

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 2nd day of January 2008 at 1:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. R. Vandall	ABSENT: None
	Mr. C. Adams	
	Mr. V. Wood	
	Mr. L. Parrish	
	Mr. D. Kidd	

Mr. Parrish opened with prayer and led in the pledge of allegiance.

IN RE: REORGANIZATION FOR 2008

Rodney E. Taylor, County Administrator, opened the floor to nominations for Chairman,

On motion of Mr. Vandall and with the following vote, Mr. Vandall nominated Mr. Wood as Chairman, There were no other nominations and Mr. Parrish moved that nominations be closed.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall
NAY: None

Mr. Taylor declared Mr. Wood Chairman by acclamation. Mr. Taylor turned the floor over to Mr. Wood.

Mr. Wood requested nominations for Vice-Chairman. Mr. Vandall nominated Mr. Parrish for Vice-Chairman. There were no other nominations. Mr. Wood moved that nominations be closed.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall
NAY: None

Mr. Wood declared Mr. Parrish Vice-Chairman by acclamation.

Mr. Parrish moved to appoint Rodney E. Taylor as Clerk to the Board and David Proffitt, Assistant Clerk for 2008.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall
NAY: None

Mr. Wood moved to set regular board meeting times for the 1st Tuesday of each month at 1:00 p.m. in the Administration Building, Supervisors Board Room and the 3rd Tuesday of each month at 7:00 p.m. in the School Administration Board room. Also the 1st meeting of July and August will be held on the 3rd Tuesday and commence at 1:00 p.m. for each of those months. Consideration of separating of the regular Planning Commission/Board of Supervisors will be considered at the February 2008 meeting.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall
NAY: None

On motion of Mr. Parrish and with the following vote, the Board of Supervisors moved to adopt the following Rules of Order and Procedure for the Board of Supervisors for 2008.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

Nay: None

**RULES OF ORDER AND PROCEDURE
BOARD OF SUPERVISORS
AMHERST COUNTY, VIRGINIA**

1. OPENING

A majority of the Board shall constitute a quorum for the transaction of business, but a small number may fix the time to which to adjourn, may adjourn to that time, may recess for a stated period of time, or take measures to secure a quorum by sending for absentees.

The Chairman shall take the chair at the hour which the Board shall have set for regular or special meetings, shall immediately call the Board to order, and, a quorum being present, at the first meeting of each month shall cause the minutes of the preceding month's meetings to be submitted and call for any corrections. Ordinarily, corrections shall be made by unanimous consent. If such consent cannot be secured, the correction shall be by a motion duly made and carried. The minutes as submitted, if correct, or as corrected shall be signed by the Chairman and the Clerk, and the signed minutes shall be the authentic records of the proceedings of the Board of Supervisors. They shall be preserved in the form and place prescribed by the Commonwealth and be available for public inspection as state law requires.

II. CHAIRMAN

At the first meeting following its election, the Board of Supervisors shall first decide the term of office for its chairman and vice-chairman (i.e., for one year or for the term of the Board) and then proceed to elect one of its members as chairman and one of its members as vice-chairman. The chairman presides at all subsequent meetings at which he is present, serves in all capacities to which he is named by the Board, and otherwise discharges the customary responsibilities of this office such as advising the clerk on the preparation of the docket and the scheduling of public hearings. The vice-chairman shall preside at all meetings at which the chairman is absent and may discharge any other duties of the chairman which become necessary and are permitted under the Code of Virginia during the chairman's absence or disability. Whenever both the chairman and vice chairman are absent from a board meeting, the members present must elect one of their number to serve as a temporary chairman.

III. The CLERK

The clerk of the Board of Supervisors shall be the County Administrator who is appointed by the Board and serves at its pleasure in compliance with the constitutional form of county government as established by the Code of Virginia. The minutes of the preceding month's meetings of the Board shall be duly drawn by the clerk (viz., the County Administrator), circulated with the agenda at the first meeting of each month and call for any corrections.

IV. PREPARATION OF THE AGENDA

It shall be the duty of the County Administrator to prepare the agenda of each regular and special meeting of the Board of Supervisors and to see that all necessary papers, including but not limited to ordinances, resolutions, and petitions, shall be drafted, copied and circulated with the agenda to the members of the Board so that they may be reviewed at least 48 hours prior to the meeting for which these items are docketed. If any necessary information or papers shall not be ready when a particular item is reached on the agenda, that item shall be passed by and taken up at a later time, except that the Board may, at its discretion, engage in general (discussion of an item with a view to determining what additional materials are needed and how they may be secured. Normally, the County Administrator shall prepare the agenda and all relevant information one week prior to the meeting and close the agenda at that time. Citizens are encouraged to make arrangements to be placed on the agenda to insure being heard, and the Board shall from time to time make this policy and schedule known to the public.

V. CONDUCT OF BUSINESS

The chairman shall preserve order and decorum at all meetings and public hearings, may speak to points of order in preference to other members, and shall decide questions of order without debate except that he may permit a member to explain his point or allow other members to be heard by way of explanation. If the chair is in doubt as to how to rule on an important point, he can put it to a vote of the Board. Rulings of the chair may be appealed by any two members.

When a member wishes to speak, he shall ask recognition by saying, "Mr. Chairman". In speaking he shall confine himself to the question before the Board. When two or more members seek recognition at the same time, the chairman shall decide which addressed him first, and the order of recognition for the other member or members shall be duly observed.

No member shall, in debate, engage in any form of personal attack or questioning of motives, nor shall he otherwise seek to offend or insult another member, nor shall he speak adversely of a prior action which is not pending. All remarks shall be addressed through the chair. Questions during debate may be raised through points of information. No member shall take any action intended to interrupt, hinder, or confuse the proceedings of the Board while it is in session.

Citizen speakers shall speak once to an issue and confine their remarks to the question before the Board. They may, however, respond to questions of members of the Board for as long as the chair permits. The Board may determine a time limit on citizen speakers, individually or collectively, for any item of business. Citizen speakers should avoid repetition insofar as possible.

VI. TAKING THE VOTE

The chairman shall put the pending question, being sure that the motion or other action has been recorded by the clerk in the proper form and that it is clear to all members. All substantive motions and actions shall be taken by roll call vote in order to meet the legal requirements of the Commonwealth and to inform the public. Procedural questions may be settled by a voice vote, provided that any member may call for a roll call at the time of the vote.

