

**BOOK 32****VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 5<sup>th</sup> day of February, 2008 at 1:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

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

Mr. V. Wood called the meeting to order, opened with prayer and led in the pledge of allegiance to the flag.

**IN RE: APPROVAL OF AGENDA**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the agenda with the following additions:

## County Administrator Reports

- c. Museum Assessment
- d. Board of Supervisors Advance
- e. Planning Session with Mike Chandler – Tentative Date April 22

## Closed Meeting:

## Additional Item:

- d. Personnel Issue

## Adjourn:

February 13, 2008 8:30 am Florence Elston Inn

**AGENDA**

**TUESDAY, FEBRUARY 5, 2008  
ADMINISTRATION BUILDING – 153 WASHINGTON STREET  
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearances and Presentations**
  - a. Space Study – Blair Smith, Dominion 7  
Boyd Headley, Hurd and Obenchain Inc.

- b. VPI Extension Office – Activities Report for 2007 – Bill Seay

**V. Amherst County Public Schools – Dr. John Walker**

- a. Request for a supplemental appropriation of \$106,000

**VI. Citizen Comments**

**VII. Consent Agenda**

- a. Board of Supervisors Meeting Minutes – January 2<sup>nd</sup>, 7<sup>th</sup>, 15<sup>th</sup>, and 24<sup>th</sup>, 2008
- b. Public Safety Monthly Report for December 2007
- c. Parks, Recreation & Cultural Dev Board – November 26, 2007 meeting
- d. Museum Report for January 2008
- e. Commissioner of the Revenue letter of January 2, 2008
- f. Virginia Association of Counties Letter of January 17, 2008
- g. Robert E. Lee Soil & Water Conservation Dist – Nov. 29, 2007
- h. Virginia's Region 2000 Economic Development Council – January 24, 2008
- i. Holiday Lake 4-H Educational Center, Inc. – Letter of January 23, 2008
- j. Department of Game and Inland Fisheries – January 25, 2008
- k. Lodging Business Owners Letter of January 11, 2008
- l. VDOT – Traffic Alerts for January 21-25, 28- Feb 1, and Feb. 4-8, 2008

**VIII. Department Reports**

Information Technology Department

- a. Redesigning of County's Website

Solid Waste Department

- a. Convenience Center Operation

Department of Economic Development

- a. Second of three annual incentive payments to Old Dominion Footwear

Planning Department

- a. Zoning Case # 2007-27 – Zoning text amendment Section 905
- b. Zoning Case #2007-32 – Zoning text amendment Section 702.03

Public Safety

- a. Request for appropriation for the purchase of three (3) Zoll AutoPulses

Department of Purchasing

- a. Board of Equalization

**IX. County Administrator's Report**

- a. Citizens Advisory Committee – Dissolve
- b. VDOT Revenue Sharing Program

**X. County Attorney's Report**

**XI. Matters from Members of the Board of Supervisors****XII. Appropriations/Transfers/Disbursements****XIII. Old Business (See packet)****XIV. 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. Interviews
  - i) Planning Commission
  - ii) Parks, Recreation & Cultural Development Board
- b. 24 hour shift leave time calculation – Public Safety
- c. Personnel Issue

§2.2-3711.A.3 Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

- a. Sheriff's Storage Building
- b. Riveredge Park
- c. Temperance Trash Collection site
- d. Phelps Road School

§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

§2.2-3711.A.7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture 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. For the purposes of this subdivision, "probable litigation" means litigation which has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

- a. Janetatoses' lawsuit

**XV. Adjourn**

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

NAY: None

ABSENT: Mr. L. Parrish

**IN RE: SPACE STUDY – BLAIR SMITH, DOMINION 7 & BOYD HEADLEY, HURD AND OBENCHAIN INC.**

Blair Smith of Dominion 7 Architects and Boyd Headley of Hurd & Obenchain met with the Board and presented the county space study report and HVAC study for the Goodwin Street Building. Mr. Headley presented the following cost options for HVAC renovations in the Goodwin Street Building.

Mr. Parrish arrived.

Goodwin Street Office Building

HVAC system comparisons – Estimated values based on energy and life cycle computer calculations

Option	System Description	Est Construction Cost	First Year Energy Cost *	Life Cycle Cost 50 years**	Life Cycle Cost 20 years
1	Repair Existing	\$240,000	\$ 9,750	\$683,000	-----
2	Replace All – VAV, Chiller & Boiler	\$430,000	\$ 8,860	\$695,000	\$523,000
3	Replace All – Pkg. Rooftop, VAV & Boiler	\$330,000	\$10,590	\$575,000	\$441,000

\* First year energy cost includes lighting and plug loads as well as HVAC system.

\*\* Life Cycle Cost is based on 50 year term with system replacements at 20 year intervals. 50 year term is used in effort to average out cost differences of replacing the Option 1 existing system after 10 years, other systems after 20 years.

There was a Board discussion and consensus to direct the engineer in coordination with the architect to develop more complete cost estimates for each of the proposed Goodwin Building HVAC renovation options; and to direct the architect to include the Goodwin Building in the total county space study and report the update information to them at the first regular meeting of March, 2008.

**IN RE: VPI EXTENSION OFFICE – ACTIVITIES REPORT FOR 2007 – BILL SEAY**

Bill Seay, Kevin Irvin, Janet Baker and Dottie Rucker of the VPI Extension Office met with the Board and presented their annual report.

Bill Seay, Extension Agent – Agriculture and Natural Resources

i) Master Gardener Activities

Kevin C. Irvin, Extension Agent – 4-H Youth Development

Kathy S. McMillan, 4-H Technician – 4-H Youth Development

Jan Baker, Extension Agent – Family and Consumer Sciences

i) Parenting Skills Education

ii) Childcare Provider Training

iii) Youth Financial Literacy

iv) Family Financial Management

v) Community Initiatives and Collaborations

Dottie Rucker, Adult Program Assistant – Smart Choices Nutritional Education Program (SCNEP)

**IN RE: REQUEST FOR A SUPPLEMENTAL APPROPRIATION OF \$106,000**

Dr. John Walker, School Superintendent met with the Board and presented the following budget request and a status report of current school activities.

**Federal and State Funding**

Summer Project Graduation	\$ 50,000.00
---------------------------	--------------

**Local Funding**

Transportation of Students	\$ 3,000.00
GED Local Funds	15,000.00
Donations	3,000.00
Insurance	5,000.00
Campbell County Schools	5,000.00
Nelson County Schools	5,000.00
Lynchburg City Schools	5,000.00
Bedford County Schools	5,000.00
Appomattox County Schools	5,000.00
Amherst County Schools	<u>5,000.00</u>

<b>Total</b>	<b>\$106,000.00</b>
--------------	---------------------

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the supplemental appropriation request of \$106,000 to the 2007-2008 school revenue and expenditure budget.

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

NAY: None

**IN RE: CITIZEN COMMENTS**

Amherst Live – Doris Bryant and Ron Anderson

The Board of Supervisors directed Ms. Bryant and Mr. Anderson to direct their request to appropriate staff for assistance and support for the activities as in the past.

Lodging Business Owners – T. S. Dillon, Raj Patel, Anil Patel and Donna & Terry Farmer

The business owners presented their case regarding the increase in lodging taxes in Amherst County, the latest assessment of property taxes in Amherst County and the signage along the by-pass.

Sidewalks in Madison Heights – Courtney Coleman and Ruth Mertz

Courtney Coleman and Ruth Mertz addressed the Board regarding sidewalks in Madison Heights and other pedestrian safety improvements. The Board commended the two young ladies for their community interest and assured that their concerns would be supported.

**IN RE: CONSENT AGENDA**

- a. Board of Supervisors Meeting Minutes – January 2<sup>nd</sup>, 7<sup>th</sup>, 15<sup>th</sup>, and 24<sup>th</sup>, 2008

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the minutes of January 2, and 15<sup>th</sup>, 2008.

Mr. Parrish abstained from the January 7<sup>th</sup> as he was late and January 24, 2008 as he was absent:  
Mr. Wood abstained for the January 24<sup>th</sup> as he was absent.

Mr. Kidd and Mr. Adams wanted more details incorporated in minutes.

AYE: Mr. Vandall, Mr. Wood and Mr. Parrish

NAY: Mr. Kidd and Mr. Adams

The minutes of January 7<sup>th</sup> and 24<sup>th</sup>, 2008 were not approved.

