

**Buckingham County
Board of Supervisors
Monthly Meeting
June 13, 2016**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, June 13, 2016 at 7:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: Joe N. Chambers, Jr., Chairman; Robert C. “Bobby” Jones, Vice-Chairman; Donald E. Bryan; Don Matthews; E. Morgan Dunnavant; Harry W. Bryant; and Danny R. Allen. 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: Call to Order

Chairman Chambers called the meeting to order.

Re: Quorum

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

Re: Invocation and Pledge of Allegiance

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

Re: Announcements

There were none.

Re: Approval of Agenda

Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the agenda with the following addendum:

- Q. County Administrator’s Report
 - 2. Solid Waste Matter
 - 3. Consideration of a Letter of Sympathy and Appreciation to the family of Robert Smith

- T. Executive Closed Session: **Section 2.2-3711.A.7 – 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.

1. Return to regular session and certification that to the best of 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

Re: Approval of Minutes

Supervisor Allen moved, Supervisor Bryan seconded and was unanimously carried by the Board to approve the minutes of the May 9, 2016 meeting as presented.

Re: Approval of Claims

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

Re: Approval of First Quarter Appropriations

Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the First Quarter Appropriations as follows:

FY 2016/2017 FIRSTQUARTERAPPROPRIATIONS

General Fund	\$	2,028,961
Water Fund	\$	345,134
Sewer Fund	\$	91,824
VPA Fund	\$	432,962
CSA Fund	\$	398,115
***Courthouse Debt Service	\$	548,840
**Debt Service - Middle School	\$	837,192
**Debt Service - Elementary School	\$	2,091,139
Schools:		
Instruction	\$	4,031,604
Adm/Attn/Health	\$	284,261
Transportation	\$	493,463
Buses	\$	45,000
Operations	\$	541,834
**Debt Service	\$	114,288
Cafeteria	\$	296,735
Technology	\$	237,027
	\$	6,044,213

**Actual Budget Numbers

Re: Public Comments

Linda Paige: Good evening, Mrs. Carter, Mr. Carter and the Board of Supervisors. My name is Linda Paige and I live in the Town of Dillwyn. Tonight I am here to speak in support of a new public library. The saying that a library is more than just books is what I would like to elaborate on this evening. GED classes were taught in the library for many years. Unfortunately the size of the meeting space cost us to discontinue meeting there. Fortunately for the GED program, the students, I had too many students to house there. That was unfortunate for the library because a lot of the students would use the library while getting their GED's. A school setting for the GED program often times do not work for the students who are coming back to get their GED's. This is very simple. You didn't have success at first when you went there so you would go back to again. The area is just uncomfortable. People are just uncomfortable with that. The library setting provided a neutral setting for the people. They felt comfortable there to pursue their GED's. There are about 50+, this is counting in the last 10 years that I've been keeping records of people getting their GED's while at the library. These GED's graduates now are college graduates, community college graduates, correctional officers, nurses, CNA and the list goes on. I'm asking you and pleading with you to consider building a new library so the GED program can be housed there once again. Thank you.

Sammy Smith: Good evening all you lovely people. My name is Sammy Smith and I live in District 5. Since I'm your liaison for the Farm Bureau, I thought that I would just bring you up to speed on our last little Ag Pack. First off, farm buildings. Some of us don't know what the definition of a farm building is because if it looks like a barn and it's got your motor home in it, it's no longer a farm building. It needs to be taxed as so. Next, farm use tags and the abuse thereof. Everybody in here has seen a 17 year old kid driving down the road in a \$55,000 jacked up pickup truck with farm use tags on it. That has got to stop. It's hurting everybody because our illustrious governor with the stroke of his pen could knock out farm use tags all together if we don't do something about the abuses. Next, growing marijuana. A few years ago we the farm bureau introduced a bill that passed to grown hemp. Remember hemp is not marijuana. I'm going to read the last statement of how Farm Bureau feels. We support the Drug Enforcement Administration change the cannabis classification from a schedule 1 drug to a schedule 2 classification for the sole purpose of doing clinical studies on the effects of human beings. That is medical marijuana. It's not recreational marijuana. Last, net metering. Net metering is where you get a discount on your electric bill because you are a farmer. It didn't work when it started, it doesn't work now. Farm Bureau's feeling on it. We support net metering with a background check included. That's all your liaison has to say tonight.

Quinn Robinson: Good evening. Quinn Robinson, Andersonville, District 4. I just have two things of importance tonight. One is the library. I noticed that it's been 2 years since the last board approved the Wingo Road site. My concern is we are now back at the school and I think both of us know is not adequate for that but we are spending money to determine that once again and we also have the Virginia Growth Alliance who is supposedly marketing that for \$17,000 a year. You are adding to the cost of the library. It's being side railed by all this stuff and it's not helping. You should really start to evaluate in terms of whether or not you back it and if you are going to do it. Because you can come across with any kind of criticism to slow it down and it

just...it's hurting everybody. I hope that you can clarify. The last board did the same thing. They tried but couldn't get it together. Don't think that people looking at this county for investment and how it manages things aren't following this saga of one decision countermanded by another by another by another. This isn't some marathon. It ought to be clear. If there is a need, get busy and build it. The other thing is the pipeline of course which I think is a great tragedy for this county and this state. I want to refer you to a short video that was on the website for the Friends of Buckingham about a survey that took place at my farm. I was critical of it because guarantees were made in the courts here in Buckingham by Judge Blessing about how it would be done and the offerings were made by Dominion to ensure us it was just a routine things and the members of the crew would be wearing photo identification badges, tags is what they call them, cards or whatever. When they got there they weren't doing it. They were hostile and it's not the fault of the people hired by the crews. There is no problem of any member of our sheriff's department. They are doing a great job. But the whole thing ended up with my rights being pretty well trounced because the rulings by the court were not clear and not upheld by the first resources that I could seek. It's just not fair. This can be done to anyone. We all suffer from this. I want to thank you and I hope you can get clarification on this. One last thing if I may. Please use your microphones. I can't hear that well and if you are not up on it nothing comes out. Thank you.

Re: VDoT Road Matters

Shippee: Do you want to start with public hearing or give a maintenance update first?

Chambers: Maintenance update.

Shippee: Just a brief maintenance update. Currently our crews are working on ditching, pipe replacement and mowing is a big focus right now. We've got VDOT crews out mowing primary routes. Contractors out mowing secondary routes. We've had a big push the last couple weeks doing some plant mix leveling and adding stone to our unpaved roads for the end of the fiscal year. Because of that Georgia Creek Road, our rural rustic, was pushed back. You should start seeing some activity this coming week. Actually they should be out there tomorrow doing some motor grader work out there and pushing forward with that. Aside from that any questions, comments, concerns before we move on to the public hearing?

Dunnivant: I've got 2. The roughness of Rt. 15 that's just outside my district but my constituents go to Farmville and have asked me to speak to you about it. Right there at Willis Mountain, location known as Peaceful Valley, it's pretty ravelly right there and there's been a lot of patching that's been done in the wheel tracks. The other location is the southbound land of Rt. 15 at Rt. 20 intersection. Since Colony Construction is back up here paving again this year, and they left that bump there last year, I asked you to get them to come back out and put some leveling on it. Something to smooth that thing up. It will knock your teeth out in a tractor trailer I understand.

Shippee: Alright, I'll talk to our construction folks and make them aware of that. I know that Colony does have a couple spots they need to repair. One of them is on 15 S near Goldmine

Road. It's like a washboard road where they had some kind of equipment issue. Why they didn't fix it while they were there I don't know but they will be back to fix that and I think there is a couple spots on 20 they need to fix as well. We'll make note of that and pass that information along. Anything else from the Maintenance side.

Re: Public Hearing: VDOT: Proposed Six Year Plan for Fiscal Years 2017-2022 and the Secondary System Construction Budget for FY2017

Shippee: I believe you have a copy of the draft in front of you. Real quick Fiscal Year 2017 which will start July 1st, we've got a total allocation of about \$395,000. Of that \$335,000 are designated for unpaved roads. About \$60,000 is telefee. Moving forward you can see on that top line that the CTB Formula-Unpaved State stops in 2021. Now last year and the year before we had 0's from that point on because we weren't sure what we were going to get. If you look at the bottom line of that sheet you will see District Grant-Unpaved. That is a result of House Bill 2 and House Bill 1887 process. As you can see we've got some pretty significant figures that Buckingham County is going to get in FY 21 and 22. It's about \$613,000 in each one of those years and could quite possible be the same in 2023 as well. We won't know until next year. As a result of that, just for...I'll go back and go through the order in a minute but if you will look at page 5, the very first line item says "Buckingham County Unpaved Road Funding. All the way to the right under the Balance to complete a total of \$999,530. That is the amount that we have that we can now program for fiscal years 2021 and 22 for unpaved roads. Figure about \$125,000 a mile being conservative you are looking at about 8 miles of unpaved roads we can surface. What I'll ask you to do is be thinking about what roads you would like to add to next year's plan and talk to your citizens and see what's been a common concern and what we'll do is come back probably in late fall or wintertime and have a work session where I will take down all your requests to add to this plan. I'll go back and evaluate them and make sure they meet the 50 vehicles per day requirement and give you a preliminary ranking based on number of residences served, number of vehicles per mile and that type of thing. Then we will come back and determine what roads in what order you want to add to the Six Year Plans to make good use of these dollars.

Dunnavant: Is that construction contracts or can we do it as rural rustic?

Shippee: It's for unpaved roads and we intend to do them as state force projects which is why we are able to get as many projects as we are now. The downside to that is we have to manage that with our other maintenance activities. Georgia Creek Road for example, we've had to push that back a couple times because we've had some other things come up. The money is there and we are going to get it done, it's just kind of a balance there. If we were to do it with contract labor, you are probably looking at twice the cost to get it done. We are trying to get these done with state force labor. The purpose of this public hearing is to go through the priorities on the six year plan. It's not to add any more projects this year. It's mainly to make sure that you guys are ok with the priorities as listed. That priority is where we apply the funds first. It doesn't necessarily mean that Road A is going to get built the first year. It's just when we get money this is where we are going to put it first. Priority #1 which is I believe Priority #4 last year is 662, Midland Road. It's about a 4 miles project. Right now it looks like we are getting a

majority of the funding in FY2017 but won't be fully funded until FY2018 which means we won't be able to start construction until at least July of next year. Going down the list, priority #2 is 653, Logan Road; #3 is 698 Mountain View Road; 689, Old Shephards Road is #4; 695, BAH Road is #5; next page Rt 644 Bridge Road about 2.7 miles is priority #6. Rt. 624 CATA Road is priority #7. 731 Alpha Road is priority #8; 786, Old Jones Road is priority #9; 617 Copper Mine Road; that .3 mile section is priority #10; and then the last priority we have on the list is 737, Warminster Church Road which should be fully funded in FY 2021. On the last page, page 5 of 5 you will see the 3 rural rustics that we did in the previous year, Georgia Creek, Fender and Frog Pond Road. Those are still on the plan because we are waiting on financial close out. Once we get that done, these projects will drop off the list. Any comments or questions?

Chambers: Anybody have any questions for Mr. Shippee?

Shippee: If there is no questions, all I need from you guys is a resolution stating that his is ok. Mrs. Carter has the language for that.

Carter: You need to open the public hearing for the public.

Chairman Chambers declared the public hearing open.

Charlie Monk: Good evening Board of Supervisors. My name is Charlie Monk, District 6. This is an attempt to reprioritize your effort regarding the six year plan on the roads. I live on 684 also known as Cobbs Road. I've been a resident of Buckingham County for approximately 6 years now. When I moved here that road had 5 residences on the road. Its 1 mile long. We now have 8 residents on the road and it's still 1 mile long. We need to pave this road because during recent snow activity three of the residents on our road became mired. The road became unpassable. It is now impossible for 2 lane traffic to go on that road without going off the shoulder. We are paying our taxes. We now have the residences and the density population I think to justify this. In 2012, VDOT did a volume survey of the road and it surpassed. It met the criteria. This is in 2012 with only 5 residents with 50-57 cars per day. We now have 8 residents on this road and you see it expedientially has gone up. It is a safety hazard and a concern for the residents on this road. I'm asking for your assistance on this to get this road paved before something catastrophic or bad happens on this road. Ok. Thank you for your time. I appreciate it. Thanks.

Chambers: Mr. Shippee, is it possible you can check this out for him to see if it's a hazard on the road?

Shippee: I'll evaluate it from a maintenance standpoint. This is a road that we can add to next year's plan.

Mike Edgett: My name is Mike Edgett and I live on Cobb Road. Charlie is my neighbor. I've lived there 33 years. I've seen it go from a decent gravel road with slate on it down to a one lane dirt path. It's strictly dirt now. We've got new homes on that road that every time you drive

down that road a big cloud of dust goes over those homes. It's not some place where you really want to live but people are moving in there. We just recently had all the trees cut down all along that road. The lumber company there has cut all those trees and the trucks going in and out of the road caved in the end of the road where you go on 652. So you have these holes about this big where you were to drive an automobile tire in there you would have some serious damage. Nothing was ever done after the trucks left. They usually do something to fix the road. The road basically right now is dirt when it's dry and mud when it rains. You can't keep your car clean or drive safely. The mail lady drives down the road every day of course and it's like she's drag racing the UPS truck. She flies down that road. It's a hazardous situation with accidents waiting to happen. I'd like to see it paved. There was a time when I lived there and Rev. Jones lived on the other end of the road and it was fine. But now you can't maintain it with the amount of traffic that's on it now. It needs to be paved and done properly and it would be well worth doing. That's all I've got to say. Thank you.

Allen: What was the number of the road?

Edgett: 684. Nobody ever checks the road anymore. Since Mr. Noble retired, he used to check it and if it needed something he's send a truck out there and take care of it. But the only ways somebody comes now is if someone calls and complains about a pothole and they come and dump a truckload of I can only describe it as debris. It's not stones or anything. It needs looking into I think. Thanks for your time.

Chairman Chambers closed the public hearing.

Bryan: Mr. Chairman I make a motion that we proceed forward with the Six Year Plan as presented.

Allen: Second.

Chambers: Motion by Supervisor Bryan and second by Supervisor Allen that we move forward with the Six Year Plan as presented. Are there any questions?

Bryan: I have one, Mr. Shippee, you are going to take a look at 684?

Shippee: Yes.

Bryan: Can you let us know please?

Shippee: I will.

Chambers: Thank you.

Allen: Do you still put calcium chloride on the roads to help with dust?

Shippee: We do on occasion. We do dust control at houses 200 feet from the road. We don't do the entire road with calcium chloride.

Allen: I was just wondering. Sounds like you've got a lot of dust problems. You are not going to pave that road no time soon so it might help with the problem a little.

Chambers: It's about 1 miles, is that correct?

Monk: 1 mile, yes.

Chambers: Thank you. Ready to vote? 7 yes.

Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the Six Year Plan as presented for FY2017-22 with the following resolution:

Buckingham County Resolution

At a regular meeting of the Board of Supervisors of the County of Buckingham, held at the Buckingham County Administration Complex on Monday, June 13, 2016 at 7:00 p.m.

Present were: Joe N. Chambers, Jr., Chairman; Robert C. "Bobby" Jones, Vice-Chairman; Donald E. Bryan; Don Matthews; E. Morgan Dunnivant; Harry Bryant; and Danny Allen.

On motion by Supervisor Bryan, seconded by Supervisor Allen and carried:

WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2017 through 2022) as well as the Construction Priority List (2017) on June 13, 2016 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Scot Shippee, Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2017 through 2020) and the Construction Priority List (2015) for Buckingham County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Buckingham County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2017 through 2022) and Construction Priority List (2017) are hereby approved as presented at the public hearing.

Re: Public Hearing: Dam Break Inundation Zones

Cobb: Yes, this is public hearing for the Dam Break Inundation Zones. Last month you sent it to advertise and I'll read for the record that we will be adding a lite to the Zoning Permit Form requiring the applicants to basically check off whether or not the property is in a dam break inundation zone and helped with this by our office with help from Peter Francisco and add into the zoning ordinance itself under Article 4-General Provisions Zoning Permits: All zoning permit applications shall include a statement whether the proposed structure is within, or encroaches into, a dam break inundation zone as noted by the Dam Break Inundation Zone maps provided by Peter Francisco Soil and Water Conservation District. Applicants shall be notified at time of permit issuance if the structure is located in a DBIZ; however, no structure shall be prohibited as a result of being located in a DBIZ. Any permit from a structure within a DBIZ shall be forwarded to Peter Francisco Soil and Water Conservation District. This has been advertised in the paper and I ask you all to hold that public hearing tonight and make a final decision whether or not to add this in.

Chambers: Thank you Mrs. Cobb, we can open the public hearing now, Mrs. Carter?

Carter: Yes.

Chairman Chambers opened the public hearing for comments.

Marie Flowers: I'm from District 3. The last public hearing, Mr. Dunnivant suggested that umm investors have a higher building standard and that um resident owners just have to be told that the dams can break. Um, I think that's discriminatory and I think...is that part of this, does that apply to what...

Cobb: It's been changed to where everyone is just notified.

Flowers: Everybody is just notified. Ok. That's not discriminatory. But also we live in an earthquake zone and no matter how well the dams are maintained, um an earthquake may cause the dams to break. One of you said that a wall of water could be 15-20 feet and um and we are not notified of an earthquake. We have no prior notice. Such as a storm. So I think we should have strict standards in the building code and that's all I have to say. Thank you.

Sammy Smith was on the sign-up sheet but chose not to speak at this time.

Chairman Chambers closed the public hearing.

Dunnivant: You want to vote on this?

Carter: If that is your desire.

Dunnivant: I move that we adopt the zoning ordinance change for the dam break inundation zones as it's been presented here tonight.

Bryant: Second.

Chambers: A motion by Supervisor Dunnivant and a second by Supervisor Bryan to adopt the zoning changes for the dam break inundation zones. All in favor? 7 yes.

Supervisor Dunnivant moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the changes to the Zoning Ordinance as stated above referring to the Dam Break Inundation Zones.

Re: Zoning Matters: Special Use Permit for Bed and Breakfast-16-SUP234

Cobb: Yes, this is Case 16-SUP234. Owner/applicant is Sydney Patterson for a Special Use Permit for a bed and breakfast. Tax Map Section 206, Parcel 1, Lot 1 containing 8.4 acres, off of Sawmill Road, in the Francisco Magisterial District.

The Planning Commission did hold a public hearing on this and is recommending approval with the following conditions. Tonight the applicant is here if you have questions for her otherwise I ask you to set a 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. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions.
5. Ample parking for occupants shall be supplied on premises and no roadway shoulders shall be used.
6. 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.
7. That the property be kept neat and orderly.
8. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable
9. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Planning Commission or Board of Supervisors.
10. 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.
11. That the applicant (s) understands the conditions and agrees to the conditions.

Dunnivant: All we are looking for tonight is to set a public hearing for next month?

Cobb: Yes, unless you have questions for me or the applicant.

Dunnavant: I don't have any questions for the applicant. I have some questions for the conditions. We can deal with it at the public hearing or deal with it tonight.

Carter: The public hearing is held on the proposal so if there is something you want changed in the conditions, it needs to be done before the public hearing.

Dunnavant: I take issue with item #7, property to be kept neat and orderly. We don't have any standards anywhere that I'm aware of, of what exactly is neat and orderly. My opinion of neat and orderly may be entirely different than the other six people on the board and our county employees so without a standard for neat and orderly I don't think we can enforce that. If we even want to, one man's junk is another man's treasure.

Carter: We have a Health and Safety Ordinance.

Dunnavant: We do and it can be addressed under that. Piles of heaps and piles of trash but neat and orderly is hard to define. #10 The County Zoning Administrator and one other 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. I don't agree with that anytime. I believe it needs to be looked at at the time of commencement that they have adequate parking, the facilities are as they described and perhaps a yearly inspection or something like that but the anytime does not bid well with me.

Carter: This is pretty much a standard of conditions. Our Zoning Ordinance and Enforcement Officer wouldn't be constantly going out there but they may get a call that reports a problem and this gives them authority to make sure they are complying with the conditions.

Dunnavant: Well then it needs to add the wordage that it's to review complaints and the landowner needs to know the name of the complainer. There is nothing anonymous. Everything is out in the open. Anonymous complaints carry no weight. That's my opinion. I don't know how the other fellas feel.

Matthews: Is that just for bed and breakfasts or is it...we don't do this to other businesses.

Cobb: For all Special Use Permits. These are pretty standard conditions for all those.

Dunnavant: Another question I have, everybody knows I'm not protax, I do believe we have a lodging tax that takes revenue from the motel. Well this is a lodging operation. Is its taxing operation addressed?

Carter: When it starts operation it will.

Dunnavant: This is a good place to clarify that that there will be a lodging tax.

Chambers: You want to set a public hearing for July?

Allen: What do you want to do about the complaint that we have here now? We haven't settled this yet.

Dunnavant: What are we going to do about the questions? I'm the one that raised them.

Allen: 7 and 10. What do yall think about that?

Dunnavant: It does need to be reviewed but my issue is with the anytime.

Allen: You are not going to know when something is going to happen. Anytime is in there because someone may call you next week or next year. Anytime...you might want to throw in there "anytime we have a complaint". Maybe that will make it sound better.

Dunnavant: Sounds more palatable than anytime.

Bryant: Anytime there is a complaint, you have the authority to go check it out.

Bryan: I agree with Morgan. His idea of neat and orderly could be totally different than mine. I mean just for a matter of clarification.

Matthews: Who is going to enforce that neat and orderly? Whose job is that?

Carter: The health department and our enforcement officer together.

Matthews: Will determine if it's neat and orderly. They are being inspected anyway if they are serving food. Is that the health department you are talking about?

Carter: Serving food has to have permitting through the Virginia Department of Health.

Dunnavant: That's not our problem to police.

Carter: Your conditions state it must comply with all state and federal laws and local ordinances.

Dunnavant: My concern with neat and orderly. I did a lot of my work prior to getting here in Chesterfield and Henrico. Those urbanized counties. They all have architectural review boards to do anything. I'm sure everyone remembers the flag pole fiasco. The man was flying a United States of America flag and the homeowners association and architectural review board told him he couldn't fly it. I'm all for being proactive to curtail anything that starts heading us, a rural locality, in that direction.

Cobb: So for #7 what we can do is refer to the health and safety ordinance and that sort of thing to be in compliance.

Allen: What does it say? What are we agreeing to?

Carter: You all have a health and safety ordinance that if we see anything in a residence or any area that is a safety issue, perhaps children could fall in a hole or a health issue as far as rats or snakes or whatever, we send out our officers and the health department goes out with them and they make a determination that comes back the Board of Supervisors. The Board of Supervisors decides if it is...

Dunnivant: We've already got that approval on the books. So it applies whether it's written here or not wouldn't it?

Carter: Yes and I guess it would come under #1.

Dunnivant: All federal, state, and local and we are local, laws be strictly adhered to.

Matthews: I think you should eliminate #7 all together since it's going to refer back to #1.

Allen: So what are you going to do with #10?

Cobb: #10 I believe was suggested to add upon complaint. After it says shall be allowed to enter the property, upon complaint anytime to check for compliance.

Dunnivant: Be a complaint driven response. That will be fine. The county zoning administrator and one other employee as appointed by the county administrator shall be allowed to enter the property if a complaint has been lodged against the operator for review of compliance with permit conditions.

Matthews: Where is Mrs. Patterson? Is she here today? Do you have anything to lend to this Mrs. Patterson?

Patterson: No.

Dunnivant: Do you agree with what we are proposing to change it to?

Patterson: No problem.

Dunnivant: I move that we strike #7 in its entirety and edit #10 to read as "The county zoning administrator and one other county staff member as appointed by the county administrator shall be allowed to enter the property if a complaint is registered against the property for noncompliance with this permit."

Bryant: Second.

Chambers: A motion by Supervisor Dunnivant and second by Supervisor Bryant to strike #7 and revise #10 with the language he just used. Any questions on the motion? 7 yes.

Supervisor Dunnivant moved, Supervisor Bryant seconded and was unanimously carried by the Board to strike #7 in its entirety and edit #10 to read as “The county zoning administrator and one other county staff member as appointed by the county administrator shall be allowed to enter the property if a complaint is registered against the property for noncompliance with this permit.”

Cobb: I’ll also need a motion for public hearing. To set this as public hearing.

Chambers: We have one set for 7:15 already don’t we? For the dam?

Cobb: No.

Allen: Just say after 7. If you put a time on it you end up waiting.

Dunnivant: I’d just say after 7 that way if we move on quicker we can go ahead and move in to it.

Chambers: Do we need a motion to set that public hearing?

Carter: Yes, sir.

Dunnivant: I move that we establish a public hearing to review this zoning application on July 11 after 7:00 p.m.

Bryan: Second.

Chambers: Motion by Supervisor Dunnivant, a second by Supervisor Bryan to set this public hearing after 7 p.m. on July 11. Any questions? All in favor. 7 yes.

Supervisor Dunnivant moved, Supervisor Bryan seconded and was unanimously carried by the Board to schedule a public hearing on July 11, 2016 after 7:00 p.m. to hear public comments regarding 16-SUP234 for bed and breakfast.

Re: Commissioner of Revenue: Consider reimbursement of \$1,067.98 due to incorrect taxing

Donald & Pamela Bromley were taxed incorrectly on a travel trailer for tax years 2013-15 due to a data entry error.

Commissioner of the Revenue respectfully request that Donald and Pamela Bromley be reimbursed for the \$1,067.98 in taxes paid in error on this travel trailer.

Bryan: So moved.

Bryant: Second.

Chambers: A motion by Supervisor Bryan, second by Supervisor Bryant that we consider this request. Any questions? All in favor? 7 yes.

Supervisor Bryan moved, Supervisor Bryant seconded and was unanimously carried by the Board to reimburse Donald and Pamela Bromley the \$1,067.98 in taxes paid in error.

Re: Sheriff Department: Consider transfer of \$1,340 from donations fund to police supplies for “Little Citizens” awards

Sheriff requests that \$1,340 be transferred from the donations fund into budget line 31200-6009 police supplies. This money was donated to the Sheriff’s Office to use on the “Little Citizens” awards. The money was used to purchase gift certificates from Wal-Mart to be given to 2 students from each class from grades K-3.

Allen: So moved.

Dunnivant: Second.

Bryan: Did you want to speak, Sheriff?

Kidd: Not necessary.

Chambers: I’m sorry. Motion by Supervisor Allen, second by Supervisor Dunnivant to consider this request. Any questions? All in favor? 7 yes.

Supervisor Allen moved, Supervisor Dunnivant seconded and was unanimously carried by the Board to approve to transfer \$1,340 from Donations fund to line item 31200-6009 Police Supplies for the “Little Citizens” awards.

Re: Karl Carter: Final Phase of Sidewalk Project

K. Carter: Yes, sir, Mr. Chairman. With the help of CRC, we bid out the final phase of the sidewalk project for the courthouse area. Those bid openings were Wednesday, May 18th. We received 2 bids with the lowest bidder being S. Walker Construction for \$180,000. They are the ones who did the last phase of the sidewalk so we know the work they do and they are good at keeping in compliance with VDOT regulations and paperwork. But also it’s important to note that this entire project has been done with grant funds from the federal government. Due to the County doing “in-kind” work and costs with work at the court house even that far back and work on this building, we met our match requirement so there is no out of pocket money for this project. The last phase of this project is proposing to start at the courthouse on the west wide and head west to the curve where the sidewalk starts at now. I ask that you approve this bid from S. Walker Construction pending approval of VDOT at a cost of \$180,000.

Allen: So moved.

Bryant: Second.

Chambers: A motion by Supervisor Allen second by Supervisor Bryant to approve the bid of \$180,000. Any questions?

Bryan: I have one. Karl, is there anyway, driving down the other day I noticed we have a lot of grass growing up in those sidewalks. Can we get that taken care of too? They look nice but they also look unsightly.

K. Carter: Unfortunately, the way the design is with those bricks, there is a gap there so grass is going to grow through it.

Bryan: Roundup?

K. Carter: We can get staff to go down there but when we have our kick off meetings, the appearance of the sidewalk is the responsibility of the landowner eventually because it's not our property. We can talk to staff to see if they can get some roundup down there.

Jones: Isn't there a process that when you do sidewalks and are preparing them that you put down a type of paper before you put the concrete on top of it in order to prevent this?

K. Carter: Yes, but over time it's going to come through there. If you look at the sidewalks now, they don't even have the brick and they have grass growing through them because of the cracks in them.

Dunnivant: A lot of the good chemicals we used to have has been taken away from us now.

Bryant: You are right.

Chambers: All in favor of the motion? 7 yes.

Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the bid to S. Walker Construction for the final phase of the sidewalk project in the amount of \$180,000.

Re: Social Services: Consider reappointment/appointment of a board member to the Social Services Board

Chambers: Who is serving now?

Allen: I'm serving now. There was just a few months left on Mr. Snoddy's term. That ends and now it's a four year term. I'll keep it if you want.

Bryan: So moved.

Matthews: Second.

Chambers: Motion by Supervisor Bryan and second by Supervisor Matthews to reappoint Danny Allen to the Social Services Board. Any questions? Ready to vote. 7 yes.

Supervisor Bryan moved, Supervisor Matthews seconded and was unanimously carried by the Board to reappoint Danny Allen to the Social Services Board for a four year term.

Re: Consider public hearing for revisions to the No Fence Law Ordinance to include chickens, ducks and geese

Jones: Mr. Chairman, I have four very teed off families that are having a problem of neighbors chickens, ducks and geese coming into their yard not only scratching away the mulch around the azaleas but they go up on the deck take care of their poop. I don't know how many of yall have stepped in poop. I did when I was kid and it's not very nice. All we want is once the neighbor knows that it's going to be enforced it won't be a problem but we've got to have a public hearing to get approved to do it. I make a motion that we approve as written.

Dunnivant: Second.

Chambers: Motion by Supervisor Jones, second by Supervisor Dunnivant that we set up a public hearing on this ordinance on July 11.

Dunnivant: I'd say after 7 following the previous public hearing.

Chambers: That's good. Ready to vote. All in favor? 7 yes.

Supervisor Jones moved, Supervisor Dunnivant seconded and was unanimously carried by the Board to schedule a public hearing on July 11 following the previously set hearing to hear public comments on the addition of chickens, ducks and geese to the No Fence Law Ordinance.

Re: Consider officially designating the County Administrator and the Assistant County Administrator as the FOIA Officers

Chambers: Do we need a motion for that?

Bryan: Mrs. Carter, do we need a motion?

Carter: Yes, this is due to new HB818 effective July 1. We have to designate a Freedom of Information Officer and department. We have the department with IT.

Chambers: We have a motion by Supervisor Bryan, second by Supervisor Matthews that we consider the county administrator and asst. county administrator for this office. Any questions? All in favor? 7 yes.

Supervisor Bryan moved, Supervisor Matthews seconded and was unanimously carried by the Board to designate the county administrator and asst. county administrator as Freedom of Information Request officers.

Re: County Attorney Matters

There were none.

Re: County Administrator Report

Update on the renewal of East Cost Water Permit application: Yes, Mr. Chairman. My first item is to bring you up to date on our application to have a water permit at the James River renewed. As you all know we have an availability of up to 700,000 gallons of water. That permit expires the end of December. One thing that has helped us with our application is that it is included in our Water Supply Plan that DEQ had approved. It's approved as that being another source. Mrs. Cobb has worked hard on this and we've been working with DEQ and East Coast Transport trying to have that water reserved for future use for industrial development, economic development and even public use at that end of the county. So far it appears we are under a 30 day review of our application. We've only had one comment back and that was from the Department of Health. That said if the county ever did get to the point where they would use that water as potable water of course they would have to go back through DEQ and have some water testing. In my opinion this is some good news. We've been very fortunate. For those of you that don't know this water permit was part of the negotiations with the natural gas facility that came in that end of the county. So, I'll keep you posted. We are in a joint application with East Coast Application this time with the Department of Environmental Quality. I will keep you posted on that.

Solid Waste Matters: The next issue is solid waste matter. We did have our work session as you know last Monday. I'll first state the things that came from that work session. Even though no official action was taken, I believe it was the consensus of the board that the following changes would take place beginning August 1, 2016:

1. All Manned Sites will be closed two days a week. The days to close will be considered by the Solid Waste Manager.
2. All Manned Sites will be closed from 11 am until 2 pm on the days they are opened.
3. Route 56 Site will become a manned site and will also close according to the same guidelines as the other manned sites.
4. The County Attorney is to communicate with VDOT regarding some of the VDOT property at the Bates Store unmanned solid waste site.

I believe we did have a very good work session however, I think it got late and we really didn't talk about some of the impacts it could have financially and otherwise. Also this was to be used as a 6 month trial. So I did a little work after the work session and changing the schedule of the manned sites by closing all of the manned two days a week and closing them from 11 am until 2

pm on the days they are open will result in a savings of 45 manned hours a week. The new manning of Route 56 for ten hours a day for five days a week will need 50 manned hours. The county will need to pay an additional five manned hours. I believe this scenario will have a very negative impact on the remaining unmanned sites and will require more man hours to clean up the remaining four unmanned sites due to high volume of unmanned use 24/7. I believe the closing of the sites with the roll off containers 65 (45 hours other sites and 20 hours Route 56) additional hours per week will bring cause to suspect further construction material abuse of the unmanned sites will take place. I also want to call to your attention that to convert Route 56 site from an unmanned site to a manned site the county will need to have electricity brought to the site, have a monitor's building placed and a porta rest room facility. I think the primary reason for our work session was to do something about what we call the mess at Bates Market. This 6 months trial so far we are still leaving that open and closing our manned sites 2 days a week and the days they are open closing from 11-2, I believe you are going to find more abuse of these sites. My recommendation, I met with the Solid Waste Committee this morning, my recommendation would be prior to doing a 6 month trial, now that the full board has spoken what you would like to see done, the direction you would like to go, to take all this information back to the Utilities Committee and give them 90 days to come back to you all with a recommendation on how to address the things you all brought up and your concerns. Also by that time we would know more about the VDOT and if you still want to pursue the VDOT issue, that committee would make a recommendation on the Bates site. It would also be looking for a site in Supervisor Allen's district to possible become a manned site. We would also be looking at our Solid Waste Ordinance and also our Building Inspection Ordinance because I believe some of the discussion were we need to get tighter on some of the issues of what we do when we do find someone illegally dumping in our sites. Everyone's goal is to save money but also we've got to provide the service and also be convenient to the taxpayers. We thought about it, for example, the Dillwyn site is the main hub. That site is used more than anyone. People come to use that site recycle and they responsibly take care of that site. Because we have other people illegally using the other sites, it appears we are going to be penalizing those people by closing that site 2 days, its open now 7 days a week. Closing 2 days a week and also closing every day from 11-2 every day it's open, bottom line is the trash isn't going to lessen for that area. It's going to have to come into the site. It would be my recommendation and I believe the recommendation of the Utilities Solid Waste Committee is that the Board refer this to them and come back with a more concrete recommendation that addresses all the concerns but also addresses the concerns of what to do about Bates Market. I know the financial has been a consideration of should we do the Bates site. We've had discussions, if the Bates site is done correctly, a nice manned site there would take a lot of the burden off the Dillwyn site. It will take a lot of burden off the other sites and you will not see the abuse there if you have a nice manned site. This month, the month of June, we have seen a better revenue from the State Corporation Commission and due to the tax increase, there would be some additional money to invest well in you solid waste best practices. That money should only be used for a one-time thing. It shouldn't roll into operational costs that you would need every year. That is our recommendation and I ask the pleasure of the board.

Allen: Will be trying to get bids on actually how much it's going to cost for Bates Market? Do we need to vote on that?

Carter: It would be part of the Utilities Committees...that's the thing, we've got cost estimates. You will not know...one thing the Utilities Committee might address, you can save a good deal of money in the construction of that site is to perhaps not do a roll off there. We all know the roll offs are the ones that are abused by contractors and other county people that have to pay to take it to the landfill. When no one is there, that's when they come in with it. That is something that the committee will be looking at. They will be coming back with a better cost and make you all make the choices.

Jones: I see the roll offs costed us the month \$16,000.

Carter: Yes, sir. I believe its \$250 every time they come and then we pay by the tonnage also.

Bryan: We will also be looking at that as well.

Matthews: You are saying force the construction people to come to Dillwyn to dump their stuff. Is that what you are saying?

Carter: I'm saying if you all want to save money, if you decide to put the site in at Bates, you could decide not to put a construction roll of there. We could put signs up to say the construction roll off sites for county citizen only construction is at such and such sites. Those are the ones that really need to be controlled. We have people that sometimes abuse the bags of trash, but they are not the ones that cost as much I believe. It is the construction that is raising the cost to the tax payer.

Dunnivant: We met with Mr. Hill and Mrs. Carter today. It was pretty evident with what Mr. Hill provided us with is that, how can I say this and not sound insulting, but the small scale contractors that work around doing fencing projects and roofing projects and siding projects as a contractor, they are supposed to provide for their own disposal. But what it appears they are doing from some of the people they've actually caught and they have actually done some court issues is that some local contractors are using our county dumpsters that are for the routine citizens convenience as their construction dumpsters. We are trying to figure out with Mr. Hill's office with trash and Tommy Ranson's office with building permits, how to enforce that through the building permit process that they have a means recognized to dispose of his rubbish and not abusing our roll offs with it. Notwithstanding with the homeowners, they can still bring their stuff out and put it in the can but if hiring a contractor, that is where Mr. Hill says is pretty obvious that is where the abuse is coming from.

Bryan: Do you need a motion for that?

Carter: If it's the Boards desire to send this back to the Utilities Committee, it would be good to have an official action. With 90 days to come back with a recommendation.

Chambers: Motion by Supervisor Bryan, second by Supervisor Allen to send this back to the Utilities Committee. Any questions? All in favor? 7 yes.

Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to send the solid waste matters discussed to the Utilities Committee for Solid Waste and for the Committee to bring back a recommendation in 90 days.

Allen: Mrs. Carter, going back to the East Coast water permit, you said 700,000 gallons now?

Carter: 700,000 gallons. That's what it's...the contract we have with East Coast Transport is up to 700,000 gallons.

Allen: Was it 2,000,000 at one time?

Carter: I think we can at any given scenario can exceed 1,000,000.

Allen: Is that daily?

Carter: Yes, daily.

Allen: That's all I wanted to know. Thank you.

Consideration of a Letter of Sympathy and Appreciation to the family of Robert Smith:
My next issue is as some of you may know, Robert Smith, our long time water operator passed away last week and I'd like the Board to take official action recognizing his employment and good work with the county in a letter of sympathy to his family.

Allen: So moved.

Bryan: Second.

Chambers: Motion by Supervisor Allen and second by Supervisor Bryan that we will send a letter of appreciation and sympathy to Mr. Smith's family. Any questions on the motion? 7 yes.

Supervisor Allen moved, Supervisor Bryan seconded and was unanimously carried by the Board to send a letter of appreciation and sympathy to the family of Robert Smith.

Re: Other Board Matters

Bryan: Mr. Chairman, in the past we had set money aside for a trash truck. I believe we set \$50,000 a year in the event that we don't get catastrophically with a 1/2 of a million dollar trash truck. It's come to my attention that we are at the point that we are going to be throwing good money after bad money, robbing Peter to pay Paul to fix the trucks. We took the \$50,000 out of the budget this year in hopes of balancing the budget and not requiring a tax hike however that was not, I would like to make a motion that we put the \$50,000 back into the budget if at all possible because it looks like we are going to be needing another trash truck shortly.

Dunnivant: In this discussion Mr. Hill advised us that he had one that was approaching a million miles.

Chambers: Motion by Supervisor Bryan, second by Supervisor Allen to put the \$50,000 back in the trash truck. All in favor? Ok.

Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to put the \$50,000 reserve for trash truck back in the budget.

Chambers: Any other board matters?

Re: Executive Closed Session

Bryan: Mr. Chairman, I make a motion that we go into executive closed session under Section 2.2-3711.A.7 – 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.

Matthews: Second.

Chambers: Motion by Supervisor Bryan, second by Supervisor Matthews that we will go into executive session under the section stated. Ready to vote. 7 yes.

Supervisor Bryan moved, Supervisor Matthews seconded and was unanimously carried by the Board to enter into executive session under Section 2.2-3711.A.7.

Re: Return to Regular Session and Certification of items discussed

Bryan: Mr. Chairman, I make a motion that we return to regular session and certify that to the best of 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.

Allen: Second.

Chambers: Motion by Supervisor Bryan, second by Supervisor Allen. Any questions?

Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to return to regular session and certification that to the best of 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.

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

ATTEST:

Rebecca S. Carter
County Administrator

Joe N. Chambers, Jr.
Chairman