If a member abstains, he shall state the reason for doing so. An abstention does not constitute a negative vote so a motion may be adopted by less than a majority of those present. The vote of a member of the Board of Supervisors becomes final once it is cast; it cannot be changed except after adoption of a motion to reconsider the action. If one or more members are disqualified from voting on an item under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of supervisors required for action, the remaining member or members may act by majority vote. (Virginia County supervisors' Manual, 6th ed., P.4 - 28)

VII. ORDINANCE, RESOLUTIONS, ETC.

Every resolution, ordinance and proposal shall be processed as prescribed by the General Laws of the Commonwealth of Virginia.

VIII. WITHDRAWAL OF EXHIBITS

Original papers, filed with exhibits with any ordinances or resolutions, may be withdrawn by the patron or upon his order on his leaving attested copies for which he shall pay the County Administrator at the rate provided by law for other copies made by him.

IX. MANUAL AND RULES

The rules of parliamentary practice comprised in Robert's Rules of Order Newly Revised shall govern the Board of Supervisors in all cases to which they are applicable and in which they are not inconsistent with these Rules of Order and Procedure and such other rules as may from time to time be established by the Board.

The rules of the Board may be suspended by a vote of the majority of the elected members. The maker of a motion to suspend a rule of the Board shall be allowed three minutes to state the reasons for his motion, and one member opposed to the motion shall be allowed a like time to state his objections.

The Board hereby adopts the following policies relative to procedures:

1. The Chairman can make motions, vote on all questions, engage in debate on motions and speak in discussion of general matters;
2. Motions do not require a second, except for a motion to adjourn and a motion to go into or out of closed session;
3. Informal discussion of a subject is permitted while no motion is pending.
4. The formal tie breaker procedure is not used and a tie vote defeats the motion.

IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS

On motion of Mr. Wood and with the following vote, the Board of Supervisors appointed Mr. C. Adams and Mr. V. Wood to serve on the School Board Liaison Committee.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

On motion of Mr. Wood and with the following vote, the Board of Supervisors appointed Mr. D. Kidd the Community Services Board and Social Services Board.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

On motion of Mr. Wood and with the following vote, the Board of Supervisors appointed Mr. L. Parrish and Mr. V. Wood to serve on the Town of Amherst Liaison Committee.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

On motion of Mr. Wood and with the following vote, the Board of Supervisors appointed Mr. V. Wood and Mr. C. Adams to serve on the Emergency Services Council.

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: APPROVAL OF AGENDA

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the agenda with the addition of closed session under legal issues regarding reassessment and personnel regarding County Attorney and recommendation by Service Authority concerning dam regulations under the County Administrator.

AGENDA

**WEDNESDAY, JANUARY 2, 2008
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**

III. Board of Supervisors – Organizational Actions for 2008

- a. Election of Chairman and Vice-Chairman
- b. Appointment of Clerk and Assistant Clerk to the Board of Supervisors
- c. Scheduling of Regular Monthly Meetings
- d. Adoption of Board of Supervisors Rules and Procedures
- e. Appointments to Boards and Commissions

IV. Approval of Agenda**V. Special Appearances and Presentations**

- a. CIP Financial – Dan Siegel and Roland Kooch
- b. Amherst County Housing & Community Development Foundations, Inc. – Troy Cash

VI. Amherst County Public Schools – Dr. John Walker**VII. Virginia Department of Transportation – Michael McCormack**

- a. Abandonment of a portion of Route 624 – Sara Holt
- b. Virginia Logos

VIII. Sheriff's Department

- a. Garage & Storage Space

IX. Citizen Comments**X. Consent Agenda**

- a. Board of Supervisors Meeting Minutes – December 4th, 13TH, 17th and 18th (6:30 p.m.) and (7:00 p.m.), 2007
- b. Public Safety Monthly Report for November 2007
- c. Sheriff's Department Monthly Report for November 2007
- d. New Recycling Collections
- e. Comcast
- f. VDOT – Traffic Alerts for Dec. 24-28, and Dec. 31, 2007 – Jan. 4, 2008

XI. Department ReportsDepartment of Accounting

- a. Monthly financial report

Department of Building

- a. Article IV. Unsafe Buildings

Department of Economic Development

- a. Construction of water line on East Progress Lane, Amelon Commerce Center

Department of Planning

- a. Zoning Case 2007-17 – Article III. Erosion and Sediment Control

Department of Purchasing

- a. Inoperable Motor Vehicle Disposal
- b. Buffalo River Property Lease Renewals

XII. County Administrator's Report

- a. Bedford County's Recycling Facility Visit
- b. VML, VACo co-sponsor Legislative Day – February 7, 2008
- c. Board of Supervisor's Advance
- d. Resolution honoring football team

XIII. County Attorney's Report

XIV. Matters from Members of the Board of Supervisors

XV. Appropriations/Transfers/Disbursements

XVI. Old Business (See packet)

XVII. Closed Meeting (§2.2-3711.A, Code of Virginia, as amended)

§2.2-3711.A.1 Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

- a. Personnel – Assistant Zoning Administrator Interviews

Sec. 2.2-3711.A.5 Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

- a. Prospective business

XVIII. Adjourn

AYE: Mr. Wood, Mr. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: AMHERST COUNTY HOUSING & COMMUNITY DEVELOPMENT FOUNDATIONS, INC. – TROY CASH

Glenn Sullivan and Troy Cash met with the Board regarding activities of the Amherst County Housing and Community Development Foundations, Inc.

IN RE: AMHERST COUNTY PUBLIC SCHOOLS – DR. JOHN WALKER

Dr. Walker, School Superintendent, met with the Board and provided a status report of current school activities.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – MICHAEL MCCORMACK

Mike McCormack, VDOT Resident Engineer, met with the board and provided information regarding (1) Highway Safety Challenge (2) Agenda items. State Trooper Sharpe addressed the Board regarding the Highway Safety Challenge.

IN RE: ABANDONMENT OF A PORTION OF ROUTE 624 – SARA HOLT

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved adoption of a following resolution regarding the abandonment of a portion of Rt. 624.

**A RESOLUTION STATING THE VACATING FOR ABANDONMENT A PORTION OF ROUTE 624
LOCATED IN AMHERST COUNTY, VIRGINIA**

WHEREAS, the Virginia Department of Transportation did acquire the necessary right-of-way for the relocation of Route 624 as a result of State Highway Project 6029-005-F22, RW203, C503, UPC 15842, and has provided this Board with a sketch revision dated November 30, 2007 depicting the necessary area of abandonment.

WHEREAS, a portion of the old road, being identified as Segment A-B on the referenced sketch, is deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, the new road, shown as Segment A-C on the referenced sketch, serves the same citizens as that portion of the old road identified to be abandoned and that segment no longer serves a public need; and

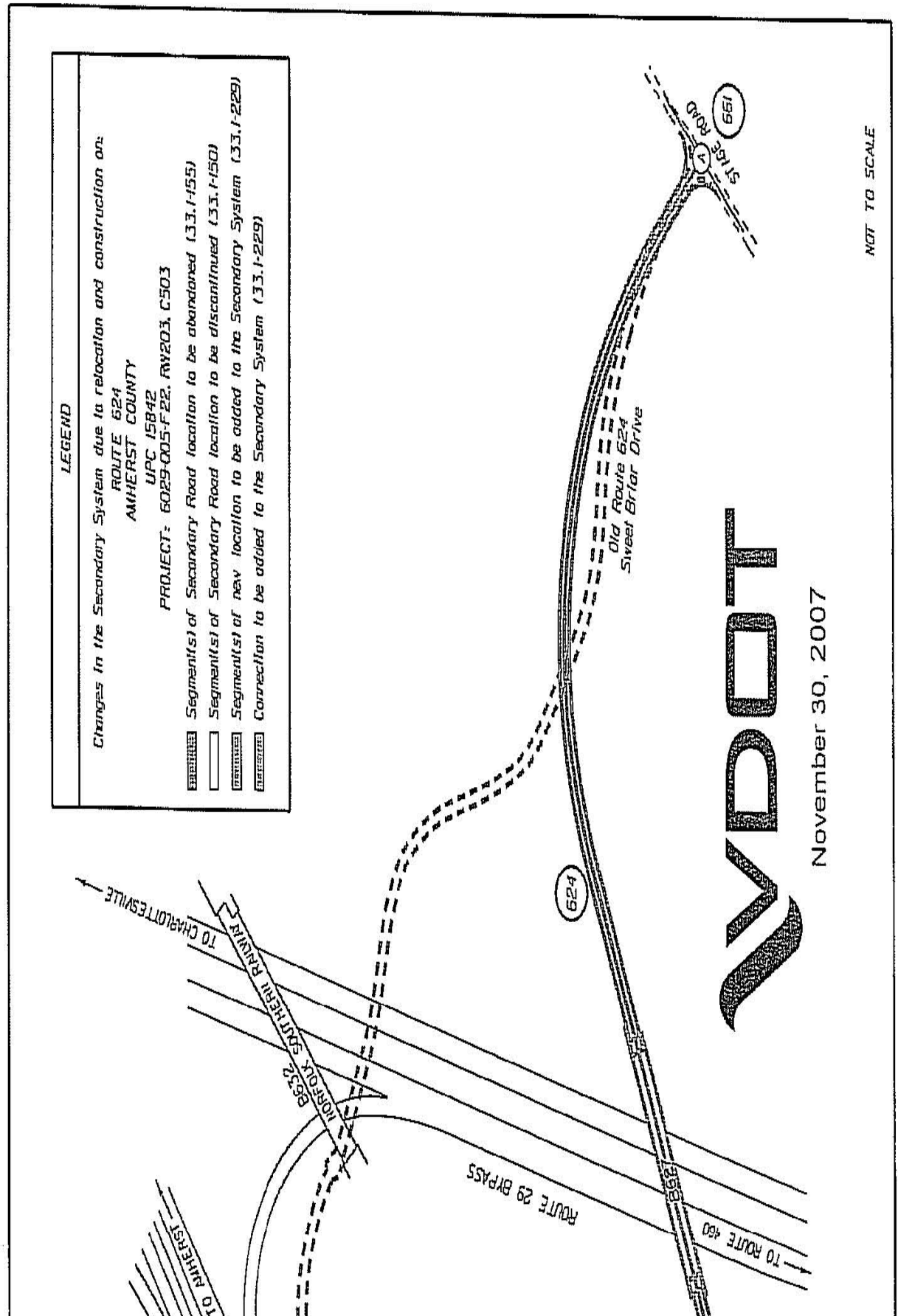
NOW, THEREFORE, BE IT RESOLVED, the Amherst County Board of Supervisors hereby abandons Segment A-B from the secondary system of state highways, pursuant to 33.1-155, Code of Virginia;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Amherst Residency Administrator for the Virginia Department of Transportation.

(ATTACHMENT A)

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None



IN RE: VIRGINIA LOGOS

Mr. McCormack proceeded to address the "Virginia Logos" signage program and provided a list of sign advisory committee members that may be contacted with requests for criteria changes.

Proposed revenue sharing programs were discussed.

Specific transportation concerns were expressed to Mr. McCormack by individual Board members.

IN RE: SHERIFF'S DEPARTMENT - GARAGE & STORAGE SPACE

Sheriff Ayers and Gary Roakes, Public Safety Director, met with the Board to request permission to erect a storage building 40' x 60' to protect and secure the County's forensics and armored vehicles. There was a Board discussion of several alternatives.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed the County Administrator and Deputy Administrator to investigate the feasibility of locating the proposed storage building between the current County Maintenance Building and 1st Street and report to the Board at the first regular meeting of February.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: CITIZEN COMMENTS

No citizen comments.

IN RE: CONSENT AGENDA

- a. Board of Supervisors minutes of December 2008

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the December 4th, 13th, 17th, and 18th (6:30 p.m. and 7:00 p.m.) 2007 minutes.

AYE: Mr. V. Wood, Mr. L. Parrish and Mr. R. Vandall

NAY: None

ABSTAIN: Mr. D. Kidd and Mr. C. Adams (were no in attendance)

- b. Public Safety Monthly Report for November 2007
- c. Sheriff's Department Monthly Report for November 2007
- d. New Recycling Collections
- e. Comcast
- f. VDOT – Traffic Alerts for Dec. 24-28, and Dec. 31, 2007 – Jan. 4, 2008

Information only.

IN RE: CIP FINANCIAL – DAN SIEGEL AND ROLAND KOOCH

Dan Siegel of Sands, Anderson and Roland Kooch of Davenport and Company met with the Board and presented documents for consummation of the first phase of the CIP financing which was first initiated in November 2007.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the adoption of the following financing resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA

WHEREAS, the Board of Supervisors (**the “Board of Supervisors”**) of Amherst County, Virginia (**the “County”**) directed Davenport & Company LLC (**the “Financial Advisor”**) to prepare a Request for Proposals (**the “RFP”**) to obtain financing proposals to pay the costs of the acquisition, construction, renovation, equipping, installation and furnishing of various capital improvement projects for the County as listed on the RFP (**collectively, the “Projects”**);

WHEREAS, the Financial Advisor received responses to the RFP that reflected attractive financing for the Projects and, after reviewing the responses, the Financial Advisor along with the County’s Bond Counsel, Sands Anderson Marks & Miller, a Professional Corporation, Richmond, Virginia (**“Bond Counsel”**) recommended that the Board of Supervisors select the proposal (**the “BB&T Bank Proposal”**) from Branch Banking and Trust Company (**the “Bank”**);

WHEREAS, the Board of Supervisors reviewed each of the responses and recommendations from the Financial Advisor and Bond Counsel and determined that the BB&T Bank Proposal was the most beneficial response to the RFP and provided attractive financing terms for the Projects;

WHEREAS, the Board of Supervisors on behalf of the County, at its meeting on October 16, 2007 accepted such BB&T Bank Proposal with the understanding that a portion of the Projects would be funded during calendar year 2007 to take advantage of the remaining “bank qualified” issuance ability of the County, and the remainder of the Projects would be funded in calendar year 2008 as a parity bond issue;

WHEREAS, on November 21, 2007 the Economic Development Authority of Amherst County, Virginia (**the “Authority”**) issued its \$5,350,000 Public Facility Lease Revenue Bond, Series 2007 (**the “2007 Bond”**) pursuant to a Lease Agreement, dated as of November 1, 2007 (**the “Lease Agreement”**) between the County and the Authority to accomplish the lease of certain real property in the County, as further described in the Lease Agreement (**the “Property”**), all to finance the acquisition, construction, renovation, equipping, installation and furnishing of a portion of the Projects, and such 2007 Bond was purchased by the Bank;

WHEREAS, in connection with the issuance of the 2007 Bond, the County and the Authority entered into a Ground Lease dated as of November 1, 2007 (**the “Ground Lease”**) conveying a leasehold interest in the Property to the Authority and the Authority assigned its interests in the Ground Lease and the Lease Agreement to the Bank pursuant to an Assignment Agreement dated as of November 1, 2007 (**the “Assignment Agreement”**);

WHEREAS, the Board of Supervisors now requests the Authority, pursuant to the BB&T Bank Proposal, to issue, offer and sell its lease revenue notes or bonds in the maximum principal amount of not to exceed \$2,400,000 (**the “2008 Bond”**) to complete the proposed financing of the acquisition, construction, renovation, equipping, installation and furnishing of the Projects with an approximate twenty (20) year amortization period ending on January 15, 2028 at the interest rate of 3.94% per annum fixed for approximately 15 years until January 15, 2023 to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the “Act”**), with the County providing its moral obligation in support of the payment of the 2008 Bond; and

WHEREAS, there have been presented to this meeting drafts of the following documents (**collectively, the “Documents”**) in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- a. a Supplemental Lease Agreement, dated as of January 1, 2008, between the Authority and the County (**the “Supplemental Lease Agreement”**) amending and supplementing the Lease Agreement;
- b. a Bond Purchase Agreement, dated as of January 1, 2008 among the Authority, the County and the Bank, pursuant to which the 2008 Bond is to be issued by the Authority and purchased by the Bank (**the “Bond Purchase Agreement”**); and
- c. a Specimen 2008 Bond.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Amherst, Virginia:

1. The County hereby reaffirms its acceptance of the BB&T Bank Proposal as applicable to the 2008 Bond, for an approximate twenty (20) year period of amortization ending on January 15, 2028, with a fixed rate of interest for approximately 15 years until January 15, 2023 at 3.94% per annum with the rate to be reset for the remaining term of the 2008 Bond, and instructs the Financial Advisor and Bond Counsel to take all such action as necessary or appropriate to conclude the financing as so set forth in the BB&T Bank Proposal by the issuance of the 2008 Bond of the Authority based upon the recommendation of the Financial Advisor and Bond Counsel.
2. All costs and expenses in connection with the undertaking of the acquisition, construction, renovation, equipping, installation and furnishing of the Projects and the issuance of the 2008 Bond including the Authority's expenses, the fees and expenses of the County, and the fees and expenses of Bond Counsel, the County Attorney and the Bank, for the sale of the 2008 Bond, shall be paid from the proceeds there from or other funds of the County. If for any reason the 2008 Bond is not issued, it is understood that all such expenses shall be paid by the County and that the Authority shall have no responsibility therefore.
3. The following plan for financing the costs of the Projects is approved. The Authority shall use the proceeds from the issuance of the 2008 Bond (along with the proceeds from the sale of the 2007 Bond) to finance on behalf of the County, the acquisition, construction, renovation, equipping, installation and furnishing of the Projects and the lease of the Property to the County for a lease term not less than the term of the 2008 Bond at a rent sufficient to pay when due the interest and principal on the 2008 Bond. The obligation of the Authority to pay principal and interest on the 2008 Bond will be limited to rent payments received from the County under the Lease Agreement as amended by the Supplemental Lease Agreement. The obligation of the County to pay rent under the Lease Agreement as amended by the Supplemental Lease Agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose. The Board of Supervisors on behalf of the County has adopted this resolution as its moral obligation to the repayment of the 2008 Bond. The 2008 Bond will be secured pursuant to the Assignment Agreement by an assignment of rents to the Bank as the holder thereof. If the Board of Supervisors exercises its right not to appropriate money for rent payments, the Bank may terminate the Lease Agreement as amended by the Supplemental Lease Agreement or otherwise exclude the County from possession of the Property.
4. The Board of Supervisors hereby approves the Documents and the form of the 2008 Bond to be issued in a maximum amount of not to exceed \$2,400,000 with an approximate twenty (20) year amortization at the interest rate of 3.94% per annum, maturing January 15, 2028; provided, however, that approximately fifteen years after the date of issuance of the 2008 Bond, on January 15, 2023, the Bank may adjust the interest rate as set forth in the 2008 Bond for the remainder of the term, such 2008 Bond to be secured on parity with the 2007 Bond previously issued, and such Board of Supervisors approval includes such changes, including but not limited to changes in the amounts, dates, payment dates and rates as may be approved by the officer executing them whose signatures shall be conclusive evidence of his approval of the same.
5. The Chairman or Vice Chairman of the Board of Supervisors, or either of them, and the County Administrator and Clerk of the Board of Supervisors are each hereby authorized and directed to execute the Documents and such other instruments and documents, if any, as may be deemed necessary to create and perfect a complete assignment of the rents and profits due or to become due in favor of the Bank or to amend the Ground Lease or the Assignment Agreement, and to issue the 2008 Bond.
6. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the 2008 Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") or otherwise cause the interest on the 2008 Bond to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with

any provision of law that may require the Authority or the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the sale of the 2008 Bond.

7. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
8. All other acts of the officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the 2008 Bond, the undertaking of the acquisition, construction, renovation, equipping, installation and furnishing of the Projects and the issuance of the 2007 Bond are hereby approved, ratified and confirmed.
9. The County by acceptance of this financing agrees to indemnify, defend and save harmless, to the extent permitted by law, the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Authority, the issuance of the 2008 Bond or the acquisition, construction, renovation, equipping and furnishing of the Projects.
10. Nothing in this Resolution, the 2008 Bond or any documents executed or delivered in relation thereto shall constitute a debt or a pledge of the faith and credit of the Authority or the County, and the Authority shall not be obligated to make any payments under the 2008 Bond except from payments made by or on behalf of the County under the Supplemental Lease Agreement pursuant to annual appropriation thereof in accordance with applicable law.
11. The County hereby designates the 2008 Bond in the amount of up to \$2,400,000 as a "qualified tax-exempt obligation" for the purpose of Section 265(b) (3) of the Code, and allocates to the Authority in relation to the issuance of the 2008 Bond, up to \$2,400,000 of its allocation of "qualified tax-exempt obligations" for the purpose of Section 265(b) (3) of the Code. The County does not reasonably anticipate that more than \$10,000,000 in qualified tax exempt obligations of the County (including any subordinate entity or on behalf of issuer of the County) will be issued during calendar year 2008 and the County (and any of its subordinate entities or on behalf of issuers) will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b) (3) of the Code during such calendar year.
12. The Board of Supervisors hereby reaffirms its declaration made on November 6, 2007, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County with the proceeds of the 2008 Bond for expenditures with respect to the Projects, made on or after September 7, 2007 which date is no more than 60 days prior to the date of the adoption of the Board of Supervisor's November 6, 2007 Resolution. The County reasonably expects that it will reimburse the expenditures with the proceeds of the 2008 Bond.
13. The Board of Supervisors on behalf of the County hereby designates the 2008 Bond as eligible for the "small issuer exception" to the rebate requirements of Section 148(f)(2) and (3) of the Code pursuant to Section 148(f)(D)(vii) of the Code, as the Authority is a subordinate entity of the County under Section 148(f)(4)(D) of the Code and the County is a governmental unit with general taxing powers, no bond which is a part of the 2008 Bond will be a private activity bond, 95% or more of the net proceeds of the 2008 Bond are to be used for local governmental activities of the Authority and the County, and the aggregate face amount of all tax-exempt bonds, excluding private activity bonds to be issued by the County and the Authority during the calendar year 2008 is not reasonably expected to exceed \$5,000,000 increased by the lesser of \$10,000,000 attributable to financing the construction of public school facilities within the meaning of Section 148(f)(D)(vii) of the Code or so much of the aggregate face amount of bonds as are attributable to financing the construction of public school facilities within the meaning of Section 148(f)(D)(vii) of the Code. The Board of Supervisors on behalf of the County hereby allocates to the Authority up to \$2,400,000 of its small issuer size limitation for the calendar year 2008 to the Bond for purposes of Section 148(f)(4)(D) of the Code.

14. This resolution shall take effect immediately.

ADOPTED THIS 2nd DAY OF JANUARY, 2008.

Chairman, Board of Supervisors

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Amherst, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on January 2, 2008, by the Board of Supervisors with the following votes:

Aye: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams, and Mr. R. Vandall

Nay: None

Abstentions: None

Signed this ____ day of _____, 2008.

By: _____
Clerk, Board of Supervisors

IN RE: DEPARTMENT OF ACCOUNTING - MONTHLY FINANCIAL REPORT

Brenda Campbell, Central Accounting Director, met with the Board of Supervisors and presented a monthly financial report for December, 2007.

IN RE: DEPARTMENT OF BUILDING - ARTICLE IV. UNSAFE BUILDINGS

Kenneth Campbell, Building Official, presented the proposed unsafe building ordinance to the Board of Supervisors.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors directed staff to advertise the proposed ordinance amendments as follows for the 2nd regular meeting in February 2008.

ARTICLE IV. UNSAFE BUILDINGS

Sec. 4-71. Definitions.

The following words, when used in this article for the purposes of this section, shall have the meanings respectively ascribed to them in this article, except in those instances where the context clearly indicates a different meaning:

Board means the board of building code appeals.

Building means every building or structure which meets the criteria for a declaration of a "public nuisance" as set out in the Uniform Statewide Building Code; provided however that farm structures not used for residential purposes shall be exempt from the provisions of this article.

Building Code official means the ~~building inspector or his designee~~ **official who is charged with the administrative and enforcement of this Code, or any duly authorized representative.**

Nuisance includes, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public.

Occupant means the occupant or occupants of a building in possession under a contract or lease with the owner thereof or the owner's agent, or occupant or occupants of a building in possession under a sublease thereof.

Owner means every individual, entity or corporation holding legal title to a building appearing of record in the clerk's office of the circuit court of the County of Amherst, where deeds are recorded, the guardian, if any, of any such owner if he or she is an infant or a person under a disability as defined in the Virginia Code and the committee, if any, of such owner if he or she is incompetent, and the trustee or mortgagee under any deed of trust or mortgage creating a lien on such building also appearing of record in said clerk's office.

Responsible Party includes, but is not limited to, the owner, occupier, or possessor of the premises where the nuisance is located, the owner or agent of the owner of the material which escaped, spilled, or was released and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.

(Ord. of 10-5-93; Ord. of 1-18-05(1))

Sec. 4-72. Declaration as public nuisance; abatement.

All buildings defined in section 4-71 of this article are hereby declared to be public nuisances and unfit for human habitation, and shall be made safe through compliance with the Virginia Uniform Statewide Building Code and with this article by being repaired or shall be vacated and either secured against public entry, or taken down and removed as directed by the building official. A vacant building, unsecured or open at door or window, is deemed a fire hazard and unsafe within the meaning of this section.

(Ord. of 10-5-93; Ord. of 1-18-05(1); Ord. of 10-18-05(2))

Sec. 4-73. Determination by ~~building~~ code official.

Whenever it shall come to the attention of the ~~building~~ code official that a building is likely to exist in violation of the provisions of this article, the building official shall determine whether the existence of such building is in fact in violation of the provisions of this article. Upon a finding that a building is in violation of the provisions of this article, the building official shall prepare a report to be filed in the records of the office of the building inspector. In addition to a description of the unsafe or uninhabitable conditions found, the report shall include the use of the building, and nature and extent of the damages, if any caused by collapse or failure.

(Ord. of 10-5-93)

Sec. 4-74. Notice – Service by building official.

If a building is found to be unsafe or uninhabitable, the building official shall serve a notice to the owner, the owner's agent or person in control of the unsafe building. Whenever practicable, notice of an unsafe uninhabitable building should also be given to the tenants of said building.

Sec. 4-75. Same – Contents.

The notice shall set forth:

1. The location of the building.
2. A statement of the particulars which cause the building to exist in violation of the provisions of this article; and

3. A statement specifying the required repairs or improvements to be made to the building, or require the unsafe building or portion of the building, to be taken down and removed or secured within a stipulated time. Such notice shall require the person notified to declare to the building official without delay acceptance or rejection of the terms of the notice.

(Ord. of 10-5-93)

Sec. 4-76. Same – Given to owner, owner’s agent or person in control.

The notice shall be given to the owner, the owner’s agent or person in control of the building by delivering a copy thereof to them in person. If the person named in the notice cannot be found on premise after a diligent search, such notice shall be sent by registered or certified mail to the last known address of such person. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be the equivalent of personal notice. If an owner of such building is unknown or has no place of abode, office or place of business in the county, or after reasonable efforts, the building inspector cannot locate a last known address, additional notice shall be given by order of publication, by publishing a copy of the notice in a newspaper of general circulation in the county at least thirty (30) days prior to the demolition of the building and a copy of the notice shall also be posted in a conspicuous place on the premises.

(Ord of 10-5-93)

Sec. 4-77. Failure to comply.

Upon the refusal or neglect of the person served with notice of unsafe building to comply with the requirements of the notice to abate the unsafe condition, the building official may revoke the certificate of occupancy. In the case of a vacant building, including one vacated through revocation of the certificate of occupancy, the building official may cause the building to be ~~closed~~ secured through any available means.

(Ord. of 10-5-93)

Sec. 4-78. Actual and immediate danger – Vacation of building.

When, in the opinion of the building official, there is an actual and immediate danger of failure or collapse of a building or any part of a building which would endanger life or when any building or part of a building has fallen and life is endangered by occupancy of the building or when any other hazardous condition poses an immediate and serious threat to life or when a building is declared a public nuisance and unfit for human habitation, the building official may order the occupant to immediately vacate the building. The building official shall post a notice at each entrance to such building that reads: "THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING INSPECTOR." Upon the posting of the notice no person shall enter such a building except upon authorization of the building official for one (1) of the following purposes:

1. To make the required repairs;
2. To take the building down and remove it; or
3. To make inspections.

(Ord. of 10-5-93)

Sec. 4-79. Safe – Building Code official to have the necessary work done.

- a. When, in the opinion of the building code official, there is immediate danger of collapse or failure of a building or any part of a building which would endanger life, or when a violation of this article results in a hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants or the public, the building code official shall have the necessary work done to the building or part thereof to make such building temporarily safe, whether or not legal action to force compliance has begun. The building code official shall report his actions under this article to the board of supervisors.

b. The ~~board of supervisors~~ **County** may, in addition to all other remedies at law:

1. Maintain an action to compel ~~the owner~~ **a responsible party** to **abate, raze or remove**; ~~repair or secure any building, structure or wall constituting a public nuisance;~~ or
2. ~~Remove, repair or secure the building, wall or other structure which is endangering the public health or safety of other residents of the county.~~ **If the public nuisance presents an imminent threat to life or property, then the County may abate, raze, or remove such public nuisance.**
3. The county may additionally, or as part of any other action filed hereunder, recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

(Ord. of 10-5-93)

Sec. 4-80. Costs of expenses chargeable to owner.

In the event that the county, through its agents or employees removes, repairs or secures the building, wall or other structure which is endangering the public health or safety of other residents of the county after complying with the notice provisions hereof, the costs of expenses thereof shall be chargeable to and paid by the owners of the property and may be collected by the county as taxes and levies are collected.

(Ord. of 10-5-93)

Sec. 4-81. Lien against property.

Every charge authorized in this article with which the owner of the property has been assessed and which remains unpaid shall constitute a lien against such property.

(Ord. of 10-5-93)

Sec. 4-82. Appeals.

- a. An owner or agent of the owner of the building may appeal from a decision of the ~~building~~ **code** official to the board of building code appeals as set forth in, and in compliance with the Uniform Statewide Building Code.
- b. Decisions of the board shall be final, if no appeal is made to the State Building Code Technical Review Board. Any person aggrieved by a decision of the board, who was a part to the appeal, may appeal the board's decision to the State Building Code Technical Review Board as set forth in, and in compliance with, the Uniform Statewide Building Code.

(Ord. of 10-5-93; Ord. of 1-18-05(1))

Sec. 4-83. Failure to comply.

Every owner or occupant who shall fail, refuse or neglect to comply with a notice of the ~~building~~ **code** official shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00); additionally, if the violation concerns a residential unit and if the violation remains uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in order to comply with this article.

(Ord. of 10-5-93)

Sec. 4-84. Enforcement of state law.

By adopting this article, the county expressly elects to enforce the **2003 edition of the International Property Maintenance Code, adopted as the Uniform Statewide Building Code for the**

Commonwealth of Virginia by the Virginia Board of Housing and Community Development, and all manifestations of the Building Maintenance Code so adopted in the future.

(Ord. of 10-5-93; Ord. of 1-18-05(1))

Sec. 4-85. Inspection warrants.

If the local building code department receives a complaint that a violation of the building code exists that is an immediate and imminent threat to the health or safety of the owner or tenant of a residential dwelling unit or a nearby residential dwelling unit, and the owner or tenant of the residential dwelling unit that is the subject of the complaint has refused to allow the local building code official or his agent to have access to the subject dwelling, the local building code official or his agent may present sworn testimony to a magistrate or a court of competent jurisdiction and request that the magistrate or court grant the local building code official or his agent an inspection warrant to enable the building code official or his agent to enter the subject dwelling for the purpose of determining whether violations of the building code exist. The local building code official or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

(Ord. of 1-18-05(2))

Sec. 4-86. Removal, repair, etc. of certain buildings and other structures required.

- a. The owners of property in the County, shall at such time or times as the Board of Supervisors may prescribe, remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the County.
- b. The County through its own agents or employees may remove, repair or secure any building, wall or any other structure that 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, have failed to removed, 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 know 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 that 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. In the event the County, 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 are collected;
- d. Every charge authorized by this section or § 4-79 & 80 with which the owner of any such property has been assessed and that 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 (§ 58.1 – 3940 et seq.) and 4 (§ 58.1 – 3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia (1950), as amended. The County 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; and

- e. **A civil penalty of \$1,000 for violation of this section shall be imposed upon the owners of such property.**

Sec. 4-~~86~~ **87** – 4-90. Reserved.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: CONSTRUCTION OF WATER LINE ON EAST PROGRESS LANE, AMELON COMMERCE CENTER

Joe Mullen, Economic Development Director, met with the Board and provided information on the progress for construction of East Progress Lane.

On motion of Mr. Wood and with the following vote, the Board of Supervisors authorized the appropriation of necessary funds from the County's deferred revenue account to provide the proposed East Progress Lane water line and sewer extension construction.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: ZONING CASE 2007-17 – ARTICLE III. EROSION AND SEDIMENT CONTROL

Jeremy Bryant, Planning Director, met with the Board and provided the proposed amendments to the Erosion and Sediment Control Ordinance.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to advertise the following proposed ordinance amendments for public hearing:

ARTICLE III. EROSION AND SEDIMENT CONTROL

Section 11-35. Title, purpose, and authority.

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Amherst County". The purpose of this chapter is to prevent degradation of properties, stream channels, waters and other natural resources of the Amherst County by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

This Chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4 (Sec. 10.1-560 et seq.), known as the Virginia Erosion and Sediment Control Law.

Section 11-36. Definitions.

As used in the ordinance, unless the context requires a different meaning:

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board means the Virginia Soil and Water Conservation Board.

Certified inspector means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

Certified program administrator means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

County means the County of Amherst.

Department means the Department of Conservation and Recreation.

Development means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

Director means the Director of the Department of Conservation and Recreation.

District or Soil and Water Conservation District refers to the Robert E. Lee Soil and Water Conservation District.

Erosion and Sediment Control Plan or Plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion Impact Area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land-disturbing Activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth,

including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (Sec. 10.1-604 et seq.) of Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Sec. 10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Sec. 10.1-1163;
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Disturbed land areas of less than 10,000 square feet in size;
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles, and;
- (11) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land-disturbing permit means a permit issued by the County of Amherst for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Local erosion and sediment control program or *local control program* means an outline of the various methods employed by the County of Amherst to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for

the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Plan-approving authority means the certified program administrator or certified plan reviewer for Amherst County as designated by the Board of Supervisors responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Program authority means the County of Amherst which has adopted a soil erosion and sediment control program that has been approved by the Board.

Responsible Land Disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family.

State erosion and sediment control program or *state program* means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Water Quality Volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

Section 11-37. Local erosion and sediment control program.

(a) Pursuant to section 10.1-562 of the Code of Virginia, the County of Amherst hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

(b) Before adopting or revising regulations, the County of Amherst shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the County of Amherst is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the County of Amherst proposes or revises regulations that are more stringent than the state program.

In addition, in accordance with §10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

In accordance with §10.1-561 of the Code of Virginia, any land-disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

(c) Pursuant to Sec. 10.1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of Amherst County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

The County of Amherst hereby designates the zoning administrator as the plan-approving authority.

(d) The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the zoning administrator.

Section 11-38. Submission and approval of plans; contents of plans.

(a) Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the zoning administrator for Amherst County an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

(b) The standards contained within the "Virginia Erosion and Sediment Control Regulations" and the *Virginia Erosion and Sediment Control Handbook* as amended are to be used by the applicant

when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the State regulations shall take precedence.

(c) The plan-approving authority shall review conservation plans submitted to it and grant written approval within 45 days of the receipt of the plan if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, as provided by § [10.1-561](#), of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

(d) The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval.

When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(e) An approved plan may be changed by the plan-approving authority when:

- (1). The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
- (2). The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

(f) Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

- (1). At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
- (2). During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

(g) In order to prevent further erosion, the County of Amherst may require approval of a plan for any land identified in the local program as an erosion impact area.

(h) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

(i) In accordance with the procedure set forth by §10.1-563 (E) of the Code of Virginia, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the Board for review and approval consistent with guidelines established by the Board.

(j) State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, Sec. 10.1-564.

Section 11-39. Permits; fees; security for performance.

(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.

(c) An administrative fee shall be paid to Amherst County at the time of submission of the land-disturbing permit in accordance with the following:

10,000 sq. ft. – 1 acre:	\$35.00
1 – 5 acres:	\$100.00
6 – 20 acres:	\$300.00
21 acres and up:	\$600.00

(d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

Noncommercial and commercial sites.

(1) Noncommercial sites: The administrator shall collect a plan review fee of five hundred dollars (\$500.00) for projects that require an erosion and sediment control plan; plus an additional ten (\$10.00) per acre, or part thereof, for projects involving more than one (1) acre.

(2) Commercial sites: For commercial sites, including subdivision developments, the administrator shall collect a plan review fee of five hundred dollars (\$500.00) for projects that require an erosion and sediment control plan; plus an additional fifty dollars (\$50.00) per acre, or part thereof, for projects involving more than one (1) acre.

(e) All applicants for permits shall provide to the County of Amherst a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the zoning administrator to ensure that measures could be taken by the County of Amherst at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.

(f) The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for

new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the County of Amherst to take such conservation action, the County of Amherst may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization, as determined by zoning administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

Section 11-40. Monitoring, reports, and inspections

(a) The County of Amherst may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The certified inspector shall periodically inspect the land-disturbing activity in accordance with Sec 4VAC50-30-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the certified inspector determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

(c) Upon determination of a violation of this ordinance, the zoning administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the zoning administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Amherst County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the zoning administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of Amherst County.

The owner may appeal the issuance of an order to the Circuit Court of Amherst County.

Any person violating or failing, neglecting or refusing to obey an order issued by Amherst County may be compelled in a proceeding instituted in the Circuit Court of Amherst County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the zoning administrator from taking any other action authorized by this ordinance.

Section 11-41. Penalties, injunctions, and other legal actions.

(a) Violators of this ordinance shall be guilty of a Class I misdemeanor.

(b) Any person who violates any provision of this ordinance shall, upon a finding of the District Court of Amherst County, be assessed a civil penalty. The civil penalty for any one violation shall be \$100, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000. The adoption of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.

(c) The zoning administrator, or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Amherst County to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(d) In addition to any criminal penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to Amherst County in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the County of Amherst.

Any civil penalties assessed by a court shall be paid into the treasury of Amherst County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, the County of Amherst may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection E.

(g) The Commonwealth's Attorney shall, upon request of the County of Amherst or the permit issuing authority, take legal action to enforce the provisions of this ordinance.

(h) Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Section 11-42. Appeals and judicial review.

- A. Any applicant under the provision of this ordinance who is aggrieved by any action of the County of Amherst or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Board of Supervisors shall be heard at the next regularly scheduled Board of Supervisors public hearing provided that the Board of Supervisors and other involved parties have at least 30 days prior notice. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisor's decision shall be final, subject only to review by the Circuit Court of Amherst County.
- B. Final decisions of the County of Amherst under this ordinance shall be subject to review by the Amherst County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: INOPERABLE MOTOR VEHICLE DISPOSAL

The Purchasing Agent presented information on the proposed inoperable motor vehicle disposal proposals received from Virginia Auto Parts, BTK Towing and A & C Towing.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors authorized the contract award to Virginia Auto Parts, whose proposal would accommodate requested vehicle disposal services at no cost to the county.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: BUFFALO RIVER PROPERTY LEASE RENEWALS

The Purchasing Agent presented information regarding the renewal of the Buffalo River Watershed leases.

On motion of Mr. Wood and with the following vote, the Board of Supervisors directed staff to advertise the proposed leases for public hearing at the January 15, 2007 meeting.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall
NAY: None

IN RE: BEDFORD COUNTY'S RECYCLING FACILITY VISIT

The County Administrator presented a letter from Teresa Nuckols regarding a tour of the Bedford County Recycling facility.

There was a consensus of the Board of Supervisors to establish a site visit to the Bedford County recycling facility on January 24, 2008.

IN RE: VML, VACO CO-SPONSOR LEGISLATIVE DAY – FEBRUARY 7, 2008

There was no consensus that Board members would attend.

IN RE: BOARD OF SUPERVISOR'S ADVANCE

The County Administrator discussed scheduling of a proposed "Advance" for the Board members. There was a consensus to schedule an "Advance" meeting for February 1, 2008.

IN RE: RESOLUTION HONORING FOOTBALL TEAM

The County Administrator presented a *Resolution* commending the Amherst County High School Football team.

There as a Board discussion.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors adopted the following Resolution honoring the Amherst County High School football team:

RESOLUTION COMMENDING THE AMHERST COUNTY HIGH SCHOOL FOOTBALL TEAM

WHEREAS, the Amherst County High School Lancers are the 2007 Seminole District Champions in Football; and

WHEREAS, the Amherst County High School Lancers are the 2007 Virginia High School League Group AA Region III Champions; and

WHEREAS, the Amherst County High School Lancers are the 2007 Virginia High School League Group AA State Champions; and

WHEREAS, the Amherst County High School Lancers did compile a perfect record of fourteen wins and no losses in the 2007 season and has a record of 26 consecutive victories; and

WHEREAS, the Amherst County High School Lancers were ranked at the end of the playoff season as the 14th best team in the United States of America; and

WHEREAS, the Amherst County Board of Supervisors wishes to express the collective appreciation of the County for the honor and distinction this outstanding group of young men has brought to our community; and

WHEREAS, the extraordinary success of the Lancers is a tribute to the dedication and teamwork of the athletes, the leadership of Coach Scott Abell and his assistant coaches, and the support of the

parents, students, faculty and administration of Amherst County High School and the citizens of Amherst County;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst County Board of Supervisors does hereby commend and congratulate the Amherst County High School football team on its Group AA football state championship and its remarkable 2007 season.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: DAM INUNDATION LEGISLATION

The County Administrator presented a recommendation from the Service Authority Board concerning proposed dam inundation legislation.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed the County Administrator to draft a letter with recommendations included in the Virginia Municipal Stormwater Association Report dated October 19, 2007 to the County state legislators on Amherst County's behalf.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the following appropriation/transfer requests with the exception of the membership dues for the Lynchburg Chamber of Commerce.

a. APPROPRIATIONS

Board of Supervisors

11010	2013	Education Assistance	\$	200.00
		(Tuition Reimbursement for Tracie Lann – Accounting)		
11010	5801	Annual Membership Dues		1,680.00
		(Chamber of Commerce – Lynchburg)		

Maintenance

43020	3005	Service Contracts	\$	2,454.59
		(Old Church electrical heating)		

Community

81090-3013-100-100-150	Learning Lane	\$	440.25
	(Unobligated General Fund)		

b. TRANSFERS

Commissioner of Revenue

Transfer from:

12090	1006	Comp – Deputy Commissioners	\$	1,000.00
12090	1007	Comp – Land Use Temp		2,340.00

Transfer to:

12090 1003

Comp – Temporary Assists

\$ 3,340.00

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

IN RE: OLD BUSINESS (SEE PACKET)

The Board of Supervisors reviewed the Old Business matters.

IN RE: CLOSED SESSION

Mr. Vandall moved to go to closed session to discuss a (1) personnel matter (5) matter relating to prospective business or industry or the expansion of an existing business or industry and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters.

§2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body.

§2.2-3711.A.5 - Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

§2.2-3711.A.7 – Briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

This was seconded by Mr. Parrish and approved with the following vote:

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

Mr. Vandall moved to come out of closed session, seconded by Mr. Parrish and approved with the following vote:

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

Mr. Wood moved the closed session resolution and was approved with the following roll call vote:

Mr. V. Wood	AYE
Mr. L. Parrish	AYE
Mr. D. Kidd	AYE
Mr. C. Adams	AYE
Mr. R. Vandall	AYE

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Amherst County Board of Supervisors has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Amherst County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Amherst County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Amherst County Board of Supervisors.

Any member who believes that there was a departure from the requirements of clauses (i) and (ii) shall state the substance of the departure that, in his judgment, has taken place. (If any member cites a departure, his statement shall be recorded in the minutes.)

IN RE: ADJOURN

On motion of Mr. Parrish, seconded by Mr. Vandall and with the following vote, the Board of Supervisors adjourned until Monday January 7, 2008 at 4:00 p.m. in the County Administration Building, Board of Supervisors meeting room.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: None

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator