

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 15th day of April, 2008 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

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

PRESENT:	Mr. J. Fulcher, Mr. L. Parrish Mr. D. Hedrick Mr. M. Heishman Ms. B. Limbrick Mr. R. Fener Ms. B. Jones	ABSENT: None
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Chairman Wood called the meeting to order.

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

IN RE: AGENDA

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the agenda with the addition of two closed session items under Virginia Code Section 2.2-3711.A.3

AGENDA

**TUESDAY, APRIL 15, 2008
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
7:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comments**
- V. Consent Agenda**
 - a. Land Use Values – Linda Byers, COR – Letter of April 3, 2008
 - b. Amherst County Building Safety & Inspections Minutes – March 2008
 - c. Central Virginia Community College – Letter of March 20, 2008
 - d. Parks, Recreation and Cultural Dev. Board Minutes – Feb. 11, 2008
 - e. Robert E. Lee Soil & Water Conservation Dist – Education Specialist

- f. Robert E. Lee Soil & Water Conservation Dist. – Feb. 28, 2008
- g. Dept. of Criminal Justice Services – Grant award dated March 31, 2008
- h. Department of Transportation – Letter of April 4, 2008
- i. VDOT Traffic Alerts – March 31 – April 4, April 7- 11, 14-18, 2008

VI. Zoning Public Hearing

- 2008-08** Request by Sweet Briar College for a special exception in the A-1 Agricultural Residential District. The proposed special exception is to allow an expansion of the gymnasium. The property is located at 695 Sweet Briar Drive and is further identified as tax map number 110-A-15 & 16.

VII. Other Public Hearings

- a. School Board Applications
- b. FY2008-2013 Six Year Highway Improvement Plan and FY08-09 Secondary Construction budget
- c. Proposal to repeal Article IV. And V in Chapter 13 (Solid Waste) And the proposed Public Nuisances, Grass and Weed and Refuse in Chapter 4 (Building Regulations)

VIII. Department Reports

IX. County Administrator's Report

- a. Town of Amherst – Town Square Project

X. County Attorney's Report

- a. Amendments Article IV. Motor Vehicle Graveyards, Inoperable Vehicles – 1st reading

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.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. 60W Dumpster Site
- b. Linkerhoken Property

§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. Janetatos, et al. v. County of Amherst, et al

XV. Adjourn

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

NAY: None

IN RE: CITIZEN COMMENTS

Randy Tschetter, School Transportation Director requested participation in future highway improvement planning.

Mark Labadie requested a copy of information provided to the Board by the Commissioner of Revenue concerning changes in land use values.

Assignment: None

IN RE: CONSENT AGENDA

The County Administrator reviewed the consent agenda items for Board's information.

- a. Land Use Values – Linda Byers, COR – Letter of April 3, 2008
- b. Amherst County Building Safety & Inspections Minutes – March 2008
- c. Central Virginia Community College – Letter of March 20, 2008
- d. Parks, Recreation and Cultural Dev. Board Minutes – Feb. 11, 2008
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Information Only

Mr. Wood turned the floor over to Planning Commission Fulcher.

IN RE: PLANNING COMMISSION AGENDA

On motion of Ms. Limbrick, seconded by Mr. Hedrick and with the following vote, the Planning Commission approved their agenda.

AYE: Mr. J. Fulcher, Mr. L. Parrish, Mr. D. Hedrick, Mr. M. Heishman, Ms. B. Limbrick, Mr. R. Fener, and Ms. B. Jones

NAY: None

IN RE: ZONING PUBLIC HEARING

2008-09 Request by Sweet Briar College for a special exception in the A-1 Agricultural Residential District. The proposed special exception is to allow an expansion of the gymnasium. The property is located at 695 Sweet Briar Drive and is further identified as tax map number 110-A-15 & 16.

The Planning Department Director Bryant provided an introduction to the Planning Commission and Board of Supervisors for their information.

Rebecca Anderson, Hurt & Proffitt Engineering, provided information to the Board.

The Public Hearing was opened.

There were no speakers.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Fener and with the following vote, the Planning Commission moved to recommend approval of the request from Sweet Briar College for a special exception in the A-1 Agricultural Residential District to allow an expansion of the gymnasium at 695 Sweet Briar Drive.

AYE: Mr. J. Fulcher, Mr. L. Parrish, Mr. D. Hedrick, Mr. M. Heishman, Ms. B. Limbrick, Mr. R. Fener, and Ms. B. Jones
NAY: None

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Adams and with the following vote, the Board of Supervisors approved the Planning Commission recommendation for a special exception in the A-1 Agricultural Residential District to allow an expansion of the gymnasium at 695 Sweet Briar Drive.

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

IN RE: PUBLIC HEARING SCHOOL BOARD APPLICATIONS

The Board of Supervisors opened the public hearing to hear comments from the public on school board applicants for the two openings on the school board. There were no speakers and Mr. Wood stated that appointments would be considered at the May 6, 2008 meeting.

IN RE: PUBLIC HEARING FY2008-2013 SIX YEAR HIGHWAY IMPROVEMENT PLAN AND FY08-09 SECONDARY CONSTRUCTION BUDGET

Mr. Wood called the meeting to order as advertised for the proposed combined FY2008-2013 six year highway improvement plan and the FY08-09 secondary construction budget.

Mike McCormack, VDOT Resident Engineer, introduced details of the proposed plan to the Board and public.

**PUBLIC HEARING
AMHERST COUNTY
APRIL 15, 2008
Combined Six-Year Plan Revisions
And
2008-10 Secondary Construction Budget**

Anticipated Secondary Construction Funding FY 2008-09

\$1,320,987	Regular Construction Funds
<u>128,310</u>	New Hard Surface Funds
\$1,449,297	TOTAL ANTICIPATED FUNDS

Proposed Distribution

Countywide Items - Private Pipe and Entrance, Traffic Services, Fertilization and Seeding, Subdivision Review, Right of Way, Revenue Sharing

2008-09 \$55,000

Incidental Construction - Budget Items

2008-09 To be Considered

Regular Construction Projects – See Attached Listing

2008-09

\$1,225,829

Unpaved Construction Projects - See Attached Listing

2008-09

\$128,310

**PROPOSED SIX YEAR PLAN
FY2008-09 through FY 2013-14
AMHERST COUNTY**

REGULAR CONSTRUCTION PROJECT LISTING

PRIORITY #	ROUTE (AD DATE)	DESCRIPTION	ANTICIPATED COST	% FUNDED	TRAFFIC COUNT
1	666 Construction Complete	Woodson Road Replace Approaches and Bridge #6060 over Little Piney River Length: 0.06 Mi	\$463,871	100%	420
2	652 Under Construction	Cedar Gate Road From: Route 675 To: Route 1401 Reconstruction and Bridge over Graham Creek Length: 1.67 Mi.	\$4,479,110	100%	930
3	643 (2012)	Wagon Trail Road Replace Approaches and Bridge #6043 over Horsley Creek Length: 0.3 Mi.	\$2,357,866	100%	260
4	659 (2012)	Union Hill Road From: Route T-606 To: NS Railway Reconstruction and Bridge over Rutledge Creek Length: 1.01 Mi	\$4,091,514	100%	500
5	657 (2013)	Laurel Cliff Road From: Route 636 To: Route 652 Reconstruction Length: 0.5 Mi.	\$750,000 PE ONLY	90%	855
	652	Cedar Gate Road From: Route 675 To: Route 657 Length: 1.10 Mi.	\$2,750,000		930
	682	Woody's Lake Road From: Route 29NBL To: Route 1329 Length: 0.75 Mi.	\$3,375,000		3300

UNPAVED CONSTRUCTION PROJECT LISTING

PRIORITY #	ROUTE (AD DATE)	DESCRIPTION	ANTICIPATED COST	% FUNDED	TRAFFIC COUNT
1	779 Under Construction	Mistover Drive From: 0.5 Mi. N. Route 653 To: 2.5 Mi. N. Route 653 Length: 2.0 Mi.	\$225,000	100%	65
2	659 In Public Hearing Stage	Buffalo Ridge Road From: Route 821 To: End State Maintenance Length: 2.8 Mi.	\$368,207	100%	60
3	637 (2009)	Sugar Mill Tunnel Hollow From: Route 635 To: 1.60 Mi. N. Route 635 Length: 1.6 Mi.	\$221,000	100%	50

4	745 (2011)	Alhambra Road From: Forest Service Road To: Route 827 Length: 1.0 Mi.	\$142,240	100%	50
5	663 (2013)	Brightwell's Mill Road From: Route 669 To: Route 622 Length: 2.0 Mi.	\$279,400	100%	160
6	608 (2014)	Campbell's Mill Road From: Route 29 To: 1.90 Mi. N. Route 29 Length: 1.9 Mi	\$267,278	100%	120
7	824	Banton Lane From: Route 60 To: Dead End Length: 0.38 Mi.	\$57,544	0%	70
8	729	Chestnut Lane From: Route 739 To: Dead End Length: 0.76 Mi.	\$111,737	0%	100
9	737	Wares Gap Road From: 1.80 Mi. N. Rout 643 To: Wares Gap Length: 0.7 Mi.	\$103,325	0%	50
10	624	Earley Farm Road From: End Hard Surface To: 1.25 Mi. E. Hard Surface	\$180,430	0%	50
	606	Fox Hall Drive From Route 60 To: Dead End Length: 1.4 Mi.	To Be Determined	0%	60
	650	Perch Road From: 0.95 Mi. W. Route 691 To: 2.25 Mi. W. Route 691 Length: 1.3 Mi.	To Be Determined	0%	175
	647	Waugh's Ferry X-ing From: End Hard Surface To: 2.0 Mi. S. End Hard Surface Length 2.0 Mi.	To be Determined	0%	35
	691	Tinsley Road From: Route 650 To: Dead End Length: 1.0 Mi.	To be determined	0%	85
	662	Geddes Mountain Road From: Route 713 To: Dead End Length: 0.6 Mi.	To be determined	0%	50
	741	Angus Road From: Route 713 To: Dead End Length: 0.6 Mi.	To be determined	0%	65
	654	Mundy' Mill Road From: Route 613 To: Dead End Length: 0.5 mi.	To be determined	0%	135

There were no speakers and the public hearing was closed.

