

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearances and Presentations**
 - a. Treasurer – Settlement of Accounts – Donald T. Wood
 - b. Poplar Grove – Tim Bell
 - c. Nelson Volunteer Coalition – Lynne Carson
 - d. Springsted – John Maxwell
- V. Amherst County Public Schools – Dr. Brian Ratliff**
- VI. Citizen Comment**
- VII. Consent Agenda**
 - a. Board of Supervisors Meeting Minutes – August 19, 2008 (1:00 p.m. & 7:00 p.m.)
 - b. Public Safety Monthly Report – July 2008
 - c. Accounting Monthly Report
 - d. VDOT Traffic Alerts Reports – Aug. 18-22, 25-29, and Sept. 1-5, 2008
- VIII. Department Reports**

PLANNING DEPARTMENT

- a. Zoning Case # 2008-20
- b. Request by George M. Hutchinson
- c. Request by John C. Ramsey

Purchasing Department

- a. Architectural Service Proposals
- b. Installation of monitoring staff gauges

IX. County Administrator's Report

- a. Voter Registration Resolution
- b. Maintenance Department Request
- c. 2009 Legislative Agenda
- d. Resolution encouraging citizens to register and vote
- e. Joint Board of Supervisors/Planning Commission Public Hearings
- f. Historic and Architectural Resources Survey
- g. Grand Opening of Convenience Centers
- i. Dinner meeting with Town of Amherst
- h. Pedlar Reservoir

X. County Attorney's Report

- a. Noise Ordinance (First Reading)
- b. Curfew Ordinance

XI. Matters from Members of the Board of Supervisors**XII. Appropriations/Transfers/Disbursements****XIII. Old Business (See packet)****XIV. Closed Meeting (§2.2-3711.A, Code of Virginia, as amended)**

§2.2-3711.A.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. Personnel – Planning Commission
- b. Personnel issue

§2.2-3711.A.5 Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

- a. Prospective business

§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. Lawsuit
- b. Billboards
- c. Legal issue

XV. Adjourn

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

NAY: None

IN RE: TREASURER – SETTLEMENT OF ACCOUNTS – DONALD T. WOOD

Donald Wood, County Treasurer, met and provided a trial balance for the 2007-2008 County fiscal year and requested the Board's direction in collection of delinquent taxpayer list advertising.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors received the trial balance for the 2007-2008 fiscal year and directed the Treasurer not to advertise the delinquent taxpayer list for 2008.

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

NAY: None

IN RE: NELSON VOLUNTEER COALITION – LYNNE CARSON

Lynne Carson and Margaret Morton of Nelson Volunteer Coalition met with the Board and described their services provided to both Amherst and Nelson County citizens, which is free transportation to medical and related facilities.

There was Board discussion of the services provided to both Amherst and Nelson County citizens and directed Ms. Carson and Ms. Morton to coordinate with the County Administrator in requesting funds through the regular budget process.

IN RE: SPRINGSTED, INC. – JOHN MAXWELL

John Maxwell and Annette Martell of Springsted Inc. met with the Board and presented plans and strategies for conducting the upcoming employee salary and job classification study. Mr. Maxwell provided a list of other jurisdictions that are planned to be solicited for comparative salary data. The list was confirmed as appropriate by the Board with the understanding that private businesses will be included.

There was a consensus that Springsted should commence with their salary study activities right away.

IN RE: POPLAR GROVE – TIM BELL

Tim Bell, Poplar Grove Manager, Biff Johnson and Joe Morgan, Poplar Grove Consultants, met with the Board and provided information in support of their request for:

- (a) Sensible connection solution for Town sewer
- (b) Sensible connection solution for Town and County water.

Mr. Bell stated that the purpose of the presentation is to communicate and request the Board's and staff's cooperation with the Town in accomplishing the proposed utility development.

IN RE: AMHERST COUNTY PUBLIC SCHOOLS – DR. BRIAN RATLIFF

Dr. Brian Ratliff, School Superintendent, met with the Board and provided a status report of current school activities.

IN RE: CITIZEN COMMENT

There were no citizen comments.

IN RE: CONSENT AGENDA

- a. Board of Supervisors Meeting Minutes – August 19, 2008 (1:00 p.m. & 7:00 p.m.)

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the August 19, 2008 1:00 p.m. and 7:00 p.m. minutes.

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

NAY: None

ABSTAIN: Mr. V. Wood (absent from both meetings)

- b. Public Safety Monthly Report – July 2008
- c. Accounting Monthly Report
- d. VDOT Traffic Alerts Reports – Aug. 18-22, 25-29, and Sept. 1-5, 2008

Information Only

IN RE: ZONING CASE # 2008-20 – OLD VIRGINIA BRICK COMPANY

Jeremy Bryant, Planning Director, met with the Board and presented the following Zoning Case #2008-20:

Request by Old Virginia Brick Company for a zoning text amendment to allow mineral extraction as a special exception use in the A-1 Agricultural Residential District. The proposal adds a definition of mineral extraction which states, "Mineral extraction is the process of obtaining through excavation or extraction any earth products or natural mineral deposits such as sand, gravel, rock, or clay, except where such excavation is for the purpose of grading for a building site or roadway, where sod is removed for landscaping, or where materials are excavated from that site for ultimate use on the same site by the owner of the property." The request went to the Planning Commission on August 19, 2008 for a "first reading". This is a "first reading" for the Board of Supervisors and will proceed to public hearing at the October 21, 2008 meeting.

The Board of Supervisors directed Mr. Bryant and the County Attorney to refine the definition of mineral extraction before the text amendment's second reading.

IN RE: REQUEST BY GEORGE M. HUTCHINSON

Mr. Bryant presented the following request by George M. Hutchinson.

Request by George M. Hutchinson to continue operating an automotive repair garage at the Seminole Shopping Center. Mr. Hutchinson has operated an automotive repair garage located at the Seminole Shopping Center for approximately eight (8) years without a business license or zoning approval. Recently, the Commissioner of the Revenue contacted Mr. Hutchinson and required that he obtain a zoning permit, business license, and is required to pay the past three (3) years of back taxes, and the current year, which totals four (4) years of taxes.

Section 707.03(9) allows automotive repair garages as a special exception use in the B-2 General Commercial District. Additionally, according to Section 707.02(29) shopping centers are a permitted use, and Section 909.02(55) of the Shopping Center ordinance allows the Board of Supervisors to consider "other compatible uses approved by the Board of Supervisors". Therefore, this request is to allow Mr. Hutchinson to continue to operate at his current location beneath and on the rear portion of the Seminole Shopping Center.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the request from Mr. Hutchinson to continue operating the existing automotive repair garage in the Seminole Shopping Center.

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

NAY: None

IN RE: REQUEST BY JOHN C. RAMSEY

Mr. Bryant presented the following request by John C. Ramsey:

Request by John C. Ramsey to operate a fitness center located at the Seminole Shopping Center. The Seminole Shopping Center is zoned B-2 General Commercial District, and fitness centers are not allowed as a permitted or special exception use. However, according to Section 707.02(29) shopping centers are a permitted use in the B-2 District, and Section 909.02(55) of the Shopping Center ordinance allows the Board of Supervisors to consider "other compatible uses approved by the Board of Supervisors". Therefore, the request is to allow Mr. Ramsey to open a fitness center at the Seminole Shopping Center.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the request from Mr. Ramsey to open a fitness center at the Seminole Shopping Center as requested.

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

NAY: None

IN RE: ARCHITECTURAL SERVICE PROPOSALS

The County Purchasing Agent presented the following request:

A request for proposals from architectural firms for implementation of the recently completed space needs study was advertised on July 24, 2008. The deadline for submission was August 11th. Seven proposals were received and five firms selected for interview. The firms interviewed were: Dagliesh, Gilpin and Paxton; Craddock-Cunningham; Moseley Architects; Dewberry; and Dominion Seven. The interview committee included Kenneth Campbell, Bill Cash, Linda Byers, Bill Seay, Steve Simpson, Jeremy Bryant, Dr. Mark Lineburg and I. Interviews and evaluations were conducted in compliance with criteria stated in the original RFP and resulted in ranking Moseley Architects as the first priority for contract negotiations.

The Board of Supervisors directed the Purchasing Agent to negotiate an arrangement with Moseley Architects to develop a clear scope of work needed with the understanding that the Board will first conduct a space study workshop independent of the architect.

IN RE: INSTALLATION OF STAFF GAUGES AT LAKES

The County Purchasing Agent presented the following:

The Virginia Dept. of Conservation and Recreation has issued operation and maintenance certificates for each of the three county dams this year. These are required to be updated every six years. Each dam recertification requires an emergency action plan to be initiated during heavy rain events. The lake level monitoring is to be performed by observation of staff gauges at the lakes. The services of a surveyor are needed to properly locate the gauges. A proposal from Hurt & Proffitt Engineers is attached for the provision and installation of gauges at each of the three sites.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors authorized acceptance of the proposal from Hurt & Proffitt dated June 25, 2008 for installation of staff gauges at Mill Creek, Stonehouse and Thrasher Dams and to appropriate up to \$9,900 from deferred maintenance revenue of the most recent bond financing to cover that cost.

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

NAY: None

IN RE: MAINTENANCE DEPARTMENT REQUEST

The County Administrator presented a maintenance department request as follows:

Maintenance Director Bill Cash has requested that the Board consider approval of the purchase of a 1984 Ford 5610 Tractor with a boom ax. The need for a boom ax to maintain County property at the lakes and along trails in the County was included in the CIP request from the Maintenance Department. The cost of the tractor and boom ax is \$14,500 and would be reduced to \$8,000 by trading in the Used Ford 6600 the County owns. The money would be appropriated from the Deferred Maintenance proceeds from the bond issue.

There was a Board discussion and specific questions arose that needed to be addressed by the County Maintenance Director, which the County Administrator stated would be by the next regular meeting.

IN RE: 2009 LEGISLATIVE AGENDA

The 2009 Legislative Agenda will be developed over the next two months and presented to area legislators at a joint meeting with the Amherst County School Board. The Board has traditionally included items from the VACo Legislative Agenda which have relevance to Amherst County. I provide for your information copies of the 2008 Legislative Agenda. Please review the 2008 Legislative Agenda and let the County Administrator know prior to September 26, 2008 of any specific issues you would like to have included in the draft document. The Draft 2009 Legislative Agenda will be presented for your review at the October 7, 2008 meeting and presented for approval at the November 4, 2008 meeting. The meeting with area legislators will be scheduled by the School Administration.

**DRAFT
AMHERST COUNTY LEGISLATIVE AGENDA 2008**

Annexation Moratorium: We support the continuation of the current moratorium on city annexations. The moratorium has promoted more intergovernmental corporation between cities and counties and has allowed counties to plan for future growth and economic development within their borders.

Unfunded Mandates: Amherst County opposes unfunded mandates by the Commonwealth. When funding for a mandated program is reduced or eliminated the mandate should be suspended until full funding can be restored. When legislation is passed by the General Assembly, the cost should be borne by the state and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided.

Education Funding: Amherst County supports full state funding for public education (including the SOQ, targeted incentive program, capital and maintenance support, and teacher salaries).

School Construction and Debt Service: We encourage the Commonwealth to recognize the burden that school construction and debt service place on local budgets. In addition to SOQ funding, the state is urged to provide localities with recurring money for school facility debt service on a per-pupil basis to establish a permanent revenue source and formula for distributing school construction and debt service funding to localities.

Water Supply Planning: Amherst County supports additional appropriations adequate to ensure full funding by the state for the development of state-mandated water supply plans.

Trans Dominion Express: We support the establishment of the Trans Dominion Express and the creation of an entity structured to move this important project forward. We strongly support the inclusion of a stop at or near Sweet Briar College for the convenience of students, fellows at the Virginia Center for the Creative Arts and area residents.

Development of Broadband Internet Services: We encourage the Commonwealth to assist communities throughout Virginia in providing universal access to broadband internet services. Assistance should include a combination of economic incentives as well as statewide budgetary and statutory policies. Universal access to broadband throughout the state will enhance economic growth.

Transient Occupancy Tax: Amherst County supports the amendment of section 58.1-3819 to add the short term rental of residential dwelling units to transients for fewer than 30 consecutive days to the list of those facilities subject to the transient occupancy tax.

ISSUES FOR 2008 / 2009

We anticipate seeking your support for the following items in 2008.

Riveredge Park: Support for continued development of the Riveredge Park on the former Smiley Block property. A contract has been awarded for the design of this park and construction is expected to begin in 2008. We anticipate applying for additional grant funding in 2008 for further development of the park. Your continued efforts on behalf of this project would be appreciated.

Old Town Madison Heights: The County has received a Planning Grant to apply for a full grant for improvements in Old Town Madison Heights. It is anticipated that we will apply for a full grant in early 2008. Your support of these efforts would be appreciated.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore
NAY: None

IN RE: RESOLUTION ENCOURAGING CITIZENS TO REGISTER AND VOTE

The Board of Supervisors directed the County Administrator to draft a resolution encouraging citizens to register to vote and to vote in the upcoming general election and in all elections.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors adopted the following resolution encouraging all county citizens to register to vote.

RESOLUTION ENCOURAGING CITIZENS OF AMHERST COUNTY TO REGISTER TO VOTE AND EXERCISE THE PRIVILEGE TO DO SO

WHEREAS, the United States of America, the Commonwealth of Virginia and Amherst County are governed by individuals elected in open and free elections and the citizens thereof have the opportunity to vote on amendments to the Constitution and various referenda; and

WHEREAS, these elections are of great importance to all citizens of this nation, this commonwealth and this county; and

WHEREAS, the ability to participate as a voter in these elections is both a right and a privilege; now, therefore, be it

RESOLVED, that the Amherst County Board of Supervisors does hereby encourage all eligible citizens of Amherst County to register and to vote in the November 4, 2008 General Election and in all elections.

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

IN RE: JOINT BOARD OF SUPERVISORS/PLANNING COMMISSION PUBLIC HEARINGS

At the May 6, 2008 meeting, the Board of Supervisors discussed continuing the practice of holding joint public hearings with the Planning Commission. The Board decided at that meeting to continue the practice through the summer and review the issue at the September 2, 2008 meeting.

There was a Board discussion and consensus to continue with joint meetings with the understanding that the Board's decision on Planning Commission recommendations may be deferred until after the joint meetings whenever it is deemed appropriate to do so.

IN RE: HISTORIC AND ARCHITECTURAL RESOURCES SURVEY

The County has received notification from the Department of Historic Resources that the grant application submitted in July has been approved and the survey of historic and architectural resources in the County will be conducted over the next 18 months. Architectural documentation will be provided on a minimum of 225 properties in the County. The Department of Historic Resources will assume all administrative responsibilities for the project. The completed survey will provide an important tool in the County's long range planning, development and tourism goals. Funding for the survey was included in the '08 – '09 budget.

There was a consensus of the Board to authorize the County Administrator to sign the State Survey and Planning Funds Agreement for Fiscal Year 2008-09.

IN RE: GRAND OPENING OF CONVENIENCE CENTERS

The Grand Opening of the two new convenience centers will be held on October 7, 2008 prior to the regular Board meeting. Board members will meet at the County Administration Building at 9:30 and be driven to the two locations for a ribbon cutting ceremony. The schedule is as follows:

Depart County Administration Building	9:30
Arrive at Warrick Barn Convenience Center	10:00
Depart Warrick Barn Convenience Center	10:30
Arrive Buffalo Springs Convenience Center	11:00
Depart Buffalo Springs Convenience Center	11:30
Arrive County Administration Building	Noon

Lunch will be provided on the bus in route from the Buffalo Springs Convenience Center to the Administration Building. The press will be invited to ride on the bus. The Board will need to adjourn the September 16, 2008 meeting to October 7, 2008 at 9:30.

IN RE: JOINT BOARD OF SUPERVISORS/TOWN COUNCIL MEETING

The County Administrator provided a tentative schedule for a joint Board of Supervisors/Town Council meeting at 6:00 p.m., October 16, 2008. There was a consensus to proceed with planning for the meeting and confirm the date and time with them.

IN RE: PEDLAR RESERVOIR

The County Administrator provided a video presentation of a site visit of current conditions at the Pedlar Reservoir and Little Irish Creek intake to Pedlar.

IN RE: NOISE ORDINANCE (FIRST READING)

The County Attorney presented a proposed excessive noise and sound ordinance for a first reading.

There was a Board discussion and consensus to direct the County Attorney to proceed with ordinance development as presented.

IN RE: CURFEW ORDINANCE

The County Attorney provided a report on research he has performed regarding the proposed implementation of a curfew ordinance for "Old Town Madison Heights".

Mr. Hunt stated that it is his opinion that a curfew ordinance directed at one area of the county would have serious constitutionality challenges and be very contraversional.

Mr. Hunt suggested that the County consider developing a "loitering" ordinance rather than to pursue a curfew ordinance.

There was a Board discussion of the issue and Mr. Hunt's recommendation and consensus to direct Mr. Hunt to develop a definition for loitering and report to them at their next regular meeting.

IN RE: CLOSED SESSION

Mr. Adams moved to go to closed session to discuss a (1) personnel matter ((5) matter relating to prospective business or industry or the expansion of an existing business or industry and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters of the Virginia Code Section, involving:

§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.5 -Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

§2.2-3711.A.7 – Briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

This was seconded by Mr. Vandall and approved with the following vote:

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

NAY: None

Mr. Adams moved to come out of closed session, seconded by Mr. Vandall and approved with the following vote:

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

Mr. Wood moved the closed session resolution and was approved with the following roll call vote:

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

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Amherst County Board of Supervisors has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Amherst County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Amherst County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Amherst County Board of Supervisors.

Any member who believes that there was a departure from the requirements of clauses (i) and (ii) shall state the substance of the departure that, in his judgment, has taken place. (If any member cites a departure, his statement shall be recorded in the minutes.)

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. D. Kidd asked the County Administrator to inquire about response from Mike Chandler concerning consulting services.

Mr. D. Kidd asked the County Administrator about status of Learning Lane. County Administrator talked to property owner this morning that has been and is still sick.

Mr. R. Vandall asked the County Administrator to investigate status of removing junk vehicles from property in Monroe area.

Mr. C. Adams asked the County Administrator about status of County news letter. County Administrator informed the Board that it is incorporated with Recreation Department newsletter which should be mailed in early September.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the appropriation/transfer requests except for the CSA request.

a. APPROPRIATIONS

Sheriff's Department

31020-3004-100	Auto Repair	\$	2,170.56
(Pass thru – Insurance for damages to vehicle)			

CSA

53120	5625	CSA	\$	60,000.00
-------	------	-----	----	-----------

FOREST FIRE TAX

35990	5605	Forest Fire Tax	\$	3,457.00
(Unappropriated General Fund Balance)				

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

IN RE: APPOINTMENT TO PLANNING COMMISSION

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to appoint Leslie Irvin and Claudia Tucker to the Planning Commission for four year terms to expire August 31, 2012.

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

IN RE: ADJOURN

On motion of Mr. Adams, seconded by Mr. Kidd and with the following vote, the Board of Supervisors adjourned until 10:00 a.m., Monday, September 8, 2008 in the County Administration Building, Board of Supervisors meeting room.

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

Vernon L. Wood, Chairman

Rodney E. Taylor, County Administrator