

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 21st day of October, 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. M. Heishman Ms. B. Jones	Mr. D. Hedrick Ms. C. Tucker	Mr. R. Fener Mr. L. Parrish
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ABSENT: Mr. L. Irvin

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: APPROVAL OF AGENDA

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

AGENDA

**TUESDAY, OCTOBER 21, 2008
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
7:00 P.M.**

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

- a. School Board – Dr. Brian Ratliff
- b. **Airport Commission – Jones Stanley**

IV. Public Hearings

2008-28 Request by the County of Amherst for a special exception in the FH Flood Hazard Overlay District. The purpose of the special exception is to allow a fishing/observation pier at Riveredge Park located adjacent to the James River. The property is located off of Rocky Hill Road (State Route 1015) and is further identified as tax map number 160A3-A-158

- 2008-20** Request by Old Virginia Brick for a zoning text amendment to add mineral extraction as a special exception use in the A-1 Agricultural Residential District. The zoning text amendment will add a definition of mineral extraction to the zoning ordinance, as well as reference an existing portion of the zoning ordinance which regulates the extraction of natural resources.

V. Zoning Case No. 2008-23 Lakeview Commons – Pending Action by Planning Commission

VI. Public Hearing

- a. Water and Sewage rates set forth in Chapter 15 (Article IV Rates) of the Amherst County Code.
- b. Abandonment of East Court Street
- c. Noise Ordinance

~~VII. Mike Chandler Presentation~~

VII. Consent Agenda

- a. Building Safety and Inspections Monthly Report for September 2008
- b. Public Safety Monthly Report for September 2008
- c. Riverview Road Waterline Blue Ridge Regional Jail
- d. Public Safety Letter of recognition for Jeff Tanner
- e. Robert E. Lee Soil & Water Conservation District Minutes for August 28, 2008
- f. VDOT Traffic Alerts – Sept. 22-26, Sept. 28 – Oct. 3, 2008, Oct. 6-10 and 13-17, 2008

VIII. Citizen Comment

IX. Department Reports

Central Accounting Department

- a. Employee Awards Program
- b. World Series

Solid Waste Department

- a. Solid Waste Management Plan

Public Safety Department

- a. Staffing Pedlar Fire and Rescue

X. County Administrator's Report

- a. Resolution Regarding Friends of Train Depot Project
- b. Resolution Regarding Riveredge Park Grant Application**
- c. Economic Development Director Hiring Process**
- d. Designation as Primary Natural Disaster Area due to Drought**

XI. Appropriations/Transfers

XII. Matter from Members of the Board of Supervisors

XIII. Old Business**XIV. Closed Meeting (§2.2-3711.A, Code of Virginia, as amended)**

§2.2-3711.A.1 Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

a. Personnel**XV. Adjourn**

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

IN RE: SCHOOL BOARD – DR. B. RATLIFF

Dr. Ratliff, School Superintendant, met with the Board and informed them that the School Board has determined that it is in their best interest to defer the next phase of the School Facilities Improvement Plan, which is an addition to the Amherst Middle School. The decision is based upon finance interest rates that are higher than anticipated and also higher than authorized by the Board of Supervisors.

IN RE: AIRPORT COMMISSION – MR. J. STANLEY

Jones Stanley provided a report on Lynchburg Regional Airport activities. The report included new airport features, training facilities, reduced air fares and increased air traveler traffic. Mr. Stanley also stated that funding has been obtained for 24/7 fire/crash response.

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

On motions of Ms. Jones, seconded by Mr. Heishman, the Planning Commission approved their agenda with amendments.

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

IN RE: PUBLIC HEARINGS

2008-20 Request by Old Virginia Brick for a zoning text amendment to add mineral extraction as a special exception use in the A-1 Agricultural Residential District. The zoning text amendment will add a definition of mineral extraction to the zoning ordinance, as well as reference an existing portion of the zoning ordinance which regulates the extraction of natural resources.

The Planning Director provided case background and general information

Willie Cochran with Virginia Department of Mines and minerals provided further information and answered questions.

The Public Hearing was called to order.

Proponents: Cory Rutherford, CEO for Old Dominion Brick, as well as their General Manager and Plant Manager.

Opponents: None

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Fener, seconded by Ms. Jones, the Planning Commission moved to recommend approval of the text amendment as requested.

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

NAY: None

ABSENT: Mr. L. Irvin

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 approved the following text amendment to the Zoning/Subdivision ordinance:

302.83.1.1 Mineral Extraction. Mineral extraction is the process of obtaining through excavation or extraction earth products or natural mineral deposits. The following earth products or natural mineral products permitted to be extracted are: sand, gravel, rock or clay, except where such excavation is for the purpose of grading for a building site or roadway, where sod is removed for landscaping, or where materials are excavated from that site for ultimate use on the same site by the owner of the property.

702. Agricultural Residential District A-1.

702.01. *Intent of the Agricultural Residential District A-1.* This district is designed to accommodate farming, forestry and limited residential use. While it is recognized that certain rural areas may logically be expected to develop residentially, it is the intent however to discourage the random scattering of residential, commercial or industrial uses in this district.

702.02. *Permitted uses.* Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of agricultural and forestall products grown in the county.
2. Temporary sawmills, only for timber on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the statewide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures
6. Emergency services
7. Home occupations
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e. tent or camper of per Section 904.

10. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities subject to the following conditions:
 - a. Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicant;
 - b. Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;
 - c. Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
 - d. Located more than one thousand (1,000) feet from a state maintained road;
 - e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
 - f. The CLF must be approved by all necessary state agencies prior to county approval;
 - g. The applicant for all permits must be a county resident and the property owner;
 - h. It cannot be visible from a state maintained road;
 - i. A zoning permit must be issued prior to any development of the CLF.
14. Flag lot.
15. Wireless communication facilities as provided in Section 914 herein.

702.03, Special exceptions (A-1 zone).

1. Public entertainment.
2. Schools.
3. Saw mills.
4. Pallet manufacturing.
5. Wood yards.
6. Feed mills.
7. Truck business.
8. Churches and related facilities.
9. Signs as provided in Section 907.

- 10. Planned unit developments.
- 11. Short-term tourist rental of dwelling.
- 12. Machinery sales and service.

13. Mineral Extraction per Section 910.

910. Extraction of natural resources.

Extraction of natural resources shall include removal of soil, sand, gravel, ~~or stone or other minerals~~ by excavating, stripping, quarrying and mining together with necessary buildings, machinery and appurtenances related thereto, but no including excavation for construction of agricultural purposes.

910.01. No extraction or processing of natural resources may be conducted within one hundred (100) feet of a property line except in operations that cross property lines.

910.02. Vegetation shall be retained and/or fully developed to screen extraction processes from nearby residential areas and adjoining roadways.

910.03. Quarry areas being excavated shall be entirely closed within a fence located at least ten (10) feet back from the edge of any excavation.

910.04. At the time of obtaining a zoning permit, the operators or owners of the quarry shall present to the commission comprehensive plans and proposals for the reuse of the property at the cessation of the quarry operations.

910.05. Any extension of quarrying operations beyond the property liens actually being quarried at the effective date of this article shall be considered as a new operation and shall obtain a zoning permit, such permit to be renewed every two (2) years, or at such longer interval as may be specified by the commission.

910.06. If quarrying operations are discontinued for a period exceeding one (1) year, all excavated areas must be returned to a safe condition with adequate vegetative care; and

910.07. The provisions of 45.1-180 et seq., Code of Virginia, 1950, as amended shall be met.

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

NAY: None

2008-28

Request by the County of Amherst for a special exception in the FH Flood Hazard Overlay District. The purpose of the special exception is to allow a fishing/observation pier at Riveredge Park located adjacent to the James River. The property is located off of Rocky Hill Road (State Route 1015) and is further identified as tax map number 160A3-A-158

Planning Director Bryant provided background and general information regarding request 2008-28.

Grant Massie, County Special Projects Coordinator provided further information and answered questions.

Board and Planning Commission members requested Mr. Massie to investigate the use of synthetic material for deck construction.

The Public Hearing was called to order.

There were no speakers.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish, seconded by Ms. Tucker and with the following vote, the Planning Commission moved to recommend approval of the request for a special exception in the FH Flood Hazard Overlay District.

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

NAY: None

ABSENT: Mr. L. Irvin

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Adams and with the following vote, the Board of Supervisors approved the Planning Commission's recommendation for a special exception in the FH Flood Hazard Overlay District. The purpose of the special exception is to allow a fishing/observation pier at Riveredge Park located adjacent to the James River. The property is located off of Rocky Hill Road (State Route 1015) and is further identified as tax map number 160A3-A-158

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

NAY: None

IN RE: ZONING CASE NO. 2008-23 LAKEVIEW COMMONS – PENDING ACTION BY PLANNING COMMISSION

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.

The Planning Commission proceeded to discuss issues involved with Zoning Case 2008-23 Lakeview Commons.

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 moved to recommend denial of the request for rezoning from the B-2 General Commercial District to R-3 Multi-Family Residential District.

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

NAY: None

ABSENT: Mr. L. Irvin

Mr. Kidd – As a former Planning Commissioner, he concurs with spot zoning and down zoning. I think this is not the place for that type of project. He has been in contact with the Virginia Department of Housing and Community Development and spoke with Mr. Jim Chandler, Director of the Federal Tax Credit Program. Mr. Chandler was familiar with this project and stated that with federal and state money involved that Mr. Middleton could not put 100% Amherst County people in this project but that anyone from anywhere in the U.S. with a voucher would be eligible for occupation of this proposed facility. He stated that 50% had to be disabled or handicapped but there was nothing about the elderly. Mr. Middleton is partnered with Lyn-Cag and that low income residents would be eligible for subsidization through Lyn-Cag programs. If this was the right zoning and 100% Amherst County residents, then it would be a no brainer.

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 to deny the request for rezoning from the B-2 General Commercial District to R-3 Multi-Family Residential District.

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: PUBLIC HEARING - WATER AND SEWAGE RATES SET FORTH IN CHAPTER 15 (ARTICLE IV RATES) OF THE AMHERST COUNTY CODE.

Mr. Wood called the public hearing to order, as advertised for the water and sewer rates as set forth in Chapter 15 of County Code.

Mr. Dan French, Service Authority Director was present and provided additional information and to answer questions.

There were no speakers and the public hearing was closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the water and sewage rate changes as follows:

Proposed changes in the water and sewage rates set forth in Chapter 15 (Article IV Rates) of the Amherst County Code, as follows:

1. Section 15-122, (a) Water Service Charges. "The rate for water, per one hundred (100) cubic feet of water consumed shall be two dollars and ninety seven cents (\$2.97). "Such a change would increase the billing for the majority of water customers by less than \$1.64/mo.
2. Section 15-123, (1) Sewer Service Charges. "The rate for sewage produced shall be four dollars (\$4.00) per one hundred (100) cubic feet of water consumed." Such a change would increase the billing of the majority of sewer customers by less than \$1.68/mo.
3. Section 15-125, Basic Service Charge. "In addition to service charge, each customer's bill shall include a basic service charge of eighteen dollars (\$18.00) per bill rendered." This adjustment is also reflected in the increases in the average water only customer's bill figures shown above, in item 1.
4. Section 15-131 Miscellaneous Charges:

15-131,(4) Disconnect fee: Last sentence, "Service may not be restored after this time until a fifty dollar (\$50.00) meter lock off or removal fee has been paid, in addition to any unpaid bill, penalty and disconnect fee."

15-131, (7) Fire Protection System Monthly Service Fee

Six inch, or small water line, \$63.00

Eight inch, or larger, water line, \$68.00

5. Connection and Availability Fees:

Section 15 – 125, (c) Water Connection Fees

Secondary Roads

(1) ¾ inch.....	\$ 950.00
(2) 1 inch.....	\$1,030.00

Primary Roads

(3) ¾ inch.....	\$1,030.00
(4) 1 inch	\$1,190.00

Dual Lane Highway Connections

(5) ¾ inch.....	\$1,190.00
(6) 1 inch.....	\$1,300.00

Section 15-127, (d) "For any larger connection, the charge shall be the actual cost of making the connection, but not less than none hundred fifty dollars (\$950.00).

Section 15-128, (e) Sewer Connection Fee. "The sewer connection fee shall be eight hundred seventy dollars (\$870.00) for a four inch connection. Larger connections shall be actual cost, but not less than the four inch connection fee."

Section 15-129, (a), (1) Water Availability Charge. "For residential premises the water availability fee shall be two thousand seventy dollars (\$2,070) per dwelling unit." For the balance of Section 15-129, (1) all other references to one thousand nine hundred ten dollars (\$1910.00) are changed to two thousand seventy dollars (\$2,070.00).

Section 15-129, (a), (2) Sewer Availability Charge, Residential.

"For any residential premises having a utilized private sewage treatment system, the sewer availability fee shall be nine hundred ninety five dollars (\$995.00) per dwelling unit, providing connection into the authority sewer system is made within the first twelve (12) months following availability of the public sewer line."

Section 15-129, (b)

All references to eight hundred eighty dollars (\$880.00) are changed to nine hundred ninety five dollars (\$995.00).

Section 15-129, (c) and (d) and (e)

All references to two thousand two hundred dollars (\$2,200.00) are changed to two thousand five hundred fifty five dollars (\$2,555.00).

Section 15-124 Tables.

Table 1: Commercial and Industrial Water Availability Charges, and
Table 2: Commercial and Industrial Sewer Availability Charges.

Table specific fees a.-f. & h-j are increased by eight percent (8%), rounded up to the next five dollar (\$5.00) increment, over current charges. Fee g. shall increase by eight percent rounded up to the next one dollar (\$1.00), over current charges.

The new rates as forestated shall take effect with the billing of January 1, 2009, and all subsequent billings thereafter.

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

NAY: None

IN RE: ABANDONMENT OF EAST COURT STREET

The County Administrator introduced the public hearing for the abandonment of East Court Street, as advertised. He stated that the Town of Amherst has agreed to provide an easement to the County across the subject property.

Mr. Vandall stated that he desires to see a reversion of ownership clause in the deed in the event that the Town ceased to own the property or use it as intended.

The public hearing was called to order.

Proponents: Town Mayor Bailey and Town Manager Hobbs

Opponents: None

The public hearing was closed.

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved to approve the abandonment of E. Court Street as presented with the understanding that the County will have a permanent easement through the property.

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

NAY: None

IN RE: NOISE ORDINANCE

The County Administrator introduced the proposed noise ordinance prohibiting excessive noise and sound based on a defined decibel measurement.

There were questions and discussion by the Board members.

The public hearing was called to order.

Proponents: Calvin Carlson; Janice Camden, 419 Main St. Old Madison Heights

Opponents: Bernard Procter, 125 Historic Riverview Way, Madison Heights – discussed specific concerns with the proposed ordinance.

There were no other speakers and the public hearing was closed.

The Board requested the County Attorney to provide them with written comments addressing each of the points of concern introduced by Mr. Procter.

There was a consensus to defer further consideration of the issue until the 2nd regular meeting of November 2008.

IN RE: CONSENT AGENDA

The Board reviewed the consent agenda items.

- a. Building Safety and Inspections Monthly Report for September 2008
- b. Public Safety Monthly Report for September 2008
- c. Riverview Road Waterline Blue Ridge Regional Jail
- d. Public Safety Letter of recognition for Jeff Tanner

- e. Robert E. Lee Soil & Water Conservation District Minutes for August 28, 2008
- f. VDOT Traffic Alerts – Sept. 22-26, Sept. 28 – Oct. 3, 2008, Oct. 6-10 and 13-17, 2008

IN RE: CITIZEN COMMENT

There were no citizen comments.

IN RE: CENTRAL ACCOUNTING DEPARTMENT - EMPLOYEE AWARDS PROGRAM

Brenda Campbell, Central Accounting Director, met with the Board and provided tentative plans for the 2008 employee awards program.

There was a consensus to approve the recommendation to schedule the event for Monday, November 24, 2008 with refreshments available by 6:15 PM for guest and recognition ceremony beginning at 7:00 p.m.

IN RE: CENTRAL ACCOUNTING DEPARTMENT – WORLD SERIES

Ms. Campbell proceeded to provide the following financial report concerning the 2007 Dixie Youth World Series as follows and answered questions:

Dixie Youth World Series

To whom payable	Amount Expended
Wages – Sheriff Department	\$9,708.68
Supplies – Purchased through Tourism	537.80
Reimbursement Town of Amherst – for Town Police Assistance	1,700.00
Tiny's Catering – food for EMT working event	532.00
Recreation – absorbed cost through allocated budget	
TOTAL	\$12,478.48

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the appropriation as requested in the amount of \$9,708.68.

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

IN RE: APPROPRIATION AMHERST COUNTY SCHOOL BOARD - 2008-2009

Ms. Campbell proceeded to provide information regarding an appropriation request for school buses presented in the appropriation section of agenda. The resolution follows:

VIRGINIA: At a regular meeting of the Amherst County School Board held in the School Administration Building, Amherst, Virginia on October 9, 2008, at 6:00.

PRESENT: Jones H. Stanley, Vice Chairman
Elizabeth S. Gamble
William Brown
Susan D. Cunningham
Priscilla M. Ligon
Margaret R. Morton

ABSENT: Gloria C. Walker

WHEREAS, the Amherst County School Board has received notification of additional funding for the 2008-2009 school session.

Local Funding

Amherst County Board of Supervisors \$147,234.00

(Monies set aside in excess of lease purchase of school buses – Purchase of 2 buses from capital money set aside for the purchase of buses)

BE IT THEREFORE RESOLVED, that the members of the Amherst County School Board request the members of the Amherst County Board of Supervisors to consider a supplemental appropriation of \$147,234.00 to the 2008-09 school revenue and expenditure budget,

AND BE IT FURTHER RESOLVED, that this resolution be presented to the members of the Amherst County Board of Supervisors at their next regular scheduled meeting.

Teresa C. Crouch, Clerk
Amherst County School Board

A COPY
Teste

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the request for a supplemental appropriation of \$147,234.00 to the 2008-09 school revenue and expenditure budget.

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

NAY: None

IN RE: SOLID WASTE MANAGEMENT PLAN

Teresa Nuckols, Solid Waste Director, met with the Board and presented Amherst County Solid Waste Management Plan Revision 2.

On motion of Mr. Adams and with the following vote, The Board of Supervisors approved the Solid Waste Management Plan Revision 2 as presented.

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

NAY: None

IN RE: PUBLIC SAFETY DEPARTMENT - STAFFING PEDLAR FIRE AND RESCUE

Gary Roakes, Public Safety Director, met with the Board and presented a request for additional paid staffing for the Pedlar Fire and Rescue units.

Chief Boggs and Captain Mayberry also addressed the Board with the request and to answer questions.

Mr. Roakes stated that the request has been formally adopted by the County's Emergency Services Council.

There was a Board discussion and consensus to direct the County Administrator to investigate funding sources for the cost of staffing the Pedlar Fire and Rescue to commence January 1, 2009 and to report to the Board by the first regular meeting in November, 2008.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors authorized Public Safety to proceed with advertising for full-time EMS Technicians for the Pedlar Rescue Squad.

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

NAY: None

IN RE: RESOLUTION REGARDING FRIENDS OF TRAIN DEPOT PROJECT

The County Administration presented a request for grant application approval for the Historic Amherst train station project.

Marlene Fitzgerald, President of the Friends of the Historic Amherst Depot organization presented further information and answered questions.

Lynn Cunningham, Friends member, also addressed the Board in support of the resolution.

Other Friends members present included Mrs. Weay and Mr. Kinnier.

Mr. Adams - Over the last couple of weeks, we have had several meetings discussing funding dealing with private projects or non-profit entities so to speak. I received my County Connections in the mail this past week. As I read through Kaine's budget cuts it was pretty alarming knowing what we in the County went through with just a \$200,000 short fall last year and I think it's probably safe to say we can expect two and one half times that next year. As far as the train station goes as I told Marlene today, I thank her and Mr. Mays for the property and that they have done a wonderful job. I'm not against the resolution by no means. However I think we as a Board based on what we are looking at, as far as the economic crisis, I think we are going to have to be as Mr. Vandall spoke earlier tonight as far as good stewards of the County's taxpaying dollars, we are going to have to keep that to the forefront of everything that we do from now on out. The projects that we are dealing with, the train station, the Virginia Blue Ridge trail and even the Humane Society as we have discussed last week, we are in this and we are in this for the long haul and have been for some time. But I'm truly concerned about the long term effects when we are dealing with these types of projects and the impact on the taxpayers' dollars because that's what we are here for to be good stewards of the taxpayer's dollars. The only other thing is and we have had some discussion over some of the different projects as we have moved through the past year is that all paper work and all contracts need to be finalized before we either move into or accept any type of agreement. I think we are working toward that. Again I felt like I needed to clear my conscience of that especially based on what we have been reading and everything that has been on the news for the last several weeks, but again as I told Marlene today, I support the project 100%.

Mr. Kidd reflected concerns stated by Mr. Adams and understands that the County has committed itself to the depot project.

Mr. Vandall stated that his understanding that to this point the only commitment by the County has been to act as fiscal agent for the depot project.

Mr. Parrish stated that he desires to have a formal agreement in place that would transfer ownership of the project to the County in the event that the Friends cannot provide the 20% matching funds.

Mr. Kidd requested additional clarification on the County's financial involvement in the depot project.

On motion of Mr. Wood and with the following roll call vote, the Board of Supervisors moved adoption of the following resolution with the condition that the County maintains a deed of trust on the property in the amount of the County's financial involvement in the project.

RELOCATION AND ADAPTIVE REUSE OF THE HISTORIC AMHERST TRAIN STATION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government requesting that the Virginia Department of Transportation program support a transportation enhancement project in the County of Amherst.

NOW, THEREFORE, BE IT RESOLVED, that the County of Amherst, requests the Commonwealth Transportation Board to establish a project for the relocation and adaptive reuse of the historic Amherst train station.

BE IT FURTHER RESOLVED, that the County of Amherst hereby agrees to pay a minimum twenty (20%) percent of the total cost for planning and design, right of way, and construction of this project, and that, if the County of Amherst subsequently elects to cancel this project, the County of Amherst hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

ROLL CALL VOTE:

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

IN RE: RESOLUTION REGARDING RIVEREDGE PARK GRANT APPLICATION

The County Administrator presented a resolution of support for Riveredge Park Development.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved adoption of the following resolution in support of Riveredge Park Grant Application:

RIVEREDGE PARK DEVELOPMENT

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government requesting that the Virginia Department of Transportation program support a transportation enhancement project in the County of Amherst.

NOW, THEREFORE, BE IT RESOLVED, that the County of Amherst, requests the Commonwealth Transportation Board to establish a project for a multi-functional recreational/transportation/historic interpretive park and trail.

BE IT FURTHER RESOLVED, that the County of Amherst hereby agrees to pay a minimum twenty (20%) percent of the total cost for planning and design, right of way, and construction of this project, and that, if the County of Amherst subsequently elects to cancel this project, the County of Amherst hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

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

NAY: None

IN RE: ECONOMIC DEVELOPMENT DIRECTOR HIRING PROCESS

The County Administrator informed the Board that the applications for filling the Economic Development Director position have been received and requested direction on establishing an interview process.

There was a Board discussion of the request.

Mr. Wood appointed Mr. Kidd and Mr. Adams as Board representatives to an interview committee, as well as selected staff and EDA members. There was a consensus to direct the County Attorney to review privacy issues prior to selection of the EDA and Staff members and report back to them.

IN RE: DESIGNATION AS PRIMARY NATURAL DISASTER AREA DUE TO DROUGHT

The County Administrator presented a letter from the Department of Agriculture and Consumer Services of October 17, 2008 for their information.

The letter from Todd P. Haymore, Commissioner, stated that the United States Secretary of Agriculture Edward Schafer approved the Governor's request that Amherst County be designated a primary natural disaster area due to losses caused by drought and excessive heat that occurred during the 2008 crop year.

Secretary Schafer advised Governor Kaine that the secretarial designation makes farm operators are eligible to be considered for low-interest emergency loans from the Farm Service Agency (FSA) of the United States Department of Agriculture, provided eligibility requirements are met.

IN RE: APPROPRIATIONS/TRANSFERS

On motion of Mr. Vandall, and with the following vote, the Board of Supervisors approved all of the following appropriations/transfers except the first school board request which has already been approved:

a. APPROPRIATIONS**Amherst County School Board – 2008-2009**

~~Money set aside in excess of lease purchase of school buses — \$ 147,234.00~~
~~Purchase of 2 buses from capital money set aside for the purchase of buses)~~
 Handled under Accounting section of minutes.

Maintenance Department

43020	7010	Equipment Purchase	\$	1,600.00
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Sheriff – Jail – 2008-2009

31020	1007	Forest Patrol	\$	4,600.00
31020	3004	Vehicle Repair		1,260.00
33010	3001	Medical		154.75
(Pass through revenue				
31020	5804	Miscellaneous		2,000.00
31020	7001	Equipment		503.91
(Drug Asset Forfeiture)				

b. TRANSFERS

Maintenance Department

Transfer from:

43020 3005	Maintenance Service Contracts	\$	400.00
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Transfer to:

43020 7012	Equipment Purchase	\$	400.00
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County Contributions:

Transfer from:

081050-5801	Region 2000 Regional Commission	\$	47.45
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Transfer to:

053110 5611- (Clear End of Year Deficits)	Contribution – Amherst Humane Society	\$	47.45
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Recreation FY08

Transfer from:

71010-2010	Workman's Comp	\$	566.57
71010 5413	Recreational Supplies		45.10

Transfer to:

71010 1007	Comp Assistants	\$	527.35
71010 2001	FICA		39.22
71010 5103 (Clear End of Year Deficits)	Water & Sewer Services		45.10

County Administration (FY08):

Transfer from:

72020 2001	FICA	\$	47.72
72020 2010	Workman's Comp		4.32

Transfer to:

72020 2002 (Clear End of Year Deficits)	Retirement (VRS)	\$	52.04
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Library FY08:

Transfer from:

73010 1010	Comp Extra Office Help	\$	3,294.54
73010 5806	Special Programming		337.71
73010 5411	Books & Subscriptions		70.20

Transfer to:

73010	2005	Hospitalization	\$	3,702.45
(Clear End of Year Deficits)				

Planning FY08:

Transfer from:

81010	1006	Office Assist	\$.43
81010	5504	Travel		59.25

Transfer to:

81010	2001	FICA	\$.43
81010	2014	Employee Assist Program		59.25
(Clear End of Year Deficits)				

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

NAY: None

IN RE: MATTER FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. D. Kidd stated that there are sloped areas along the Amelon Commerce Center roadway that needs grass/weed cutting.

Mr. C. Adams stated that he wishes to prioritize getting invitations and correspondence to the Board members in a timely manner.

Also he wishes to establish a liaison committee for the Board to negotiate an agreement with Friends of Amherst Train Depot for reimbursement of any county funds contributed to that project.

Mr. Parrish requested response from VDOT questions.

Mr. Wood stated that he has recently observed handicap transport equipment on Rt. 29 in Madison Heights and requested the County Attorney to investigate the County's liability/responsibility for this activity.

IN RE: CLOSED SESSION

Mr. Adams moved to go to closed session to discuss a (1) personnel matter pursuant to § 2.2-3711.A.1 of the Virginia Code Section.

§2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body.

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

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

NAY: None

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

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

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

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

CERTIFICATION OF CLOSED MEETING

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

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

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

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

IN RE: ADJOURN

On motion of Mr. Kidd, seconded by Mr. Adams, the Board of Supervisors moved to adjourn.

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

Vernon L. Wood, Chairman
 Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator