

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Monelison Middle School, 257 Trojan Lane, Madison Heights, VA thereof on Tuesday, the 16th day of September, 2008 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. V. Wood Mr. L. Parrish Mr. D. Kidd Mr. C. Adams Mr. R. Vandall	ABSENT: None
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PLANNING COMMISSION:

PRESENT:	Mr. L. Irvin Ms. B. Jones	Mr. D. Hedrick Ms. C. Tucker	Mr. R. Fener Mr. L. Parrish
ABSENT:	Mr. M. Heishman		

Chairman Wood called the meeting to order.

Mr. Parrish opened the meeting with prayer and led in the pledge of allegiance to the flag.

IN RE: AGENDA

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the agenda with the following amendments and additions:

V. Public Hearing

- a. Proposed issuance of general obligation school bonds of Amherst County in the estimated maximum principal amount of \$3,000,000 to finance capital projects for public schools
- b. County Administrator's Report
 - (1) Biosolids Application
 - (2) VDOT Request
- c. Closed Session – legal consultation

AGENDA

**TUESDAY, SEPTEMBER 16, 2008
MONELISON MIDDLE SCHOOL, 257 TROJAN LANE, MADISON HEIGHTS, VA
7:00 P.M.**

- I. Call to Order**
- II. Approval of Agenda**
- III. Special Appearances and Presentations**

IV. Public Hearings

- 2008-13** Request by James River Recreation, LLC for a zoning text amendment to allow Off-Highway Vehicle Parks and Recreational facilities as a special exception use in the A-1 Agricultural Residential District. The proposal adds a definition of Off-Highway Vehicle Parks and Recreational facilities as well as a section under the special provision section of the Amherst County Zoning Ordinance.
- 2008-17** Request by the County of Amherst for a zoning text amendment to add travel trailer sales as a special exception use in the B-2 General Commercial District. The zoning ordinance already defines travel trailer as "a vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses which is not eight (8) feet or more in body width and is not forty (40) feet or more in body length" and therefore a definition will not need to be added to the zoning ordinance.
- 2008-24** Request by Ted and Jennifer Collins (Outdoor Escape RV) for a special exception in the B-2 General Commercial District. The purpose of the special exception is to amend the number of camping trailers that were allowed as a condition during the original special exception request heard by the Planning Commission and Board of Supervisors on February 18, 2003. The property is located at 2091 South Amherst Highway and further identified as tax map number 124-2-5B, 6C.
- Additionally, Ted and Jennifer Collins are requesting a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow camping trailers to be displayed at 120A South Amherst Highway and further identified as tax map number 124-2-5, 6.
- 2008-23** Request by Lakeview Commons, LP for a rezoning from the B-2 General Commercial District to R-3 Multi-Family Residential District. The proposed rezoning is to construct twenty-two (22) residential rental units for persons with disabilities and the elderly. The parcel is approximately 2.316 acres and is located off of Lakeview Drive in Madison Heights and is further identified as tax map number 156-A-9C. The request will include an amendment to the Amherst County future land use map 2024 to change the land use category from Medium Density Residential to High Density Residential.
- 2008-22** Request by John and Iris Martin for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow self-storage mini-storage and warehouse facilities. The property is located at 4140 South Amherst Highway and is further identified as tax map number 148-A-45.
- 2208-25** Request by Zane Cooper for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow self-storage mini-storage and warehouse facilities. The property is located at 4831 South Amherst Highway and is further identified as tax map number 156A1-1-1.
- 2208-26** Request by Living Water Baptist Church for a special exception in the R-2 General Residential District. The purpose of the special exception is to allow a proposed church. The property is located on Dogwood Drive and is further identified as tax map number 149-A-1.

- V.** Resolution requesting addition of Parkwood Drive and Cambridge Court located in Pleasant Ridge Subdivision into VDOT system.

VI. Public Hearing

- a. Proposed issuance of general obligation school bonds of Amherst County in the estimated maximum principal amount of \$3,000,000 to finance capital projects for public schools.

VII. Consent Agenda

- a. Building Safety and Inspections Monthly Report for August 2008
- b. Public Safety Monthly Report for August 2008
- c. Dept. of Agriculture and Consumer Services – Disaster designation
- d. Department of Environmental Quality – Litter Prevention and Recycling Program Grant
- e. Robert E. Lee Soil & Water Conservation District Minutes for July 31, 2008
- f. Auditor of Public Accounts
- g. VDOT Traffic Alerts – Sept. 8-12, 2008

VIII. Citizen Comment

IX. Department Reports

X. County Administrator's Report

XI. County Attorney Reports

- a. Loitering Memorandum (Distributed at meeting)

XII. Appropriations/Transfers

XIII. Matter from Members of the Board of Supervisors

XIV. Old Business

XV. Adjourn

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

IN RE: PUBLIC HEARINGS

V. Public Hearing

Proposed issuance of general obligation school bonds of Amherst County in the estimated maximum principal amount of \$3,000,000 to finance capital projects for public schools.

Chairman Wood called the Public Hearing to order for the issuance of general obligation school bonds in the amount of \$3,000,000, as advertised.

There were no speakers and the Public Hearing was closed.

Mr. Vandall moved adoption of the proposed School Bond Resolution, as advertised.

**RESOLUTION AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION SCHOOL BONDS, SERIES 2008A,**

**OF THE COUNTY OF AMHERST, VIRGINIA,
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF**

WHEREAS, the School Board (the "School Board") of the County of Amherst, Virginia (the "County"), has, by resolution adopted on July 24, 2008, requested the Board of Supervisors (the "Board") to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds; and

WHEREAS, the Board has determined based on the request of the School Board that it is necessary and expedient to borrow a principal amount not to exceed \$3,000,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the County has held a public hearing, duly noticed, on September 16, 2008, on the issuance of the Bonds in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the Bond Sale Agreement (as hereinafter defined) shall indicate that \$3,000,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

WHEREAS, the VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of the VPSA's bonds; and

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is less than the Proceeds Requested but in no case greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in Section 1 below does not exceed the Proceeds Requested by at least the amount of any discount the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

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

1. **Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$3,000,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes, including without limitation, the projects described in Exhibit B. The Board

hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, either of whom may act, that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 95% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal

to the Proceeds Requested. The Chairman of the Board and the County Administrator, either of whom may act, and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 10, 2008 (the "Bond Sale Agreement"), with the VPSA providing for the sale of the Bonds to the VPSA. The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Bond Sale Agreement, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

3. **Details of the Bonds.** The Bonds shall be issuable in fully registered form, shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2008A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2009 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed five and fifty one-hundredths percent (5.50%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution and provided further that the final maturity of the Bonds occurs no later than December 31, 2028. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted by the County Administrator as authorized by this Resolution.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day

Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) U.S. Bank National Association (or any successor entity), Richmond, Virginia, is designated as bond registrar and paying agent for the Bonds (the "Bond Registrar"). The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar.

7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2018, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2018, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2018, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2018, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2018, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2018, through July 14, 2019	101%
July 15, 2019, through July 14, 2020	100 ½
July 15, 2020, and thereafter	100%

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. **Execution of the Bonds.** The Chairman or Vice Chairman of the Board, either of whom may act, and the Clerk of the Board or any Deputy Clerk, either of whom may act, are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate, each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the

provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County

Administrator and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing such Proceeds Agreement, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Continuing Disclosure Agreement, substantially in the form attached as Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. **Effective Date.** This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Amherst, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 16, 2008, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present.

Members present at the meeting were: _____.

Members absent from the meeting were: _____.

Members voting in favor of the foregoing resolution were _____.

Members voting against the foregoing resolution were: _____.

Members abstaining from voting on the foregoing resolution were: _____.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Amherst, Virginia, this ____ day of September, 2008.

Clerk, Board of Supervisors of the County
of Amherst, Virginia

[SEAL]

EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TR-1

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF AMHERST
General Obligation School Bond
Series 2008A

The **COUNTY OF AMHERST, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** the principal amount of _____ DOLLARS (\$_____), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2009, and annually on July 15 thereafter to and including July 15, 20__ (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 2009 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, U.S. Bank National Association (or any successor entity), Richmond, Virginia, or any successor appointed by the County, as bond registrar and paying agent (the "Bond Registrar"), shall make all payments of principal of and premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal of and premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County

shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the County Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the County Board of Supervisors and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2018, and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2018, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2018, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2018, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2018, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Prices</u>	<u>Dates</u>
July 15, 2018, through July 14, 2019	101%
July 15, 2019, through July 14, 2020	100 ½
July 15, 2020, and thereafter	100

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Amherst, Virginia, has caused this Bond to be issued in the name of the County of Amherst, Virginia, to be signed by its Chairman or Vice Chairman, its seal to be affixed hereto and attested by the signature of its Clerk of the Board or any of its Deputy Clerks, and this Bond to be dated November 20, 2008.

COUNTY OF AMHERST, VIRGINIA

(SEAL)

ATTEST:

_____ Clerk, Board of Supervisors, County of Amherst, Virginia	_____ Chairman, Board of Supervisors, County of Amherst, Virginia
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ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER
 IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond for
 definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on
 the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

Signature Guaranteed:

 (NOTICE: Signature(s) must be
 guaranteed by an "eligible guarantor
 institution" meeting the requirements
 of the Bond Registrar which
 requirements will include Membership or
 participation in STAMP or such other "signature
 guarantee program" as may be determined by
 the Bond Registrar in addition to, or in substitution for,
 STAMP, all in accordance with the Securities Exchange
 Act of 1934, as amended.

 Registered Owner
 (NOTICE: The signature above
 must correspond with the name
 of the Registered Owner as it
 appears on the front of this
 Bond in every particular,
 without alteration or change.)

EXHIBIT B**PROJECT DESCRIPTION**

The project includes the construction of ten additional classrooms at Amherst Middle School and
 renovation and construction of an addition to the Transportation Department.

**DRAFT
SCHEDULE I**

[Attached draft debt service schedule from VPSA]

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

Mr. Wood turned the floor over to Planning Commission Chairman Hedrick.

The Planning Commission approved their Agenda.

IN RE: PUBLIC HEARINGS

2008-13 Request by James River Recreation, LLC for a zoning text amendment to allow Off-Highway Vehicle Parks and Recreational facilities as a special exception use in the A-1 Agricultural Residential District. The proposal adds a definition of Off-Highway Vehicle Parks and Recreational facilities as well as a section under the special provision section of the Amherst County Zoning Ordinance.

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

Applicant Ken Beck addressed the Board with comments and to answer questions.

The Public Hearing was called to order.

Proponents: None

Opponents: Bernard Procter

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, Chairman Hedrick moved to table the request until the regular October 2008 joint meeting with the Board of Supervisors and Planning Commission.

AYE: Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Mr. L. Irvin and Ms. C. Tucker and Mr. L. Parrish
NAY: None

ABSENT: Mr. M. Heishman

2008-17 Request by the County of Amherst for a zoning text amendment to add travel trailer sales as a special exception use in the B-2 General Commercial District. The zoning ordinance already defines travel trailer as "a vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses which is not eight (8) feet or more in body width and is not forty (40) feet or more in body length" and therefore a definition will not need to be added to the zoning ordinance.

Planning Director Jeremy Bryant introduced the case and provided details to the Planning Commission and the Board of Supervisors

Applicants: Jennifer Collins and Ted Collins

Proponents: Cynthia Neighbors

Opponents: None

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish, seconded by Ms. Jones and with the following vote, the Planning Commission recommended approval for a zoning text amendment to add travel trailer sales as a special exception use in the B-2 General Commercial District.

AYE: Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Mr. L. Irvin and Ms. C. Tucker and Mr. L. Parrish

NAY: None

ABSENT: Mr. M. Heishman

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the Planning Commission recommendation to approve the request for a zoning text amendment to add travel trailer sales as a special exception use in the B-2 General Commercial District.

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

NAY: None

2008-24 Request by Ted and Jennifer Collins (Outdoor Escape RV) for a special exception in the B-2 General Commercial District. The purpose of the special exception is to amend the number of camping trailers that were allowed as a condition during the original special exception request heard by the Planning Commission and Board of Supervisors on February 18, 2003. The property is located at 2091 South Amherst Highway and further identified as tax map number 124-2-5B, 6C.

Planning Director Jeremy Bryant introduced the case and provided details by means of video presentation.

Applicants: Ted and Jennifer Collins

Mr. Hedrick opened the Public Hearing

Proponents: Tom Neighbors, Keith Ewell

Opponents: None

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish, seconded by Mr. Fener and with the following vote, the Planning Commission recommended approval of a special exception in the B-2 General Commercial District to amend the number of camping trailers allowed, and a special exception for increasing the number of trailers from 3 to 9, as for purpose of display. The property is located at 2091 South Amherst Highway and further identified as tax map number 124-2-5B, 6C.

AYE: Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Mr. L. Irvin and Ms. C. Tucker and Mr. L. Parrish

NAY: None

ABSENT: Mr. M. Heishman

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the Planning Commission recommendation with the following amendments:

- (1) to allow one (1) trailer per fifteen feet (15') of road frontage; and
- (2) a minimum of eight feet (8') from the Virginia Department of Transportation's right-of-way

Mr. Vandall further stated that if problems arise with one parcel, the special exception is still valid on the other parcel.

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

Additionally, Ted and Jennifer Collins are requesting a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow camping trailers to be displayed at 120A South Amherst Highway and further identified as tax map number 124-2-5, 6.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Fener, seconded by Mr. Irvin and with the following vote, the Planning Commission recommended approval of a special exception in the B-2 General Commercial District to allow camping trailers to be displayed at 120A South Amherst Highway and further identified as tax map number 124-2-5, 6.

AYE: Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Mr. L. Irvin and Ms. C. Tucker and Mr. L. Parrish
NAY: None
ABSENT: Mr. M. Heishman

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the Planning Commission recommendation to approve the request of a special exception in the B-2 General Commercial District to allow camping trailers to be displayed at 120A South Amherst Highway and further identified as tax map number 124-2-5, 6.

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

2008-23 Request by Lakeview Commons, LP for a rezoning from the B-2 General Commercial District to R-3 Multi-Family Residential District. The proposed rezoning is to construct twenty-two (22) residential rental units for persons with disabilities and the elderly. The parcel is approximately 2.316 acres and is located off of Lakeview Drive in Madison Heights and is further identified as tax map number 156-A-9C. The request will include an amendment to the Amherst County future land use map 2024 to change the land use category from Medium Density Residential to High Density Residential.

Planning Director Jeremy Bryant presented details of the request as well as attached letter of support from Lynn Cunningham, a petition of residents that support request, and site map.

Applicant Ron Mittelman provided a video presentation as well as details of the proposed project and answered questions of the Board of Supervisors and Planning Commission.

Planning Director Jeremy Bryant answered specific zoning questions.

The Public Hearing was called to order.

Proponents: Steve Eubank, Attorney
Ron Mittelman, representative of Lakeview Commons
Elden James, Planning Consultant who had developed market study for the proposed project
Shan Arrington and Dianne Davis, architects for the proposed project

Julie and Evan Duns, prospective handicap tenants
Camella Greer

Opponents: Doug Reynolds, representative of nearby residents, requested citizens present who opposed the request to raise their hands. Approximately twelve (12) persons did so.
Renee Thresher, area resident
Cynthia Peters, resident of Lakeview Drive
David Freeman, area resident
Linda Wells, 121 Melville Place, Madison Heights, VA
Amanda Aikens, Triple Oaks Circle

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Fener, seconded by Mr. Hedrick and with the following vote, the Planning Commission recommended to table the request.

AYE: Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones and Ms. C. Tucker

NAY: Mr. Irvin and Mr. Parrish

ABSENT: Mr. M. Heishman

2008-22 Request by John and Iris Martin for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow self-storage mini-storage and warehouse facilities. The property is located at 4140 South Amherst Highway and is further identified as tax map number 148-A-45.

Planning Director Jeremy Bryant presented details of the request to the Board of Supervisors and Planning Commission.

Applicant: Thomas Brooks, Sr., surveyor and owner representative

The Public Hearing was called to order.

Proponents: John Marin and Iris Martin

Opponents: None

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Tucker, seconded by Ms. Jones and with the following vote, the Planning Commission recommended approval of the special exception to allow self-storage mini-storage and warehouse facilities at the property located at 4140 South Amherst Highway and is further identified as tax map number 148-A-45, and approval with staff recommendation for lighting, two entrances, and to allow enough land for a future sidewalk.

AYE: Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Mr. L. Irvin and Ms. C. Tucker and Mr. L. Parrish

NAY: None

ABSENT: Mr. M. Heishman

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Kidd and with the following vote, the Board of Supervisors moved approval of the Planning Commission recommendation with the condition that no additional future storage units will be built closer to Route 29 than the approved units.

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

NAY: None

2208-25 Request by Zane Cooper for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow self-storage mini-storage and warehouse facilities. The property is located at 4831 South Amherst Highway and is further identified as tax map number 156A1-1-1.

Planning Director Jeremy Bryant presented details of the request to the Board of Supervisors and Planning Commission.

Applicant: Thomas Brooks, Sr., surveyor, presented the request as representative for the owner.

Zane Cooper addressed the Board of Supervisors and Planning Commission.

Proponents: Zane Cooper

Opponents: None

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Fener, seconded by Mr. Hedrick and with the following vote, the Planning Commission recommended approval of the request for a special exception in the B-2 General Commercial District and to allow self-storage mini-storage and warehouse facilities. The property is located at 4831 South Amherst Highway and is further identified as tax map number 156A1-1-1.

AYE: Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Mr. L. Irvin and Ms. C. Tucker and Mr. L. Parrish

NAY: None

ABSENT: Mr. M. Heishman

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish and with the following vote, the Board of Supervisors moved approval of the Planning Commission recommendation for a special exception in the B-2 General Commercial District and to allow self-storage mini-storage and warehouse facilities and with the condition that no buildings be constructed closer to Route 29 than the existing building.

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

NAY: None

2208-26 Request by Living Water Baptist Church for a special exception in the R-2 General Residential District. The purpose of the special exception is to allow a proposed church. The property is located on Dogwood Drive and is further identified as tax map number 149-A-1.

Planning Director Jeremy Bryant presented details of the request to the Board of Supervisors and Planning Commission.

Applicant: Thomas Brooks, Sr., surveyor and representative for the owner.

The Public Hearing was opened.

Proponents: Church Pastor Donald and Tracie Donald
Mr. Arnold, Warren McCormack, Jessica Donald, Joshua Donald,
Edward Donald, Tiffany Monroe, Gerald Wayne Donald, Earl Mahen,
Mr. & Mrs. Bill Anderson, Morris Cyrus, Mike Holt, Mr. & Mrs. Lloyd Adams, and
Herman Huffman

Opponents: None

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Jones, seconded by Mr. Fener and with the following vote, the Planning Commission recommended approval of a request by Living Water Baptist Church for a special exception in the R-2 General Residential District to allow a proposed church. The property is located on Dogwood Drive and is further identified as tax map number 149-A-1. The Planning Commission recommended approval of the request with staff recommendation of outdoor lighting and hours of operation.

AYE: Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Mr. L. Irvin and Ms. C. Tucker and Mr. L. Parrish

NAY: None

ABSENT: Mr. M. Heishman

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Kidd and with the following vote, the Board of Supervisors moved approval of the Planning Commission recommendation by Living Water Baptist Church for a special exception in the R-2 General Residential District to allow a proposed church located on Dogwood Drive and is further identified as tax map number 149-A-1 and approval of the request with staff recommendation of outdoor lighting and hours of operation.

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

NAY: None

The Planning Commission adjourned.

IN RE: RESOLUTION REQUESTING ADDITION OF PARKWOOD DRIVE AND CAMBRIDGE COURT LOCATED IN PLEASANT RIDGE SUBDIVISION INTO VDOT SYSTEM.

County Administrator Rodney Taylor presented a Resolution requesting Parkwood Drive be adopted into the VDOT's system.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors moved adoption of the Resolution requesting addition of Parkwood Drive and Cambridge Court located in Pleasant Ridge subdivision to be adopted into VDOT's system as follows:

RESOLUTION FOR ADDITION OF NEW SUBDIVISION STREETS

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Amherst County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board that Parkwood Drive, and Cambridge Court in Pleasant Ridge Subdivision meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add Parkwood Drive, and Cambridge Court described on the attached Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Adopted this 16th day of September 2008.

Recorded Vote:

Motion:

AYES:

NAYS:

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

ATTEST:

Rodney E. Taylor, County Administrator

ADDITIONS FORM SR-5(A) – PROPOSED ADDITIONS TO THE SECONDARY SYSTEM OF STATE HIGHWAYS

Attachment to (Check one only) ☐ Board of Supervisors Resolution ☐ Surety Instrument Dates _____ Attachment _____ of _____

Name of Subdivision: Pleasant Ridge Subdivision Amherst County _____

Ref. No.	Name of Street	Street Addition Termini	R.O.W. Width (ft)	Miscellaneous Notes	Addition Length Centerline
1	Parkwood Drive	From: Parkwood Drive To: Terminus Plat Recorded Date: 4-14-06 Deed Book: 1029 Page: 154	50	Approx 767.40' feet long	
2	Cambridge Court	From: Cambridge Court To: Terminus Plat Recorded Date: 4-14-06 Deed Book: 1029 Page: 154	50	Approx 1,347.61' feet long	
3		From: To: Plat Recorded Date: Deed Book: Page:			
4		From: To: Plat Recorded Date: Deed Book: Page:			
5		From: To: Plat Recorded Date: Deed Book: Page:			
6		From: To: Plat Recorded Date: Deed Book: Page:			
7		From: To: Plat Recorded Date: Deed Book: Page:			

Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage.

Certification of Attachment

This attachment is certified as a part of the document indicated above:

Jeremy S. Bryant, Director of Planning

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

IN RE: CITIZEN COMMENTS

There were no citizen comments.

IN RE: BIOSOLIDS APPLICATION (SEE ATTACHMENT)

The County Administrator presented notification of a County property owner who has submitted a request to DEQ for a biosolids application and described the application and approval process.

IN RE: LOITERING MEMORANDUM (SEE HANDOUT)

County Attorney Hunt presented a proposed loitering memorandum and associated information for the Board's consideration.

IN RE: APPROPRIATIONS/TRANSFERS

Mr. Parrish moved approved of the Library appropriation request presented, but deferred consideration of the CSA.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. C. Adams suggested the joint Planning Commission and Board of Supervisors Public Hearings be reconsidered.

Mr. R. Vandall suggested reviewing the number of joint Public Hearings on the same night.

IN RE: OLD BUSINESS**IN RE: CLOSED SESSION**

Mr. L. Parrish moved to go to closed session to discuss a (7) legal consultation.

§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. V Wood and approved with the following vote:

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

NAY: None

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

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd 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: ADJOURNMENT:

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

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator