

MINUTES
Book 34

AMHERST COUNTY BOARD OF SUPERVISORS

AGENDA

AUGUST 4, 2015

ADMINISTRATION BUILDING - 153 WASHINGTON STREET - SCHOOL BOARD ROOM
1:00 P.M.

- I. Call to Order
- II. Invocation and Pledge of Allegiance
- III. Approval of Agenda
- IV. Citizen Comments
- V. Consent Agenda
 - A. FY16 Appropriation of Revenue
 - B. FY15 Appropriation of Revenue
- VI. Ordinances – First readings
 - A. Planning/Zoning – Ordinance 2015-0005, creating a new Article IV within Chapter 11 of the Amherst County Code to establish standards and procedures governing land-disturbing activities so as to minimize the harm that may be caused by any associated erosion and sediment deposits. The article is established pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and associated regulations, and is necessitated due to recent changes in State law.
 - B. Planning/Zoning – Ordinance 2015-0006, amending § 10-7 of the Amherst County Code to provide for establishment of a residential no-shoot zone.
- VII. New Business
 - A. Planning/Zoning – Offer by Carroll Hudson to purchase County property
 - B. County Attorney – Resolution 2015-0012-R, expressing the best wishes and warm congratulations of the Board of Supervisors of Amherst County to the James and Lavinia Fletcher Family on the occasion of their family reunion at Sweet Briar College, and reiterating the County's desire for future collaborative involvement in Sweet Briar College's continuing operation.
 - C. EDA – Prohibition of Time Share Projects in the A-1(Agricultural Residential) Zoning Classification

- D. Purchasing - Unsolicited PPEA Proposal for Schools HVAC
- VIII. Old Business
 - A. EDA – Economic Development Strategic Plan Grant Update
 - B. Planning/Zoning – Resolution 2015-0002-R, requesting the Virginia Department of Transportation to add a street to the secondary system of state highways, South Riverview Road
 - C. Human Resources – Proposal to Correct Compensation Disparity
- IX. County Administrator Report
 - A. Board appointments – Planning Commission District 5 vacancy
 - B. County Regulations
- X. Departmental Reports
 - A. Treasurer - Monthly reports for Delinquent Tax Collections and Account Balances
 - B. Purchasing – Status of Amherst Train Depot Completion/Acknowledgement of gift
- XI. Citizen Comments
- XII. Matters from Members of the Board of Supervisors
- XIII. Closed Session: Pursuant to the authority at §2.2-3711 (A) (29) of the Code of Virginia, to discuss the award of a public contract involving the expenditure of public funds.
- XIV. Adjourn

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 4th day of August, 2015, at 1:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

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

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

OTHERS PRESENT: Jeremy Bryant, Director Planning/Zoning

I. **Call to Order**

Chairman Pugh called the meeting to order at 1:01 p.m.

II. **Invocation and Pledge of Allegiance**

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. **Approval of Agenda**

Chairman Pugh stated the agenda would be amended to add the introduction of Philip Stone, President of Sweet Briar College as item V. and to move the Closed Session after President Stone's introduction.

By motion of Chairman Pugh and with the following vote, the Board approved the August 4, 2015 Agenda as amended.

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

IV. **Citizen Comments**

Mr. Alan Wood of Madison Heights, Virginia, addressed the Board and advised the School Board met on August 3, 2015 regarding a presentation by Mr. Bill Gillespie and the PPEA proposal for the schools' HVAC. The School Board unanimously voted and expressed its support to the Board of Supervisors supporting the schools facility needs, the PPEA progress and Mr. Gillespie.

Mr. Wood asked the Board that two School Board members be appointed to the Building Committee to enable involvement in the process and appreciated the Board's consideration.

Ellen Bowyer, Amherst County Attorney, introduced Phillip C. Stone, Sr., President of Sweet Briar College and provided the Board biographical information on President Stone.

President Stone addressed the Board and provided a brief update on what has been happening at Sweet Briar College since his appointment as President.

President Stone stated he is looking forward to being a neighbor, building community relationships and working with the Board of Supervisors. President Stone thanked the Board for supporting Ms. Bowyer's efforts to save Sweet Briar and her willingness to help advance the cause and the lawyers who worked with her.

Chairman Pugh advised the audience the Board will go into closed session.

Closed Session

Supervisor Kidd moved that the Amherst County Board of Supervisors convene in closed session pursuant to the authority at §2.2-3711 (A) (29) of the Code of Virginia, to discuss the award of a public contract involving the expenditure of public funds, specifically the review of an unsolicited PPEA proposal for replacement of the County Schools' HVAC systems, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the County's bargaining position or negotiating strategy

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

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

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

CERTIFICATION OF CLOSED MEETING

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

Mr. Pugh	AYE
Mrs. Tucker	ABSENT
Mr. Curd	AYE
Mr. Marks	AYE
Mr. Kidd	AYE

Chairman Pugh stated the Board would like to discuss Item D. Purchasing - Unsolicited PPEA Proposal for Schools HVAC.

Mr. Bill Gillespie of MRG Consultants provided the Board information regarding the unsolicited PPEA proposal for Schools HVAC. Mr. Gillespie advised the next step, upon the County Administrator's acceptance of the proposal, is to advertise the project to see if other contractors are interested in proposing. Mr. Gillespie explained the project would be advertised for a minimum of 45 days. The same information would be provided to others interested about the buildings and touring the buildings and criteria of expectations they are to meet.

By motion of Chairman Pugh and with the following vote, the Board voted to endorse the County Administrator's decision to accept the unsolicited PPEA proposal and begin the public solicitation process.

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

Mr. Gillespie advised the Board he will prepare the document.

V. Consent Agenda

- A. FY16 Appropriation of Revenue
- B. FY15 Appropriation of Revenue

By motion of Supervisor Marks and with the following vote, the Board approved the Consent Agenda.

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

VI. Ordinances – First readings

- A. Planning/Zoning – Ordinance 2015-0005, creating a new Article IV within Chapter 11 of the Amherst County Code to establish standards and procedures governing land-disturbing activities so as to minimize the harm that may be caused by any associated erosion and sediment deposits. The article is established pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and associated regulations, and is necessitated due to recent changes in State law.

Jeremy Bryant, Planning/Zoning Director, presented to the Board information regarding updating the Erosion and Sediment Control Ordinance to comply with changes made by the State. After consulting with the Department of Environmental Quality, those changes and modifications are included in Ordinance 2015-0005 and the ordinance is now in compliance with State law. **(See Attachment 1)**

By motion of Supervisor Kidd and with the following vote, the Board directed staff to schedule a public hearing on August 18, 2015 to present the updated ordinance and receive public comment.

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

B. Planning/Zoning – Ordinance 2015-0006, amending § 10-7 of the Amherst County Code to provide for establishment of a residential no-shoot zone.

Ellen Bowyer, Amherst County Attorney, addressed the Board and stated the ordinance was not as descriptive of the neighborhood as it should be. Ms. Bowyer said she would like to include additional identifying features and description such as the Madison Heights zip code.

Ms. Bowyer advised the Board she will modify the ordinance and bring back to the Board for a first reading and public hearing in September. Ms. Bowyer advised there would not be any action required by the Board at this time. **(See Attachment 2)**

Chairman Pugh thanked Ms. Bowyer for this information.

VII. **New Business**

A. Planning/Zoning – Offer by Carroll Hudson to purchase County property

Jeremy Bryant, Planning/Zoning Director, presented to the Board information concerning an offer made by Carroll Hudson to purchase County property located at the corner of Amelon Road and the Route 130 connector. This parcel was formerly connected to the Amelon Commerce Center property and was later bisected by the Route 130 connector road. Mr. Bryant further stated that Mr. Hudson would be required to pay for the deed preparation and any administrative or legal services that may be required.

Chairman Pugh stated he believes this property to be more valuable than Mr. Hudson's offer of \$31,250 and said he would be reluctant to enter into any negotiations as he believed this property will have a potential to increase in value.

Supervisor Marks stated he did not desire to sell the property and Supervisor Kidd agreed, saying he was concerned about the actual acreage and rezoning.

Supervisor Curd stated he also was not in favor of selling the property.

Chairman Pugh requested Mr. Bryant advise Carroll Hudson it was the Board's consensus not to sell this property.

B. County Attorney – Resolution 2015-0012-R, expressing the best wishes and warm congratulations of the Board of Supervisors of Amherst County to the James and Lavinia Fletcher Family on the occasion of their family reunion at Sweet Briar College, and reiterating the County's desire for future collaborative involvement in Sweet Briar College's continuing operation.

Ellen Bowyer, Amherst County Attorney, presented information to the Board regarding Resolution 2015-0012-R. Ms. Bowyer commented she believed this resolution would offer a nice expression to the family who has strong ties and past history to Sweet Briar plantation

and to Sweet Briar College. Ms. Bowyer advised the Fletcher family has asked her to appear at their reunion August 7 to August, 9, 2015. **(See Attachment 3)**

By motion of Supervisor Marks and with the following vote, the Board adopted Resolution 2015-0012-R.

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

C. EDA – Prohibition of Time Share Projects in the A-1(Agricultural Residential) Zoning Classification

Victoria Hanson, EDA Director, addressed the Board and asked the Board to consider looking at fractional ownership such as timesharing in areas zoned A-1. Ms. Hanson explained the County is starting to see more folks coming here who would like to stay in temporary housing. The EDA Board would like to see more of this type of development that would bring in more tourists into the area and increase the tax base.

Ms. Hanson explained ownership option is completely closed to all areas of the County and the EDA Board would like to ask the Board of Supervisors to consider opening that opening that door to future development which could increase revenue for the County by having people coming to enjoy the natural beauty of Amherst County.

Chairman Pugh asked if the EDA has an interest in or has there been an interest by developers. Ms. Hanson responded there has been no recent interest but this is a concern to the EDA Board that this is not an option. Ms. Hanson explained there are not many places to stay in the County and often no rooms available.

Chairman Pugh stated that this was a highly contested issue approximately ten years ago and the public did not want fractional ownership in their areas. Chairman Pugh stated he was concerned about rescinding this ordinance.

Ms. Bowyer commented that the Board would have to adopt an ordinance in order to repeal a section of the code.

Supervisor Curd said he would like to see another alternative and asked if the EDA had a proposal. Ms. Hanson advised the EDA Board could provide guidelines to the Board of Supervisors and the Planning Commission to see what the concerns of the citizens are.

Mr. Rodgers said he would like to make it part of the zoning process.

Chairman Pugh agreed with Supervisor Curd that the EDA to come up with guidelines and present this to the Planning Commission to provide input.

Supervisor Marks stated he would like to proceed with caution.

Supervisor Kidd stated citizens do have a right to voice their concerns.

Mr. Rodgers suggested to the Board that he will work with the EDA to prepare a proposal to send to the Planning Commission for its thoughts and modifications and then have the

Planning Commission come back with its recommendation in conjunction with the EDA's proposal.

VIII. Old Business

A. EDA – Economic Development Strategic Plan Grant Update

Victoria Hanson, EDA Director, addressed the Board regarding grants and advised the EDA has applied for four grants to fund an economic development strategic plan. Ms. Hanson stated that the EDA has been awarded \$50,000 from the Federal Economic Development Administration and awarded \$15,000 from Appalachian Power.

Ms. Hanson advised this is an update and no action is required.

Chairman Pugh thanked Ms. Hanson and the EDA for the work that has been done securing these grants.

Chairman Pugh asked about Amelon Industrial Park and if there has been any interest in the former Rebar building.

Ms. Hanson stated she has received calls looking for a warehouse distribution building for light manufacturing but not for office space as the former Rebar building.

Chairman Pugh thanked Ms. Hanson for her report.

B. Planning/Zoning – Resolution 2015-0002-R, requesting the Virginia Department of Transportation to add a street to the secondary system of state highways, South Riverview Road

Jeremy Bryant, Planning/Zoning Director advised the Board this resolution is the County's formal request to start the process of VDOT taking South Riverview Road into the secondary system of state highways. South Riverview Road intersects with Route 210 and provides access to the Blue Ridge Regional Jail and has been constructed to VDOT standards. On February 3, 2015, the Board approved the stormwater maintenance agreement with VDOT that was needed for VDOT to take the road into its system and be maintained by VDOT.

By motion of Chairman Pugh and with the following vote, the Board adopted Resolution 2015-0002- R. **(See Attachment 4)**

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

C. Human Resources – Proposal to Correct Compensation Disparity

Mr. Rodgers introduced James Thornhill as the new HR Coordinator. Mr. Rodgers advised the Sheriff had brought up at the last meeting the issues of compensation disparity by the Compensation Board and retention of employees.

Mr. Rodgers stated he would like to resolve the disparity issue today and he would like to bring to Board at the next meeting a resolution of the retention issue and County salaries. Mr. Rodgers advised that Mr. Thornhill worked with Brenda Campbell and determined it would be possible to eliminate this disparity on the Sheriff's staff by increasing the salary of the two individuals.

Mr. Rodgers further explained that new hires received a 9% increase in their salary while everyone else received a 2% increase in their salary, which caused recent new hires to pass incumbents who had been there longer.

Mr. Rodgers said that approximately \$2000 for each of these two deputies would eliminate the problem and solve the disparity issue.

Supervisor Marks asked if these two deputies were moved up, what will happen to the next in line.

Mr. Thornhill advised by moving up the two deputies to where they are in between the one year anniversary deputy, they would still be beneath the five year deputy with the 2% pay raise.

Supervisor Kidd asked if staff was able to find \$4000 in the Sheriff's budget.

Mr. Rodgers advised this was not in the Sheriff's budget and that the \$4000 would come out of the general fund and be an obligation that perpetuates on the Sheriff's personnel salary line in the future.

By motion of Supervisor Curd and with the following vote, the Board appropriated \$4,336.85 from the General Fund to the Sheriff's Personnel Budget for the purpose of eliminating the salary disparity of two deputies.

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

IX. County Administrator Report

A. Board appointments – Planning Commission District 5 vacancy

Chairman Pugh advised an expression of interest was received from Beverly C. Jones seeking reappointment to the Planning Commission, District 5. Chairman Pugh advised Ms. Jones was recently voted as Chairman of the Planning Commission and a very good member and pillar of the community and recommended her reappointment.

By motion of Chairman Pugh and with the following vote, the Board reappointed Beverly C. Jones to the District 5 seat of the Planning Commission.

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

B. County Regulations

Mr. Rodgers advised he would like to implement a written record of policies and procedures to provide regulatory system where people can go to find that information.

Mr. Rodgers said he would like to bring to the Board each regulation and ask the Board for its endorsement.

Mr. Rodgers stated the County Attorney has advised the County Administrator can do on his own authority and would not need the Board's approval; however, he recognizes there are certain policy issues in these regulations and he would like the Board to have an opportunity and approve or disapprove each regulation.

Supervisor Marks asked for clarification of the term "staff" and if this included the Constitutional officers.

Mr. Rodgers advised that "staff" does not include the constitutional officers. However, when a Constitutional seeks information or assistance from the County staff, the Constitutionals can view these guidelines and see how the staff have been directed to perform the staff functions that the Constitutionals must rely on. Mr. Rodgers asked for the Board's endorsement of this system of regulations for the County.

Chairman Pugh stated this is a good way to put things in order.

By motion of Supervisor Kidd and with the following vote, the Board of Supervisors endorsed the Administrator's system of regulations for Amherst County.

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

Mr. Rodgers addressed the audit results stating he has prepared a response and identified those items that need to be corrected. Mr. Rodgers said if the County more fully used the Bright system it could link all the systems together. Mr. Rodgers stated he will bring a report back to the Board.

Mr. Rodgers advised the Board the County has received Federal approval for Phase III on the Train Depot and is now ready to go out to bid.

X. Departmental Reports

- A. Treasurer - Monthly reports for Delinquent Tax Collections and Account Balances
 For Information only.
- B. Purchasing – Status of Amherst Train Depot Completion/Acknowledgement of gift

David Proffitt, Deputy County Administrator, provided the Board an update regarding the completion of the Train Depot.

Mr. Proffitt explained a bid package has been sent to VDOT. The bid package requires VDOT's approval and is currently under final review. A bid advertisement is anticipated by the end of August 2015.

Mr. Proffitt advised the Board that Clear Water Manufacturing Corporation has donated an antique railroad baggage cart to be used as a display item in the restored Train Depot building when the building is completed,

By motion of Chairman Pugh and with the following vote the Board directed the County Administrator to send a letter of appreciation to Clear Water Manufacturing Corporation for the donation of the antique railroad baggage cart.

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

XI. Citizen Comments

There were no citizens to comment.

XII. Matters from Members of the Board of Supervisors

Supervisor Kidd revisited the issue of having two School Board members on the Building Committee and asked the County Attorney if a resolution would be needed.

Ms. Bowyer advised it would make it easier by resolution if the Board wanted to appoint two members from the School Board.

Chairman Pugh asked Mr. Alan Wood, Chairman of the School Board, to come forward to address this matter.

Mr. Wood stated he anticipated to have this resolved at the next School Board meeting August 14. Mr. Wood believed the School Board should decide who will fill these seats.

Ms. Bowyer advised she would write a resolution allowing flexibility of appointment.

Supervisor Marks commented that the Building Committee would then be composed of two members of the Board of Supervisors, one citizen, two members of the School Board all having a vote and the School Superintendent. Mr. Rodgers clarified that the School Superintendent sits on the North End Extension Committee but not on the Building Committee.

By motion of Chairman Pugh and with the following vote, the Board directed the County Attorney to prepare a resolution to add two School Board members to the Building Committee.

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

Supervisor Marks had no issue to discuss.

Supervisor Curd addressed Ms. Bowyer's email regarding the use of outside sources to perform title search work.

Ms. Bowyer said she would like to proceed in that manner and will advise the Board what this service will cost.

Supervisor Curd commented that he would like to see this done in-house.

Ms. Bowyer said she could have her assistant trained to do title searches since this is a technical process.

Chairman Pugh stated he would like title searches done properly and to make best use of our time and money.

XIII. **Adjourn**

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

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



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



Dean C. Rodgers, Clerk



Amherst County Board of Supervisors
County Ordinance No. 2015-0005

AN ORDINANCE, NO. 2015-0005

Creating a new Article IV within Chapter 11 of the Amherst County Code to establish standards and procedures governing land-disturbing activities so as to minimize the harm that may be caused by any associated erosion and sediment deposits. The article is established pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and associated regulations, and is necessitated due to recent changes in State law.

Approved as to form and legality by the County Attorney

FIRST READING: Board of Supervisors, August 4, 2015
PUBLIC HEARING: Board of Supervisors, August 18, 2015

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Article IV, Erosion and Sediment Control, consisting of sections 11-50 through 11-61, is added to Chapter 11 of the Code of the County of Amherst, as follows:

Article IV. EROSION AND SEDIMENT CONTROL

Sec. 11-50. Title, purpose, and authority.

The purpose of this article, which shall be known as the "Erosion and Sediment Control Ordinance of Amherst County", is to conserve the land, water, air, natural resources, and general environment of the County, and to promote the public health and welfare by establishing minimum standards and procedures for the enforcement and administration of a program regulating land-disturbing activities so as to minimize the harm that may be caused by any associated erosion and sediment deposits. This article is established pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and associated regulations.

Sec. 11-51. Definitions.

As used in this article, unless the context requires a different meaning:

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner, which may be executed in lieu of a site plan, that specifies conservation measures that must be implemented in the construction of a single-family residence.

Applicant means any person submitting an erosion and sediment control plan or an agreement in lieu of a plan for approval, or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board means the State Water Control Board.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

County means the County of Amherst.

Department means the Department of Environmental Quality.

Development means a tract or parcel of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three (3) or more residential dwelling units.

Director means the County's zoning administrator or designee, who shall be certified or otherwise qualified pursuant to the Virginia Code as a certified program administrator, and who shall be the plan-approving authority for purposes of this article. The Director shall be the erosion and sediment control program administrator, and shall provide for administration and enforcement of the program by properly certified inspectors and plan reviewers, and by issuance of regulations approved by the County Administrator pertaining to details of administration and enforcement, including permit application requirements.

Erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes, or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any digging, scooping, or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land-disturbing activity means any man-made change to the land surface which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth,

including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
- (6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (§ 10.1-604 et seq.) of Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163(B);
- (7) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (8) Disturbed land areas of less than ten thousand (10,000) square feet in size;
- (9) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (10) Shoreline erosion control projects when all of the land-disturbing activities are within the regulatory authority of and approved by the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article; and
- (11) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan had it not been an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the Director's requirements.

Land-disturbing permit means a permit issued by the Director to permit a legal land-disturbing activity.

Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Plan-approving authority means the zoning administrator.

