

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 4th day of March, 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	
	Mr. D. Kidd	
	Mr. C. Adams	
	Mr. R. Vandall	

Chairman Wood called the meeting to order.

IN RE: AGENDA

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following agenda with the addition of a closed session section 2.2-3711.a.7 – consultation with legal counsel.

AGENDA

**TUESDAY, MARCH 4, 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. Phelps Road School Proposal – Jeff and Jimmy Price
 - b. Space Needs – Dominion Seven - Blair Smith and Linda Jones
 - c. Lynchburg Chamber of Commerce – Rex Hammond
 - d. Transit Occupancy Tax – T. S. Dhillon
- V. Amherst County Public Schools – Dr. John Walker**
 - a. Request for a supplemental appropriation of \$952,374.00 to the 2007-08 school revenue and expenditure budget
- VI. Virginia Department of Transportation – Michael McCormack**
- VII. Citizen Comments**
- VIII. Consent Agenda**

- a. Board of Supervisors Meeting Minutes – January 7th and 24th, 2008 and February 5th, 8th, 13th, 14th, 19th, and 24th, 2008
- b. Financial Report for period ending January 31, 2008
- c. Public Safety Monthly Report for January 2008
- d. Parks, Recreation & Cultural Dev Board – January 28, 2008 meeting
- e. County seal – Letter of February 12, 2008 from David W. Ponton, Commander SVC Camp #2123 and Dennis J. Beeton, Adjutant SVC Camp #2123
- f. Department of Transportation letter of February 19, 2008
- g. VDOT – Traffic Alerts for February 20, 2008 and March 3-7, 2008

IX. Department Reports

Solid Waste Department

- a. Proposed manned convenience center at the landfill location
- b. Assign A Highway status report
- c. Warrick Barn Road Convenience Center

Building Department

- a. Nuisance Ordinances
- b. Unsafe Building Code Ordinance

Planning Department

- a. Cingular Wireless Communication Facility
- b. Zoning Case #2007-32 – text amendment Sec. 702.03 and Sec. 917

Sheriff's Department

- a. Team Amherst Foundation Inc.

Assist. County Administrator/Purchasing

- a. Courthouse Carpet Replacement
- b. Riveredge Park Development
- c. Madison Heights Library Access Road

X. County Administrator's Report

- a. VDOT Revenue Sharing Program
- b. Proposed vehicle replacement
- c. Reassessment proposals/recommendation

XI. County Attorney's Report

XII. Matters from Members of the Board of Supervisors

- a. Consideration of separation of the practice of joint Board/Planning meeting

XIII. Appropriations/Transfers/Disbursements

XIV. Old Business (See packet)

XV. 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. Heather Follett – Recreation Department

§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. Proposed land purchase
- b. 60 West Container site lease

§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. Train Depot

XVI. Adjourn

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

IN RE: PHELPS ROAD SCHOOL PROPOSAL – JEFF AND JIMMY PRICE

Jeff and Jimmy Price met with the Board and gave a video presentation and a written hand-out as a proposal for Phelps Road School rehabilitation. There was no action taken at this time.

IN RE: LYNCHBURG CHAMBER OF COMMERCE – REX HAMMOND

The Board of Supervisors received a presentation from Rex Hammond, Lynchburg Chamber of Commerce and Ruth Martineau concerning their organization and current activities. The Board was informed that they employ a full time lobbyist and are very active in tourism activities.

IN RE: TRANSIENT OCCUPANCY TAX – T. S. DHILLON

T. S. Dhillon, a Madison Heights motel owner, met with the Board and presented a request that the Board consider eliminating the recently implemented increase in the County lodging tax.

Mr. Kidd requested that Mr. Dhillon provide the County Administrator with profit and loss comparisons for prior years to the implementation of the lodging tax increase with the year after implementation for use in state meetings in which signage regulations will be discussed.

