

BOOK 34**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration Building thereof on Tuesday, the 17th of June 2014, at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. D. Pugh	ABSENT:
	Mr. R. Curd (arrived late)	
	Ms. C. Tucker	
	Mr. D. Kidd	
	Mr. J. Marks	

Mr. D. Kidd, Chairman, called the meeting to order.

Mr. J. Marks led in the invocation and pledge of allegiance.

IN RE: APPROVAL OF AGENDA

Ms. E. Bowyer, County Attorney, asked to take out items a and c from the closed session. Ms. C. Tucker stated that she would like to make a statement before the School Board appointments.

On motion of Mr. J. Marks, and with the following vote, the Board approved the agenda as amended:

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Agenda**
- IV. **Citizen Comments** (Citizen Speakers shall speak once to an issue and confine their remarks to the question before the Board. Citizen Speakers should avoid repetition insofar as possible and limit their comments to three (3) minutes.)
- V. **Public Hearings**
 - a. Zoning Request 2014-11 Request by Andy Percy for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a facility that will manufacture USDA certified firewood and to manufacture wood flooring with reclaimed lumber. The property is located at 894 Union Hill Road and is further identified as tax map number 111-A-53.
- VI. **Special Presentations**
 - a. Bonnie Limbrick- Museum Board
 1. Introduction of new Museum Director – Octavia Starbuck
 - b. Recreation & Parks – JoJo Alcock to represent the Recreation Board
 1. Rucker Family Society
- VII. **County Administrator's Reports**
 - a. Budget Contingency Plan Information
 1. Plan Documentation
 - b. Human Resources Position
 - c. Personnel Plan
- VIII. **Consent Agenda**
 - a. Rustic Roads

1. Resolution No. 2014-0013-R; Rt. 609, Stove Hill Road
 2. Resolution No. 2014-0014-R; Rt. 628, Strobe Mountain Road
 3. Resolution No. 2014-0015-R; Rt. 602, Park Lane
 4. Resolution No. 2014-0016-R; Rt. 632, Franklin Creek Road
 5. Resolution No. 2014-0017-R; Rt. 654, Mundy's Mill Road
 6. Resolution No. 2014-0018-R; Rt. 759, Braxton Ridge Road
 7. Resolution No. 2014-0019-R; Rt. 824, Banton Lane
 8. Resolution No. 2014-0020-R; Rt. 663, Smokey Hollow Road
 9. Resolution No. 2014-0021-R; Rt. 686, Stinnett Road
 10. Resolution No. 2014-0022-R; Rt. 712, Pendleton Drive
- b. Appropriations

IX. **Claudia Tucker Statement**

X. **Board of Supervisors Items for Discussion**

- a. School Board Appointments

XI. **Departmental Reports**

- a. Public Works - Teresa Nuckols
 1. Cleaning of Restrooms
- b. Emergency Services Council – Gary Roakes and Danny Tucker
- c. Budget Appropriation Requests
 1. Circuit Court Clerk
 2. Sheriff's Department
- d. Accounting
- e. Building Department
- f. Sheriff's Office

- XII. **Citizen Comments** (Citizen Speakers shall speak once to an issue and confine their remarks to the question before the Board. Citizen Speakers should avoid repetition insofar as possible and limit their comments to three (3) minutes.)

XIII. **Matters from Members of the Board of Supervisors**

XIV. **Closed Sessions**

- a. ~~Pursuant to Virginia Code § 2.2-3711 (A)(7): consult with the County Attorney regarding actual litigation involving the former Phelps Road School~~
- b. Pursuant to Virginia Code § 2.2-3711 (A)(3): Discuss the disposition of publicly-held real property
- c. ~~Pursuant to Virginia Code § 2.2-3711 (A)(7): Consult with the County Attorney regarding specific legal matters pertaining to property in the Amelon Commerce Center~~
- d. Pursuant to Virginia Code § 2.2-3711 (A)(1): Discuss candidates for County Administrator

XV. **Adjourn**

AYE: Mr. J. Marks, Mr. R. Curd, Mr. D. Kidd and Ms. C. Tucker

NAY: NONE

IN RE: CITIZEN COMMENTS

Mr. M. Laberdie requested to be at the end.

Janice Augustine – Amherst - Spoke in favor of Jones Stanley and supports election of School Board members.

IN RE: PUBLIC HEARING ZONING REQUEST 2014-11

Zoning Request 2014-11 - Request by Andy Pearcy for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a facility that will manufacture USDA certified firewood and to manufacture wood flooring with reclaimed lumber. The property is located at 894 Union Hill Road and is further identified as tax map number 111-A-53.

Mr. J. Bryant went over the zoning request and previous conditions that would still be in place. Mr. D. Kidd opened the Public Hearing.

Mr. Andy Pearcy, Mr. Paul Logan, Mr. John B and Mr. Richard Morgan, business partners, went over their business and how they feel that Amherst County is a great location. Mr. L. Cobb, EDA Director, spoke and is in favor of this business. There were no speakers against the zoning request.

There was a discussion between the Board.

BOARD OF SUPERVISORS ACTION

Mr. J. Marks moved to approve zoning request 2103-11.

AYE: Mr. J. Marks, Mr. R. Curd, Mr. D. Kidd, Mr. D. Pugh and Ms. C. Tucker

NAY: NONE

IN RE: BONNIE LIMBRICK MUSEUM BOARD

Ms. B. Limbrick introduced the new Amherst County Museum Director Octavia Starbuck to the Board of Supervisors. She went over some of Ms. Starbuck's resume and achievements. Ms. O. Starbuck stated she is delighted to be in Amherst County which is so rich in history. She feels very welcomed. Mr. D. Kidd thanked her.

IN RE: RECREATION AND PARKS: RUCKER FAMILY SOCIETY

Mr. P. Trout stated that what makes Riveredge Park special is that it is in Amherst County where the Rucker brothers invented the bateau. It would be great to add the name Rucker to the name of the park. Mr. B. Caulfield presented a petition with 200 signatures to change the name of Riveredge Park. Emphasized that the Bateaux Fest starts in Amherst County. Ms. E. Neil promoted the bateau and dreams of a canal museum in Amherst County. Mr. M. Rucker handed out examples of educational signage for the park and stated that the Rucker Family Society would cover all costs. Ms. J. Alcock, from the Recreation and Cultural Board, stated the Board supported having the educational signage, but not changing the name of the park. There was a discussion concerning the name change. Ms. C. Tucker asked Mr. M. Rucker if the signage would be available without the name change of the park. Mr. Rucker stated that it would be a deal breaker.

Mr. J. Marks made a motion to deny the request to change the name of Riveredge Park to Rucker Riveredge Park.

AYE: Mr. J. Marks, Mr. R. Curd, Mr. D. Kidd, Mr. D. Pugh and Ms. C. Tucker

NAY: None

IN RE: BUDGET CONTINGENCY PLAN

Mr. D. Proffitt presented the information on the Budget Contingency Plan. There is a possibility of the State not passing a budget.

IN RE: HUMAN RESOURCES POSITION

Mr. D. Proffitt stated there were eleven applications for this position. He would like to have a committee set up to interview and screen applicants, since this is a new position and department within the County. Mr. D. Proffitt requested that there would be at least one Board member to serve along with Mr. G. Roakes. Mr. R. Curd volunteered to serve.

Ms. C. Tucker moved that Mr. R. Curd to be the Boards appointee to look at the Human Resources position.

AYE: Ms. C. Tucker, Mr. J. Marks, Mr. R. Curd, Mr. D. Kidd and Mr. D. Pugh
NAY: None

IN RE: PERSONNEL POLICIES MANUAL

Mr. D. Proffitt presented information to the Board of Supervisors. There were four minor text changes throughout the Manual, added rules for administrative hearings to the grievance provisions (Section 15.6), and made a few other changes to the grievance provisions. All of the changes have been approved by the County Administrator and the County Attorney. To streamline any future changes there is a request for an amendment. The specific proposed amendment is in subsection 1.1 on page 5 and is as follows:

~~No member of the County Administration, other than the County Administrator (with consent of the Board of Supervisors), has the authority to modify any of the terms or provisions of this manual. The County Administrator or his designee may amend this Manual as necessary. Any such amendments shall not be effective until the County Administrator has reported the amendment to the Board of Supervisors at a public meeting.~~

Mr. Proffitt answered questions from the Board.

Mr. D. Kidd motioned to accept the amendment to the Personnel Policies Manual.

AYE: Mr. D. Kidd, Mr. D. Pugh, Ms. C. Tucker, Mr. J. Marks and Mr. R. Curd.
NAY: None

IN RE: CONSENT AGENDA

On a motion from Mr. D. Pugh and with the following vote the Board of Supervisors approved the Consent Agenda.

RUSTIC ROADS

Amherst County Board of Supervisors

County Resolution No. 2014-0013-R

For consideration on June, 17, 2014

A RESOLUTION, NO. 2014-0013-R

A resolution, designating Route 609, Stove Hill Road, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 609, Stove Hill Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 609, Stove Hill Road, From: Route 610 To: Route Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 609, Stove Hill Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0014-R

For consideration on June, 17, 2014

A resolution, designating Route 628, Strobe Mountain Road, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 628, Strobe Mountain Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 628, Strobe Mountain Road, From: Route 663 To: Route Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 628, Strobe Mountain Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0015-R

For consideration on June, 17, 2014

A resolution, designating Route 602, Park Lane, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 602, Park Lane, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 602, Park Lane, From: Route 60 To: 0.10 Mile East Route 60, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 602, Park Lane, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0016-R

For consideration on June, 17, 2014

A resolution, designating Route 632, Franklin Creek Road, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 632, Franklin Creek Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 632, Franklin Creek Road, From: 1.640 miles North of Route 722 To: Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 632, Franklin Creek Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0017-R

For consideration on June, 17, 2014

A resolution, designating Route 654, Mundy's Mill Road, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors ("Board") hereby designates Route 654, Mundy's Mill Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 654, Mundy's Mill Road, From: Route 613 To: Route Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 654, Mundy's Mill Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0018-R

For consideration on June, 17, 2014

A resolution, designating Route 759, Braxton Ridge Road, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 759, Braxton Ridge Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 759, Braxton Ridge Road, From: Route 712 To: Route Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 759, Braxton Ridge Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0019-R

For consideration on June, 17, 2014

A resolution, designating Route 824, Banton Lane, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 824, Banton Lane, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 824, Banton Lane, From: Route 60 To: Route Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 824, Banton Lane, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0020-R

For consideration on June, 17, 2014

A resolution, designating Route 663, Smokey Hollow Road, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 663, Smokey Hollow Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 663, Smokey Hollow Road, From: Route 828 To: Route 628, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 663, Smokey Hollow Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0021-R

For consideration on June, 17, 2014

A resolution, designating Route 686, Stinnett Road, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 686, Stinnett Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 686, Stinnett Road, From: Route 60 To: Route Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 686, Stinnett Road, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

Amherst County Board of Supervisors

County Resolution No. 2014-0022-R

For consideration on June, 17, 2014

A resolution, designating Route 712, Pendleton Drive, as a Rural Rustic Road.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors (“Board”) hereby designates Route 759, Pendleton Drive, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires to consider whether Route 712, Pendleton Drive, From: Route 759 To: Route Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

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

The Board hereby designates Route 712, Pendleton Drive, as a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED:

That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED:

That the Interim County Administrator is directed to forward a certified copy of this resolution to Don Austin, Residency Administrator, Virginia Department of Transportation.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 17th day of June, 2014.

Donald W. Kidd, Chairman

Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Clerk

Amherst County Board of Supervisors

APPROPRIATIONS

For FY2014

Department	Dept Number	Line #	Description	Amount	
Sheriff - fines	31020	5804-100	Inmate Workforce	\$2,000.00	
	31020	5804-500	Youth Organization	\$5,000.00	
1. Cost on the renovations of the River Edge Park 2. Request for assistance - Madison Heights Baseball Association				Total	\$7,000.00

Department	Dept Number	Line #	Description	Amount
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Sheriff	31020	1012	Workforce Supervisor	\$1,938.00	
	31020	5410	Uniform	\$35.72	
	31020	5501	Travel	\$32.82	
	31020	3002	Prof Services	\$977.85	
				Total	\$2,984.39

Department	Dept Number	Line #	Description	Amount	
Commonwealth Atty	22010	5401	Office Supplies	\$1,000.00	
	22010	5203	Telephone / Communications	\$3,500.00	
	22010	5201	Postage	\$100.00	
	22010	7001	Equipment	\$842.16	
	22010	3005	Maint Contracts	\$137.74	
	22010	3007	Advertisement	\$34.50	
	22010	5501	Travel	\$2,077.76	
Funds reimbursed through vacancy Savings from Comp Board				Total	\$7,692.16

Department	Dept Number	Line #	Description	Amount	
Animal Shelter	35980	5810	Other Operating Costs	\$96.42	
Restitution received from boarding horse				Total	\$96.42

Department	Dept Number	Line #	Description	Amount	
Sheriff - Forfeit Assets	31020	3004	Vehicle Repair	\$2,701.35	
Move funds from Drug Asset Forfeiture and appropriate in General Fund to cover cost of vehicle repairs on seized vehicle				Total	\$2,701.35

Department	Dept Number	Line #	Description	Amount	
Ground	43400	5201-100-200	Dam Inundation Study	\$888.00	
Funds received from VA Resources Authority as part of grant project. Budget of \$51,000 approved in FY14's budget; total expenditures for project \$51,888. Seeking appropriation of funds to cover the shortage in expenditure budget				Total	\$888.00

Department	Dept Number	Line #	Description	Amount	
J & D Court	21050	5401	Office Supplies	\$334.00	
Seeking appropriation of vendor refund to cover deficit in account line				Total	\$334.00

Department	Dept Number	Line #	Description	Amount	
Social Services	53010	1007	Comp- Office Associates	\$1,002.00	
	53010	1009	Comp- Benefit Staff	\$12,839.00	
	53010	2001	FICA	\$1,087.00	
	53010	7005	Vehicle Purchase	\$17,729.00	
	53020	5702	Auxiliary Grant	\$5,600.00	
	53020	5708	Respite Foster Care	\$490.00	
	53020	5717	Special Needs Adoption	\$6,515.00	
	53020	5720	Adult Services	\$4,000.00	
	53020	5719	Adoption Subsidy	\$ (10,000.00)	
	53020	5722	Adult Protective Services	\$ (591.00)	
Appropriation of additional state allocations for staff and operations; client services as well as appropriation reduction due to a reduction in state revenue per Amherst County Social Services Board.				Total	\$38,671.00

AYE: Mr. D. Pugh, Ms. C. Tucker, Mr. J. Marks, Mr. R. Curd and Mr. D. Kidd
 NAY: None

STATEMENT FROM MS. CLAUDIA TUCKER

The subject which Ms. C. Tucker would like to address involved the closed session of June 5, 2014. On June 5th there was an addition of a closed session to discuss the appointments of the School Board appointments. Ms. C. Tucker stated she disagreed and felt that it was not appropriate for a closed session because we have always done this in open session with transparency so that the public would know what we were doing. Ms. C. Tucker stated that she voted not to go into closed session and as it went on she was convinced that her position was right. Ms. C. Tucker contacted the FOIA Council and spoke with Ms. Maria Everett. Ms. C. Tucker admitted to sharing information of the closed session with some constituents. She did not share the document that was presented during the closed session. The State Code states that she could be fined and sanctioned. She told the Board members to go ahead and fine and/or sanction her if they believed she had done wrong. It is about the integrity of the process.

Mr. J. Marks asked Mr. E. Bowyer, County Attorney, if it is appropriate for this Board to talk about and discuss School Board candidates in closed session. Ms. E. Bowyer answered in the affirmative. Ms. C. Tucker then asked if it was appropriate to discuss strategy in a closed session. Ms. E. Bowyer stated it was not.

IN RE: SCHOOL BOARD APPOINTMENTS

Mr. D. Proffitt read the names of the candidates.

District 1 – Oliver McDowell and William “Mike” Henderson
 District 3 – Jones H. Stanley and Edward Olivares

Mr. D. Kidd motioned to have Mike Henderson serve as District 1 School Board appointee.

AYE: Mr. D. Kidd, Mr. D. Pugh, Ms. C. Tucker, Mr. J. Marks, and Mr. R. Curd
 NAY: None

Mr. R. Curd motioned to nominate Mr. Jones Stanley to the District 3 School Board

AYE: Mr. R. Curd and Ms. C. Tucker

NAY: Mr. D. Kidd, Mr. D. Pugh and Mr. J. Marks

Mr. R. Curd moved to nominate Mr. Edward Olivares to the District 3 School Board

AYE: Mr. R. Curd and Ms. C. Tucker

NAY: Mr. D. Kidd, Mr. D. Pugh and Mr. J. Marks

Mr. J. Marks made a motion to re-advertise the District 3 School Board candidates

AYE: Mr. J. Marks, Mr. R. Curd, Mr. D. Kidd, Mr. D. Pugh and Ms. C. Tucker

NAY: None

Discussion of the Board.

IN RE: DEPARTMENTAL REPORTS

PUBLIC WORKS –TERESA NUCKOLS

Ms. Nuckols handed out information to the Board concerning options for cleaning the restrooms at the areas parks. The options included outsourcing, in house staff from part time to full time, or additional part time staff. Ms. Nuckols went over the costs of the various options and answered Board questions.

Mr. R. Curd made a motion to pursue outsourcing of facility clean up, maintenance of cleaning of the bathrooms.

AYE: Mr. R. Curd, Mr. D. Kidd, Mr. D. Pugh, Ms. C. Tucker and Mr. J. Marks

NAY: None

EMERGENCY SERVICES COUNCIL

Mr. T. Richie and Mr. G. Roakes handed out minutes from the ESC June 11, 2014 minutes to the Board. They presented information concerning the incentive plan to the Board. Mr. T. Richie stated that the ESC formed a committee for recruitment and retention. They explained the incentive process and answered Board questions. The Chiefs and the Captains check that criteria has been met for incentives, and it is reviewed by the Public Safety Director, Mr. G. Roakes. ESC can break information down concerning active members and bring it to the Board. Mr. Roakes believes the incentive program needs to stay the same. Ms. C. Tucker wanted to take the opportunity to thank the ESC for raising the numbers of the Amherst Fire Department. She has heard from the parents of Junior Members are pleased with the experience the young people are getting. Mr. D. Pugh also thanked Mr. Richie.

Mr. J. Marks brought up the capital expenditures that were discussed at a previous meeting. He stated he would make a motion then speak of the motion.

Mr. J. Marks motion is that the money designated for capital expenditures in the Emergency Services Council budget for fiscal year 2014-2015, and future years, be retained by the Board of Supervisors and dispersed based on appropriation requests from the Emergency Service Council and the Director of Public Safety to the Board of Supervisors. Any funds remaining at the end of

2014-2015 fiscal year, and future years shall be carried over to the following fiscal year. This money is designated for use for emergency services and shall not be used for any other purpose.

Mr. J. Marks spoke on his motion and gave several reasons why he felt the need to make this motion. VA Fire service board supports this type of action. Currently 2 of 31 vehicles are titled or co titled to the County. No way will this impact the amount of money for capital expenditure for emergency services. Treat Emergency Services as other County agencies are treated. Article of incorporation – any dissolution of department, the assets do not necessarily come back to the citizens of Amherst County.

AYE: Mr. J. Marks, Mr. R. Curd and Mr. D. Kidd

NAY: Mr. D. Pugh and Ms. C. Tucker

Discussion of the Board took place concerning the motion and vote on the capital expenditures for Emergency Services. Mr. D. Pugh thought there should have been more communication between the Board and the ESC.

Mr. G. Roakes asked about the incentive plan which they came to talk about. Ms. C. Tucker spoke of being supportive of incentives. Mr. D. Pugh stated there needs to be a base line and not changed yearly. Mr. T. Richie reminded the Board that a committee has been set up for retention and recruitment. The Board asked questions concerning the effectiveness of the incentives. Mr. T. Richie and Mr. G. Roakes provided answers. Mr. D. Kidd asked about training. The response was that no classes have been offered this year. Mr. G. Roakes spoke that training is Commonwealth wide.

Ms. C. Tucker motioned to approve the recommendation by the Emergency Services Council as it relates to incentives.

AYE: Ms. C. Tucker, Mr. J. Marks, Mr. R. Curd, Mr. D. Kidd and Mr. D. Pugh

NAY: None

BUDGET APPROPRIATION REQUESTS WITH THE CIRCUIT COURT CLERK AND SHERIFF'S DEPARTMENT

Circuit Court Clerk Roy Mayo, III, presented information concerning evidence storage system. With the construction of the jail concluding, the need for furnishings is at hand. The request is for a rolling storage evidence system. Mr. Mayo was under the understanding that this was taken care of with the capital project and that it was all inclusive.

Mr. D. Pugh moved to appropriate \$28,750.00, from unobligated general fund, towards the equipment evidence storage system.

AYE: Mr. D. Pugh, Ms. C. Tucker, Mr. J. Marks, Mr. R. Curd and Mr. D. Kidd

NAY: None

BUDGET APPROPRIATION REQUEST FROM PUBLIC WORKS AND SHERIFF'S DEPARTMENT

Mr. R. Curd feels that other departments should not have to go to the Sheriff for fine revenue. Sheriff J. Ayers, III, came forward and explained that Ms. T. Nuckols grounds crew and the workforce work together. The library contacted Ms. Nuckols that trees needed to come down and some general clean up needed to be done. Both Ms. Nuckols ground crew and the library had no

budgeted money to take down the trees. The Sheriff understands that any monies should come through appropriations.

The Board reviewed the rest of the departmental reports.

Mr. J. Marks asked about the budget fund report showing expended 78 % through what time period. Mr. D. Proffitt let him know that it was May 31, 2014.

IN RE: CITIZEN COMMENTS

Mr. Mark Labadie questioned how that the Sheriff must come before the Board of Supervisors for appropriations.

Mr. Edward Olivares stated that he was willing to answer any follow up questions for the School Board position. If none, he is willing to step aside for Mr. J. Stanley. Mr. D. Kidd informed Mr. Olivares that Citizen Comments are addressed to the Board and not a question and answer period.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. R. Curd liked the idea that the Rucker Family Society brought forward about the signage at Riveredge Park. Would like the Recreation Department to work towards this and does not want to see it go to the side. Believes it has some merit to it.

Mr. J. Marks motioned that the Amherst county Board of Supervisors direct the County Attorney to draft revisions to the Board's rule of procedure governing closed sessions to emphasize the importance of confidentiality and establish Board responses to rule violations, and to present those to the Board for its consideration at the July 2014 meeting.

Ms. C. Tucker asked if there could be discussion on the motion. She stated there are rules of engagement and they are in place. She said the Board should feel free to exercise these options. Mr. D. Pugh feels we should see what is on the books and would like to see it and if revisions are needed. Ms. E. Bowyer, County Attorney, stated that the rules and provisions can be changed and brought forward.

Mr. J. Marks repeated his motion. Mr. D. Kidd asked if it would be in draft form. Mr. Marks stated that is his intent.

AYE: Mr. J. Marks, Mr. D. Kidd and Mr. D. Pugh

NAY: Mr. R. Curd and Ms. C. Tucker

Ms. C. Tucker stated that the School Board appointment is in Mr. R. Curd's district. Historically we have tried to respect the recommendations of the Board member. Ms. Tucker asked how the Board plans to deal with the action that was take that was a FOIA violation. Ms. Bowyer stated the first thing to do is to ascertain if there was a violation and if it is the Board's pleasure she would send questions to the Board members of what occurred.

CLOSED SESSION

Mr. J. Marks moved that the Amherst County Board of Supervisors convene in closed session pursuant to the authority at §2.2-3711 (A)(3) of the Code of Virginia to discuss the disposition of publicly-held real property, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy and pursuant to the authority at §2.2-3711 (A)(1) of the Code of Virginia to discuss candidates for County Administrator.

AYE: Mr. D. Kidd, Mr. D. Pugh, Ms. C. Tucker, Mr. J. Marks and Mr. R. Curd
 NAY:

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

AYE: Mr. D. Kidd, Mr. D. Pugh, Ms. C. Tucker, Mr. J. Marks and Mr. R. Curd
 NAY:

CERTIFICATION OF CLOSED MEETING

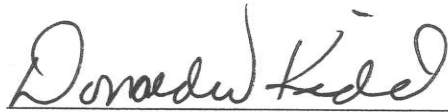
Mr. J. Marks moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing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

Ms. C. Tucker	AYE
Mr. D. Kidd	AYE
Mr. D. Pugh	AYE
Mr. J. Marks	AYE
Mr. R. Curd	AYE

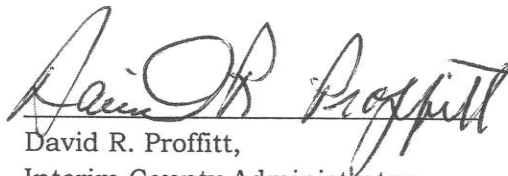
IN RE: ADJOURNMENT

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

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



Donald W. Kidd, Chairman
 Amherst County Board of Supervisor



David R. Proffitt,
 Interim County Administrator