AYE: Mr. Vandall

NAY: Mr. Kidd and Mr. Adams

ABSTAIN: Mr. Parrish and Mr. Wood

- b. Public Safety Monthly Report for December 2007
- c. Parks, Recreation & Cultural Dev Board – November 26, 2007 meeting
- d. Museum Report for January 2008
- e. Commissioner of the Revenue letter of January 2, 2008
- f. Virginia Association of Counties Letter of January 17, 2008
- g. Robert E. Lee Soil & Water Conservation Dist – Nov. 29, 2007
- h. Virginia's Region 2000 Economic Development Council – January 24, 2008
- i. Holiday Lake 4-H Educational Center, Inc. – Letter of January 23, 2008
- j. Department of Game and Inland Fisheries – January 25, 2008
- k. Lodging Business Owners Letter of January 11, 2008
- l. VDOT – Traffic Alerts for January 21-25, 28- Feb 1, and Feb. 4-8, 2008

Information only.

#### **IN RE: REDESIGNING OF COUNTY'S WEBSITE – IT DEPARTMENT**

Jackie Viar, IT Director and Matt Woernle, Computer Specialist, presented information and a video presentation of proposed revised county web site design.

On motion of Mr. Kidd and with the following vote, the Board of Supervisors directed the County IT Department to proceed with implementation of the County website design from Egov Strategies as presented.

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

NAY: None

#### **IN RE: SOLID WASTE DEPARTMENT - CONVENIENCE CENTER OPERATION**

Teresa Nuckols, Solid Waste Director, met with the Board and presented a proposal for upgrade of the landfill waste container site of 3 – 100 yard containers for \$13,500 for containers including delivery, assembly and installation for consideration. Ms. Nuckols further suggested as an option that the Board consider upgrading the landfill solid waste site to a manned convenience center.

The Board of Supervisors directed Ms. Nuckols to report back to them at their first regular meeting in March with a plan for a manned convenience center at the landfill location.

#### **IN RE: DEPARTMENT OF ECONOMIC DEVELOPMENT - SECOND OF THREE ANNUAL INCENTIVE PAYMENTS TO OLD DOMINION FOOTWEAR**

The County Administrator presented a report from the Economic Development director concerning the 2<sup>nd</sup> of three annual incentive payments to Old Dominion Footwear in Joe Mullen's absence.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to appropriate \$5,115.45 from the county deferred revenue account to reimburse Old Dominion Footwear for

a proportionate share of their real property taxes paid in 2006 per the county's incentive agreement with them.

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

NAY: None

**IN RE: PLANNING DEPARTMENT - ZONING CASE # 2007-27 – ZONING TEXT AMENDMENT SECTION 905**

Jeremy Bryant, Planning Director, met with the Board and presented zoning case #2007-27 for a zoning text amendment to Sect. 905 of the County's home occupation ordinance, for their first reading.

*905.05 Home Occupations in the A-1 Zone*

*In lieu of the provisions of Sections 905.01 through 905.4, the following shall apply to home occupations in the A-1 zone.*

1. The applicant must be the owner of the property on which the home occupation is to be located or must have written approval of the owner of the property if the applicant is a tenant and must the applicant must occupy a residential dwelling as applicant's full time residence on the premises on which the occupation is located.
2. The home occupation shall be operated only by the members of the family residing on the premises or their immediate family and no employees other such family members shall come to the building and no article or service shall be sold nor offered for sale except as may be made by members of the immediate family.
3. The home occupation shall not generate excessive traffic nor produce obnoxious odors, glare, noise, vibration, electrical disturbance, radio activity or other conditions detrimental to the character of the surrounding area.
4. Light manufacturing will be allowed as a home occupation in the A-1 district so long as all operations are conducted in a building; no building in which the home occupation is conducted shall exceed 4000 square feet; there shall be no storage or other maintenance of any parts or waste material outside such building; the building in which the home occupation is conducted shall not be visible from the public street; the home occupation shall not have more than 5 employees; the home occupation shall not have deliveries by or parking on the property vehicles in excess of 32 feet in length.

There was a Board discussion and consensus to direct Mr. Bryant to proceed with the appropriate ordinance amendment process to Sec. 905 of the County's home occupation ordinance.

**IN RE: ZONING CASE #2007-32 – ZONING TEXT AMENDMENT SECTION 702.03**

Mr. Bryant presented zoning case #2007-32 for a zoning text amendment to Sect. 702.03 and Sect. 917 of the County Zoning Ordinance for their first reading.

**702. Agricultural Residential District A-1.**

*702.01. Intent of the Agricultural Residential District A-1.* This district is designed to accommodate farming, forestry and limited residential use. While it is recognized that certain rural areas may logically be expected to develop residentially, it is the intent however to discourage the random scattering of residential, commercial or industrial uses in this district.

*702.02. Permitted uses.* Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of agricultural and forestal products grown in the county.

2. Temporary sawmills, only for timber on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the state-wide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures.
6. Emergency services.
7. Home occupations.
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e.; tent or camper or per Section 904.
10. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities subject to the following conditions:
  - a. Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicant;
  - b. Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;
  - c. Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
  - d. Located more than one thousand (1,000) feet from a state maintained road;
  - e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
  - f. The CLF must be approved by all necessary state agencies prior to county approval;
  - g. The applicant for all permits must be a county resident and the property owner;
  - h. It cannot be visible from a state maintained road;
  - i. A zoning permit must be issued prior to any development of the CLF.
14. Flag lot.
15. Wireless communication facilities as provided in Section 914 herein.

**702.03. Special exceptions (A-1 zone).**

1. Public entertainment.
2. Schools.
3. Saw mills.
4. Pallet manufacturing.
5. Wood yards.
6. Feed mills.
7. Truck business.
8. Churches and related facilities.
9. Signs as provided in Section 907.
10. Planned unit developments.
11. Short-term tourist rental of dwelling.
- 12. Storage of Biosolids as provided in Section 917.**

(Ord. of 3-18-03(2); Ord. of 9-20-05(2); Ord. of 8-15-06(3); Ord. of 10-17-06(4))

**917. Sewage Sludge Storage**

**The following regulations shall apply to the storage of biosolids in the County.**

1. Except when a Special Exception has been granted in the A-1 Agricultural Residential District, storage of sewage sludge shall be prohibited in all other districts in the County.
2. A special exception shall not be required for storage of sewage sludge on a farm as long as such sludge is being stored (i) solely for land application on that farm and (ii) for a period no longer than 45 days. For the purpose of this section "farm" shall be defined as contiguous tracts of land titled or rented in the name of the same owner.
3. Only Class A or B Biosolids shall be placed into storage facilities.



4. In order for a special exception to be issued, the applicant shall present evidence and the board of supervisors shall make a finding that the storage of sewage sludge in the proposed facility will not adversely affect the public health, safety and welfare of its citizens and the environment.
5. The requirements of this section regarding storage of sewage sludge shall be in addition to the local testing and monitoring ordinance permitted under subsection C. of §62.1-44.19:3 of the Code of Virginia as may be adopted by the Board of Supervisors as part of Chapter 13 of this Code from time to time.
6. Biosolids companies operating in Amherst County, Virginia must provide in writing to the
7. Amherst County Board of Supervisors, prior to the delivery of all biosolids the following information:
  - a. The class of the biosolids being delivered to Amherst County (A or B).
  - b. Point of origin of the biosolids.
  - c. Name, address and telephone number of biosolids hauler.
  - d. The scheduled dates of the biosolids being delivered and applied.
  - e. The name and address of the person, persons or company, et cetera, that is proposing to receive the biosolids.
  - f. The physical address and acreage of the property where the biosolids are to be applied.
  - g. What product or products will be grown and grazed on that acreage.
  - h. A biosolids map will be placed on the County website, showing parcels with approved permits; this map shall be updated as permits are approved.
  - i. The public shall be supplied with contact information (via the County website) so that public concerns regarding possible violations of the biosolids regulations can be addressed.

There was a Board discussion and consensus to direct Mr. Bryant to invite the appropriate DEQ official to meet with them to answer questions and provide additional information and for him to investigate appropriate biosolid containment structures and also report to them.