Responsible land disturber means an individual who holds a certificate of competence issued by the Virginia State Water Control Board, who shall be responsible for carrying out a land-disturbing activity.

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family.

Stabilized means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control Program authority or *VESCP authority* means an authority approved by the Board to operate a Virginia Erosion and Sediment Control Program.

Water quality volume means the volume equal to the first one-half (1/2) inch of runoff multiplied by the impervious surface of the land development project.

Sec. 11-52. Erosion and sediment control plans, when required.

(a) Except as provided herein, no person may engage in any land-disturbing activity, nor shall the owner of any land permit any land-disturbing activity thereon, until the Director has approved an erosion and sediment control plan for the land-disturbing activity, approved the bond or other security, and issued a land-disturbing permit. The Director shall obtain evidence of Virginia Stormwater Management Program permit coverage, if applicable, and shall ensure the applicant or owner is otherwise compliant with all applicable state, local, and federal law prior to approving the permit.

(b) If the land-disturbing activity is for the construction of a single-family residence, the Director may accept an agreement in lieu of a plan, and no permit shall be required. The person responsible for carrying out the agreement shall provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities. Failure to provide the name of an individual holding a certificate of competence may result in termination of the agreement, and the Director may require a plan and pursue other enforcement action. The agreement, in a form prescribed by the Director, shall include a requirement to comply with the conservation standards of this article and any reasonable requirements determined to be necessary by the Director to provide adequate control of erosion and sedimentation resulting from the land-disturbing activity. The Director may, however, require a plan for such individual lots if the Director determines that severe topography, erodible soils, resource protection areas or other environmentally sensitive features are present on the lot.

(c) If the Director finds any area of land to be an erosion impact area, a certified letter, return receipt requested, shall be sent to the landowner advising him that he must submit a plan for such area or agreement in lieu of a plan, if applicable, and security as provided in this article, within thirty (30) calendar days of receipt of the letter. The plan contents, and the review and approval of any land-disturbing activity shall conform to the requirements of this article.

(d) When it is necessary for a contractor to undertake land-disturbing activity in the course of performing work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the property owner.

(e) Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP authority, an erosion and sediment control plan, at the request of one or all of the VESCP authorities, may be submitted to the Department for review and approval rather than to each VESCP authority.

(f) The requirements of this article shall not apply to state agencies, nor to electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies.

(g) Stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or § 62.1-44.15:54 or 62.1-44.15:65.

(h) Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one-year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that

is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirement for natural or man-made channels as defined in regulations promulgated pursuant to § 62.1-44.15:54 or 62.1-44.15:65. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Permit Regulations.

Sec. 11-53. Contents of plans; fees.

(a) The erosion and sediment control plan shall include:

(1) A narrative report with plan details as may be necessary to describe the project and give the purposes, schedule of phasing of major construction activities, and a schedule of application of control methods;

(2) A map or maps depicting the topography of the area, the existing trees, the limits for clearing and grading, and other proposed alterations of the area; and

(3) A description of all control measures and facilities.

The plan shall comply with the standards contained within the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

(b) The person responsible for carrying out the plan shall (i) certify that he will properly perform the erosion and sediment control measures included in the plan, and will comply with all provisions of State and local law connected to erosion and sediment control, and (ii) provide the name of the responsible land disturber.

(c) Applicants shall pay plan review fees as follows:

(1) Noncommercial sites: The applicant shall pay a plan review fee of five hundred dollars (\$500.00); plus an additional ten dollars (\$10.00) per acre, or part thereof, for projects involving more than one (1) acre.

(2) Commercial sites: For commercial sites, including subdivision developments, the applicant shall pay a plan review fee of five hundred dollars (\$500.00); plus an additional fifty dollars (\$50.00) per acre, or part thereof, for projects involving more than one (1) acre.

Sec. 11-54. Review of plans.

(a) The Director shall review erosion and sediment control plans and agreements in lieu of plan and grant written approval within forty-five (45) days of the receipt of the plan or agreement if he determines that the plan or agreement meets state and local requirements.

(b) When the Director determines that a plan or agreement is inadequate, he shall send written notice of disapproval, stating the specific reasons for disapproval, to the applicant within sixty (60) days of receipt of the plan or agreement. The notice shall specify the modifications, terms, and conditions required for approval of the plan or agreement. If the Director does not take action within the time specified in subsection 11-54 (a), the plan or agreement shall be deemed approved and the person authorized to proceed with the proposed activity.

(c) Variances: Upon request, the Director may approve a variance waiving or modifying standards or approving alternative standards, as long as the alternative standards achieve an equal or higher level of water quality protection, in the Director's judgment, as existing standards. Variance requests must be in writing and must explain the reason(s) for the request. Approved variances shall be documented in the erosion and sediment control plan for the property. A variance may be requested by either an applicant or a person responsible for implementing the approved plan. An applicant may request a variance at the time of plan submission. The person responsible for implementing the approved plan may request a variance during construction. The Director shall respond in writing to each variance request within ten (10) days by either approving or denying the request or requesting additional information. If denied, the applicant may resubmit a variance request with additional documentation. If the Director denies a variance request or resubmitted variance request, the work shall comply with all applicable standards.

(d) Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

Sec. 11-55. Permits; fees; security for performance.

(a) Once the plan or agreement in lieu of plan has been approved, the Director shall issue a permit. The applicant shall pay an administrative fee to Amherst County at the time of issuance of the land-disturbing permit as follows:

10,000 sq. ft.—1 acre\$ 35.00

1—5 acres100.00

6—20 acres300.00

21 acres and up600.00

(b) All applicants for permits shall provide a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Director to ensure that the County can take measures at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or

maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five (25) percent of the cost of the conservation action. Should it be necessary for the County to take such conservation action, the County may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization, as determined by Director, in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

(c) The permittee shall have one hundred and eighty (180) days after plan or agreement approval to initiate work under the approved plan; except that the Director may, upon written request from the permittee, grant an extension of time. Failure to initiate work shall render the permit null and void.

Sec. 11-56. Issuance of permits by other agencies

Other agencies authorized under any other law to issue grading, building, or other permits other than land-disturbing permits for activities involving land-disturbing activities shall not issue any such permit until a land disturbance permit has been issued and the applicant certifies that the plan will be followed.

Sec. 11-57. Amendment of approved plan or agreement.

The Director may change any approved plan or agreement if:

(1) Inspection has revealed that the plan or agreement is inadequate to satisfy applicable regulations; or

(2) The responsible land disturber finds that because of changed circumstances, or for other reasons the approved plan or agreement cannot be effectively carried out, and the Director and the responsible land disturber agree on amendments to the plan or agreement that are consistent with the requirements of this article.

Sec. 11-58. Monitoring, reports, and inspections.

(a) The Director may require the responsible land disturber to monitor the land-disturbing activity to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The responsible land disturber shall maintain records of any monitoring.

(b) The Director shall periodically inspect the land-disturbing activity to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

(c) If the Director determines that there is a failure to comply with the plan, notice to comply shall be served upon the permittee or responsible land disturber by registered mail or by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

(d) The notice to comply shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and shall be subject to the penalties provided by Section 11-60.

(e) If the Director finds that the measures required by the plan or agreement are not effective or are not completely constructed or, if constructed, fail through overload or inadequate maintenance, then the Director may, in the event the owner or permittee does not, install ground cover or other ground stabilizing devices or material to the extent necessary to achieve erosion and sediment control equal to that which would have been furnished by the permanent cover shown on the approved plans or agreement. Such action shall be taken only upon failure to comply with a notice to comply in the time specified or issuance of a stop work order in accordance with this section and section 11-59, respectively. The costs of any such measures taken by the County shall be borne by the owner or permittee and shall be a charge against the bond or other security of the owner or permittee. Invocation of the remedies in this paragraph shall not preclude the invocation of any other legal remedies.

Sec. 11-59. Adherence to approved plans and specifications; stop work order.

(a) Upon determination of a violation of this article, the Director may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

(b) If land-disturbing activities have commenced without an approved plan, the Director may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

(c) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, the Director may issue a stop work order without regard to whether the permittee has been issued a notice to comply as specified in this article. Otherwise, the Director may issue a stop work order only after the permittee has failed to comply with the notice to comply.

(d) The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Amherst County.

(e) If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the Director may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of Amherst County.

(f) The owner may appeal the issuance of an order to the Circuit Court of Amherst County.

(g) Any person violating or failing, neglecting or refusing to obey an order issued by the Director may be compelled in a proceeding instituted in the Circuit Court of Amherst County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

(h) Nothing in this section shall prevent the Director from taking additional enforcement action authorized by this article.

Sec. 11-60. Penalties, injunctions, and other legal actions.

(a) A civil penalty shall apply to any person who violates:

(1) Any condition of a land disturbance permit; or

(2) Any provision of this article, any provision of erosion and sediment control law, or any stop work order issued pursuant to this article.

The civil penalty for any one violation shall be not less than one hundred dollars (\$100.00) per day nor more than one thousand dollars (\$1,000.00) per day.

(b) Each day during which the violation is found to have existed shall constitute a separate offense.

(c) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00).

(d) The Director may issue a summons for collection of the civil penalty. The Director also may bring a civil action for such violations or failure, and take all other enforcement actions authorized by the erosion and sediment control law.

(e) In addition to any other available remedies, the Director may apply to the Circuit Court to enjoin a violation or threatened violation of this article without the necessity of showing that an adequate remedy at law does not exist.

(f) In addition to any civil penalties provided under this article, any person who violates any provision of this article may be liable to the County in a civil action for damages.

(g) Without limiting the remedies which may be obtained in this section, any person violating, failing, neglecting, or refusing to obey any injunction or other remedy obtained pursuant to this article shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. The County may bring a civil action for such violation or failure in the General District or Circuit Court of the County, as appropriate.

(h) Any person who has violated or failed, neglected or refused to obey any condition of a permit or any provision of this article or any provision of erosion and sediment control law may enter into a consent order with the Director providing for the payment of civil charges for violation in specific sums, not to exceed two thousand dollars (\$2,000). Such civil charges shall be in lieu of any civil penalty which could be imposed.

(i) The Commonwealth's Attorney shall, at the County's request, take legal action to enforce the provisions of this article.

(j) Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 11-61. Appeals and judicial review.

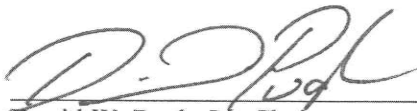
The Director's final decisions shall be subject to review by the Amherst County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Secs. 11-62—11-70. Reserved.

§ 2. That Article III of Chapter 11 of the Code of the County of Amherst, consisting of §§ 11-35 through 11-42 be and hereby is repealed.

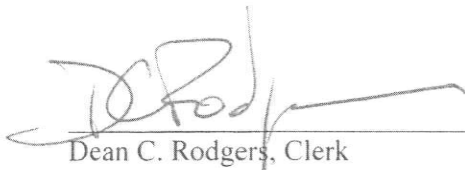
§ 3. That this ordinance shall be in force and effect upon adoption.

Adopted this 18th day of August, 2015.



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

ATTEST:


Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0



Amherst County Board of Supervisors
County Ordinance No. 2015-0006

AN ORDINANCE, NO. 2015-0006

Amending § 10-7 of the Amherst County Code to provide for establishment of a residential no-shoot zone.

Approved as to form and legality by the County Attorney

FIRST READING: Board of Supervisors August 4, 2015
PUBLIC HEARING: Board of Supervisors August 18, 2015

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That section 10-7 of the Code of the County of Amherst be and hereby is amended, as follows:

Sec. 10-7. - Prohibition of the shooting of firearms in certain areas of Amherst County.

(a)A. Recognition of possible need for prohibition. The board of supervisors recognizes that certain residential communities in the county may be so heavily populated as to make the outdoor shooting of firearms dangerous to the inhabitants of those communities. The board of supervisors therefore may direct the prohibition of outdoor shooting in those communities as provided in subsection (b). For the purposes of this section, "firearm" means any handgun, pistol, shotgun, or rifle which expels a projectile by action of an explosion.

(b)B. Imposing a prohibition on the outdoor shooting of firearms in certain residential communities. The board of supervisors may impose a prohibition on the outdoor shooting of firearms in certain residential communities if at least fifty-one (51) percent of the residents within the community in which the prohibition is proposed support imposition of the prohibition. Such support shall be demonstrated in the form of a letter to the board of supervisors, that shall (i) describe the physical boundaries of the community upon which the residents wish the prohibition to be imposed, and (ii) be signed by at least fifty-one (51) percent of the residents of that community. Upon receipt of such letter, the board shall hold a public hearing to consider imposition of the prohibition. The board shall consider any statements in opposition to the prohibition, and may on the basis of those opposing statements modify the boundaries identified in the letter so as to exempt one or more landowners from the prohibition.

Any prohibition established under this section shall be imposed through an amendment to this Code section which describes the physical area in which the prohibition is in effect.

~~(e)~~C. Exemptions. This section shall not apply to the following:

- (1) The shooting of firearms in the lawful defense of oneself, other persons, or property;
- (2) The shooting of firearms by law enforcement personnel within the scope of their employment;
- (3) The shooting of firearms at a lawful firing range or shooting match;
- (4) The shooting of firearms on parcels of at least five (5) acres located in the agricultural residential (A-1) district for the purpose of killing deer which are causing damage to property or which otherwise constitute a hazard pursuant to Code of Virginia, § 29.1-529;
- (5) The shooting of firearms on parcels of five (5) or more acres; and
- (6) The shooting of firearms authorized by the owner of the property on which it occurs, where such shooting occurs at a location and in such a manner which ensure that no shot shall cross the boundary of any adjoining landowner, including the Commonwealth of Virginia.

~~(d)~~D. Prohibitions in Specific Residential Communities.

Pursuant to subsection 10-7(b), and based on documentation received June 2, 2015, and considered by the Board of Supervisors at a public hearing on August 18, 2015, the outdoor shooting of firearms is prohibited in the community comprised of all residential properties having a means of ingress and egress to Sage Lane.

E. Punishment. Each violation of this section shall constitute a class 1 misdemeanor and shall be punishable by confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both.

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

Adopted this 18th day of August, 2015.

ATTEST:

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

Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes _____

Nays _____

Abstentions _____



Amherst County Board of Supervisors
County Resolution No. 2015-0012-R

For consideration on August 4, 2015

A RESOLUTION, NO. 2015-0012-R

A resolution, expressing the best wishes and warm congratulations of the Amherst County Board of Supervisors to the James and Lavinia Fletcher Family on the happy occasion of their family reunion at Sweet Briar College, and reiterating the County's desire for future collaborative involvement in Sweet Briar College's continuing operation.

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 Board of Supervisors of Amherst County hereby offers its best wishes and warm congratulations to the James and Lavinia Fletcher Family on the occasion of their family reunion at Sweet Briar College, and reiterates the County's desire for future collaborative involvement in Sweet Briar College's continuing operation, as follows:

WHEREAS, Sweet Briar College ("College") has been an important and beloved charitable community institution in Amherst County for over 100 years; and

WHEREAS, James and Lavinia Fletcher were a married couple who worked the Sweet Briar plantation as slaves before being emancipated during the Civil War; and

WHEREAS, James and Lavinia Fletcher and their children thus directly contributed to the development and growth of the plantation that became Sweet Briar College; and

WHEREAS, James and Lavinia Fletcher were able to purchase land in Amherst County after Emancipation, and members of the James and Lavinia Fletcher family (hereafter, "James and Lavinia Fletcher Family" or "Family") still hold that land today; and

WHEREAS, there is on the Sweet Briar College campus a burial ground for enslaved African Americans who worked the Sweet Briar plantation, which cemetery has been consecrated by the Family; and

WHEREAS, some members of the Family currently work at Sweet Briar College; and

WHEREAS, some members of the Family had been contemplating having their daughters attend Sweet Briar College; and

WHEREAS, the College had announced on March 3, 2015, that it would close effective August 25, 2015; and

WHEREAS, many members of the Family were devastated at the prospect of losing one aspect of their heritage to which they have ongoing and close connections; and

WHEREAS, the attempt to close Sweet Briar College has been halted, and the College is remaining open under new leadership and looking forward to a bright new future; and

WHEREAS, the Family – including relatives from across the United States, as far west as Colorado and as far north as New York – had planned to celebrate a family reunion at Sweet Briar prior to the announcement of the closing, and now have additional reason for celebration; and

WHEREAS, the Family is approaching the reunion joyous at the College's newly invigorated operation; and

WHEREAS, on Saturday, August 8th, the Family will honor Sweet Briar College faculty member Lynn Rainville, Ph.D., with the inaugural James and Lavinia Fletcher Family Achievement Award for her outstanding contributions to both the Family and the preservation of African-American history throughout the Sweet Briar community, and the Commonwealth of Virginia.

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

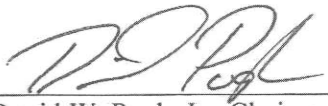
That the Board of Supervisors of Amherst County hereby offers its best wishes and warm congratulations to the James and Lavinia Fletcher Family on the happy occasion of their family reunion at Sweet Briar College from August 7, 2015, to August 9, 2015.

BE IT FURTHER RESOLVED:


That the Board of Supervisors reiterates its desire to consider ways in which the County can work collaboratively with the College to develop mutually beneficial strategies designed to help Amherst County and Sweet Briar College best meet the needs of the communities they serve, and hopes soon to have the opportunity to consider more specifically the form and nature of those strategies.

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

Adopted this 4th day of August, 2015.



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

ATTEST:


Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 4

Nays 0
2

Abstentions 0



Amherst County Board of Supervisors
County Resolution No. 2015-0002-R

For consideration on August 4, 2015

A resolution, requesting the Virginia Department of Transportation add a street to the secondary system of state highways, pursuant to Virginia Code §33.2-705, and the Department's Subdivision Street Requirements.

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 Board of Supervisors of Amherst County ("Board") hereby requests that the Virginia Department of Transportation ("Department") take a certain subdivision street into the secondary system of state highways, as follows:

WHEREAS, § 33.2-705 of the Code of Virginia provides authority for the Department to add new streets to the secondary system of state highways from time to time as public safety or convenience may require; and

WHEREAS, the street (hereafter, "Street") described on Additions Form AM-4.3, which form is attached hereto and fully incorporated herein, is shown on a plat entitled "Plat Showing Division of the Property of F F Associates, LTD and Blue Ridge Regional Jail Authority, Elon Magisterial District, Amherst County, Virginia," (hereafter "Plat") which Plat was approved by the Amherst County Director of Planning/Zoning on July 10, 2014; and

WHEREAS, the Zoning Administrator has affirmed that this Plat, which is attached hereto and fully incorporated herein, was recorded on, and can be found, as follows:

- "Plat Showing Division of the Property of F F Associates, LTD and Blue Ridge Regional Jail Authority, Elon Magisterial District, Amherst County, Virginia," recorded on October 1, 2014, can be found in Plat Cabinet 3, Slide 3-41 on file at the Circuit Court for the County of Amherst, and at Deed Book 1262, Pages 847-848; and

WHEREAS, fee simple title to the Street vested in the County upon recordation of the plat pursuant to Virginia Code § 15.2-2265; and

WHEREAS, the Area Land Use Engineer for the Department has advised the Board of Supervisors that the Streets meets the requirements established by the Department's Subdivision Street Requirements; and

WHEREAS, the Area Land Use Engineer of the Virginia Department of Transportation recommends that the Street be added to the secondary system of state highways as a no cost rural addition

pursuant to § 33.2-705 of the Code of Virginia and Commonwealth Transportation Board policy, because the Street meets current minimum standards, the condition of the existing hard surface is serviceable, the Street has provided continuous public service since its establishment in 2012 and currently serves the government constructed, public facility Blue Ridge Regional Jail; and

WHEREAS, the Area Land Use Engineer of the Virginia Department of Transportation confirms that no Department funds are required to improve the Street described on the attached additions form AM-4.3 to meet current minimum design or maintenance standards of the Department; and

WHEREAS, the County of Amherst and the Virginia Department of Transportation have entered into an agreement on February 3, 2015 for stormwater detention for Route Number 837, S. Riverview Road serving the Blue Ridge Regional Jail, which applies to this request for addition.

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

That the Board of Supervisors requests that the Virginia Department of Transportation add the Street described on the attached additions form AM-4.3 to the secondary system of state highways, pursuant to § 33.2-705 of the Code of Virginia and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation.

BE IT FURTHER RESOLVED:

That this Board guarantees a clear and unrestricted right of way, as described on the attached form AM-4.3, and any necessary easements for cuts, fills and drainage. and

BE IT FURTHER RESOLVED:

That the Clerk is instructed to send a certified copy of this resolution to the Area Land Use Engineer of the Virginia Department of Transportation.

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

Adopted this 4th day of August, 2015.



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

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 4

Nays 0

Abstentions