

**Buckingham County
Board of Supervisors
Monthly Meeting
November 15, 2022**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Tuesday, November 15, 2022 at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: T. Jordan Miles, III, Chairman; Joe N. Chambers, Jr., Vice-Chairman; Dennis H. Davis, Jr.; L. Cameron Gilliam; Donald R. Matthews, Jr.; 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

Miles: The Board will come to order. We'd like to welcome everyone to our Tuesday, November 15, 2022 6:00 Board meeting. It's nice to see you all here.

Re: Establishment of Quorum

Miles: Item B is Establishment of a Quorum. We have seven of seven Supervisors present so there is a quorum.

Re: Invocation and Pledge of Allegiance

Miles: Item C is Invocation and Pledge of Allegiance. Vice Chairman Chambers will lead the invocation. If you would stand and Supervisor Allen will lead the Pledge of Allegiance to the flag of the United States. Please rise.

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

Re: Approval of Agenda

Miles: Next item is Item D, Approval of Agenda. And there is an amendment to the agenda. We do need to add a Closed Session provision regarding personnel under Item R. That's the only change to the agenda. A motion has been made by Supervisor Allen and seconded by Supervisor Bryant to adopt the amended agenda. Are there any questions? All in favor please record your votes aye, those opposed no. Please use the electronic voting Board. The motion carries 7-0.

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

Re: Approval of Minutes

Miles: Next item is Item E, Approval of the Minutes. They were presented in your packet. We seek a motion for approval if there are no questions. Motion has been made by Supervisor Bryant, seconded by Supervisor Allen to approve the minutes as presented. Are there any questions? If not, all in favor please record your vote aye, those opposed no. The motion carries 7-0.

Supervisor Bryant moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the minutes of the October 11, 2022 meeting as presented.

Re: Approval of Claims

Miles: The next item is Item F. Claims are also found in your packet. Any questions? Is there a motion.

Matthews: So moved.

Miles: Motion by Supervisor Matthews, seconded by Supervisor Gilliam to approve the claims as presented. Any questions, before we vote? All in favor please record you vote aye, those opposed no. Motion carries unanimously. Thank you Gentlemen.

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

Re: Announcements

Miles: Our next item is Item G. Announcements. Does any Board member have any announcements they'd like to offer tonight? If not, I do want to bring you all up to date quickly on the Fall 2022 conclusion of the Anti-Litter Task Force Fall Clean Up. There were 10 teams, 105 people participated and a whopping 270 bags of litter was picked up along roadways in each district. The first place, and this organization picked up 115 bags, St. Thomas Aquinas Seminary. They worked really hard. Second place in terms of picking up bags goes to Dominion Energy and third place would be the BCDC, the local Democratic Committee. Lots of other people were involved as well. We do show our appreciation to all the volunteers and everyone who helped pick up those 270 bags.

Re: Presentations: Resolution of Recognition to Tyshea Chambers for winning Miss Five County Fair 2022

Miles: Going now to Item H, Presentations. Number 1, unfortunately Ms. Tyshea Chambers is ill so we are going to table that until next month, in December. It will be good to have her here for that.

Re: Kelly Jones Snoddy, Peter Francisco Soil and Water Conservation District, Annual update

Miles: Item 2 under presentations is Kelly Jones Snoddy of the Peter Francisco Soil and Water Conservation District with her annual update and Kelly Snoddy, you've changed quite a bit since last time we saw you. How are you Mr. Dunn?

Kevin Dunn: Well, how are you guys?

Miles: Good. So you are in her place?

Dunn: Yes, Kelly's under the weather so I'll be standing in for tonight and given a presentation on Peter Francisco Soil and Water Conservation District.

Miles: We welcome you and if the Supervisors will hit their presentation button on their screen so we can see the presentation.

Dunn: So you'll have to bear with me. I'll try to do as well as Kelly does normally with you guys, but like I said, I'm Kevin Dunn. I'm elected official for Peter Francisco Soil and Water Conservation District representing Buckingham County. The district is governed by a Board of Electors. It's myself and Mr. James McDaniel and Barbara Teeple who represent Buckingham as well as Terry Seal and Todd Smith for Cumberland County. And Amber Taylor is also from Cumberland that represents the Cooperative Extension. And then we also have Verdie Mae Jameson and Linda Eanes from Cumberland. And as staff was Sherry Ragland, our new staff Cody Smith and then Kelly who is not with us tonight and Elise is well, our education.

Ragland: That is the annual report that everyone has in their packets.

Miles: Mr. Dunn, while they're preparing the presentation, how long have you been with the district?

Dunn: District? As a director I believe this is year seven as a director and now I'm an also an employee in another district for about 15 years. I work for the Piedmont which does cover Buckingham, excuse me, Amelia, Nottaway and Prince Edward counties. I also participate in many of the programs as well as online farm with the district over the years.

Miles: Who's the second elected?

Dunn: Mr. James McDaniel.

Ragland: He's been with the district for over 20 years

Dunn: Yeah, he's been here quite a while.

Ragland: Elected official for 20 years. I've been there 24 and Cody been there two weeks.

Miles: Any other questions for Mr. Dunn while we wait?

Dunn: Alright so Page 1, no, page 2.



Annual Update 2022

Peter Francisco Soil & Water Conservation District

Serving Buckingham & Cumberland Counties
www.peterfranciscoswcd.org
(434)983-7923

Cost-Share Program Agriculture Practices



Surveying as part of planning/design



Completed Watering System/Fencing



Liquid Manure Injection – Nutrient Management



Conversion from row crop to permanent pasture

So things we cover cost share programs. One of the main things we do at the district working with agricultural producers. We have a VACS program, which actually funds most of our practices that we do through the Virginia Agricultural Cost Share program, the BMPs, Best Management Practice. We work with farmers and producers at the moment, we're working with 56 different projects, totaling somewhere around 1.3 million that we're putting in this year. We received a little over 2 million for the year. So we're well on our way to spending what we got and hopefully, you know, work through it through the rest of the year. That's our cost share program through the state funded by the General Assembly.

Cost-Share Program
Residential Practices
Slate River Watershed TMDL Grant AND Local Grant



The image contains two photographs. The left photograph shows a white septic pump-out truck parked on a paved area. Several workers in dark clothing are gathered around the truck, handling a large green hose. The caption below this photo is "Septic system pump-out". The right photograph shows a deep, narrow trench being dug into the ground. A worker is visible in the trench, and a large black pipe is being lowered into it. The caption below this photo is "Septic system repair".

Second thing we work on is residential practices. Most refer to that with the septic systems. These are TMDL grants. Most of our grants are Slate River Water Shed and we as a district have a local grant that helps outside of our watersheds so that we can help replace septic systems, drain fields, distribution boxes, things along those lines and we do a lot of pump outs as well. Thus far this year, a little over \$9,000 in Buckingham and Cumberland through our grants. Somewhere around 48 pump outs for the year so far. So moving quite along. Another programs we will be working with you guys on is our Erosion and Sediment Control program. That's plans reviews and sediment controls for the county. So far I believe we've worked on 11 plans this year.

Education Programs



Education programs. In addition to cost share programs we offer assistance with education programs. At schools, we provide conservation education programs that complement the SOL requirements, for partners and agencies during these programs such as we work with state parks, Holiday Lake 4-H Center, DGIF, Virginia Cooperative Extension, 4-H, DOF, FSA and NRCS. Elise Corbin who is our Education Coordinator welcomes teachers and anyone to give her a call and go out and work with just about anybody and any circumstance to help them out. Other highlights, working in multiple after school programs, assist with Envirothons, and training topics, preparing for competition in April, and state competition in May.

College Scholarship Recipients

Cooper Fraser



Maura Myles



Tanner Wise



College Scholarships. We offer scholarships to Buckingham and Cumberland County students. So if anyone have students who would like to sign and come apply for our scholarship, we are always looking for folks. Our past winners here, we have 3 recipients, Tanner Wise who is not attending Virginia Tech. Cooper Fraser who is also attending Virginia Tech, Maura Myles whose attending Norfolk State University.

Camp Woods and Wildlife (formerly Forestry Camp)



Forestry Camp. We also offer scholarships for youth to attend conservation camp and camp in the woods. It was formerly the Forestry Camp. YCC Campers were Elizabeth Grant, Harkins. YCC Cumberland was Austin Cox and Celeste Mitchell.

Envirothon Competition



High School Envirothon Teams ~Area V & State Competition~



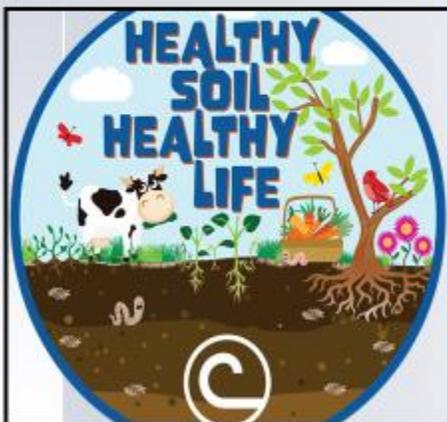
Buckingham County High School,
3rd Place Area V, Competed at
State



Cumberland County High School, 1st
Place Area V, Competed at State

VASWCD Poster Contest

- K-1 Grade Category
– Matalynn Hall, CVCS



Poster Contest winners. This is a coordination of schools and teachers to enter the conservation poster contest for the Virginia Soil and Water Conservation Districts. This years theme was

Health Forests of the Communities. We had 93 participants from kindergarten to 12th grade in the schools. The 1st place winner for each grade for each category on the slide show, K-1 grade is Madalynn Hall.

VASWCD Poster Contest

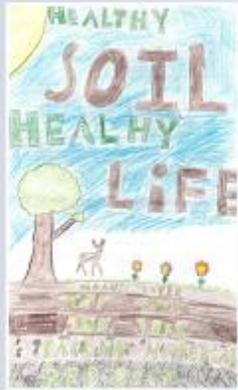
- 4-6 Grade Category - Jeremiah Miller, BCMS
- 4-6 Grade Category - Brilynn Houchens, BCMS - tie 1st Place



4-6 were Jeremiah Miller and Brilynn Houchens.

VASWCD Poster Contest

- 7-9 Grade Category
– Ben Gilliam, BCHS



- 10-12 Grade Category
– Lillian McConkey, CCHS



7-9 Ben Gilliam and Lillian McConkey in 10-12.

VASWCD Poster Contest

- 10-12 Category
Tie 1st Place
Hannah Nuckols, CCHS



- Digital Category
– Chelsey Gregory, BCHS



Also first place is Hannah Nuckols and then the Digital Category, Chelsey Gregory who will be put up for the state competition.

Awards

- Conservation Education Teacher of the Year – Secondary Level
 - Suzanne Snoddy, Buckingham High School
 - Science Department Chairman and Environmental Science Teacher



Each year the District chooses a Teacher of the Year. This year the district chose Suzanne Snoddy, Science Department Chair and Biology and Environmental Science teacher at Buckingham High School. Mrs. Snoddy started her journey with the district in 2016 when she was teaching 6th grade Science in Cumberland. The district provided meaningful watershed experience for her students and she ended up chaperoning our 3 day 2-night watershed exploration camp. Since then we've worked together with numerous field trips and hands on environmental programs for her students. She is currently working on developing an outdoor classroom behind Buckingham Preschool and has already conducted a few programs and has another scheduled for December.

Watershed Flood Control Structures



Another thing we do is watershed flood control dams. We're responsible for 17 of these in our area. Under the public law there's over 150 in the state, we receive financial and technical assistance from the USDA as well as legislature to help take care and work on these to make sure they are taken care of and help control flood. We coordinate with the Buckingham and Cumberland County Emergency Services personnel for any emergency planning and implementation. For watershed flood control dam maintenance program this year all dams have been mowed and general maintenance has been performed twice and all dams have had their owner inspections completed. We performed engineering inspections in October on 7 of them. Districts with flood control dams have receive funding for monitoring devices being installed on dams to measure rainfall and lake rise as part of emergency action preparedness. We've been approved for funding on all 17 dams and will be installed in the coming year. We have some other repair work to do.



Peter Francisco Soil & Water Conservation District

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And that's us. I appreciate your time.

Miles: Thank you, Mr. Dunn. Does any supervisor have any questions for Mr. Dunn? Or the staff with the district?

Dunn: If you guys need anything, please contact us. Let us know. Thank you guys.

Miles: Thank you for being here.

Re: Ben Price, Community Environmental Legal Defense Fund: Presentation regarding Gold Mining Ordinance

Miles: Our next item on the agenda is Item H.3. Dr. Ben Price, Community Environmental Legal Defense Fund presentation regarding potential gold mining ordinance. And we have heard about the ordinance in the past but Dr. Price is going to brief us on his take regarding that. So can you hear us okay, Dr. Price?

Price: Hi, thank you. Yes, I can.

Miles: Okay, please proceed with your presentation.

Price: All right. Well, thank you so much to the Board of Supervisors for allowing me to have this time into your residence for the time that we've worked together on the ordinance. My background is I work with the Community Environmental Legal Defense Fund. And I've been working with communities, municipalities, mostly, and counties across the country, on lots of different issues. Mining, of course, is one of them. Lots of watershed issues, waste disposal issues, and corporate agriculture and so forth. And so I've been at this for a while. I've been working with communities at the municipal and county level for about 18 years now. And so I've seen a lot and I wanted to bring some of that experience to your attention in what I'm going to cover today. And so I'll talk a little bit about a zoning ordinance that may be crafted to deal with the gold mining. I understand that that's in the works. And I also then want to talk about an ordinance that is titled long title but Ordinance Requiring an Assessment of the Compatibility of Metallic Mining with the Right to Freedom from Toxic Trespass. When I say freedom from toxic trespass, I'm really saying freedom from being poisoned, the right not to be poisoned. And so there's, I understand that there in the community, and I respect the conversation that's going on around the different approaches that might be taken. Because there's apparently, concern about the impact of mining for gold and metallic ores. I think that's probably a common concern. And so I guess we're all on the same side, and it's really a question of strategy and tactics. So let me begin by saying a little bit about zoning ordinances for Buckingham County. So according to Buckingham County's current zoning ordinance, heavy industry is permitted in District 5 and gold mining is not listed as one of the permitted use. In the proposed new zoning ordinance would specifically gold mining as a permitted use, as I understand it. So while it's true that Virginia Code under Title 15.2, Chapter 22. Article 7 declares that one of the purposes of zoning laws is for the general purpose of promoting the health, safety or general welfare of the public, and to provide for the preservation of agricultural and forest lands and other lands of significance for the protection of the natural environment. And the statute fails, though, to warn counties and municipalities that litigation regularly and frequently arise when municipalities and counties declined to approve exception permits to corporations who claim that exclusionary zoning has been erected in a way that deprives the corporation of significant rights in property. And I'll talk about that a little bit. So, although it may be legal under Virginia law to decline to include gold mining, as a permitted use of land, other factors located often in federal law come into play. Litigation, by corporations claiming they have been deprived of property rights by a local law is routinely based on a claimed federal violation. Under US Code Section 1983, which the corporation's attorneys generally argue, protects their client's civil rights against local government enactments, particularly on the basis that such local enactments violate the corporation's constitutional rights under the takings clause of the Fifth Amendment, one of the Bill of Rights amendments. So the claim violation of the corporation's rights would generally be framed as a case of local government, depriving the corporation of its private property, in this case, the gold in the ground without the county paying the corporation just compensation. So can the county do this under Virginia law? Yes, apparently it can, but not without paying compensation for the gold made unavailable by the zoning ordinance, should that kind of a lawsuit be brought. In other words, if a corporation filed in wins such a lawsuit, the county would be forced to do one of two things. First, it could allow the mining and avoid constitutional controversy over corporate rights, in other words, rescind the zoning provision. Or second, it could stick to your guns and maintain the ban, but pay the corporation for having to leave their gold in the ground, which is very unlikely unless Buckingham County has a lot more funds than I

imagine knowing how counties are often strapped for the funds they need for basic services, it's unlikely that there would be the funds available to pay for gold not recovered by the mining corporation. So when such litigation arises, municipal and county governments just as routinely find it necessary to avoid costly litigation. And the possibility of being assessed huge damages based on the Section 1983 claimed violation of constitutional rights. In other words, the simple threat of a lawsuit of this sort frequently leads to the county or municipality attorney recommending to the elected officers that they rescind the ordinance preventing the corporation to extract minerals to which its attorneys say there is a property right. So if lawsuits are what's feared when considering what ordinance to enact here in Buckingham County, and land use law seems vulnerable to costly litigation, we want to look at that and consider the options. Denying a corporation the right to access its property, the gold in the ground, is the kind of civil rights case routinely brought against municipalities and counties across the country. And I've been a witness to quite a few of them. Zoning attempt to ban gold mining, they seem to be in compliance with state law, and I understand that it is in Virginia, but in terms of federally recognized rights of corporate property, the proposed zoning ordinance might be too weak and vulnerable to corporate veto via litigation in my view, or it's routinely recognized corporate claims of government takings in violation of the Fifth Amendment. They do it based on existing case law that recognizes prospective future profits to be a legitimate current property claim. But because such litigation isn't an absolute certainty, only a likelihood, it does make sense to enact the zoning ordinance, but more protection is needed if the lawsuit comes. So what about the proposed rights based ordinance titled ordinance requiring an assessment of the compatibility of metallic mining with the right to freedom from toxic trespass? Well, the proposed rights based ordinance does not ban gold mining, and cannot be claimed to violate a corporation's Fifth Amendment rights because of that. It can be referred to and I'm just going to shorthand it as a proven safe first law. So you have to prove that what you want to do is safe before you get permission to do it. And so this ordinance requires applicants for hard rock or I should say metallic mining permits to produce unbiased records of one instance of a mining operation anywhere in the world, similar in type and scope, which succeeded in operating without poisoning the people and environment where it was located. That prove it safe first, toxic trespass proposed ordinance is less vulnerable to the typical corporate legal complaint against restrictive land use laws and straightforward bans online. When enacted, it will harm no corporate rights under the Fifth Amendment's takings clause. And it is as common sense an approach as county can muster given the prejudice of our legal system in favor of corporate extractors of community resources for profit. In fact, the proof it safe first toxic trespass ordinance doesn't ban gold mining. It says that people in their environment have a right not to be poisoned. And if the applicant for mining permits can demonstrate with unbiased information and evidence that gold mining of the kind and scope they propose has been safely engaged in somewhere and avoided introducing toxic pollution into the ground waters and blood streams of residents of the host community than the applicant corporations to be permitted to mind. But it's clear from all evidence that no such proof can be offered. Thus, the proof it safe first, toxic trespass ordinance has the advantage over the proposed zoning ordinance of not creating a legal cause of action for a mining corporation to level a Section 1983 Civil Rights action against Buckingham County. It has the advantage of simply asking for information about the safety of their proposal as a precondition for engaging in gold mining in the county. And because it's not possible to mine for gold using the methods and the scope proposed without introducing poisons

into the community. A simple recoup reporting requirements for which no legitimate legal objection can be raised and effectively stopped gold mining in the county. The Prove It First is proven safe first toxic ordinance is therefore stronger, not weaker than a land use zoning law under consideration. Could the rights based ordinance be stronger? That depends on what you mean by stronger. If rights of people didn't play second fiddle to rights of corporate property, a straightforward ban based on the rights of the people not to be poisoned would be a strong, indirect approach. But legal advice has been offered against invoking the rights of county residents. That legal advice tacitly acknowledges that our system of law is so obviously stacked against the people and in favor of corporate property, that it seems naive to invoke local rights in a county ordinance. But those rights are enshrined in federal and state constitutions. And either they mean something or they don't. Corporate attorneys are not shy about invoking the rights of corporate property. It seems odd that invoking the rights of county residents isn't considered just as valid an argument. So the illusion that zoning alone will stop the gold mining materializes simply out of words on paper that holds no sway against the clout of an army of corporate lawyers that are ready to pounce once you pass your zoning law. It's not an absolute certainty that such litigation will be brought, because we can't know the future absolutely. But there is a high likelihood that the corporation's attorneys will act predictably as we've seen corporate attorneys do in hundreds of communities across the country. And they will file a legal complaint against the county for violating the corporation's civil rights under the Fifth Amendment. What will you do then? Well, I have a suggestion, and that is show them the Prove it Safe First Toxic Trespass Ordinance, that you will have had the foresight to pass at the same time as the zoning ordinance and watch them dance around the fact that there's never been a gold mine of the sort they proposed that did not poison the host community. Look, the ordinance says they have a green light to mine if they can show just that one case, and they won't be able to. There's just a little more information I'd like to bring to your attention. And this is according to NBC, Channel 29 in a piece they called Gold Mining Study Calls for Updated Regulations in Virginia. It was composed by Joe Dashiell and it was it's recent from November 1 of this year, and I'm quoting from it here. "A new report on gold mining in Virginia says the state should update its laws and regulations to protect against potential impacts to public health and the environment. Virginia was a major gold producer before the California gold rush. And at least one mining company has been exploring for gold deposits in Buckingham County. The report from the National Academies of Sciences said Virginia lacks an effective and consistent process for reviewing the potential impacts of possible goldmining for making it unlikely that robust site specific impact assessments will take place." Unquote. So we know that the Commonwealth of Virginia isn't doing its job to protect the public and the environment against poisoning from metallic mining according to this study. Who will do it if not local and county governments? Virginia politicians like to make a big deal about how Dillon's rule is capable of blocking local governments from doing things the legislature opposes, including interfering with corporate profit making. I know I've worked in Virginia over the years and it's a mantra to raise the specter of Dillon's rule. I'm very familiar with it. But clearly, the Commonwealth of Virginia has not occupied the field of regulation for assessing the potential impacts of possible gold mining in Buckingham County as therefore a legitimate authority to require information about the safety of the process prior to the issuance of permits in the absence of state level action. It must also be said that county level action can't wait for the state legislature to regulate how much poisoning of the community and environment will be legalized by regulations. The community has a clear right not to be

trespassed upon with this poison and anyone justify waiting for the legislature to tell you just how many corporate rights it's okay to violate and how many rights of county residents is okay for corporations to violate. In point of fact, that's what you'd be waiting to hear. So why should you wait to be told how badly corporations can violate the rights of county residents in the absence of justice, resulting from the state's willingness to leave our communities unprotected. To delay in enacting both the zoning ordinance and what I've been referring to as the Prove It Safe First Toxic Trespass Ordinance just doesn't make sense. I'll wrap up here, but community members have asked me to speak with you understand your options are imperfect and so do I. But they believe the prudent thing to do is to enact two ordinances, a land use zoning ordinance, disallowing metallic mining in the county and the rights based ordinance requiring proof that such mining can be engaged in without poisoning the environment or the county residents before any such mining can take place. I think that this is the wisest approach. And they're all I will wrap it up and thank you for your time.

Miles: Thank you for being here. Dr. Price. We appreciate it. And you bring up some interesting topics and points. Does any Board member have any question or questions for Dr. Price at this time? Dr. Price I've got a question for you. Could, just because this is the first time we've ever interacted, are you an attorney? Just out of curiosity?

Price: No.

Miles: Okay.

Price: I am not an attorney. The Community Environmental Legal Defense Fund is a nonprofit, public service law firm and we work with staff and contract attorneys.

Miles: Could you tell us what localities in the Commonwealth have adopted this rights based ordinance, if any?

Price: This specific ordinance, has not been adopted elsewhere. It's being considered a similar one in in Redding, Pennsylvania. We've worked in communities on sludge issues in Virginia, in Halifax, Virginia on uranium mining. That's the main things we've done in Virginia.

Miles: And my last question would be, and I'll open it up for questions, has the ordinance ever been tested in the courts? Meaning the legal validity of such ordinance?

Price: No, it hasn't.

Miles: Thank you, sir. Any other questions from any other members of the Board? If not, we will thank you for being here. I'm sure that if there are other questions we'll follow up via staff but we appreciate you being present, Dr. Price.

Price: Sure. Thanks for your time. And yeah, if there are any questions, please get in touch.

Miles: Thank you. Have a good evening.

Price: Thanks, you too.

Re: Public Comments

Miles: All right. Our next item on the agenda is public comments. This is a time when the public can address the Board. And the members of the public have three minutes if you would please state your name, your address, and your election district before you begin your comment that would be great. And again, just as a reminder that any letters, emails or voicemails are given directly to the Board and are not read aloud. We do get those. So I'll call on Madam Clerk to begin our public comment period, please.

Lann: Santoshi Young, District 5 and Chad Oba will be next.

Miles: Good evening, ma'am.

Santoshi Young, District 5: Hello, my name is Santoshi Young. And I am here tonight with my daughter Gracie. We live at 500 Unity Place, Buckingham and we are in District 5. First of all, thank you so much for inviting Ben Price and Joe Lurch to present at this meeting. We are very happy to see that Ben made it this evening. And we hope that you will use his valuable knowledge to move forward with adopting the Rights Based Freedom from Toxic Trespass Ordinance. We ask that Joe be invited again to next month's meeting. As a dental hygienist I spend my workday talking about preventative care. I find that the patients that listen to the education given to them and put as many of our recommendations into practice are the ones who have the best outcomes. So I say to you, you've listened to Ben Price, now it's time to adopt the rights based ordinance. Invite Joe Lurch back. Learn how we have the right to place a ban on mining based on land use and zoning. And then do that too. Use your resources, take every option possible to buy quality preventative measures to keep our air and water safe. Dentists are there to clean up the mess. No one likes to see the dentist and the results they provide are never as good as the original and well they are expensive. If you as the Board of Supervisors don't act preventively, it puts us all at risk and sets up the potential for a possible Superfund site. That would also be very expensive, and it too will never be as good as the original. If you're like most dental patients, you will ignore the hygienist recommendations and then come to regret it later once the damage is done. Do what you want with your teeth, but please, please do not do that to our county. Thank you.

Miles: Thank you Mrs. Young.

Lann: Chad Oba, District 6 and Roy Rodriguez will be next.

Miles: Good evening, Miss Oba.

Chad Oba, District 6: Good evening. My name is Chad Oba and I live in Mr. Chambers, District 6. And that's 571 Woods Road. Mr. Price has just delivered compelling information on the ordinances we could as a county adopt to stop industrial gold mining. Metallic mining

actually. After hearing what he had to say, as well as public comments that you've been hearing for several months now, and the information that Mr. Lurch provided, who is the Director, as you know, of Government Policy for the Virginia Association of Communities, or Counties. In addition to the forthcoming report from the gold mining study committee, I'm hoping that you'll soon be ready to act on this, and to call for a public hearing, actually, for the toxic trespass ordinance that Mr. Price talked a lot about. And to start developing as well, a good land use ordinance. I think that you all probably agree that we need to jump on that. But it needs to be worked out carefully. And I hope that you will use Mr. Lurch again for that. I think he was pretty helpful for you a while ago. And I appreciate that. Oh, and Friends of Buckingham, just to tell you, also has some resources that have offered to help you, if that's what you would. They are legal experts. This is what they do. They help develop land use ordinances, and they're very good at what they do. So if you would like that help, we would be glad to provide contact for you. Now that the National Academy of Science Study is finished, we know as the study clearly says that the state is not adequately protected from the impacts of gold mining. We also know from other states that improved regulations have not stopped damages. The State agency committee is discussing recommending a branch of the General Assembly. But any legislation to prohibit gold mining at the state level would have to start from the grassroots and county level. And that's us. Nobody's going to save us and the legislators aren't going to do anything unless we do something and we urge them to do that. We have little confidence that a divided General Assembly will create laws to prohibit goldmining without some act of urging on our part.

Miles: If you could conclude very quickly. Your time is up Miss Oba.

Oba: We at Friends of Buckingham are ready to work with you on common purposes to support a ban in the legislature at the county and municipal level. We are the gateway to the permitting process.

Miles: Thank you, ma'am.

Oba: Thank you.

Lann: Roy Rodriguez, District 5 and Julia Gibson will be next.

Miles: Is Mr. Rodriguez here?

Rodriguez: I'm Roy Rodriguez, but I do not want to speak.

Miles: Okay, so we'll go to Miss Gibson. Now if she's present.

Lann: Julia Gibson, District 5 and Chris Godschalk will be next.

Miles: Good evening, Miss Gibson.

Julia Maria Gibson, District 5: Good evening everyone. My name is Julia Maria Gibson. I own 110 acres off Hundley Branch Road in District 5. So it seems that we're all in agreement

that a goldmine would be disastrous for our community. The debate now concerns how we can best protect our community. Without decisive action and ironclad legal protections, the county faces significant threats to water quality property values and future tax revenue. My husband and I have delayed construction on our property until we have been assured that the Board of Supervisors will take all necessary steps to protect our property value and the health of our family. If you do not, we have made the painful decision to sell our property and invest our hard earned money in a county that will protect the property values and health of his residence. The decisive action and ironclad legal protections that I speak of must come in the form of a dual legislative approach, emphasizing both rights based protections and zoning restrictions. Chairman Miles, you've expressed that while you support a zoning ordinance to limit mining activities, you do not support a Rights Based Ordinance that would protect us from toxic trespass. We appreciate your support of the zoning ordinance, but we recognize that this is a weak approach. Zoning law is vulnerable to zoning variances and corporate litigation as Ben Price just described, which are easily routinely obtained by the everyday man, let alone corporate lawyers. The surest way to protect against gold mining is to enact a Rights Based Ordinance to reinforce protections offered by zoning restrictions. We are ready for a public hearing for the toxic trespass ordinance while simultaneously moving forward on enacting the land use ordinance. I also request that you invite Joe Lurch again from the Virginia Association of Counties to speak about the Virginia zoning code, giving local authority to prohibit metallic mining. The Rights Based Ordinance, regardless of whether it's been proven in practice or not, is our only solid defense against a goldmine in this county. As history has shown that corporate lawyers will challenge zoning restrictions and they will win. Thank you for your time.

Miles: Thank you, Mrs. Gibson. All right.

Lann: Chris Godschalk. District 5 and Karen Kreps would be next.

Miles: Good evening sir.

Chris Godschalk, District 5: Good evening. My name is Chris Godschalk. I'm from District 5 and I own some land on Hundley Branch Road. According to a report by the National Academies of Sciences, Engineering and Medicine, Buckingham County cannot rely on Virginia's existing regulations to protect county residents from the dangers of gold mining. Per the report. Virginia's regulatory framework is completely outdated and inadequate when dealing with the risks associated with modern gold mining. Without strong local protections, all county residents are at higher risk of polluted land, poisoned water and falling property values. With no meaningful regulations afforded to us by the state government, it is more essential than ever to enact strong local protections against this toxic trespass. The best way to accomplish this is through overlapping legal frameworks. The Buckingham County Board of Supervisors has already signaled their interest in adopting zoning ordinances to prohibit metallic mining in the county. This is welcome news. It does not go far enough. In addition to updated zoning ordinances, it is imperative that the Board enacts a Rights Based Ordinance asserting the rights of all Buckingham County residents to live free of the toxic trespass that metallic mining would bring. The only way to ensure that our land is not poisoned beneath us without our consent is to enact multiple overlapping layers of protection. I cannot overstate what a dangerous Crossroads we are

at. We will not accept anything less than full protection from the harms of metallic mining and Buckingham County. I asked that the Board of Supervisors hold a public hearing regarding the toxic trespass ordinance. Additionally, I want to encourage the Board to continue pursuing a land use ordinance and to invite Joe Lurch to speak again about the Virginia zoning code, giving local authority to prohibit metallic mining. This is clearly what your constituents want. Please pursue all avenues to protect us from the dangers this goldmine would bring. Thank you.

Miles: Thank you, sir, for your comment.

Lann: Karen Kreps, District 5 and Gerry Sackett will be next.

Miles: Good evening, ma'am. Thank you for being here.

Karen Kreps, District 5: Good evening. Thank you for inviting us to come in. My name is Karen Kreps of 504 Woodland Church Road, and my place is in this District 5. After buying the house on Woodland Church Road in 2021, I was shocked to learn that Buckingham County currently has no protection against companies from outside the USA, creating toxic open pit mines inside the USA. Well, I'm part of a great community that cannot tolerate that. I'd like to ask how are you feeling about all the fabulous encouragement you're getting to set in place protections from metallic mining? Are you ready following the House Bill 2213 study released on December 1 to send toxic trespass ordinance to a public hearing? I want to emphasize proceeding with care when you begin writing the zoning, land use ordinance. The toxic trespass ordinance is thorough and well developed. We've had other already adopted rights based ordinances from across the country to benefit from. I want to point out that it was the Town of Halifax, not the residents, that reached out back in 2008 to the Community Environmental Legal Defense Fund, also known as CELDF, for short, to enact more protections from your uranium mining, Halifax knew that they needed all the help they could get. Ben Price helped them write their ordinance. The Halifax Council voted unanimously for that ordinance. Please take advantage of the expertise and experience of Ben Price, a highly respected organizer whose well-earned wisdom has benefited many communities. We've learned so much from him and from CELDF in the writing of this ordinance, and in looking at other communities and their struggles to protect their air, water, land, health and local economy. We know that you are listening. And that you don't want industrial gold mining either. Are you ready to move on the toxic trespass ordinance forward and then get to work on creating a land use ordinance? I hope so. Thank you very much.

Miles: Thank you for your time. Ms. Kreps.

Lann: Gerry Sackett, District 5 and Pete Capuscinski be next.

Miles: Good evening. I can hand them out for you if you'd like.

Gerry Sackett, District 5: Sorry, I ran out of ink. I'm Gerry Sackett. I live in District 5 that 101 Rhama Lane. And I've been in Buckingham for 43 years. This is a follow up for my comments at a previous meeting maybe four months ago about the Leadville catastrophe, and I was mistaken.

I thought it was an Idaho but it was in Colorado, but it remains and this is the I give you a few pages of a 200-page study called the Leadville Metals Exposure Study. This was in 1990. However, neurological effects in children were recognized at that site as early as 1904. In 1943, researchers reported long term effects on the intellectual achievements and behavior of school children. This report clearly states that those most at risk, are those still in the womb unborn and those in the developmental stages of their life. And those of us who remember the 50s and 60s, the, what was it, the not formaldehyde anyway, you remember that the drug that they were giving women who were pregnant to help with their morning sickness. And then children were born with hands at their shoulders instead of arms. And it went on for years. And this kind of thing, that once it gets going, you can't pull it back. So any of us who have children and grandchildren can relate to this, that the birth of a child is a time of celebration, time of joy and a time of hope. But how that can be dashed if there's a complication, if there's a deformity, if there's a disability that even comes up later on. So I leave it to your conscience to protect our county our water, our air, our children and grandchildren. Thank you.

Miles: Thank you, Mr. Sackett.

Lann: Pete Capuscinski, District 3 and David Waters will be next.

Miles: Good evening, Mr. Capuscinski.

Pete Capuscinski, District 3: Good evening Pete Capuscinski from District 3. Since you publicly recommended I consider resigning my post as Planning Commissioner, I feel I owe you and our county of public response. When I came to the Board in October, it was to comment representing myself as a tax payer and a resident of Buckingham as I am now, and not representing anyone else or any other organization. I say this for the record to assure that what I say here tonight, is neither misinterpreted nor misused. First and foremost, as it relates to the two residents in Buckingham, I came here to defend and help, I'm sorry I was unable to do anything to ease their concerns. As well. I apologize to the county and to our residents in the event my coming here was misunderstood to represent any other than my own personal views. As a taxpayer and a resident of our county, it's my right to come to these meetings, these public meetings and express my views, along with every other concerned resident regarding matters that come before this, or any other Board or Commission in Buckingham. And I will continue to make it clear when it is, I'm representing my own views. It is unfortunate that your misunderstanding of my intentions in the October meeting caused you and some of our Commissioners to feel a need to publicly discuss the issue and take a vote to recommend I consider resigning my post as a Planning Commissioner. I believe those actions resulted in an upheaval of concern in our county and among many of our residents. I am thankful for the support I received from them. But I believe all of this cause disruption and loss of time that was better spent on subjects that are of significantly greater urgency for our county and residents. As it relates to your recommendation, I respectfully decline and intend to continue to support and represent our county and residents to the best of my ability, so long as I'm allowed and able to do so. I sincerely hope my comments tonight will bring an end to this unfortunate series of events and I further hope we can return to the business of the county with a deep and abiding respect for differences in our individual views. Lastly, it is my opinion, a respectful and civil discussion

regarding those differences is what builds strength in our community. And in the end, I believe our community demands that we elected and appointed officers as well as others employed by the county to serve our residents find a way to do that among ourselves, while at the same time listening attentively to those who come here to share their ideas and concerns. Thank you.

Miles: Thank you, sir.

Lann: David Waters, District 5, and Paul Barlow will be next.

Miles: Good evening, Mr. Waters.

David Waters, District 5: Good evening Board. My name is David Waters. I live in District 5. 2035 Woodland Church Road. In response to Mr. Miles' question, has an ordinance such as the Prove It Safe First Ordinance been tested in the court of law? The answer for Mr. Price was no. Does that justify not trying to protect our community by passing these ordinances? Absolutely not. Now, but to my planned remarks. This group of concerned citizens request that you do a public hearing for this toxic trespass ordinance to protect us from industrial metallic mining. We know we're getting close. We just heard good testimony from Ben Price advocating that these two separate ordinances do have right in Virginia law. I think both ordinances complement each other and that both need to be adopted. They both assert local authority to affect industrial metallic mining. We also requested to invite Joe Lurch, Director of Government Policy for the Virginia Association of Counties to tell us more about Virginia Code 15.2 2280 which confirms local authority to prohibit the excavation or mining of soil or other natural resources. In the county attorney's 4-page memo of August 8, to you the supervisors, other codes are mentioned, but not this one. Why is that? This memo suggests that the toxic trespass ordinance would be of little benefit. We hope that that will be retracted. The toxic trespass rights based ordinance does and a land use ordinance can assert local authority in different ways. Local authority is a foundational assertion of the rights based ordinance and it points to the to the Virginia and US constitutions as its authority. The county attorney's main argument was to invalidate the toxic trespass ordinance because it asserts local authority given by the constitutions. On page 3 he says we cannot recommend that Buckingham County adopt an ordinance based on this claim of right. On page 1 he says Virginia is a Dillon state and localities can pass ordinances only in areas where the General Assembly has granted clear authority. He then looked at Virginia law as a higher source than the Constitution. This is problematic as Virginia law takes its authority from the Constitution. Also, for some reason, he did not see that Virginia Code actually does allow for local authority. It seems he did not know about Code 15.2-2280. On page 3 of the memo he says having rolled out that path, we sought to find authority in the Code of Virginia to allow the county to adopt an ordinance to prohibit the mining of metals generally, Virginia has only delegated a very limited role to local government in the mining area. On page 4, he says the state does not have a prohibition against metal mining. Thus, it seems of little benefit to adopt a parallel ordinance end quote. We now know the county can adopt a local ordinance prohibiting metal mining. I'm sorry to have to sort through this, but a disservice has been done. We would like an apology and to see a willingness to work together.

Miles: Thank you for your comment, Mr. Waters. If you would quickly wrap up.

Waters: We want protections with a clearer understanding of how they will work for all of us. Thank you.

Miles: Thank you, sir.

Lann: Paul Barlow, District 5 and Kenda Hanuman will be next.

Miles: Good evening, Mr. Barlow.

Paul Barlow, District 5: Good evening, Paul Barlow. 2072 Pond Road, State Route 738. This is more of a VDOT issue than gold mining. I'm hearing that rain. By the time that I hit my road coming back home, it's going to be ponded up. Pond Road is a two-mile-long dirt road that dead ends right at my driveway. We used to have a sign at the entrance, telling motorists that the road ended at 2.0 miles. And I guess the snowplow took that out. And what's been happening is that Google Maps and all the other map Apps show Pond Road continuing on to Warminster Church Road. So, if we could get that sign back up, that'd be a help. I ended up erecting a sign that says Google Maps is wrong, dead end, you know, turn around. But we've had an ambulance show up at my gate. And we've had FedEx drivers show up thinking they could get through to Warminster Church Road. And every once in a while you get the curious I don't know. a traveler showing up in my front yard. So. But also though, VDOT has been really good to us. Every single time that we've had a problem VDOT has been there. Now about two years ago, they came through, and they widen the road, and they reestablished the ditches. And they crowned it really nice. But every time it rains for more than two days, it just becomes a quagmire. And if it doesn't rain for two weeks, in the summer, if someone's driving behind you, you can't see him because of all the dust. Dust gets everywhere. I don't even wash my car anymore. But I was just wondering when we can stop being the redheaded stepchildren and get our two-mile road paved. And that's it. I'll just hang around and wait for VDOT. Thank you so much.

Miles: Thank you Mr. Barlow.

Lann: Kenda Hanuman, District 5 and Marie Flowers will be next.

Miles: Good evening, Ms. Hanuman.

Kenda Hanuman, District 5: I like that.

Miles: That's a nice intro wasn't it?

Hanuman: Appreciate it. I'm Kenda Hanuman, 247 Rhama Lane. Supervisor Bryant's District 5. I hope you found the presentations by Ben Price and the public comments helpful tonight. As a House Bill 2213 State Agency Committee Member, I'll report that I have uncertainty regarding the status of our draft report. I've seen no information or additions since late October. There's a seeming contradiction between our statement of task and the HB 2213 signed by the Governor in March of 2021. The National Academies of Science did a very thorough 200 plus page report,

which was submitted on schedule on November 1. They also submitted a 4 page highlights version, which is a quicker read. I hope you find value in this entire study due for completion by December 1. Please use it for guidance in moving forward with our local protection from the probable impacts of the mining of gold and other metals. I've made every effort to see that public participation is included in our report. 165 comments were submitted to the town hall. I appreciate the input from the participants at the nine state agency committee public meetings that we held from February through November. To quote CELDF, which we call cell deaf, and which Ben Price is the organizer for, if you don't have democracy, where you live, you don't have it anywhere. Thank you.

Miles: Thank you, ma'am.

Hanuman: I'd love it if you had a clock where the speakers can see it and then we wouldn't go over time. It's so hard. You can't see it up there.

Miles: Okay, thank you.

Lann: Marie Flowers, District 3. And John Laury will be next.

Miles: Good evening, ma'am.

Marie Flowers, District 3: Hi. Marie Flowers, 266 Legrand Lane. District Three. And I don't have anything to read from. I'm speaking from the heart. I want to see this ordinance passed. I'm afraid if you don't pass it before goes to the state legislature...I've encountered so many people who say it's not by me and I don't care. I mean, what do we need? Do we need clean water? Do we need clean air? And I also have another issue about the lack of signs. That they're optional for zoning cases. And I think it's deceptive for the rest of the neighbors. And I want to know if I'm wrong when I think that the neighbors, that the people in the county have a right to know what's going on. I just spoke to Mr. Carter. He gave me a very comprehensive explanation as to what's going on. I think it can be worked out somehow, if you all want to do it. And that's what I have to say. I just think it's very deceptive when there are no signs for zoning. You know, suppose somebody puts up a birdbath. How are the other birds in the area gonna know? Thank you.

Miles: Thank you Mrs. Flowers.

Lann: John Laury, District 6 and Evan Cohn will be next.

Miles: Good evening, Mr. Laury.

John Laury, District 6: Good evening. My name is John W. Laury. I live in District 6. We keep learning, don't we, about how to protect ourselves from metallic mining. Thank you for inviting Ben Price to discuss the toxic trespass ordinance. That was helpful to also understand a bit more on the land use ordinance and how they could be stronger together. Please take time to develop the land use ordinance to prohibit metallic mining carefully. As we know the toxic

trespass ordinance was very thoughtfully developed and has a long standing resource to draw from. We have resources that can help with the creation of the land use ordinance too. Will you call on us? In particular, I'm very concerned with the over 70 abandoned gold mines in Buckingham alone. All loaded with mercury and other toxic material. We must be careful to allow for, not prohibit, remining and reclamation and that work is done properly and effectively, so as not to release these contaminants into our water and air. Would you please help in attending to this? When the time comes, we hope you would be willing to open a study group to include residents of the county. Many of your constituents have learned a lot and are well informed. These ordinances actually complement each other. Please move forward with both. Thank you for taking time to listen to my comments.

Miles: Thank you Mr. Lawry.

Lann: Evan Cohn, District 5 and that will be it.

Miles: Just one remaining speaker, Mrs. Lann. Okay.

Cohn: Mr. Cohn passed on speaking.

Miles: Okay. Thank you. That concludes our public comment, Mrs. Lann?

Lann: Yes, sir.

Chambers: Mr. Chairman?

Miles: Yes, Vice Chairman Chambers.

Chambers: I'd like to comment with what Mr. Capuscinski said in the public comment. He came back and apologized. It was a misunderstanding. I'll make a motion that the Board accept his apology and continue to work and serve this county as he has in the past.

Miles: A motion has been made by Vice Chairman Chambers. It's been seconded by Supervisor Bryant to accept the apology of Planning Commissioner Capuscinski. Any questions before we vote? Are you ready, Mrs. Lann? All in favor? Please record your votes, aye. Those opposed no. The motion carries seven to zero. Thank you.

Vice Chairman Chambers moved, Supervisor Bryant seconded and was unanimously carried by the Board to accept the apology given by Planning Commission Capuscinski during public comments.

Re: VDOT Road Matters, Scott Frederick, Division Resident Engineer

Miles: Moving forward. In terms of item J, VDOT Road Matters. Scott Frederick is the Division Resident Engineer. And he's with us to talk about our roads. So thank you for being here.

Frederick: Thank you, Chairman Miles and Board. I'm glad to be here tonight. At any VDOT meeting we normally start out talking about safety. So that's what I want to do. And I'm gonna address Mr. Barlow's concerns. And I specifically wanted to speak about pedestrian safety. I don't know that we have a big problem in this county. But statewide there's uptick in pedestrian fatalities. There was an article that was recently in the Southwest Times, which is a news source from Pulaski, Virginia. And it quoted a lot of data from the DMV website. It's the same website I use when I speak to you guys about seatbelts and under the influence and speeding. It's really good data and I trust it. But it says that so far this year, there has been, I got it wrote down right here somewhere, it's up 34%. Sorry. There's a 10 year average for pedestrian fatalities is normally it's been 81. So over the last 10 years, there's been an average of 81 for a year. And so far this year, there has been 124 pedestrian fatalities. So that is a big uptick. It's comparing apples to apples because article said that it was at the same point last year, it's up 34%. So the FHWA which is the Federal Highway Administration says there's four E's to reducing fatalities. Those E's are the engineering, education, enforcement and emergency response. So VDOT primarily works in the engineering field of that way. When we build our projects, we tend to accommodate for pedestrians. Anytime we review something if we can, you know, add something to make pedestrian safer we do. So that's where VDOT plays the biggest role in the for E's. What I'm doing right now is helping with the education component a little bit, but the DMV would do that with driver's licenses and enforcement keep people from speeding and being distracted or under the influence or whatever it could cause you know, somebody to have an accident, it's gonna help that trend downward. And then if you have good first responders, like you guys do, if somebody was to be hit, they have a better chance to survive. And so that's the four E's. So the last thing I want to say about it is if you happen to be a pedestrian, you should always walk facing traffic, that's on the left side of the road so that you can see a car coming and you should wear high visibility clothing, so that's gonna make you a lot safer. So, with what Mr. Barlow added, I'm very familiar with Pond Road. Over the last couple of years VDOT has spent a lot of time out the. It does, we did...but just like he said, we fixed the ditches and tried to get everything draining properly again and feel like Pond Road was in really good shape this time last year and complaints kind of ticked downward so it was proof that it was working, I'll get it checked again. He brought up the Road End sign that called out the mileage, that the sign is now considered obsolete. We've stopped using it about 10 years ago. So the ones that are still up are ones that were placed a long time ago. I personally liked those signs and I've been advocating for starting to use them again and it's not really getting any traction with, you know, district and state level personnel. But I think it's very helpful for me when I run that know how long a road is just to keep track of the mileage but so I've seen the sign that he made saying that the road ends and your GPS is wrong. Every time I've made it to the end there's two or three dogs come running out...

Barlow: (from audience not verbatim) Those dogs are gone now.

Frederick: Yeah, but I will recheck the drainage and see if that

Barlow: Also, it is one of the last roads (didn't pick up but was asking about getting the road paved)

Frederick: You're at the right place because every year we do a work session in the spring and the Board of Supervisors picks which roads can be added to the six-year plan. But so let's see here. That's like I've covered most of the stuff you did, but your road wasn't unique last year. We had a really long, like end of winter into spring where it was like freeze, thaw, rain, freeze, thaw, rain and all of our roads got very soft and the stones sunk down into them. So this spring when we work with the Board, hopefully that road gets considered then. Thank you, sir. So speaking of our rural rustic program that I was just talking about last year, we've completed the construction season and this year we built six roads in Buckingham County. We started with Red Road in the spring and we did Payne's Pond, Ivy Road, Crescent Road, Wise Ridge Road. Think that's six. So this winter we'll do the preliminary engineering and in the spring when the next construction season starts, we'll pick up with Blackwell Road, Wyland Road, Mill Road, Warren Ferry Road and Firehouse Road. I'm happy to share that our Buckingham area headquarters is now operating. Crews have been reporting out of there for a little over a month. We're still going to be... we still have salt stored at Denton's Corner and at our Andersonville facility. So we're going to this winter use that salt supply down but we've already stocked the Buckingham headquarters so if there was some kind of crisis situation or one of our neighbors in the state was to run out we're gonna have plenty of salt on hand here at the Farmville residency so they could borrow from us. We've recently completed primary mowing, and now working on our secondaries. Been doing a lot of tree limbing and been chipping up some of those trees. We've been taking down some dead trees when people call them to our attention if there's...if we see them and they're threatening the road we get them. Sometimes people alert us to them we go out and look at I think Supervisor Gilliam we recently took one down in your district.

Gilliam: Yeah, they absolutely did. Mr. Taylor jumped on that pretty quickly.

Frederick: Yeah, I've heard about it today. So I'm glad that all worked out. I think last meeting, you...

Gilliam: He said he wanted to get it done before hunting season.

Frederick: Don't want to take a tree call during hunting season in the middle of the night. We recently fixed it edge right at 655 and 656 there at Wellwater Road. We've been going through our high volume secondaries and checking them for potholes. And we've also been removing a lot of dead animals. That's typical for this time of year. Mr. Matthews, last month, I submitted, you brought something to your attention. I wanted to let you know I submitted a traffic engineering work order for that curve on 676,

Matthews: 636.

Frederick: Is it 636? Okay, I'll double check that. But that's probably just me having a typo in my notes here. But we did that October the 28th. So it's slow turnaround time on those sometimes. But when it comes back, I'll share it with you.

Matthews: That's where the car ran off the road into a building on someone else's property.

Frederick: I kind of remember when that happened. I'll double check that. I'm pretty sure we submitted the right road. And then Mr. Miles, last month, you brought up a leaning tree on Troublesome Creek Road. I've submitted a work order for that.

Miles: Thank you. Also...continue I'll ask after.

Frederick: Okay. Then there was another road mentioned. It's right on 60, Scott's Bottom and CAIRA's, the intersection about I guess there have been some comments from the fire department.

Gilliam: Yeah, I got a call from Chief of Dillwyn Fire Department was an accident there last month. And he has some concerns about that where Scott's Bottom comes out at 60.

Frederick: Okay, yeah. And your predecessor, Donnie Bryan, actually brought concerns up to that back in February. And it was submitted back then. And we just recently finished installing new signage and stop bars. Hopefully that helps with what was going on there.

Gilliam: Thank you very much.

Frederick: No problem. The only other thing that I wanted to share was the flashing speed signs that you guys have been requesting. VDOT finished the review. The original request was I believe that you guys wanted to install them. And you were thinking about doing it with your own forces. And so I approached our traffic engineering office, I said they want to do it so bad, they're willing to pay for it. Yeah, they're willing to do it, take ownership of it. So let's work with them. He said, well, the traffic engineer I was talking to said, well, we do install those. And before we go that route, he said, let's review it, and make sure that we don't want to just do it. So they just finished doing that. And they said they can't justify VDOT installing them. You know, we wouldn't typically do it. And they just, you know, they said we're not interested in doing it in our forces. But they said we were happy to work with you guys to give you a permit to install it, maintain it, that type of thing. If you guys are still interested in doing it.

Miles: We previously voted to allocate that money for both. I think we did both the courthouse and the Town of Dillwyn. So would you all help us if we continue?

Frederick: Absolutely. I was talking to Mr. Carter, right before the meeting about maybe talking on Thursday or Friday, about next steps. But that's all I came prepared to talk about tonight. I can open up to you guys, if you have questions.

Miles: Thank you, Mr. Frederick. We'll start with the Supervisor Allen any VDOT concerns?

Allen: Appreciate you getting all this stuff from down at the gravel pile.

Frederick: Okay, that's something I should have updated you and on all the debris that was ground up, I believe all the chip piles are been completely removed.

Allen: I don't have nothing else.

Miles: Okay, Supervisor Bryant?

Bryant: It looks good on 15. I don't have anything. You've already taken care of my problem.

Miles: Supervisor Matthews.

Matthews: That incident that you're talking about on 636 is not the first time that has happened. So I just want to be clear on that. I had the landowner call me and it's been a once or twice a vehicles been in that building that's run off the road there. So you know, I know I see a lot of times there's signage that has an arrow with it that kind of goes into a curve. So I know that's not in that curve, but it may be wise to put something like that there or some type of light, caution light that let somebody know that there is a curve coming up.

Frederick: Yeah, absolutely. I think they have the curve ahead sign and then sharp curve the typical Chevron array

Allen: Is that the curve before the church?

Matthews: Right at the church.

Allen: Right before you get to the church.

Miles: Does that conclude your concerns, Supervisor Matthews? Okay, Vice Chairman Chambers?

Chambers: Yes, again. Thank you for 659. You've done a good job up there. I heard you, on paving the road for next year, you said Warren's Ferry, what about Hatton's Ferry Road? I thought that was on the list for next year, off 695 down there.

Frederick: I'm not sure that might be two years out. I just went in order on the list and I didn't see it on there. I think it's farther out if it's on there.

Chambers: Okay. Thank you.

Miles: In terms of Maysville District, thank you for studying the speed limits signs and that and also thank you for cutting some of the brush back, the bushes back on Troublesome Creek Road. I had a lot of compliments from folks living in the courthouse village on VDOT cleaning up some of the debris like the bark from pulpwood trucks and the just the grit and the sand and the somewhat gravel from last winter. We know it'd be back but we appreciate that and too, thanks for the update on the six-year improvement plan.

Frederick: Thank you.

Miles: Supervisor Gilliam.

Gilliam: I have no problem at all. I had a couple of issues I talked with Mr. Taylor on. How anybody could have fixed it any quicker was in a 24-hour period on both of them.

Frederick: Okay. Good deal. Thank you. All right. I'll pass that along.

Miles: Supervisor Davis.

Davis: Just a couple of things. So thank you for Notting Hill Road taking care of that for me. I was about the guard rail on Chapel Road that got destroyed. Yall got cones out and all. When is that going to get fixed?

Frederick: I think they have 30 days to fix it once we submit it to them. We go out and mark the guardrail. Have you noticed spray paint marking on it? I think after we mark it, they have 30 days to come replace it. But since you told me...

Davis: I don't know who hit it, but they got away from it quick. I went by at 4:00 in the morning and it was torn all to pieces and jerked out in the road.

Frederick: That's something that a lot of times we can recover the costs of if there's a police report, when they disappear.

Davis: I call the county because I thought he was over in the creek, I looked for the vehicle and I called the county and you see the puddle of oil go all the way to 15. And he was easy to track.

Frederick: Gotcha. Let me see here. I think I forgot to bring it with me. But I'm remembering now that I had something printed out but the Woodland Church Road. There's a person that lives up in the Yogaville area, his name is Allen or think his name's Alan Diva, something like that. He's been requesting us to study that road and put a center line stripe down it. And so, first thing I did was went out and measured it myself to make sure it was wide enough that it would be possible. Once I figured out that it was, I submitted to traffic engineering a long time ago and it just recently came back that it was approved and recommended to install that double yellow center line. So that's going to take place the next time we're doing our markings. But the other thing I wanted to add was that this 35 mile an hour speed limit sign had somehow disappeared and traffic engineering caught that and it's since been reinstalled. So maybe something that law enforcement will have to remind people of.

Matthews: Mr. Chairman, I have one other thing.

Miles: Oh, yes, sir. Supervisor Matthews.

Matthews: It was a sign on Route 15 right before two miles before Shepherds, it was a mileage sign that had been torn down for a couple months now. I think they've picked it up but they hadn't put a new sign.

Frederick: Oh, I know the one you're talking about. They call those destination signs that says like however many miles to the next town. That sign was big enough that it has a special foundation. And we have to get that to get it put back up. So we're aware of it and working on it.

Miles: Any other concerns? Okay, thank you. Mr. Frederick. Thank you appreciate you being here.

Re: Public Hearings

There were none scheduled.

Re: Zoning Matters

There were none.

Re: Planning Commission Member John Bickford, District 1-term will expire December 2022. Please consider reappointment/appointment

Miles: So we will continue with item M. Department/Agency reports and items for consideration. The first item is Item M.1. Planning Commission Member John Bickford, District 1. His term will expire next month in December of 22. Please consider reappointment or appointment and this item Supervisor Davis was on the agenda last month and we carried it over to this month for your consideration sir.

Davis: I would like to reappoint John Bickford.

Gilliam: I second the motion.

Miles: All right. Is there a motion Supervisor Davis?

Davis: Yes, I'm motion that we reappointed John Bickford to the Planning Commission.

Miles: A motion has been made by a Supervisor Davis, seconded by Supervisor Gillam to reappoint Mr. John Bickford to District 1 Planning Commission for another term. Any questions before we vote? All in favor please record your votes, aye. Those opposed no. The motion carries 7-0. It's unanimous.

Supervisor Davis moved, Supervisor Gilliam seconded and was unanimously carried by the Board to reappoint John Bickford to the Planning Commission representing District 1.

Re: Industrial Development Authority: Consider reappointment/appointment of IDA Member for District 1 Randy Christian's term expires January 31, 2023.

Miles: Item M.2 Industrial Development Authority, Consider reappointment and/or appointment of IDA Member for District 1 Randy Christian's term expires January 31 Of 2023. Is there any action with regards to that?

Davis: I'll make a motion that we reappoint Randy Christian.

Allen: Second.

Miles: The motion has been made to reappoint Mr. Christian by Supervisor Davis, seconded by Supervisor Allen. Any questions before we vote on this reappointment of Mr. Christian? If not all in favor, please record your votes aye. Those opposed no. And the motion carries 7-0, unanimous.

Supervisor Davis moved, Supervisor Allen seconded and was unanimously carried by the Board to reappoint Randy Christian to the Industrial Development Authority for District 1.

Re: Industrial Development Authority: Consider reappointment/appointment of IDA Member for District 6 Thomas Bradshaw's term expires January 31, 2023

Miles: The next item is M.3. Industrial Development Authority Consider reappointment/appointment of an IDA member for District 6, Mr. Thomas Bradshaw. His term expires January 31 of 2023. What's your pleasure on this?

Chambers: I make a motion to reappoint him again.

Miles: A motion has been made by Vice Chairman Chambers, seconded by Supervisor Allen to reappoint Mr. Bradshaw to a consecutive term on the IDA. Any questions before you vote? All in favor, please record your votes, aye. Those opposed no. The motion carries 7-0 to reappoint Mr. Bradshaw.

Vice Chairman Chambers moved, Supervisor Allen seconded and was unanimously carried by the Board to reappoint Thomas Bradshaw to the Industrial Development Authority for District 6.

Re: Commissioner of Revenue: Consider Tax Refund for Disabled Veteran Exemption

Miles: The next item is Item M.4. Commissioner of the Revenue Consideration of tax refund for the amount of, well, there's an amended amount now that is at your desk and that amount is \$3170.96. So that has changed due to a matter being handled. There's a motion by Supervisor Allen, seconded by Supervisor Matthews to approve this request and refund any questions before we vote. All in favor. Please record your vote aye, those opposed no. The motion carries 7-0.

Supervisor Allen moved, Supervisor Matthews seconded and was unanimously carried by the Board to approve a refund of taxes in the amount of \$3,170.96 for a disabled veteran status.

Re: EMS Consider accepting grant from Virginia Department of Fire Programs in the amount of \$8,820 for repairs to burn building

Miles: The next item is Item M.5. EMS Consider accepting a grant from the Virginia Department of Fire Programs in the amount of \$8,820 for repairs to the burn building. A motion has been made by Supervisor Allen, seconded by Supervisor Bryant to accept this request to accept this grant. Any questions before we vote? All in favor please record your votes aye. Those opposed no. The motion carries 7-0.

Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board to accept the grant in the amount of \$8,820 from the Virginia Department of Fire Programs for repairs to the Burn Building.

Matthews: I'd like to say thanks to Mr. Davis for applying for this grant and being able to get it to use in his budget for that EMS services.

Carter: I concur. I mean, those grants are given out when we have our five year inspection on the burn building. They are not just given out. You have to not have to plan for each time.

Miles: That's great.

Gilliam: Good job.

Re: EMS: Consider bids to pave Glenmore EMS Building Parking Lot

Miles: The next item is Item M.6. EMS Consider bids to pave Glenmore EMS building parking lot and we only received one bid. Is that correct? Mr. Carter?

Carter: Yes, sir. You received one bid. We actually received two in the office but one came after the deadline. So that was a marked unresponsive. So if you do want to go forward with that bid, I make a recommendation that you take those out of the contingency funds for EMS. They have a line that says contingency funds that Dominion gave us a contribution a few years ago. We have those monies to spend.

Miles: Great.

Mathews: Is that asphalt or concrete?

Carter: Asphalt.

Chambers: One thing about that concrete, once you put that concrete down you don't have to worry about it no more.

Miles: A motion has been made by Vice Chairman Chambers, seconded by Supervisor Matthews to consider the bid from Pearson Construction. Any questions for we vote? All in favor please record your votes aye. Those opposed no. Motion carries 7-0.

Vice Chairman Chambers moved, Supervisor Matthews seconded and was unanimously carried by the Board to accept the bid from Pearson Construction in the amount of \$78,550 to pave the parking lot at the Glenmore Station.

Re: Solid Waste: Consider bids for hard surfacing Rt. 56 Solid Waste Site

Miles: The next item is Item M.7. Solid Waste Consider bids for hard surfacing Route 56 Solid Waste Site. Mr. Carter?

Carter: Yes, sir. This is one of those bids I think a lot you wanted to get a price on and see what the costs are paving that site or hard surfacing that side because I think Supervisor Bryant has gotten some complaints about that white dust that's there at the site and the potholes that keep coming back. When we made this bid request for proposals, we asked for both concrete and asphalt prices. As you can see in your packet tonight, Pearson Construction gave a price of \$157,057 for the concrete and to do asphalt, they gave a price of \$137,525. The other two bidders only bid on concrete which you can see Shorty Kidd did \$141,265 and R. Mark Shult Masonry did \$225,000 for just concrete.

Chambers: That's the cheapest one, Shorty Kidd.

Carter: Shorty is the cheapest if you want to do concrete. If you want to do asphalt, the only one we got was Pearson construction.

Chambers: I believe the concrete has a longer life to it. I'd go with concrete.

Carter: I can tell you our Solid Waste Supervisor, Lyn Hill, feels that concrete is better for the trucks that come in and turn all the time.

Miles: A motion has been made by a Supervisor Bryant, seconded by Vice Chairman Chambers, just to be clear, Mr. Bryant, which bid is in your motion?

Bryant: Concrete.

Miles: Right. But which one?

Chambers: Shorty Kidd.

Miles: The lowest one right?

Chambers: \$141,265

Miles: Thank you. Are there any questions before we vote? We are going with WL Shorty Kidd for \$141,265. Supervisor Davis, you have a question, sir.

Davis: Yes, sir. Do we have the funds for this Karl?

Carter: Yes, sir. If you want to do this project, we would take them out of ending year balance. So this would be a general fund project. The one for EMS was out their funds.

Davis: And I would like to see us, we can go on and vote on this, but the dump site in District 1 in my district, pothole keeps coming back right beside 15. Lyn has tried and tried to fill it and it's...

Carter: Is that, Supervised Davis, is that concrete as well is that...

Davis: No, it is asphalt at old school, the old Arvonnia School, when you pull in there, Lyn's looked at it a couple of times. And it's just whatever he puts in there, it beats it out in a couple of weeks.

Carter: So we need new asphalt for that pothole.

Davis: That part going to the...it's concrete from the gate on but just the first 50 feet of it...

Matthews: Why can't you just cut that up and put concrete down.

Chambers: You put concrete there and you won't have that problem no more. The concrete will stay there.

Carter: It's just something we need to look at.

Carter: I can bring some prices back to that next month.

Miles: Excellent. Thank you, Mr. Carter. Thank you, Supervisor Davis. All right, we have a motion on the floor. Is everyone ready to vote? Please record your vote aye. Those opposed no. The motion carries.

Supervisor Bryant moved, Vice Chairman Chambers seconded and was unanimously carried by the Board to approve the bid from W.L. "Shorty" Kidd for concrete at the Rt. 56 Site in the amount of \$141,265 to come out of the ending year balance.

Re: Finance: Consider Finance Committee looking into how to expend the Opioid Settlement funds

Miles: The next item is Item M.8.Finance: Consider the Finance Committee research and look into how to expand the opioid settlement funds. Mr. Carter, did you want to touch on that, sir?

Carter: Yes, sir. Thanks to Mr. Wright, we have started and he did the paperwork for this. So we're starting to get some opioid settlement monies from the state and from those manufacturers. So to our surprise, those funds will start coming in and we got a sheet showing how much we're going to get. So over the next 17 years, we're scheduled to get about \$203,000 in those opioid settlement funds. With those funds, there's two pots of money that they come from their direct payments from the manufacturers. And there's payments from the state's opioid abatement authority, which is the called the OAA. Those direct payments that come from the manufacturers don't have that many restrictions. So we are kind of free to do what we want to do with those funds. The ones that come from the state on other hand do have of course restrictions. So the state is encouraging all localities to do that receive these funds is to they have they call a gold standard. And they want you to apply those unrestricted funds to that same standard. So they want you to use those funds to help fight the opioid crisis instead of just spending them on anything. So if you do that, they're gonna give you they have an incentive package that will say, in our case, we will get another additional \$13,600 if we follow those standards. So I'm sure if you haven't yet you will be getting requests for how to spend those funds. You might get some people that want to know, hey, can you use some of these opioid funds on some of our projects? So I'm asking you tonight to let the Finance Committee look at those different uses for those funds and bring it back and recommendation to the Board.

Miles: Motion has been made by Supervisor Allen and it's been seconded by Supervisor Bryant to recommend the Finance Committee look at this program and bring back to the full Board recommendations as to how to allocate the funds. Are there any questions? All in favor, please record your votes, aye. Those opposed no. And the motion carries 7-0.

Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the request for the Finance Committee to research and recommend how to spend the Opioid Settlement Funds and bring recommendations back to the Board.

Re: County Attorney Matters

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

Wright: I have no matters tonight.

Miles: Thank you, Mr. Wright.

Re: County Administrator's Report

Miles: Our next item is Item O County Administrator's Report. Mr. Carter?

Carter: Update on Hotel: Yes sir. I got all informational items for you tonight. Some good news. An update on the hotel. I talked to the owner of the hotel and he has said their financing had finally closed last week. So they're expecting to break ground on project in about 90 days. And the project is estimated take 12-18 months so within the next three months we should see some kind of break ground breaking at that site which is good.

Update on Medical Building: The second is another update on a building. Since the Sentra building in Dillwyn that was donated to the county, I talked to them last week as well. And they're estimating they're gonna start their construction in the first quarter of 2023. And they expect to have the project open in the third quarter of 2023. They're estimating to have a nurse practitioner on initial start with the building. They expect to have a doctor to start in 2024.

CARES Audit: The last thing I have for you is some good news for our CARES funds that we got. As you know, we've received those funds a couple years ago during the COVID outbreak. And so with those federal funds, we got selected to have our funds audited. We had those auditors come down and look to our information. They found that we did everything in accordance to what the rules said. So we don't have to pay any funds back. So that's a good thing for us. They did note that we do not have any policy and procedure for spending financial funds, federal funds. So that's something that I would check with our auditors and get some guidance on, getting that policy procedures done for any future federal spending programs. And then we will be good to go. But the good news is everything was found being compliant and accounted for so there's no funds we need to be paying back.

Miles: That's really good news. Thank you, Mr. Carter, and to your staff for making sure that everything was correctly allocated there.

Carter: That concludes my report.

Miles: Okay. Thank you, Mr. Carter.

Re: Information Items

Miles: In terms of Item P, Informational items, you will see that you've got several informational items there. I did want to highlight one. On Friday, December 2nd at 6pm. at the courthouse lawn is going to be the County's Annual Christmas Tree Lighting. And we thank Mrs. Lann and the staff for all the work that you all do to plan that. And there's some other events going on that same weekend that are noted. So just wanted to highlight that.

Re: Board Matters

Miles: Are there any Other Board matters?

Gilliam: I would like to bring up the Board where we could discuss it, maybe take us back and let the Finance Committee talk about it. I think we all know that personal property tax on cars has hit the county last month. I'd like if there's any way possible to talk to the Board about it. Maybe we could sit down and discuss or go back to the Finance Committee to see if we could study some other counties to see if we could do two payments. Instead of hitting the consumer all at the end of the year, right at Christmas, when people have families and buying Christmas presents and whatnot. If we could do it semiannually, I think a lot of counties do it semiannually, twice a year, and maybe even look into some other counties policies on prorating, I think it's pretty bad to make a consumer or resident of Buckingham pay taxes for the whole year, if they don't owe it for the whole year, or especially the last 30 days, or the last month or two. So I don't say we have to take any dramatic action tonight. But I think that the taxpayers need some relief, where maybe they could break it down. Or we could study it about making a couple of payments twice a year.

Chambers: Like we do the real estate. Is that what you're saying? Makes sense.

Gilliam: These vehicles are higher than real estate now.

Matthews: Does the commissioner of revenue need to be involved in that?

Chambers: I think the treasurer and commissioner of revenue should meet with the finance, all of yall together,

Miles: Do you want to make a motion?

Gilliam: Yeah. I make a motion that the Commissioner of Revenue and Treasurer...

Chambers: That's right, let them all work it out together. I think that's the best way to do it.

Miles: The motion has been made by Supervisor Gilliam, seconded by Supervisor, Bryant for the Finance Committee to study prorating automobiles, depending on when they were purchased and put on the DMV records and to explore the possibility of twice a year the personal property tax billing similar to real estate and invite the Treasurer and Commissioner of Revenue to all those discussions. Motion have been made and seconded. Any questions?

Allen: Yeah.

Miles: Supervisor Allen?

Allen: What if you thought that they didn't raise it this year? I mean, they raised it this year because the blue book value changed. I wonder if we go back and just say this say just leave it like it was last year. That way you wouldn't have to worry about it.

Davis: I still think it would be a good idea to allow them to pay semiannual payments or something. That's a whole lot of money for a lot of families right at Christmas.

Allen: All right. So y'all were paying it twice a year instead of backing it up.

Miles: Does that make sense to you, Supervisor Allen? Or do we need to explain? I mean, we're happy to. Okay. Any other questions before we vote? All in favor, please record your votes, aye. Those opposed no. And the motion carries 7-0.

Supervisor Gilliam moved, Supervisor Bryant seconded and was unanimously carried by the Board for the Finance Committee to study prorating automobiles, depending on when they were purchased and put on the DMV records and to explore the possibility of twice a year the personal property tax billing similar to real estate and invite the Treasurer and Commissioner of Revenue to all those discussions.

Miles: Does that conclude? Vice Chairman Chambers?

Chambers: Yes, sir. I'd like to make a motion that we give the same thing we did last year for the employees. Thanksgiving, give them off that Wednesday, Thursday and Friday, and also the bonus have given them the bonus for like we did last year. \$1000 bonus.

Miles: So you've heard the motion. The motion has been made by Vice Chairman Chambers and seconded by Supervisor Allen. Any questions before we vote? All in favor, please record your votes Aye. Those opposed no. Motion carries 7-0.

Vice Chairman Chambers moved, Supervisor Allen seconded and was unanimously carried by the Board to approve Wednesday, Thursday and Friday for Thanksgiving holiday and to give employees \$1000 Christmas bonus.

Miles: So I do have one thing in terms of other Board matters on the same note that Supervisor Gilliam brought about. I've talked to Mr. Carter. And we also spoke to we both spoke to the county treasurer. And in the same note, because of inflation because of the skyrocketing cost of automobiles, and I'd love to hear what y'all think about this. We've done similar things in the past when COVID was really bad. And this year, obviously, inflation is way too high. And because of the high assessments, I've talked to Mr. Carter and Mrs. Christian, and they both are comfortable. And Mr. Carter, correct me if I'm wrong, that if we were to buy one month, and only one month, push back the due date for personal property, to give people a little bit of room to pay. And I talked to Mrs. Christian about this and we agreed that if we that if you all support this, we could we could instead of December 5, we could do January 5, obviously, January 6th is when penalties would apply. So that gives people an extra month, at least a little bit after Christmas. And then

the second thing is, is that as we have in the past, if we could get the county could quote unquote, eat that 3% credit card fee for a few months just to give people a little bit of a break. Mr. Carter, could you touch on that because I know you and I have talked about it,

Carter: Yes. Going back to your first option, and with the extended deadline, I talked to the Treasurer and she's on Board with that. We thought...other localities are looking at doing that same thing. And you said it gives us about a 30 days extra, it also gives them another pay period and maybe two pay periods to help with their taxes. If you want to do the eating of the credit card, or convenience fee, make sure that your motion is for personal property only.

Miles: Right that'd be personal property only.

Carter: Also, on your first point not extending real estate.

Miles: This is just for personal property,

Carter: Then also, if they pay those fees online, the system can't differentiate between personal property and real estate. If you have a personal property bill and a real estate and you pay it online the fee is assessed to the total, it's not assessed to just real estate or personal property. So we need to make sure we know that the fee is being waived just on personal property.

Miles: Right. Yeah. And that's if you pay both at once. So just another thing, I'll just say March 1, we would start charging the 3% convenience fee again, maybe and give folks you know, just another two months to be able to pay very easy with the credit card or in person. If you all see fit to that, That's an idea I had. I can't make motions. So we talked to the treasurer and, Mr. Carter. And again, this is just one, you know, effort to give taxpayers a little bit of relief to help out so.

Chambers: I thought we put this for the finance committee to look at this thing.

Miles: So the Finance Committee, Mr. Chambers, is going to look at twice a year billing. But we can't do anything about twice a year billing now obviously because it's almost December. So what I was thinking maybe something small right now, in the interim, we could give them a month just for personal property.

Matthews: We need to do it now. Another month is going to be too late. I'll make that motion.

Miles: A motion has been made by Supervisor Matthews, seconded by Supervisor Davis, just to delay by one month to January 5, 2023. That would be the due date for personal property only. And the next day it would be delinquent and then penalties would apply and then waive the convenience fee on credit cards for personal property only until March 1st.

Chambers: I see what you are saying. I've got one question and I don't understand what Karl was saying about the credit card.

Miles: The online payment Mr. Carter? Could you address that again?

Carter: Um, so like right now in December, that's a double collection month. You got your real estate, second half real estate due and you got your personal property. If you were to go home and on your computer and pay online, the credit card fee is assessed to your total bill. It can't tell what is being paid.

Chambers: I see what you're saying. You had me confused.

Miles: On that note. Could they pay separately?

Carter: Yes, if they...

Miles: So if I paid my truck tax separate, could that 3% not be taken out?

Carter: I'd have to check. I don't think so. I think it's a program. So when they waive the fees, it's waiving the fees. They can say, well, it's assessing the fees on this, but not on that.

Miles: Maybe we can encourage people to pay in person and that would help.

Carter: If they pay in person, they can write a check. There's no fee on that at all.

Miles: To add the treasurer does work with people who are having a hard time with payment schedules monthly. So I just want to add that as well. So any other questions? And I appreciate this. If not, please record your votes, aye. Those opposed no. And the motion carries 7-0.

Supervisor Matthews moved, Supervisor Davis seconded and was unanimously carried by the Board to extend the due date for Personal Property tax only to January 5, 2023 and waive the convenience fee on credit cards for personal property only until March 1st.

Re: Executive Closed Session

Miles: Are there any other Board matters before we enter into closed session? If not, Vice Chairman Chambers. You have motion sir?

Chambers: Yes, sir. Mr. Chairman. We'd like go into closed session on Code 2.2 -3711. Discussion, consideration, or interviews or prospect candidates of employment, assignment, appointment, promotion, performance, demotion, service discipline, the resignation of any specific officers, appointees, or employees of any public body. I make that motion.

Miles: Motion has been made by Vice Chairman Chambers, seconded by Supervisor Gillam to enter into closed session. Any questions before we vote? All in favor please record your votes aye. Those opposed no. Motion carries 7-0.

Vice Chairman Chambers moved, Supervisor Gilliam 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

Miles: Is there a motion to enter into open session from Executive Session?

Chambers: Mr. Chairman, I'd like to make a motion to return to regular session and certification that the best of each Board member knowledge only business matters related to the Code of what's execute the meeting was convened and was discussed or considered in the closed session.

Miles: Motion by Vice Chairman Chambers, seconded by Supervisor Gillam to enter into open session. Any questions before you vote? All in favor please record your votes Aye. Those opposed no. And the motion carries 7-0

Vice Chairman Chambers moved, Supervisor Gilliam 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

Miles: Is there any action as a result of closed session? Seeing none, we will adjourn to...

Carter: Hold on Mr. Chairman

Miles: I'm sorry. Mr. Carter.

Carter: We have some updated information need to give you prior to the going into closed session that you talked about, you know, extending the deadline for personal property taxes. Talking with the county attorney just now doing in closed session. We think that deadline is set by ordinance. So if the data set by ordinance we need to do something to change that.

Miles: Is there any way we can suspend or something?

Wright: Yes, we can. Make a motion to amend the ordinance to give effect to whatever you intended to do? And then we'll make it happen.

Miles: Okay, let me find my paper.

Wright: Just make a motion to amend the motion to extend the payment deadline for personal property to January 5th. All I want is amended ordinance.

Miles: Okay, so is there a motion to amend the said ordinance to reflect the changes of pushing the personal property tax due date by one month to January 5th and secondly pushing back until March 1st waiving the convenience fee of 3%. Is there a motion to that effect?

Matthews: Yes, I've already made one.

Miles: Well, let me ask you this, in the ordinance does it address the convenience fee? Because that's the issue here was that was part two.

Wright: I didn't lay hands on the ordinance before I came here.

Miles: Okay, could we, Okay, question for Mr. Wright. Could we just extend the 3%, alright, can we do it all on one day? Do it all on January 5th?

Allen: You can go to February. He said 90 days if you want to?

Miles: 90 days will be too much for Mrs. Christian because I asked her for beyond that. She says that would not work. So your motion would be to amend the ordinance to reflect the new due date for personal property taxes for January....

Wright: 3%. is not in the ordinance. We don't need that.

Miles: Okay. So just to be clear, we will be amending the ordinance one time and one time only right now, to extend the due date for personal property taxes from December 5 to January 5, obviously, January 6 is when it's late, delinquent, and then penalties would start then and to extend and for the Board to eat the 3% convenience fee until March the first on personal property only.

Chambers: Let me ask you a question. How are you going to notify the public? Put this in the paper?

Miles: We can do that.

Carter: We'll put it on our website as well.

Miles: Thank you. I'm trying to figure this motion. Is there a motion to do that? A motion by Supervisor Matthews. It's been seconded by Supervisor Gillam to amend the ordinance as to what I just said. Any questions before we vote? All in favor please record your votes, aye. Those opposed, no. The motion carries unanimous Thank you, Mr. Wright. Thank you, Mr. Carter for that.

Supervisor Matthews moved, Supervisor Gilliam seconded and was unanimously carried by the Board to amend the Tax Payment Ordinance to reflect the one time amending the December 5th deadline for personal property taxes to January 5 and the board vote to waive the 3% credit card convenience fee until March 1st on personal property tax only.

Re: Adjournment

Miles: Is there any other business tonight? If not, we will adjourn until December the 12

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

ATTEST:

Karl R. Carter
County Administrator

T. Jordan Miles, III
Chairman