**IN RE: PUBLIC SAFETY - REQUEST FOR APPROPRIATION FOR THE PURCHASE OF THREE (3) ZOLL AUTOPULSES**

Gary Roakes and John Boon of Public Safety met with the Board and presented a request for the purchase of three Zoll auto pulse devices through a grant with the Virginia Office of Emergency Medical Services for \$21,581.25...

On motion of Mr. Wood and with the following vote, the Board of Supervisors approved the Public Safety request for appropriation of \$45,855.00 for the purchase of three (3) Zoll auto pulses with the understanding that reimbursement will be made from grants and county volunteer rescue squads.

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

NAY: None

**IN RE: DEPARTMENT OF PURCHASING - BOARD OF EQUALIZATION**

David Proffitt gave the Board of Supervisors an update on the Board of Equalization.

**IN RE: COUNTY ADMINISTRATOR'S REPORT - CITIZENS ADVISORY COMMITTEE – DISSOLVE**

The County Administrator presented information regarding the dissolution of the citizen's advisory committee.

On motion of Mr. Wood and with the following vote, the Board of Supervisors moved to formally dissolve the citizen's advisory committee and directed the County Administrator to send a letter of appreciation from the Board to those who served on the committee.

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

NAY: None

#### **IN RE: VDOT REVENUE SHARING PROGRAM**

The County Administrator presented information regarding the VDOT Revenue Sharing Program. The Virginia Department of Transportation offers a Revenue Sharing Program for targeted transportation enhancement projects that do not have a current source of funding. It is a possibility of utilizing this program to fund sidewalk improvements in Madison Heights.

There was a Board direction and consensus to direct the County Administrator to prepare an application for the VDOT Revenue Sharing Program for the Board's consideration at their March 4, 2008 meeting.

#### **IN RE: MUSEUM ASSESSMENT**

The County Administrator provided information to the Board regarding a museum assessment.

#### **IN RE: BOARD OF SUPERVISORS ADVANCE**

The County Administrator provided an update on the upcoming Board of Supervisors Advance schedule.

#### **IN RE: PLANNING SESSION WITH MIKE CHANDLER**

The County Administrator informed the Board of a scheduled planning session with Mike Chandler tentatively scheduled for April 22, 2008.

#### **IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS**

Mr. Wood

1. Citizen complaints of trash on Coolwell
2. Questions from Mr. Birch on dog kennel operational issues with the County.

Mr. Kidd

1. Requested status of the assign-a-highway trash collection program development.  
The County administrator informed them that a further report would be made to the Board the first meeting in March 2008.

Mr. Adams

1. Provided thoughts concerning roadside trash collection and had consulted with Teresa Nuckols
2. Updated the Board on status of Wagon Trail Bridge and Mistover Drive which have begun activity and that Union Hill Road will likely be reprioritized.

#### **IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following appropriation/transfer requests:

**a. APPROPRIATIONS****Fund 11****Amelon Commerce Center**

95550 3002	Professional SVC	\$	99.55
95550-3002-100-100-120	Prof – West Progress		31,876.07
95550-3002-100-100-220	Prof SVC – East Progress		4,189.88

**Information Technology**

01220 7001	Equipment	\$	1,750.00
------------	-----------	----	----------

**Sheriff's Department**

31020 3004-100	Repairs – Auto Ins.	\$	2,075.43
31020 1013	ACHS Security		565.16
31020 3004	Vehicle Repair		80.00
31020 5401	Office Supply		29.66
31020 5409	Police Supply		33.00
31020 5410	Uniform		43.00
31020 5449	Tires		450.00
(Pass through – Deposit with Treasurer)			
31020 5801	Dues & Memberships		1,000.00
(Drug Asset Forfeiture)			

**Electoral Board**

13010 1045	Election Officials	\$	5,000.00
13010 5401	Election Supplies		2,500.00

**Maintenance Department**

43020 3016	Building Maintenance	\$	8,961.00
(HVAC Sheriff's Offices)			

**Amherst County Public Library**

73010 5411	Books & Subscriptions	\$	500.00
73010 5413	Computer Supplies & Software		420.91
73010 5806	Special programming supplies		41.00
(Revenue received and sent to Treasurer)			

**b. TRANSFERS****Electoral Board**

Transfer from:

13010 3005	Maintenance	200.00
13010 5201	Postal	250.00
13010 5203	Telecommunication	300.00
13010 7001	Computer, voting	3,300.00

Transfer to:

13010 8003	Rental	\$ 350.00
13010 5401	Supplies	3,700.00
(Primary Election)		

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)**

#### **Old Business**

- a. Convenience Centers
  - (1) Warrick Barn Convenience Center – Bid document by Sept. 2007 Bid advertisement is waiting for site plan approval by Planning Commission scheduled for October 4, 2007. Waiting for comments from Anne Marie Clarke with the Robert E. Lee Soil and Water Conservation District Advertisised in Sunday's paper **Bids due December 10, 2007 Bid awarded 12-18-07 to Mays Contractor Work to commence February 1, 2008**
  - (2) Rt. 635 Convenience Center – Bid document by Sept. 2007 Waiting for comments from Anne Marie Clarke with the Robert E. Lee Soil and Water Conservation District. **Advertisised in Sunday's paper Bids due December 10, 2007 Bid awarded 12-18-07 to Mays Contractor Work to commence February 1, 2008**
  - (3) Rt. 60 - Negotiating for lease/purchase of property ongoing Waiting for response
- b. Ebenezer and Cabell Lane – on going construction.
- c. Riveredge Park – Contract approval pending from VDOT Board review of contract August 21, 2007 – Contract signed – kick off meeting scheduled for September 20th, 2007 Design underway **Public meetings to be scheduled in December 2007 60% complete Papers sent to VDOT for approval**
- d. Local tax relief thresholds – County Administrator reviewing Commissioner of the Revenue's information. **County Administrator will provide information to BOS during budget discussions**
- e. Construction of East Lane – East Progress is pending. On October 2, 2007 agenda - Contract awarded Construction **underway Construct complete**
- f. Unsafe Building Updates
  - **1403 Dixie Airport Road** – Tax Map 157A-A-28- Met with Tom Shrader 4/2/07 to begin legal proceedings to demolish house. Waiting on Court approval. 7/09/07 Court authorization to demo house. Met with Tom Shrader 8/9/07 to ensure lien against property will not put owners in street. Now that this is settled I will proceed with demo. On schedule with W.E. L. for demo 10/18/07 Complete, **bill to be sent after Christmas. Complete, bill prepared and will be sent 1/30/08**
  - **Lot 4 Morgan Estates** - Tax Map 147E-2-4 – I have a letter going out to Mr. Morgan complaining of inactivity. Giving him until May 1 to have the problems corrected. I am having letter delivered by Sgt. Givens 4/13/07. Mrs. Morgan informed Sgt. Givens they were in the process of selling the property. 5/15 New owner in process of closing on property. 7/11/07 – No update. Will check with owner this week. 8/8/07 I saw that property is under new ownership. Will check with new owner as to what they will be doing and inform them that the foundation needs to be demolished. 9/24/07 Givens is making the new owner cut grass and I will send a new letter to them requiring demo by the end of the week. **1/28/08 advised Lt. Givens to pursue grass & weed violation and I am preparing a letter to new owner to be delivered 1/30/08**
  - **489 Colony Road** – Tax Map 160-A-51 – ~~3/26/07 pictures taken~~ Starting process of finding owner(s) and preparing to send letter. House has been placarded. Letter to be delivered by Sgt. Givens 4/13/07. Deputy John Greisser is grandson of owner and handles all her affairs. He called me on 4/18/07 saying he will tear house down as soon as possible. He is in the

~~last stages of building a new house so that might slow him down a little but I am willing to work with him within reason. 5/18 Deputy Greisser came to office to talk about permit. Almost finished with his house and getting married early June. Has contacted people to demo house. 7/11/07 — Permit issued for demolition and house will be removed when he gets back from honeymoon. No activity by 8/6/07. No activity by 9/20/07. Need to check his schedule. 10/5/07 House on ground, being taken away. 1/28/08 Not quite complete. Since lifting burn ban owner has gotten back on the project. I have asked Lt. Givens to speed him along with refuse ordinance.~~

- **102 Center Street** – Tax Map 155D-6(49-53) – 3/28/07 pictures taken, starting process of finding owners(s). Not sure I can cause house to be demolished. House is secure. Porch is falling so I am going to write owner and request porch be rebuilt. If that does not work then I will check with Mr. Shrader on legalities. Letter should go out 4/13/07 requesting owner to fix porch. **1/28/08 have letter prepared requesting removal of front porch. Will mail out 1/30/08**
  - **Elon Road** – Have pictures and am researching owner(s). Will get to it when I have the opportunity.
- g. CVCC – negotiating with property owner ongoing — August 21 agenda — October 16, 2007 Closed session agenda November ~~6 closed meeting agenda December 4 closed meeting agenda~~ **EDA to consider lease proposal at January meeting.**
- h. Animal Shelter Project – ~~waiting for loan closing date from Rural Development. Bid information on July 17, 2007 Agenda. Waiting on contract approval from Rural Development. Update September 18, 2007 agenda~~ **Construction underway**
- i. Seminole School – Bid information on July 17, 2007 Agenda. Sept 4, Agenda January ~~agenda~~ **Proposal to be presented to Board in February or March.**
- j. Ordinance amendments – Deferred action until end of year.
1. **Case 2007-11-** Sec. 1302.02. Package Plants – First Reading – May 1, 2007 – Under review of County Attorney. Planning & Zoning Departments reviewing with County Attorney — Planning Commission September 18, 2007 agenda Continued October 16, 2007 meeting Attorney reviewing — On January 15 Agenda- **Adopted**
  2. **Case 2007-12-** Sec. \_\_\_\_\_. Mass drain fields – First Reading – May 1, 2007 – Under review of County Attorney. Planning & Zoning Departments reviewing with County Attorney. Public Hearing August 21, 2007 – Tabled until September 21, 2007 **Pending**
  3. **Case 2007-16** – Article XI. Site Plan Review Requirements – First Reading – May 1, 2007 – Under review of County Attorney. Planning & Zoning Departments reviewing with County Attorney. Public Hearing August 21, 2007 – Tabled to September 21, 2007 - **Pending**
  4. **Case 2007-17** – Article III. Erosion and Sediment Control —First Reading — May 1, 2007 — Under review of County Attorney. Planning & Zoning Departments reviewing with County Attorney. Public Hearing August 21, 2007 — Tabled to September 21, 2007 December 4, 2007 ~~bos meeting~~ January 2<sup>nd</sup> **Board meeting — Public Hearing February 19, 2008**
- k. Americas Best Value Inn and Thomas Motor Inn – Tejender S. Dhillon  
**NOTE:** D. Proffitt will be presenting information regarding the signage on 29 By Pass. **Department of Transportation — Virginia Logos — January 2, 2008 meeting**
- l. Request consideration to limit pet kennel permits to one permit per residence in the Residential areas.
- m. Consideration of separating Board and Planning Commission meetings – to be discussed at Board Advance.
- n. Dissolve Citizens Advisory Committee – February 5, 2008 agenda
- o. Revenue Sharing/VDOT – February 5, 2008 agenda
- p. Lynchburg Chamber of Commerce membership – March 4, 2008

**IN RE: CLOSED SESSION**

Mr. Parrish moved to go to closed session to discuss a (1) personnel matter (3) matter relating to the acquisition or disposition of real property (5) matter relating to prospective business or industry or the expansion of an existing business or industry (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to § 2.2-3711.A.1, 2, 3, 4, 5, 6 or 7 of the Virginia Code Section, involving

§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.3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the 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. Vandall 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: APPOINTMENT PLANNING COMMISSION**

On motion of Mr. Kidd and with the following vote, the Board of Supervisors appointed Mr. Mitchell V. Heishman, Sr. to the Amherst County Planning Commission to fill the unexpired term of August 31, 2009.

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

**IN RE: 24 HOUR FIRE & EMS LEAVE CALCULATION**

Mr. Roakes presented information to the Board regarding the annual leave of 24 hour shift workers.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to adopt Fire & EMS 24 hour leave calculation to become effective March 1, 2008 and as part of the County personnel policy as presented by Public Safety Director Gary Roakes.

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

**IN RE: ADJOURNMENT**

On motion of Mr. Wood, seconded by Mr. Parrish and with the following vote, the Board of Supervisors adjourned until Friday, February 8, 2008 at Price Masonry, the Wednesday, February 13, 2008 at Sweet Briar College Florence Elston Inn for the Advance Meeting.

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