At a regular meeting of the Buckingham County Board of Supervisors held on Monday, January 10, 2022 at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: Dennis Davis; Donald E. Bryan; T. Jordan Miles, III; Joe N. Chambers, Jr.; Harry W. Bryant, Jr.; and Danny R. Allen. Donald R. Matthews, Jr. attended by phone due to being out of town. Also present were Karl Carter, County Administrator; E.M. Wright, Jr., County Attorney; Cheryl T. “Nicci” Edmondston, Zoning Administrator/Planner and Jamie L. Shumaker, IT Manager.

Re: Call to Order

County Administrator Carter called the January 10, 2022 meeting of the Buckingham County Board of Supervisors to order.

Re: Establishment of a Quorum

County Administrator Carter certified there was a quorum. Six of seven members present and one by phone, therefore the meeting could continue.

Re: Invocation and Pledge of Allegiance

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

Re: Confirmation of 2022 Chairman of the Board of Supervisors

Carter: This is our first meeting of 2022. So the first item of business tonight is the election of Chairman. We've been following our rotation. So the next person in line is Supervisor Miles. I will take a motion and a second if anybody wants to accept that motion.

Chambers: So moved.

Bryan: Second
Carter: We have a motion and a second for Supervisor Miles to be Chairman for 2022. All in favor raise your hand. Supervisor Matthews?

Matthews: Yes.

_Supervisor Chambers moved, Supervisor Bryan seconded and was unanimously carried by the Board that Supervisor Miles will serve as the Chairman of the Board for CY2022._

Carter: Congratulations Mr. Miles.

Miles: Thank you Mr. Carter. Thank the Board for their confidence. As we move forward let’s do it together as one Board and one County.

Re: Confirmation of 2022 Vice Chairman of the Board of Supervisors

Miles: So moving forward to Item E, Confirmation of 2022 Vice Chairman of the Board of Supervisors. In rotation that would be Rev. Chambers, Supervisor Chambers of District 6. I will entertain a motion for that action.

Bryan: So moved.

Allen: Second.

Miles: Motion by Supervisor Bryan and second by Supervisor Allen to confirm Supervisor Chambers as Vice Chairman of the Board of Supervisors for 2022. Is everyone ready to vote? Please raise your hand. All in favor? Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Okay. The motion carries Seven to zero.

_Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board that Supervisor Chambers will serve as Vice Chairman of the Board of Supervisors for CY2022._

Re: Approval of Agenda

Miles: The next order of business is Item F Approval of the Agenda. Supervisor Bryan?

Allen: So moved.
Bryan: Supervisor Allen, would you entertain postponing M-3, Solar Policy? We need to postpone that.

Allen: Alright.

Bryan: I'll second your motion.

Allen: It's a few more things we probably need to dig into.

Bryan: Yes, sir.

Miles: The motion is to adopt the amended agenda. Motion by Supervisor Allen, second by Supervisor Bryan. Anybody have any questions before we vote? All in favor raise your hand? Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Okay. The motion carries seven to zero.

*Supervisor Allen moved, Supervisor Bryan seconded and was unanimously carried by the Board to approve the amended agenda, postponing M-3 Solar Policy.*

Re: Approval of Minutes

Miles: The next item is Item G Approval of the Minutes. Can we have a motion for that, please?

Bryant: So moved.

Miles: Is there a second?

Allen: Second.

Miles: Motion by Supervisor Bryant? Second by Supervisor Allen to approve the minutes as presented. Does anyone have any questions? Call for the vote. Please raise your hand Aye? Any opposed? Supervisor Matthews?

Matthews: Yes.

Miles: The Motion carries to approve the minutes.
Supervisor Bryant moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the December 13, 2021 minutes as presented.

Re: Approval of Claims

Miles: Next item is Approval of Claims Item H.

Davis: So moved.

Allen: Second.

Miles: A motion to approve the claims by Supervisor Davis, second by Supervisor Allen to approve the claims. Does anybody have any questions? Please raise your hand Aye? Opposed no? Supervisor Matthews.

Matthews: Yes.

Miles: Motion carries to adopt the claims seven to zero.

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

Re: Approval of By-Laws and Rules of Procedure

Miles: The next item under our business is Item I, Approval of the By-laws and Rules of Procedure. Is staff want to discuss the one change that is in there, Mr. Carter? In terms of the electronic policy, sir?

Carter: Yes, Supervisor Miles, that is the one change in the By-laws this year. In your packet tonight, you should have in your folder, three ring binder, policy concerning having meetings through electronic means. If you read that as well, you will see that you know, if a person like Supervisor Matthews tonight calls in, and can't make the meeting, they can vote by phone. So that's the change we made it for 2022.
The Buckingham County Board of Supervisors hereinafter called the Board is an elected body provided by the Code of Virginia, Section 15.1-527; it consists of seven (7) members elected from each of the voting districts.

When affixed to any paper or document by the Clerk of the Board, the seal has the force and effect for authentication for the Board.

13380 West James Anderson Hwy, Buckingham Administration Complex, Buckingham, Virginia 23921. Mailing address: P.O. Box 252, Buckingham, Virginia 23921-0252.

At the annual or organizational meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice Chairman, each of whom shall serve a term for one year expiring on December 31st of each year or until their respective successors shall be elected. In the case of the absence of the Chairman, the Vice Chairman shall preside at the meeting, in the absence of both the Chairman and the Vice Chairman, the members present shall choose one of its members as a temporary Chairman. Both shall be voting members and shall serve for one year. The election of Chairman and Vice Chairman shall be rotated annually among board members. In keeping with this policy the selected vice-chairman will be elevated the next year to serve as chairman. The guided principle of this is to alleviate the posturing and the division of the board at the start of each year. In doing this each elected member will have a chance to serve as vice-chair and as chairman. Should a member die, resign or not want to sit in the appropriate chair, then they will move down the list to the end of the rotations and elect the next member in line.
Commencing with the organizational meeting to be held in January 2016, the following would be an example of rotation based upon the members in office as of January 2016:

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The rotation will then follow the same schedule as previously stated.

The Board of Supervisors will still have to take official action to place the board members in the seat as Chairman and Vice Chairman.

**COUNTY ADMINISTRATOR**

The County Administrator shall be Clerk to the governing body and her general duty is set forth in the Code of Virginia, Section 15.1-117. She shall maintain an office at the same address as the Board.

**COUNTY ATTORNEY**

The County Attorney assists the Board of Supervisors, the Planning Commission, Board of Zoning Appeals and the Industrial Development Authority in analyzing legal issues and provides advice and action in legal matters, and represents the Board in all civil actions.
QUORUM FOR THE CONDUCT OF BOARD MEETINGS

A majority of the Board shall constitute a quorum for the purpose of conducting Board meetings.

PUBLIC SESSIONS

Regular public sessions shall be held on the second (2nd) Monday of each month at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham Administration Complex on Route 60 in the Village of Buckingham, unless otherwise scheduled by the Board of Supervisors.

MEETINGS AND ATTENDANCE

1. All meetings and business shall be conducted in accordance with the Code of Virginia, Robert’s Rules of Order Revised, and these by-laws.

2. Members who cannot attend a meeting, whether regular or special shall attempt to notify the County Administrator or the Chairman beforehand.

3. Meetings shall start at the appointed time, and if the Chairman is not present, the Vice Chairman shall preside. If neither the Chairman nor the Vice Chairman is present, the County Administrator shall call the meeting to order and preside for the election of temporary chairman.

4. For each regular meeting, the County Administrator shall draw up an agenda of items which are known to be matters which should come before the Board, and shall see to the preparation of a Board packet describing and concerning such matters and to its distribution to members at least 4 days before each regular meeting.

5. Persons or groups affiliated with the County such as county appointed committees, county agencies and those receiving county funding are eligible to be placed on the agenda before the Board for presentation. Any deviations will require the Chairman’s approval.

6. Any person making a written presentation or demonstration of a matter by way of brochure, picture, etc., shall provide the County Administrator 15 copies of the matter 7 days prior to the meeting at which they wish to make a presentation. This requirement shall not apply to citizens speaking during the Public Participation period.

7. Any approved person or group wishing to submit an item for consideration by the Board must do so via the Office of the County Administrator not later than 7 days before the meeting at which they desire the item considered. Any item submitted after this deadline will not be considered for action unless recommended by the County Administrator or a majority of the Board.

8. The County Administrator shall allocate time to items on the agenda to suit the convenience of the Board.
9. The Board shall consider all items docketed on the agenda before taking any other items unless an undocked item is brought by consent of the Board. If an item is not docketed, but never the less is considered by the Board by consent, and the adoption of the item would affect the budget by $500.00 or more, such item shall be tabled and considered at the next regular scheduled board meeting. This exception shall not apply to formal committee (as set forth in the By-Laws) recommendations or for an emergency situation. An emergency situation being defined as: The necessity of the expenditure must occur or an issue must be resolved before the next regular scheduled board meeting. The Board of Supervisors may carry over to the next regular scheduled board meeting any request, item, or issue that is not docketed on the agenda.

10. Time permitting, items not on the agenda shall be heard as the final items of the Board’s business. If time does not permit, in the opinion of the Chairman of the Board, hearing items not on the agenda, such items shall be carried over to the next regular or special meeting.

11. The Chairman’s vote on all issues before the Board shall be recorded with the prevailing side, unless the Chairman clearly votes otherwise.

12. In the event of inclement weather, the regularly scheduled Board meeting will be held on the following Monday of the month.

POLICY CONCERNING MEETINGS HELD THROUGH ELECTRONIC COMMUNICATION MEANS

This policy is adopted pursuant and consistent with §2.2-3708.2 of the 1950 Code of Virginia, as amended.

A. The following provisions shall apply to the Board of Supervisors for Buckingham County (the Board):

1. Subject to the requirements of Section B, the Board may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of the meeting, a member of the Board holding the meeting notifies the Chair of the Board that:
   a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member’s physical attendance or (ii) a family member’s medical condition that required the member to provide care for such family member, thereby preventing the member’s physical attendance; or
   b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the Board holding the meeting shall record in it’s minutes the remote
location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the Board shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member’s physical attendance or (ii) a family member’s medical condition that required the member to provide care for such family member, thereby preventing the member’s physical attendance. If participation is approved pursuant to subdivision 1 b, the Board shall also include in it’s minutes the specific nature of the personal matter cited by the member. If a member’s participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to Section B, such disapproval shall be recorded in the minutes with specificity.

3. Any Board, or any joint meetings thereof, may meet by electronic communication means without a quorum of the Board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the Board or the discharge of it’s lawful purposes, duties and responsibilities. The Board convening a meeting in accordance with this subdivision shall:
   a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Board conducting the meeting;
   b. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the Board;
   c. Provide the public with the opportunity to comment at those meetings of the Board when public comment is customarily received; and
   d. Otherwise comply with the provisions of this policy.

The nature of emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this subdivision 3 shall be applicable only for the duration of the emergency declared pursuant to §44-146-17 or 44-146.21.

B. Participation by a member of the Board in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 shall be authorized only if the following conditions are met:
   1. The member gives proper notice of the member’s inability to attend the meeting and the reasons the member is unable to attend;
   2. The Chair shall make a preliminary determination if the non-attending member is able to participate through electronic means and shall announce that determination at the beginning of the meeting, setting forth when the request was received and why the member so requested;
   3. If any member present disagrees with the determination of the Chair, the disagreeing member may request a vote of the Board members present on the Chairs decision. Each member shall be allowed, if the member so desires, to speak one time, for no more than 2 minutes, on the
determination. The Chair may vote and a majority of members present and voting shall prevail.

4. The minutes shall reflect those items required by this policy.

5. A quorum of the Board is physically assembled at one primary or central meeting location; and

6. The Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

Nothing in this policy shall be construed to prohibit the use of interactive audio or video means to expand public participation.

This policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation of the matters that will be considered or voted on at the meeting.

ATTENDEES PHOTOGRAPHING, FILMING, RECORDING OR OTHERWISE REPRODUCING A MEETING

Any attendee may photograph, film, record or otherwise reproduce any portion of a meeting. The placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting shall not interfere with the meeting’s proceedings and shall not block or obstruct passage in the aisles. Any attendee photographing, filming, recording or otherwise reproducing any portion of the meeting shall remain stationary while anyone is speaking or business is being conducted.

ORDER OF BUSINESS

The Order of Business shall be as follows, subject to rearrangement by the Chairman absent objection by the Board:

A. Call to Order
B. Verification of a Quorum
C. Invocation and Pledge of Allegiance
D. Approval of Agenda
E. Approval of the Minutes
F. Approval of Claims
G. Announcements
H. Public Participation
I. Highway Matters
J. Public Hearings
K. Presentations
L. Zoning Matters
M. Agency and Department Requests
N. Appointments to Committees, Boards, and Agencies
O. Items for board Consideration  
P. County Administrator’s Report  
Q. Informational Items  
R. Other Board Matters  
S. Executive Closed Session  
T. Return to Regular Session  
U. Certification Regarding Items Discussed In Closed Session  
V. Adjournment/Recess  

- The Order of Business may be rearranged in the event of any other business items that may be necessary according to the County Administrator or Chairman.

CONDUCT OF BUSINESS  

1. Motions shall be recorded with the number of yeas or nays except that a vote indicated as “carried” shall mean a unanimous vote. Any member may require a polling of the members and the Clerk shall record the same.  

   A. On all votes, the Chairman shall announce the motion and call for a vote and the appropriate yes, no, or abstain button should be pressed. In the event the voting system is not operational, raising of the hands will be used to vote yes, no, or abstain.

   B. Board members shall press the appropriate yes, no, or abstain button and the vote shall be recorded on the voting system. If the voting system is not operational, Board members shall raise their hands to vote yes, no or abstain.

   C. After the final vote has been cast, the Chairman shall announce the vote results for the record.

2. The Chairman or any member may call for the question after all members have spoken, or it appears that all members have spoken who desire to speak. No vote on the call of the questions shall be taken unless a member shall require it.

3. When the question is called and there is no dispute, the Chairman shall call for the vote.

4. Any member abstaining on a vote shall so indicate following the call for the vote.

5. Exhibits before the Board shall become the property of the Board and shall be filed with the County Administrator.

6. Selection of speakers must be done in a predetermined and organized manner. Public comments are limited to Buckingham County residents and real estate owners for the county and have a three (3) minute time limit. Having a sign-up sheet will allow Buckingham County residents and real estate owners to indicate ahead of time their desire to speak. If this method is used speakers should be limited to those on the list. The sign-up sheet will be in the entryway prior to entering the board room. Anyone that desires to speak after the comment period has
started and has not signed up will not be permitted to speak except with the permission of the Board Chairman. This also includes those wishing to speak during the time allowed during the public hearing section as well. An announcement will be given approximately 5 minutes before the beginning of the meeting to sign up if wishing to speak during public comment or public hearing.

Citizens shall not speak at a meeting until they are recognized. Citizens shall request recognition by addressing “Mr. Chairman” or Mrs. Chairman” (as appropriate) and await acknowledgment. At his discretion, the Chairman may permit a dialogue without individual recognition between members of the Board or between a member and a citizen if such dialogue is orderly and contributes to the expedition of the business. Once recognized to speak, citizens shall begin by stating their name, district of residence, and by identifying the matter(s) they wish to address before the Board.

7. Should two or more persons speak at the same time, the Chairman shall indicate recognition of the first person to speak.

8. Should it be desired by the Chairman, any member, or by the County Administrator, the member making a resolution shall reduce the same to writing and deliver it to the County Administrator’s Office. The County Administrator shall transcribe verbal resolutions as accurately as possible, but when loosely worded or when unindicated “whereases” precede the motion, the County Administrator should use appropriate language to accomplish the intent of the Board.

9. Prior to initiating a public hearing, the Chairman shall recount the rules under which the hearing shall be operated, but he may amend the rules during the hearing by giving notice of the change to those gathered.

10. At the beginning of the public hearing, the Chairman shall call upon the County Administrator or the chairman of the committee handling the matter at hand or shall himself recount a description of the issue placed before the hearing.

11. Subject to revocation or extension by the majority of the Board assembled, the Chairman may in all matters establish a maximum time for consideration of the matter, and/or limit the amount of time available to each speaker on a matter and/or limit the number of times each speaker may address the Board on a matter. Notwithstanding the foregoing statement, every Board member shall be entitled to make a statement on every matter before the Board and the Call for the question shall not be entertained until all members who wish to exercise this right shall have done so.
12. All members or citizens shall limit their comments before the Board. The Chairman may prohibit questions from citizens until a speaker has finished his/her presentation.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.

2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order, the regular business may be suspended by vote of the Board to discuss the matter.

3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches; however, the Board may vote to overrule.

4. When a person engages in such breaches, the Chairman shall order the person to stand silent, or may, if necessary order the person removed from the County property.

5. In the absence of a law enforcement officer, the Chairman may direct the County Administrator and any member(s) to act as Sergeants of Arms.

6. While the Board is sitting, members and citizens shall refrain from standing, talking, or leaving their places unless necessary.

COMMITTEES

Ad hoc committees will be appointed by the Chairman, as needed. Constitutional officers may be appointed to committees. The following committees have been appointed by the Board:

**Water and Wastewater Utilities Committee:**

The Water and Wastewater Utilities Committee shall consist of two Board members, the County Attorney, the County Administrator, the Assistant County Administrator, and the Water and Wastewater Utilities Director.

It shall be the responsibility of this committee to review and study all aspects of the operations of the Water and Wastewater Utilities Department.

It shall be the responsibility of the Water and Wastewater Utilities Committee to act on behalf of the Board of Supervisors in all matters relating to the hiring, promotion, termination, and pay scale adjustments of all Water and Sewer Department employees below the Water and Wastewater Public Utilities Director level.
This Water and Wastewater Committee will review and study water/sewer rate structures. All findings and recommendations of this committee regarding water/sewer rate structures will be heard by the Board of Supervisors and the Board may take whatever action it so desires with respect to the recommendations.

**Solid Waste Committee:**

This committee will consist of two board members, the County Administrator, the Assistant County Administrator, the Solid Waste Manager and the County Attorney.

This committee will review and study Solid Waste and Recycling Management. All Findings and recommendations of this committee regarding Solid Waste and Recycling will be heard by the Board of Supervisors and the Board may take whatever action it so desires with respect to the recommendations.

The Solid Waste Committee has authority to hire all solid waste employees below the Solid Waste Manager level.

**Finance Committee:**

The Board shall establish a Finance Committee that will consist of two board members, the County Administrator, the Finance Director and the County Attorney.

All requests for funds, or actions that will encumber funds, shall be submitted to the Board of Supervisors. The Board of Supervisors may refer such requests to the Finance Committee. Departments wishing to have a request acted on by the entire Board at its regular meeting should submit the request, not less than fifteen days prior to the regular Board meeting, to the County Administrator.

If a request is referred to the Finance Committee; the Finance Committee shall consider the impact of the request on the overall County budget and make a recommendation to the Board of Supervisors.

After hearing the recommendation of the Finance Committee, the Board may take whatever action it so desires with respect to the request.

This committee shall not direct the County Administrator’s preparation and submission of the proposed annual budget as required by statute.

The County Administrator shall serve as an ex officio member.
**Personnel Committee:**

The Board shall establish a Personnel Committee that will consist of two Board members, the County Administrator, and the Assistant County Administrator.

It shall be the responsibility of the Personnel Committee to act on behalf of the Board in all matters relating to the hiring, promotion, termination, and pay scale adjustments of all County employees, except County Water and Sewer employees, below the Water Wastewater Utility Managers level, except Solid Waste Employees below the Solid Waste Manager Level, and the County Administrator level.

The Personnel Committee shall meet as necessary to review personnel matters as they arise.

The Personnel Committee’s actions shall not take effect until a report of its proposed actions has been made, in writing, in the County Administrator’s Report section of the Board packet to the entire Board. If the Board agrees with the proposed actions, then the proposed actions may take effect with no formal action by the Board being necessary, immediately following the Board meeting at which the report was filed. If no action is taken by the Board to the contrary, it will be assumed that the Personnel Committee’s actions are agreed to.

In the event that the Board disagrees with the proposed actions of the Personnel Committee, then the Board may take whatever action it desires with respect to the personnel issue at hand and thus overrule the Personnel Committee’s proposed action before it is enacted. In this event, the Board will need to take formal action during a meeting to achieve its aims.

**PARLIAMENTARIAN**

The County Administrator shall act as Parliamentarian to the Board.

**RULES**

These by-laws may be suspended or altered at any time by a majority vote of the Board of Supervisors.
CERTIFICATION


By the Buckingham County Board of Supervisors.

______________________________
Karl R. Carter
County Administrator/Clerk

Miles: Okay, thank you, Mr. Carter. Does any supervisor have any questions about that one change to our rules and Bylaws, gentlemen? If not, I'll entertain a motion to adopt those.

Allen: So moved, Mr. Chairman with the changes.

Chambers: Second.

Miles: Motion by Supervisor Allen, seconded by Vice Chairman Chambers to adopt and approve the By-laws and Rules of Procedure. Does anyone have any questions for we vote? All in favor raise your hand? Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Okay, thank you. That is unanimous, seven to zero.

Supervisor Allen moved, Vice Chairman Chambers seconded and was unanimously carried by the e Board to approve the By-Laws and Rules of Procedure as presented.

Re: Announcements

Miles: The next item is Item J. Announcements. Do we have any announcements? Seeing none, we'll move on to Item K Public Comments.
Re: Public Comments

Miles: And this is a time where citizens of the county get three minutes to offer a public comment on any other subject other than what is scheduled during public hearing. So please keep that in mind because we do have several hearings coming up on our agenda. So this is for items not public hearing. So I'll ask Mr. Shumaker, who is our clerk tonight to call our first public commenter?

Shumaker: Yes, sir. We've had one person sign up, four emails, and one voicemail.

Eddie Slagle, District 2: Mr. Chairman, Members of the Board, Mr. Carter, Mrs. Edmondson. My name is Eddie Slagle and now I'm in District 2. Just wanted to congratulate Mr. Miles and Mr. Chambers on their confirmation tonight. And for those of you that don't know, Chairman Miles is also going to be the President of the Buckingham Chamber of Commerce for the next two years. And this is sort of an announcement I figured I'd say it while I was up here. We have a banquet on the 23rd. And it's I'm sorry, 25th. And it's going to be at the firehouse. Tickets are $20 and you have to pre buy and it's going to be a nice event. Piggin’ Out is going to be catering it. So it'd be nice to see as many of the Supervisors as possible there to support Chairman Miles also in his endeavor to be President of the Buckingham Chamber of Commerce. But I'd like to say that Supervisor Matthews kind of lucked out on the redistricting because they redistrict me out of his district. And now I'm in Supervisor Bryan’s district. Haha,

Bryan: Do I know you?

Slagel: Thank you.

Miles: Thank you, sir. Mr. Shumaker.

Shumaker: Alright. Our first voicemail for tonight is from Judy Brown.

Judy Brown: This is Judy Brown calling. I have a farm next door to Pam and George Goodwin and I missed the meeting last Monday night. I'm wondering if you could put in comments for me that I am fine with doing a B&B at their place. But I do not want the public camping part of the agreement. So that's my comment. The B&B part is fine. The camping permit I would have trouble with. Thank you very much is Judy Brown. My number is 434-960-6903 and I have the farm adjacent to Goodwin’s. Thank you.

Shumaker: Next Synthia Fenaux.
**Fenaux:** Case 21-ZTASUP294 for Joseph S. Kauffman, to be read at the Board of Supervisors meeting January 10 2022. January 9, 2022. My name is Synthia Starkey Fenaux. My husband and I live at 3276 Buckingham Springs Road, District 3. Our property is adjacent to the Kauffman property. We have lived here for over 30 years. We are vehemently opposed to the construction of this industrial manufacturing facility as described by Joseph Kauffman. There are 21 homes within half a mile on either side of the Kauffman property which will be highly impacted. This is the most dense area on the entire road from Route 15 to Route 609. As per Mr. Kauffman's proposal, the constant noise produced by a large diesel generator, air powered nail guns and sewing equipment during 10 hours a day time six days a week will be extreme. We all remember the many weeks last summer when Kauffman's professional contractor prepared his 2.23 acres without a permit for his proposed business. Another very pressing concern is the additional traffic. According to Mr. Kauffman's proposal, there will be more or less 50 trucks a week carrying a wide load to and from six blind curves that augments property to route 15. I as well as several other locals walk this road every day and I know this is a major problem. With Mr. Kauffman's plan triple expansion in one to three years it becomes a nightmare. No less concerning is the environmental impact on the surrounding properties through runoff from toxic applications and human waste. Mr. Kauffman should consider the industrial park in Dillwyn. Synthia Starkey.

**Shumaker:** Alright. Our next is from Marie Flowers.

**Flowers:** Dear Board, I am Marie Flowers, Third District. For some reason I thought that when the notice of a public hearing for a zoning issue was published, it had to be correct or the hearing was automatically postponed by law. Obviously this is not so. Shouldn't this be adopted? As to the zoning issue for Mr. Kauffman on Buckingham Springs Road. I am against it for many reasons and also to support my friends who live there. The Amish are astute business people and hard workers. They know they would need a zoning change to set up this business. Please take this into consideration when making decisions. Marie.

**Shumaker:** Next is Philip Fenaux.

**P. Fenaux:** Re: Case 21-ZTASUP294 for Joseph S. Kauffman to be read at the Board of Supervisors meeting January 10 2022. January 9 2022. My name is Philip Fenaux. My wife and I live at 3276 Buckingham Springs Road, District 3. Our property is adjacent to the Kauffman property. We have lived here for over 30 years. We are vehemently opposed to the construction of this industrial manufacturing facility as described by Joseph Kauffman. There are 21 homes within half a mile on either side of the Kauffman property which will be highly impacted. This is the most dense area on the entire road from Route 15 to Route 609. As per Mr. Kauffman's proposal, the constant noise produced by a large diesel generator, air powered nail guns and sewing equipment during 10 hours a day time, six days a week will be extreme. We all remember the many weeks last summer when Kauffman professional contractor prepared his 2.23 acres without a permit for his proposed business. Another very pressing concern is the
additional traffic. According to Mr. Kauffman's proposal, there will be more or less 50 trucks a week carrying a wide load to and from through six blind curves the Kauffman’s property to Route 15. My wife, as well as several other locals walk this road every day and I know this is a major problem. With Mr. Kauffman's plan triple expansion in 1 to 3 years becomes a nightmare. No less concerning is the environmental impact on the surrounding properties through runoff from toxic applications and human waste. Mr. Kauffman should consider the industrial park in Dillwyn. Philip Fenaux.

Shumaker: Kenda Hanuman.

Hanuman: Kenda Hanuman, District 5. I support community solar projects and items like Airbnb’s that help avoid polluting, environmentally destructive development.

Shumaker: Last is Betty Mitchell

Betty Bass Mitchell: A manufacturing facility for storage sheds should not be allowed on Buckingham Springs Rd. That is right in the middle of a neighborhood at the beginning of the fork off of Old Curdsville Road. It would be a traffic hazard at the very least in a nightmare for the surrounding neighbors. I used to live on that road and sightlines around those curves in fork are bad enough without having a bunch of large trucks in and out all the time. Please vote no on this issue. Betty Bass Mitchell.

Shumaker: Mr. Chairman, that's all that we have.

Miles: Okay, thank you Mr. Shumaker. So that concludes our public comments at this time.

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

Miles: And we are going to continue on our agenda to Item L-1, which is VDOT Road Matters with Division Resident Engineer, Scott Frederick. Mr. Frederick Are you on the line sir?

Carter: Mr. Chairman, he cannot make it tonight so he wanted me to get you to give me your concerns and I will get them back to him.

Miles: Okay, so we'll start with Supervisor Allen and move our way around with any VDOT road issues or concerns. Supervisor Allen?

Allen: I’ve got one concern out on Allen Lake Road the bottom of the hill is a big culvert. I’ve been told that it's starting to cave in on the left side coming down the hill. That’s something I need to check on too but it's just the report I’ve got.
Miles: You good Supervisor Allen?

Allen: I’m good.

Miles: Supervisor Bryant?

Bryant: Well Water Road and Glenmore Road where the intersection is a big hole on the right hand side the road where you make a turn.

Miles: Okay, thank you, sir. Supervisor Davis, any VDOT issues?

Davis: Just be glad when they get to work on cleaning up the storm damage. We still got trees hanging over when the road in my district and it needs to be cleaned up before it causes an accident.

Miles: Thank you, sir. Supervisor Bryan?

Bryan: I expressed the same thing. I'd like an answer of their timeline to get that damage cleaned up. I came up 60 tonight and there's no less than about six spots where the trees are very close to the side of the road. I'm just concerned that gonna cause an accident.

Miles: Thank you, sir. Mr. Carter for the Maysville District. There's a large pothole at the intersection of Rosser Road and Ranson Road where Vice Chairman Chambers and my district come together. Also, Old Mill Road is still pretty rough. It's off of Slate River Mill Road. The median sign is down at the intersection of 20 and Slate River Mill Road, there right at Route 20 Market. And then if you turn right, like headed to Dillwyn, there's a curve indicator sign that's been run over top of if you're headed towards the intersection there 20 and 15. And I'd like to thank VDOT for their work on the Red Road when it comes to the pre hard surface operations that they have on the other end of the Red Road. The Route 60 end. Vice Chairman Chambers?

Chambers: I got the same concerns that’s already been stated by the other Supervisors to clean up debris off the road.

Miles: Thank you, sir. Supervisor Matthews?

Matthews: Yes, sir, I'd like to get some answers from some of the questions I had last month about the washboard on several roads. I haven’t seen any difference in any of that stuff since we talked about it last month. So if we can get an answer on that and the cleanup throughout the county in all districts.
Miles: Alright, thank you, sir. Any other board member have any concern before we move on with regards to VDOT? Okay, so, moving on.

Re: Dr. Keeler, Buckingham County Public Schools, Interim Division Superintendent regarding Alternate Education Classroom

Miles: Under M Presentations. Our first item for consideration is Dr. Keeler, Interim Division Superintendent of Buckingham County Public Schools regarding alternate education classroom and Dr. Keeler, we'd like to welcome you. And we look forward to what you have to say today, sir.

Keeler: Thank you, Mr. Chair, and afternoon, good evening, board members. Last month, I had an opportunity to mention a proposal alternative education program. I have in my time been a beneficiary of a good alternative education program. And I want to explain a little bit to you how it works. When we have kids, young people and make a mistake, that gets them suspended from school for 10 days or longer. We don't have at this point, a mechanism where we can make sure that working on their studies during next 10 days or longer, or developing some talking about some citizenship traits that we can get into to prevent this. So in the 90s, in 1993 to 2000, I was assistant principal at Dinwiddie County, and this was before alternative education became popular in the state. When a kid got in trouble, it could be a big fight or whatever. Everybody was expelled. If you're expelled from school, that's 365 days before you can come back. And it's not like you can go to another division and say, well, I want to enter here. Most of those kids did not make it. And we don't, I don't think we want that. So, as a preventative, I would like to have a program where it's off campus because when they get in trouble, I want them to understand and appreciate the high school and you can't do it if they're there or they're home for 10 days or longer. So they need to come back and have a program where they do their studies at a facility like what I'm going to propose tonight. And then at some point in time, we bring them back. They earn their way back. It's not, you know, you 10 days and you're gonna go. I've done this. I've worked this at Colonial Heights. I've done this, I set it up in Mecklenburg. I did it at Buena Vista. It works. And it works, you know, I have been in this business now, this is my 36th year, I have dealt with 1000s of young boys and young ladies and boys are you know, do some stupid things up through about the 10th grade. So you know, sometimes you just got to have an alternative for them and make them realize what they've done wrong. And they turn out to be good people. I rather have a chance at them, and then miss out on it. And honestly, we have been about 78% successful in getting them back and graduate and to get a job. And they come back to live here. And they're good citizens because of having good role models. And I got a plan to have a couple of people there. That would be good role models for them. And it's some place where I can come in and check on them. Because I got to tell them when they can go back. You know, I have, we've had what about 13 fights in the first semester. That's too many. And, and we can't keep sending them home and sitting there and not doing anything. So what I'm proposing tonight, folks is up at the, I think it was the Dillwyn Primary School where you got the library now, its renovated. I would like to that have the opportunity to lease or rent one classroom there on the end. If
you're facing the building to be the far right side. There is a door there. And JB and Ronnie and who's a gentleman with the recreation, yeah, that fella met us up there. Gave us a tour of it. And you can see, you see the entrance way that we're trying to do work with is the first room on the left. Flip up the next one are their square right inside the door. One more. There you go. That red arrow indicates the door to the classroom we want. If you flip it again. Now those are the carousels were kids workout of. Now these are the ones I had in Buena Vista. I didn't want y'all get excited. I thought I put those things in there already. But I had my carpentry class build those things and I think you did a pretty good job and we got a carpentry class up here so I'd like to get this thing started the first of February because I have folks I need to get in. (recording went out) I don't think you will ever regret it. We don’t allow them to ride the bus. We go get them and we take them home. Every day that they miss is another day they have to make it up. And they have to pass the freshmen, junior, sophomore. But they're all working on their studies and we have a teacher there. And I honestly think that they're going to come out… I have seen this work so good that some of these kids do better in a program like this in school than they do in a regular school because they're focused. Sometimes a child doesn't have a lot of confidence in their self will act out and do stupid things. And we can get them straight. Trust me. I've dealt with boys all my life. If we do this, we can help ourselves here. A lot of the kids that graduate from Buckingham I guarantee stay here. Come back home, like they should and you got, goodness gracious, we got the one the best welding programs I've ever seen. I've never seen so many kids that can weld here. The number of things ROTC, we got a lot of things to be proud of, I want these kids to be in those programs, too. So I'm asking you tonight, if you could work with me, and we'll run it, I have a custodian and go up there and clean it a couple times a week. The only thing that, you know might be a problem is that he got to go to the bathroom. So they will have to go to that only bathroom down there at the end of the hallway. But they will be escorted. Okay. And they are on their way back. I'll be honest with you. And I am I'm so proud of seeing this thing work because I've seen it before. And we're gonna have, we got good people here can help them out. And so I hope you… if you got any easy questions for me to answer.

Miles: Yeah, Dr. Keeler. I was gonna ask as we ask some questions. Mr. Shumaker. If you could restart that, because we went through it rather quickly. I didn't know if any supervisors wanted to take a look at that. As we think of some questions. Does anyone right now gentlemen, have any questions for Dr. Keeler with what he has presented as we go through this PowerPoint maybe a little bit slower, so you can read it?

Keeler: You guys did a nice job on this building. It looks like brand spanking new. Probably didn't look as good when you build it. And the libraries outstanding. It is perfect for what we need. And we feed them. We bring them the breakfast and lunch. They start a little bit later, you give us some time, and we get them home. We release it early so that we can get them home... And it works out well.

Bryan: Dr. Keeler, are we talking about suspended students or expelled students? There is a difference.
Keeler: Well, they're going to be suspended students because I can't expel kids, only the board can. And so I'm hoping that when I take a child who could be expelled to the board, there is only two alternatives. The board said no, we're going to expel him, or we'll give him a chance to go to alternative ed and he may be there for a year before he gets straightened out. Does that makes sense? Some of it now some of them could be 10 days, somebody gets in a fight, they get suspended for 10 days at you know, I call it community day school. That's just a nice name, but it's alternative. And I guarantee you, they're probably not going to want to come back after a 10 day stay. They, you know, they want to see their friends. They can't go to see a basketball game. They can't ride a school bus. They can't use your phone. It's all business. But you know what? The bottom line is that they turn out to be better people. I stake my life on it.

Bryan: We're talking males and females, correct?


Miles: Dr. Keeler, I have a question, sir. It is with regards to has your school board formally endorsed this program?

Keeler: They have, you know, not publicly because I got to meet with them Wednesday, but I think they will endorse it. Yeah, they know about it.

Miles: And they support it more or less.

Keeler: Oh, yeah. Yes. Yeah, they're all they're all for this thing.

Matthews: I've got a question. Mr. Chairman.

Miles: Yes, sir. Supervisor Matthews.

Matthews: Dr. Keeler what avenue did you use, did the school division use prior to right now for alternative ED? Where did they help the students practice right now?

Keeler: You mean, where did I do it? What schools?

Matthews: No. What did they do in Buckingham? Where were these students housed and where did they go for alternative ed in Buckingham County?
Keeler:  Yeah, I'm sorry. Yeah, they are housed in the high school, along with one room with credit recovery kids that are not in trouble, and probably some in school suspension. That's not a good, that's not a good mix.

Matthews:  Well, you know, we have a public library that joins this building. And there's a lot of young children that attend reading and different programs at the library. So I'm having a lot of concerns with this. Number one, if I was a parent, I'd be asking this question, also. Why should we turn that building loose to you? The second thing is, how much off ESER money do you have left?

Keeler:  How much…you talk about federal funding? Eser?

Matthews:  Yeah.

Keeler:  I'm not sure how much I've got left. But it was originally $4.5 million.

Matthews:  That's right. Why couldn't you arrange something, aren't you down quite a few students into division right now? Like in excess of 150?

Keeler:  Well, I'm not sure. You know, I've already been here 2 months. But if you take the last two months…

Matthews:  If you're down that many students, I would think you could find a place in the division that you could teach Alternative Ed. They've been doing it for years in Buckingham County?

Keeler:  Well, I'm not sure they've been doing it like this. And you got a good point. But I just don't see, it's not gonna be effective with the way we got it now. And you're right. We're down some kids. But I'll give you an example. I think we are gaining some kids back. Month before last we had I think we were up 4 this time. It looks like we're up another 7. As time people get confidence back in what you're doing, like folks are starting to come home.

Miles:  Dr. Keeler. I have a question, sir. In terms of an average number of suspended students or students in general, that would be in this space. Do you have any idea or forecasts as to what that would look like?

Keeler:  We could start off February with 3, I know. I doubt if it, I hope it wouldn't get more than five or six at a time. But you don't know until we get things going?
Miles: Sure. And I have had a parent who reached out to me with regards to taking his or her young child in the same not necessarily room, of course, but in the same area. But does anyone else have any questions for Dr. Keeler about this issue?

Bryan: How are the parents bought into this?

Keeler: Parents that I have dealt with, of course this concept is new, but they have they have applauded the program.

Bryan: Well, I mean, you know, it seems like a win win for the parent, because, you know, you're still picking little Johnny or little Susie up every day, you know, and because they couldn't behave in a public school setting, now you're going to put them in a private school setting, you're still going to provide transportation for them. You know, my concern is you forfeited that right. You know, if you can't behave in a public school setting, what are your parents going to do? Because what happens if they get in this community center and they start breaking things in this renovated building? Who's going to be held liable for that? The school system?

Keeler: Well, I guess so.

Bryan: But then that still falls back on the taxpayer?

Keeler: Well, I'll be honest with you. With the people that we have in mind run the thing, I don't see that happening. This is tight. If the program is run correctly, and I got confidence that it will be, it'll work.

Matthews: I've got a question.

Miles: Supervisor Matthews. Sure, go ahead.

Matthews: You know, I'm all for alternative ed and to help any student in Buckingham County, get across that bridge to get them to a better place in their life. But this is a school division problem. It's not a county problem. And that building was not renovated, to rent it to the school division. I'm just going to say that. It's got other things that go on in that building on a daily basis. And I have a problem with that. I don't mind doing something on a temporary basis. But if you've got federal funds that are available to build a room or buy a trailer or whatever you have to do, house them in the school bus shop. There's a break room over there. I'm sure you could use that for something if you're a teacher. Have you thought about teaching virtually for the students? Get them to a place where they can do that virtually? You know, let's think outside the box to see what we can come up with. But it looks like to me, you know,
the federal government has provided an avenue for you guys to build an additional room or something in the division to house those in in house. It shouldn't be a county problem.

**Keeler:** Well, I understand and appreciate your opinion. I just don't think virtual is going to work for these kids. They're not they're not disciplined enough to the stay with the program on it. So if there was another place I had to work, I would go ahead. And but just, I don't know of one. I'll be honest with you. And it's not going to be effective the way we're doing it.

**Miles:** One question I have and then I'll call on Vice Chairman Chambers. For Mr. Carter, in terms of the space that we have allocated, do we have the space for such use with what has been already allocated, sir?

**Keeler:** Are you talking about up here?

**Miles:** I'm referring this is from Mr. Carter.

**Carter:** Yes, sir. They're based on what Todd is doing down there right now, currently, there is more space down there for this one classroom.

**Miles:** Okay, Vice Chairman Chambers.

**Chambers:** I believe in a second chance. I don't see why we shouldn't give it a shot. The library is for the citizen of the county. These are citizens of the county. Just don't throw them to the wolves gonna make a mistake. Who hasn't made a mistake in life? I know I have.

**Bryan:** I agree Mr. Chairman.

**Chambers:** I think the kids need a second chance. We want them to work with these kids. I think we should work with him to give them opportunity to do this.

**Miles:** Supervisor Bryan.

**Bryan:** Dr. Keeler, you know, there's a lot of logistics that need to be worked out with this. I'd like for you and maybe a couple school board members to sit down with Mr. Matthews and Mr. Chambers, and iron out all the details and come back to us. And maybe we can get this going as quick as we can.

**Davis:** Chairman, can I speak?

**Miles:** Yes, sir. Supervisor Davis.
**Davis:** Well, I'm sitting here thinking about this the whole time and myself was a troubled youth. I liked to fight. I don't no more. I got old but very easily if I had teachers that would have gave up on me, I could have been down another road. And if we give up on these kids, what are we saying about to county? Yeah, they are the future citizens. Maybe one of them might be sitting up here one day, so I think we ought to give it a shot.

**Miles:** Thank you, Supervisor Davis. So Supervisor Bryan, what you're proposing is to put maybe an ad hoc committee together of Vice Chairman Chambers and Supervisor Matthews, two school board members and staff as deemed appropriate. Would you be amenable to that Dr. Keeler?

**Keeler:** Absolutely.

**Miles:** Mr. Carter, are you good with that?

**Carter:** Yes.

**Miles:** Board members? Are you all okay with that gentleman?

**Bryan:** Mr. Carter, you as well.

**Miles:** Sure. With staff.

**Bryan:** Yes, the County Administrator and staff.

**Carter:** Do you want to include a county attorney to draw up documents?

**Bryan:** Yes, sir. Please.

**Miles:** And any staff that maybe Dr. Keeler would deem beneficial in that conversation. Okay, Supervisor Matthews, how do you feel about that, sir?

**Matthews:** I'm fine to sit down with them and discuss it. But I don't think it should be a permanent situation, we will help them through this year with them starting right now starting to look to the future and establish something within the school division. So that's where I would be trying to focus in trying to get something in their division, not in something that's a county building that is not designed to house students. That's the whole thing. You know, I told you before, I'm willing to stick my neck out for this year. But we need to find someplace else other than the library/community center for this scenario.
Miles: Okay. Thank you, Supervisor, Matthews. So can we entertain a motion to form this ad hoc committee, please?

Bryan: So move, Mr. Chairman.

Davis: Second.

Miles: Motion by Supervisor Bryan, seconded by Supervisor Davis to form the said ad hoc committee with regards to item M-1. Does anyone have any questions before we vote? All those in favor? Raise your hand aye. Those opposed? Supervisor Matthews?

Matthews: Voting yes.

Miles: Okay. Thank you. Motion carries Seven to zero. Dr. Keeler, thank you.

Keeler: Thank you gentlemen. Appreciate it.

*Supervisor Bryan moved, Supervisor Davis seconded and was unanimously carried by the Board to form an ad hock committee of Supervisor Matthews, Vice Chairman Chambers, Mr. Carter, Mr. Wright and staff and two school board members, Dr. Keeler and staff to discuss the use of the Community Center for Alternative Ed classroom.*

**Re: Consider DCR Scenic Rivers Designation Resolution-David Blount**

Miles: Our next item for presentations is Item M.4 Kelly Snoddy representing the Peter Francisco Soil and Water Conservation District and her annual update and I know we were distributed with some information. Mrs. Snoddy, we welcome you. I'm sorry to apologize. Yes. So we're going to go with M-3 first. My handwriting is a little bad. We're going to hear from David Blount and we're gonna consider the Department of Conservation and Recreation Scenic Rivers Designation is M-2 and welcome, David Blount.

Blount: Good evening, Mr. Chairman and Members of the Board. Thank you for your time on the agenda this evening and for adjusting your agenda for me this evening. I am David Blount. I'm the Deputy Director and the Director of Legislative Services for the Thomas Jefferson Planning District Commission, which is located in Charlottesville and includes Charlottesville, Albemarle, Greene, Louisa Fluvanna, and Nelson counties. I also serve as the executive director for the Virginia Association of Planning District Commission's and want to congratulate you, Mr. Chairman, and on your service and also to let everyone else know that in addition to your service as board chairman, and as I found out this evening, heading up the chamber. He's also a member of the Board of Directors for VA PDC.
Appreciate your work with us. So I'm here this evening to speak to you about the scenic river designation for portions of the James River. You do have some information in your packet that was provided to you which gives a lot of details about the Department of Conservation and Recreation's Scenic River Program. But I wanted to spend just a few minutes to give you a little background about the program. And what brings me here to you this evening. Back in 2019 Buckingham County along with Albemarle and Fluvanna and Nelson counties as well as the Town of Scottsville requested DCR to do a study and analysis of the James River running from Allen's Creek at the Nelson County line all the way down to the route 690 Bridge at Columbia to be studied for possible inclusion in the state scenic river system. At the time, in 2019 DCR was only able to study a segment of that distance, and that was a 20 mile portion between the Warren boat ramp or just upstream of the Warren boat ramp to the Route 15 Bridge at New Canton. And following that study, the recommendation was made for that segment to be included as a scenic river in the DCR designation. The Board of Supervisors at that time in December of 2019, Buckingham County Board of Supervisors adopted a resolution in support of that designation. What happens is when a recommendation is made, the designation actually has to be codified in the Code of Virginia. So there has to be a bill entered into the General Assembly session and then approved by the legislature. So your delegate, Delegate Matt Farris introduced bill in the 2020 session of the General Assembly to include that segment in the scenic river designation. DCR came back then in the summer of 2020 and did the rest of the study. They did from Allen's Creek to that boat ramp there east of Warren and then they did a segment on the down riverside from New Canton all the way to Columbia. So total distance there and this additional two segments have about an additional 45 miles. So basically this resolution would go on record I have you all going on record to support the designation of those two additional segments of the James that touched Buckingham County. Really would be kind of bookending the segment that was that was adopted two years ago. So just briefly scenic river designation designed to protect and preserve the river really kind of points out to the natural and scenic assets, the recreational assets, the geographical assets that the river contains. Does not give any rights to the public to enter onto private property or to use public private property or to have any land use controls implemented by the state. So the resolution that's in your packet this evening is simply for you all to go on record again in support of designation of the James and these particular sections that I mentioned to be part of the state scenic river system.

**Miles:** Okay, thank you Mr. Blount and Board Members it is all in your board packet as P-7. It was moved up on the agenda. So if you turn to P-7 in your board packets there you will find the supporting documentation for this request from Mr. Blount. P-7. Does anyone have any questions for Mr. Blount with regards to this resolution and the designation of the waterway?

**Carter:** Also in your packet gentlemen, there's a copy of the 2019 resolution that we adopted back in 2019.

**Bryan:** Do we have the current resolution in here?
Carter: Yes.

Miles: It's the last page Supervisor Bryan under P-7 in that when that it's the second last page. So that's the 2019. You're looking for the resolution that we're looking to adopt copy of that?

Bryan: Yes. I don't see it in here.

Carter: I don't see it as well. Okay. It wouldn't be the same as in the 2019?

Blount: It's very similar to that. It's just, you know, again, changing the segments that were designated suit. What I had thought was sent as part of the packet was the resolution to the General Assembly petitioning for scenic river designation in the segments of the James River.

Carter: That's what we have, but it says 2019.

Blount: Was it is this on letterhead because what I sent did not have? Okay. I don't know. I don't know what happened. I apologize.

Miles: So what you're saying Mr. Blount is that the resolution would be very similar to the 2019 resolution, but obviously worded differently, based on the start and ending of the locations of the designation?

Blount: That is exactly correct, Mr. Chairman. And the resolutions are needed so that the Delegate has those, you know, from the counties that are that are affected so that they can move the legislation forward.

Miles: You have any questions, gentlemen? Do you want to take action on this request?

Bryan: So moved, Mr. Chairman.

Allen: Second.

Miles: Motion by a Supervisor Bryan, second by Supervisor Allen to adopt the resolution with regards to the consideration of the scenic rivers designation from DCR. Does anyone have any questions before we vote? All in favor raise your hand aye. Those opposed? No. Supervisor Matthews?

Matthews: Yes.
Miles: The motion carries seven to zero. Thank you.

Blount: Thank you, Mr. Chairman. I will close the gap with Mr. Carter with regard to that resolution and a signature on that. Thank you have a good evening.

*Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to adopt a resolution in support of DCR Designation of Scenic River for the James River.*

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

Miles: Our next item is Ms. Kelly Snoddy, Peter Francisco Soil and Water Conservation District with her annual update. And she did distribute some information to us. So Ms. Snoddy, welcome.

Snoddy: Thank you. What I handed out to you earlier tonight was just our annual plan of work. And that was for our fiscal our program year of 2021, which ended in June of 21. So typically, what I give you updates on kind of crosses over between our program year and our fiscal year. Our request of time tonight is to give you an update on what we've been doing over the past year. We want to just remind you that we're here as a resource for you as a board, for you as a county as you make decisions going forward in the next year. And for the citizens as well. We are here for whatever you may need. You're governed by an elected Board of Directors ourselves. We have two elected from each county and one appointed with a variety of associate directors. And for Buckingham, James McDaniel, Jr. and Kevin Dunn as our elected directors and Barbara Teeple as our appointed director. For our Associate Directors, we have our partnering agency personnel from Virginia Cooperative Extension and 4-H, Jennifer Ligon and Ruth Wallace. And for representing Cumberland, we have Todd Smith and Terry Seal who are chairman and vice chairman. We have Amber Taylor as our director representative from Virginia Cooperative Extension. She is the Cumberland office. Our Associate Directors for Cumberland or Virdie Mae Jamerson and Linda Ames. Linda Ames is Cumberland 4-H agent. Staff in our office are Sherry Ragland as district manager, myself as conservation specialist, Elise Corbin as our education specialist and our recently newly full time hire Olivia Leatherwood as our conservation technician who came on in October. So we're very excited to have her. That slide that's up on your screen now shows you different pictures of what you can see typically with our agricultural program. We offer cost share program to do conservation practices that are geared towards water quality improvement. A lot of our goals are to reach those Chesapeake Bay TMDL goals for 2025. Specific practices geared to help with different varieties of things that are needed on our agricultural producers farms or on landowners properties. We have a… so this last year and this year is funding we have a total of 31 projects that are ongoing at this time. Seven of those projects have been completed in the last four months. The total funding approved for projects so far this fiscal year and carried over from last fiscal year for agricultural programs is $950,000. And this is all for Buckingham and Cumberland producers. We will have funding available for projects this fiscal year. So if you know any producers or lenders who have questions and want to
talk about what might be eligible for them, send them our way. We take applications continuously. And we can discuss potential programs at any time so that we can be ready when funding is available. We have a cost share program for residential practices. This is for pump outs and septic system repairs. We have been extended our grant through TMDL through the Department of Environmental Quality Program for the Slate River Watershed. This area of residents are eligible for 50 to 80% assistance based on income level through a federally funded project grant. This is for pump outs and system repairs. For outside of those watersheds for the other portions of Buckingham and for Cumberland County we have a smaller local grant that only offers 50% on pump outs. Not for repairs just for the pump outs. This far this fiscal year we have approved over $30,000 in cost share for pump outs and alternative system installations in the Slate River Watershed. And we have approved almost $4,000 in cost share for 21 Pump outs for residents outside of that area in the rest of Buckingham and Cumberland. Olivia is in charge of that program and she is welcome to for you to give her a call and send anybody her way who is interested in a septic system pump out. We have a Virginia Conservation Assistance Program. This is a VCAT program. This is an urban program. So we don't do a lot of urban here in Buckingham and Cumberland. We tend to be more rural, but for your soil and water districts that are in bigger towns like Richmond and Charlottesville, you have a lot of stormwater runoff. You have a lot of impervious services. So that's the type of water quality that they're improving. So this program is for rain gardens, rainwater harvesting systems, impervious surface removal, permeable pavers, green roofs, those types of projects. That funding is handled by a committee in Richmond. We can pull in interested landowners in workup and informational packet, and then that would go to Richmond for them to review call share dollars in there. It doesn't get handled in house with us. But the option is there for areas that have a lot of stormwater runoff that aren't typically your agricultural issues that we see. We, I do Erosion and Sediment Control Program Plan reviews for the county. So this year working with Lyn and Nicci, I have reviewed six plans and consulted on a few site visits as needed. Now moving on into our education programming. So in addition to the cost share and the fieldwork that we do with our landowners, we also do programming for youth and adults. Schools and teachers can request programs with us. They are all SOL complementary programs. Our website has a list of programs that we offer on which SOL they correlate with. We often partner with other agencies, our Cooperative Extension office, our 4-H office, our Department of Forestry offices to work with and make these programs happen. We go into the school systems. We can do field days. We can do field trips. We work with the state parks to have field days there. Elise Corbin is our education coordinator. And she has all of our her lesson plans and activities already listed out so teachers can go and see what it is that she can come in and do. A lot of our programs are very complementary to what's already been taught in the classroom. Giving them a hands on feel. Getting them out outside. The programs Elise offered this year mainly revolved around erosion, pollinators, the water cycle, biological, chemical and physical water quality monitoring. And she works with our Envirothon coaches with training topics in preparation for the competitions that are coming up in April and May. For our adults this year, we hosted a farm field day with Virginia Cooperative, Department of Forestry and the James River Association in Cumberland, and we did our awards and recognition program there in the field since we haven't been able to have in person recognition meetings.
lately. We offered a booth at the Farm Fest at the Historic Village and we had booth at the state fair. So hopefully next year coming up, we'll be doing some more field days and getting everybody outside and moving. Next slide. We offer college scholarships annually to students in both Buckingham and Cumberland counties. You must be a full time student currently enrolled in or already college freshmen level. The district begins advertising in January so you should have hopefully seen something come out. If you haven't, please reach out to Elise and ask. Applications are due back to us in March. Should be majoring in natural resources or environmental studies. Our 2021 scholarship we had three recipients or Buckingham scholarships were awarded to Amanda Bryan, who is attending Virginia Tech studying agribusiness and Maura Myles who was attending Norfolk State University majoring in Biology. Next slide. And our Cumberland scholarship was awarded to Jordan Newman, who was attending Virginia Tech with a major in agribusiness. So most years we have two different camps that we offer. We offer Youth Conservation Camp, and we offer Forestry Camp which is now called Camp Woods and Wildlife. And with Youth Conservation Camp and Forestry Camp, we sponsor students to attend these camps. For Youth Conservation Camp, I've been a camp counselor there myself for the last probably eight years now. The Youth Conservation Camp and the Forestry Camp, the counselors are the staff that you see there, your soil and water staff, your department, forestry staff, the Natural Resource Conservation Service staff. So we get to be big kids the whole week with the students learning all the good things about natural resources, being outside, floating the river, learning about what makes a good steward of the land. So this year, we had a virtual camp. So they combined Youth Conservation Camp and Camp Woods and Wildlife into one week of natural resource learning on the computer. I taught typography and watersheds. It's so much funner when you have real pencil and paper instead of on a computer. But we still reached students across the state about our natural resources. Forestry camp gives you an idea of what they usually get to do. Our Envirothon competition. We have local high school students who participate in this competition. It's a natural resources competition where they are tested on soils, forestry, aquatics, wildlife and a current specific environmental issue. And they prepare an oral presentation where they solve a real life problem that they're given. The only requirement is a minimum of five high school students and one chaperone. Both Buckingham and Cumberland has teams for this year. The Buckingham high school team is coached by Mr. Andrew Schmitt, and the Cumberland high school team is coached by Mr. Josh Fleenor and Miss Amanda Ames our 4-H agent. Anybody has any questions about the Envirothon, Elise will be happy to help you. We have a link on our website that shows you more about what's going on. But as a group, they study all these topics and then go in, put their knowledge to the test. And our poster contests. So each year we have a poster contest. Last year, the theme was Healthy Forests, Healthy Communities. We had 148 participants from kindergarten to 12th grade. You can see all the artwork on our website. But for tonight I'm just going to have a picture of the first place winner of each category and we'll show them to you as we go through and I will read to you all the other winners as I go through. So get ready here we go. So, K through 1, first place was Emma Oppert, a homeschooler. You can see her poster on the screen. Second, the 2nd through 3rd grade category. First place is William Davis from the Central Virginia Christian School. Second went to Lewis Garrett a homeschooler and third to Riker Sabir a homeschooler. The 4th through 6th grade
category. First place went to Kinsley Bagget of Cumberland Middle, second to Haley Frank of Cumberland Middle, third to Rylan Edwards of Buckingham Middle and honorable mention to Carly Camps of Cumberland Middle. The 7th through 9th grade category. The first placement to Kaylee Price of Buckingham High, second to Lauren Webb of Buckingham High, third Andrew Dorrier of Buckingham High and honorable mention to Devin Lamont, Buckingham Middle. 10th through 12th Grade category. First place went to Lillian McConkey of Cumberland High, second to Kelly Dominic of Cumberland High, third to Kristen Caleb of Cumberland High and honorable mention to Gabbard Bernardo of Cumberland High. The district forwarded Lillian McConkey’s poster to the state level competition. She placed first at the state level competition and she has now been forwarded to the national level for her poster for the National Association of Conservation Districts. So we are extremely excited for Lillian’s poster and her accomplishments in that. For our awards with our Farm Field Day that we held in May with multiple agencies we shared information on pasture weeds, pond management, conservation practices, and planting trees and buffers. This was at the farm of Michael Asal of Cumberland. In conjunction with that we recognize our Envirothon teams, our poster contest winners, our 2020 Conservation Teacher of the Year, which was a Mr. Andrew Schmidt, your Buckingham welding teacher and FFA advisor and our 2019 Clean Water farm award recipient. That was Mr. Michael Asal of Cumberland and whose farm that we were at. Each year, the Department of Conservation and Recreation offers a clean water farmer award which recognizes Virginia producers who are enacting practices on their properties that positively impacts soil and water quality. Michael Azal was the recipient of this award. His farm is managed through three generations and was first established by his grandfather in 1947. His father in 95, and Michael himself became involved in 2013. It totals 110 acres and the commercial beef cattle herd consists of 17 brood cows and one bull. The property is located in the Willis River Watershed and drains to the James River. After the most recent surface water exclusion project completed in the winter of 2019, and 2020 all water bodies on the farm have now been excluded through the assistance of the conservation programs. He's looking forward to his next plan steps which are working with our Cumberland Extension Agent Amber Taylor to improve the grass stands in his pastures. He's been a good sport and allowing us to have Farm Field Days out there and bring people out to look at the trees that are planted in his buffer. The buffer on his farm, we financed it out through our program and the James River Association came back through with funding through the James River buffer program and planted native hardwood trees. So that is a program that's ongoing now for the James River area. And it's very well received. The district sent a nomination this year to the Virginia Association of Soil and Water Conservation Districts for the 2021 Conservation Education Teacher of the Year for the secondary school level. And our nominee one for the state level. This is Mr. Josh Fleenor. He's the agriculture teacher at Cumberland High School. He served as the coach for the Envirothon team for the last two years. His first year coaching the team took second place at the area competition and went on to compete at the state level. He not only teaches agriculture classes, he also serves as FFA advisor, football coach and is part of a mentoring group called Life Push LLC. He stated helping others shone a light on their God given talents is an honor in and of itself.
Our watershed dam program continues to go as it’s going. We have been this year all the dams had been mowed. General Maintenance has been performed twice. They've had their annual owners inspections completed. Our next round of engineering inspections for its seven dams on the list this year is scheduled for a couple weeks from now. All the districts that have flood control dams have received funding for remote monitoring devices that can be installed on the dams to help us measure rainfall data and lake level rise as part of the emergency action planning. And you can do that from the computer without having to go out. So we have been approved for funding now for all 17 of our dams. And we're working towards getting that lined up to get those installations done. We've had some repair work needed on entrance roads this year. So we're taking care of that. And we currently have one lake undergoing maintenance right now. And it is empty. But we will hopefully be taken care of that soon. That sums up what we've been doing so far. As always, we thank you for your time tonight. We thank you for your continued support of the Soil and Water District and we hope we can be an asset to you.

Miles: Thank you Ms. Snoddy. Does anyone have any questions for Ms. Snoddy? Well, we thank you for coming in all your and your team’s work. Thanks very much.

Re: Present Plaque to James D. Crews for years of service on Planning Commission

Miles: Our next item is presentation of a plaque to Mr. Dabney Crews for his years of service on the Planning Commission. He and his family were unable to attend tonight. So we're going to postpone that until the February meeting by consensus of the Board if everyone is okay with that.

Re: Public Hearing: Transient Occupancy Tax Ordinance Amendment as per General Assembly passing Senate Bill 1398 amending the Virginia Code to revise Transient Occupancy Taxes to provide for tax reporting when a room is booked through accommodations intermediary such as Expedia, Travelocity and Priceline, etc.

Miles: We will now switch gears and move to our public hearings. We have four public hearings docked tonight and the first one is N-1 transient occupancy tax ordinance amendment per General Assembly action amending the Code of Virginia to revise Transient Occupancy taxes to provide tax reporting when a room is booked through accommodations intermediary such as Expedia, Travelocity and Priceline, etc. Mr. Carter, could you address this please, before we open the hearing.

Carter: Yes, sir, Mr. Chairman. As you stated before, that we need to change our ordinance to come in compliance with the state ordinance. On the second page is a revised copy of our ordinance. I won't read the whole thing because of those codes and definitions. But the first four sections are the ordinance which is what you really need. Where it says: Whereas Virginia Code 15.2-1427, and 15.2 -1433 enable a local governing body to adopt, amend or codify an ordinance or portions thereof. And whereas at the 2021 General Assembly passed Senate Bill 1398, amending the Virginia Code revised transient
occupancy taxes to provide for tax reporting when a room was booked during accommodation from intermediaries such as Expedia. And whereas the Board of Supervisor wish to amend the Buckingham County Transit Occupancy ordinance to comply with the state law. So we're just trying to bring our ordinance into compliance with the state change there, too, based on Senate Bill 1398.

BUCKINGHAM COUNTY

VIRGINIA TRANSIENT OCCUPANCY TAX ORDINANCE

WHEREAS, Virginia Code §§ 15.2-1427 and 15.2-1433 enable a local governing body to adopt, amend, and codify ordinances or portions thereof, and

WHEREAS, the 2021 General Assembly passed Senate Bill 1398 amending the Virginia Code to revise transient occupancy taxes to provide for tax reporting when a room is booked through an accommodations intermediary (e.g. Expedia); and

WHEREAS, the Board of Supervisors wishes to amend the Buckingham County Transit Occupancy Tax to comport with state law.

NOW, THEREFORE, BE IT ORDAINED, that the Buckingham County Code Transient Occupancy Tax is hereby amended, and this ordinance is hereby enacted as follows:

Section 1: Name.

This ordinance shall be referred to as the “2021 BUCKINGHAM COUNTY TRANSIENT OCCUPANCY TAX ORDINANCE.”

Section 2: Definitions

The following words and phrases, for the purpose of this ordinance, have the following respective meanings except when the context clearly indicates a different meaning:

(a) Accommodations: any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, house, or any other place in which rooms or accommodations for lodging are regularly furnished to transients for consideration.

(b) Accommodations fee: the amount paid to or retained by the accommodations intermediary for facilitating the sale. The accommodations fee shall be distinctly set out as a separate item.

(c) Accommodations intermediary: any person other than an accommodations provider who facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee, which fee it retains as compensation for facilitating the sale. For the purposes of this definition, “facilitates the sale” includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

“Accommodations intermediary” does not include a person:

(1) If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to that person; or

(2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to the person is equal to the price paid by the customer to the accommodations
provider for the accommodations, and (ii) the only compensation received by the person facilitating the sale of the accommodation is a commission paid from the accommodations provider to that person.

(d) Accommodations provider: any person who furnishes accommodations to the general public for compensation. The term “furnishes” includes the sale of use or possession, or the sale of the right to use or possess.

(e) Room charge: the price charged for the use of lodging accommodations before taxes.

(f) Total price paid: the total price charged to the customer. It will include the room charge and the accommodations fee, if any.

(g) Transient: Any person who obtains accommodations for a period of less than 30 consecutive days.

Section 3: Levy; amount.

Pursuant to Virginia Code Section 58.1-3819, there is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by law, a tax of two (2) percent of the total price paid by or for a customer for use or possession of any lodging accommodations for continuous occupancy for fewer than 30 consecutive days. The tax shall be collected at the time and in the manner provided by this article.

Section 4: Collection.

(a) For sales of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the amount of the transient occupancy tax from the person paying for the accommodations when the accommodations are paid.

(b) For sales of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall collect the transient occupancy tax computed on the total price paid.

(c) The taxes collected under this article shall be deemed to be held in trust for the county by the person required to collect them until remitted as required in this article.

Section 5: Reports and remittance of tax collected.

(a) For sales of accommodations facilitated by an accommodations intermediary, the accommodations intermediary is responsible for remittance of the transient occupancy tax as follows:

(1) For accommodations at a hotel, the accommodations intermediary shall remit the tax on the accommodations fee to the county, and any remaining tax to the hotel, and the hotel shall remit those taxes to the county. An accommodations intermediary shall not be liable for taxes under this article remitted to a hotel that the hotel does not remit to the locality.

(2) For accommodations not at a hotel, the accommodations intermediary shall remit all the transient occupancy taxes directly to the county.

(b) The person collecting any transient occupancy tax shall make a report of the taxes collected upon the commissioner of the revenue’s forms, showing the total price paid, the room charge, the accommodations fee, and the tax required to be collected. The person collecting any tax
shall then sign and deliver the report to the commissioner of the revenue and remit the collected tax to the treasurer. The reports and remittances shall be made on or before the 20th day of April, July, October and January covering the amount of tax collected during the preceding quarter.

(c) Any person collecting the transient occupancy tax on transactions exempt or not taxable under this article shall transmit to the treasurer such erroneously or illegally collected tax unless and until the person can affirmatively show that the tax has since been refunded to the payor or credited to payor’s account.

Section 6: Interest and penalties upon failure or refusal to remit tax or file report.

(a) If any person fails or refuses to remit to the treasurer the tax required to be collected and paid under this article within the time and in the amount specified, the treasurer shall add (i) a penalty in the amount of ten percent or ten dollars, whichever is greater, and (ii) interest thereon at the rate of ten percent per annum, computed the taxes and penalty from the date the taxes are due and payable.

(b) In addition to the penalty and interest provided for in subsection (a), a penalty of ten percent or ten dollars ($10.00) whichever is greater, shall be assessed on any person who fails to file a report as required provided for in this article.

Section 7: Estimated assessment upon failure or refusal to collect or report tax.

If any person fails or refuses to collect the taxes levied and imposed under this article, or to make, within the time provided in this article, the reports and remittances required in this article, the commissioner of revenue shall proceed to obtain facts and information on which to base an estimate of the tax due. When facts and information are obtained upon which to base the assessment of any tax payable by any person who has failed or refused to collect it to make report, or to make a remittance, the commissioner of revenue shall proceed to determine and assess against that person the tax penalty and interest as provided for in this article, and shall notify the taxpayer by registered mail, to the person’s last known address, the amount of the tax, interest and penalty, and the total amount shall be payable to the treasurer within ten days from the date the notice was mailed.

Section 8: Records to be kept by person liable for collection or payment of tax.

Every person liable for the collection or payment to the county of any transient occupancy tax is required to keep, for three years, the records necessary to determine and show accurately the basis for the transient occupancy tax collected or paid. The treasurer and the commissioner of revenue may inspect these records at any reasonable time.

Section 9: Tax immediately due and payable upon cessation of business.

Whenever any person required to collect or remit transient occupancy tax goes out of business, disposes of the business, or otherwise ceases to operate, all taxes collected and any tax payable under this article shall thenceforth be reported to the commissioner of revenue and remitted to the county treasurer.

Section 10: Exemptions from tax.

No transient occupancy tax shall be payable on charges for accommodations lodging paid to any hospital, medical clinics, convalescent home, or home for the aged.

Section 11: Penalty for violation of article.

Any person who willfully violates or fails to comply with any of the provisions of this article shall be guilty of a Class I misdemeanor. Each violation or failure to comply shall constitute a separate offense. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes imposed by this article.

This ordinance shall be effective upon adoption.
Miles: Thank you, Mr. Carter. Mr. Shumaker. Do we have anyone signed up?

Shumaker: No sir. We do not have anybody signed up to speak tonight.

Miles: Okay, so I'll open the public hearing. And then we will close the public hearing with no speakers signed up. So supervisors, gentlemen, do you all have any questions or concerns about in one about the ordinance amendment as we need to take action on that?

Allen: I make a motion that we go ahead and adopt it.

Bryan: Second.

Miles: Okay. A motion by Supervisor Allen, seconded by Supervisor, Bryan, that we adopt the amendment to the Transient Occupancy Tax Ordinance. Does anyone have any questions before we vote? All in favor? Aye, raise your right hand. Raise your hand. Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: The motion carries seven to zero to amend the ordinance.

Supervisor Allen moved, Supervisor Bryan seconded and was unanimously carried by the Board to amend the Transient Occupancy Tax Ordinance with Senate Bill 1398.

Re: Public Hearing: Ordinance Regulating or Prohibiting the Making of Fires as per Code §15.2-922.1 of the 1950 Code of Virginia as amended

Miles: Our next public hearing is regarding N-2, which deals with an ordinance regulating or prohibiting the making of fires per the appropriate Code of Virginia. Mr. Carter, could you address this before we open the hearing please, sir?

Carter: Mr. Chairman during the drought conditions last year, I asked you to adopt an emergency ordinance that gave the county administrator authority to set a burn ban in the county without Board of Supervisors approval. You did adopt that emergency ordinance and it was only good for 90 days. The public hearing tonight is to give the County Administrator the same authority to declare a burn ban the county as he or she determines the need. Last month you did it on a temporary basis. But this ordinance tonight will allow this be done permanently and allows us to declare a ban quicker because we want to wait for you to convene at your monthly meetings to declare burn when necessary. The County Administrator will of course consult all other agencies to determine if it was a good time to set a burn
ban or not. But basically this is giving the County Administrator authority to declare burn ban in the county without having to wait for the Board of Supervisors meeting to take place.

AN ORDINANCE
REGULATING OR PROHIBITING
THE MAKING OF FIRES

ARTICLE ONE

This ordinance is adopted pursuant to the authority granted in § 15.2-922.1 of the 1950 Code of Virginia, as amended.

ARTICLE TWO

A. No person shall at any time make a fire in the streets or in other public places.

B. During declaration of drought, dry or parched conditions
   1. The County Administrator, after consultation with appropriate agencies, may declare that a drought condition exists on that forest lands, brush lands and fields have become so dry or parched or that other conditions exist so as to create an extraordinary fire hazard.
   2. The County Administrator may then declare that open burning is prohibited in part or all of the county.
   3. Following such a declaration it shall be unlawful for any person to burn brush, grass, leaves, trash, debris or any other flammable material or to ignite or maintain any open fire within the county or within any part of the county subject to the prohibition.
   4. The declaration of the County Administrator shall remain effective until the County Administrator declares the condition and the prohibition to have terminated.
   5. When any such declaration is issued, amended or rescinded, the County Administrator shall promptly post a copy of the declaration, amendment or rescission on the bulletin board near the front of the administrative building and also post the same on the County’s website. In addition, the County Administrator may publish or circulate the declaration, amendment or rescission as is deemed appropriate by the County Administrator.

ARTICLE THREE

The following exceptions shall apply during a declaration under Article Two.

A. Without a permit: safety flares.
B. With a permit, with or without conditions as the County Administrator shall determine, from the County Administrator: campfires or other fires used solely for recreational and similar purposes; or for outdoor noncommercial preparation of food; and the open burning of land clearing (the burning shall be at least seven hundred fifty feet from any occupied building other than a building located on the
Miles: Mr. Carter Thank you sir. I'll open the public hearing. Mr. Shumaker. Do we have anyone signed up who would like to speak sir?

Shumaker: No, sir. We do not.

Miles: Okay, saying that no one has signed up we will close the public hearing. Board members, fellow Supervisors, what is your pleasure regarding this ordinance?

Bryan: Mr. Chairman, I move that we adopt the ordinance.

Bryant: Second.

Miles: A motion by Supervisor Bryan, second by Supervisor Bryant that we adopt this ordinance as read and as presented. Any questions before we vote? All in favor? Yes, sir, Supervisor Allen.

Allen: I got one question. Right now we got a burn law in effect. Is it back to where they can burn?

Carter: Yeah, we've lifted it.

Allen: I just want to make sure that's publicly put out.

Carter: Yes, sir. Since we’ve adopted it, it has rained and snowed this last month.

Allen: I just want to make sure because I had a lot of people and heard it. Oh, that's good. So this just makes it where you can do it without us having a big meeting.

Carter: Yes, sir.
Allen: Good enough.

Miles: Thank you, Supervisor Allen. So the motion is by Supervisor Bryan, seconded by Supervisor Bryant to adopt the ordinance. Is anyone have any questions before we vote? All in favor, raise your hand to adopt the ordinance. Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Okay. The motion carries unanimously to adopt the ordinance, seven to zero.

Supervisor Bryan moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the Ordinance Regulating or Prohibiting the Making of Fires as per Supervisor Bryan moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the Ordinance Regulating or Prohibiting the Making of Fires as per §15.2-922.1 of the 1950 Code of Virginia.

Re: Public Hearing: Case 21-SUP291 Landowner/Applicant: John E. Yoder, Request to obtain a Special Use Permit for the purpose of operating a commercial sawmill. Property located on Tax Map 113, Parcel 10 containing approximately 9.48 acres, address 541 Allen Lake Road, Dillwyn, VA in the Curdsville Magisterial District

Miles: The next public hearing regards Case number 21-SUP291. The landowner/applicant is John E. Yoder requesting to obtain a special use permit for the purpose of operating a commercial sawmill. The property located on Tax Map 113 Parcel 10 containing approximately 9.4 acres at 541 Allen Lake Road in Dillwyn in the Curdsville Magisterial District. So we do have right many people signed up and the first thing that we’re going to do is hear from Mrs. Edmondston. And then if the applicant so wishes to address his project, and then we will hear from the public and the public will have three minutes each. So Mrs. Edmondston.

Edmondston: Thank you. Good afternoon, Mr. Chairman and Members of the Board. As our Chairman reiterated a bit earlier, this Case is 21-SUP291, John E. Yoder at 541 Allen's Lake Road, Dillwyn, Virginia is the landowner and applicant. The applicant wishes to obtain a special use permit for the purpose of operating a commercial sawmill and that is the purpose for the public hearing this evening. You may remember this case from an introduction at the December 13 Board of Supervisors meeting. This case came to the attention of the Zoning Administrator by way of complaint. After investigating and meeting with landowners, discovered that a sawmill was operating in violation of the zoning ordinance. The initial complaint was made in early July, 2021 and the building was discovered but no sound of a saw operating at that time. However, the sawmill was operating when another complaint was made in late July, 2021. After discussion with Mr. Yoder was discovered he was purchasing logs
timbered off site and operating a commercial sawmill. At this time Mr. Yoder was informed that he was not operating in compliance with the zoning ordinance and was instructed to cease operations immediately. After further review of the permit records, Mr. Yoder obtained a building permit in June 2021 for 40 by 60 building for the purposes of farm use, as indicated on a zoning-building permit application. The sawmill was operating in this 40 by 60 building. Mr. Yoder has provided information to the Planning Commission explaining the intended nature of request for the permanent June, 2021, which was not for agricultural farm use, but at the time of the application his intent was to operate a commercial sawmill. Mr. Yoder is available this evening to address questions and concerns. Now, I turn the mic over to him.

Below are conditions that you may consider attaching to the request if approved:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.

2. Right of ways and roadway shoulders shall not be used for parking.

3. The property shall be kept neat and orderly.

4. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.

5. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.

6. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

7. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

8. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.

9. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the board of Supervisors.

10. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

11. The applicant agrees to operate within the current footprint/building and that any expansion or enlargement requires a new application.

12. Truck traffic is only allowed on the property between the hours of 8am through 3pm, Monday through Friday.

13. No more than four trucks per week shall be allowed.

14. Applicant shall provide certification from a structural engineer regarding the construction, design, safety, and structural integrity for usage as a commercial sawmill.
Miles: Thank you, Mrs. Edmondston. Mr. Yoder. Would you like to address your application please, sir?

Yoder: Yes, is there I guess in the meeting a month ago we had talked about conditions the Planning Commission set up, and those were a number of trucks. Define a truck as VDOT defined it. What did you want me to say?

Miles: Mr. Yoder, if you could explain your project to us as to what you would like to do at the property. And we might have a few questions before we open up the public comment but if you could just give us a simple project summary as to what you would like to do there sir.

Yoder: Yes. Just operate a saw mill, small, very small. Me, my family. A good number I think would be three truck load of logs a week, three to five. That's about where I see it. Currently I have a portable saw mill. That's all the bigger than I expect to get. I don't expect to do any expansions. I do, was doing a good bit of orders, custom orders. That meant a lot of small pickups came in to pick up. That's about all I have. The Planning Commission gave me conditions of four trucks per week. I agreed to their conditions. They were coming pretty fast. And but after thinking about it later, the conditions they gave me with four trucks per week. They were talking about any truck coming in, any vehicle coming in would be a truck. I would very much like if we would not count pickups, heavy duty pickups, trailers or tandem axles. I was also buying logs from smaller outfits that have tandems. And if I get four loads a week from them, that would not be sufficient. There was also mention about my driveway. The end of my driveway is not on my property. I have talked to the owner of that property. He says he has no objection of me using it but he does not want to deed it over to me. I'm asking if the Board of Supervisors grants me to operate a sawmill there, I would put in a new driveway right away. But I would need permits. I don't know what he's all involved. I would have to also change my septic system, because where the driveway would run in would go right over to drain field. So there's a good bit of work involved there. But I would start working on that as soon as I can draw permits as soon as I can have contractors and excavators.

Miles: Well, thank you, Mr. Yoder. Thank you for being here. Does any member of the Board have any questions for Mr. Yoder or Mrs. Edmondston before we open the public hearing?

Allen: What was your definition for the trucks that you had, Mrs. Edmondston?

Edmondston: Supervisor Allen, we discussed definition for Truck by way of what was given in the narrative for Mr. Yoder. He stated the traffic this sawmill will cause will be log trucks, mostly semis, some straight jobs, pickups with trailers and flatbeds hauling lumber away. That was the definition that we used provided by Mr. Yoder last month.
Allen: Any vehicle hauling.

Edmondston: Excuse me.

Allen: Any vehicle hauling wood would be counted as truck.

Edmondston: That's what it would appear. Clarification may come from Mr. Yoder.

Miles: Does that answer your question, Supervisor Allen?


Miles: Okay. Does any other Supervisor have any other questions before we open the public hearing for Mr. Yoder or Mrs. Edmondston?

Allen: You did say that you had the permission to use a driveway. Is that for commercial or just for private use?

Yoder: I did tell Mr. Allen what…I did tell Kendall Allen what I'm doing. He said he does not object. He just doesn't want to deed it over to me.

Allen: I got different. I’ve got in writing where he doesn't want to give you the right to use it as a commercial. And it means to me that you don't have a permit for driveway as he said no commercial use. He gave you permission to use it as a private driveway not part of making it a commercial saw mill. He will not give you an easement or the right away to use the driveway. So to me that part has gone.

Bryan: Do you have a copy of that with you?

Allen: Yes, I do. I have to look it back up. Nicci, you got one too I think.

Bryan: You have one Mrs. Edmondston? Yeah, that way I will read it and then enter it as part of the SUP. Part of the record.

Miles: While we're reading the letter, gentlemen

Bryan: This email is from Kendall and Kathy Allen, 853 Twin Creek Road, Buckingham, Virginia. A few months ago I gave John Yoder verbal permission to use the driveway on my property, Allen's Lake Road. At that time, he wanted to widen the driveway, driveway, which I had no problem with and has now come back and wants me to deed him a right of way. I am not interested in giving him a deeded
right away or an easement for commercial or business use of the driveway. Kendall Allen dated January 8, 2022.

**Chambers:** That’s it then.

**Miles:** Anyone else have any questions before we open the public hearing?

**Bryan:** In lieu of this, SUP291 is not valid because he has no entryway for that SUP. Do you agree, Mr. Allen?

**Allen:** Right. Well, then it's another issue about the building. It’s an agriculture building and then now he's using it for a commercial use, and he needs to get another permit for that. And the other issues of mine, is that I don't like all the traffic on Allen’s Lake Road. It's a small road. When you hauled gravel up to fix your place up they end up having to state and have to work on the road because it caved in at the curve. Now on the other curve, I just talked to VDOT about it. And I haven't been down to look at it yet. But that's starting to cave in. So to me, we don't want no heavy trucks run on that road because it's gonna fall apart. One, two, you got children and older folks on that road. I don't think we need trucks on the road. I don't mind helping you to find another place to put it. But I just don't think that's the right place.

**Miles:** Let me call on, Thank you Supervisor Allen and let me call on County Attorney Wright. Did you have a remark sir? Supervisor Davis?

**Davis:** Yeah, so I rode up there Saturday and looked at the road and I have concerns also with tractor and trailers and all being on that narrow road.

**Miles:** Alright, anything else before we open up the hearing? Okay, so we're going to open up the hearing for this case. Mr. Shumaker will call those by who have signed up and we probably have some letters and voicemails as well. And please be in mind you have three minutes there's a timer. And after you finish your sentence when the three minute bell goes off, that will be it. So, Mr. Shumaker?

**Shumaker:** Yes, sir. We have eight people signed up to speak tonight. First person will be J. Alvin Thomas Jr. District 2.

**J. Alvin Thomas, Jr., District 2:** Good evening. My name is J. Alvin Thomas Jr. from District 2. I live 1112 Thomas Road, Dillwyn, Virginia on land across the road from Mr. Yoder’s property. I am in support of his request and special use permit 291. I understand the concern for the road. I've measured the road. The measure road is only two inches difference between the width of Allen's Lake Road and Thomas Road that I live on and Thomas Road has regular has tractor trailer traffic on it. But I would
urge you to approve this SUP. I know we got some last minute discussion came up tonight that sort of caught people off guard but I would encourage you to try to work with Mr. Yoder. Thank you.

**Miles:** Thank you Mr. Thomas.

**Shumaker:** Next up we have Roy Martin, District 7

**Roy Martin, District 7:** I live on Allen's Lake Road, 860. He was talking about the road that culvert set collapsed at the curve. But it had really nothing to do with weight. It was the water. Now cross in half to whatever creek that is, if it's not safe enough for logging truck, it scares the heck out of me. They have big truck trailers. And what I found is when you turn on to Allen’s Lake Road, you got two logging trucks lengths before you have to take a sharp 90 degree right. Then you have approximately two more logging trucks links before you have to take a sharp left. That’s all up hill. The only problem I have with logging truck is I got behind one once and driving home at five miles an hour wasn't too much fun. But this is a one man operation. It's not like it's a huge employment, and so forth. As far as… I'm not a lawyer, but the 15 years I've been there that driveways been the same. And I think that if we talk to a lawyer it would be an easement by description or don't want to do the law. You had someone talk about education. You know the Amish build their own schools. Transport their students, hire their teachers. They don't get any benefits, no tax breaks, and they all pay the same taxes as all of us. I would like to see John get his saw mill. When it ran, I never heard it. Actually hear the wood chipper once in a while when the wind is blowing right. I'd be quite pleased if he could have his saw mill. Maybe I could get some free lumber. Thank you very much.

**Miles:** Thank you Mr. Martin.

**Shumaker:** Next up, we have Brooke Rush, District 7.

**Brooke Rush, District 7:** Good evening, my name is Brooke Rush. I am John's closest neighbor at 617 Allen's Lake Road. I am in support of him getting his special use permit for a sawmill. I don't have an issue with it. My kid would be one of those kids that would be on the road and they'll just have to learn how to work with the traffic because you know, it's a road. So the traffic that has been down the roads before didn't seem to be a huge issue. They go slow enough. I didn't see an issue with the traffic or the amount that he's requesting. I would like to see him get approved for it. Thank you.

**Miles:** Thank you Ms. Rush.

**Shumaker:** Next we have Cheryl Martin, District 7.
**Cheryl Martin, District 7**: I'm Cheryl Martin. I live at 860 Allen's Lake Road and I'm in support of John Yoder’s special permit. Again, I haven't heard any of the noise or any of that pollution but on Allen's Lake Road, there are tow trucks, there are you know, cattle trucks, there are golf carts there are, you know, ATVs, people use the road we walk we, you know, pay attention, but that's where he lives. That's his livelihood. That's the job that he wants to do. And like I said, it's not a big operation. We don't have a bunch of employees that will be on it. And I think he's been respectful and the buildings that he has built have been, you know, excellent quality. You know, the workmanship is there and I'm sure he's gonna have to get the right permits and do what he has to, but I would like to see him be approved. Thank you.

**Miles**: Thank you Miss Martin.

**Shumaker**: Next up we have Crystal Martin, District 7.

**Crystal Martin, District 7**: Good evening everybody. My name is Crystal Martin and I'm a resident of District 7. I'm speaking tonight in opposition of the proposed commercial saw mill special use permit on Allen's Lake Road. The proposed location is not at all suitable for regular and routine commercial traffic. I'm read all the transcripts from the planning commission meetings. The focus of many of those comments from those meetings were noise. I would like to focus my comments on neighborhood safety and overall zoning suitability. First, there are four children under the age of 18, other than the applicants children that reside on that road. In addition, there are at least a dozen other children that frequent that road on a regular basis. Some of those children are mine. And so the certainly matters to me. As this is a dead end road, many of those children walk or ride bikes along the edge of the roadway pretty regularly. It's also not an uncommon occurrence to find many of them playing in the creek during the hot summer months. When you turn from Thomas Road on to Allen's Lake Road, the hill is pretty steep, crosses a creek and rolls into some pretty significant S curves. Now imagine an 80 or 90,000 pound fully loaded 70 foot long log truck coming down that road and meeting a kid on a bicycle. That in itself is a recipe for disaster. The road is very narrow. I went yesterday, myself and measured it. The widest part I could find is 18 feet of pavement edge to edge. Given the turn radius of a tractor trailer, any truck would take up the majority of the road. Approaching through both of those curves. There's been a lot of degradation to the sides of the pavement. And in some spots, we found it was just 16 foot 9 inches from the pavement edge to edge. It would certainly make for a mess for anyone, including some elderly drivers in that neighborhood to meet a logging truck regularly. I'm not opposed to business opportunities in this county. We certainly need things that increase our tax base and benefit our citizens. However, I'm also concerned that if we allow this on Allen's Lake Road, then the county is setting a dangerous precedent that you can build a house here but who knows, somebody might come without bothering to file any of the appropriate permits first and build something else. It could be another house. It could be anything, hazardous waste, a filling station, anything. That's not the spirit and purpose of zoning at all. The business is right. That location is dangerous and wrong. Please vote no. Thank you.
Miles: Thank you Mrs. Martin.

Shumaker: Samantha Wharam, District 7.

Samantha Wharam, District 7: Good evening. I'm Samantha Wharam. I live at 434 Allen's Lake Road, which is I guess the second closest house. As Crystal said before me, the problem is not the noise or that we don't want John to be successful, but the location is not ideal. Coming home today, as we all said, in the S curves, it's a blind spot and you can't see who's coming. So a lot in truck coming down the steep hill into the S curve cannot see many of my neighbors that fly down Allen's Lake Road and that's just asking for an accident to happen. I also watched last month's meeting. And there was an inaccurate count of children. Kelby and I have one child and plan for more. And I don't know if you know this, but our whole immediate family lives on that road. And so we're expecting to keep it like the good old days and have her be able to walk to her grandparents. She has also watched on that road while we were at work all day, five days a week. And so we just like to keep it how it is. We walk that road, ride bikes on that road and so I would not like for a sawmill to be beside my house. I'm all for him being a successful small businessman, just not on our road. I'd like to keep our road how it is and able to for the children to play. I think I counted it today and there are about 23 children under the age of 18 on that road regularly playing, four wheelers and like I said I would hate for a child without a helmet on his four wheeler to be flying down Allen's Lake Road and meet a tractor trailer. Thank you.

Miles: Thank you Mrs. Wharam.

Shumaker: Kelby Wharam, District 7.

Kelby Wharam, District 7: Hey, I'm Kelby Wharam, Samantha’s husband. Second closest to John. Let's say one thing, we don't mind John as neighbor but as business, you know, for a sawmill on our road, it is very, very unsafe. I’ve been working on log trailers and trucks for 13 years and I know what they're capable of. I’ve done construction. You got two culvert pipes there. There's, you figure, 80,000 pounds on a daily basis. That is not a very good idea. You got to realize to though, say that pipe does bust, my grandma has a heart attack or some kid breaks bones or need emergency exit, there is no possible way that an emergency vehicle, ambulance wise or fire truck wise can get back through there when the pipe is out. There's a lot of things you got, you know, play into fact. We walk up and down the road a lot, you know, because it's not very good place for it. Like say we're willing to help in any way possible. But just for a sawmill in that location is not a very good idea. And just keep that in mind. You know, the people have crashes every day. I just don’t want a kid of mine to fall into that draw.

Miles: Thank you, Mr. Wharam.
Shumaker: Next is Ronald Dunkum, District 7.

Ronald Dunkum, District 7: I'm Ronald Dunkum. I live on 682 Allen’s Lake Road. First of all the pipe you were referring to that had the problem. We've had problems with that before way before John ever come there. Because Bill King told me they were gonna fill in at low ground that while they had their water thing years and years ago. So he didn't cause that with heavy trucks. Another thing is, I didn't hear John say anything about tractor trailers. He said tandems or pickups with trailers. And I wonder why this letter didn't come before the Planning Commission meeting. It was after in January, you said. So look like to me if somebody didn't want commercial stuff, he should have gotten information before the Planning Commission. One big problem I had was one person should not be on the Planning Committee and the Board of Supervisors that has to approve it. I think Mr. Allen needs to be excused from voting on this issue. Another thing, I was very upset with the way the meeting was handled. The Chairman was not in charge of the meeting. There were stipulations brought up, discussed and everybody looked at Mr. Allen. He didn’t want to vote for that. So they added more. Nobody, well, Mr. Allen didn’t agree with that. So they stuck some more stipulations on it. Until finally Mr. Allen said, yeah, he go along with it, then they voted on it. That to me is not democracy. You shake your head all you want.

Allen: I didn't vote for it, thank you.

Miles: Mr. Dunkum, if you would continue, please.

Dunkum: There's no doubt in my mind that a lot of these stipulations wouldn’t have been put on there if Mr. Allen had not been at the meeting. And he talked about safety and Mrs. Wharam talked about a blind spot. And if she's talking about down there near Binder’s curve right down at Binder’s mailbox, I personally cut that. The state cut it years and years ago and some of the sprouts come back. I have cut it twice personally myself and I cut it before the first frost this year. So I don't know what blind spot she's seeing now and the Planning Commission, we have if my correct is count is correct, we have nine families in there. One of them is a renter not a landowner.

Miles: Mr. Dunkum, thank you for your time, sir. Your three minutes is up. Thank you.

Shumaker: Mr. Chairman, that's all that we have signed up. And we did not receive any voicemails or public comments via email with this.

Miles: Okay, so that being the case that completes our public hearing for this issue, and now we will, the supervisors will discuss this and ask questions of staff or applicant. Does any supervisors have any questions? Oh, hold on one second. Mr. Yoder.
Carter: Supervisor Miles, we did receive a couple of emails that came in afterwards that I just want to make you aware we have them here. They were not at support the SUP.

Miles: Would the Board like to hear those emails read aloud, the correspondence?

Bryan: Just pass them around.

Miles: Could you read those Mr. Carter, Please? Thank you.

Carter: Yes, the first one is from Evelyn Bryant. It says, Dear Sirs. I'm writing today to express my concern about the proposed commercial sawmill operational. However, the proposed location of the sawmill in question is residential to the fullest degree. I'm sure that each of you are familiar that Allen's Lake Road is a quiet neighborhood that stretches about one mile to its dead-end. As a child I enjoy riding my bicycle or walking to my grandmother's house. While I do not reside on this road now, my three children are often at my parents’ house each day after school and throughout the summers located on Allen's Lake Road. They enjoy the same pleasures of childhood and the neighborhood as I did. But tractor and trailers with logs on them would immediately change the dynamic of this neighborhood. It is a dangerous reckless move if the county approves commercial activity in this purely residential area. Evelyn G Bryant.

Miles: And you had one more Mr. Carter?

Carter: We'll get that second one to you in a few minutes.

Miles: Okay.

Carter: Oh, I'm sorry. Supervisor Allen has it. Alright, this one is from Denise Bryant. It says Dear Sirs, I would like to express my opposition to the proposed commercial sawmill on Allen's Lake Road. I live at 361 Thomas Road. It’s most likely large tractor trailers coming and going from the site in question will pass by my residents. I do not believe Thomas Road/Allen’s Lake Road like roads residential or infrastructure suited for consistent 80,000 pound tractor trailers. About a year ago concrete trucks deliver multiple loads to the site, which caused a large sinkhole in Allen's Lake Road. At the last, I checked there's still a large VDOT barrel sitting in the road marking that area. There's an old bridge at the bottom of the hill on Allen’s Lake Road. A sinkhole started to form on the side of the road consistent in and out of large trucks is likely to cause damage to that culvert pipe bridge, which would cause the entire Allen’s Lake Road community to be inaccessible since there is a dead end road. Based on the transcript from the Planning Commission public hearing it’s unclear to me that the requested number of deliveries at the requested permit is for commercial saw mill, one would think that raw timber would come in, be processed and then go out. That would increase the amount of truck traffic in the
neighborhood. I am all for expanding business opportunities in our county, however, I do think this proposal case is inappropriate for large trucks. Respectfully Denise Bryant.

**Miles:** Thank you, Mr. Carter for reading those. Does any supervisor have any question for the applicant before we have our own discussion?

**Bryan:** Mr. Yoder, you said that you're going to put in another driveway?

**Yoder:** I would like to Yes.

**Bryan:** Well, you're going to have to it looks like because is not going to give you the easement or allow you to use the driveway for commercial use, based on the email that I've read in.

**Yoder:** Regardless if I, if you approve this or not, if…

**Miles:** Are you asking a question, Mr. Yoder? I'm sorry.

**Yoder:** Yeah, I am.

**Miles:** Okay. What's your question?

**Yoder:** He said I have to either way, put in a new driveway. Is that…

**Bryan:** Well, I mean, that's my understanding from you, because you can't use the current driveway for commercial use. Correct? Do you understand that?

**Yoder:** I do.

**Bryan:** Okay. So you said previously that you're going to put it in another driveway?

**Yoder:** That's correct.

**Bryan:** Okay.

**Miles:** You have a question Supervisor, Bryan.

**Bryan:** No.

**Miles:** Okay.
Yoder: I just want to clarify one thing that Mr. Dunkum had said that I did not ask for any tractors and trailers. There would be tractors and trailers.

Miles: There would be tractors and trailers, is that what you're saying?

Yoder: Yeah.

Bryan: Okay. And you had said 4, that you'd be happy with 4?

Yoder: Four can work if we don't count pickups and tandems. I'd like it to be a little bit higher but.

Miles: Any other discussion, gentlemen?

Matthews: Yes. I got a question.

Miles: The public hearing is closed and Supervisor Matthews, yes, you're recognized.

Matthews: Yes. Was there ever any speed study or any type of VDOT information in regards to this site?

Miles: Could you address that Mrs. Edmondston, please? Thank you, ma'am.

Edmondston: Supervisor Matthews, as all special use permit applications, there is a document required for signature by VDOT, which will state whether or not there is a need for a traffic impact analysis. This was completed for Mr. Yoder based upon the driveway that he currently utilizes, which apparently, is part of the ingress and egress over the Kendal and Kathy Allen property to Mr. Yoder’s. So the necessary document was obtained and reviewed by VDOT for his initial application process.

Miles: Thank you, Mrs. Edmondston. Yes, sir. Supervisor Matthews Yes.

Matthews: He just made the statement that he wants to put in another driveway, well in order to do that he’s got to go through that same scenario again with VDOT. Am I correct or not?

Edmondston: Mr. Matthews, Supervisor Matthews, in the conditions that may be placed upon this case, the very first one states that all federal, state and local regulations ordinances and laws be strictly adhere to. He complied during the initial phases of his application because the driveway he was utilizing is the one that he uses for personal use. At this point in an effort to find resolution with the members of the Board of Supervisors, if you are stating that he needs to have a another driveway entrance, that
would be part of the conditions and that he would need to comply with the state regulations per VDOT for that entrance.

Matthews: For commercial use?

Edmondston: The reason for that driveway usage would need to be conveyed to VDOT which I can as staff assist Mr. Yoder with documents of this application case and it would be up to him he contacts VDOT not staff here at administration, but Mr. Yoder would contact them and let them know. Now upon receipt of that document, if we get to the point where of course the new driveway must be a condition, then when that's received by my office, I'll review it and ensure that it shows that it would be used for this commercial purpose.

Matthews: Yes, maam. Thank you.

Edmondston: Yes, sir.

Miles: Any other questions or discussion gentlemen?

Matthews: No, sir.

Miles: Okay, what is your pleasure? Supervisor, Allen?

Allen: My pleasure is to deny and maybe help him try to find a place somewhere else. But to deny for Allen’s Lake Road. My motion.

Miles: So your motion is to deny the application request for the special use permit. Is there a second to that motion?

Davis: I second it.

Miles: Motion by Supervisor Allen, seconded by Supervisor Davis to deny this permit in terms of the special use permit Case 21-SUP291. Does anyone have any questions on the motion before we vote?

Bryan: Denial based on what?

Miles: Supervisor Allen?

Allen: On not having a permit for his driveway. Well, he doesn't have a permit for his building and the road.
Bryan: We can set conditions to get those fixed now.

Allen: I'm not finished. And the road is not good enough, in my opinion, for him to be on plus, that doesn't match the comp plan. The Comp Plan should have him in a different location.

Miles: Supervisor Bryan? Any other questions before we vote? Again, the motion is to deny the permit.

Chambers: I'm confused.

Miles: Supervisor Chambers.

Chambers: I don't feel what's going on here because I'm confused on the number of trucks and all of this stuff. And…

Allen: The original permit 1 to 3 trucks, three trucks a day. Which would be if you had a driveway on there it would be 30 trucks would pass your driveway every week. Plus, you'd have the vehicles hauling sawdust back home. And that'd be another, you know, if they had three, three loads come out. That would be another six trucks coming by your driveway. So you have 36 trucks going by your driveway not counting anything else to haul. Saw dust or whatever else you may need. I'm just …

Miles: Does that answer your question?

Allen: At the Planning Commission, they moved back from three trucks a day to four trucks a week. But still, I'm not in agreement with it. At that area. And they have a certain time of day for it to come in and out after the school buses.

Miles: Reverend Chambers, has that…

Chambers: I see what you're saying but

Miles: Supervisor Bryant, did you have anything to say? Are you prepared to vote? Say that again, Vice Chairman.

Chambers: (mic cut out) Asked about the driveway.

Bryan: Yes. What Ms. Edmondston just said if we require that he put a commercial driveway in and amend his building that Mr. Allen is talking about? I would even go so far as to get VDOT to check that road to make sure that that road can accommodate tractor trailer traffic. But I've heard you know, I've
heard people say the kids play on the road. Well, kids shouldn't be playing on the road but we could set a time I heard Mr. Allen say set a time for tractor trailers to be delivered. That says not to coincide with bus traffic. I'm sure that Mr. Yoder would be agreeable with that as well.

Allen: It's already in here.

Miles: As a condition

Davis: Mr. Bryan. I’ll show you. From the road to the ditch. Does he not own it? So where would the commercial driveway go that you're talking about?

Bryan: Over here.

Allen: Plus he said he had to put in a new septic tank and drain field.

Miles: Would we like to have more discussion or are we ready to vote? And again, the motion is to deny just so you're correct and you're voting. You ready to call for the vote. Again, the question is, shall we deny the Case 21-SUP291 for the special use permit for the commercial sawmill. So if you vote yes to this motion, you vote to deny. If you vote no, you vote to approve if that makes sense.

Bryan: No, no, no,

Chambers: You can’t do that.

Bryan: No, it doesn’t approve it. That’s all it does.

Miles: Right. Right. That's right. That's what I should have clarified. So we're gonna call for the raise your hand if you're in support of the motion. Supervisor Matthews how do you vote?

Matthews: Yes.

Miles: Supervisor Bryan, how do you vote sir?

Supervisor Davis, Miles, Bryant, and Allen raised their hands in favor.

Miles: Those opposed to the motion?

Supervisor Bryan raised his hand.
Supervisor Chambers abstained.

**Miles:** So the motion is agreed to deny. Five in favor, one against and one abstention. Is that right, Vice Chairman Chambers?

**Chambers:** Right. I abstain.

**Miles:** Okay, so the motion the application is denied.

*Supervisor Allen moved, Supervisor Davis seconded to deny Case 21-SUP291 John Yoder for Special Use Permit for a Commercial Saw Mill. This motion to deny passed with a 5-1-1 vote. Supervisors Davis, Miles, Bryant, Allen and Matthews voting in favor. Supervisor Bryan opposed. Supervisor Chambers abstained.*

Re: Case 21-ZMA293 Landowner: Rock Holding East LLC. Applicant: Rock Wood Products of Dillwyn, Inc. Request for rezoning from A-1 to M-1 for the purpose of zoning consistency to match the existing and future uses

**Miles:** Moving on to our next public hearing is Case Number 21-ZMA293. Landowner: Rock Holding East LLC. The applicant is Rock Wood Products of Dillwyn. Request for rezoning from A-1 to Light to Industrial Light M-1 for the purposes of zoning consistency to match the existing and future uses of the parcels and to correct the zoning district. If Mrs. Edmondston, if you could address this please before we open the public hearing.

**Edmondston:** Yes sir. Mr. Chairman. Our next case is 21-ZMA293. Landowners Rock Holding East LLC and the applicant is Rockwood Products of Dillwyn. The zoning map amendment is the request this evening and the reason for the public hearing they wish to rezone from agricultural A-1 to Industrial Light M-1 for the purpose of zoning consistency to match the existing and future uses for the parcels to the correct zoning district. This property is located at 19135 North James Madison Highway Dillwyn, Virginia. The property is currently zoned A-1. The landowner as I stated is Rock Holding East, applicant Rockwood Products of Dillwyn. Rockwood Products of Dillwyn seeks to expand its operations which require requires compliance to the Buckingham County Zoning Ordinance. Rockwood Products of Dillwyn acquired the property in 2014 as the subject of a major economic development announcement in October 2016. Due to the significant growth and expansion, Rockwood Products of Dillwyn is requesting the zoning map amendment for current and future compliance. Mike Seamster is here on behalf of that application to address questions or concerns you may have this evening.

**Miles:** Thank you, Mrs. Edmondston and Mr. Seamster, if you want to address your application, sir.
Seamster: How’s everybody doing today?

Miles: Very well thank you. Did you want to summarize your projects?

Seamster: It’s the same as we’ve been doing. Nothing’s changed.

Miles: Okay. Does any member… Yes, Supervisor Bryan.

Bryan: As you said at the last meeting, you’re going to dress up the entryway?

Seamster: Yeah, I have a civil engineer. He’s doing all my work.

Bryan: Okay. To possibly improve some sight distance as well?

Seamster: Yeah, we do.

Bryan: Okay.

Miles: Any other questions, gentlemen? Okay. So we'll go ahead and open the public hearing. Mr. Shumaker, do we have anyone to sign up to speak?

Shumaker: Mr. Chairman, we did not have anybody signed up to speak.

Miles: Okay, then the public hearing is closed.

Chambers: I'm gonna move we go on to approve it.

Bryan: Second.

Miles: Motion by Vice Chairman Chambers, second by Supervisor Bryan to approve the case and the rezoning and the application. So do we have any questions before we vote? All in favor raise your hand of the application. Those opposed. Supervisor Matthews.

Matthews: Yes.

Miles: The motion carries seven to zero to approve the application. Thank you, sir for being here.

_Vice Chairman Chambers moved, Supervisor Bryan seconded and was unanimously carried by the Board to approve 21-ZTA293 to rezone Rock Wood Products of Dillwyn from A-1 to M-1._
Re: Zoning Matters: Continuation of Case 21-SUP285 Impact Power Solutions: Request to obtain a Special Use Permit for a Solar Generating Facility Tax Map 114 Parcel 2 on Gravel Hill Road

Miles: Mrs. Edmondston you're up again. So we have several zoning matters under Item O. The first two are continuations regarding small solar facilities. We did have public hearings on those. So the first one is the continuation of Case 21-SUP285. Mrs. Edmondston.

Edmondston: This Case 21-SUP285. Landowner Larry and Deborah Davis. The applicant Evan Carlson, Impact Power Solutions. This evening, Evan Carlson and Scott Aaronson representative from IP Solar are both available to address questions and concerns. Of course, the tax map involved is 114 Parcel 2, it contains approximately 36.42 acres and it's located on Gravel Hill Road. It's currently zoned A-1. Their request has been to obtain a special use permit for solar generating facility, up to two megawatts. This case has been introduced, public hearing has been held last month in December, and there was ongoing discussion and negotiation or information that needed to be provided between the board and the applicant. So they're available to discuss this with you.

Bryan: Didn’t we continue 285 and 286 based on the solar policy?

Edmondston: That was part of the conversation. Yes, sir.

Bryan: I move that we continue 285 and 286 since we have had to postpone our solar policy due to extenuating circumstances.

Miles: Is there a second?

Allen: Second.

Miles: A motion by Supervisor Bryan, second by Supervisor Allen to continue Case 21-SUP285 and 286 based on the postponement and continuation of the solar policy. That's O-1 and O-2 in your packet. Does anyone have any questions before we vote? All in favor of continuing those please raise your hand? Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Okay, the vote seven-zero, unanimous to continue O-1 and O-2.

*Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to continue 21-SUP285 and 286 due to the postponement of the Solar Policy.*
Re: Zoning Matters: Introduction of Case 21-SUP287 Landowner: Susan Hudgins, Carl Burmaster, James Burmaster. Applicant James Burmaster. Tax Map- 158 Parcel 11 containing approximately 103.7 acres located at 5481 Mount Rush Highway, Dillwyn, Va James River Magisterial District Request to obtain a Special Use Permit for the purpose of operating an Air BnB Bed and Breakfast with events

Miles: Moving now to O-3 introduction of Case 21-SUP287. Mrs. Edmondston.

Edmondston: Yes, Case 21-SUP287. Our landowners Susan Hudgins, Carl Burmaster, James Burmaster at 5481 Mount Rush Highway, Dillwyn, Virginia. Our applicant is James Burmaster. Property information is Tax Map 158 Parcel 11. It does contain approximately 103.7 acres and it's in the James River Magisterial District. Zoning district is A-1. The applicant wishes to obtain a special use permit for the purpose of operating an Airbnb bed and breakfast with events. The applicant is asking the Board of Supervisors to set a public hearing date for this request. This property is located on Mount Rush Highway. The landowners are Susan Hudgins, Carl Burmaster and James Burmaster. Our applicant is James Burmaster. The property is A-1. The zoning ordinance does not permit an Airbnb and Bed and Breakfast with events as permitted by right in an Agriculture A-1 zoning district. The zoning ordinance requires an Airbnb Bed and Breakfast and or event facility obtain a special use permit. Mr. Burmaster states in the narrative that the main purpose of this application is to have events at the farm of all different types, music, car shows, live concerts, etc. They’d like to entertain 3500 guests for these events. Mr. Burmaster presented his initial application in August but after discussion with the Planning Commission, he resubmitted with changes and of course, this is the result of that new application. The Planning Commission held a public hearing regarding this case on December 27, 2021. Three individuals spoke during the public hearing voicing concern of pollution to the watershed on which the property is located, types of entertainment to be allowed, noise past 9 pm, traffic, fire, EMS concerns. After discussion with the applicant, the Planning Commission voted to present this case with a recommendation of approval to the Board of Supervisors. Now I will state that the conditions have increased since the public hearing was held at the Planning Commission in an effort to encompass the concerns of neighboring and adjacent property owners. Mr. Burmaster is aware of these changes. They addressed fire safety, sanitation, noise levels. He did agree to no noise past 9 pm. And he would be turning in an event plan 21 days prior to the Board of Supervisors and to the staff for review to ensure that all conditions are met. With that being said, would it be the pleasure of the Board of Supervisors to hold a public hearing for this case and if so, February 14, 2022 at 6pm.

Conditions:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.

2. The facility shall meet all safety requirements of all applicable building codes.
3. That commencement of the facility shall begin within two years of the approval by the Board of Supervisors or this special use permit shall be null and void.

3. Right of ways and roadway shoulders shall not be used for parking. Ample parking for occupants shall be supplied on premises.

4. The Sheriff's Office shall be notified three weeks prior to any event inviting or expecting 300 or more persons.

5. The property shall be kept neat and orderly.

6. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.

7. No person shall stage, promote, or conduct any musical or entertainment festival in the County unless there shall have been first obtained from the board a special use permit approving a request for event center for musical or entertainment festival to include, but not limited to, music, car shows, live concerts. Further application must be made for such special entertainment permits in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least 21 days before the date of such festival. Such applications shall have attached thereto and made a part thereof plans, statements, approvals and other document required by this section. A copy of such applications shall be sent by certified mail by the clerk to each member of the board the day such applications are filed. The board shall act on such applications within ten days from the filing of the same. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the clerk to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein, and mailed by the clerk to the applicant at the address indicated. Such permit shall not be issued unless the following conditions are met and the following plans, statements, and approvals submitted to the board with application:

A. The application for special entertainment permit shall have attached to it a copy of the ticket or badge of admission to the festival, containing the date and time of the festival, together with a statement by the applicant of the total number of tickets to be offered for sale, and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.

B. A statement of the name and address of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival.

C. A plan for adequate sanitation facilities and garbage, trash, and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations and shall be approved by the Virginia Department of Health.
D. A plan for providing food and water for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations and shall be approved by the Virginia Department of Health.

E. A plan for adequate parking facilities and traffic control in and around the festival area.

F. A plan for adequate medical facilities for persons at the festival, approved by the County Director of Emergency Services.

G. A plan for adequate fire protection for persons at the festival, approved by the County Director of Emergency Services.

H. A statement specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.

I. A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating from the performance shall be unreasonably audible beyond the property on which the festival is located.

J. Music shall not be rendered nor entertainment provided between the hours of 9pm and 8am each day.

K. No person under the age of 18 shall be admitted to any festival unless accompanied by a parent or guardian, who shall remain with the minor at all times.

8. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.

9. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

10. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

11. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.
12. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.

13. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

Chambers: So moved.

Allen: Second.

Miles: Motion by Vice Chairman Chambers, seconded by Supervisor Allen to set a February 14, 2022 at 6:00 pm public hearing for this case. Does anyone have any questions before we vote? All in favor raise your hand please? Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: The motion carries unanimous to set the public hearing.

_Vice Chairman Chambers moved, Supervisor Allen seconded and was unanimously carried by the Board to set a public hearing for February 14, 2022 at 6:00 p.m. for Case 21-SUP287 Carl Burmaster for a Special Use Permit for AirBnB with events._

_Re: Introduction of Case 21-SUP295 Landowner/Applicant Jennifer Sombar and Katie Van Scriver at Tax Map 9 Parcel 10A containing approximately 25.159 acres located at 143 Hatton Ferry Road, Scottsville Va Slate River Magisterial District: Request for Special Use Permit for the purpose of operating an Air BnB Bed and Breakfast with campsites and event center


Edmondston: Yes, this Case 21-SUP295. Landowners and applicants are Jennifer Sombar and Katie Van Sciver at 143 Hatton Ferry Road, Scottsville. Tax Map 9 Parcel 10. Contains approximately 25.159 acres and it is the Slate River Magisterial District currently zoned A-1. The applicant wishes to obtain a special use permit for the purpose of operating an Airbnb Bed and Breakfast, campsite and event center. These applicants or the applicants are asking the Board of Supervisors to hold a public hearing for this case. The zoning ordinance of course does not permit an Airbnb Bed and Breakfast sites and Event Center. Events to include beekeeping, honey harvesting, survival skills, wreath making, cookie baking, spa weekends, classes, therapy for Army veterans and interactive programs for children and elderly as permitted by right uses in Agricultural A-1 zoning district. Miss Sombar contacted the zoning office as a result of a conversation and questioning the activities held and Miss Sombar obtained an application to come into compliance with the zoning ordinance. Miss Sombar was instructed not to hold events at this
time pending the outcome of the special use permit application. She is also working with the building inspector in an effort to bring structures into compliance with zoning and building code. And it will also be necessary to work with the health department regarding necessary permitting for septic field approval of the structures. The Planning Commission held a public hearing for this case on December 27, 2021 and passes this case to the Board of Supervisors with a recommendation of approval. Would it be the pleasure of the Board of Supervisors to hold a public hearing for this case? If so, February 14 2022 at 6 pm.

Below are conditions that you may consider attaching to the request if approved:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to, including but not limited to 12 VAC 5-450-VDH Rules and Regulations Governing Campgrounds.

2. The facility shall meet all safety requirements of all applicable building codes

3. That commencement of the facility shall begin within two years of the approval by the Board of Supervisors or this special use permit shall be null and void.

3. Right of ways and roadway shoulders shall not be used for parking. Ample parking for occupants shall be supplied on premises.

4. Only trailers classified as Recreational Vehicles or self-contained camping unit and with current registration shall be allowed.

5. No campground structure shall be erected within 50’ if adjoining properties without adjacent landowners written permission.

6. The Sheriff’s Office shall be notified three weeks prior to any event inviting or expecting 300 or more persons.

7. The property shall be kept neat and orderly.

8. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.

9. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.
10. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

11. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

12. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.

13. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.

14. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

Allen: So moved.

Bryant: Second.

Miles: Motion by Supervisor Allen, second by Supervisor Bryant to hold a February 14, 2022 at 6:00 pm. public hearing for this case. Anyone have any questions before we vote. All in favor please raise your hand? Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Motion carries unanimously, seven to zero.

*Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board to set a public hearing for February 14, 2022 at 6 pm. for Case 21-SUP295 for a Special Use Permit for AirBnB Bed and Breakfast, campsites and event center.*
Re: Introduction of Case 21-SUP296 Landowner/Applicant Buckingham Cattlemen’s Association at Tax Map 122 Parcel 4 Lot 3A containing approximately 5.03 acres located at 11851 West James Anderson Hwy. Maysville Magisterial District. Request for continuing the agricultural use as has been consistent with current uses as approved permit 13-SUP217, and to promote increased agricultural use and agritourism use. Applicant is asking for a modification and amendment to their original approval

Miles: The next case is Case 21-SUP296. Mrs. Edmondston.

Edmondston: Yes, the next Case 21-SUP296. Landowner and applicant is Buckingham Cattlemen’s Association, mailing address a P.O. Box 95 here in Buckingham. The Tax Map is 122 Parcel 4 Lot 3A and it contains approximately 5.03 acres and it's located physically at 1851 West James Anderson Highway, Buckingham, Maysville Magisterial District. Zoning district there of course A-1. The request tonight before you is the applicant wishes to continue the agricultural use as has been consistent with current uses as approved in permit 13SUP217 and to promote increased agricultural use and agritourism use. The applicant is asking for modification and amendment to their original approval to include strike conditions number 9 and 22 and amend condition number 21 to state “this facility shall be used for indoor meetings, conferences, receptions, sales, trainings, and outdoor agritourism events such as but not limited to agriculture sales, shipping, bull riding, barrel racing roping, horse training, cattle handling and festivals. The applicant is asking the Board of Supervisors to hold a public hearing for this case. The original request was submitted and approved by the Buckingham County Board of Supervisors in April 2013. That original SUP approval is included in your case. I have amended those conditions before you tonight to include what was presented in their application. The Planning Commission held a public hearing for this case on December 27, 2021, and sends this to the Board of Supervisors with a recommendation of approval. Would it be the pleasure of the Board of Supervisors to hold a public hearing? If so, February 14, 2022 at 6pm.

Below are the amended conditions as requested that you may consider attaching to the request if approved:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
2. Ample parking shall be provided for customers and deliveries.
3. The Property shall be kept neat and orderly.
4. That commencement of the business, with requested amendments, shall begin within one year of the approval by the Board of Supervisors or this special use permit shall be null and void.
5. All fencing must be properly maintained and in sufficient condition to contain the animals on the subject property.
6. No animals shall be contained on the property for more than 72 hours.

7. The maximum number of animals contained on the property overnight shall be less than 200 head.

8. There shall be no erosion or stream pollution related to events held and the property owner shall be responsible for any correction measures in the event of erosion or pollution problems.

9. No single sale event may take place greater than a period of three (3) days.

10. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.

11. Calcium chloride and/or water shall be applied as needed to control dust from the subject property and the access road.

12. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.

13. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

14. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.

15. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.

16. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

17. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

18. On the days of cattle hauling events, traffic signs must be placed along W James Anderson Highway (Route 60) warning vehicular traffic of slow moving vehicles entering and exiting the highway.
19. Virginia Department of Transportation shall the entrance prior to the issuance of any building permits.

20. The facility shall be used for indoor meetings, conferences, receptions, sales, trainings, and outdoor agritourism events such as, but not limited to, agriculture sales/shipping, bull riding, barrel racing, roping, horse training, cattle handling, and festivals.

**Allen:** So moved.

**Davis:** Second.

**Miles:** Supervisor Allen moved, second by Supervisor Davis to hold a public hearing on this case for February 14, 2022 at 6:00 pm. Does anyone have any questions before we vote? All in favor raise your hand please? And those opposed? Supervisor Matthews.

**Matthews:** Yes.

**Miles:** Motion carries seven to zero for our third Valentine's Day public hearing.

*Supervisor Allen moved, Supervisor Davis seconded and was unanimously carried by the Board to set a public hearing for Case 21-SUP296 for February 14, 2022 at 6:00 pm. for continuing the agricultural use as has been consistent with current uses as approved permit 13SUP217 and to promote increased agricultural use and agritourism. This is an amendment to their original approval.*

**Re:** Introduction of Case 21-SUP297 Landowner/Applicant George and Susan Pamela Goodwin, Tax Map 4 Parcel 9 containing approximately 102.368 acres at 291 Belle Meade Lane, Scottsville, Va Slate River Magisterial District. Request for Special Use Permit for the purpose of operating an AirBnB Bed and Breakfast with campsites

**Miles:** The next and last for Mrs. Edmondston is item O-6. Introduction of Case 21-SUP297. For George and Susan Pamela Goodwin. Mrs. Edmondston.

**Edmondston:** Yes 21-SUP297. Our landowners and applicants are George and Pam Goodwin at 263 Belle Meade Lane Scottsville, Virginia. Their Tax Map 4 Parcel 9. It contains approximately 102,368 acres and it’s located at 291 Belle Meade Lane in the Slate River Magisterial District. It is zoned A-1. The request before you tonight is the applicant wishing to obtain a Special Use Permit for the purpose of operating an Airbnb Bed and Breakfast with campsites. The applicants are asking the Board of Supervisors to hold a public hearing for this request. The zoning ordinance of course does not permit an Airbnb Bed and Breakfast with campsites as a permitted by right use in an Agriculture A-1 zoning
district. The zoning ordinance requires that an Airbnb Bed and Breakfast with campsite obtain a special use permit request. This case has been introduced to the Planning Commission. The Planning Commission held a public hearing for the case on December 27, 2021. And sends this to the Board of Supervisors with a recommendation of approval.

Below are conditions that you may consider attaching to the request if approved:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to, including but not limited to 12 VAC 5-450-VDH Rules and Regulations Governing Campgrounds.

2. The facility shall meet all safety requirements of all applicable building codes.

3. That commencement of the facility shall begin within two years of the approval by the Board of Supervisors or this special use permit shall be null and void.

3. Right of ways and roadway shoulders shall not be used for parking. Ample parking for occupants shall be supplied on premises.

4. Only trailers classified as Recreational Vehicles or self-contained camping unit and with current registration shall be allowed.

5. No campground structure shall be erected within 50’ if adjoining properties without adjacent landowners written permission.

6. The Sheriff’s Office shall be notified three weeks prior to any event inviting or expecting 300 or more persons.

7. The property shall be kept neat and orderly.

8. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.

9. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.

10. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

11. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is
registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

12. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.

13. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.

14. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

Miles: Vice Chairman Chambers?

Chambers: I've been knowing Mr. and Mrs. Goodwin for a good number of years. They are real good people and I'm confident they will do the right thing. And I'll make a motion that we approve this.

Bryan: Second.

Miles: A motion by Vice Chairman Chambers, second by Supervisor Bryan to set a February 14, 2020 at 6:00 pm. public hearing for this case. Does anyone have any questions? All in favor raise your hand please? Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Okay. Motion carries seven to zero. Thank you, Mrs. Edmondston.

Edmondston: Thank you, Mr. Chairman.

Vice Chairman Chambers moved, Supervisor Bryan seconded and was unanimously carried by the Board to set a public hearing for February 14, 2022 at 6:00 pm for Case 21-SUP297 George and Susan Pamela Goodwin for special use permit for AirBnB with campsites.

Re: Consider Appointment of Two Board Members to the Water and Wastewater Utilities Committee and County Staff as outlined in the By-Laws and Rules of Procedure

Miles: Moving on to Item P. Department, Agency Reports and Items of Consideration. We do have committee appointments, this being the first of the year. So on P.1 Consider appointment of two board members to the Wastewater and Water Utilities Committee and county staff as outlined by the By-Laws and Rules of Procedures.
Chambers:  Who serves on there now?

Bryan:  It's Jordan and I because that's what's in our district.

Chambers:  So moved.

Allen:  Second.

Miles:  Motion by Vice Chairman Chambers, second by Supervisor Allen to keep the committee as is with Supervisor Miles and Bryan serving. Does anyone have any questions before we vote? All in favor raise your hand please. Those opposed? Supervisor Matthews?

Matthews:  Yes.

Miles:  The motion carries unanimously.

*Vice Chairman Chambers moved, Supervisor Allen seconded and was unanimously carried by the Board to reappoint Supervisors Miles and Bryan to the Water and Wastewater Utilities Committee for 2022.*

Re:  Consider appointment of two Board members to the Solid Waste Committee and county staff as outlined in the By-Laws and Rules of Procedures

Miles:  The next item is consider appointment for two Board members on the Solid Waste Committee and county staff as outlined in the By-laws and Rules of Procedure. So again, this is Solid waste Committee, gentlemen.

Chambers:  The two that serve on it are still willing to serve on it, right?

Bryan:  Yes.

Chambers:  So moved.

Bryan:  Second.

Miles:  The motion by Vice Chairman Chambers second by Supervisor Bryan to keep this committee as is with Supervisors Chambers and Bryant.
Chambers: Not me.

Miles: Not you? I thought it was you and Bryant.

Carter: Donnie and Brother.

Miles: Donnie and Brother. Okay, sorry. With Bryan and Bryant. Thank you. Thank you, Mr. Vice Chairman. Anyone have any questions before we vote? All in favor raise your hand. Those opposed? Supervisor Matthews?

Matthews: Yes.

_Vice Chairman Chambers moved, Supervisor Bryan seconded and was unanimously carried by the Board to reappoint Supervisors Bryan and Bryant to the Solid Waste Utilities Committee for 2022._

Re: Consider appointment of two Board members to the Finance Committee and county staff as outlined in the By-Laws and Rules of Procedure

Miles: Okay. Item three is consider appointment of two Board members to the Finance Committee and county staff as outlined in the By-Laws and Rules of Procedures. Currently, Mr. Matthews and myself. If anyone else would like to serve that’s fine.

Bryan: I move that we leave Finance with Chairman Miles and former Chairman Matthews on the committee.

Chambers: Second.

Miles: Okay. The motion is by Supervisor Bryan, second by Vice Chairman Chambers to leave the committee as is, Finance Committee in terms of Miles and Matthews serving on that committee. Does anyone have any questions on that before we vote? All in favor, please raise your hand. Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Motion carries unanimously.

_Supervisor Bryan moved, Vice Chairman Chambers seconded and was unanimously carried by the Board to reappoint Supervisors Miles and Matthews to the Finance Committee for 2022._
Re: Consider appointment of two Board members to the Recycling Committee and county staff as outlined in the By-Laws and Rules of Procedure

Miles: Consider appointment of two Board members to the Recycling Committee and county staff as outlined in the By-Laws and Rules of Procedures. Who serves on that committee right now?

Bryan: Matthews and Bryan. So moved.

Chambers: Second.

Miles: Okay. Motion by Supervisor Bryan, second by Vice Chairman Chambers to leave the Recycling Committee as is with Supervisor Bryan and Supervisor Matthews representing the Board on that committee. Does anyone have any questions before we vote? All in favor raise your hand please. Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Motion carries unanimously.

*Supervisor Bryan moved, Vice Chairman Chambers seconded and was unanimously carried by the Board to reappoint Supervisors Bryan and Matthews to the Recycling Committee for 2022.*

Re: Consider appointment of two Board members to the Personnel Committee and county staff as outlined in the By-Laws and Rules of Procedures

Miles: The next appointment is consider appointment of two Board members to the Personnel Committee and county staff as outlined in the By-Laws and Rules of Procedures. Right now Vice Chairman Chambers and Supervisor Bryant are on that committee.

Bryan: So moved.

Allen: Second.

Miles: Motion by Supervisor Bryan, second by Supervisor Allen to keep those two supervisors as Supervisors Chambers and Bryant on the Personnel Committee. Does anyone have any questions? All in favor, please raise your hand. Those opposed? Supervisor Matthews?

Matthews: Yes.
Miles: Motion carries unanimously.

_Brison Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to reappoint Supervisors Bryant and Chambers to the Personnel Committee for 2022._

_Re: Amend By-Laws to include Emergency Services Committee_

Bryan: Mr. Chairman?

Miles: Yes, sir Supervisor Bryan.

Bryan: We have the Library Community Center Construction. Is that a committee still needed? The Animal Control Construction.

Miles: And those are ad hoc committees. Is that right, Mr. Carter?

Carter: Those are not listed in the By-Laws.

Miles: What about the Emergency Services Committee?

Carter: It's not enough in the By-Laws but if you want to do that this year, you can.

Miles: We'd have to change the By-Laws.

Davis: To me we need to add it because they’ve been added.

Miles: So your motion will be we need to amend the By-Laws first.

Bryan: Yes, sir. My motion is to amend the By-Laws to add an Emergency Services Committee.

Chambers: Second.

Miles: The motion by Supervisor Bryan, seconded by Vice Chairman Chambers is to amend the By-Laws to add the Emergency Services, the existing Emergency Services Committee laying that out as a committee as a standing committee. Does anyone have any questions on that before we vote? All in favor raise your hand please. Those opposed? Supervisor Matthews?

Matthews: Yes
Buckinghams County Board of Supervisors
January 10, 2022

Miles: Motion carries unanimously.

**Supervisor Bryan moved, Vice Chairman Chambers seconded and was unanimously carried by the Board to amend the By-Laws and Rules of Procedure to include the Emergency Services Committee.**

Miles: So now that being the case, we need to go ahead and reappoint that committee.

Bryan: I think right now…

Matthews: It's Supervisor Allen and myself.

Miles: Okay. Do we want to take action on that? Since amended the By-Laws?

Bryan: Do you both want to stay on it?

Matthews: Yeah.

Bryan: Danny?

Allen: Yeah.

Bryan: So moved.

Davis: Second.

Miles: Motion by Supervisor Bryan, seconded by Supervisor Davis to keep the EMS committee as is with Supervisors Allen and Matthews serving. Does anyone have any questions before we vote on the EMS committee? All in favor raise your hand please. Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Thank you. Carries unanimously.

**Supervisor Bryan moved, Supervisor Davis seconded and was unanimously carried by the Board to reappoint Supervisors Matthews and Allen to the EMS Committee for 2022.**
Re: Consider 2022 Budget Calendar

Miles: The next item is on the agenda is Finance Director, Kevin Hickman. He's going to propose the 2022-23 budget calendar.

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<tr>
<td>January 28, 2022</td>
<td>Distribute Request Forms.</td>
</tr>
<tr>
<td>February 11, 2022</td>
<td>Request due to the County Administrator.</td>
</tr>
<tr>
<td>March 14, 2022</td>
<td>Departments / Agencies make budget request presentations to the Board of Supervisors (if necessary).</td>
</tr>
<tr>
<td>March 21, 2022</td>
<td>County Administrator issues recommended budget to the Board of Supervisors. (no meeting)</td>
</tr>
<tr>
<td>March 23, 2022</td>
<td>Work session and possible adoption of proposed budget and tax levies for public hearing.</td>
</tr>
<tr>
<td>March 24, 2022</td>
<td>Work session and possible adoption of proposed budget and tax levies for public hearing. (This work session will be held only if necessary.)</td>
</tr>
<tr>
<td>March 30, 2022 and April 5, 2022</td>
<td>Advertise Board of Supervisors proposed budget and tax levies for public hearing.</td>
</tr>
<tr>
<td>April 18, 2022 (3rd Monday)</td>
<td>Public hearing - Board of Supervisors proposed budget and tax levy.</td>
</tr>
<tr>
<td>April 25, 2022 (Monday)</td>
<td>Consider final adoption of budget and tax rates.</td>
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</tbody>
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(Note: This is a tentative calendar and is subject to change in accordance with the progress of the budget sessions.)
Hickman: Good evening Board. So attached in your packet, you'll see the budget calendar for this year. Starting with January 28th the request forms will be distributed. And then on February 11th the requests will be due to the County Administrators or the County Administrator. Excuse me. March 14th the departments and agencies will make the budget requests presentations to the Board. Then March 21st County Administrator issues the recommendation budget to the Board of Supervisors. And then March 23rd will be a work session and possible adoption of proposed budget. March 24th would be a work session as well if needed. And then March 30th would advertise the Board of Supervisors proposed budget as well as April 6th and then you will notice a change there on April 18th will be the public hearing. That is a change to the previous proposed Board meetings. So instead of the second Monday of April, it will now be the third Monday of April, when the Board will meet for the public hearing. And then lastly, April 25 will be the considering the final adoption of the budget and tax rates. Are there any questions on the budget calendar?

Miles: Any questions, Gentlemen?

Carter: I'll just point out one thing before you guys vote that March 23 joint meeting with the School Board in the past you guys done it at 5:00 instead of 6:00. I put in at 6:00. Do you want to do it earlier or you won't leave it at 6:00?

Davis: I’m in my busy season if you make it earlier than 6:00…

Bryan: Then it’s tough for you to get there.

Carter: Okay, leave it at 6:00?

Bryan: 6:00 is good.

Miles: We have a motion to adopt?

Allen: So moved to adopt the budget calendar.

Bryant: Second.

Miles: Motion by Supervisor Allen, second by Supervisor Bryant to adopt the budget calendar for fiscal year 2022-23. Does anyone have any questions before we vote? All in favor please raise your hand as aye. Those opposed? Supervisor Matthews?

Matthews: Yes.
Hickman: Thank you Board.

Miles: Thank you Mr. Hickman. Motion carries unanimously.

*Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the FY2022-23 Budget Calendar as presented.*

Re: Consider appropriation of the donation from Kyanite Mining Employees to our Animal Control Department

Miles: Next is consider an appropriation of donation from Kyanite Mining employees to our Animal Control Department. Mr. Carter?

Carter: Yes, this is one of those good stories we get. And we've been blessed to have it happen a lot lately. That employees of Kyanite Mining have donated a sizable amount of money over $1,000 to the Animal Control as a donation. And I remind us that during the past, these are donations from the employees. This is not a corporate donation. So these are all hard earned money, employees have raised to donate to this facility. So I'm asking you tonight to appropriate those funds to be used by Animal Control Facility.

Bryan: So moved, Mr. Chairman.

Chambers: Second.

Miles: Motion by Supervisor Bryan, seconded by Vice Chairman Chambers to consider the appropriation from Kyanite Mining employees to the Animal Control Department. Does anyone have any questions before we vote? All in favor please raise your hand. Those opposed? Supervisor Matthews?

Matthews: Yes.

Miles: Motion carries unanimously.

Carter: Thank you. And I'll send them a letter as well as a thank you for that donation.

Miles: Thank you, Mr. Carter.
Supervisor Bryan moved, Vice Chairman Chambers seconded and was unanimously carried by the Board to approve the appropriation of the donation from Kyanite Mining employees to the Animal Control Department.

Re: Buckingham County Emergency Services Storm Update

Miles: We handled the DCR Scenic Rivers Designation. And last we have EMS Chief Cody Davis with some updates with regards to the winter storm and other updates.

Cody Davis: Good evening, gentlemen. Mr. Carter and I thought it would be a good idea to brief you guys on the efforts of the department and other various public safety departments from the storm. I did try to pawn it off on the Emergency Management Coordinator, Ryanne, and she had some childcare issues so it got back on my plate. So sorry, you've got something a little less pleasant to look at this evening. But first, I'd like to start with prior to the snowstorm, our department has been plagued heavily by this COVID omicron variant. A lot of staffing issues that we've been able to power through amongst our vaccinated employees and everything. You know, it's not due to any sort of complacency on our part, just very hard hitting issue for us. I think the last first, the last two weeks have been difficult work. I'm kind of seeing the light at the end of the tunnel this week, things are kind of getting back to normal. So we went into the storm, kind of already battered and bruised a little bit but made it out. Ryanne worked diligently with Jamie and Sam Davis to pull these numbers together. So I'll just kind of mouth vomit for a second and answer any questions you guys have after the fact. So all of the fire departments, EMS agency and police departments had numerous calls. To sum that up, the dispatch office received a total of 585 admin related calls between the date of January 3 and 6th. 261 911 Total calls received. And then of those 261, 224 became incidents that we had to respond to in some fashion. So to break those down. We had 43 storm related damage calls, 12 equipment and power line related calls, 11 welfare checks, 19 Motor vehicle accidents or disabled vehicles, 33 EMS only calls, and then 27 weather informative calls. Aside from that, Sheriff Kidd’s department conducted about 79 calls within that time frame. Beyond just answering those 911 calls, however, all of the departments, especially, I really want to give some notice to our volunteer fire departments. Those guys just stepped up big time. You know, I had a crew an extra crew come in kind of a voluntary recall, but those four fire departments man all day and all night for those days, you know, and those guys aren't getting paid at all. You know? I just really want to just say that in full disclosure from just answering those calls to doing unsolicited welfare checks on some people parts of the population that they knew, you know, benefit from that, to literally escorting my department's people into calls and out of calls when trees are falling right in front of us and right behind us going to a resident and from, those guys were with us in lockstep, you know and getting our EMS crews to those homes and stuff I was out there. I had to staff a rig that day myself and I can attest to that. The fire department got me to a call and out from a call, you know, so beyond that they were able to call on some kind of personal friend resources and get some heavy equipment out there in the field to help expedite process because VDOT was inundated. You know, everybody was
taken by surprise. And then in the evenings and days following, that initial hit both the Toga and Arvonia fire departments opened their doors to being relief center. So you know, a kind of scaled down version of a shelter but they were able to offer relief to these people to come in and get warm, get fresh water, a warm bite to eat, you know, we were able to provide them with some MRE’s, meals ready to eat, that we keep in stock here to give out to their folks to a place to charge their phones and things like that little relief. The other two departments, Dillwyn and Glenmore, I spoke with them both wanted to. Dillwyn had some mechanical issues with their generator. Glenmore is amidst some renovations that were just kind of just, it wasn't a good time for them. But they both, you know, did all that they could. Beyond that, I would personally attest and I don't want to draw too much attention to any single persons or something because there were so many acts of goodwill. But we had struggled with both of our generators at both our stations getting them running when the power went out. We got them running. The Glenmore station struggled which was a little bit of a surprise because it's brand spanking new, right. Turns out, the electricians forgot to do some programming or whatever. Anyways, in the heat of the moment, lots of snow on the ground, we needed to basically get around the backside of that new station to jumpstart the generator. And the street tires on my issued vehicle were not going to be conducive for that. You know, it's a new yard. So actually the Ragland family, Kim and Chris Ragland and CJ Ragland and them, were able to come out with a 20 foot long set of extension cords and then their vehicle that's better suited to do that job and helped us get our generator running that night in the middle of the night, you know, freezing cold, you know, and they haven't looked for any sort of pat on the back from it. But while I had the mic, I wanted to do that. And like I said, I cautiously do that because there was so many acts of goodwill. But yeah, your people, whether it be volunteer or paid worked very hard during that event, you know, that's what we're here to do. We're not looking for accolades, but we just want you to know.

Miles: Outstanding. Thank you.

Bryan: Do we know if anyone in the county is still without power?

Cody Davis: I did not look at the reports today. I'll be honest with you, but I do believe there still are some outages. You know, I don’t have numbers right now, right offhand, but every day it's improving. It was not anything extremely noteworthy as of yesterday. So I would venture to say as either none or very, very few.

Miles: Mr. Carter, can you answer that?

Carter: I can speak on Dominion. I've been getting numbers from them. They have all their customers back with power. The Co Op I haven't gotten a report from them so I don't know about them but the Dominion customers are all fully back.
There was a question from the audience that did not pick up due to no mic in the audience.

**Cody Davis:** Like the addition of the Glenmore station?

Audience: No, no, no.

**Cody Davis:** In terms of the county taking over EMS? I would venture to say it gave us a lot of versatility and control during something like this. Yeah, I think it was critical. Honestly, the extra station, you know, the response times are already increased exponentially. The fact that we're able to divide up the first news, cut down on that perfectly. Us having our own staff that I could ask you know, hey, calls are crazy right now. They're taking a long time to turn around. Any of you guys available to come in for some voluntary overtime. Yeah, okay, cool. So we had an extra staff get a truck get staffed just really gave us a lot of versatility to work with.

**Davis:** Mr. Chairman, can I say something?

**Miles:** Sure. Yes, sir. Supervisor Davis.

**Davis:** Oh, I just want to make sure and Cody reiterated that but I didn't see what the other fire departments did. But I seen what Arvonia did because I was there but and we have some businessman in community that brought their equipment out there and help drag trees out of the road. And I was just wondering, Karl, since the Governor declared a State of Emergency, could we reimburse them for fuel or something or give them a donation deal or something where they could...they didn't have to bring Brad Bickford brought his skidder out there and Ted Flippen brought his skid steer out there and they were getting stuff out the road and Cody said on 610, Cartersville Road the ambulance had to come down and they had to cut them in and cut them out. I just wonder if we could do something for those businesses. If it ain't nothing but something they can take something off for taxes. I ain't saying we got a monetary give them anything. Look like to me, the county could do something if it be maybe we can do something through the fire department like a donation through.

**Bryan:** Isn't it reimbursable under declaring a State of Emergency.

**Cody Davis:** So we would need to do a local declaration and then we as a county have to meet our threshold. And a huge contributor to that typically for counties like Buckingham would be VDOT. They get factored in their expenditures, which you know, they're still expending. So you know that were even a door you wanted to open, y'all would have to think consider about considering a local declaration. And then we'd have to see how those numbers come in once VDOT submits and we gather and submit. We
might make the threshold we might not. But that's the only way to, for it to be reimbursed from like the state or Feds through a declaration.

Miles: Mr. Carter, is it something that we would need to do? Or do you have any input on this?

Carter: Well, with what Cody said, yes. If you want to follow that path, you have to declare.

Davis: Let me just say, they didn’t ask for nothing. But I just think it would be nice if we done something for them. He didn't have to burn his fuel to run around all day.

Carter: I was thinking too about going through the volunteer departments. I don't think in the past we made donations to private businesses. If we can go through the volunteers.

Davis: Maybe write them something he donated to the fire department his piece of equipment for the day and figure out some kind of monetary amount that it was a donation for taxes.

Bryan: Yeah.

Carter: I’ll get with Mr. Wright. We can look into ways of doing it.

Miles: Does it does that work, Supervisor Davis?

Davis: Yes.

Miles: Okay. Anyone have any questions for Mr. Davis?

Chambers: I just want to thank him for all the hard work you do and I looked at the scanner. I know you've been busy. I mean that thing kept going off.

Cody Davis: Thank you.

Re: County Attorney Matters

Miles: Next item on the agenda is Q. County Attorney Matters. Mr. Wright.

Wright: Evening sort of prevails what I have to talk about. After all the good works been done by the various emergency services and the businesses and the people but they’re two matters that I'd like for you to consider if you think it’s appropriate to take action on. Both relate to zoning and the way the zoning ordinance gets amended. It never is a problem until it is a problem. And we've had an ordinance
for a long time that the applicant had to post signs when there is zoning special use permit. You know, we're talking about Dylan, Dylan being a Dylan State and we can only do what the state authorizes us to do. State doesn't authorize that requirement in the zoning ordinance but the county has always thought it was important to get as much word out as you can. So we're not asking you to do away with that. But what we're asking you to do is ask the Planning Commission to study the notion of if it doesn't happen, technically correct, that it's not a foul. In other words, you would you would add language that's attached there that says a technical violation of that signposting ordinance, which it's not really required anyway, would not cause any action taken by the Board of Supervisors or the Planning Commission to be invalid. And the process is to amend the zoning ordinance, you have to ask the Planning Commission to study it. The Planning Commission has to study it and make a report to the Board of Supervisors and then the Board of Supervisors that has to advertise and adopt it. The first step is for the Planning Commission to look at it and make a recommendation. I've offered you some language if you think it's worthy that you'd ask the Planning Commission to consider amending the zoning ordinance in accordance with the language such as included on the attachment and make the report to the Board as expeditiously as practicable and you have there some language attached to the memo I sent you. What’s the pleasure board in regard?

**Miles:** Anyone have any questions for Mr. Wright? So we do have two motions in order right now?

**Wright:** Well, we haven't talked about the second one.

**Miles:** Okay. The first one. Yes, sir.

**Bryan:** I move that we send it to the Planning Commission to revise the Zoning Ordinance for special use permit for signage.

**Chambers:** Second.

**Miles:** Motion by Supervisor Bryan, seconded by Vice Chairman Chambers. Does anyone have any questions on the motion before we vote? All in favor raise your hand please. Those opposed?

**Matthews:** Yes.

**Miles:** Motion carries unanimously.

*Supervisor Bryan moved, Vice Chairman Chambers seconded and was unanimously carried by the Board to request the Planning Commission study the verbiage in the Zoning Ordinance regarding signage.*
Wright: Since you're tasking the Planning Commission with some other items. I think you've seen in some of the applications you've gotten for zoning changes that it would be convenient to have a site plan. We're not asking or we're not suggesting you need to have a detailed in surveyed engineer type of site plan for some of these. But it would be helpful to have a site plan that it's least to scale so you can see what's going in and coming out or being expanded. And then some of the cases you've had recently you said if the building is expanded. Well, we don't really know what the building expanded is and we don't know what it is. So at the same time that you task the Planning Commission with looking at the sign part of it, you would ask them to consider whether a site plan requirement for a special use permit is requested. A scale site plan would be helpful. It may come back in favor or against or otherwise. But I think it's worth looking at it again, particularly in light of some of the various applications that we've had recently. And so I'd ask that, again, I've offered you some language, if you think it's appropriate to consider referring to the Planning Commission for their consideration.

Miles: Thank you, Mr. Wright. Any questions from Board members?

Chambers: I'll move.

Bryan: I'll second.

Miles: Motion by Supervisor Chambers, by Vice Chairman Chambers, seconded by Supervisor Bryan that the Planning Commission consider amending the zoning ordinance to incorporate applicants applying for the special use permits present a scaled site plan with the application and to make report to this Board as convenient to the Planning Commission. Does anyone have any questions before we vote? All in favor raise your hand please. Hold on one second. You have a question?

Davis: Mrs. Edmondston, would that make your life easier?

Couldn't hear Mrs. Edmondston from the audience.

Miles: Please raise your hand aye. Those opposed? No. Supervisor Matthews.

Matthews: Yes.

Miles: The motion carries. Thank you, Mr. Wright.

_Vice Chairman Chambers moved, Supervisor Bryan seconded and was unanimously carried by the Board to request the Planning Commission study amending the Zoning Ordinance to incorporate_
applicants applying for special use permits present a scaled site plan with the application and come back to the Board.

Wright: I should have given this was Genesis, the genesis of this request comes from staff. I should definitely give them credit. So thank you very much.

Miles: Thank you, sir.

Re: County Administrator’s Report

Miles: Next is item our County Administrator report, Mr. Carter.

Carter: A couple things tonight.

Fiscal Year 2021 Audit: First of all, is our Fiscal Year 2021 audit. Usually we have that to you in January, sometimes February. This year it will be February. There was a little behind with the audit this year and they had some staffing issues and the course with COVID people work from home so they're a little delayed. So I'm hoping they'll be on your agenda next month in February to go over the audit.

Virginia Local Government Day: The second thing is the Virginia Local Government Day on February 2. If you guys want to join I'll be going to that if you guys want to join me. Please let me know or Jennifer know so we can get you registered. I think some of you have gone before and spent that day down there so you can get a chance to meet your local representatives and just tell them what's on your mind and what you want seen done in Buckingham County. Supervisor Bryan, you've been there several times. So if you want to go just let me know and we'll get you registered.

Bryan: Okay, I'll let you know.

Miles: Thank you, Mr. Carter.

Carter: I want to just echo what Cody said. We're blessed to have people to look after other people in this county that help out like, Brother Davis said. And so that's just one of the things we want to make sure we don't let it go on notice that people do look after their own here. So we appreciate that.

Miles: Absolutely. Thank you, sir.
Re: Information Items

Miles: You have your informational items before you.

Re: Other Board Matters

Miles: Are there any other Board member matters for tonight?

There were none.

Re: Executive Closed Session

Miles: So now unless anyone has any other issues, Board Member matters. We have a closed session matter so Supervisor Bryan.

Bryan: Mr. Chairman, I move that we go into Closed Session under 2.2 -3711. A.7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture, the public body and consultation with legal counsel employed or retained by public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Allen: Second.

Miles: Motion by Supervisor Bryan and second by Supervisor Allen to enter into closed session. Does anyone have any questions? All in favor, please raise your hand aye. Those opposed? Supervisor Matthews.

Matthews: Yes.

Miles: Okay. Motion carries. We are into closed session.

*Supervisor Bryan moved, Supervisor Allen seconded and was unanimously carried by the Board to enter into executive closed session under 2.2 -3711. A.7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture, the public body and consultation with legal counsel employed or retained by public body regarding specific legal matters requiring the provision of legal advice by such counsel.*
Re: Return to Regular Session and Certification

Miles: All right, we are out of closed session. Supervisor Bryan.

Bryan: I move that we return to regular session and certification that to the best of each board members knowledge. Only business matters related to the codes of which the executive meeting was convened was discussed and considered in the closed Executive Session.

Chambers: Second.

Miles: Motion by Supervisor Bryan, seconded by Vice Chairman Chambers to enter into open session. Anyone have any questions? And certification that is. All in favor please raise your hand. Those opposed? Supervisor Matthews?

Matthews: Yes.

Re: Action as a Result of Executive Closed Session

Miles: Okay. There is no action as a result of closed session.

Re: Adjournment

Miles: Therefore, we will adjourn until Valentine's Day, February 14, 2022 at 6:00 p.m. Thank you.

ATTEST:

Karl Carter T. Jordan Miles, III
County Administrator Chairman