

BOOK 34**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration Building thereof on Tuesday, the 17th of September 2013, at 7:05 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. R. Curd	ABSENT:	None
	Mr. D. Kidd		
	Ms. C. Tucker		
	Mr. D. Pugh		
	Mr. F. Campbell		

Mr. R. Curd, Chairman, called the meeting to order.

Mr. R. Curd led in the invocation and pledge of allegiance.

IN RE: APPROVAL OF AGENDA

Mr. R. Curd stated that under Closed Sessions, Item B, needed to be deleted.

Ms. C. Tucker requested that under Closed Sessions, Item C, be deleted due to the fact that the County Administrator's performance evaluation had been completed and anything needing to be discussed could be done in open session.

Ms. C. Tucker moved that the Board approve the agenda as amended.

AYE:	Mr. R. Curd and Ms. C. Tucker
NAY:	Mr. D. Kidd, Mr. D. Pugh and Mr. F. Campbell

Mr. F. Campbell moved that the Board delete Item B under closed session regarding the County Attorney and approved the agenda as amended.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comments**
- V. Public Hearings**
 - a. 2013-12 Request by Patricia Parrish for a special exception request in the R-2 General Residential District. The purpose of the special exception is to allow a day care center at the applicant's residence. The property is located at 2530 Galts Mill Road and is further identified as tax map number 157-A-194.
 - b. Pursuant to Virginia Code § 15.2-1800 (B), the Board of Supervisors of Amherst County, Virginia, hereby gives notice of its intent to dispose of the following property and all the improvements thereon located in Amherst County, Virginia, described as follows: A portion of the land and

improvements thereon located on tax map #148-A-82, Madison Heights, Virginia. This portion of a parcel of land contains approximately 0.331 acres and is located on the southern portion of the Amelon Expressway (SR 130) and the western portion of Amelon Road (SR 669).

- c. Pursuant to Virginia Code § 15.2-1800 (B), the Board of Supervisors of Amherst County, Virginia, hereby gives notice of its intent to grant an easement of the following property located in Amherst County, Virginia, described as follows: A portion of the land associated with the County Administration building located at 153 Washington Street, Amherst, Virginia, denominated as parcel 96A4 A 121 on the County's tax maps, specifically an easement 15 feet in width, running from Norfolk Avenue to First Street, and proceeding along First Street until it connects to the Administration building at its entrance to the west, together with the rights of ingress and egress over, under, and across said land.

VI. Special Presentations

- a. Regional Radio Communications Funding – Gary Roakes, Public Safety
- b. Second Stage-Amherst – Michael Dowell and Craig Pleasants

VII. Consent Agenda

- a. Appropriations
 - 1. FY2013
 - 2. FY2014
- b. Appointment to Amherst County Community Policy and Management Team

VIII. County Administrator's Reports

- a. Voting Designation for the VACO Conference

IX. Deputy County Administrator Reports

- a. Appointment of Board of Equalization
- b. Amherst County Jail Renovation Project

X. County Attorney Reports

- a. Ordinance 2013-0005: Adding Sections 302.69.01 and 302.124.2 to the Amherst County Code, and amending section 702 of the Amherst County Code, specifically subsections 702.02 and 702.03, to provide that hunt clubs which do not require for their lawful operation a business license issued pursuant to division 2 of article II of chapter 7 of the Amherst County Code are permitted uses in the agricultural residential district, and that hunt clubs which do require a business license are special exception uses in the agricultural residential district. Existing hunt clubs which do not operate pursuant to a business license may continue to operate without a zoning permit.
- b. Ordinance 2013-0013: Amending section 2-8 of the Amherst County Code, to provide that appointments to the Economic Development Authority of Amherst County, Virginia, shall be made so that five directors are appointed based on their residency or business ownership in the five (5) County election districts such that at least one resident from each election district sits as a director on the Authority, while two directors shall be at large and selected based on their residency or business ownership in any election district in the County. The Board need not adhere to the requirement for district representation if qualified persons do not apply. Directors shall retain their seats until their successors are appointed. Adoption of the ordinance shall not operate to terminate the membership of any person serving as a director on the Authority; instead, all appointments made subsequent to the effective date of the ordinance will be in accordance with its terms.

- c. Resolution 2013-0022: Establishing the second week of April as Amherst County Volunteer Recognition Week, and seeking comment on the matter.

XI. Board of Supervisors Items for Discussion

- a. Emergency Services Council (ESC) Citizen Appointment
- b. Overtime Wages for Dispatchers
- c. Volunteer Incentives

XII. Departmental Reports

- a. School Board Room Sound System
- b. Building Official - August 2013 Report
- c. Planning/Zoning – August 2013 Report
- d. Local Stormwater Management Program

XIII. Citizen Comments

XIV. Matters from Members of the Board of Supervisors

XV. Closed Sessions

- a. Pursuant to § 2.2-3711 (A)(7) of the Code of Virginia, to consult with the County Attorney regarding specific legal matters pertaining to County financial audits, which matters require the provision of legal advice by the County Attorney.
- ~~b. Pursuant to the personnel exemption at § 2.2-3711 (A)(1) of the Code of Virginia, to discuss the performance of the County Attorney.~~
- c. Pursuant to the personnel exemption at § 2.2-3711 (A)(1) of the Code of Virginia, to discuss the performance of the County Administrator.

XVI. Adjourn

AYE: Mr. D. Kidd, Mr. D. Pugh and Mr. F. Campbell
 NAY: Mr. R. Curd and Ms. C. Tucker

IN RE: CITIZEN COMMENTS

Mr. Richard Wilkins, Amherst Fire Department, spoke regarding the need for incentives for the volunteers.

Mr. Steve Eubanks spoke regarding the Hunt Club Ordinance.

There were no other speakers.

IN RE: PUBLIC HEARING: ZONING CASE 2013-12

Mr. J. Bryant presented the case to the Board and answered Board questions.

Ms. Patricia Parrish addressed the Board and answered Board questions.

Mr. R. Curd called the Public Hearing to Order.

There were no speakers.

Mr. R. Curd closed the public hearing.

BOARD OF SUPERVISORS' ACTION

Mr. D. Kidd moved that the Board accept the Planning Commission's recommendation and approve Zoning Case 2013-12 with the following condition:

- 1) Maximum Number of Children: The applicant shall provide care for a maximum of twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home.
- 2) Septic System: The applicant shall consult with the Virginia Department of Health to ensure that the existing drain field is adequate to handle the increased capacity.
- 3) Licensing: Applicant shall comply with all other licensing requirements as required by any other local, State or Federal law.

AYE: Mr. R. Curd, Mr. D. Kidd, Ms. C. Tucker, Mr. D. Pugh and Mr. F. Campbell
 NAY: NONE

IN RE: PUBLIC HEARING: DISPOSAL OF COUNTY PROPERTY

Mr. R. Curd called the Public Hearing to Order.

Ms. E. Bowyer provided information to the Board.

Mr. R. Curd called the Public Hearing to Order a second time.

There were no speakers.

Mr. R. Curd closed the public hearing.

Mr. D. Kidd stated that Ms. Cash had called him regarding his nay vote against the public hearing and he explained that the County needed policies and procedures established prior to taking action and that Ms. Cash requested the Board wait to take action until the proper procedures were in place.

BOARD OF SUPERVISORS' ACTION

Mr. D. Kidd moved that the Board direct the County Administrator to prepare policies and procedures for disposal of County property for consideration by the Board at the first meeting in October and table action on this property until the second meeting in October.

There was a Board discussion.

AYE: Mr. D. Kidd, Ms. C. Tucker, and Mr. F. Campbell
 NAY: Mr. R. Curd and Mr. D. Pugh

IN RE: PUBLIC HEARING: INTENT TO GRANT AN EASEMENT

Ms. E. Bowyer presented information to the Board and stated that the County does not own the property but rather the School Board did and the Board would need to request the School Board to approve the grant of this easement as they are in control of the property.

Mr. R. Curd called the Public Hearing to Order.

There were no speakers.

Mr. R. Curd closed the public hearing.

BOARD OF SUPERVISORS' ACTION

Mr. F. Campbell moved that the Board of Supervisors request that the School Board grant a deed of easement to Lumos Networks as shown on plat entitled as "Exhibit A" plat to accompany Right of Way Agreement as prepared by Lumos Networks dated August 19, 2013 for the purposes installing fiber, cables, buried wires, conduits, terminals and any corresponding equipment necessary to complete the construction of a County communications system.

AYE: Mr. R. Curd, Mr. D. Kidd, Ms. C. Tucker, Mr. D. Pugh and Mr. F. Campbell
NAY: NONE

IN RE: REGIONAL RADIO COMMUNICATIONS FUNDING – GARY ROAKES, DIRECTOR OF PUBLIC SAFETY

Mr. G. Roakes presented information to the Board regarding the need for additional funding and answered Board questions.

Mr. Gary Christie, Region 2000, provided additional information.

There was a Board discussion.

Board consensus was for staff to return to the Board the first meeting in October with funding options.

IN RE: SECOND STAGE-AMHERST UPDATE

Mr. Michael Dowell and Mr. Craig Pleasants provided a status update to the Board.

Mr. M. Dowell requested permission to use the building for two holiday market events for November 9th and December 14th.

Ms. C. Tucker moved that the Board allow the two extra days of November 9th and December 14th, 2013 for their use.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Kidd, Mr. D. Pugh and Mr. F. Campbell
NAY: NONE

IN RE: CONSENT AGENDA

Ms. G. Taylor provided information to the Board and answered Board questions regarding appointment to the CPMT.

Ms. C. Tucker moved to approve the consent agenda.

Appropriations:

For FY2013

Department	Dept #	Line #	Description	Amount	
Bd of Supervisors	11010	3020	Legal Cost	\$3,726.45	
Appropriation of funds for cost associated with approved motion during the June 18, 2013 BOS meeting for Troutman Sanders, LLP legal advice with regards to personnel matters. Motion was approved but funds were not appropriated.				Total	\$3,726.45

Department	Dept #	Line #	Description	Amount	
Sheriff - Patrol	31020	1007	Forest Patrol	\$2,880.00	
Reimbursement received for work time submitted to National Forest Service for patrol performed prior to June 30, 2013, but were reimbursed and deposited with Treasurer's office in August 2013. Appropriation necessary to clear account line for end of year FY2013.				Total	\$2,880.00

For FY2014

Department	Dept #	Line #	Description	Amount	
Sheriff	31020	1009-100	Part-time Clerical	\$5,000.00	
	31020	3010	Repairs & Maintenance	\$4,000.00	
1. Appropriation of funds to rent storage containers during jail renovation 2. Appropriation of funds for compensation of part-time clerical assistance to scan jail records				Total	\$9,000.00

Department	Dept #	Line #	Description	Amount	
Sheriff-grant (DMV)	8-31250	1008	DMV Compensation	\$920.00	
Reimbursement received and deposited with Treasurer from City of Lynchburg for DMV OT				Total	\$920.00

Department	Dept #	Line #	Description	Amount	
Sheriff	31020	1002	Overtime	\$1,015.29	
	31020	1007	Forest Patrol	\$2,160.00	
	31020	1012	Inmate Workforce	\$1,207.50	
	31020	3002	Prof Services	\$200.00	
	31020	3004	Vehicle Repair	\$130.00	
	31020	5203	Telecommunication	\$120.00	
	31020	5501	Travel	\$284.20	
Appropriation sought for recovered cost as listed 1. Dept of Justice reimbursement of OT -\$1,015.29 2. USDA reimbursement of forestry patrol - \$2,160.00 3. VDOT reimbursement of inmate workforce supervisor wages - \$1,207.50 4. Renaissance Gold & Silver exchange Co. reimbursement of prof services-\$200 5. Restitution received for towing bill -\$130.00 6. Reimbursement of expenses received from Deputies - \$120.00; \$284.20				Total	\$5,656.99

Department	Dept #	Line #	Description	Amount	
Sheriff	31020	1007	Forestry Patrol	\$540.00	
Reimbursement received from USDA for forestry patrol, \$540.00 presents funds expended during the 2013-2014 fiscal year, remainder of reimbursement for fiscal year which ended June 30, 2013				Total	\$540.00

Department	Dept #	Line #	Description	Amount	
State Forestry - Fire Tax	35990	5605	State Forestry - forest fire	\$590.00	
Appropriation of funds needed to cover additional cost of forest fire control cost. Increase due to new survey whereby Amherst's acreage increased by 6,401 acres from last survey				Total	\$590.00

Department	Dept #	Line #	Description	Amount	
Bd of Supervisors	11010	3013	Professional Services	\$3,312.50	
Appropriation being requested for fee associated with services rendered for final turnover audit				Total	\$3,312.50

Department	Dept #	Line #	Description	Amount	
Sheriff	31020	3004-100	Vehicle Repairs - Ins.	\$836.48	
Appropriation of insurance payment for damage repairs needed to cover cost of repairs				Total	\$836.48

Department	Dept #	Line #	Description	Amount	
J & D Courts	21050	7002	Furniture and Fixtures	\$400.00	
Appropriation needed to replace office chairs for Court Services unit, not part of FY2014 budget.				Total	\$400.00

Appointment to the Amherst County Community Policy and Management Team:

Kylie Morgan was appointed to the Amherst County Community Policy Management Team for a two year term.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Kidd, Mr. D. Pugh and Mr. F. Campbell
 NAY: NONE

IN RE: VOTING DESIGNATION FOR THE VACO CONFERENCE

Mr. C. Monday provided information to the Board and answered Board questions.

There was a Board discussion.

Mr. F. Campbell moved to authorize Ms. Claudia Tucker as voting designee for the VACO conference.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Pugh, Mr. D. Kidd and Mr. F. Campbell
 NAY: NONE

IN RE: APPOINTMENT OF BOARD OF EQUALIZATION

Mr. D. Proffitt presented information to the Board and answered Board questions.

There was a Board discussion.

Ms. C. Tucker moved that the Board of Equalization consist of five members with one representing each district.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Pugh, Mr. D. Kidd and Mr. F. Campbell
 NAY: NONE

IN RE: AMHERST COUNTY JAIL RENOVATION PROJECT

Mr. D. Proffitt presented information to the Board and answered Board questions.

Mr. F. Campbell stated that he voted nay previously due to not having enough information to make a decision.

Mr. D. Kidd moved to approve the MRG Consulting, LLC proposal for Project Manager Services with the contract form to be reviewed by the County Attorney and authorize the expenditure of

up to \$88,400 for these services as well as the not to exceed construction amount of \$2,549,210.26 from Bond proceeds.

AYE: Mr. R. Curd, Ms. C. Tucker and Mr. D. Kidd
NAY: Mr. D. Pugh and Mr. F. Campbell

IN RE: ORDINANCE 2013-0005

Ms. E. Bowyer presented the Ordinance to the Board and answered Board questions.

There was a Board discussion.

Board consensus was for the ordinance to be brought back to the Board as a first reading at the next meeting.

IN RE: ORDINANCE 2013-0013

Ms. E. Bowyer presented the Ordinance to the Board and answered Board questions.

There was a Board discussion.

Board consensus was for the ordinance to be brought back to the Board as a first reading at the next meeting.

IN RE: RESOLUTION 2013-0022

Ms. E. Bowyer presented the Resolution to the Board.

Mr. F. Campbell provided additional information.

There was a Board discussion.

Board consensus was to revisit after the Virginia Fire Services Board review.

IN RE: EMERGENCY SERVICES COUNCIL (ESC) CITIZEN APPOINTMENT

There was a Board discussion.

Mr. D. Pugh moved to reappoint Mr. Charlie Singleton for another term as one of the citizen appointees to the Emergency Services Council until the two applicants can be interviewed by the ESC. At which time, the ESC will make a recommendation to the Board of Supervisors on the new appointee and recommended date of appointment.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Kidd, Mr. D. Pugh and Mr. F. Campbell
NAY: NONE

IN RE: OVERTIME WAGES FOR DISPATCHERS

Mr. G. Roakes provided information to the Board.

Ms. E. Bowyer stated that the pay process review was underway and that the Board may want to wait until that review was completed.

There was a Board discussion.

Mr. F. Campbell moved that the Board postpone further action on overtime compensation for the County Dispatchers until the evaluation of compensation has been completed in December 2013.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Kidd, Mr. D. Pugh and Mr. F. Campbell
NAY: NONE

IN RE: VOLUNTEER INCENTIVES

Chief Ernie Cash, Mr. Charlie Singleton and Mr. G. Roakes provided information to the Board and answered Board questions.

There was a Board discussion.

Board consensus was to have this item returned to the Board at the first meeting in October.

IN RE: DEPARTMENTAL REPORTS

The Board reviewed the departmental reports.

IN RE: CITIZEN COMMENTS

There were no speakers.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. F. Campbell requested the County Attorney research what the legal ramifications might be to add bike trails at Riveredge parks.

Mr. D. Pugh requested the County Attorney to look into legal ramifications regarding incentives.

Mr. D. Pugh spoke regarding Isaac Walter Park campers having to relocate due to taxation and would like to have clarification on the situation.

Mr. F. Campbell stated he had been contacted about how businesses are taxed and that taxes are higher in Amherst County.

Mr. D. Kidd spoke regarding the reassessment and that some properties had gone up.

CLOSED SESSION

Mr. F. Campbell moved that the Amherst County Board of Supervisors convene in closed session pursuant to § 2.2-3711 (A)(7) of the Code of Virginia, to consult with the County Attorney regarding specific legal matters pertaining to County financial audits, which matters require the provision of legal advice by the County Attorney and pursuant to the personnel exemption at § 2.2-3711 (A)(1) of the Code of Virginia, to discuss the performance of the County Administrator.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Pugh, Mr. D. Kidd and Mr. F. Campbell
NAY: NONE

Mr. F. Campbell moved to come out of closed session, and approved with the following vote:

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Pugh, Mr. D. Kidd and Mr. F. Campbell
 NAY: NONE

CERTIFICATION OF CLOSED MEETING

Mr. F. Campbell moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

Mr. R. Curd	AYE
Ms. C. Tucker	AYE
Mr. D. Kidd	AYE
Mr. D. Pugh	AYE
Mr. F. Campbell	AYE

IN RE: ADJOURNMENT

On motion of Mr. D. Kidd, and with the following vote, the Board moved to adjourn.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Pugh, Mr. D. Kidd and Mr. F. Campbell
 NAY: NONE

Robert Curd, Chairman
 Amherst County Board of Supervisor

Clarence C. Monday
 County Administrator