

**Buckingham County
Board of Supervisors
Special Meeting
February 3, 2023**

At a Special Called Meeting of the Buckingham County Board of Supervisors held on Friday, February 3, 2023 at 5:00 p.m. at the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: Joe N. Chambers, Jr., Chairman; Dennis H. Davis, Jr., Vice-Chairman; Cameron Gilliam; Donald Matthews, Jr.; T. Jordan Miles III; Harry W. Bryant, Jr.; and Danny R. Allen. Also present were Karl R. Carter, County Administrator; E.M. Wright, Jr., County Attorney; and Jamie L. Shumaker, IT Manager.

Re: Call to Order

Chairman Chambers called the special called meeting of February 3, 2023 to order and welcomed the public that attended.

Re: Establishment of a Quorum

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

Re: Invocation and Pledge of Allegiance

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

Re: Approval of Agenda

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

Re: Purpose of the Special Meeting

Chambers: This this special meeting. The purpose of this meeting is Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation; and Consideration of the sale and purchase of the real estate.

Re: Executive Closed Session

Supervisor Miles moved, Supervisor Gilliam seconded and was unanimously carried by the Board to enter into Executive Closed Session under Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. §2.2-3711.A.7 and Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Section 2.2-3711.A.3.

Re: Return to Regular Session and Certification

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

Re: Action as a result of Executive Closed Session

Chambers: Action as a result of Executive Session. Is there any action?

Miles: Mr. Chairman, I have a motion. I would move that the Buckingham County repurchase land conveyed to Atlantic Investment that was conveyed at Deed Book 499 page 619 et seq. and easement granted Atlantic Investment at Deed Book 499 at page 636 upon the following terms and conditions:

1. The County will pay Atlantic Investment \$346,749.67 which is money paid by Atlantic Investment Corporation at closing.
2. The County will cancel the note given by Atlantic Investment dated August 16, 2022 in the amount of \$405,840 and no cents for the balance of the deferred purchase price which was given at closing.
3. The County will pay Atlantic Investment \$170,000 and no cents which represents a portion of Atlantic Investments Corporation's expenses incurred in connection with his efforts to date to develop the property.
4. Atlantic Investment Corporation will provide the appropriate deeds prepared at Atlantic Investment Corporations expense and in form acceptable to purchase's attorney to re convey the property and easement.

5. Atlantic Investment Corporation will provide a recordable certificate of satisfaction for the release of the second deed of trust on the property recorded at Deed Book 499 at page 629 rerecorded Deed Book 499 at page 815.
6. As part of the motion, the County will pay all recording costs.
7. The property will be returned without any additional encumbrances than what existed at closing or without any of the timber having been cut.
8. The buyback shall close on or before February 10 of 2023.

So that and then as part of my motion, the Board would task the Board appointed Economic Development Committee, which is comprised of citizens, business owners and two supervisors and county staff in consultation with county staff to create a report on suggestions as to how to market said property with the report to the Board delivered by no later than April 10 of 2023.

That's my motion.

Chambers: Yes, sir.

Wright: inaudible

Miles: I would include that into my motion. Mr. Chairman.

Chambers: Would you come to the mic and let them hear what you are saying please?

Wright: Add the following words and settlement of all claims by Atlantic Investment Corporation against Buckingham County or its Board of Supervisors.

Chambers: Did y'all understand what he was saying? Yes, ma'am. Mr. Wright. Would you repeat the whole thing, please?

Wright: The settlement of all claims by Atlantic Investment against Buckingham County, Virginia or its Board of Supervisors.

Miles: And just a statement, Mr. Chairman, before we vote so, I voted in favor of the project. It's clear many people were in favor of it. I had some people in my district who were, you know, many weren't. But anyway, we're unfortunately in this position. It was our doing. I still believe in the project. I think it would be good for the County housing and all. And I think unfortunately, I had more faith in the project than the developer now does. So, you know, we were put in a position where we're making a decision and it's unfortunate, but we are in this posture, unfortunately, again, not our doing. And so hopefully, the Economic Development Committee, and we will be probably appointing some other people to that

committee on the 13th of February, which is our regular meeting, can spearhead this and create a report for us with suggestions on how to market this. So that is my statement. Thank you, Mr. Chairman.

Gilliam: Mr. Chairman, could I speak, please?

Chambers: Yes, sir.

Gilliam: I'm in District 2, and this happens to be in my district. I came on after this decision was done. My vote tonight was for the citizens of the County and citizens of District 2. They've chose to have this land back. I've talked to the Board tonight and they've assured me that they are going to let me, let the people from District 2 have, especially some land owners or adjacent people beyond the committee, Economic Development Committee. They're going to let a representative from the Christian School have some involvement and some business owners within the community have some involvement. And I would like to say it's no good, it is not good to lose money at any time. But I think this is in the best interest of the county and District 2 feels like it is as well and I thank you. I would like to thank the Board for tonight's time.

Chambers: Any other comments from Board members? Now all in favor the motion. Gilliam made motion second motion by Bryant. No that's wrong. It was made by Jordan.

Lann: I've made the correction in my notes.

Chambers: Okay, thank you.

Miles: Thank you Madam Clerk.

Chambers: The motion was made by Supervisor Miles and second by Supervisor Bryant. All in favor? Six yes and one no. Okay. So it's passed.

Supervisor Miles moved, Supervisor Bryant seconded that the Buckingham County repurchase land conveyed to Atlantic Investment that was conveyed at Deed Book 499 page 619 et seq. and easement granted Atlantic Investment at Deed Book 499 at page 636 upon the following terms and conditions:

- 1. The County will pay Atlantic Investment \$346,749.67 which is money paid by Atlantic Investment Corporation at closing.**
- 2. The County will cancel the note given by Atlantic Investment dated August 16, 2022 in the amount of \$405,840 and no cents for the balance of the deferred purchase price which was given at closing.**
- 3. The County will pay Atlantic Investment \$170,000 and no cents which represents a portion of Atlantic Investments Corporation's expenses incurred in connection with his efforts to date to**

develop the property in settlement of all claims by Atlantic Investment Corporation against Buckingham County or its Board of Supervisors.

4. Atlantic Investment Corporation will provide the appropriate deeds prepared at Atlantic Investment Corporations expense and in form acceptable to purchase's attorney to re convey the property and easement.
5. Atlantic Investment Corporation will provide a recordable certificate of satisfaction for the release of the second deed of trust on the property recorded at Deed Book 499 at page 629 rerecorded Deed Book 499 at page 815.
6. As part of the motion, the County will pay all recording costs.
7. The property will be returned without any additional encumbrances than what existed at closing or without any of the timber having been cut.
8. The buyback shall close on or before February 10 of 2023.

And that the Board would task the Board appointed Economic Development Committee, which is comprised of citizens, business owners and two supervisors and county staff in consultation with county staff to create a report on suggestions as to how to market said property with the report to the Board delivered by no later than April 10, 2023.

This motion passed with a 6-1 vote with Supervisor Allen opposing.

Chambers: Does any other Board member have anything to bring before the board? If not, we will close.

Allen: I just want to say I'm glad to get it back. But I hate to spend the money.

Re: Adjourn

There being no further business to discuss, Chairman Chambers adjourned the Special Meeting of February 3, 2023.

ATTEST:

Karl R. Carter
County Administrator

Joe N. Chambers, Jr.
Chairman