

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 3rd day of June, 2008 at 1:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. V. Wood	ABSENT: Mr. D. Kidd
	Mr. L. Parrish	
	Mr. C. Adams	
	Mr. R. Vandall	

Chairman Wood called the meeting to order.

Mr. Parrish 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 following agenda with changes:

- (1) Postponement of commendation for Helen Williams to a later meeting
- (2) Postponement of report by Teresa Nuckols to later in meeting
- (3) Report by Purchasing Department of salary study proposals received

AGENDA

**TUESDAY, JUNE 3, 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. Letter of commendation for Helen Williams
 - b. Amherst County Recycling Facility – Teresa Nuckols
- V. Amherst County Public Schools – Dr. John Walker**
- VI. Citizen Comments**
- VII. Consent Agenda**
 - a. Board of Supervisors Meeting Minutes – May 6th and 20th, 2008
 - b. Financial Report for period ending April 30, 2008
 - c. Parks, Recreation & Cultural Development – April 14, 2008
 - d. Auditor of Public Accounts
 - e. Robert E. Lee Soil & Water Conservation District – April 24, 2008
 - f. Buffalo Ridge Road Design Approval
 - g. Amherst Industrial Development Authority – June 2, 2008
 - g. VDOT Traffic Alerts – May 26 - 30, and June 2 - 6, 2008

VIII. Department ReportsSocial Service Department

- a. 2009 Final Budget Allocation

Purchasing Department

- a. Worker's Compensation Insurance Coverage

IX. County Administrator's Report

- a. Board of Supervisors Vision Statement
- b. Town Emergency Water Release Provisions
- c. Staff Development
- d. Board Openings – Building Appeals and Library Board of Trustees
- e. Animal Shelter Staffing

X. County Attorney's Report

- a. School Facility Lease Agreement
- b. Sweet Briar College Request

XI. Matters from Members of the Board of Supervisors**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. School Board appointments
 - i) Glory Walker
 - ii) Troy Cash
 - iii) Beverly C. Jones
 - iv) Bruce N. Conner, Jr.
 - v) Gary A. Sibcy, II, Ph.D.
 - vi) Dr. William Brown
- b. 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. Schewel property
- b. Phelps Road School 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. Dr. John Walker

XVI. Adjourn to the High School for student recognition program at 7:30 p.m.

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

NAY: None

ABSENT: Mr. D. Kidd

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

Dr. John Walker, School Superintendent, met with the Board and

1. Announced a reception for outgoing Board member (chairperson) Margaret Leggett
2. Expressed appreciation for Board's continuous support for county students, School Board, and for him in his duties, as he plans to retire as of June 30, 2008.
3. Chairman expressed Board's appreciation for his services to the County

IN RE: CITIZEN COMMENTS

Barbara Pettit requested that the new animal shelter/humane society be named for Gerdy Pryor.

Pat Baird provided history of development of the Amherst County Humane Society and animal shelter and requested that the new facility be named for Gerdy Pryor.

IN RE: CONSENT AGENDA

- a. Board of Supervisors Meeting Minutes – May 6th and 20th, 2008

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the minutes of May 6th and 20th, 2008 as presented.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams and Mr. R. Vandal

NAY: None

ABSENT: Mr. D. Kid

- b. Financial Report for period ending April 30, 2008
- c. Parks, Recreation & Cultural Development – April 14, 2008
- d. Auditor of Public Accounts
- e. Robert E. Lee Soil & Water Conservation District – April 24, 2008
- f. Buffalo Ridge Road Design Approval
- g. Amherst Industrial Development Authority – June 2, 2008
- h. VDOT Traffic Alerts – May 26 - 30, and June 2 - 6, 2008

Information only

IN RE: SOCIAL SERVICE DEPARTMENT - 2009 FINAL BUDGET ALLOCATION

Glenn Sullivan and Susan Mays of Amherst County Social Services met with the Board and presented their final proposed 2008-09 Social Services Budget.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the proposed 2008-09 Social Services budget and to appropriate \$13,364 from the unobligated general fund for their overall increase as requested.

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

NAY: None
 ABSENT: Mr. D. Kidd

The Board of Supervisors received an activity report for the 2007-08 Social Services programs from Glenn Sullivan.

IN RE: WORKER'S COMPENSATION INSURANCE COVERAGE

The County Purchasing Agent presented information regarding Amherst County Workers Compensation Insurance. The County changed all of its insurance coverage with the exception of worker's compensation to the VACo program approximately six years ago. We have obtained comparative cost proposals from each program for the past several years for workers compensation but not until recently has there become a significant differential. For the fiscal year commencing July 1, 2008, the following costs have been obtained:

VACo	\$131,778
VML	\$180,092

Plus there is an additional premium discount of \$4,938 from VACo by including all of our coverage with them.

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved to change the County's Workers Compensation Insurance coverage from VML to VACo Insurance as presented.

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

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the following workers compensation resolution to cover Board of Supervisors members and associated Board and Commissioners to be covered under the new workers compensation program.

WORKERS' COMPENSATION RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that, Members of the Amherst County Board of Supervisors are hereby authorized to be included as employees for the purpose of the Workers' Compensation Act of the Commonwealth of Virginia and entitled to all coverage provided under said Act.

This Resolution shall be in full force and effect upon its passage.

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

IN RE: SALARY STUDY PROPOSALS

The Board of Supervisors received a report from the Purchasing Agent regarding proposals for a proposed joint county, school and service authority contract and he inquired as to whether any of the members wished to serve on the proposal evaluation committee. There was a consensus that none of the members present wished to serve as long as the committee consisted of county, school and service authority representatives and to ask Mr. Kidd who is absent if he desired to serve.

IN RE: BOARD OF SUPERVISORS VISION STATEMENT

The County Administrator presented information regarding the Board of Supervisor's vision statement.

The Board of Supervisors by consensus set June 16, 2008 as the next "Advance" for the Board's vision statement planning.

IN RE: TOWN EMERGENCY WATER RELEASE PROVISIONS

The County Administrator presented the following amendment to the Procedure for the Emergency Release of Water.

Procedure for the Emergency Release of Water from Amherst County Reservoirs

The intent of the following is to establish a non-binding procedure and policy under which water may be released from Amherst County-owned water reservoirs for the benefit of the Town of Amherst waterworks in the event of a drought. Therefore, it is the policy of Amherst County Board of Supervisors that in the event of a drought the process for the release of water from the County's reservoirs is as follows:

1. The Town of Amherst will submit a written request to the Amherst County Administrator for the release of water into the Buffalo River from a County owned reservoir or reservoirs in an amount sufficient to meet the water demand of the Town of Amherst during the drought. The amount of water needed to meet this demand, or the difference between the daily demand and the actual flow in the river, shall be included in the request.
2. Subsequent to the Town of Amherst's request and due to the need for timely action, the County Administrator will contact each member of the Board of Supervisors to advise of the request and to further advise of his action to release the water from a County-owned reservoir or reservoirs. The Board of Supervisors will then review the action at the next regularly scheduled meeting of the Board of Supervisors.
3. The release of water to benefit the Town of Amherst shall not exceed 1,000,000 gallons per day as measured at the reservoir outlet(s).
4. The release of water shall continue until such time as the drought condition has abated to the extent that the Town of Amherst can withdraw water from the Buffalo River in amounts sufficient to meet its water demands.

There was a Board discussion of various aspects of the draft procedure and consensus to invite Service Authority and Town representatives for a special meeting during the later part of June, 2008.

IN RE: STAFF DEVELOPMENT

The County Administrator provided information regarding staff development activities. Staff meetings have focused on building a strong organization that is focused on providing the highest quality citizen services.

IN RE: BOARD OPENINGS – BUILDING APPEALS AND LIBRARY BOARD OF TRUSTEES

The County Administrator provided information regarding openings on the Board of Building Appeals and Library Board of Trustees.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to reappoint Mr. Jim Young to the Library Board of Trustees for another four year term to expire June 30, 2012 and to invite Mr. Young to meet with them during a special appearance or citizen comments for a casual reacquaintance during a meeting in the near future.

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

NAY: None

ABSENT: Mr. D. Kidd

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to reappoint Virgil Coleman, Jr. and Charles C. Kestner to the Buildings Appeals Board for another four year term to expire April 30, 2012 and to invite each appointee to met with them at a meeting in the near future during a citizen comments or special appearance for a casual reacquaintance.

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: ANIMAL SHELTER STAFFING

Bart Shaw, Animal Control Officer, met with the Board for a joint presentation with the County Administrator on options for staffing and running the Animal Care and Control Center.

Mr. Shaw presented pros and cons of the two options for managing and operating the new animal shelter which is scheduled to open approximately September 1, 2008.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the proposed operational option for the animal shelter that includes the joint animal control/shelter personnel staffing plan for a six month term to be reviewed for its effectiveness after that time unless apparent problems may necessitate review sooner.

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: RESOLUTION APROVING THE ISSUANCE OF BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF AMHERST FOR THE BENEFIT OF SWEET BRIAR COLLEGE.

Kevin Cash, Bond Attorney, for Sweet Briar College met with the Board and presented information regarding the Town of Amherst Industrial Development Authority financing for Sweet Briar College.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following Resolution approving the issuance of bonds by the Industrial Development Authority of the Town of Amherst for the benefit of Sweet Briar College.

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

WHEREAS, the Industrial Development Authority of the Town of Amherst, Virginia (the "Authority") has considered the application of Sweet Briar Institute, more commonly known as Sweet Briar College (the "College") requesting the issuance of the Authority's Variable Rate Educational Facilities Revenue Bonds (Sweet Briar Institute) Series 2008 in an amount estimated not to exceed \$11,000,000 (the "Bonds") the proceeds of which are to be used to finance the following capital projects (1) (i) the construction and equipping of student housing facilities containing approximately 48 bed spaces which facilities will be constructed behind the student commons building located at 134 Chapel Road, Sweet Briar, VA, 24595 (ii) the construction and equipping of a fitness and athletic center and student commons facility containing approximately 53,000 square feet, which center will be attached to the existing Williams Gymnasium located at 655 Sweet Briar Drive, Sweet Briar, VA, 24595, (iii) renovations to Williams Gymnasium, and (iv) the construction, reconstruction, renovation, upgrading and equipping of various structural, mechanical, electrical and life safety site improvements on the College's buildings and grounds; all of which will be located on the College's campus at Sweet Briar, Virginia, which is in the County of Amherst, Virginia and (2) amounts, if any, required to fund related working capital, capitalized interest, reserve funds, costs of issuance, and other expenses in connection with the issuance of the Bonds; and

WHEREAS, the Authority on June 2, 2008 held a public hearing on the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4906 of the Virginia Industrial Development and Revenue Bond Act, as amended (the "Act"); and

WHEREAS, the Authority has requested the Board of Supervisors (the "Board") of the County of Amherst, Virginia (the "County") to approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act; and

WHEREAS, a copy of the Authority's Resolution of June 2, 2008 approving the issuance of the Bonds, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

1. The Board hereby approves the issuance of the bonds by the Authority for the benefit of the College, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Authority to issue the Bonds for the purposes set forth above.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the College. As required by Section 15.2-4906 of the Act, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

3. This Resolution shall take effect immediately upon its adoption.

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: SCHOOL FACILITY LEASE AGREEMENT

The County Attorney presented a proposed lease agreement with the county schools for use of school property.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following School Facility Lease Agreement as presented.

SCHOOL FACILITY LEASE AGREEMENT

THIS SCHOOL FACILITY LEASE AGREEMENT made and entered into this _____ day of _____, 200__, by and between **AMHERST COUNTY SCHOOL BOARD**, Amherst County, Virginia, hereinafter referred to Lessor; and the **AMHERST COUNTY BOARD OF SUPERVISORS (ALL COUNTY OF AMHERST DEPARTMENTS, CONSTITUTIONAL OFFICERS, BOARDS AND COMMISSIONS APPOINTED BY THE AMHERST COUNTY BOARD OF SUPERVISORS, THE ELECTORAL BOARD AND OFFICE OF THE GENERAL REGISTRAR AND THE AMHERST COUNTY SERVICE AUTHORITY)**, of County of Amherst, State of Virginia, hereinafter referred to Lessee:

WITNESSETH

WHEREAS, the Lessor is the owner of a parcel of land commonly known as the Amherst County School Board property, Amherst County, Virginia; and

WHEREAS, the Lessee desires to lease from the Lessor the facility named in paragraph B below, annually, for the following purpose(s):

A. *Conduct meetings, trainings, hearings, recreational and other like activities.*

B. *All Amherst County Public School Facilities*

1. *Schools, grounds, administrative offices; and*

WHEREAS, Lessor and Lessee agree upon those terms and conditions whereby Lessee may operate programs on the hereinafter described lands of the Lessor; and

WHEREAS, Lessor and Lessee wish to reduce their entire agreement to writing.

Now, therefore, that for and in consideration of the premises and the sum of One Dollar (\$1.00) cash in hand paid, and for good and other valuable considerations, receipt of which is hereby acknowledged by the Lessor and the Lessor and Lessee do hereby agree as follows:

1. In consideration of the above, Lessee agrees during the term of this lease as follows:
 - (a) Lessee agrees to maintain insurance on all its agents and employees or invitees, as necessary; and,
 - (b) Lessee agrees to take proper care of the building and facility and provide proper maintenance of the same during the tenure of this lease; and,
 - (c) If applicable, Lessee agrees to pay wages to the School Nutrition Program Staff when the kitchen is in use per the Amherst County School Policy Manual and shall pay cost in advance, a minimum of 72 hours prior to the commencement of any program which requires the use of custodians, cafeteria, gym, auditorium, special staff, ball fields, at the rates in effect at the time per the Amherst County School Policy Manual and pay for any use beyond regular contract usage hours; and
 - (d) Lessee agrees at Lessee's expense to carry insurance to protect the Lessor from any liability or claim for injuries sustained on the property leased herein, which policy shall name the Lessor as an insured and shall be kept in effect during the entire term of this lease in the amount of One Million Dollars (\$1,000,000.00), as an express condition hereof. Compliance with this condition is mandatory and any failure to comply with this condition shall operate as an automatic termination of this lease at the choosing of the Amherst County School Board. Satisfactory proof of the aforesaid insurance coverage shall be furnished annually to the Lessor by the Lessee, on or before June 30 of each year; and
 - (e) Lessee will be responsible for clearing and maintaining the property leased herein which responsibility includes the maintenance of the existing parking area for the fields and the Lessee shall not permit parking in areas other than existing parking lots. The Lessee shall not make or suffer any use of occupancy of the premises contrary to any law or ordinance now or hereinafter enacted; and
 - (f) Lessee shall indemnify the Lessor against all costs and expenses, including legal counsel fees, lawfully and reasonably incurred in or about the premises, or in the defense of any action or any proceeding, or in discharging the premises from any charge, lien or encumbrance, or in obtaining possession after default of Lessee or termination of this lease. At the termination of this lease, the Lessee shall surrender the premises.
 - (g) Lessee must notify the appropriate School Principal 10 days in advance of its intent to enter the school property for use pursuant to this lease.
2. The Board, through its School Principal, employees, custodial staff or other designated representatives, collectively referred to as their agent of the Board, may enter any portion of the leased premises for any purpose at any time.
3. The entire leased premises shall remain under the control of the Principal at all times. He or she shall retain possession of the keys to Amherst County Public School building and/or grounds during the term of this lease and may keep entrances and exits locked or unlocked at the sole discretion of the Principal, subject to fire safety ordinances.
4. This lease can be automatically revoked by the Board or the Principal if user brings or allows to be brought onto the school campus, tobacco, alcohol, weapons or any substance or item controlled by law.
5. Lessee is strictly prohibited from selling or serving beverages, foods, souvenirs or other merchandise on the premises without the express prior written consent of the Superintendent or his designee unless waived by Lessor in this agreement under "Optional Provisions" paragraph 16.

6. Lessee may not cause or permit nails or other objects to be driven into the building including, but not limited to, furnishings, fixtures and equipment. Lessee may not affix any objects to the exterior or interior of the building. Lessee may not cause or permit any changes in any part of the building and/or grounds, furnishings, fixtures or equipment nor will Lessee do anything or allow anything to be done which would damage or change the finish or appearance of the building or its furnishings, fixtures or equipment, or of the grounds.
7. Lessee is liable for the cost of repairing damage which may be done to the building and/or grounds including, but not limited to, its furnishings, fixtures or equipment, by act of Lessee or Lessee's agents, employees, invitees, patrons or others present due to activities of Lessee.
8. The Principal shall determine the amount of the damages and the reasonable cost to repair the damages. Lessee shall pay this amount within 14 days of demand or request by the Board.
9. Lessee holds the Board harmless from all claims for injury to or the death of any person and for damage to or the loss of any property arising out of or attributed directly or indirectly, in whole or in part, to the operations or omissions of Lessee. Lessee indemnifies the Board for all damage to property belonging to the Board or others and for all injuries to or the deaths of any person resulting in whole or in part from any act or omission of Lessee.
10. The Board is not responsible for Lessee's property while it is on the leased premises. The Board is not liable for the acts or omissions of any protective services engaged by the Principal for the Lessee.
11. If the building and/or grounds are destroyed or damages by casualty rendering the fulfillment of this permit impossible, this permit shall automatically terminate. Lessee agrees that the Board is not responsible for or liable to Lessee for any loss resulting from casualty or lack of heat, water, lights, air conditioning or other utility or other event or casualty of any kind or nature.
12. The Lessee understands that the Board's primary responsibility is to provide the leased premises for educational purposes. If the Board determines that a school event conflicts with the Lessee's use of the property or if the property is needed by the Board in case of any emergency or national disaster, then the Board reserves the right to retake the premises and reschedule the Lessee's event, if possible.
13. Lessee shall comply with all laws of the United States and the Commonwealth of Virginia, and all the requirements of the police and fire departments or other municipal or county authorities in the jurisdiction in which the licensed premises is located and shall obtain and pay for all necessary permits and licenses. Lessee certifies by execution of this agreement, that it has an open membership and that it does not and will not discriminate on the basis of race or sex.
14. The Board may remove from the premises and discard personal property left behind by the Lessee or Lessee's patrons. The board may in its discretion, store such property in the Board's name or, at the Board's option, in the name of the Lessee. Lessee shall pay the established rate per day as payment for moving the effects out of the building and/or from the grounds and for storage.
15. MISCELLANEOUS
 - (a) This writing represents the total agreement between the Board and Lessee. No oral modifications have been made. This license may only be modified by a writing signed by both the Board and Lessee.
 - (b) If any part of this permit is ruled by any court to be void for any reason, it will be severed and the rest of the contract will continue in force as if the invalid part had never been a part of this permit.

- (c) Lessee shall not bring or permit a person to bring an animal into the building or onto the grounds without the written consent of the Principal.
- (d) Lessee may not place or put up decorations without the consent of the Principal.
- (e) The Board has the right to require Lessee to remove anything placed in the licensed premises, in the sole discretion of the Principal, at any time.
- (f) Lessee may not obstruct the halls, ramps, entrances, lobby or other areas of the building and/or grounds. Lessee may not permit any chairs or movable seats to be or remain in the passageways and will keep the passageways clear at all times.
- (g) Lessee may not admit more persons or a larger number of persons than the capacity of the licensed premises will accommodate, whichever is less, and Lessee may not allow a greater number of persons to congregate in any place in the licensed premises than can safely or freely move about in that area.
- (h) Lessee agrees not to assign a right under this lease to another person, entity or group without the written consent of the Board.
- (i) Lessee agrees to pay all attorney's fees incurred by the Board due to the failure of Lessee to comply with all terms of this lease.
- (j) The Board shall not permit, under any circumstances, any Amherst County School Board personnel to distribute materials to any students. Materials may be placed at designated areas in each school with the Superintendent's permission.
- (k) Any dispute arising under this agreement shall be governed by the laws of the Commonwealth of Virginia. Venue for any litigation resulting from this agreement shall be proper only in Amherst County General Court or Amherst County Circuit Court.

16. OPTIONAL PROVISIONS

Effective when initialed by both Lessor and Lessee

Lessor/Lessee

/_____
Waived / Waived

- (1) Lessee may institute procedures to ban individuals from attending events described under Sections A and B of this Lease Agreement;

Lessor/Lessee

/_____
Waived / Waived

- (2) Lessee may not construct or erect any building or structure without the written permission of the Amherst County School Board, or its designee;

Lessor/Lessee

/_____
Waived / Waived

- (3) Lessee is empowered to use the property at Lessee's own expense to prepare the fields, together with the right to maintain, repair and replace the same and such other rights incidental to the operation of the said fields;

Lessor/Lessee

/_____
Waived / Waived

- (4) (a) If Lessee needs to build or maintain a concession stand on the premises, Lessee agrees to be responsible for maintenance and insurance in relation to said concession stand. Lessor also acknowledges Lessee may, at Lessee's expense, construct bleachers, storage building, press box, place lighting on the field, and construct new practice fields. Any other construction or changes not listed above require and are subject to prior approval by Lessor. Lessee shall remove at Lessee's expense any temporary structures as directed by the Lessor.

Lessor/Lessee

Waived / Waived

(b) Lessee shall pay all electric and utility bills associated with the operation of any lights and concession stands. The Lessee shall not suffer the premises or any improvements thereon to become subject to any lien, charge, or encumbrance whatsoever, other than that which may already exist, and shall indemnify Lessor against all such claims, charges and encumbrances; it being expressly agreed that Lessee shall have no authority, expressed or implied, to create any lien, charge or encumbrance upon the premises or improvements thereon.

Lessor/Lessee

Waived / Waived

(c) The Lessee shall pay, in addition to taxes or expenses, all insurance on said improvements. The Lessee, at Lessee's expense, shall carry insurance to protect the Lessor from any liability or claim for injuries sustained on the land, which policy shall name the Lessor as an insured and shall be kept in effect during the entire term of this Lease in the amount as mandated under Section 1.D. of this Lease. Satisfactory proof of the aforesaid insurance coverage shall be furnished annually to the Lessor by the Lessee, on or before June 30 of each year.

Lessor/Lessee

Waived / Waived

(5) The Lessor waives the provisions contained in paragraph 5 herein and allows Lessee to sell and serve beverages, foods, souvenirs or other merchandise on the premises leased under this agreement.

Lessor/Lessee

Waived / Waived

(6) The Lessee shall comply with Amherst County School Board Policy Manual Section KN, paragraph 3, that it shall not permit any agents of Lessee and/or employees of vendors contracted by Lessee to have any so employee or agent who is a registered sex offender enter any school building or school property. The Lessee agrees to check the sex offender registry to determine if any such persons are registered sex offenders.

Failure to comply with this provision makes this Lease voidable at the option of the Amherst County School Board or its designee.

17. GUARANTY PROVISION

The undersigned officers and/or agents of Lessee execute this agreement guarantee to the Board payment of any sums owed to it by Lessee pursuant to this agreement.

18. FINDING BY BOARD

Lessor/Lessee

Waived / Waived

The Board finds that it is in the best interest of the school district to execute this lease and finds that it is consistent with good business judgment and sound business principles.

Lessor/Lessee

Waived / Waived

The Board finds that it is not in the best interest of the school district to execute this lease and finds that it is not consistent with good business judgment and sound business principles.

SCHOOL

By: _____
Amherst County School Board
By It's Chairman

LESSEE

By: _____
AMHERST COUNTY BOARD OF SUPERVISORS

Title: _____

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Chris Adams – presented concerns by citizens downstream from the Pedlar Reservoir that in previous drought situations, the Pedlar River has actually stopped flowing and caused fish kills.

There was a consensus to direct the County Attorney to review legal issues involved with Pedlar Reservoir withdrawals that cause the river to stop flowing and report back to them.

Ray Vandall – requested staff to investigate possible ramifications involved with the implementation of Virginia Code Section 1414.2 which addresses fringe benefits available for Board members and report back to them.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the following appropriations and transfer requests:

a. APPROPRIATIONSSheriff's Department

31020	1009	Clerical Compensation	\$	3,000.00
31020	5804-100	Court House Beautification		370.00
		(Fine Revenue)		
31020	5804	Miscellaneous	\$	2,700.00
		(Drug Asset Forfeiture)		

Volunteer Rescue Services

32030	5807	Revenue Recovery Disbursement	\$	228,375.85
		(Revenue received from DAB collection Agency)		

Animal Control

35010	3010-100	Repairs – Insurance	\$	195.00
		(Insurance for damages)		

Recreation Department

71010	1007	Comp. Assistants	\$	8,500.00
		(Revenue from fees & charges)		

b. TRANSFERSCommissioner of RevenueTransfer from:

12090	2010	Workman's Compensation	\$	2,000.00
12090	1006	Deputy Clerks' Comp		1,374.00

Transfer to:

12090	2009	Unemployment	\$	3,374.00
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Sheriff's DepartmentTransfer from:

31020	5805	EMS Training	\$	800.00
31020	7009	Misc Equip		400.00

Transfer to:

31020	3002	Professional Service	\$	20.00
31020	5404	EMS Supply		480.00
31020	5501	Travel		700.00

Public SafetyTransfer from:

32070	3002	Professional Service	\$	5,000.00
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Transfer to:

32070	1003	Part Time	\$	5,000.00
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Recreation DepartmentTransfer from:

71010	5412	Cultural Supplies	\$	1,000.00
71010	5101	Electrical Services		125.00
71010	3007	Advertising		200.00
71010	5506	Travel Recreation Board		100.00
71010	5806	Sr. Citizen Expenses		80.00
71010	1012	Comp Officials		2,000.00

Transfer to:

71010	5413	Recreation Supplies	\$	1,000.00
71010	5103	Water & Sewer		125.00
71010	3004	Repairs & Maintenance		200.00
71010	5507	Travel – Senior Citizens		100.00
71010	5804	Miscellaneous		80.00
71010	1007	Comp Assistants		2,000.00

Public LibraryTransfer from:

73010	3002	Professional Services	\$	3,500.00
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Transfer to:

73010	5401	Office Supplies		2,000.00
73010	5806	Special Programming Supplies		1,000.00
73010	7001	Equipment		500.00

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: CLOSED SESSION

Mr. Vandall moved to go to closed session to discuss a (1) personnel matter (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 the Virginia Code:

§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.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. C. Adams and Mr. R. Vandall

NAY: None

ABSENT: Mr. D. Kidd

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. C. Adams and Mr. R. Vandall

NAY: None

ABSENT: Mr. D. Kidd

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	ABSENT
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.)

Mr. Parrish left meeting.

IN RE: AMHERST COUNTY RECYCLING FACILITY – TERESA NUCKOLS

Teresa Nuckols, Solid Waste Director, met with the Board and provided a video presentation of proposed recycling options for Amherst County as well as cost information.

IN RE: TOURISM DIRECTOR

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to establish the salary grade and step for the county tourism director at 27-C to become effective July 1, 2008.

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

NAY: None

ABSENT: Mr. D. Kidd and Mr. L. Parrish

IN RE: CLOSED SESSION

Mr. Vandall moved to go to closed session to discuss a (1) personnel matter pursuant to the Virginia Code.

§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. Adams and approved with the following vote:

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

NAY: None

ABSENT: Mr. D. Kidd and Mr. L. Parrish

Mr. Parrish returned to the meeting.

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. C. Adams and Mr. R. Vandall

NAY: None

ABSENT: Mr. D. Kidd

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	ABSENT
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 OF SCHOOL BOARD APPLICANTS

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved to reappoint Gloria Walker and to appoint Dr. William Brown to the at large school board positions to become effective July 1, 2008 for a four year term to expire June 30, 2012.

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: ADJOURNMENT

On motion of Mr. Adams and with the following vote, the Board of Supervisors adjourned for supper.

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: 2008 STUDENT ACHIEVEMENT AWARDS

The Board reconvened at 7:30 p.m., in the County Administration Building, School Board meeting room as there was a power outage at the High School.

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

NAY: None

ABSENT: Mr. D. Kidd

Mr. Wood called the meeting to order, welcomed attendees to the 2008 student achievement awards and introduced school board members, school and assistant school superintendent, Board members and county staff.

William Gouldthorpe and Chairman Wood proceeded to present awards and certificates of recognition for District, Regional and State Champions for Amherst County High School Golf, Football, Science Fair, Spelling Bee and Young Authors.

Mr. Wood provided closing remarks.

IN RE: ADJOURNMENT

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

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

NAY: None

ABSENT: Mr. D. Kidd

Vernon L. Wood, Chairman

Rodney E. Taylor, County Administrator