IN RE: REQUEST FOR A SUPPLEMENTAL APPROPRIATION OF \$952,374.00 TO THE 2007-08 SCHOOL REVENUE AND EXPENDITURE BUDGET

Dr. John Walker, School Superintendent, met with the Board and presented the Board with a request for a supplemental appropriation for the following revenue received for the 2007-2008 school session:

Federal and State Funding

GED Expanded Services	\$ 34,000.00
Race to GED	\$ 5,000.00
General Adult Education	\$ 35,458.00
Clinical Grant	\$ 15,238.00

Local Funding

Verizon – E-Rate Funding	\$ 48,092.00
VaCo Risk Management	\$ 55,000.00
Dell Computer – Refunds	\$ 9,586.00

School Construction

2007 School Construction Bond	\$750,000.00
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TOTAL	\$952,374.00
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On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the request for a supplemental appropriation of \$952,374.00 to the 2007-08 school revenue and expenditure budget with the understanding that all of the funds are from federal and state sources.

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

NAY: None

IN RE: REQUEST FOR UNSPENT FUNDS

Dr. Walker proceeded to request that the Board of Supervisors allow the School Board to retain unspent funds indicated in the current audit of \$100,719 from the 2006-2007 school budget.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the reappropriation of \$100,719 of unspent funds from the 2006-07 school budget to the current school budget.

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

NAY: None

IN RE: FACILITIES PLANNING STUDY

Dr. Walker discussed and presented jointly with the County Administrator and Deputy County Administrator a request to contract for a proposed facilities planning study which had been advertised for bids. Four proposals were received and the companies were interviewed by an evaluation committee. Dr. Walker stated that the Schools' funding would be a portion of the unspent funds requested.

On motion of Mr. Kidd and with the following vote, the Board of Supervisors approved the proposed facilities study contract with Eperitus and to appropriate the County's share of the cost in the amount of \$41,100 from designated bond proceeds.

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

NAY: None

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – MICHAEL MCCORMACK

The Board of Supervisors received the following action report of VDOT activities as a result of the January 2, 2008 meeting with the Board from Mr. McCormack and there was Board questions and communications regarding specific road concerns throughout the county.

January 2, 2008

- Residency Administrator with the assistance of State Police Trooper Amy Shupe presented program reformation related to "Are you Virginia's next Traffic Fatality?"
- Reviewed the request for abandonment/addition of portions of Route 624. Board Approved.
- Discussed Virginia Logos mileage limits for signing and business request. Some discussion followed as to how to evaluate overall business impact. County Administrator forwarded concerns to VACO by letter requesting committee review.
- Revenue Sharing deadline for request March 20, 2008. Possible candidates for consideration include new sidewalk, landscaping or expanded brush control, pave additional unpaved roads.
- Project Status – **Public Hearing scheduled for Route 659 on April 10th 4-6 pm @ VDOT ELF**
 - Route 29, Carter Glass Bridge, Cleco Corp. starting mid-January
 - Route 652, Award to Pearson Construction – possible start in Feb. '08
 - Route 666, D.A. Brown – start February '08
 - Route 151/610 Await DHR approval to continue March '08
 - Route 151/29 Pavement work, painting, flashing signals – April '08
- Requested Board to schedule Six Year Plan Public Hearing. Subsequent review with County Administrator set tentatively for February 19, 2008 at 7:00 pm.
 - **Still need to schedule Public Hearing.**
- **New** members requested copies of approved Six Year Plan.
 - Need to update priority list based on current projected allocations.
 - **Copies of approved Six Year Plan have been provided.**
- **Forwarded** revised New Board of Supervisors manual to Mr. Taylor for Mr. Kidd and Mr. Adams
 - **Information forwarded to Rodney Taylor**
- **Reviewed** Ms. Webb's request for street light. County has made some tax and maintenance agreements for street lights. Did not appear to have sufficient warrants for VDOT involvement in cost, could be done under permit.
 - **Advance & Route signs to be added**
- **Board** asked we review signal timing and possible turning movement conflicts at the Route 29 intersection with Temple and Dillard Road.
 - **Signal reviewed – no changes recommended**
- **Vernon** Wood indicated he had received some concerns regarding adequate direction for Eastbound Route 130 traffic locating ramp for Route 29 North Bypass.
 - **Signs and Pavement Arrows to be added**
- Don Kidd indicated that the widening and improvements to Woody's Lake Road might be a good candidate for revenue sharing or Six Year Plan.
- Leon Parrish discussed possible ways the County has or might participate in street light installation.
- Leon Parrish requested the placement of stop sign at the intersection of Second and Ninth Streets.
 - **Signs to be installed**
- Leon Parrish and other Board members expressed an interest in having an expanded area of brush control in Madison Heights, in particular, slope and gore areas around businesses.
 - **Information forwarded to Mr. Bryant for committee consideration**
- Parrish mentioned areas of erosion below Route 210 that involves possible private drainage structure

and Clara Carter property. Call Leon to schedule to review.

- **Reviewed Mrs. Parker's concern and will advise in writing.**

There were Board questions and communications regarding specific road concerns throughout the County.

IN RE: CITIZEN COMMENTS

Dennis Beeton met with the Board and requested that the Board consider advertising a public hearing for consideration of reinstating the confederate emblem on the county's seal.

Leah Lovell met with the Board and presented information regarding the history of the confederate flag and requested consideration of its reinstatement on the county's seal.

Dennis Beeton readdressed the Board with further historical data concerning Amherst County civil war history.

IN RE: CONSENT AGENDA

The County Administrator informed the Board that minutes of January 7th and 24th have not been approved as well as all the February meetings. He presented Robert's Rules of minute taking and samples of Board minutes from surrounding jurisdictions.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the minutes of January 7, 2008 as presented.

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

NAY: None

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the minutes of the January 24th, 2008 meeting as presented.

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

NAY: None

ABSTAIN: Mr. L. Parrish and Mr. V. Wood

On motion of Mr. Kidd and with the following vote, the Board of Supervisors approved the minutes of the February 5th, 8th, 13th, 14th, 19th, and 24th, 2008 meetings as presented with the understanding there was no quorum at the February 8th meeting and that members would abstain from minutes of meetings from which they were absent.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall (all meetings except February 8th and 3 abstained and Mr. Vandall was absent for the February 24th meeting)

NAY: None

ABSTAIN: Mr. Wood, Mr. Parrish and Mr. Vandall for the February 8th meeting as they were absent

- b. Financial Report for period ending January 31, 2008
- c. Public Safety Monthly Report for January 2008
- d. Parks, Recreation & Cultural Dev Board – January 28, 2008 meeting
- e. County seal – Letter of February 12, 2008 from David W. Ponton, Commander SVC Camp #2123 and Dennis J. Beeton, Adjutant SVC Camp #2123
Department of Transportation letter of February 19, 2008
- f. VDOT – Traffic Alerts for February 20, 2008 and March 3-7, 2008

Information Only

IN RE: PROPOSED MANNED CONVENIENCE CENTER AT THE LANDFILL LOCATION

Teresa Nuckols, Solid Waste Director, met with the Board and presented the following proposed options for the solid waste collection center at the landfill gate:

Proposed Options for Solid Waste Collection Center – Landfill Gate

	Option	Pro	Con	Approximate Cost Increase
1	Status Quo	Convenience of Off-loading hours	Same Issues	No significant increase anticipated at this time
2	Close Site	Eliminates current issues	Inconvenient hours – May increase illegal dumping - Increase Usage at Coolwell/ Stapleton – Neither are equipped to handle additional use	Increase hauling cost for Coolwell
3	Accept Mr. Updike's Proposal	Convenience of off-loading hours New Containers May decrease rodents	Same Issues	Approx. \$13,000 (according to Mr. Updike's proposal)
4	Manned Convenience Center	Control of Waste Stream Increase Recycling	Cost Inconvenient Hours – May increase illegal dumping – Increase Usage at Stapleton	Est. Site Construction (including equipment)- \$300,000 Est. Annual Operating Cost - \$75,000
5	Hybrid Close Site Increase Saturday Hours Increase Equipment at Coolwell Monitor effects on Stapleton	Eliminates Current Issues Offering longer hours on Sat to Assist Residents Control of Waste Stream	May be difficult to encourage recycling Increase Usage at Stapleton May increase illegal dumping	Est. Cost of extra compactor - \$20,000 + extra Increase hauling cost for Coolwell Cost for Cty Staff (4 hrs/week) + misc Adjustments to operations contract for additional service

There was a Board discussion of various options to be considered and a consensus to request further detailed information on establishment of a transfer station and Option #5 presented.

IN RE: ASSIGN A HIGHWAY STATUS REPORT

The County Administrator and Ms. Nuckols reported to the Board on their recent meeting with the Circuit Court Judge concerning the establishment of the assign-a-highway program. The Circuit Court Judge is currently concerned about assigning the appropriate persons to the program.

The County Administrator and Ms. Nuckols plan to provide additional information to the Judge for his consideration. The County Administrator stated that a litter control officer would have duties including enforcement of litter rules and oversight in implementation of the assign-a-highway program.

IN RE: WARRICK BARN ROAD CONVENIENCE CENTER

Ms. Nuckols presented change order #1 to the Rt. 665 convenience center site construction contract in the amount of \$20,145 and to add 10 days to the construction schedule.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved Change Order #1 for Warrick Barn Road Convenience Center construction project and to appropriation of \$20,145 from the bond proceeds allocated for the convenience center construction and to add 10 days to the construction schedule.

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

NAY: None

IN RE: NUISANCE ORDINANCES

Kenneth Campbell, Building Official, met with the Board and presented several nuisance ordinances to the Board for amendments.

- (1) New nuisance ordinance
- (2) Grass and weed ordinance
- (3) Refuse ordinance

There was a Board discussion.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors directed staff to advertise the proposed ordinance amendments for the first meeting of April 2008.

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

NAY: None

IN RE: UNSAFE BUILDING CODE ORDINANCE

Mr. Kenneth Campbell presented the following unsafe building ordinance for the Board of Supervisors action.

On motion of Mr. D. Kidd and with the following vote, the Board of Supervisors adopted the proposed unsafe building code ordinance as presented.

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. C. Adams, Mr. D. Kidd and Mr. R. Vandall

NAY: None

Mr. Adams addressed the issue of potentially overloading the County's code enforcement officer with enforcement duties for the Board's awareness.

Mr. Parrish informed Mr. Campbell of a nuisance ordinance complaint at 175 Woodland Dr., Madison Heights.

IN RE: CINGULAR WIRELESS COMMUNICATION FACILITY

Planning Director Bryant presented the request from Cingular Wireless which was postponed from the previous regular board meeting.

There was a Board discussion and consensus to request the Planning Commission to review the ordinance for amendment recommendations.

On motion of Mr. Wood and with the following vote, the Board of Supervisors approved the Cingular Wireless request for the co-location on an existing utility structure to be eight-seven (87) feet on Virginia Department of Transportation proposed zoned P-1 Public Lands.

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

NAY: None

IN RE: ZONING CASE #2007-32 – TEXT AMENDMENT SEC. 702.03 AND SEC. 917

Neal Zarota, Fred Delilla and Gary Wright of the Virginia Department of Environmental Quality met with the Board and presented information regarding biosolids permitting summary and regulations in Virginia.

Mr. Bryant presented zoning case 2007-32 requesting a zoning text amendment to Section 702.03 and Section 917 of the County zoning ordinance. The proposed text amendment would regulate the storage of biosolids on lands in the Agricultural Residential District.

There was a Board discussion and consensus to direct Mr. Bryant to proceed with the necessary process for the ordinance revisions presented and to change the term sewage sludge to biosolids where appropriate and proceed with advertisement for a public hearing on April 15, 2008.

IN RE: TEAM AMHERST FOUNDATION INC.

Sheriff Ayers met with the Board and presented information regarding Team Amherst Foundation for the Board's information.

IN RE: CLOSED SESSION

Mr. V. Wood moved to go to closed session to discuss a (1) personnel matter pursuant to § 2.2-3711.A.1 of the Virginia Code Section:

§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.

This was seconded by Mr. L. 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 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: SPACE NEEDS – DOMINION SEVEN - BLAIR SMITH AND LINDA JONES

Deferred from earlier in meeting.

Blair Smith, Dominion Seven Architects met with the Board and provided a preliminary space needs report for the Goodwin Street Building including the following estimated project costs and schedule.

ESTIMATED PROJECT COSTS FOR OPTIONS				
ITEM	OPTION #1 REPAIR EXISTING	OPTION #2 REPLACE ENTIRE	OPTION #3 REPLACE PORTION	OPTION #4 NEW BUILDING
Construction Cost @ Goodwin Bldg	\$ 240,000	(\$ 430,000)	\$ 330,000	\$1,387,500
Cosmetic changes @ Goodwin Bldg	\$ 76,000	\$ 50,500	\$ 50,500	

20 year space need upgrades @ Goodwin Bldg		\$ 120,000	\$ 120,000	
New aluminum windows @ Goodwin Bldg		\$ 37,000	\$ 37,000	
Structural changes @ Goodwin Bldg			\$ 15,000	
Packing and Moving Costs		\$ 17,500	\$ 17,500	\$ 10,500
Cosmetic changes @ existing Church		\$ 40,000	\$ 40,000	
Original work @ church	\$1,413,040			
Original work @ church + extension		\$ 1,949,540	\$1,949,540	\$1,949,540
CONSTRUCTION TOTAL	\$1,729,040	\$2,644,540	\$2,559,540	\$3,347,540
SOFT COSTS	\$ 345,808	\$ 528,908	\$ 511,908	\$ 669,508
TOTAL	\$2,074,848	\$3,173,448	\$3,071,448	\$4,017,048
10% CONTINGENCY	\$ 207,485	\$ 317,345	\$ 307,145	\$ 401,705
GRAND TOTAL	\$2,282,333	\$3,490,793	\$3,378,593	\$4,418,753

There was a Board discussion and consensus to direct the County Administrator and Mr. Smith to present the original space study along with the Goodwin Building study at the first regular meeting of April 2008 for their further consideration.

IN RE: COURTHOUSE CARPET REPLACEMENT

The County Purchasing Agent presented a request for courthouse carpet replacement.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors authorized acceptance of the contract proposal from the Floor Show Inc. as presented and expenditure of funds to cover that cost as well as overtime labor costs from the County bond proceeds.

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

NAY: None

IN RE: RIVEREDGE PARK DEVELOPMENT

Plans for development of the County's Riveredge Park Project are nearly complete. The first step in development activities is removal of surplus slag material from the property. The County has initiated a separate procurement process for this component of the initial clean up activities as it has been deemed to be a more cost efficient approach. The requested amount of up to \$25,000 has been obtained by the County as part of its recent bond financing.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors authorized the proposed contract for slag removal at the Riveredge Park property and to appropriate up to \$25,000 from the bond funding to cover that cost.

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

NAY: None

IN RE: MADISON HEIGHTS LIBRARY ACCESS ROAD

During the June 19, 2007 CIP Board of Supervisors Workshop, proposed handicap accessibility and parking improvements for the Madison Heights Library were discussed. There was a Board action to establish this project as an immediate need, not to be included in the subsequent bond financing. Staff developed a schematic plan which includes a paved driveway extending from the "Old Kroger Parking Lot" to four handicap parking spaces in front of the Library Building and continuing to a building entrance on its west side for the accommodation of delivery vehicles. The plan was forwarded to the property owner, Hughs Real Estate, Inc. for their consideration. Final approval by Hughs for this proposed project has recently been received. It is roughly estimated that the cost of the proposed project will be \$20,000 -

\$25,000. Staff is requesting direction from the Board as whether we should proceed with obtaining bids for this consideration.

There was a Board discussion and consensus to direct staff to proceed with obtaining bids for the proposed project and report to them.

IN RE: VDOT REVENUE SHARING PROGRAM

The Virginia Department of Transportation offers a Revenue Sharing Program to localities for targeted transportation enhancement projects that do not have a current source of funding. Applications for the program are due March 20, 2008. I have discussed with Mike McCormack the possibility of utilizing this program to fund sidewalk improvements in Madison Heights. The Board has previously been asked to consider taking actions to make Route 29 more user friendly for handicapped citizens. The Planning Department has formed a partnership with Sweet Briar College and a student intern is currently conducting a survey of sidewalks in Madison Heights. The VDOT program matches dollar for dollar the funding provided by the locality, for example \$50,000 in funding by the County would be matched with \$50,000 in funding from VDOT. On February 5, 2008 the Board directed the County Administrator to prepare a resolution for consideration at the March 4, 2008 meeting.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors moved to adopt a resolution regarding a request for VDOT Revenue Sharing in the amount of \$50,000 for sidewalk enhancements in Madison Heights.

RESOLUTION

WHEREAS, The County of Amherst desires to submit an application for an allocation of funds of up to \$50,000 through the Virginia Department of Transportation Fiscal Year 2009-2010, Revenue Sharing Program; and,

WHEREAS, \$50,000 of these funds are requested to fund sidewalk improvements along Route 29 Business in the Madison Heights area of the County for the safety of pedestrian traffic and especially those utilizing motorized wheelchairs; and,

WHEREAS, The Amherst County Board of Supervisors will appropriate \$50,000 in matching funds to provide a total of \$100,000 in sidewalk enhancements; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Amherst County Board of Supervisors hereby support this application for an allocation of \$50,000 through the Virginia Department of Transportation Revenue Sharing Program.

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

NAY: None

IN RE: PROPOSED VEHICLE REPLACEMENT

The County Administrator presented the following proposed vehicle replacement program.

County Governmental Vehicle Schedule (Excludes: Sheriff, Social Services, Service Authority)								
			Requested Replacement Year & Cost					
DEPT.	VEHICLE	APPROX MILEAGE	2008	2009	2010	2011	2012	Replace in
County Admin	2000 Ford Taurus	64,000				\$ 18,000.00		2021
County Admin	2008 Ford Explorer	New						2014
County Admin	1998 F150 Pick-up	165,000			\$21,000.00			2020

Maintenance	1990 ¾ ton Chev PU	175,000			\$21,000.00			2020
Maintenance	1980 1 ton Chev dump	200,000 +	\$62,000.00					2028
Maintenance	2001 Chev ½ ton PU	70,000				\$21,000.00		2021
Maintenance	2002 Chev ½ ton PU	60,000					\$21,000.00	2022
Maintenance	2006 Chev Colorado	18,000						2015
Maintenance	1999 Jeep Cherokee	180,000		\$17,500.00				2019
Solid Waste	1996 Chev ½ ton PU	104,000			\$21,000.00			
Solid Waste	2003 1 ton Chev Dump	17,000						2018
Solid Waste	Roll-off Garbage Truck (lease)	Additional vehicle		\$22,000.00	\$22,000.00	\$22,000.00	\$22,000.00	2018
Solid Waste	Vehicle for Litter Control Officer	Additional vehicle		\$18,000.00				2017
Public Safety	1999 Jeep Cherokee	120,000		\$28,000.00				2016
Public Safety	1999 Chev Tahoe	121,000	\$37,000.00					2015
Public Safety	2007 Chev suburban	Recent purchase						2014
Public Safety	2007 Chev Forensics Unit							
Animal Control	2001 Chev ¾ ton PU	160,000	\$26,000.00					2015
Animal Control	2005 Chev ¾ ton PU	60,000					\$26,000.00	2019
Animal Control	Vehicle for Additional Officer	Additional vehicle		\$38,500.00				2016
Building Dept	2000 GMC ½ ton Pickup	101,000		\$18,500.00				2016
Building Dept	2006 Ford Escape	39,000					\$18,500.00	2019
Recreation Dept	2006 Ford Mini-Bus	7,300						
TOTAL			\$125,000.00	\$142,500.00	\$85,000.00	\$61,000.00	\$87,500.00	