IN RE: PROPOSAL TO REPEAL ARTICLE IV. AND V IN CHAPTER 13 (SOLID WASTE) AND THE PROPOSED PUBLIC NUISANCES, GRASS AND WEED AND REFUSE IN CHAPTER 4 (BUILDING REGULATIONS)

Mr. Wood called the public hearing to order as advertised.

The Building Official presented the advertised Public Nuisances, Grass and Weed and Refuse Ordinance to the Board.

There were no speakers and the public hearing was closed.

Mr. Wood stated that the 3rd reading of the ordinances would be scheduled for the May 6, 2008 meeting.

IN RE: TOWN OF AMHERST – TOWN SQUARE PROJECT

The County Administrator provided a video presentation of a Town Square proposal from the Amherst Town Mayor.

There was a Board discussion.

Mr. Taylor provided detailed plans of the project to the Board members that were developed by the Town of Amherst.

On motion of Mr. Vandall, and with the following vote, the Board of Supervisors moved to support the Town Square proposal with no County financial obligation at this time.

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

NAY: None

IN RE: AMENDMENTS ARTICLE IV. MOTOR VEHICLE GRAVEYARDS, INOPERABLE VEHICLES – 1ST READING

Vaden Hunt, County Attorney, presented proposed amendments to the County motor vehicle graveyard, inoperable vehicle ordinance.

There was a Board discussion of the proposed amendments and specific comments by the Board members for consideration in preparing the 2nd reading.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. D. Kidd requested further information on the space study planning for additional office space.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the following appropriations and/or transfers:

a. APPROPRIATIONS

Grant – Old Town Madison Heights

Fund 83			
81205	3010	Contract Services	\$ 25,000.00
(Grant approved from CDBG)			

Sheriff's Department

16-3305	5804	DARE	\$ 19,822.63
(Dare revenue 7/1/07 through 2/29/07)			

31020	1009	Clerical Compensation	3,000.00
31020	1008	Traffic Enforcement	3,500.00
31020-5804-100		Court House Beautification	230.00
31020	7001	Equipment	3,946.50
(Fine money January, February, March 2008 + carry over)			

Recreation Department

71010	3004	Repairs & Maintenance	\$	2,500.00
(Unobligated General Fund Balance)				

School Board

Supplemental appropriation to the 2007-08 school revenue and expenditure budget	\$	513,679.00
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Economic Development

81500	3013	Amelon Professional Services	\$	15,000.00
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Solid Waste Department

Fund 85				
42050	8002	Site Rental	\$	1,500.00
(Unobligated General Fund Balance)				

Maintenance Department

43020	1002	Overtime-Other Pay	\$	2,500.00
43020	2001	FICA		200.00
(Unobligated General Fund Balance)				

b. TRANSFERS**Sheriff's Department**

Transfer from:

31020	7001	Equipment	\$	11,469.00
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Transfer to:

31020	3016	Repair radios	\$	700.00
31020	5203	Telephone		2,000.00
31020	5308	Liability Auto Ins		6,307.00
31020	5416	Physical Exams		56.00
31020	5449	Tires		1,000.00
33010	5308	Liability Auto Ins.		1,006.00
33010	5409	Police Supply		400.00

Animal Control

Transfer from:

35010	5410	Uniforms & Wear Apparel	\$	400.00
35010	5501	Travel		100.00
35010	5802	Fowl		450.00
35010	5890	Dog Lic Books/Forms		250.00

Transfer to:

35010	5804	Livestock Claims	\$	1,200.00
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Commissioner of the Revenue

Transfer from:

12090	4001	Computer Services	\$	619.00
12090	5503	Travel		60.00

Transfer to:

12090	3006	Printing & Binding	\$	500.00
12090	5801	Dues & Assoc. Memberships		60.00
12090	3013	Professional Services		119.00

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 answered questions of old business items.

- (1) Update on Riversedge Park
- (2) Update on salary study preparations

IN RE: CLOSED SESSION

Mr. Vandall moved to go to closed session to discuss a (3) discussion 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 and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to 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.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. Adams 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: RT. 60 WEST CONTAINER SITE

On motion of Mr. Wood and with the following vote, the Board of Supervisors approved the proposed lease agreement for the Rt. 60 West waste container site with a \$200 annual cost increase.

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

NAY: None

IN RE: ADJOURNMENT

On motion of Mr. Parrish, seconded by Mr. Adams and with the following vote, the Board of Supervisors adjourned.

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

NAY: None

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator