

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 19th day of August, 2008 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

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

ABSENT: Mr. V. Wood

PLANNING COMMISSION:

PRESENT: Mr. L. Parrish
Mr. R. Fener
Mr. M. Heishman

Ms. B. Limbrick
Mr. J. Fulcher

Mr. D. Hedrick
Ms. B. Jones

ABSENT: None

Mr. Parrish called the meeting to order in Chairman Wood's absence and turned the floor over to Planning Commission Chairperson Ms. Limbrick.

IN RE: ZONING PUBLIC HEARING

2008-19 Request by Sweet Briar College for a special exception in the A-1 Agricultural Residential District. The proposed special exception is to allow the construction of dormitories. The proposed project will be located on the Sweet Briar College campus and is further identified as tax map number 110-A-15 & 16.

Planning Department Director, Jeremy Bryant presented facts of case to the Planning Commission and Board of Supervisors.

Steve Bailey, Fiscal Plant Director for Sweet Briar College and Rebecca Anders of Hurt & Proffitt, provided additional information.

Proponents: None
Opponents: None

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Hedrick and with the following vote, the Planning Commission recommended approval for a special exception in the A-1 Agricultural Residential District to allow the construction of dormitories.

AYE: Mr. Parrish, Ms. Limbrick, Mr. Hedrick, Mr. Fener, Mr. Fulcher, Ms. Jones and Mr. Heishman
NAY: None
ABSENT: 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 moved approval of the Planning Commission recommendation to approve the request for a special exception in the A-1 Agricultural Residential District to allow the construction of dormitories located on the Sweet Briar College campus and is further identified as tax map number 110-A-15 & 16.

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

IN RE: CONDITIONS AND PROFFERS

Mr. Bryant presented information concerning conditions as part of a special exception/proffers as part of a conditional zoning.

IN RE: OPTIONS OF APPLICANTS AT PUBLIC HEARINGS

Mr. Bryant presented information regarding processes for special exceptions and zoning amendments.

The Planning Commission moved to another room to continue their meeting.

IN RE: PUBLIC HEARING ON DISPOSAL OF PROPERTY

Vice Chairman Parrish called the public hearing to order as advertised for disposal of property and all the improvements thereon located on U.S. Route 130/29 By Pass connector and identified as Lot #2A – Amelon Industrial Park.

There were no speakers and the public hearing was closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the transfer of the Amelon property from the County to EDA, as advertised.

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

NAY: None

ABSENT: Mr. V. Wood

IN RE: PUBLIC HEARING ON TEXT AMENDMENT TO MODIFY SECTIONS 14-39(A) (2) AND 14-40(c)

Vice Chairman Parrish called the public hearing to order as advertised for text amendment to modify Section 14-39(a) (2) and 14-40(c) to allow the net combined financial worth of the owners for exemption to taxation on certain real estate purposes; and increase the limitations for granting of tax exemptions and the maximum amount of relief granted.

There were no speakers and the public hearing was closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the following text amendment as advertised for County Code Section 14-39(a) (2) and 14-40(c).

AMHERST COUNTY CODE: CHAPTER 14 (Taxation)**Sec. 14-39. Exemption of taxation on certain real estate.**

(a) Taxation of the dwelling only, owned by, occupied as the sole dwelling, of any person or persons who are elderly or permanently and totally disabled in accordance with the definitions cited in this division or a dwelling jointly held by a husband and wife, if either spouse is sixty-five (65) or over or is permanently and totally disabled, is hereby exempted subject to the following restrictions and conditions:

(1) That the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling shall not exceed the greater of fifty thousand dollars (\$50,000.00), or the income limits based upon family size for the respective household for the respective metropolitan statistical area annually published by the Department of Housing and Urban Development for federal qualifying housing assistance pursuant to Section 235 of the National Housing Act (12 U.S.C. Section 17152) provided that the first six thousand five hundred dollars (\$6,500.00) of income of each relative, other than a spouse, of the owner, or owners, who are living in the dwelling shall not be included in such total.

(2) That the net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner shall not exceed one hundred and fifty thousand dollars (\$150,000.00).

(3) The fair market value of the dwelling and the land not exceeding one (1) acre upon which the dwelling is situated is excluded from the combined financial worth determined in subsection (a)(1) above.

(b) That the person or persons claiming such exemption file annually with the commissioner of the revenue, on forms to be supplied by the commissioner of the revenue, an affidavit setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests and the combined income from all sources, of the person or person as specified in subsection (a) (1) above does not exceed the limits prescribed in this division. Such affidavit shall be filed, between January 15 to March 31 of each taxable year for which the exemption is claimed. The commissioner of the revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications therefore as specified in this division. The commissioner of the revenue may in addition require the production of certified tax returns and any other records to establish the income or financial worth of any applicant for tax relief.

(c) If such person is under sixty-five (65) years of age such form shall have attached thereto a certification by the veteran's administration or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth, to the effect that person is permanently and totally disable, as defined in the Code of Virginia, § 58.1-3217. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in the Code of Virginia, § 58.1-3217.

(Ord. of 10-15-02)

Sec. 14-40. Granting of exemption.

(a) Such exemption may be granted for any year following the date that the qualifying head of the household occupying such dwelling and owning title or partial title thereto is certified as having reached the age of sixty-five (65) years or for any year following the date the disability is certified to have occurred.

(b) If, after an audit and investigation, the commissioner of the revenue determines that the person or persons are qualified for exemption, he shall so certify the same, and shall determine the amount of exemption allowable and issue nonnegotiable exemption certificates in the amount of the exemption determined to be applicable to the claimant's real estate tax liability. Such exemption certificate shall apply only to the tax year for which issued.

(c) Where the person or persons claiming exemption conforms to the standards and does not exceed the limitations contained in this division, the tax exemption shall be in accordance with the following schedule:

TABLE INSET:

Combined Financial Worth	\$0--110,000	\$110,001--120,000	\$120,001--130,000	\$130,001--140,000	\$140,001--150,000
Exemption Income					
\$ 0--20,000	100%	95%	90%	85%	80%
20,001--30,000	75%	70%	65%	60%	55%
30,001--40,000	50%	45%	40%	35%	30%
40,001--50,000	25%	20%	15%	10%	5%

The maximum amount of relief granted under this division shall be six hundred dollars (\$600.00).

(d) Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit mentioned above is filed and having the effect of exceeding or violating the limitations and/or conditions provided in this section shall be promptly reported to the commissioner of the revenue by the applicant, and shall nullify any exemption for the then current taxable year and the taxable year immediately following.

(e) Exemption will be afforded in accordance with either the elderly or the permanently and totally disabled but not both.

(f) The fact that persons who are otherwise qualified for tax exemption are residing in the hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(Ord. of 10-15-02)

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

NAY: None

ABSENT: Mr. V. Wood

IN RE: PUBLIC HEARING TO ABANDON PORTION OF STATE ROUTE T-1104 (EAST COURT STREET)

Vice Chairman Parrish called the public hearing to order as advertised for the proposed abandonment of a portion of State Route T-1104, also known as East Court Street, between Goodwin Street/State Route T-1105 and the end of state maintenance at the courthouse grounds wall approximately 0.03 miles in length.

Speakers: Jack Hobbs – Amherst town Manager

Jack Bailey – Amherst Town Mayor presented plans for improvement to East Court Street area.

There were no other speakers and the public hearing was closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to abandon a portion of State Route T-1104, also known as East Court Street between Goodwin Street/State Route T-1105 and the end of state maintenance at the courthouse grounds wall approximately 0.03 miles in length as advertised.

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

NAY: None

ABSENT: Mr. R. Vandall

IN RE: PUBLIC HEARING FOR PROPOSED RURAL DEVELOPMENT GRANT

Vice Chairman Parrish called the public hearing to order for proposed Rural Development grant application for grant funding with USDA, rural Development for assistance in acquiring police vehicles by Sheriff's Dept.

There were no speakers and the public hearing was closed.

No action required.

IN RE: CITIZEN COMMENTS

Mark Labadie asked the Chairman to allow him to address the County Administrator with questions about previous conversations concerning the Train Depot Project, which he was permitted to do.

IN RE: ADJOURNMENT

On motion of Mr. Kidd, seconded by Mr. Vandall and with the following vote, the Board of Supervisors moved to adjourn.

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

NAY: None

ABSENT: Mr. V. Wood

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator