

**MINUTES**

A regular meeting of the Buchanan County Board of Supervisors was held on the 7<sup>th</sup> day of August 2023 starting at 6:00 o'clock p.m. in the Board of Supervisors Meeting Room, 3<sup>rd</sup> floor of the Buchanan County Government Center, 4447 Slate Creek Road, Grundy, Virginia 24614. **This meeting was conducted by electronic communication (Zoom). The media and public were invited to participate.**

**PRESENT:** Tim Hess, Chairman  
G. Roger Rife  
Trey Adkins  
Craig Stiltner  
Jeff Cooper  
Drew Keene  
J. Carroll Branham

Robert Craig Horn, County Administrator  
L. Lee Moise, County Attorney

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The meeting was called to order with Prayer and Pledge of Allegiance.

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**IN RE: CONSENT AGENDA**

After a general discussion by the board upon motion by Craig Stiltner seconded by Drew Keene and with a roll call vote of seven (7) yeas, Jeff Cooper, Drew Keene, G. Roger Rife, J. Carroll Branham, Trey Adkins, Craig Stiltner, Tim Hess and zero (0) nays, this board did hereby approve the following Consent Agenda:

- a. Consider approving minutes for June 5<sup>th</sup>, 2023;
- b. Consider ratifying payroll after review;
- c. Consider ratifying the payment of bills by Resolution adopted on January 9<sup>th</sup>, 2023.  
(Including the Buchanan County Head Start ratified bill list and bill list)
- d. Consider approving the following coyote claims in the amount of \$50.00 per claim and to issue a check:

- Bryant Compton (One Claim)
- Tim Stiltner (Two Claims)
- Ralph Ratliff (One Claim)

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**IN RE: TERRY COLLEY – REQUEST ADDITIONAL FUNDING FOR RABIES CLINIC**

After a general discussion by the board upon motion by Craig Stiltner seconded by Drew Keene and with the following roll call vote of seven (7) yeas, Jeff Cooper, Drew Keene, G. Roger Rife, J. Carroll Branham, Trey Adkins, Craig Stiltner, Tim Hess and zero (0) nays, this board did hereby approve a transfer/contribution in the amount of \$500.00 to account number 01-81130 5614 to be divided equally among the seven

districts accounts earmarked for a rabies clinic to be held in Buchanan County.

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**IN RE: PUBLIC COMMENTS**

Gary Wagner, resident stated he was opposed to the road work being done at Big Rock. I've almost wrecked three times. A coal truck wrecked in a lady's yard and did some damage, he stated.

Craig Stiltner, Rocklick District Supervisor stated the work being done is up to the state. I've called J. P. Richardson with Metinvest about the issues.

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**IN RE: ALISHA STILTNER, DIRECTOR OF DIVERSION PROGRAM**

Alisha Stiltner, wasn't present for the meeting.

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins with a roll call vote of four (4) yeas, Craig Stiltner, Trey Adkins, J. Carroll Branham, Tim Hess and three (3) nays, G. Roger Rife, Jeff Cooper and Drew Keene, this board did hereby approve to transfer the Diversion Program back under the direction of the Buchanan County Board of Supervisors from the Commonwealth Attorney's Office.

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**IN RE: BRADLEY SCARBERRY, RESIDENT - DISCUSS A NOISE ORDINANCE**

Bradley Scarberry, resident in the Knox District stated the county needs to adopt a noise ordinance. I live near Paw Paw and my neighbors are playing music with speakers on the porch late into the night.

Trey Adkins, Knox District Supervisor stated if the county could adopt an emergency ordinance regarding this issue?

Craig Stiltner, Rocklick District Supervisor stated they're disturbing the peace, can't the sheriff's department do something?

L. Lee Moise, County Attorney stated Mr. Scarberry could possibly go swear out a warrant for disturbing the peace .

The music being played is dirty and there's children around hearing it, stated Mr. Scarberry. Alo, my wife has to get up at 4 a.m. to go to work.

I don't think Mr. Scarberry needs to swear out a warrant, the police should take care of this, stated Mr. Stiltner. Mr. Moise returned from his office and explained that unfortunately Virginia does not have a statute that specifically makes loud music an offense for disturbing the peace. The only solution would be adopting a noise ordinance that could be enforced by local law enforcement. Such an ordinance can be adopted

tonight on an emergency basis that is valid for 60 days or until permanently adopted after a public hearing that can be scheduled in September.

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**IN RE: JEANNE PRESLEY DISTRICT MANAGER FOR BIG SANDY SOIL AND WATER CONSERVATION DISTRICT – TO REQUEST FUNDING FOR FAMILY AGRICULTURE DAY**

Bobby Looney, with Big Sandy Soil and Water Conservation District requested a contribution in the amount of \$3,500 to assist with Family Agriculture Day.

After a general discussion by the board upon motion by Trey Adkins seconded by Craig Stiltner with a roll call vote of seven (7) yeas, Jeff Cooper, Drew Keene, G. Roger Rife, J. Carroll Branham, Trey Adkins, Craig Stiltner, Tim Hess and zero (0) nays, this board did hereby approve a contribution in the amount of \$3,500.00 to Big Sandy Soil and Water Conservation District to be divided equally among the seven district accounts. This contribution is earmarked for Family Agriculture Day to be held on Saturday, August 26<sup>th</sup>, 2023 at the Grundy Community Center in the Town of Grundy.

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**IN RE: JEFF BUCHANAN AND MEL COUNTS, VIRGINIA DEPARTMENT OF TRANSPORTATION REPRESENTATIVES**

Craig Stiltner, Rocklick District Supervisor asked about stripping on State Routes 604 and 609?

Jeff Buchanan with Virginia Department of Transportation (VDOT) stated I'll check to see if they're on the list to be done.

Can a sign be installed informing tractor trailers that Belcher's Fork is not a through traffic road, asked Mr. Stiltner?

I'll check on this and try to get it done soon, stated Mr. Buchanan.

Drew Keene, Prater District Supervisor asked if any movement had been done regarding the intersection at Southern Gap Road and State Route 83?

We have a system to put in place, but we're having to work with AEP too on this project, stated Mr. Buchanan.

Can VDOT check Burnt Chestnut Road in the Garden District and the railroad crossing at the foot of Bill Young Mountain, asked Jeff Cooper, Garden District Supervisor?

Tim Hess, Chairman stated the patchwork on Old Grissom Creek didn't stay, can it be redone. Also, on route 80 curve, near where the new Dollar Store is being built, can repairs to the roadway be put in the budget for next year. This will be a bad place for residents to pull in and out.

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**IN RE: CONSIDER ADOPTING RESOLUTION REGARDING THE CANCELLATION OF ROUTE 83, CURVE REALIGNMENT AND INTERSECTION IMPROVEMENT (UPC-108751)**

After a general discussion by e board upon motion by Jeff Cooper seconded by G. Roger Rife and with a roll call vote of seven (7) yeas, Jeff Cooper, Drew Keene, G. Roger Rife, J. Carroll Branham, Trey Adkins, Craig Stiltner, Tim Hess and zero (0) nays, this board did hereby adopt the following Resolution regarding the cancellation of Route 83, Curve Realignment and intersection improvement (UPC-108751)

**RESOLUTION**

**RE: CANCELLATION OF RTE. 83 CURVE REALIGNMENT AND INTERSECTION IMPROVEMENT—UPC (108751)**

**WHEREAS**, the Board of Supervisors of Buchanan County has decided not to move forward with the VDOT Revenue Sharing Project, namely Rte. 83 Curve Realignment and Intersection Improvement-UPC (108751); and

**WHEREAS**, at its meeting on December 6, 2022, the Board moved to reclassify/de-obligate the funding for the Bend of Slate Curve Project located on Route 83, Slate Creek Road located in the North Grundy Magisterial District; and

**WHEREAS**, since the referenced revenue sharing project was part of the Coal and Gas Road Improvement Fund Plan, the Coal and Gas Road Improvement Advisory Committee was required to vote on the issue of amending the Plan to reclassify/de-obligate the funding for said revenue sharing project; and

**WHEREAS**, on January 31, 2023 the Coal and Gas Road Improvement Advisory Committee met and voted to amend the Coal and Gas Road Improvement Fund Plan to reclassify/de-obligate funds from said revenue sharing project; and

**NOW, THEREFORE, BE IT RESOLVED**, the Buchanan County Board of Supervisors hereby requests the Virginia Department of Transportation to cancel the revenue sharing project, namely, Rte.83 Curve Realignment and Intersection Improvement –UPC (108751).

**ADOPTED** this 7<sup>th</sup> day of August, 2023.

Recorded Vote

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
Tim Hess, Chairman

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Buchanan County, Va. Board of Supervisors

**ATTESTED:**

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Robert Craig Horn  
County Administrator

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**IN RE: CONSIDER ADOPTING RESOLUTION REGARDING THE RURAL RUSTIC ROAD DESIGNATIONS (RT. 613, (JEWELL VALLEY ROAD); RT. 621 (HILL TOP ROAD) AND RT. 704 (TECH ROAD)**

After a general discussion by the board upon motion by Jeff Cooper seconded by G. Roger Rife and with a roll call vote of seven (7) yeas, Jeff Cooper, Drew Keene, G. Roger Rife, J. Carroll Branham, Trey Adkins, Craig Stiltner, Tim Hess and zero (0) nays, this board did hereby adopt the following Resolution regarding the Rural Rustic Road

Designations (Rt. 613, (Jewell Valley Road); Rt. 621 (Hill Top Road) and Rt. 704 (Tech Road).

The Board of Supervisors of Buchanan County, in regular meeting on the 7<sup>th</sup> day of August, 2023 adopted the following:

**RESOLUTION FOR RURAL RUSTIC ROAD DESIGNATION**

**WHEREAS**, §33.2-332 of the Code of Virginia, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

**WHEREAS**, the Board of Supervisors of Buchanan County, Virginia (“Board”) desires to consider whether the following routes, should be designated Rural Rustic Roads; and

- Route 613, Jewell Valley Road
  - From 1.80 miles west of Route 616 to 2.80 miles west of Route 616, Length = 1.00 mile.
- Route 621, Hill Top Road
  - From 1.00 mile west of Route 635 to End State Maintenance, Length = 0.70 mile.
- Route 704, Tech Road
  - From Route 616 to End State Maintenance, Length = 0.75 mile.

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the public has been made aware that these roads are to be paved with minimal improvements; and

**WHEREAS**, the Board believes that these roads should be designated as Rural Rustic Roads due to their qualifying characteristics; and

**WHEREAS**, these roads are in the Board’s six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates the roads named herein and shown on the attached sketches as Rural Rustic Roads, pursuant to §33.2-332 of the Code of Virginia, and requests that the Local Manager for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that these roads be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

**BE IT FINALLY RESOLVED** that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote  
Moved By: Jeff Cooper  
Seconded By: G. Roger Rife  
Yeas: Seven  
Nays: zero

A Copy Teste:  
  
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Robert C. Horn, County Administrator

**IN RE: CONSIDER SCHEDULING A PUBLIC HEARING FOR MONDAY, SEPTEMBER 11<sup>TH</sup>, 2023 AT 6:15 P.M. TO HEAR PUBLIC COMMENTS REGARDING AN ADDITIONAL BUDGET APPROPRIATION IN THE AMOUNT OF \$1,441,896.52 TO BUCHANAN COUNTY PUBLIC SCHOOLS**

After a general discussion by the board upon motion by Craig Stiltner seconded by G. Roger Rife and with a roll call vote of seven (7) yeas, Jeff Cooper, Drew Keene, G. Roger Rife, J. Carroll Branham, Trey Adkins, Craig Stiltner, Tim Hess and zero (0) nays, this board did hereby approve to schedule a public hearing for **Monday, September 11<sup>th</sup>, 2023 at 6:15 p.m.** to hear public comments regarding an additional budget appropriation in the amount of \$1,441,896.52 to Buchanan County Public Schools.

**IN RE: CONSIDER APPROVING ADDENDUM #1 TO THE AGREEMENT BETWEEN BUCHANAN COUNTY AND CINTAS CORPORATION NO. 2 DATED JULY 15<sup>TH</sup>, 2019, WHICH SAID ADDENDUM WILL PROVIDE A TWO-YEAR RENEWAL OF THE CONTRACT WITH CINTAS FROM NOVEMBER 1, 2023 THROUGH OCTOBER 31, 2025**

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Jeff Cooper, Drew Keene, G. Roger Rife, J. Carroll Branham, Trey Adkins, Craig Stiltner, Tim Hess and zero (0) nays, this board did hereby approve the following Addendum #1 to the Agreement between Buchanan County and Cintas Corporation No. 2 dated July 15<sup>th</sup>, 2019, which said Addendum will provide a two-year renewal of the contract with Cintas from November 1, 2023 through October 31, 2025.

**ADDENDUM #1 TO AGREEMENT BETWEEN BUCHANAN COUNTY, VIRGINIA AND CINTAS CORPORATION NO. 2, DATED JULY 15, 2019**

Now come the parties, Cintas Corporation No. 2 and Buchanan County, Va., a political subdivision of the Commonwealth of Virginia, "County" and hereby agree to the following renewal of the agreement dated July 15, 2019 providing for uniforms, janitorial supplies, etc. as set forth in the July 15, 2019 contract, including Exhibits "A", "B" and "C" attached to said contract which said contract is attached and made a part of this Addendum:

- 1) That the parties agreed to an initial multi-year term contract (April 1, 2019, through October 31, 2023) with the option for two two-year renewals (November 1, 2023 through October 31, 2025 and November 1, 2025 through October 31, 2027) upon mutual agreement of the parties. The parties have mutually agreed to renew the contract for two more years, namely, from November 1, 2023 through October 31, 2025. Said renewals are based on the original cooperative procurement contract executed between Prince William County, Va. and Cintas Corporation No. 2 (or any of its subsidiaries and affiliates) dated December 13, 2018 which was attached and made Exhibit "A" to the Contract between the parties dated July 15, 2019. The original contract with Exhibits, "A", "B", and "C" is attached and made a part of this Addendum by reference as Exhibit "A". Additionally, Cintas Facilities Solution

Agreement dated the 28<sup>th</sup> day of July 2023 is attached and made a part of this Addendum as Exhibit “B”. If there is any conflict between the original contract of July 15, 2019 and any of the Exhibits attached, then the provisions of the original contract of July 15, 2019 shall control.

EXECUTED IN DUPLICATE ORIGINALS:  
IN WITNESS HEREOF:

CINTAS CORPORATION NO. 2

BY: \_\_\_\_\_  
Scott Hall, Authorized Representative  
of Cintas Corporation No. 2

BUCHANAN COUNTY, VIRGINIA

BY: \_\_\_\_\_  
Tim Hess, Chairman  
Buchanan County, Va. Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

APPROVED TO AS TO FORM ONLY:

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Lawrence L. Moise III, County Attorney

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**IN RE: PUBLIC HEARING – 6:30 P.M. TO HEAR PUBLIC COMMENTS REGARDING THE PROPOSED ADOPTION OF AN ORDINANCE ENTITLED: “AMENDED ORDINANCE COUNTY CODE SECTION 77-13, REPAIR OR REMOVAL OF DANGEROUS STRUCTURES**

Tim Hess, Chairman opened the public hearing for comments.

Trey Adkins, Knox District Supervisor stated residents should take advantage of this program. The county can removal structures free of charge if they fall under this ordinance, he commented.

Guy Dillow, resident in the Knox District stated these structures are a public nuisance.

This is the only way the county can get rid of abandoned structures, stated Craig Stiltner, Rocklick District Supervisor.

L. Lee Moise, County Attorney stated the state statue regarding structures that constitute a menace to the health and safety of the occupant thereof or the public, such structures are deemed a public nuisance as set forth in Virginia Code section 15-.2-900. Also, if such owner(s) refuse to provide a right-of-entry and the board of supervisors determines that the threat to the public hearth and for public safety is an immediate risk, the board may order the immediate abatement of the structure constituting the public nuisance.

A lot of people think the Corp of Engineers is going to remove their

abandoned structures and they're not going to, stated Mr. Adkins. These people think they're going to get another 100% for the property from the corp. They're only going to receive the 175% of the value of their property and will not get paid twice, he stated.

G. Roger Rife, South Grundy District Supervisor stated we have a litter ordinance in effect, but nobody very seldom gets prosecuted. Everybody throws their trash out still in the road.

The second Monday of each month, we have litter cases heard in court, stated Mr. Moise.

The board could pass a separate ordinance if abandoned structures deem to be a public nuisance, the building code official has to be involved, commented Mr. Moise.

Mr. Stiltner has cleaned up his district, stated Mr. Rife. Has the trash come back yet; he asked Mr. Stiltner?

Yes, it has, stated Craig Stiltner, Rocklick District Supervisor.

The cameras are helping to catch some of those littering, but some cameras are being stolen, stated Mr. Moise.

Upon motion by Jeff Cooper seconded by Drew Keene and with a roll call vote of seven (7) yeas, Trey Adkins, J. Carroll Branham, Jeff Cooper, G. Roger Rife, Tim Hess, Drew Keene, Craig Stiltner and zero (0) nays, this board did hereby approve to close the public hearing.

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**IN RE:            CONSIDER ADOPTING THE PROPOSED ORDINANCE  
                     ENTITLED: "AMENDED ORDINANCE COUNTY CODE  
                     SECTION 77-13, REPAIR OR REMOVAL OF DANGEROUS  
                     STRUCTURES"**

After a general discussion by the board upon motion by Craig Stiltner seconded by J. Carroll Branham and with the following roll call vote of seven (7) yeas, Trey Adkins, J. Carroll Branham, Jeff Cooper, G. Roger Rife, Tim Hess, Drew Keene, Craig Stiltner and zero (0) nays, this board did hereby approve the following Ordinance entitled: "Amended Ordinance County Code Section 77-13, Repair or Removal of Dangerous Structures."

**AMENDED ORDINANCE OF THE BUCHANAN COUNTY, VA.  
CODE**

**Section 77-13 – Removal or repair of dangerous structures**

**A.** Owners of property within the County shall, whenever prescribed by resolution of the Board of Supervisors, remove, repair or secure any building, wall or other structure which might endanger the public health or safety or other residents of the County.

**B.**

The Board of Supervisors, through its own agents or employees, may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the County if the owner and lienholder of such property,

after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the County. No action shall be taken by the County to remove, repair or secure any building, wall or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except the County may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

**C.**

If the Board of Supervisors, through its own agents or employees, removes, repairs, or secures any building, wall or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes and levies are collected.

**D.**

Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

**E.**

Notwithstanding the foregoing, with the written consent of the property owner, a locality may, through its agents or employees, demolish or remove a derelict nonresidential building or structure, provided that such building or structure is neither located within nor determined to be a contributing property within a state or local historic district nor individually designated in the Virginia Landmarks Register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in Subsection **D.** In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to Subsection **D.**

**F.**

In addition to the remedies set forth above, any owner of such property in violation of Subsections **A** and **B** herein who fails to take the action required in the notice within the thirty-day period shall be subject to a civil penalty of \$1,000.

**G.**

In regard to structures that constitute a menace to the health and safety of the occupants thereof or the public, such structures are deemed a public nuisance as set forth in Va. Code section 15.2-900. Furthermore, if such structures as public nuisances present an imminent and immediate threat to life or property the County may abate, raze or remove such public nuisance and may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance. If the owners of such structures can be identified the County shall seek a right of entry to abate the public nuisance. However, if such owner(s) refuse to provide a right of entry and the Board of Supervisors determines that the threat to the public health and /or public safety is an immediate risk, the Board may order the immediate abatement of the structure constituting the public nuisance.

**H.**

In the event that the some or all of the owners are unknown, the County may proceed to abate said public nuisance after running a notice in a paper of general circulation in the County for two successive weeks. If in the determination of the Board of Supervisors that the threat to the public health and/or public safety is an immediate risk, the Board may waive the requirement for publication of the notice in the newspaper and the County may take immediate action to abate the structure constituting a public nuisance

This amended section shall take effect immediately upon adoption.

This Amended Ordinance was adopted on this the 7<sup>th</sup> day of August, 2023 by the Buchanan County, Va., Board of Supervisors.

Recorded Roll Call Vote:

Moved by: Craig Stiltner  
Seconded by: J. Carroll Branham  
Trey Adkins: yea  
Jeff Cooper: yea  
Tim Hess: yea  
Roger Rife: yea  
Carroll Branham: yea  
Craig Stiltner: yea  
Drew Keene: yea

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Tim Hess, Chairman of the  
Buchanan County, Va. Board of Supervisors

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Robert C. Horn, County Administrator

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**IN RE: CONSIDER APPROVING A NOISE ORDINANCE**

Craig Stiltner, Rocklick District Supervisor asked if a noise ordinance could be adopted on an emergency basis?

L. Lee Moise, County Attorney stated yes we can do this tonight.

I would have to draft the noise ordinance which would be the subject of a public hearing in September for consideration of permanent adoption.

Drew Keene, Prater District Supervisor stated I would like to see the draft ordinance before I vote for it.

After a general discussion by the board upon motion by Trey Adkins seconded by Craig Stiltner and with the following roll call vote of six (6) yeas, Trey Adkins, J. Carroll Branham, Jeff Cooper, G. Roger Rife, Tim Hess, Craig Stiltner and one (1) nay, Drew Keene, this board did hereby adopt the following emergency ordinance and schedule a public hearing for Monday, September 11<sup>th</sup>, at 6:30 p.m. to hear public

comments regarding the adoption of the following emergency noise ordinance:

## **BUCHANAN COUNTY NOISE ORDINANCE**

### **CHAPTER 13**

- **ARTICLE I. - NOISE**

This article shall be known as the "Noise Ordinance of the County of Buchanan Virginia."

- **Declaration of policy.**

It is hereby declared to be the public policy of Buchanan County, Va. to promote an environment for its citizens free from excessive noise that jeopardizes their health or welfare or degrades the quality of life within Buchanan County.

- **Sec. 13-1. - Definitions.**

The following words and phrases, when used in this article shall have the meaning assigned to them in this section.

*Emergency work* shall mean work made necessary to restore property, public or private, to a safe condition following a state of emergency or a local emergency as defined by the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Chapter 3.2 of Title 44 of the Code of Virginia, 1950, as amended, or its successor, or work required to protect persons or property from immediate exposure to danger, including work performed by the Buchanan County Public Service Authority in regard to emergency inspection, repair of facilities or restoration of services when required for the immediate health, safety or welfare of the community.

*Instrument, machine or device* means and refers to any musical instrument, drum, radio, phonograph, compact disc player, cassette tape player, MP3 player, video player, amplifier or any other machine or device for producing, reproducing or amplification of sound.

*Motor vehicle* shall mean a self-propelled vehicle including passenger cars, trucks, truck-trailers, semitrailers, campers, racing vehicles, and any motorcycles (including, but not limited to, motor scooters, mini-bikes, all-terrain vehicles and three-wheelers) as defined in section 46.2-100 of the Code of Virginia.

*Noise disturbance* means any sound which (a) endangers or injures the safety or health of any person; (b) annoys or disturbs humans and which causes or tends to cause an adverse psychological or physiological effect on humans; or (c) endangers or injures personal or real property.

*Person* shall mean any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

*Plainly audible* means any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

*Public area* means any real property owned by the government, including, but not limited to, public rights-of-way, sidewalks, parks, and buildings.

*Residential dwelling* means any building or other structure in which one or more persons resides on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.

- **Sec. 13-2. - Exceptions from this article.**

The provisions of this article shall not apply to:

The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work;

Music, bells, chimes or other sounds which are emanating from a church, temple, synagogue or other place of worship;

Sound generated from school or county sponsored athletic or recreational events, including band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, colleges, or universities;

Agricultural activities;

Gardening, lawn care, tree maintenance or removal, and other landscaping activities, provided such exemption shall terminate between the hours of 10:00 p.m. and 7:00 a.m. the following day;

Religious or political gatherings to the extent that those activities are protected by the First Amendment to the United States Constitution;

Sound generated by activities which are an official or approved part of any county or state approved or licensed parade, festival or activity, provided such exemption shall terminate at 10:00 p.m.;

Sound generated by commercial and industrial uses which are normal, routine, necessary and incidental to said uses; and

Sound for which a waiver has been granted in accordance with [section 13-22](#) of this article; and,

Activities for which the regulation of noise has been preempted by federal law.

Locomotives and other railroad equipment, and aircraft.

Lawful discharge of firearms.

- **Sec. 13-3. - Specific acts as noise disturbances.**

The following acts are declared to be noise disturbances in violation of this article unless specifically excepted in [section 13-19](#).

Engaging in, or operating or causing to be operated any equipment used in the construction, repair, alteration or demolition of buildings, streets, roads, alleys or appurtenances thereto between the hours of 10:00 p.m. and 7:00 a.m. the following day.

Repairing, rebuilding or modifying any motor vehicle or other mechanical equipment or device between the hours of 10:00 p.m. and 7:00 a.m. the following day in a manner so as to be plainly audible at a distance of fifty (50) feet or more from the vehicle.

Loading or unloading trucks outdoors within one hundred (100) yards of a residential dwelling between the hours of 10:00 p.m. and 7:00 a.m. the following day.

Sounding the horn or warning device of a vehicle, except, when necessary, as a warning during the operation of the vehicle.

Operating or permitting the use or operation of any instrument, machine or any other device for the production of sound, at a volume sufficient to be plainly audible through partitions common to two (2) residences within a building or plainly audible at fifty (50) feet or more from such device or its source.

Using or operating a loudspeaker or other sound amplification devices in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or mounted in the interior of a building with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instruction, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

Using or operating any motor vehicle without factory installed mufflers or their equivalent conforming to sections 46.2-1047 and 46.1-1049 of the Code of Virginia, on any public street or road in the county or on private property within a residential community.

Using a radio receiving set, an audio cassette player, a compact disc player, or other device for the production of sound in a motor vehicle at a volume sufficient to be plainly audible at fifty (50) feet or more from such vehicle.

Failure to deactivate an alarm system plainly audible at fifty (50) feet or more from such alarm within such reasonable time, not to exceed 60 minutes.

The operation of a trash collection vehicle between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at any residence one hundred (100) or more yards away.

- **Sec. 13-4. - Penalties.**

A violation of any provisions of this article shall constitute a class 3 misdemeanor. Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall constitute a separate offense. Any person who violates a provision of this article within one (1) year after a previous conviction under this article shall be guilty of a class 2 misdemeanor.

The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is reputably presumed to be operating or controlling the noise source.

In addition to and not in lieu of the penalties prescribed in this section, the county may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this article and may seek any other remedy or relief authorized by law.

Citizens of the county believing that a noise disturbance constituting a public nuisance exists may utilize the procedure set forth in section 48-1 et seq., Code of Virginia (1950) as amended, or any other legal civil or criminal remedies that may be available to them.

- **Sec. 13-5. - Undue hardship waiver.**

Any person responsible for a noise source may apply to the board of supervisors for a waiver, or partial waiver, from the provisions of this article. The board of supervisors may grant such waiver, or partial waiver, upon a finding that either of the following circumstances exists:

The noise does not endanger the public health, safety or welfare; or

Compliance with the provisions of this article from which a waiver is sought would produce serious economic hardship without producing substantial benefit to the public.

In determining whether to grant such waiver, the board of supervisors shall consider the time of day the noise will occur, the duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this article and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community and the degree of hardship which may result from the enforcement of the provisions of this article.

No waiver, or partial waiver, issued pursuant to this article shall be granted for a period to exceed one (1) year, but any such waiver, or partial waiver may be renewed for successive like periods if the board of supervisors shall find such renewal is justified after again applying the standards set forth in this article. No renewal shall be granted except upon written application therefor.

Applications for waivers for noise generated by commercial and industrial entities shall be considered by the board of supervisors based upon the criteria set forth above, and upon the extent to which the noise is necessary and incidental to the commercial and industrial use generating the sound. In considering such waivers, the board may, but shall not be required to, impose a time limit on any waiver granted.

This Amended Ordinance was adopted on an emergency basis this the day of June, 2023 by the Buchanan County, Va., Board of Supervisors.

Recorded Roll Call Vote:

Moved by: Trey Adkins  
Seconded by: Craig Stiltner  
Trey Adkins: Yea  
Jeff Cooper: Yea  
Tim Hess: Yea  
Roger Rife: Yea  
Carroll Branham: Yea  
Craig Stiltner: Yea  
Drew Keene: Nay

\_\_\_\_\_  
Tim Hess, Chairman of the  
Buchanan County, Va. Board of Supervisors

\_\_\_\_\_  
Robert C. Horn, County Administrator

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**IN RE: CONSIDER REQUEST #1 FROM BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY IN THE AMOUNT OF \$389,289.14 FROM THE COAL HAUL ROAD FY 2023-2024 (VARIOUS INVOICES)**

After a general discussion by the board upon motion by J. Carroll Branham seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, Drew Keene, Trey Adkins, J. Carroll Branham, Jeff Cooper, G. Roger Rife, Tim Hess, Craig Stiltner and zero (0) nays, this board did hereby approve request #1 from Buchanan County Public Service Authority in the amount of \$389,289.14 from the Coal Haul Road FY 2023-2024 (Various Invoices).

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**IN RE: CONSIDER APPROVING LAND USE PERMIT FROM CNX REGARDING A PIPELINE CROSSING UNDER COUNTY ROAD 5065 LOCATED IN THE GARDEN DISTRICT**

This issue was tabled, no action was taken.

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**IN RE: CONSIDER APPROVING LAND USE PERMIT FROM CNX REGARDING A PIPELINE CROSSING UNDER COUNTY ROAD 5450 LOCATED IN THE GARDEN DISTRICT**

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with a roll call vote of seven (7) yeas, Trey Adkins, J. Carroll Branham, Jeff Cooper, G. Roger Rife, Tim Hess, Drew Keene, Craig Stiltner and zero (0) nays, this board did hereby approve the Temporary Land Use Permit Application from Pocahontas Gas LLC for county road number 5450 located in the Garden Magisterial District to place a 16” & 20” pipeline under the county road.

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**IN RE: CONSIDER APPROVING TO TRANSFER THE 1984 CHEVROLET STEP VAN PREVIOUSLY USED BY SLATE CREEK FIRE DEPARTMENT TO GRUNDY FIRE DEPARTMENT**

After a general discussion by the board upon motion by J. Carroll Branham seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, Trey Adkins, J. Carroll Branham, Jeff Cooper, G. Roger Rife, Tim Hess, Drew Keene, Craig Stiltner and zero (0) nays, this board did hereby approve to transfer the 1984 Chevrolet Step Van previously used by Slate Creek Fire Department to Grundy Fire Department.

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**IN RE: PUBLIC HEARING – 6:45 P.M. – TO HEAR PUBLIC COMMENTS REGARDING THE PROPOSED ADOPTING OF AN AMENDED ORDINANCE ENTITLED: “THIRD AMENDED ORDINANCE FOR FLOOD DAMAGE PREVENTION OF CHAPTER 34 OF THE BUCHANAN COUNTY CODE.”**

Tim Hess, Chairman opened the public hearing for comments.

L. Lee Moise, County Administrator stated the only change in this proposed ordinance is the effective date for the definitions of “pre-firm structures,” post firm structures “and “new construction”. The correction date is changed from August 19<sup>th</sup>, 1997 to September 16<sup>th</sup>, 1988.

Upon motion by Trey Adkins seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, Trey Adkins, J. Carroll Branham, Jeff Cooper, G. Roger Rife, Tim Hess, Drew Keene, Craig Stiltner and zero (0) nays, this board did hereby approve to close the public hearing.

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**IN RE:            CONSIDER ADOPTING AN AMENDED ORDINANCE  
                     ENTITLED: “THIRD AMENDED ORDINANCE FOR FLOOD  
                     DAMAGE PREVENTION OF CHAPTER 34 OF THE BUCHANAN  
                     COUNTY CODE.”**

After a general discussion by the board upon motion by Jeff Cooper seconded by J. Carroll Branham and with a roll call vote of seven (7) yeas, Trey Adkins, J. Carroll Branham, Jeff Cooper, G. Roger Rife, Tim Hess, Drew Keene, Craig Stiltner and zero (0) nays, this board did hereby adopt the following amended Ordinance entitled: “Third Amended Ordinance for Flood Damage Prevention of Chapter 34 of the Buchanan County Code.”

AN ORDINANCE AMENDING AND REPLACING CHAPTER 34 OF THE BUCHANAN COUNTY CODE, SPECIFICALLY THE COUNTY’S FLOOD DAMAGE PREVENTION ORDINANCE, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE Buchanan County, Virginia, as follows:

**CHAPTER 34**

**ARTICLE I - GENERAL PROVISIONS**

**Section 34-1.1 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]**

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. **Code** §10.1-600 et seq. and Va. **Code** section 15.2-2280(1).

The purpose of these provisions is to prevent: the loss of life, health, or property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and,
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

**Section 1.2 – Applicability**

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Buchanan County and identified as areas of special flood hazard shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to Buchanan County by FEMA; and identified as areas of special flood hazard identified by the community.

**Section 1.3 - Compliance and Liability**

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of Buchanan County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]**

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

**Section 1.5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]**

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

**Section 1.6 - Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

**Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]**

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Flood Plain Administrator or any authorized employee of Buchanan County shall be guilty of a Class 3 misdemeanor and subject to the penalties thereof. Every day a violation of this ordinance continues after notice of such violation, shall be considered a separate offense.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Buchanan County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.<sup>1</sup>

**ARTICLE II - DEFINITIONS**

- A. Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed *600 square feet*<sup>2</sup>.

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<sup>2</sup> This is the size restriction set by FEMA Region III, but a community could choose a higher standard and limit accessory structures to a size less than 600 square feet. However, a variance could be issued for larger accessory structures, not to exceed 600 square feet. If a smaller size limit is chosen, additional language would be required in Article VI: Variances - see Footnote 23. The chosen size restriction should also be reflected in Article IV, Section 4.3.D.2.b, Article VI, Section M, and Article VIII-Glossary in the definition of “Appurtenant or accessory structure”.

- B. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year. 1% Annual Chance Floodplain—This is the boundary of the flood that has a 1 percent chance of being equaled or exceeded in any given year. Also known as the 100-year floodplain.
- C. 1977/2021/2022 Floodplain elevations—Elevation of the 1977 Flood as established by the flood profiles or the 2021/2022 flood elevations if they exceed the 1977 flood elevations.
- D. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- E. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- F. Board of Floodplain Appeals - The board appointed to review Building Code appeals in Chapter 25 of the Buchanan County Code shall also review appeals of decisions made by the Flood Plain Coordinator in the interpretation of this ordinance.
- G. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, *temporary structures*, mining, dredging, filling, grading, paving, excavation, drilling *or other land-disturbing activities* or *permanent or temporary* storage of equipment or materials.
- H. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. Existing construction - For the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."
- K. Flood or flooding -
1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
    - a. The overflow of inland or tidal waters; or,
    - b. The unusual and rapid accumulation or runoff of surface waters from any source.
    - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- L. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- M. Flood Insurance Study (FIS) - a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an

examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

- N. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- O. Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- P. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
- Q. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- R. Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- S. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- T. Historic structure - Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior; or,
    - b. Directly by the Secretary of the Interior in states without approved programs.
- U. Hydrologic and Hydraulic Engineering Analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- V. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA) - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR) - A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base

flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR) - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

- W. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.
- X. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- Y. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- Z. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- AA. Mean Sea Level – for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.
- BB. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after September 16, 1988, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- CC. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after [September 16, 1988](#).
- DD. Pre-FIRM structures - A structure for which construction or substantial improvement occurred before [September 16, 1988](#).
- EE. Recreational vehicle - A vehicle which is:
1. Built on a single chassis;
  2. 400 square feet or less when measured at the largest horizontal projection;
  3. Designed to be self-propelled or permanently towable by a light duty truck; and,
  4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- FF. Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- GG. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate

claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

- HH. Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- II. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.1 of this ordinance.
- JJ. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- KK. Structure - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- LL. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. ***It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.***
- MM. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
  3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- NN. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

- OO. Watercourse-A Lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### ARTICLE III - ADMINISTRATION

#### Section 3.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The *Floodplain Administrator* is hereby appointed by the Board of Supervisors or the County Administrator to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work himself or herself. In the absence of a designated Floodplain Administrator, the duties are conducted by the Buchanan County Administrator.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

#### Section 3.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator, or his or her designee, shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, drain pipes, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
- F. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- G. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- H. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- I. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses

prepared by or for Buchanan County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

- J. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
  - 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- K. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- L. Advise the Board of Floodplain Appeals regarding the intent of these regulations and, for each application for a variance or appeal, prepare a staff report and recommendation.
- M. Administer the requirements related to proposed work on existing buildings:
  - 1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
  - 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- N. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- O. Notify the Federal Emergency Management Agency when the corporate boundaries of the Buchanan County have been modified and:
  - 1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  - 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- P. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- Q. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional

area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

#### Section 3.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator, or his or her designee, shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:
  - 1. Are below the base flood elevation in riverine SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
  - 2. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
  - 1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
  - 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
  - 3. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

#### Section 3.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the governing body shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and

optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

### **Section 3.5 - District Boundary Changes**

The delineation of any of the Floodplain Districts may be revised by Buchanan County where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.

### **Section 3.6 - Interpretation of District Boundaries**

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Flood Plain Administrator or his or her designee. Should a dispute arise concerning the boundaries of any of the Districts, the Flood Plain Administrator, or his designee, shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board of Flood Plain Appeals and to submit his own technical evidence if he so desires.

### **Section 3.7 – Submitting Model Backed Technical Data [44 CFR 65.3]**

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

### **Section 3.8 – Letters of Map Revision**

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts, drain pipes and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12).*

- ARTICLE IV - ESTABLISHMENT OF ZONING DISTRICTS

Section 4.1 - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Buchanan County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated August 19, 1997<sup>3</sup>, and any subsequent revisions or amendments thereto.

The Floodplain Administrator may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the Buchanan County offices.

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table (See Exhibit A) of the above-referenced FIS and shown on the accompanying FIRM. In addition to the Flood Insurance Rate Maps all zones, when at a higher elevation, will extend to the 1977/2021/2022 Flood elevations as defined in this ordinance.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator. However, in the cases of the replacement or repair of damaged bridges and/or drain pipes, the standard shall be that such replacement or repair of said bridges and/or drain pipes do not worsen the existing flood levels during the base flood discharge that existed prior to said replacement or repair. Such conclusion that the replacement or repair of bridge and/or drain pipes does not worsen the pre-existing flood levels must be supported by the opinion of a professional engineer. Additionally, any structure such as, but not limited to, drain pipes, box culverts, and bridges etc., shall be greater than or equal to cross sectional area of the drainage channel itself.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Buchanan County endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in

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<sup>3</sup> If preparing an ordinance amendment for adoption of a new FIRM and FIS, the new effective date should be used here, not the initial FIRM date. Every time a community receives a new FIRM, an ordinance amendment must be adopted to update the FIRM’s effective date. This amendment must be adopted and approved by FEMA prior to the effective date of the new FIRM to avoid suspension from the NFIP.

an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

2. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations<sup>4</sup>:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Buchanan County.

Development activities in Zones A1-30, AE, or AH on the Buchanan County FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the Buchanan County’s endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood ***level plus eighteen (18) inches***<sup>5</sup>.

During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been floodproofed in accordance with the requirements of this

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<sup>4</sup> The requirement in 60.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

<sup>5</sup> The flood maps anticipate one foot of rise in BFE due to fill in the floodplain, so while building to BFE is all that is required; it will result in flooding if all assumptions made in mapping are correct. Flood insurance rounds up for freeboard so an 18-inch requirement offers the best “bang for the buck” in reducing flood insurance rates and allows for an additional margin of safety in case the models have an error or are based on incomplete data.

article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser<sup>6</sup>.

4. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:
  - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
  - b. All new construction and substantial improvements of non-residential structures shall
    - (1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
    - (2) Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
5. *The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area no emergency service, medical service, or governmental records storage shall be allowed except by special exception using the variance process.*<sup>7</sup>
6. *Landowners with real property located in any part of the floodplain are required to keep said real property free of any vegetative debris or any other type of debris that would create a risk of increasing flood damage by blocking the floodway and thus increase the height of flood waters. Upon the request of the landowner and upon the landowner's execution of a right of entry agreement with the County, the County will assist the landowner with the removal of said debris.*

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<sup>6</sup> The recommended standard here is 5 lots instead of 50. Fifty lots is the breakpoint suggested in the federal regulations but the 5/5 rule is less confusing and captures more commercial development.

<sup>7</sup> This limitation on the use of the 0.2 percent floodplain is not required by NFIP regulations but is an accepted standard for critical facilities in emergency management. Critical facilities that are built in mapped floodplain might not be eligible for rebuilding assistance after a disaster, therefore DCR recommends this provision to ensure that any decision made to build in these circumstances is carefully considered.

ARTICLE V - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

**Section 5.1 – Permit and Application Requirements**

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform State Wide Building Code (VA USBC) and the Buchanan County Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable State and Federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. For structures to be elevated, the elevation of the lowest floor (including basement).
3. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
4. Topographic information showing existing and proposed ground elevations.

**Section 5.2 - General Standards**

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency; and the Federal Insurance Administrator.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

#### Section 5.3 - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional the following provisions shall apply:

##### A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level ***plus eighteen(18) inches***<sup>8</sup>.

##### B. Non-Residential Construction

- 1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level ***plus eighteen (18) inches***<sup>9</sup>.
- 2. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE ***plus two feet***<sup>10</sup> are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Flood Plain Administrator.

##### C. Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- 1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard

<sup>8</sup> The flood maps anticipate one foot of rise in BFE due to fill in the floodplain, so while building to BFE is all that is required; it will result in flooding if all assumptions made in mapping are correct. Flood insurance rounds up for freeboard so an 18 inch requirement offers the best “bang for the buck” in reducing flood insurance rates and allows for an additional margin of safety in case the models have an error or are based on incomplete data

<sup>9</sup> The flood maps anticipate one foot of rise in BFE due to fill in the floodplain, so while building to BFE is all that is required; it will result in flooding if all assumptions made in mapping are correct. Flood insurance rounds up for freeboard so an 18 inch requirement offers the best “bang for the buck” in reducing flood insurance rates and allows for an additional margin of safety in case the models have an error or are based on incomplete data

<sup>10</sup> If your community has adopted the recommended freeboard you might need to change this provision to be consistent or higher than the freeboard otherwise required. Please note that the minimum requirements are BFE plus one foot – two feet of freeboard is the recommended minimum.

exterior door), or entry to the living area (stairway or elevator).

2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria.
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
  - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

#### D. Accessory Structures

1. **Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article IV—or, if not elevated or dry floodproofed, shall:**
  - a. **Not be used for human habitation;**
  - b. **Be limited to no more than 600 square feet<sup>11</sup> in total floor area;**
  - c. **Be useable only for parking of vehicles or limited storage;**
  - d. **Be constructed with flood damage-resistant materials below the base flood elevation;**
  - e. **Be constructed and placed to offer the minimum resistance to the flow of floodwaters;**
  - f. **Be anchored to prevent flotation;**
  - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
  - h. Shall be provided with flood openings which shall meet the following criteria:
    - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
    - (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an

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<sup>11</sup> This is the minimum size restriction set by FEMA Region III, but a community could choose a higher standard and limit accessory structures to a size less than 600 square feet. However, a variance could be issued for larger accessory structures, not to exceed 600 square feet. If a smaller size limit is chosen, additional language would be required in Article VI: Variances - see Footnote 23. The chosen size restriction should also be reflected in Article IV, Section 4.3.D.2.b, Article VI, Section M, and Article VIII-Glossary in the definition of “Appurtenant or accessory structure”.

individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.

- (3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
- (4) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

*i. A signed Declaration of Land Restriction (Non-Conversion Agreement) shall be recorded on the property deed.<sup>12</sup>*

E. Standards for Manufactured Homes and Recreational Vehicles

- ~~1.~~ In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article III, and Article IV.
2. All recreational vehicles placed on sites must either:
  - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
  - b. Meet all the requirements for manufactured homes in Article IV.

**Section 5.4 - Standards for Subdivision Proposals**

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty<sup>13</sup> lots or five acres, whichever is the lesser.

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<sup>12</sup> A non-conversion agreement is strongly recommended, especially if a variance is being issued for an accessory structure. However, the non-conversion agreement is not a requirement.

<sup>13</sup> The recommended standard here is 5 lots instead of 50. Fifty lots is the breakpoint suggested in the federal regulations, but the 5/5 rule is less confusing and captures more commercial development.

## ARTICLE VI – EXISTING STRUCTURES IN FLOODPLAIN AREAS

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved<sup>14</sup> unless one of the following exceptions is established before the change is made:

- A. The floodplain manager has determined that:
  - 1. Change is not a substantial repair or substantial improvement AND
  - 2. No new square footage is being built in the floodplain that is not complaint AND
  - 3. No new square footage is being built in the floodway AND
  - 4. The change complies with this ordinance and the VA USBC AND
  - 5. *The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.*<sup>15</sup>
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

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<sup>14</sup> The assumption that all buildings will be brought in to compliance unless an exception is found is not required by the federal regulations, it is a recommended change for the sake of administrative efficiency and improved compliance.

<sup>15</sup> This cumulative change requirement is a recommended higher standard. DCR has found that not having a time period for cumulative change can lead to people trying to split work up to avoid hitting the 50% limit which puts the community in a difficult place with enforcement and increases administrative burdens.

## ARTICLE VII - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Flood Plain Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Flood Plain Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variations generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variations may be issued by the Board of Flood Plain Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variations may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In considering applications for variations, the Board of Flood Plain Appeals shall consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variations for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. No variance shall be granted for an accessory structure exceeding 600 square feet.

N. Such other factors which are relevant to the purposes of this Ordinance.

The Board of Flood Plain Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters with the costs for such referral to be charged to the applicant.

Variances shall be issued only after the Board of Flood Plain Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Flood Plain Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Flood Plain Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

Enacted and ordained this 7<sup>th</sup> day of August, 2023. This ordinance, of Buchanan County, Virginia, shall become effective upon passage.

Recorded Vote:

Motion by: Jeff Cooper  
Second by: J. Carroll Branham  
Jeff Cooper yea  
Tim Hess yea  
Drew Keene yea  
Roger Rife yea  
Carroll Branham yea  
Craig Stiltner yea  
Trey Adkins yea

\_\_\_\_\_  
Tim Hess, Chairman  
Buchanan County, Va. Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator  
Clerk of the Board of Supervisors

\_\_\_\_\_ 000 \_\_\_\_\_

**IN RE: CONSIDER ADOPTING THE BUCHANAN COUNTY EMERGENCY RESPONSE PLAN AND THE DESIGNATED EMERGENCY RESPONSE AGENCY (DERA)**

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with a roll call vote of seven (7) yeas, Craig Stiltner, Trey Adkins, G. Roger Rife, J. Carroll Branham, Drew Keene, Tim Hess, Jeff Cooper and zero (0) nays, this board did hereby adopt the following Buchanan County Emergency Response Plan and the Designated Emergency Response Agency (DERA).

**Buchanan County**  
**Emergency Response Plan**  
**&**  
**DERA**

Updated: August 7<sup>th</sup>, 2023

## **Buchanan County Emergency Response Plan**

### **Definitions**

**“Emergency Services”** means those health care services that are rendered by affiliated or nonaffiliated providers after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in (i) serious jeopardy to the mental or physical Health of the individual, (ii) danger of serious impairment of the individual’s bodily organs, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus. Emergency services provided within the plan’s service shall include covered health care services from nonaffiliated providers only when a delay in receiving care from a provider affiliated with the health maintenance organization could reasonably be expected to cause the enrollee’s condition to worsen if left unattended.

**“Basic Life Support”** or **“BLS”** means the provision of care by EMS personnel who are certified as First Responder (EMR), or Emergency Medical Technician or equivalent as approved by the Board of Health.

**“Advanced Life Support”** or **“ALS”** means the provision of care by EMS personnel who are certified as an Emergency Medical Technician EMT- Enhanced, EMT-Intermediate, EMT-Paramedic or equivalent as approved by the Board of Health.

**“Mutual Aid”** is a voluntary reciprocal exchange of resources and services for mutual benefit.

**“Automatic Aid”** is assistance that is dispatched automatically by a contractual agreement between two fire departments, communities, or fire districts.

**“Responding”** will be defined as acknowledging the call for the purpose of this plan.

**“Fire Apparatus”** is defined as vehicles for fighting and extinguishment of fires.

### **Purpose**

This plan is implemented to provide the appropriate and necessary coordination of response to medical emergencies, fires and motor vehicle crash calls in designated Fire and EMS service areas within the County of Buchanan to comply with the Virginia Emergency Medical Service Regulations. This plan will serve as both operation and administrative guidelines.

### **Origin**

This plan is developed pursuant to the requirements of Section 610 of the Virginia Emergency Medical Service Regulations (Virginia Administrative Code 12VAC5-31-610). 12VAC5-31-610.

### **Designated Emergency Response Agency Standards**

A. A designated emergency response agency shall develop or participate in a written local EMS response plan that addresses the following items:

1. The designated emergency response agency shall develop and maintain, in coordination with their locality, a written plan to provide 24-hour coverage of the agency’s primary

service area with the available personnel to achieve the approved responding interval standard.

2. A designated emergency response agency shall conform to the local responding interval, or in the absence of a local standard of the EMS agency shall develop a standard in conjunction with OMD and local government in the best interests of the patient and the community. The EMS agency shall use the response time standard to establish a time frame the EMS agency complies with on a 90% basis within its primary service area (i.e., a time frame in which the EMS agency can arrive at the scene of a medical emergency in 90% or greater of all calls).
  - a. If the designated emergency response agency finds it is unable to respond within the established unit mobilization interval standard, the call shall be referred to the closest available mutual aid EMS agency.
  - b. If the designated emergency response agency finds it is able to respond to the patient location sooner than the mutual aid EMS agency, the EMS agency shall notify the PSAP of its availability to respond,
  - c. If the designated emergency response agency is unable to respond (e.g., lack of operations response vehicle, or available personnel), the EMS agency shall notify the PSAP.
  - d. If a designated emergency response agency determines in advance that it will be unable to respond for emergency service for a specified period of time, it shall notify its PSAP.
  - e. A designated emergency response agency shall have available for review a copy of the local EMS response plan that shall include the established EMS Responding interval standards.
  - f. A designated emergency response agency shall document its compliance with the established EMS response capability, unit mobilization interval, and responding interval standards.
  - g. A designated emergency response agency shall document an annual review of exceptions to established EMS response capability and time interval standards. The results of this review shall be provided to the agency's operational medical director and the local governing body.

### **Primary Service Area**

The primary service area is designated by the Buchanan County Emergency Management Coordinator and/or the Buchanan County Emergency Management System and area included in "Exhibit A" of this plan.

### **Secondary Service Area**

The secondary service area is designated by the Buchanan County Emergency Management Coordinator and/or the Buchanan County Emergency Management System and is included in "Exhibit A" of this plan. These agencies may be located within Buchanan County or an adjacent locality that the agency has a written Mutual-Aid agreement with.

### **Additional Service Area**

The Additional service area is any other agency that requests assistance within the Fire/EMS agencies locality or in the adjacent locality that the agency has a written Mutual- Aid agreement with.

### **Authorized Agency to Provide Care**

An Authorized Agency to Provide Care is an agency which has no primary or secondary coverage area, and is authorized to respond to emergency traffic in Buchanan County on an as needed basis, when said agency has the availability to do so.

## **Mutual Aid Agreement**

The local governing body may enter into mutual aid agreements with other localities to assist when resources become overwhelmed or are not readily available. Local Fire and EMS agencies may exchange mutual aid agreements with other neighboring agencies to achieve a specific purpose or task. All EMS agencies defined as a Designated Emergency Response Agency (DERA) shall agree to provide assistance to one another within the locality when available and capable as described in 12VAC5-31-630.

## **Designated Emergency Response Agency Mutual Aid**

A. A designated emergency response agency shall provide aid to all other designated emergency response agencies within the locality.

B. A designated emergency response agency shall maintain written mutual aid agreements with adjacent designated emergency response agencies in another locality with which it shares a common border. Mutual aid agreements shall specify the types of assistance to be provided and any conditions or limitations for providing this assistance.

## **Basic Life Support and Advanced Life Support 12VAC5-31-1240**

### ***Basic Life Support Vehicle Transport Requirements:***

1. During a basic life support transport, the attendant-in-charge must be certified as an emergency medical technician or an equivalent approved by the Office of EMS.

### ***Advanced life support transport Requirements:***

1. A ground ambulance equipped with an ALS equipment package. An ALS equipment package may be transferred to a ground ambulance not otherwise equipped to provide the needed level of ALS patient care from another appropriately equipped EMS vehicle. This transfer must include all items required for the type of ALS equipment package that the attendant-in-charge is authorized to use.
2. The attendant-in-charge must be certified as an advanced life support level provider equivalent approved by the Office of EMS.
3. An attendant must be certified as an emergency medical technician or equivalent approved by the Office of EMS in addition to the attendant-in-charge. The attendant must not serve as the attendant-in-charge. An operator may serve as the attendant if certified as an Emergency Medical Technician or an equivalent approved by the Office of EMS.
4. An ALS provider may provide care in the event that the required EMS personnel do not respond to a call to fully staff the ambulance that has responded to the scene. The extenuating circumstances of the call must be documented in writing. Based on extenuating circumstances and documentation, the EMS agency or the EMS provider may be subject to enforcement action.

## **Radio Communications**

- A. An EMS vehicle shall have fixed communications equipment that provides direct two-way voice communications capabilities between the EMS vehicle, other EMS vehicles of the same agency, and either the agency's base of operations (dispatch point) or a governmental public safety answering point (PSAP). This communication capability must be available within the agency's primary service area. Service may be provided by private mobile radio service (PMRS) or by commercial mobile radio service (CMRS) but shall have direct and immediate communications via push-to-talk technology.
- B. An ambulance transporting outside of its primary service area shall have fixed or portable communications equipment that provides two-way voice communications equipment capabilities between the EMS vehicle and either the agency's base of operations (dispatch point) or PSAP during the period of transport. Service may be provided by private mobile radio service (PMRS) or by commercial mobile radio service (CMRS). When operating outside the agency's area of routine responsibility or in areas where CMRS is not available, the requirement for direct and immediate communications

via push-to-talk technology does not apply. If an agency is licensed as a DERA, it is required to have direct and immediate communications via push-to-talk technology for either the agency's base of operations, dispatch point, or PSAP for which the EMS agency vehicle is used for emergency response to the public in the jurisdiction where a memorandum of understanding or memorandum of agreement is in place or is contractually obligated to provide emergency response.

- C. An ambulance or an advanced life support equipped, non-transport response vehicle shall have communications equipment that provides two-way voice communications capabilities between the EMS vehicle's attendant-in-charge and the receiving medical facilities to which it regularly transports or a designated central medical control on one or more of the following frequencies.
- 155.340 MHz (statewide HEAR)
  - 155.400 MHz (tidewater HEAR)
  - 155.280 MHz (Inter-Hospital HEAR)
  - 462.950/467.950 (Med 9 or CALL 1)
  - 462.975/467.975 (Med IO or CALL 2)
  - 462.950-462.19375/467.950-468.19375 (UHF MED CHANNELS 1-10)
  - 220MHz, 700MHz, 800MHz, or 900MHz frequency and designated talk group or channel identified as part of an agency, jurisdictional, or regional communications plan for ambulance to hospital communications.
1. Patient care communications with medical facilities may not be conducted on the same frequencies or talk groups as those used for dispatch and on-scene operations.
  2. Before establishing direct push-to-talk communications with the receiving medical facility or central medical control, EMS vehicles may be required to dial an access code. Radios in ambulances or advanced life support-equipped, non-transport response vehicles must be programmed or equipped with encoding equipment necessary to activate tone-coded squelched radios at medical facilities to which they transport on a regular basis.
  3. Nothing herein prohibits the use of CMRS for primary or secondary communications with medical facilities, provided that the requirements of this section are met.
- D. Mutual Aid Interoperability: An EMS vehicle must have communications equipment that provides direct two-way voice communications capabilities between the EMS vehicle and EMS vehicles of other EMS agencies within the jurisdiction and those EMS agencies with which it has mutual aid agreements. Service may be provided by private mobile radio service (PMRS) or by commercial mobile radio service (CMRS) but requires direct and immediate communications via push-to-talk technology. This requirement may be met by interoperability on a common radio frequency or talk group, or by fixed or interactive cross-patching under supervision of an agency dispatch center or governmental PSAP. The means of communications interoperability must be identified in any mutual aid agreements required by these regulations and must comply with the Virginia Interoperability Plan as defined by the Governor's Office of Commonwealth Preparedness.
- E. Air ambulance interoperability: A non-transport EMS vehicle or ground ambulance must have communications equipment that provides direct two-way voice communications capabilities C. 1. 2. 3. D. E. 6 between the EMS vehicle and air ambulances designated to serve its primary response area by the State Medevac Plan. An air ambulance must have fixed communications equipment that provides direct two-way voice communications capabilities between the air ambulance, other EMS vehicles in its primary response area, and public safety vehicles or personnel at landing zones on frequencies adopted in accordance with this section. Radio communications must be direct and immediate via push-to-talk technology. This requirement may be met by interoperability on a common radio frequency or talk group, or by fixed or interactive cross-patching under supervision of an agency dispatch center or governmental PSAP, The frequencies used for this purpose will be those set forth by an agreement among air ambulance providers and EMS agencies for a specific jurisdiction or region, and must be identified in agency, jurisdictional, or regional protocols for access and use of air ambulances. Any non-

transport EMS vehicle ground ambulance not participating in such an agreement must be capable of operating on VHP frequency 155.205MHz (carrier squelch), which is designated as the Statewide EMS Mutual Aid Frequency. An air ambulance must be capable of operating on VHP frequency 155.205MHz (carrier squelch) in addition to any other frequencies adopted for jurisdictional or regional interoperability.

- F. FCC licensure: An EMS agency shall maintain appropriate FCC radio licensure for all radio equipment operated by the agency. If the FCC radio license for any radio frequency utilized is held by another person, the EMS agency shall have written documentation on file of their assigned authority to operate on such frequencies.
- G. In-vehicle communications. An ambulance shall have a means of voice communications (opening, intercom, or radio) between the patient compartment and operator's compartment.
- H. Any Fire/EMS or other designated emergency vehicle capable of answering emergency calls within the county must have radio communication with the Buchanan County E-911 Center in order to operate.
- I. The following frequencies are used to communicate with the E-911 Center:
  - (Simplex Rescue) RX ; 155.160, TX : 155.160, PL Tone : 192.8
  - (Enoch's Repeater) RX: 151.520 TX: 159.705, PL Tone: 114.8
  - (Keen Mountain Repeater) RX: 151.925, TX 153.035, PL Tine: 114.8 The following frequency is used for direct radio to radio communication and mutual aid:
    - 155.205 Carrier Squelch

## **Dispatching Standards**

- A. The Buchanan 911 Central Dispatch will dispatch the designated agencies in accordance with Exhibit A.
- B. In addition to standard alert protocols, Buchanan 911 Central Dispatch will alert agencies in accordance with the following:
  1. 1<sup>st</sup> and 2<sup>nd</sup> due Fire Departments for Reported Structure Fires.
  2. EMS agency and 1<sup>st</sup> due Fire Department for Motor Vehicle Accidents.
  3. EMS agency to respond to all structure fires for firefighter safety.
  4. If a known EMS unit with ALS capabilities is dispatched to a report of CPR in progress or not breathing, the closest fire department should also be dispatched to assist the EMS crew. or If a known EMS unit with BLS capabilities is dispatched to a report of CPR in progress or not breathing, the closest ALS unit shall be dispatched and continue en-route until told otherwise by dispatch.
  5. The use of "10-Codes" shall not be utilized for radio traffic by the dispatch center or agency for Fire/EMS incidents.
  6. Primary and Secondary fire departments shall be dispatched simultaneously for reports of all structure fires without either department making the request.
  7. The Primary service area agency shall be dispatched first if available, if not available the secondary agency for the area shall be dispatched unless dispatch has knowledge of a closer unit. If an EMS unit requests ALS assistance, the closest available ALS unit consisting of an EMT Intermediate or EMT -Paramedic shall be dispatched. This may be from a neighboring locality or jurisdiction.
  8. If an "ALS Priority" EMS call for service is received the closest unit with appropriate capabilities will be dispatched. That determination will be made by the Dispatcher on duty, based upon their best judgement, using the information provided by the caller or person requesting assistance.
  9. If a patient requests a particular agency, the requested agency will be dispatched as primary and then follow procedures listed above.
  10. If a fire unit requests additional assistance, the closest department shall be dispatched unless the requesting department requires specific assistance not available for the next closest department. Examples include, but are not limited to rope rescue, water rescue, hazardous material incidents.

## **Response Standards**

- A. A full EMS crew consisting of at least one Virginia Certified Emergency Medical Technician and one approved operator will answer and respond within 3 minutes of the first alert. If no response after the first alert, a second alert will be issued. If a crew has not responded within 2 minutes of the second alert, the call will be turned over to the next due or next available agency that can respond.
- B. An EMS unit will arrive on scene within 30 minutes from the time the agency is dispatched.
- C. In the event of inclement weather or natural disaster, this time standard may not be met due to the safety of the responding crew.

## **Compliance Review**

The EMS Captain of each individual agency will be responsible for ensuring compliance with these standards through a quarterly review of response times. Each agency must comply with this plan at least 90% of the time within the primary service area. The EMS Captain of each individual agency will provide the results of the compliance review quarterly for the Buchanan County Emergency Services Committee and annually to their Operating Medical Director as well as to the local governing body. It will be the responsibility of the Buchanan County Board of Supervisors to ensure the authority over the Buchanan County 911 Office to follow this plan to the best of its abilities. It will be required that all DERA agencies follow this plan. The EMS Response Plan shall be reviewed by members of the Board of Supervisors and if approved, serve as the official EMS Response Plan of Buchanan County, Virginia. This plan was written in compliance with and pursuant to the requirements of Section 610 of the Virginia Emergency Medical Service Regulations (Virginia Administrative Code 12VAC5-31-610).

This Emergency Response Plan has been adopted on the 7<sup>th</sup>, day of August 2023 by the following role call vote:

Moved By: Craig Stiltner

Seconded By: Trey Adkins

G. Roger Rife: yea

Jeff Cooper: yea

Craig Stiltner: yea

Trey Adkins: yea

Tim Hess: yea

J Carrol Branham: yea

Drew: Keene: yea

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Tim Hess, Chairman of the  
Buchanan County Board of Supervisors

### **Attest:**

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Robert Craig Horn, County Administrator

The Undersigned EMS agencies, and Fire Departments hereby acknowledge that they have received a copy of the Buchanan County Designated Emergency Response Plan (DERA) and a copy of the Buchanan County Emergency Response Plan (ERP) and agree with the provisions and terms of both the DERA and ERP and agree to comply with the provisions and terms of both the said DERA and said ERP:

Davenport Life Saving Crew

\_\_\_\_\_ / \_\_\_\_\_

Council Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Oakwood Volunteer Rescue Squad

\_\_\_\_\_ / \_\_\_\_\_

Oakwood Volunteer Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Russell Prater Volunteer Rescue Squad

\_\_\_\_\_ / \_\_\_\_\_

Russell Prater Volunteer Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Whitewood Volunteer Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Knox Creek Volunteer Rescue Squad

\_\_\_\_\_ / \_\_\_\_\_

Knox Creek Volunteer Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Harmon Volunteer Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Grundy Volunteer Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Slate Creek Volunteer Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Big Rock Volunteer Fire Department

\_\_\_\_\_ / \_\_\_\_\_

Rescue 33 Ambulance Service

\_\_\_\_\_ / \_\_\_\_\_

## **Buchanan County DERA**

Designated Emergency Response Agency

**IN RE: DESIGNATION OF CERTAIN BOLUNTEER RESCUE SQUADS/AMBULANCE SERVICES AS A DESIGNATED EMERGENCY RESPONSE AGENCY IN BUCHANAN COUNTY PURSUANT TO 12VAC5-31370 AND THE VIRGINIA CODE OF 1950, AS AMENDED SECTION 15.2-955.**

**WHEREAS** the Buchanan County Board of Supervisors adopted an Emergency Response Plan on , 2023, a copy of which is attached and incorporated into this document as Exhibit "A" and

**WHEREAS**, by previous resolution the Emergency Response Agencies identified in Exhibit "A" were authorized and approved to be established and operate in Buchanan County, Virginia and **WHEREAS**, Buchanan County, VA. Board of Supervisors wishes to confirm and designate said Emergency Response Agencies as Designated Emergency Response Agencies pursuant to

12VAC5-31 - 370 and Virginia Code section 15.2-955, namely the following Volunteer Fire Departments, and Volunteer Rescue Squad Services:

**Fire Departments:**

- Council Volunteer Fire Department
- Oakwood Volunteer Fire Department
- Russell Prater Volunteer Fire Department
- Whitewood Volunteer Fire Department
- Knox Creek Volunteer Fire Department
- Harmon Volunteer Fire Department
- Big Rock Volunteer Fire Department
- Grundy Volunteer Fire Department
- Slate Creek Volunteer Fire Department

**Rescue Agencies:**

- Davenport Life Saving Crew
- Oakwood Volunteer Rescue Squad
- Russell Prater Volunteer Rescue Squad
- Knox Creek Volunteer Rescue Squad
- Rescue 33 Ambulance Service

**NOW THEREFORE, BE IT RESOLVED**, Buchanan County Board of Supervisors does hereby designate said Emergency Response Agencies, namely, Council Volunteer Fire Department, Oakwood Volunteer Fire Department, Russell Prater Volunteer Fire Department, Whitewood Volunteer Fire Department, Knox Creek Volunteer Fire Department, Harmon Volunteer Fire Department, Big Rock Volunteer Fire Department, Grundy Volunteer Fire Department, Slate Creek Volunteer Fire Department, Davenport Life Saving Crew, Oakwood Rescue Squad, Russell Prater Volunteer Rescue Squad, and Knox Creek Volunteer Rescue Squad as designated Emergency Response Agencies to operate within Buchanan County, VA. Buchanan County Board of Supervisors also designates Rescue 33 Ambulance service as an Authorized Agency to Provide Care within Buchanan County as needed. Buchanan County Board of Supervisors also conditions said agencies to comply with this resolution, and the Emergency Response Plan, as amended. Chapter 31 of the Virginia Administrative Code and the applicable licensure from the Virginia Office of Emergency Services.

**This Amended resolution was adopted on the 7<sup>th</sup>, day of August 2023 by the following roll call vote:**

**Moved by: Craig Stiltner**

**Seconded by: Trey Adkins**

**G. Roger Rife: yea**

**Jeff Cooper: yea**

**Craig Stiltner: yea**

**Trey Adkins: yea**

**Tim Hess: yea**

**J Carroll Branham: yea**

**Drew Keene: yea**

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Tim Hess, Chairman of the  
Buchanan County Board of Supervisors

Attest:

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Robert Craig Horn, County Administrator

**IN RE: CONSIDER ADOPTING SOLE SOURCE NOTICE AND RESOLUTION REGARDING THE AWARD OF CONTRACT TO SOUTHERN SOFTWARE, INC. FOR THE RENEWAL OF ANNUAL SOFTWARE SUPPORT FOR MAPPING SOFTWARE (MDS) IN THE AMOUNT OF \$4,198.00 FOR THE BUCHANAN COUNTY SHERIFF'S OFFICE**

After a general discussion by the board upon motion by Jeff Cooper seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby adopt the following Sole Source Notice and Resolution regarding the award of regarding the award of Contract to Southern Software, Inc. for the renewal of Annual Software Support for Mapping Software (MDS) in the amount of \$4,198.00 for the Buchanan County Sheriff's Office.

**NOTICE**

**RE: PENDING AWARD OF CONTRACT TO SOUTHERN SOFTWARE, INC FOR ANNUAL SOFTWARE SUPPORT FOR MAPPING SOFTWARE (MDS); SOUTHERN SOFTWARE INC. HAS BEEN DETERMINED TO BE SOLE SOURCE FOR THE MAPPING SOFTWARE SUPPORT PROVIDED BY SOUTHERN SOFTWARE, INC.**

PLEASE TAKE NOTICE:

- 1) Due to issues of the unavailability of maintenance support services for Southern Software Mapping software, it has been determined that Southern Software, Inc. is the sole source for Annual Software Support for Mapping Software (MDS).
- 2) The Buchanan County, Va., Board of Supervisors will consider a Resolution to approve and award the contract to Southern Software, Inc. for Annual Software Support for Mapping Software (MDS) in the amount of \$4,198.00 for a term of one year beginning August 2023 through July 2024, at its August 7<sup>th</sup>, 2023 board meeting to be held in the Board of Supervisors meeting room on the 3<sup>rd</sup> floor of the Buchanan County Government Building, 4447 Slate Creek Road, Grundy, Virginia.

PLEASE CONDUCT YOURSELF ACCORDINGLY.

Issued by directive of the County Administrator this 7<sup>th</sup> day of August, 2023.

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Robert Craig Horn, County Administrator  
Buchanan County, Virginia

**RESOLUTION**  
**RE: SOUTHERN SOFTWARE AS SOLE SOURCE FOR**  
**ANNUAL SOFTWARE SUPPORT SERVICES CONTRACT**  
**FOR MAPPING SOFTWARE (MDS) PROVIDED BY**  
**SOUTHERN SOFTWARE**

WHEREAS, prior to the issuance of an invitation to bid, Kenneth Ratliff, the Operations and Maintenance Manager conducted an investigation of potential vendors in regard to the contemplated procurement of Annual Software Support Services (MDS) contract for Mapping Software provided by Southern Software, Inc.; and

WHEREAS, after a thorough investigation, Kenneth Ratliff has concluded that Southern Software, Inc. is the only one source practicably available to provide Annual Software Support Services (MDS) a contract provided by Southern Software, Inc.; and

WHEREAS, it has been determined that due to issues of the unavailability of Annual Software Support Services (MDS) provided by Southern Software, Inc. that Southern Software is the sole source to provide Annual Software Support Services (MDS) for mapping software provided by Southern Software, Inc.; and

WHEREAS, Southern Software, Inc. has provided a quote of Four Thousand One Hundred Ninety-Eight Dollars and No Cents to provide the Annual Software Support Services (MDS) for the Mapping software provided by Southern Software for a term of one year beginning August 2023 through July 2024; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Buchanan County, Va., Board of Supervisors and the County Administrator are hereby authorized to execute a Contract with Southern Software, Inc., as approved in form by the County Attorney, that provides for Annual Software Support Services (MDS) for mapping software, from Southern Software, Inc. for the purchase price of Four Thousand One Hundred Ninety-Eight Dollars and No Cents (\$4,198.00). Be It Furthermore Resolved that the County Administrator is directed to post a Notice as required by Virginia Code Section 2.2-4303(E) in the designated public area and on county website stating that the contract was awarded this day to Southern Software, Inc., in that only Southern Software, Inc. has been determined to be the only source practicably available for the purchase of an Annual Software Support Services (MDS) contract for mapping software provided by Southern Software, Inc.

This Resolution was adopted on the 7<sup>th</sup> day of August, 2023.

Recorded Vote:

Moved by: Jeff Cooper  
Seconded by: Craig Stiltner  
Yeas: Seven  
Nays: Zero

\_\_\_\_\_  
Tim Hess, Chairman of the Buchanan  
County, Va. Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

----- 000 -----

**IN RE: CONSIDER ADOPTING SOLE SOURCE NOTICE AND RESOLUTION REGARDING THE AWARD OF CONTRACT TO SOUTHERN SOFTWARE, INC. FOR THE RENEWAL OF ANNUAL SOFTWARE SUPPORT QUARTER MASTER IN THE AMOUNT OF \$858.00 FOR THE BUCHANAN COUNTY SHERIFF'S OFFICE**

After a general discussion by the board upon motion by Jeff Cooper seconded by Drew Keene and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby adopt the following Sole Source Notice and Resolution regarding the award of Contract to Southern Software, Inc. for the renewal of Annual Software Support Quarter Master in the amount of \$858.00 for the Buchanan County Sheriff's Office.

**NOTICE**

**RE: PENDING AWARD OF CONTRACT TO SOUTHERN SOFTWARE, INC FOR ANNUAL SOFTWARE SUPPORT QUARTERMASTER AND SOUTHERN SOFTWARE INC. HAS BEEN DETERMINED TO BE THE SOLE SOURCE**

**PLEASE TAKE NOTICE:**

- 1) Due to issues of the unavailability of Annual Software Support QuarterMaster System it has been determined that Southern Software, Inc. is the sole source for the Annual Software Support for Human Resource Management Software (HRMS) QuarterMaster System and annual support fee from 8:30 a.m. to 5:00 p.m. est., Monday through Friday.
- 2) The Buchanan County, Va., Board of Supervisors will consider a Resolution to approve and award the contract to Southern Software, Inc. for an contract for Annual Software Support Quartermaster System and annual support fee with Southern Software, in the amount of \$858.00 for a term of one year beginning December 13<sup>th</sup>, 2023 through December 12<sup>th</sup>, 2024 at its August 7<sup>th</sup>, 2023 board meeting to be held in the Board of Supervisors meeting room on the 3<sup>rd</sup> floor of the Buchanan County Government Building, 4447 Slate Creek Road, Grundy, Virginia.

PLEASE CONDUCT YOURSELF ACCORDINGLY.

Issued by directive of the County Administrator this 7<sup>th</sup> day of August, 2023.

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Robert Craig Horn, County Administrator  
Buchanan County, Virginia

**RESOLUTION**

**RE: PENDING AWARD OF CONTRACT TO SOUTHERN SOFTWARE, INC FOR ANNUAL SOFTWARE SUPPORT AGREEMENT QUARTERMASTER AND SOUTHERN SOFTWARE INC. HAS BEEN DETERMINED TO BE THE SOLE SOURCE**

WHEREAS, Kenneth Ratliff, the Operations and Maintenance Manager conducted an investigation of potential vendors in regard to the contemplated procurement of an

Annual Software Support Agreement Quartermaster annual support fee for the Buchanan County Sheriff's Office; and

WHEREAS, after a thorough investigation, Kenneth Ratliff has concluded that Southern Software, Inc. is the only one source practicably available to provide the Annual Software Support Quartermaster annual support fee; and

WHEREAS, Southern Software, Inc. has provided a quote of **Eight Hundred Fifty-Eight Dollars and No Cents** (\$858.00) to provide Annual Software Support Quartermaster and annual support fee provided by Southern Software for a term of one year beginning December 13<sup>th</sup>, 2023 through December 12<sup>th</sup>, 2024; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Buchanan County, Va., Board of Supervisors and the County Administrator are hereby authorized to execute a Contract with Southern Software, Inc., as approved in form by the County Attorney, that provides Software Support Agreement Quartermaster and annual support fee provided by Southern Software, Inc. for the purchase price of **Eight Hundred Fifty-Eight Dollars and No Cents** (\$858.00).

Be It Furthermore Resolved that the County Administrator is directed to post a notice as required by Virginia Code Section 2.2-4303(E) in the designated public area and on county website stating that the contract was awarded this day to Southern Software, Inc., for Software Support Agreement Quartermaster and annual support fee in that only Southern Software, Inc. has been determined to be the only source practicably available for provided by Southern Software, Inc.

This Resolution was adopted on the 7<sup>th</sup> day of August, 2023.

Recorded Vote:

Moved by: Jeff Cooper  
Seconded by: Drew Keene  
Yeas: Seven  
Nays: Zero

\_\_\_\_\_  
Tim Hess, Chairman of the  
Buchanan County, Va. Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

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**IN RE: CONSIDER APPROVING BID AND CONTRACT IN THE TOTAL AMOUNT OF \$12,465.00 BETWEEN BUCHANAN COUNTY AND TECHNI-TURF, LLC REGARDING POPLAR GAP ATHLETIC FIELDS**

After a general discussion by the board upon motion by Jeff Cooper seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve the following bid and Contract in the total amount of \$12,465.00 between Buchanan County and Techni-Turf, LLC regarding Poplar Gap Athletic Fields.

**CONTRACT**

**THIS AGREEMENT**, made and entered into this the 7<sup>th</sup> day of August, 2023 by and between **BUCHANAN COUNTY, a political subdivision of the Commonwealth of Virginia**, (hereinafter sometimes referred to as **“County”**) party of

the first part, and **TECHNI-TURF, LLC.**, party of the second part, hereinafter referred to as "**Contractor**".

**WITNESSETH:**

**THAT** for and in consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby agree as follows:

**I**

The Contractor agrees to provide general turf maintenance for the Athletic Fields at the Poplar Gap Park in Grundy, Virginia pursuant scope of services contained within "**THE INVITATION TO BID**" and make a part of this contract by reference thereto, as **Exhibit "A"** in Buchanan County, a copy of which is attached hereto and made a part hereof by reference.

**II**

The Contractor agrees to perform and complete or cause to be performed or completed all such turf maintenance work in accordance with the techniques and methods of provided for by applicable law, the standards of the turf maintenance industry, and the specifications referenced above. The Contractor further agrees that all equipment and materials used in the installation shall meet all those requirements and specifications in compliance with the laws of the United States and the Commonwealth of Virginia.

**III**

The Contractor shall, at his own cost and expense, obtain and pay for all licenses, permits, certificates and surveys required for the completion of the work under this Agreement.

**IV**

The Contractor shall, at his own cost and expense, procure and maintain insurance required under the Virginia Workers' Compensation Act as well as liability insurance covering damages to person and property in the minimum amount of \$1,000,000.00 and shall furnish a Certificate of Insurance to the Board.

The Contractor agrees to perform all the work required of him under this Agreement in a good and workmanlike manner under the supervision and direction of Buchanan County or its designated agents or employees. The Contractor will not subcontract any of the work described herein without the prior approval of the Buchanan County Board of Supervisors. The Contractor will guarantee any work which would be performed by the sub-contractors.

**V**

The Contractor in the performance of this contract does not and shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

**VI**

The Board shall pay the Contractor for the performance of the work and the furnishing of the material under this Agreement according to "**THE INVITATION TO**

**BID" Exhibit "A"** and pursuant to the annual rate schedule attached hereto and made a part of this contract as **Exhibit "B"**, with a not to exceed a total annual amount of **\$12,465.00.**

The term of this contract shall be for an initial one-year term contract (July 1, 2023 through June 30, 2024) with the County's option for two one-year renewals (July 1, 2024 through June 30, 2025 and July 1, 2025 through June 30, 2026). The renewals will be subject to the County's right to go out for bid each year upon thirty (30) days' notice to the Contractor.

## **VII**

The Contractor shall not subcontract any work to be done herein without the prior written approval of the Board of Supervisors.

## **VIII**

The Contractor shall indemnify and save harmless Buchanan County and its Board of Supervisors against all losses, or damages on account of injury to persons or property occurring in the performance of this Agreement together with any and all attorneys' fees incurred by Buchanan County on account of any thereof.

## **IX**

In the event that the Contractor fails to complete the work required of him under this Agreement or abandons the said work or in any other way is in default of performance hereunder, the Board and its agents shall have the right to enter upon the premises upon, which the work is being done and take possession thereof and of any material thereon, whether supplied by the Contractor or otherwise, and use such material and complete the said Agreement through workmen or contractors or subcontractors employed by the Contractor and in every way perform the Agreement as is required to be done by the Contractor. In the event that the cost of such work and the furnishing of such material as may be required to be furnished exceeds the amount then remaining due the Contractor under the said Agreement, the Contractor shall pay to the Board the amount of such deficiency. But if such amount remaining in the hands of the Board under this Agreement at the time of the default of the Contractor exceeds the amount required to complete the said Agreement, then upon such completion the Buchanan County Board of supervisors shall pay such surplus to the Contractor.

## **X**

In the performance of the work under this Agreement, the Contractor shall conform to all applicable laws, ordinances, rules and regulations now in force or hereafter adopted and shall obtain all permits, licenses and consents required by such laws, ordinances, rules and regulations.

## **XI**

During the performance of this Agreement, the Contractor agrees as follows:

- A. 1. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except

where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

2. The Contractor, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, will state that such Contractor is an equal opportunity employer.

3. Notices, advertisements and solicitations placed in accordance with federal law, rules or regulations shall be deemed sufficient for the purpose of meeting the requirements of this section.

1. B. The Contractor will include the provisions of the foregoing paragraphs a, b, and c in every subcontract or purchase order of over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

C. During the performance of this contract, the Contractor will:

1. Provide a drug-free workplace for the Contractor's employees;

2. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

3. State in all solicitations or advertisements for employees placed by or on behalf of the Contractor that the Contractor maintains a drug-free workplace; and

4. Include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000.00 so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

D. In the event of the Contractor's noncompliance with this section of this Contract, (Section XI), this agreement may be cancelled, terminated or suspended, in whole or part, and the Contractor may be declared ineligible for further Agreements and such other sanctions may be imposed and remedies invoked as otherwise provided by law.

## **XII**

The Contractor shall, at all times, keep all roads, in the construction area, open and passable to normal traffic, considering short delays, which may be necessary in the performance of the work covered by the Agreement.

## **XIII**

No extra work, not required by the plans and specifications hereinbefore

mentioned, shall be performed or other material furnished unless on written order of the Board certifying that the performance of such extra work has been approved and authorized by it and there has been compliance with Virginia Code section 2.2-4309.

#### **XIV**

No extra compensation not specified in this Agreement shall be demanded or received by the Contractor for any changes or alterations in the work performed under this Agreement, or for any extra work unless the foregoing provisions of this Agreement have been complied with strictly and modification of said contract is compliant with Va. Code section 2.2-4309.

#### **XV**

No modification of any of the terms of this contract, nor any extension of the length of time allowed for the completion of the work governed by this contract, shall be valid without the advance written approval of the Buchanan County Board of Supervisors and in compliance with Va. Code section 2.2-4309.

The Contractor shall not assign his rights or obligations under this Agreement, nor have more than fifty percent (50%) of the work required by this Agreement performed by sub-contractors and only after approval by the Board of Supervisors.

#### **XVI**

Claims by the Contractors shall be made in accordance with Section 11-69 of the 1950 Code of Virginia, as amended, and shall include a sworn written statement of facts substantiating such claims, together with copies of all documents and photographs which tend to substantiate such claims. The Contractor shall be allowed to appear before the Board of Supervisors within thirty (30) days after having filed such claim to present its argument in support of such claim. The Board of Supervisors shall rule on such claim in writing within sixty (60) days of the time set for such hearing.

#### **XVII**

The parties agree that in the event the Contractor defaults in its performance of this Agreement or in the event that any money is paid by the Contractor's surety for the completion of this Contract, that the Contractor shall be disqualified from bidding on any future county construction projects for a period of two (2) years.

#### **XIII**

The County may cancel this Agreement at any time based upon a decision by the Buchanan County Board of Supervisors that such cancellation is in the best interest of the County. Any such decision shall be a discretionary decision of the Board. In the event of a cancellation pursuant to this paragraph, then the County shall not be liable to the Contractor for his bidding cost or for any amount other than the fair market value of the construction work completed by the Contractor pursuant to this Contract as of the time of the cancellation.

#### **XIX**

This Agreement shall be construed in accordance with the laws of the

Commonwealth of Virginia. The parties agree that the Circuit Court for Buchanan County shall be the proper venue for any litigation hereunder whether or not such alleged breach involves Federal law or jurisdiction.

**XX**

If any provisions of this Agreement shall be deemed by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall nevertheless remain in full force and effect.

**XXI**

The Contractor if organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as registered limited partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity.

**EXECUTED IN DUPLICATE ORIGINALS.**

**WITNESS** the following signatures and seals:

**BUCHANAN COUNTY BOARD OF SUPERVISORS**

By: \_\_\_\_\_  
Tim Hess, Chairman

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

By: \_\_\_\_\_  
**CONTRACTOR: Techni-Turf, LLC.**

**APPROVAL**

The form of the foregoing Agreement by and between the Buchanan County Board of Supervisors and \_\_\_\_\_ is here by approved.

Witness the following signature and seal:

\_\_\_\_\_  
ATTORNEY FOR THE COUNTY OF BUCHANAN

DATE: \_\_\_\_\_

\_\_\_\_\_ 000 \_\_\_\_\_

**IN RE:        CONSIDER APPROVING AN ADDITIONAL BUDGET  
                 APPROPRIATION IN THE AMOUNT OF \$629,000.00  
                 EARMARKED FOR THE ARPA FUNDING TO BE RECEIVED  
                 FOR THE BUCHANAN COUNTY SHERIFF’S OFFICE TO FUND  
                 33, EQUIPMENT FUND**

After a general discussion by the board upon motion by Craig Stiltner seconded by Drew Keene and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve an additional budget appropriation in the amount of

\$629,000.00 earmarked for the ARPA Funding to be received for the Buchanan County Sheriff's Office to fund 33, equipment fund.

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**IN RE:            CONSIDER ADOPTING THE RESOLUTION REGARDING THE CONTRACT WITH HICOK, BROWN & COMPANY CPAS FOR PRE-AUDITING SERVICES FOR THE YEARS ENDING JUNE 30<sup>TH</sup>, 2024, JUNE 30<sup>TH</sup>, 2025 AND JUNE 30<sup>TH</sup>, 2026**

After a general discussion by the board upon motion of Craig Stiltner seconded by G. Roger Rife and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve the following Resolution regarding the Contract with Hicok, Brown & Company CPAs for pre-auditing services for the years ending June 30<sup>th</sup>, 2024, June 30<sup>th</sup>, 2025 and June 30<sup>th</sup>, 2026.

**RESOLUTION**

**RE: CONTRACT FOR PRE-AUDITING SERVICES FOR THE YEARS ENDING JUNE 30<sup>TH</sup>, 2024, JUNE 30<sup>TH</sup>, 2025 AND JUNE 30<sup>TH</sup>, 2026**

WHEREAS, the Buchanan County, Va., Board of Supervisors authorized to advertise a Public Notice requesting Proposals for Pre-Auditing Service for the years ending June 30<sup>th</sup>, 2024, June 30<sup>th</sup>, 2025 and June 30<sup>th</sup>, 2026; and

WHEREAS, only one proposal was received for the services to pre-audit the financial statements of the County; its component unit School Board; its component unit Public Service Authority; and the School Activity Funds for the fiscal years ending June 30, 2024 through June 30, 2026; and

WHEREAS, the Buchanan County, Va., Board of Supervisors finds that Hicok, Brown & Company, the only offeror, is fully qualified as per Virginia Code Section 2.2-4302.2(A)(4); and accordingly, that a contract should be negotiated and awarded to Hicok, Brown & Company to perform said pre-auditing services; and

NOW, THEREFORE BE IT RESOLVED, by the Buchanan County, Va. Board of Supervisors, that the Chairman of the Buchanan County, Va., Board of Supervisors and the County Administrator are hereby authorized to sign a Contract between Hicok, Brown & Company and Buchanan County, Virginia for pre-auditing services in a form approved by the County Attorney.

This resolution was adopted this the 7<sup>th</sup> day of August 2023 by the Buchanan County, Va., Board of Supervisors.

Recorded Vote:

Moved by: Craig Stiltner  
Seconded by: G. Roger Rife  
Yeas: Seven  
Nays: Zero

\_\_\_\_\_  
Tim Hess, Chairman of the  
Buchanan County, Va. Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

**IN RE: CONSIDER ADOPTING THE RESOLUTION REGARDING THE CONTRACT WITH ROBINSON, FARMER, COX ASSOCIATES AUDITING SERVICES FOR THE YEARS ENDING JUNE 30<sup>TH</sup>, 2024 THROUGH JUNE 30<sup>TH</sup>, 2026**

After a general discussion by the board upon motion by Craig Stiltner seconded by J. Carroll Branham and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby adopt the following Resolution regarding the Contract with Robinson, Farmer, Cox Associates auditing services for the years ending June 30<sup>th</sup>, 2024 through June 30<sup>th</sup>, 2026.

**RESOLUTION**

**RE: Contract for Auditing Services for the Years Ending June 30<sup>th</sup>, 2024, June 30<sup>th</sup>, 2025 and June 30<sup>th</sup>, 2026**

WHEREAS, the Buchanan County, Va., Board of Supervisors authorized to advertise a Public Notice requesting Proposals for Auditing Service for the years ending June 30<sup>th</sup>, 2024, June 30<sup>th</sup>, 2025 and June 30<sup>th</sup>, 2026; and

WHEREAS, only one proposal was received for the services to audit the financial statements of the County; its component unit School Board; its component unit Public Service Authority; and the School Activity Funds for the fiscal years ending June 30, 2024 through June 30, 2026; and

WHEREAS, the Buchanan County, Va., Board of Supervisors finds that Robinson, Farmer, Cox Associates, the only offeror, is fully qualified as per Virginia Code Section 2.2-4302.2(A)(4); and accordingly, that a contract should be negotiated and awarded to Robinson, Farmer, Cox and Associates to perform said auditing services; and

NOW, THEREFORE BE IT RESOLVED, by the Buchanan County, Va. Board of Supervisors, that the Chairman of the Buchanan County, Va., Board of Supervisors and the County Administrator are hereby authorized to sign a Contract between Robinson, Farmer, Cox Associates and Buchanan County, Virginia for auditing services in a form approved by the County Attorney.

This resolution was adopted this the 7<sup>th</sup> day of August, 2023 by the Buchanan County, Va., Board of Supervisors.

Recorded Vote:

Moved by: Craig Stiltner  
Seconded by: J. Carroll Branham  
Yeas: Seven  
Nays: Zero

\_\_\_\_\_  
Tim Hess, Chairman of the  
Buchanan County, Va. Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

**IN RE: CONSIDER ADOPTING RESOLUTION FOR THE RATIFICATION OF THE ACCEPTANCE OF THE DEED BY AND BETWEEN NICHOLAS SCOTT PRATER AND TRACI MARIE SMITH, HUSBAND AND WIFE TO BUCHANAN COUNTY REGARDING THE ACQUISITION OF PROPERTY AS PART OF THE U.S. ARMY CORPS OF ENGINEERS NON-STRUCTURAL PROJECT**

After a general discussion by the board upon motion by Craig Stiltner seconded by Drew Keene and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby adopt the following Resolution for the ratification of the acceptance of the deed by and between Nicholas Scott Prater and Traci Marie Smith, husband and wife to Buchanan County regarding the acquisition of property as part of the U.S. Army Corps of Engineers Non-Structural Project.

**RESOLUTION**

**IN RE: ACCEPTANCE OF DEED BY AND BETWEEN NICHOLAS SCOTT PRATER AND TRACI MARIE SMITH, HUSBAND AND WIFE TO BUCHANAN COUNTY, VIRGINIA**

**BE IT RESOLVED**, by the Buchanan County Board of Supervisors that we approve acceptance of the property described in that Deed recorded in the Buchanan County Circuit Court Clerk’s Office, Instrument Number 230000808 between Nicholas Scott Prater and Traci Marie Smith, Husband and Wife and Buchanan County, Virginia. This deed is a General Warranty Deed with the U.S. Army Corps of Engineers. Levisa Fork River Valley, Buchanan County Non-Structural Project Tract NO. 8701.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 7<sup>th</sup> day of August, 2023 by a roll call vote of seven for and zero against.

\_\_\_\_\_  
Tim Hess, Chairman of the  
Buchanan County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

**IN RE: CONSIDER AUTHORIZING THE REMOVAL AND DISPOSAL OF THE ABANDONED STRUCTURE AS A PUBLIC NUISANCE ON TAX MAP #2HH236083 ON OR AFTER AUGUST 14, 2023**

After a general discussion by the board upon motion by Craig Stiltner seconded

by J. Carrol Branham and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby authorize the removal and disposal of the abandoned structure as a public nuisance on tax map #2HH236083 on or after August 14, 2023.

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**IN RE:            CONSIDER APPOINTMENT/REAPPOINTMENT TO THE  
                      BUCHANAN COUNTY DEPARTMENT OF SOCIAL SERVICES  
                      ADMINISTRATIVE BOARD FOR THE HURRICANE DISTRICT.  
                      (CURRENT: LINDA BOYD)**

After a general discussion by the board upon motion by Craig Stiltner seconded by Drew Keene and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby appoint Tom Mackey as Hurricane District Representative to the Buchanan County Department of Social Services Administrative Board for a four-year term ending in July 2027.

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**IN RE:            CONSIDER APPOINTMENTS/REAPPOINTMENTS TO THE  
                      APPALACHIAN COLLEGE OF PHARMACY BOARD OF  
                      TRUSTEES. (CURRENT: ROBERT C. HORN, G. ROGER RIFE  
                      AND EURAL VIERS). (RECOMMENDATION: REBECCA  
                      THORNBURY)**

After a general discussion by the board upon motion by J. Craig Stiltner seconded by Drew Keene and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby reappoint Robert Craig Horn, G. Roger Rife, Eural Viers and appointed Rebecca Thornbury to the Appalachian College of Pharmacy Board of Trustees for a three-year term ending September 2026.

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**IN RE:            CONSIDER ACCEPTING THE RESIGNATION FROM KATE  
                      MCCLANAHAN ON THE APPALACHIAN JUVENILE  
                      COMMISSION**

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby accept the resignation from Kate McClanahan on her appointment to the Appalachian Juvenile Commission Board of Directors.

**IN RE:            CONSIDER AN ADDITIONAL APPROPRIATION TO  
                      BUCHANAN COUNTY PUBLIC LIBRARY IN THE AMOUNT OF  
                      \$9,238.22 TO ACCOUNT NUMBER 73010**

After a general discussion by the board upon motion by Craig Stiltner seconded by G. Roger Rife and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve an additional appropriation to Buchanan County Public Library in the amount of \$9,238.22 to account number 73010.

**IN RE:            CONSIDER APPROVING REQUEST FROM BUCHANAN  
                      COUNTY HEAD START FOR THE SUBMISSION OF THE  
                      \$2,207,141.00 CONTINUATION/REFUNDING GRANT  
                      APPLICATION FOR THE BUCHANAN COUNTY HEAD START**

After a general discussion by the board upon motion by Trey Adkins seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve the request from Buchanan County Head Start for the submission of the \$2,207,141.00 continuation/refunding grant application for the Buchanan County Head Start.

**IN RE:            CONSIDER APPROVING ADDITIONAL APPROPRIATIONS**

After a general discussion by the board upon motion by J. Carroll Branham seconded by G. Roger Rife and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve the following additional appropriations:

- Additional appropriation in the amount of \$360.00 to Sheriff's Office (salaries) account number 31020-1150;
- Appropriation in the amount of \$1,440.00 to Sheriff's Office (salaries) account number 31020-1150;
- Appropriation in the amount of \$2,153.27 to Sheriff's Office (vehicle and power equipment) account number 31020-6009;
- Additional appropriation in the amount of \$600.00 to Garden District Park and Development account number 71060-7010-03;
- Additional appropriation in the amount of \$90.00 to Coal Canyon Permits account number 81010-5605;
- Additional appropriation in the amount of \$68.00 to Rocklick Park & Rec. account number 71040-5604-06;
- Additional appropriation in the amount of \$275.00 to Rocklick Park & Rec. account number 71040-5604-06;
- Additional appropriation in the amount of \$75.00 to Rocklick Park & Dev.

account number 71060-7010-06;

- Additional appropriation in the amount of \$6,404.42 to Athletic Fields Supplies, account number 71040-5604-09;
- Additional appropriation in the amount of \$425.00 to Rocklick Park & Rec. account number 71040-5604-06;
- Additional appropriation in the amount of \$65.00 to Rocklick Park & Dev. account number 71060-7010-06;
- Additional appropriation in the amount of \$3,689.01 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$2,487.95 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$1,640.75 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$4,362.13 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$1,733.93 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$1,904.00 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$2,388.25 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$2,067.35 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$2,959.05 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$2,362.05 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$2,517.25 to William P. Harris Park (supplies) account number 71040-6022-02.

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**IN RE: CONSIDER APPROVING LOW BIDS FOR MOTOR OIL, SYNTHETIC OIL AND LUBRICANTS; HEATING OIL AND ON-ROAD DIESEL AND OFF-ROAD DIESEL FUEL**

After a general discussion by the board upon motion by Carroll Branham seconded Drew Keene and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve the following bids:

- Motor Oil, Synthetic Oil and Lubricants
- Heating Oil, On-Road Diesel and Off-Road Diesel Fuel

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**IN RE: CONSIDER APPROVING BIDS FOR GENERAL OFFICE AND DATA PROCESSING SUPPLIES USED BY COUNTY DEPARTMENTS AND OFFICES; JANITORIAL SUPPLIES USED BY COUNTY DEPARTMENTS AND OFFICES**

After a general discussion by the board upon motion by Trey Adkins seconded Drew Keene and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff

Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve the following bids:

- General office and data processing supplies used by county departments and offices;
- Janitorial supplies used by county departments and offices.

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**IN RE: CONSIDER APPROVING THE LIST OF STUDENTS AS RECIPIENTS OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS SCHOLARSHIP AWARD FOR 2023/2024 ACADEMIC YEAR**

After a general discussion by the board upon motion of Jeff Cooper seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve the following list of students as recipients of the Buchanan County Board of Supervisors Scholarship award for 2023/2024 academic year:

Third Year Students

Gunner Baker	Vansant, Virginia	\$5,833.33
William Justus	Hurley, Virginia	\$5,833.33
Madison Keen	Oakwood, Virginia	\$5,833.33
Stacey Looney	Vansant, Virginia	\$5,833.33
Hope Shortridge	Grundy, Virginia	\$5,833.33

Second Year Students

Jamie Blankenship	Hurley, Virginia	\$5,833.33
Hannah Casey	Hurley, Virginia	\$5,833.33
Makayla Hutchinson	Big Rock, Virginia	\$5,833.33
Siera Newberry	Big Rock, Virginia	\$5,833.33

First Year Students

Micah Blankenship	Hurley, Virginia	\$5,833.33
Brady Justice	Hurley, Virginia	\$5,833.33
Kaelyn Rife	Vansant, Virginia	\$5,833.33

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**IN RE: CONSIDER RATIFYING TEMPORARY PART-TIME WEED CUTTERS AND COUNCIL POOL EMPLOYEES**

After a general discussion by the board upon motion by G. Roger Rife seconded by Trey Adkins and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby ratify the following temporary part-time weed cutters and litter clean-up employees:

William Adkins – Knox District	Kobe Blankenship – North Grundy District
Cheyenne Burress – Council Pool	Christopher Casey – Knox District
Amber Christian – Council Pool	Tommy Hurley – Knox District
William C. Justice – Knox District	Larry Justus – Knox District
Brandon Kyle – Knox District	Dave Mullins – Knox District
Zachery Mullins – Knox District	Luca Reed – Council Pool

Devin Rife – Knox District  
Bobby Slone – South Grundy District  
Daniel Vance – Knox District

Gary Sargent – Knox District  
McKenzie Street – Council Pool  
Billy Whitt – Knox District

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**IN RE:            CONSIDER APPROVING A LETTER TO BE SENT TO THE  
GOVERNOR OF VIRGINIA REGARDING VERIZON CELL  
SERVICE**

Trey Adkins, Knox District Supervisors requested that a letter be sent to Governor Younkin regarding poor cell phone services in the county. Cell service has decreased in the past five years and this is making it difficult for emergency services to operate in the county. Residents' health in this county is at risk, due to this reason, he stated. Also, many residents have disconnected their landlines and are using their cell phones at home, commented Mr. Adkins.

After a general discussion by the board upon motion by Trey Adkins seconded by Jeff Cooper and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to send a letter to Governor Younkin requesting assistance in expending cell phone signal coverage in Buchanan County.

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**IN RE:            CLOSED SESSION 2.2-3711 1950 CODE OF VIRGINIA**

Upon a motion by Craig Stiltner seconded by Drew Keene and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board agreed to convene in closed session as permitted by Virginia Code Section, 2.2-3711 (A)(1), a personnel matter involving county fire and rescue squads, waterline crew, construction crew, mechanic position, carpenter crew, bridge crew, custodial services and appointments to the Appalachian School of Law Board of Trustees; Virginia Code Section, 2.2-3711 (A)(3); a matter involving acquisition of property for public purposes and Virginia Code Section, 2.2-3711 (A)(8), consultation with legal counsel regarding a lease with Norfolk and Southern Railway; bridges that are a public nuisance and the purchase of prior services through Virginia Retirement System.

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Motion was made by Craig Stiltner to return from closed session seconded by G. Roger Rife and with the following roll call vote of seven (7) yeas, Trey Adkins, J. Carroll Branham, Drew Keene, Tim Hess, G. Roger Rife, Craig Stiltner, Jeff Cooper, and zero (0) nays, this board did hereby approve to return from closed session.

This board meeting resumed in open session after being in executive session for one (1) hour and forty (40) minutes.

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A motion Craig Stiltner seconded by J. Carroll Branham with Tim Hess, Chairman of the Buchanan County Board of Supervisors announcing during such session the board had also discussed Virginia Code Section, 2.2-3711 (A)(1), a personnel matter involving compensation issued to public works employees.

The board of supervisors ratified the discussion of the additional matters during closed session and then each of the members of the board certified that they did not discuss any other matters other than the foregoing in such session.

The motion was agreed upon by the following roll call vote of seven (7) yeas, Drew Keene, Trey Adkins, Tim Hess, Jeff Cooper, G. Roger Rife, Craig Stiltner, J. Carroll Branham and zero (0) nays.

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**IN RE:            CONSIDER APPOINTMENTS/REAPPOINTMENTS TO THE  
APPALACHIAN SCHOOL OF LAW BOARD OF TRUSTEES.  
(CURRENT: REECE ROBERTSON, DONALD RATLIFF, THE  
HONORABLE PAT JOHNSON AND JEFF TAYLOR).**

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with a roll call vote of seven (7) yeas, Drew Keene, Trey Adkins, Tim Hess, Jeff Cooper, G. Roger Rife, Craig Stiltner, J. Carroll Branham and zero (0) nays, with the exception that Mr. Adkins voted no on the appointment of Reece Robertson, this board did hereby reappoint The Honorable Pat Johnson, Reece Robertson, Donald Ratliff and Jeff Taylor to the Appalachian School of Law Board of Trustees for a three (3) year term effective from July 1<sup>st</sup>, 2023 through June 30<sup>th</sup>, 2026.

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**IN RE:            CONSIDER APPROVAL TO ISSUE PAYMENT FOR LEASE  
AGREEMENT BETWEEN NORFOLK AND SOUTHERN  
RAILWAY COMPANY AND BUCHANAN COUNTY, VIRGINIA**

After a general discussion by the board upon motion by Craig Stiltner seconded by Drew Keene and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to issue payment in the amount of \$1,850.00 to Norfolk and Southern Railway Company for a Lease Agreement that was approved on September 10<sup>th</sup>, 1979 by the board of supervisors for the use of a vehicular bridge located in the Rocklick Magisterial District. This is subject to negotiating the provisions for increasing the annual rent by CPI with a cap on the annual increase. Robert C. Horn, County Administrator and L. Lee Moise, County Attorney are authorized to negotiate the provision in the lease for annual increases in rent.

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**IN RE:            CONSIDER HIRING A FULL-TIME GIS COORDINATOR**

After a general discussion by the board upon motion by Jeff Cooper seconded Drew Keene and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to hire Carla Brown Hurley as GIS Coordinator for Buchanan County at a salary of \$79,000 per year.

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**IN RE:            CONSIDER APPROVING TO HIRE A CONSTRUCTION CREW AND WATERLINE CREW**

After a general discussion by the board upon motion by Craig Stiltner seconded Drew Keene and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to hire the following:

**Waterline Construction Crew**

- Mike Boyd, Supervisor at a salary of \$65,000 per year
- David Stiltner, Truck Driver at a salary of \$50,000 per year
- Michael Barton, Laborer at a salary of \$40,000 per year
- Keaton Honaker, Laborer at a salary of \$40,000 per year

**Construction Crew**

- Walter Honaker, Supervisor at a salary of \$65,000 per year
- Steven Rowe, Tuck Driver at a salary of \$50,000 per year
- Johnny Hayes, Laborer at a salary of \$40,000 per year
- Dustin Stiltner, Laborer at a salary of \$40,000 per year

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**IN RE:            CONSIDER CUSTODIAL EMPLOYEES**

This issue was tabled, no action taken.

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**IN RE:            CONSIDER APPOINTING A COMMITTEE TO LOCATE EQUIPMENT O BE USED BY THE CONSTRUCTION AND WATERLINE CREWS**

After a general discussion upon motion by Craig Stiltner seconded J. Carroll Branham and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to allow Marcus Stiltner, Benji Looney and Trey Adkins to locate equipment that can be used by the construction and waterline crews for the county and coordinate with the county administrator and county attorney.

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**IN RE:            CONSIDER REQUESTING THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO REDUCE THE SPEED LIMIT ON  
STATE ROUTE 645**

After a general discussion by the board upon motion by Craig Stiltner seconded by J. Carroll Branham and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to request the Virginia Department of Transportation to reduce the speed limit on State Route 645 for loaded large/coal trucks to 25 mph and unloaded large/coal trucks to 35 mph.

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**IN RE:            CONSIDER APPROVING TO CONSTRUCT A NEW BRIDGE ON  
TURN DOWN ROAD/BRIDGE LOCATED IN THE HURRICANE  
MAGISTERIAL DISTRICT**

Tim Hess, Chairman asked Marcus Stiltner, Coal Haul Road Engineer what the estimate was a couple years ago to construct a new bridge on Turn Down Road/Bridge?

Marcus Stiltner, Coal Haul Road Engineer stated a couple years ago the estimate was approximately \$120,000 to \$124,000 for materials.

After a general discussion by the board upon motion by Drew Keene seconded Craig Stiltner and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to construct a new bridge on Turn Down Road/Bridge located in the Hurricane Magisterial District.

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**IN RE:            CONSIDER APPROVING AND ISSUING PAYMENT FOR  
CONTRIBUTIONS**

After a general discussion by the board upon motion by Trey Adkins seconded by J. Carroll Branham and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to issue a check for the following contributions:

Clinch Independent Living Services (Fr: All Senior Citizens and Park and Development) (Knox accounts)	\$14,000.00
The American Legion	\$1,000.00
Grundy High School (patching pot holes) general prop.	\$12,000.0
Willowbrook Golf Course	\$1,200.00
Prater Volunteer Fire & Rescue	\$6,349.48
Grundy High School (volleyball)	\$6,425.20
Oakwood Fire and Rescue	\$26,796.33

Buchanan County Tech. and Career Center (Love Sign)	\$551.00
Whitewood Senior Citizens	\$500.00

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**IN RE:            CONSIDER APPROVING TO ADVERTISE FOR A BRIDGE  
CREW LABORER POSITION**

After a general discussion by the board upon motion by Trey Adkins seconded by J. Carroll Branham and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to advertise for a laborer position for the bridge crew.

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**IN RE:            CONSIDER APPOINTMENT TO THE SOUTHWEST VIRGINIA  
REGIONAL JAIL AUTHORITY BOARD OF DIRECTORS**

After a general discussion by the board upon motion of Drew Keene seconded by Jeff Cooper and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby appoint Doug R. Baker to fill the unexpired term of Danny Lowe to the Southwest Virginia Regional Jail Authority Board of Directors.

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**IN RE:            CONSIDER APPROVING TO ADVERTISE FOR A MECHANIC  
FOR THE BUCHANAN COUNTY GARAGE**

After a general discussion by the board upon motion by Drew Keene seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to advertise for a mechanic for the Buchanan County Garage.

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**IN RE:            CONSIDER ISSUE PAYMENTS TO GLATFELTER INSURANCE  
GROUP AND J. MARK BOWERY INSURANCE FOR  
INSURANCE FOR COUNCIL VOLUNTEER FIRE DEPARTMENT  
AND DAVENPORT LIFESAVING CREW**

After a general discussion by the board upon motion by Jeff Cooper seconded Craig Stiltner and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to issue payments to Glatfelter Insurance Group and J. Mark Bowery Insurance for insurance for Council Volunteer Fire Department and Davenport Lifesaving Crew.

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**IN RE:            CONSIDER APPROVING TO SCHEDULE A PUBLIC HEARING ON MONDAY, SEPTEMBER 11<sup>TH</sup>, 2023 AT 6:45 P.M. TO HEAR PUBLIC COMMENTS REGARDING A PROPOSED ORDINANCE TO ESTABLISH PAYMENT FOR ONE TIME BONUSES**

After a general discussion by the board upon motion by Craig Stiltner seconded Jeff Cooper and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve to schedule a public hearing for Monday, September 11<sup>th</sup> 2023 at 6:45 p.m. to hear public comments on a proposed adoption of a proposed Ordinance entitled: **“An Ordinance to Establish Payment of One Time Bonuses totaling Four Thousand Five Hundred Thirty-One Dollars and Eighty-Seven Cents (\$4,531.87) Bonuses for eleven Buchanan County Public Works Department Employees Whose Salaries are Paid with Local Funds.**

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**IN RE:            CONSIDER APPROVING THE REMOVAL OF AN ABANDONED DANGEROUS BRIDGE THAT CONSTITUTES A PUBLIC NUISANCE THAT PRESENTS A IMMEDIATE AND IMMINENT THREAT TO LIFE OR PROPERTY**

After a general discussion by the board upon motion by J. Carroll Branham seconded Drew Keene and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby approve the removal of an abandoned dangerous bridge that constitutes a public nuisance that present an immediate and imminent threat to life or property.

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**IN RE:            CONSIDER ADOPTING THE BUCHANAN COUNTY, VIRGINIA EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

After a general discussion by the board upon motion by J. Carroll Branham seconded Craig Stiltner and a roll call vote of seven (7) yeas, J. Carroll Branham, Craig Stiltner, Jeff Cooper, Tim Hess, Drew Keene, G. Roger Rife, Trey Adkins and zero (0) nays, this board did hereby adopt the enclosed Buchanan County, Virginia Equal Employment Opportunity Policy Statement.

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**IN RE:            ADJOURNMENT**

After a general discussion by the board upon motion by Jeff Cooper seconded by Drew Keene and with a roll call vote of seven (7) yeas, Trey Adkins, J. Carroll Branham,

G. Roger Rife, Tim Hess, Jeff Cooper, Drew Keene, Craig Stiltner and zero (0) nays, this board did hereby approve to adjourn the meeting.

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Tim Hess, Chairman of the  
Buchanan County Board of Supervisors

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Robert Craig Horn, County Administrator