which I would think you wouldn't want to undertake until your next budget year so you can adequately prepare for a line item for that cost. So, the boundary line would have to run from Prince Edward all the way north to the other end to figure out where it ran. I'm not able to determine in conversations that I've had with various people where the beginning point is and where the end point is. So it's not like going to Point A and say this is where we start and going to Point B and saying this is where we end. It would require a pretty good sum of money just to get on the ground for a surveyor to do that. Then secondly, it would probably be a litigation through the General Assembly to have that line established. So I'm asking you for directions as to what level you want to continue.

Stish: This seems so weird to me that we don't know where our county line is.

Wright: We haven't known in a long time.

Talbert: That doesn't help Mrs. Adkins none.

Bryan: How does that help?

Wright: It doesn't. Because actually everything that I've reviewed would suggest that she is not in Buckingham County based on where the application was made where they put their property on a plat. If a surveyor wants to change his information then we need to reconsider. It doesn't help her a bit. Can't sugar coat it any other way.

Carter: The plat clearly showed a line drawn and the home put on the Cumberland side however it said it was taxed in Buckingham County. That's where it was picked up and the permit was given through the County. We were at mistake on that too.

Wright: The way the plat was drawn the land probably at least in the thoughts of the surveyor resides in Buckingham and Cumberland. The line probably goes through that property somewhere. Where the applicant for the permits placed that property on the Cumberland side of the land. That portion of the land would be in Cumberland County. So, where the land had been taxed in Buckingham, Cumberland having an interest in generating income realized that the new

construction was in their portion of the county they asked the Commissioner to agree to have that taxed in Cumberland because it was actually in Cumberland County according to the plat and information presented on the application.

Carter: The Commissioner of Revenue said that had never been taxed in Buckingham.

Wright: The house had never been taxed.

Bryan: How do they currently tax if it currently runs the property line of...

Wright: It goes physically where they believe the house to be, which county they believe it to be.

Bryan: I mean, how's the land taxed if there's no house on it, how do they tax it?

Wright: Generally they carry the tracts of land, they figure the trade of between the two counties on raw land varies. They sort of figure the trade-off equaled out.

Bryan: Then they are saying now, basically, I want the money.

Wright: Specifically they are not saying that specifically. They are saying they like the process they had in the past.

Talbert: Pat Bowe, you know, on the Planning Commission, he's got 500 acres on 600 next to the line of Cumberland and Buckingham. For 30 years he paid taxes in Cumberland County and all at once they said 250 acres is in Buckingham so now he's paying 250 acres...nobody gave him any money back but anyway 30 years he's paid. I went as far as I could. Mr. Wright could tell you the same thing and the County Administrator and lawyer in Cumberland, I met with her for an hour and a half.

Adkins: I guess my question is, I don't understand how the line exists.

Wright: Do you have your plat with you? I'll be happy to show you what we are talking about after the meeting. If you take that piece of paper and the application for the building permit, and drew where your house was going to be built, that shows...

Adkins: At that time that land was in Buckingham County.

Wright: Well, no that plat itself shows where you put your house on that is in Cumberland County.

Adkins: You all have changed it...it has been changed back and forth.

Wright: The piece of paper you presented shows your house in Cumberland County.

Adkins: What can I do to get this resolved?

Wright: You get the surveyor to change your plat to say you are in Cumberland County physically. It will have to be up to a surveyor.

Adkins: This is going to affect all the property owners. If you are moving the line...

Wright: We didn't move the line. Please understand, we haven't moved the line. We can't identify where the line physically is.

Adkins: So how does someone east of me live in Buckingham and I'm in Cumberland?

Bryan: It's a survey line. That basically means the land on my survey line goes up to a point and then back this way.

Wright: We did not move it. This Board did not move it. That is something that happened with the Commissioners of the counties with the best information they have as to where they tax people. Now, I'm not saying they are right or wrong. I'm saying the procedure that has been historically followed is how it's been handled. I'm telling the Board if they want to physically establish that line, they are going to need to spend a lot of money. I'm not talking about just your line, it will be a line established from Prince Edward County all the way north to Fluvanna/Goochland.

Adkins: That's what I'm saying for me to go into Cumberland County when prior to that we were in Buckingham.

Talbert: I told you about Pat Bowe.

Adkins: (couldn't pick her up on the tape)

Wright: Mr. Chairman that is my regard. In regard to the other matter, I'll wait for you to let me know what you want me to do. I'll continue the discussion as long as you care to participate in the discussion but that's my report on that.

Chambers: What is the pleasure of the Board?

Bryan: I know the county residents aren't going to want to spend millions of dollars...

Wright: I don't mean to suggest millions...

Bryan: But as you said there is no starting point, so where do we start? Do we start in Prince Edward?

Wright: You have to understand, you can start with a point as large as this room, and the difference of where you put that starting point and you have the same problem in two other stops

north because the line bends when you get up to Cumberland, it bends to the west because legislature changed that line back...and you've got to establish that point when you've got something as large as this room then where you establish those points from a distance of Prince Edward to those points and then turn it again you've got a whole lot of whiplash that may happen between those counties.

Stish: There are no pins?

Wright: Nobody can show me or tell me where they are. I've asked a lot of people.

Talbert: Well, surveyors make mistakes. I'm not saying they made a mistake in your case but I know in Appomattox with the late Mr. Watkins Abbitt was involved in this and I was selling the property. Well the surveyor came up there and said that's gospel. Well after they built the nursing home in Appomattox and everything, the girl put a nice driveway in and guess what, gospel came over there and driveway was over there. These things happen.

Wright: Mr. Chairman, I know this is not a satisfying answer for her. That's why I need your direction before I start spending the county's money.

Talbert: I think what we should do is give her money enough to bring a lo-boy down there and jack it up and move it over to the Buckingham County line. That's cheaper if she wants to be in Buckingham. I know we can't do that.

Wright: Yeah.

Talbert: It's a modular home and was moved there.

Bryan: Until a better system can be established through the General Assembly just keep it the way it is.

Wright: I'm not sure the General Assembly can resolve it. They set up a mechanism for the counties to resolve it peacefully or at odds with each other.

Bryan: So the system is in place.

Talbert: The same thing happened years ago back in the 60's, 62 or 63 and I was helping the surveyor, make a long story short, and they had an argument about a line and Walter Scott surveyed it and said I prove to you where the line is. 12:00 one night, he went down there on 24 and set up his instrument and said it's not going to be one second before or one second after but that star will come in the crosshairs of that line and it did. They established the line right there. He took me down there where it was and it's not where the county line sign is now, it's above that. So that surveyor has a lot to do with this stuff.

Wright: It does and it has a lot to do with establishing it.

Chambers: The County Attorney is asking what we want to do.

Bryan: I say leave it the way it is right now.

Chambers: Ok. Is that the consensus of the Board?

Stish: One other thing, taxes aside and the embarrassment of not know where our line is aside, she did have some real concerns when she was here the other day. Who does she call when she calls 911?

Wright: Her phone is going to ring someplace.

Stish: That's what's happening. Is it ringing here or there?

Bryan: That's got something to do with the tower. That's going to happen anywhere.

Stish: That's the thing. The dispatchers doesn't really know who to send there so she's in...I'd like for to at least have...

Bryan: It's on physical address. My son has an Appomattox address. He lives in Buckingham. If he calls 911 it's going to hit the Appomattox tower. That's a fallacy of our system. If I dial 911, I'd probably hit the Cumberland tower. Because I'm closest to Cumberland County.

Wright: I'm old enough to remember when it was a long distance call to Cumberland County.

Bryan: You still have to dial 804 to call Cumberland County.

Wright: Prince Edward was a long distance call and because of a little adjustment in phone rate you now have local calling.

Staton: Mr. Bryan, towers are not involved in land lines.

Bryan: Yeah, but I guess her concern is cell phone.

Talbert: In other words she's got to change everything. Voting precinct the whole works. She votes in my district. Vote in there this year here.

Carter: Did you receive a voting registration from Buckingham?

Adkins: Yes.

Talbert: The whole thing is screwed up.

Stish: This is a problem.

Adkins: I had jury duty in Buckingham County.

Bryan: The county attorney has offered to show you the plat.

Wright: I can show you why they came to that conclusion. I can't give you a satisfying answer.

Adkins: I'm no different than when I came in here.

Wright: Absolutely no difference.

Bryan: None of the seven people that sit on this board changed that line. What we are telling you is that your property split between you and Cumberland County. Buckingham County/Cumberland County. You happened to build your house on Cumberland's side. Cumberland is now saying, ha, you live on my side now, now you are going to pay my taxes.

Adkins: But the taxes on the land...

Bryan: On the land itself they were willing to concede the taxes as long as it was unimproved land. Once you started improving that land, Cumberland County is now saying ha, the deal is off. It's null and void.

Talbert: If you hadn't put a house on it, it would have stayed like that.

Adkins: How can we change that?

Bryan: The General Assembly, like you heard him just say, granted the county commissioners to have the right to do that. That's what they are doing.

Wright: That will have to be established through either court proceeding either agreed to by the counties or either an adversarial proceeding which does not include only your property but as I indicated to the Board, beginning in Prince Edward where Buckingham, Cumberland and Prince Edward come together from there north until you get to the James River at some particular point.

Chambers: Mr. Wright, can the county attorney of Cumberland and you get together and come up with...

Wright: We've talked and we passed that off to each side has conceded...Commissioner of Revenues are the more familiar ones. They get the tax map and get the deeds and review that and look at that exchange. I can tell you, I'm happy to talk with anybody but I think where we are going to be at the end of the day is whether we are going to move forward in a different directions.

Stish: They are constitutional officers in their own right, it's their wheelhouse.

Talbert: The only thing I'm saying is in the future, we've got to come up with something, the Appomattox line, Prince Edward line, all the lines around us, we adjoin five counties, if these commissioners have got to have some way of saying when you come in to get a permit or something to say look, are you sure you on the right place to put this house. We've got to have something. It's going to happen again.

Wright: Albermarle and Nelson we are pretty good shape because of the James River. Albermarle we are on the southern side of the river because of the language. Usually you think of a river being the center point but Buckingham County at that point we are south of the river is the way it was created previously. I realize the answer is not satisfying to you. They don't have the authority to say move her to Buckingham or move her to Cumberland. That authority does not rest with the Board. If they had it surveyed and actually had that line established, you still might be in Cumberland County. I can show you why the Commissioners did what they did but that's not going to be satisfying to you in terms of its not going to make it any better so to speak.

Adkins: I have been and talked to the Commissioner in Cumberland and (mic faded out)

Wright: She needs to have a conversation the...again, this board doesn't have the authority to order them to do that.

Bryan: They are constitutional officers, elected officials.

Talbert: We have no authority over them. Just like him.

Wright: County Attorney you do, you have a lot of authority over county attorney.

Talbert: That is just being the county attorney.

Wright: Commonwealth Attorney, maybe.

Bryan: Have you talked to Buckingham Commissioner?

Adkins: She didn't want to hear what I had to say. She told me the line is where the line is.

Talbert: That ain't nothing new. I'm sorry. I have to put it like it is.

Bryan: If the woman in Cumberland is willing to do it, I suggest you go back to her and while you are in her office, have her call here and do a conference call with the three of you on the phone. That's my recommendation. Especially if she is willing to concede. That's a benefit it you.

Wright: The whole line does have personal interest to me. I've spend a few years trying to dig up information and I'm not coming up with satisfactory answer on that.

Re: County Attorney Matters: Solid Waste Site Information

Wright: The other matter that I need to report on is the solid waste site information. If you remember the last time we spoke about this you authorized the survey of property a little bit north of Bates Market to consider for the site to relocate that solid waste facility there. The survey has been completed or at least a draft copy and it shows that there is 0.83 acres of land in that site which Mr. Hill advised me is a little bit less than he thought but he thinks he can use that site to design an acceptable facility. I had a discussion with him today because we want to make sure we are moving forward the way the Board wants to go, what I'm asking is do you want to proceed to see if he can design and put a site there and make sure it will fit on the ground, fit on the site, if he can do that then we will be coming back to you in November asking for a resolution to condemn the property for public purpose which I understand it's not an exciting word to talk about at this time. The county exercising its right to public domain to acquire a piece of property for public purpose. That would be the next step to make you aware of what will be coming should you decide you want to proceed to acquire that piece of property. You have to do that because there is no one that can convey you the title other than through a condemnation process. Which will require the hiring of an appraiser to deal with the value of the land and proceed with that so there will be some cost associated. But I didn't want to tell Mr. Hill to go ahead and design it out until we knew that's what you wanted to do since it's less than an acres, 0.83.

Talbert: I move Mr. Chairman.

Stish: Second.

Wright: If we do that and it looks like we can physically arrange that on the property we will come back to you in November asking you to adopt a deed to take it by eminent domain. Mr. Chairman, that's my report. Thank you.

Chambers: We have a motion by Mr. Talbert and a second by Mrs. Stish to accept the recommendation of the county attorney.

Talbert: Thank you. It will be instrumental to the people of that area.

Supervisor Talbert moved, Supervisor Stish seconded and was unanimously carried by the Board to authorize Mr. Wright and Mr. Hill to design the site to make sure it will physically fit on the 0.83 acres.

Re: County Administrator's Report

Status of the purchase of the Regional Jail Property: First I wanted to update you on the purchase of the Regional Jail Property. I have provided you with a preliminary certificate of title. The plat of 31 acres and a copy of the deed. You will see on the preliminary certificate of title, I wanted to make you aware that Lunenburg County chose not to participate of this aspect of purchasing the property. The way the bylaws are written for the Juvenile Detention facility

and the Regional Jail is that all counties have to agree so what's been drawn up is that the juvenile detention is releasing to each county other than Lunenburg the sum of \$20,000 to each county. The counties of Cumberland, Buckingham, Amelia, Nottoway and Prince Edward, we've already received our money. We are holding it in a fund until which time the property will be purchased. The purchase price is \$95,000 and there is an additional \$5,000 included for closing cost. I wanted to make you aware how that is moving forward.

Grant from the Virginia Department of Elections in the amount of \$3,500 for ADA compliant voting machines: Margaret Thomas has informed you here in a memo that they did get a grant for \$3,500 from the Department of Elections to reimburse the county for the ADA compliant voting machines. So that is mandated to be present. So at least we did get a grant for that.

That concludes my report, Mr. Chairman.

Re: Other Board Matters

Stish: I have one quick thing I wanted to ask, Dot Ragland emailed me and mentioned that she had gone to the trash site at Midway and it was closed at 6:30 and is supposed to be open until 7:00. It was supposed to be open with posted hours. I'm not sure if it was an odd day or what.

Carter: We are open until 7:00 during the weekdays. There should be a sign there.

Stish: She said she was there when it was supposed to be open. She's pretty astute I don't think she mixed it up but I just wanted to bring it to someone's attention to see if somebody had left early or what.

Chambers: It wasn't on a Thursday was it?

Stish: I don't know.

Carter: They are closed on Thursday. Sunday's we close at 6:00.

Stish: She knows the schedule. She uses it all the time. She knows the schedule. She came in and it was late in the evening.

Carter: I'll check with Lyn.

Re: Executive Closed Session

Stish: I move to go into executive closed session for 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

Talbert: Second that motion.

Chambers: Moved by Mrs. Stish, second by Mr. Talbert to go into executive closed session. All in favor.

Supervisor Stish moved, Supervisor Talbert seconded and was unanimously carried by the Board to enter into executive closed session under the above stated Code.

Re: Return to regular session and Certification of business discussed

Stish: I move that we return to regular session and certify that to the best each Board members knowledge only public business matters as were identified by the motion by which the closed executive meeting was convened were heard, discussed or considered in the executive closed session.

Talbert: Second.

Chambers: A motion by Mrs. Stish, second by Mr. Talbert to go back into regular session.

Supervisor Stish moved, Supervisor Talbert seconded and was unanimously carried by the Board to return to regular session and to certify the business discussed.

Chambers: Before we adjourned, we had our 50 year class reunion this weekend, I'd like to thank the Sheriff's department for all the input they had on the road to make us safe. Thank you Sheriff and staff.

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

ATTEST:

Rebecca S. Carter
County Administrator

Joe N. Chambers, Jr.
Vice-Chairman