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to appropriate the requested funding in the amount of \$37,000 for Public Safety vehicle and \$26,000 for the Animal Control vehicle from the unobligated general fund balance and to direct the County Administrator to investigate sharing a maintenance dump truck with the School System.

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

NAY: None

IN RE: REASSESSMENT PROPOSALS/RECOMMENDATION

The County Administrator presented reassessment/board of assessors' comparison for the Board's information.

IN RE: CONSIDERATION OF SEPARATION OF THE PRACTICE OF JOINT BOARD/PLANNING MEETING

There was a discussion of advantages and disadvantages of continuation of the monthly joint Planning Commission/Board of Supervisors public hearings. There was a consensus to discuss the matter with the Planning Commission at a scheduled April 22, 2008 meeting with them.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

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

a. APPROPRIATIONS

Board of Supervisors

11010 3014	2008-209 AEP Assessment	\$ 983.00
(Unobligated General Fund Balance)		

Revenue Recovered Cost

19000 903	Reimb – Judge Secretary	\$ 2,374.95
(Revenue from Nelson County for share of Judge's Secretary)		

Contribution

53110 5611	Contribution – Humane Society	\$ 591.62
(Revenue received from Dept. of Motor Vehicles and deposited with Treasurer)		

Sheriff's Department

31020 3004-100	Repairs – Auto (Insurance)	\$ 1,047.77
(Insurance revenue for 2008 Ford)		
31020 1013	ACHS Athletic Security	\$ 565.16
(Reimbursement from Amherst Co. High School)		
31020 5410	Uniform	22.00
(Reimbursement from Alfred Rose)		
31020 7001	Equipment	630.00
(Reimbursement from Clay Thompson and Steve Davis)		
33010 5409	Supply	5.00
(Reimbursement Odea West)		
31020 7005	Vehicle	\$33,600.00
(Fine money for Oct., Nov., & Dec. 2007 – Total \$34,733.84-\$3,250.00 + carry over from last quarter in the amount of \$11,337.71 = \$42,821.55 available)		

Maintenance Department

43020 7010	Building Maintenance	\$ 2,090.00
(Unobligated General Fund Balance)		

b. TRANSFERS

Tourism Department

Transfer from:

81600 3002	Professional Services	\$ 8,500.00
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Transfer to:

81600 5504	Training & Education	\$ 1,000.00
81600 5605	Community Assistance	3,000.00
81600 5801	Dues/Membership fees	2,000.00
81600 3007	Advertising/Marketing	2,000.00
81600 5408	Gas/Grease/Oil	500.00

Public Safety

Transfer from:

32070 7001	Equip & Communication Supplies	\$10,000.00
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Transfer to:

32070 1003	Part time	\$10,000.00
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AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall

NAY: None

IN RE: OLD BUSINESS

The County Administrator updated the Board on Learning Lane at Mr. Vandall's request.

Mr. Adams requested further information on animal kennel licensing status.

IN RE: CLOSED SESSION

Mr. V. Wood moved to go to closed session to discuss (3) discussion relating to the acquisition or disposition of real property and (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.3, and 7 of the Virginia Code Section, involving

§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.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. Parrish moved to come out of closed session, seconded by Mr. Kidd 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: ADJOURNMENT

On motion of Mr. Adams, seconded by Mr. Kidd and with the following vote, the Board of Supervisors adjourned to 10:00 a.m. March 5, 2008.

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

NAY: Mr. L. Parrish

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator