

BOOK 34

AMHERST COUNTY BOARD OF SUPERVISORS

AGENDA

February 23, 2015

ADMINISTRATION BUILDING - 153 WASHINGTON STREET - SCHOOL BOARD ROOM
7:00 P.M.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comments:** Citizens shall speak once to an issue and confine their remarks to the question before the Board. Citizens should avoid repetition insofar as possible and limit their comments to three (3) minutes.
- V. Public Hearings**
 - A. Ordinance No. 2015-0002, amending §§ 15-36, 15-38, 15-39, and 15-41 of, and adding § 15-44 to, Division 2 Article II of Chapter 15 of the Amherst County Code, to modify and strengthen provisions governing cross-connections and backflow.
 - B. Ordinance No. 2015-0003, vacating any interest held by Amherst County in a possible public right-of-way located at Tax Map 160A3, bordered by tax map parcels 160A3-A-68,68A,69,72,75 and Church Street, all sited in Madison Heights, Virginia, 24572, conditional on its purchase by Ashley Campbell Johnson, adjoining landowner.
 - ~~C. Request by Phelps Road School Development Company LLC, to amend the Future Land Use Map from Public to High Density Residential and to conditionally zone (rezone) approximately 2.82 acres from the P-1 Public Lands District to the R-3 Multi-Family Residential District. The purpose of the conditional zoning is to allow for a 29 unit affordable housing development. The property is located at 123 Phelps Road in Madison Heights and is further identified as tax map number 155D-A-44.~~
- VI. Consent Agenda**
 - A. Minutes - January 20, 2015
 - B. Economic Development Authority – 2015 Budget Adjustments
 - C. Appropriations
 - 1. Library
 - 2. Sheriff's Office
 - a. FY15 Appropriation request for Fine Revenue
 - b. FY15 Drug Asset Forfeiture
 - c. FY15 Appropriation request pass-through funds
 - 3. Treasurer

VII. Old Business

- A. Appointments to boards, commissions and committees
- B. AMERESCO

VIII. County Administrator Report

- A. O & M Budget discussion work session
 - 1. County O & M Budget
 - 2. Solid Waste O & M Budget
- B. Miscellaneous updates

IX. Departmental Report

- ### A. Building, Safety & Inspections - Report

X. Citizen Comments

XI. Matters from Members of the Board of Supervisors

XII. Closed Session

- A. Virginia Code § 2.2-3711 (A)(1): To discuss (1) the performance of the County Administrator, and (2) salaries of specific County employees.

XIII. Adjourn

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 23rd day of February, 2015, at 7:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

PRESENT: Mr. David W. Pugh, Chairman
Mrs. Claudia D. Tucker, Vice-Chairman
Mr. Robert M. Curd, Supervisor
Mr. John M. Marks, Jr., Supervisor
Mr. Donald W. Kidd, Supervisor

ABSENT: None

STAFF PRESENT: Dean Rodgers, County Administrator, David Proffitt, Deputy County Administrator/Purchasing Agent, Ellen Bowyer, County Attorney, and Regina Rice, Executive Administrative Assistant

I. Call to Order

Chairman Pugh called the meeting to order at 7:00 p.m. It is noted in the minutes that the February 17, 2015 Board of Supervisors meeting at 7:00 p.m. was postponed until February 23, 2015 at 7:00 p.m. due to inclement weather.

II. Invocation and Pledge of Allegiance

Supervisor Marks gave the Invocation and led the Pledge of Allegiance.

III. Approval of Agenda

On motion by Supervisor Tucker and with the following vote, the Board voted to approve the February 23, 2015 agenda; however, Item C. under Public Hearings was stricken from the agenda. The applicant withdrew his request.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

IV. Citizen Comments

Mr. Frank Campbell of Madison Heights, Virginia, spoke to the Board regarding the Phelps Road School rezoning issue. Mr. Campbell stated as of this date no windows have been replaced and there has been very little painting to the building. Mr. Campbell expressed his desire to see the Board deny the rezoning application.

There were no other comments and the Citizen Comment section was closed

V. Public Hearing

- A. Ordinance No. 2015-0002, amending §§ 15-36, 15-38, 15-39, and 15-41 of, and adding § 15-44 to, Division 2 Article II of Chapter 15 of the Amherst County Code, to modify and strengthen provisions governing cross-connections and backflow.

Ellen Bowyer, Amherst County Attorney, stated that Ordinance 2015-0002 was requested by the Public Utilities Director, to make amendments responsive to changes in state law and to conform with VDH recommendations.

Chairman Pugh opened the public hearing.

No one came forward in favor of Ordinance 2015-0002.

No one came forward in opposition of Ordinance 2015-0002.

Chairman Pugh closed the public hearing

On motion by Supervisor Marks and with the following vote, the Board adopted Ordinance No. 2015-0002, amending §§ 15-36, 15-38, 15-39, and 15-41 of, and adding § 15-44 to, Division 2 Article II of Chapter 15 of the Amherst County Code, to modify and strengthen provisions governing cross-connections and backflow. (See Attachment 1)

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

- B. Ordinance No. 2015-0003, vacating any interest held by Amherst County in a possible public right-of-way located at Tax Map 160A3, bordered by tax map parcels 160A3-A-68,68A,69,72,75 and Church Street, all sited in Madison Heights, Virginia, 24572, conditional on its purchase by Ashley Campbell Johnson, adjoining landowner.

Austin Mitchell, Assistant Planner advised the Board that Ordinance 2015-0003 was presented to the Board as a 1st reading at the February 3, 2015 meeting. Mr. Mitchell requested that the

Board accept the offer of \$266 of Ms. Johnson regarding this property and to adopt Ordinance 2015-0003.

Chairman Pugh opened the public hearing.

Chairman Pugh asked anyone in favor of Ordinance 2015-0003 to come forward.

Mr. Frank Campbell at Madison Heights, Virginia spoke in favor of Ordinance 2015-0003 and stated he believes this is a good program for getting rid of undeveloped property as well as getting some taxes out of it.

Ms. Ashley Campbell Johnson of Madison Heights, Virginia, spoke in favor of Ordinance 2015-0003. Ms. Johnson stated that having this property added to her existing property will allow her to do something with it as well as generate taxes for the County.

No one came forward in opposition to Ordinance 2015-0003 and Chairman Pugh closed the public hearing

On motion by Supervisor Marks and with the following vote, the Board adopted Ordinance No. 2015-0003, vacating any interest held by Amherst County in a possible public right-of-way located at Tax Map 160A3, bordered by tax map parcels 160A3-A-68,68A,69,72,75 and Church Street, all sited in Madison Heights, Virginia, 24572, conditional on its purchase by Ashley Campbell Johnson, adjoining landowner. (See Attachment 2)

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

~~C. Request by Phelps Road School Development Company LLC, to amend the Future Land Use Map from Public to High Density Residential and to conditionally zone (rezone) approximately 2.82 acres from the P-1 Public Lands District to the R-3 Multi-Family Residential District. The purpose of the conditional zoning is to allow for a 29-unit affordable housing development. The property is located at 123 Phelps Road in Madison Heights and is further identified as tax map number 155D-A-44.~~

VI. Consent Agenda

A. Minutes - January 20, 2015

On motion by Supervisor Tucker and with the following vote, the Board approved the Minutes for January 20, 2015.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

B. Economic Development Authority – 2015 Budget Adjustments

On motion by Chairman Pugh and with the following vote, the Board approved the Economic Development Authority – 2015 Budget Adjustments.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

C. Appropriations1. Library

On motion by Supervisor Marks and with the following vote, the Board approved the distribution of the Wal-Mart and Cage grants to the Library's 2015 Budget.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

2. Sheriff's Officea. FY15 Appropriation request for Fine Revenueb. FY15 Drug Asset Forfeiturec. FY15 Appropriation request pass-through funds

On motion by Supervisor Marks and with the following vote, the Board approved the Sheriff's Office FY15 Appropriation request for Fine Revenue, FY15 Drug Asset Forfeiture and FY15 Appropriation request pass-through funds.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

3. Treasurer

On motion by Supervisor Tucker and with the following vote, the Board approved an appropriation of \$500 to purchase new phones with caller retrieving capabilities for the Treasurer's office.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

VII. Old Business**A. Appointments to boards, commissions and committees**

Mr. Dean Rodgers addressed the Board and stated there are vacancies on the EDA and ACPRD Board. Both openings have been advertised.

Mr. Rodgers said he received one letter of interest from Gary Evans asking to be re-appointed to the ACPRD Board.

On motion by Chairman Pugh and with the following vote, the Board re-appointed Gary Evans to the ACPRD Board.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

Mr. Rodgers stated the position open on the Economic Development Authority Board is an "At-Large" position and is currently held by Michael Russell. Mr. Rodgers stated two other

individuals; Jesse Wasserman and Terry Morcom have submitted their letters of interest for the "At Large" position.

The Board invited both individuals to come forward and speak to the Board.

Mr. Terry Morcom of Amherst, Virginia spoke to the Board and provided background information regarding his education and working in Amherst County in the building, development and real estate markets as well as his involvement on different boards and associations. Mr. Morcom stated he was familiar with the current activities with the EDA.

Supervisor Marks asked Mr. Morcom what he considered any issues that were handled wrongly with regard to economic development. Mr. Morcom stated he felt the 100% reserves on septic systems was a bad decision, which raised lot costs in the County.

Supervisor Tucker asked Mr. Morcom what his opinion of the minimum lot size in the A-1 District and Mr. Morcom stated he was not in favor of this and felt people should sell land as they see fit to maximize their dollars. Mr. Morcom said he does not want to destroy the A-1 District.

Supervisor Kidd asked Mr. Morcom what he thought was lacking in Amherst County to draw businesses to the County. Mr. Morcom stated that there is not enough support for to businesses in the County and believed the by-pass has had a negative effect on the northern part of the County. He sees several businesses struggling and would like to see a way to promote traffic to come into that area.

Supervisor Tucker asked Mr. Morcom if he has interacted with the EDA members and he advised he had not.

Mr. Jesse Wasserman of Amherst, Virginia spoke to the Board, providing background information regarding his profession as a CPA and membership on several committees including the Amherst Chamber of Commerce and Rotary Club.

Mr. Wasserman stated he would like to see growth in Amherst but does not want Amherst to lose the rural nature of the County and stated what is lacking is a large piece of property that has water and sewer to attract larger businesses.

Supervisor Marks asked Mr. Wasserman what are some of the things that perhaps the County has done wrong and Mr. Wasserman mentioned the County's website as one issue but felt the EDA is doing a good job.

Mr. Michael Russell of Amherst, Virginia spoke to the Board and provided background information regarding his education and work history. Mr. Russell stated he is a founding member of the EDA and believes the EDA has come a long way in ten years. His vision of what is next for the EDA is tourism and the Chamber of Commerce to work with tourism. He also sees agriculture as an emerging market in sustainable foods as folks want to know where their food sources are coming from and envisions the EDA becoming a part of this.

Mr. Russell addressed a question from Mr. Rodgers where the County is lacking. Mr. Russell stated there was a lot of movement against the fractional ownership decision in the western part of the County where people could buy into a home, which allowed people to come here, see the County and the potential to move and/or retire here. Mr. Russell felt this decision against fractional ownership has inhibited growth in the County. Mr. Russell stated the best thing in

the County is the quality of life and that green boxes leave a favorable impression as well as the scenic by-way designation.

Mr. Don Manley, Chairman of the EDA, Lowesville Virginia stated to the Board how fortunate it was to have three great candidates for the position. Mr. Manley spoke in favor of Mr. Russell and his tenure on the EDA Board for 14 years and stated Mr. Russell has been involved in several projects, does a great job, and has been invaluable to EDA Board.

Mr. Manley further stated he was not in favor of the Board of Supervisor's decision that representatives should be from each district. Mr. Manley believes the EDA needs the very best people from any district and the need for people to volunteer for extra projects and to have the best possible team. Mr. Manley asked the Board to give this some thought.

Chairman Pugh agreed and the Board always tries to appoint the best people to the boards and representation for each district but may have to address this issue at a later time.

On motion by Supervisor Tucker and with the following vote, the Board voted to re-appoint Michael Russell as the "At-Large" member of the Economic Development Board.

| | |
|---------|---------------------------------------------------------|
| AYE: | Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd |
| NAY: | None |
| ABSENT: | None |

B. Ameresco

Mr. Rodgers addressed the Board and stated at the last Board meeting a motion was passed for staff to begin negotiations on Ameresco's Option 3. Mr. Rodgers said Option 3 pertained to Schools only asked the Board for further direction to include self-funded projects that would be performed for the County in addition to Option 3 for the Schools.

Mr. Rodgers said that the first recommendation would be to direct staff to negotiate a contract with Ameresco to undertake the work identified in its proposal to upgrade, repair or replace the facilities owned and operated by the County as well as those described in Option 3 pertaining to School District equipment and facilities.

Chairman Pugh said we needed to have a contract in hand and the MOU from the Schools and internal accounting of how this will work and be bonded together. Mr. Rodgers advised we need to negotiate a contract that includes the work for the County and the work for the Schools and this needs to be specified.

Ellen Bowyer, Amherst County Attorney, advised there will be a single contract with multiple attachments. The attachments will be populated with data and information based on the option chosen.

Chairman Pugh asked when the audit will be completed by Brown Edwards. Mr. Rodgers stated he should have the report on February 24th and hopes to have this at the next meeting.

Chairman Pugh clarified that the Board is to direct staff to negotiate a contract and not to sign a contract. Mr. Rodgers stated this is the same motion as before and includes the County's facilities and to negotiate all the terms.

Supervisor Tucker moved that staff be directed to negotiate a contract with Ameresco to undertake the work identified in its proposal to upgrade, repair or replace the facilities owned

and operated by the County as well as those described in Option 3 pertaining to School District equipment and facilities.

Supervisor Marks asked Chairman Pugh about the roof at Elon Elementary School for \$451,000 that is not included in Option 3 and commented that the Davenport statement and Davenport's numbers did not include the \$451,000 for the roof and how was this to be handled?

Mr. Rodgers advised he will have to research this question and get back to the Board.

Supervisor Tucker stated there was a motion on the floor.

Supervisor Marks requested to speak to the motion on the floor and asked that his comments be included in the formal minutes. The following statement was read by Supervisor Marks:

Statement on Ameresco at the February 23, 2015 Board of Supervisors meeting

Mr. Chairman: I wish to speak to the motion on the floor and I am requesting that my comments be included in the formal minutes. I will provide the clerk with a copy of my comments and will forward an electronic copy to the clerk tomorrow. As you all know I am opposed to the Ameresco proposals. However, it appears there are at least three Board of Supervisor members ready to proceed with a contract with Ameresco for Option #3 of the school work and perhaps the option to perform the work on the county buildings. However before this board proceeds to enter this arrangement I would encourage this board to at least take a look at the roof work and contract for Option 2 of the school work, and handle the roof work ourselves.

Here is the reason I would make this request. The roof work in Option #3 is priced at \$4,684,720. However Option #3 does not include the roof work at the Elon Elementary school, which was inadvertently left off. This work is estimated to cost \$451,000, and clearly not included in the scenarios provided by the Davenport and Company financial study. This additional cost brings the total roof work costs to \$5,135,720. This five plus million dollars work brings only \$20,225 in ECM's per year. In an email dated 1-02-15 Ameresco stated "As the roofs do not self-fund without a contribution from the County, and are a lower risk technology, Ameresco has included our profit at a lower rate of 6.5%. The roof prices we provided reflect a 12% overhead and a 6.5% profit, a 2% lower profit than the pre-negotiated rates." At the 12% overhead and 6.5% profit Ameresco on roofing work receives \$950,108 dollars. Based on the data provided in the October 28, 2014 Ameresco handout "Roofing costs are reflective of representative pricing on a per square foot basis. Ameresco can provide firm costs for these ECM's if they are included in the project." It seems obvious that Ameresco has used some industry standard price for the roofing work, which means the price includes the profit for some company, plus the overhead and profit for Ameresco. One would suspect that if the roof work is included in the project Ameresco will have some company perform the work. Why should we pay Ameresco \$950,108 to have someone perform this work? Why don't we contract it ourselves and save at least a portion of this money? We did it before in the mid 90's. Why not pick a roof, say Elon Elementary school, and have some local roofing company provide us a price? As I understand it there are two types of certified roofs, Carlisle and Firestone, and there are qualified local companies that are certified to install those roofs. Since the industry standard, as I understand, is 10% it would seem to me that if Ameresco uses a

local company to perform this work we would be paying 28.5% overhead and profit, 10% to the company performing the work and 18.5% to Ameresco.

Quite frankly if we do not handle at least the roof work I believe we are wasting tax payer money.

Supervisor Tucker stated there is a motion is on the floor.

Supervisor Marks requested Chairman Pugh to have a roll call vote.

AYE: Mrs. Tucker, Mr. Curd and Mr. Pugh
 NAY: Mr. Marks and Mr. Kidd
 ABSENT: None

Mr. Rodgers stated to the Board the next question regards the funding sources and what other projects the Board would want to in order to seek any additional funding amounts at the same time to include all together or keep it separately.

Supervisor Tucker asked Mr. Rodgers for any guidance and his opinion. Mr. Rodgers advised he had no opinion; however, but believed it is a good time to seek funding but needed to know whether the Board wanted to seek separate financing packages or one combined package.

Chairman Pugh stated he did not want to do any additional funding now but the Board needs to make some choices regarding the Public Safety building, the landfill and Goodwin Street building once the bids come back on the building.

Supervisor Marks remarked that before deciding to move forward, how much could we afford and stated to Chairman Pugh he would like to make a motion and then speak to the motion.

Supervisor Marks moved that the County Administrator be requested to review the county cash flow and/or revenue trends and provide the board reasonable assurance we can achieve the level of revenue that will support the debt service required by the Ameresco project without having to borrow from the unobligated fund or raising taxes.

Supervisor Marks read his statement as follows:

I make this motion for a number of reasons:

First the Davenport study is based on a series of assumptions: That debt service budget is maintained at the current 2015 level, that the Humane Society debt service contribution will remain at \$41,687, that the EDA Debt Service contribution will remain at \$31,297, that the county and schools related debt service will be \$2,784,994 and that the Ameresco's projected savings will be realized. I find no reference to an assumption that revenue will be achieved at a certain level. One would assume that the revenue level would be what it takes to run the county plus \$980,783 for the debt service.

Second, the proposed 2016 budget indicates the debt service for the county will be \$1,301,332, not the \$980,783 reflected in the Davenport study.

Third, the Davenport study clearly indicates it does not address the \$451,000 required for the roof work at the Elon Elementary School.

Fourth, should we be concerned that the revenue stream for the last three years could possibly be biased? When the current Treasurer took office in 2012 there were hundreds of delinquent real estate parcels (at one time the number was 368) and a number of delinquent personal property accounts, resulting in millions of dollars of uncollected taxes. Over the last three years the Treasurer, Mr. Friend, and his dedicated staff have been a tremendous asset to this county by aggressively pursuing the collection of these outstanding taxes. However, based on my conversations with the Treasurer this influx of revenue will be diminishing due to most of the delinquencies having been accounted for and resolved.

Fifth, we must not forget that we utilized \$700,887 from the General Fund to balance the 2015 budget. Certainly we cannot continue to balance the budget in this manner.

It is for these reasons that I made the previous motion. Thank you.

Supervisor Kidd agreed with Supervisor Marks's statement and said we do not know what the revenue stream would be, where we stand and how can we take on more debt and assume that we are doing the right thing. Supervisor Kidd suggested getting through the budget process and then discuss where we stand and get the audit from the auditors.

Supervisor Marks repeated his motion:

Supervisor Marks moved that the County Administrator be requested to review the county cash flow and/or revenue trends and provide the board reasonable assurance we can achieve the level of revenue that will support the debt service required by the Ameresco project without having to borrow from the unobligated fund or raising taxes

Chairman Pugh said the information from Davenport indicated that after a 3 to 4 year period we would pull from the unobligated reserves and not raise taxes.

Supervisor Marks advised the Davenport study makes reference to revenue in that we have to provide in the same amount as we are providing now. Supervisor Marks stated that if the County matches this debt service it can do what it has to do without raising taxes and his motion deals with understanding the revenue stream and whether it will support it.

Mr. Rodgers stated this is an excellent idea and necessary. He will present the information to the BOS to see if it wants go forward with the project. He stated he had just finished compiling the revenue numbers and will present them at next meeting. Supervisor Marks is correct that the Davenport report did not address the revenue stream and the revenue stream has shown a decrease- it is not as much income as we had last year. The revenues may not even be enough to fund the bare bones budget.

Supervisor Tucker agreed it was prudent not to seek additional funding in agreement with Chairman Pugh. Supervisor Tucker asked why the question with regard to additional funding had not been answered and Mr. Rodgers advised this was simply a recommendation from him and the Board's discussion now made it no longer appropriate and he suggested the Board address the matter no further.

By motion of Supervisor Marks, and with the following vote, the Board voted to direct the County Administrator to review the county cash flow and/or revenue trends and provide the board reasonable assurance we can achieve the level of revenue that will support the debt service required by the Ameresco project without having to borrow from the unobligated fund or raising taxes.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

VIII. County Administrator Report

A. O & M Budget discussion work session

1. County O & M Budget

Mr. Rodgers advised that the documents presented are the staff's attempt to identify what it will cost for the government to function next year with no new programs, purchases and activities.

Supervisor Marks stated he was asked to review the budget and make any adjustments and recommendations. He had asked that a trial balance as of Jan 2015 be included.

Supervisor Marks stated he overlooked one account line and found a true-up adjustment in the care of juveniles confined for 2013 and the appropriation of \$90,305.

Ms. Brenda Campbell, Central Accounting Director came forward and explained proposed budget amount includes the expected true-up number. Ms. Campbell explained a new contract will be discussed with some adjustments to be made and includes service for the detention home.

Supervisor Marks raised the issue of debt service for buses and Sheriff's vehicles and was advised this will be a one-time expenditure.

Chairman Pugh stated the Board is being asked for a consensus to go forward with this bare bones budget.

Mr. Rodgers advised this budget is \$765,000 too much and he will be looking at places to cut but this is the staff's best effort to continue as we are.

Supervisor Kidd asked if the departments and constitutional are satisfied and will not have to come back to the Board for appropriations in the year. Mr. Rodgers stated yes, they have agreed to stay within their budgets and will only come back if there is something that we did not foresee.

Mr. Rodgers advised the Board they can revisit any issue individually, nothing is final and the Board can change anything that has been done so far.

Mr. Rodgers said there is no vote by the Board to approve and he is only looking for a consensus by the Board to go forward with this.

Chairman Pugh stated that the Board direct staff to proceed through the budget analysis process with this O&M Budget as presented.

2. Solid Waste O & M Budget

Mr. Rodgers explained this is the same budget process and there is an increase of \$100,000 over last year due to a shortfall regarding the landfill which is rolled into the O&M Budget and that money was moved forward.

Chairman Pugh stated to Mr. Rodgers to direct staff to proceed.

B. Miscellaneous updates

Mr. Rodgers provided the Board a date of April 30, 2015 for the James River tour.

Mr. Rodgers advised the legislative delegates will be available to meet with the Board on May 19, 2015 and asked the Board if they have any specific topics to discuss with the delegates to forward their topics to him.

Mrs. Tucker agreed to present the commemorative resolution honoring Judge Gamble for his service at a retirement ceremony on February 27, 2015, at the Carriage House at Oak Ridge in Arrington, Virginia.

Supervisor Marks requested a deadline be put into Action Tracker and Mr. Rodgers advised it has been added after "next steps".

Chairman Pugh suggested talking to the delegates about education funding and the localities bearing the brunt of this.

Supervisor Marks remarked on legislation regarding dams and to follow this very closely.

Chairman Pugh suggested another item to address the delegates is stormwater management and where we stand on that issue.

IX. Departmental Report

A. Building, Safety & Inspections – Report

For information only.

X. Citizen Comments

No speakers

XI. Matters from Members of the Board of Supervisors

Supervisor Kidd stated that with regard to people who are interested in serving on the EDA Board, he reminded the Board that County Code under the Economic Authority states " if the Board of Supervisors does not receive an application from a qualified applicant in response to a duly advertised vacancy on the Authority Board for a seat otherwise filled pursuant to the provisions of subsection (d) of this section, it may appoint to the Authority Board a person residing in an election district in which a sitting Authority Board director resides". Supervisor Kidd stated we can certainly go outside of the district at the discretion of the Board.

Supervisor Marks found a copy of a document from his file dated March 20, 2011 from the Department of Environmental Quality saying the County had not balanced the books and were subject to a civil penalty of \$32,000 per day. Supervisor Marks stated we need get our auditor to get this taken care of to make sure we do not receive another notice such as this.

Supervisor Curd advised he did not have any matter to discuss.

Supervisor Tucker advised she did not have any matter to discuss.

Chairman Pugh commented on the Action Tracker, noting a burned out house on Rt. 29 near the Quik-E and Supervisor Marks remarked the date was February 13, 2015. Chairman Pugh stated this dwelling needs to be torn down.

XII. Closed Session

Supervisor Kidd moved that the Amherst County Board of Supervisors convene in closed session pursuant to § 2.2-3711(A)(1) of the Code of Virginia to discuss (1) the performance of the County Administrator, and (2) salaries of specific County employees.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

Supervisor Kidd motioned to come out of closed session and was approved with the following vote:

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

CERTIFICATION OF CLOSED MEETING

Supervisor Kidd 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 the 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. Pugh | AYE |
| Mrs. Tucker | AYE |
| Mr. Curd | AYE |
| Mr. Marks | AYE |
| Mr. Kidd | AYE |

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

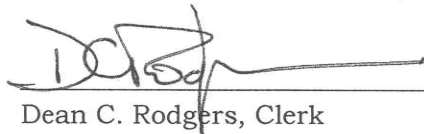
XIV. Adjourn

On motion by Supervisor Marks and with the following vote, the Board moved to adjourn.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None



David W. Pugh, Jr., Chairman
 Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



Amherst County Board of Supervisors
County Ordinance No. 2015-0002

AN ORDINANCE, NO. 2015-0002

Amending §§ 15-36, 15-38, 15-39, and 15-41 of, and adding § 15-44 to, Division 2 of Article II of Chapter 15 of the Amherst County Code, to make technical corrections and clarifications to the provisions governing cross-connections and backflow, and to establish a process for redressing violations of those provisions.

Approved as to form and legality by the County Attorney

FIRST READING: February 3, 2015
PUBLIC HEARING: February 23, 2015

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That sections 15-36, 15-38, 15-39, and 15-41 of Division 2 of Article II of Chapter 15 of the Amherst County Code be and hereby are amended, as follows:

Sec. 15-36. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture, or other device and the rim of the receptacle.

Auxiliary water system means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; or water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the water purveyor does not have control.

Backflow means the flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, nonpotable waters into any part of a waterworks.

Backflow prevention device means approved device, method, or type of construction intended to prevent backflow into a waterworks.

Consumer's water system means any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

Contamination means any introduction into pure water of objectionable or hazardous materials or micro-organisms, wastes, wastewater, undesirable chemicals or gases.

Cross-connection means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of hazard is derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

Double gate-double check valve assembly means an approved assembly composed of two (2) single, independently acting check valves including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each check valve.

Health hazard means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

Interchangeable connection means an arrangement or device that will allow alternate but not simultaneous use of two (2) sources of water.

Pollution means the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

Pollution hazard means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Process fluids means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted which would constitute a health, pollutional or system hazard if introduced into the waterworks. This includes, but is not limited to:

- (1) Polluted or contaminated waters;
- (2) Process waters;
- (3) Used waters originating from the waterworks which may have deteriorated in sanitary quality;
- (4) Cooling waters;
- (5) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (6) Chemicals in solution or suspension; and
- (7) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire-fighting purposes.

Pure water or potable water means water fit for human consumption and use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

Reduced pressure principle backflow prevention device means a device containing a minimum ~~to two~~ of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between the two (2) check valves. During normal flow and at the cessation of normal flow, the pressure between these two (2) checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be of the approved type.

Service connection means the terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

System hazard means a condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

Used water means any water supplied by a water purveyor from waterworks to a consumer's water system after it has passed through the service connection.

Water purveyor means an individual, group of individuals, partnership, firm, association, institution, corporation, municipal corporation, county, or authority which supplies water to any person within this state from or by means of any waterworks.

Waterworks means all structures and appliances used in connection with the collection, storage, purification and treatment of water for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in Title 32.1, Article 2 of the Code of Virginia (1950), as amended, § 32.1-167 et seq.

Sec. 15-38. - Status of article.

This article is a supplement to the applicable plumbing codes contained in the Uniform Statewide Building Code, as that is amended from time to time, which has been adopted in its entirety by Amherst County.

Sec. 15-39. - Adoption of regulation.

~~The county board of supervisors~~ Amherst County Board of Supervisors hereby adopts by reference ~~Section 6.00~~ Article 4, Cross-Connection and Backflow Prevention Control in Waterworks, Commonwealth of Virginia Waterworks Regulations.

Sec. 15-41. - County's right of entry for inspection.

The representative of the ~~authority board~~ Amherst County Service Authority Board shall have the right to enter at any reasonable time properties served by a connection to the waterworks of the county for the purpose of inspecting the piping system or systems for cross-connections. Upon request, the owner or occupants of property served shall furnish to the inspection agency pertinent information regarding the

occupants of property served shall furnish to the inspection agency pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of ~~cross-connections~~ a high degree of hazard from cross-connection.

§ 2. That § 15-44, Violations, be and hereby is added to Division 2 of Article II of Chapter 15 of the Amherst County Code, as follows:

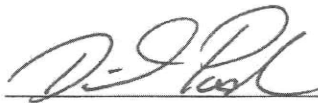
Sec. 15-44. – Violations.

(a) The director of utilities, or his/her designee, shall send a notice of violation by certified mail to the owner of any building or structure that is found to be in violation of this article. The director, or his/her designee, shall establish a reasonable deadline in the notice of violation for the owner to correct the violation. If the owner fails to correct the violation before the expiration of the time given by the director, or his/her designee, the director, or his/her designee may terminate water service to the building or deny water service to the building.

(b) If a backflow prevention device is removed or bypassed, if a cross-connection exists or if the pressure in the water system is lowered below ten psi gauge, the director, or his/her designee, shall take whatever actions he finds necessary to ensure that the water system is safe from pollution.

§ 3. That this ordinance shall be in force and effect upon adoption.

Adopted this 23rd day of February, 2015.



David W. Pugh, Jr., Chairman
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0
4

Abstentions 0



Amherst County Board of Supervisors
County Ordinance No. 2015-0003

AN ORDINANCE, NO. 2015-0003

Vacating any interest held by Amherst County in a possible public right-of-way located in Tax Map 160A3, bordered by tax map parcels 160A3-A-68,68A,69,72,75 and Church Street, all sited in Madison Heights, Virginia, 24572, conditional on its purchase by Ashley Campbell Johnson, an adjoining landowner.

Approved as to form and legality by the County Attorney

FIRST READING: February 3, 2015
PUBLIC HEARING: February 23, 2015

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Amherst County vacates any interest it may hold in a possible public right-of-way located in Tax Map 160A3, bordered by tax map parcels 160A3-A-68,68A,69,72,75 and Church Street, in Madison Heights, Virginia, 24572, conditional on its purchase by Ashley Campbell Johnson, an adjoining landowner, as follows:

WHEREAS, a plat (hereafter "Plat") entitled "Plat of Several Lots situated in the town of MADISON", dated August 10, 1906, was recorded in Deed Book 58 , Page 68, in the Clerk's Office for the Circuit Court of Amherst County, Virginia; and

WHEREAS, the Plat, attached hereto as Exhibit A, delineates in part a piece of property (hereafter, "Property") located adjacent to the eastern property line of tax map parcel 160A3-A-68, running the length of the parcel from Church Street to tax map parcel 160A3-A-75 in a northwest direction for a distance of approximately 245 feet where it adjoins tax map parcel 160A3-A-72, with a width of approximately 30 feet extending to the northeast where it adjoins tax map parcel 160A3-A-72, 73; and

WHEREAS, the Plat depicts the Property as a right-of-way; and

WHEREAS, Virginia Code § 15.2-2265 provides that "[T]he recordation of an approved plat shall operate to transfer, in fee simple, to the respective localities in which the land lies the portion of the premises platted as is on the plat set apart for streets, alleys or other public use and to transfer to the locality any easement indicated on the plat to create a public right of passage over the land."; and

WHEREAS, tax map parcel 160A3-A-72 (108 Fifth Street, Madison Heights, Virginia, 24572), located adjacent to the Property, is owned by Ashley Campbell Johnson (occasionally "Mrs. Johnson"); and

WHEREAS, by letter dated October 13, 2014, Mrs. Johnson sought to purchase the Property from Amherst County; and

WHEREAS, the Property has not been developed for the purposes identified in the Plat, there is no indication that it is needed for the purposes identified in the Plat, and, as the Property is blanketed with overgrowth, it does not provide any beneficial use for the general public nor for adjacent property owners; and

WHEREAS, it is the desire of Amherst County, acting by and through its Board of Supervisors, to vacate any interest Amherst County may have in the Property by this Ordinance 2015-0031 in accordance with the provisions of Virginia Code § 15.2-2006 and § 15.2-2008; and

WHEREAS, Amherst County has given notice of its intention to vacate its interest in the Property in favor of Mrs. Johnson by twice publishing a notice of public hearing, with at least six days elapsing between the first and second publication, in the New Era Progress, a newspaper having general circulation in Amherst County, which notice specified the time and place of the public hearing at which persons, and the costs of which notice were taxed to Mrs. Johnson, all in accordance with the provisions of Virginia Code § 15.2-2006; and

WHEREAS, Amherst County has notified the land owners situated along the public right-of-way proposed to be vacated of the impending vacation by a letter mailed on February 4, 2015, in accordance with the provisions of Virginia Code § 15.2-2006; and

WHEREAS, Amherst County conditions its vacation of the Property on its purchase by Mrs. Johnson, abutting property owner, at a price which shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties, in accordance with the provisions of Virginia Code § 15.2-2008; and

WHEREAS, Mrs. Johnson has offered Amherst County a purchase price of \$266, Amherst County staff have advised the Board of Supervisors that this is a fair market value, and the Board of Supervisors is willing to accept this sum; and

WHEREAS, Mrs. Johnson shall pay such purchase price within 60 days of the date of adoption of this Ordinance 2015-0003.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with the provisions of Virginia Code § 15.2-2006 and § 15.2-2008, any interest held by Amherst County in the Property shall be, and the

same hereby is, vacated in favor of Ashley Campbell Johnson, a public hearing thereon having been duly advertised in accordance with the provisions of Virginia Code § 15.2-2006.

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance 2015-0003 shall be recorded in the Circuit Court for the County of Amherst, Virginia, after the expiration of 60 days from the date of adoption, unless adoption is appealed to said Court.

BE IT FURTHER ORDAINED, that within 60 days following the adoption of this Ordinance 2015-0003, Mrs. Johnson shall pay to the County (i) the purchase price of the property, and (ii) the costs of publishing the advertisement of the conduct of the public hearing on this Ordinance.


BE IT FURTHER ORDAINED, that upon payment to the County of the purchase price and the costs of publishing the advertisement, the Board of Supervisors authorizes its Chairman to execute a quit-claim deed transferring any interest the County may hold to Ashley Campbell Johnson.

BE IT FURTHER ORDAINED, that if payment of the purchase price and the costs of publishing the advertisement are not made within 90 days of the adoption of this Ordinance, the Board may repeal the Ordinance and shall thereafter retain any property rights it may hold in the Property.

§ 2. That this ordinance shall not be codified in the Code of the County of Amherst.


§ 3. That this ordinance shall be in force and effect upon adoption.

Adopted this 23rd day of February, 2015.



David W. Pugh, Jr., Chairman
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0