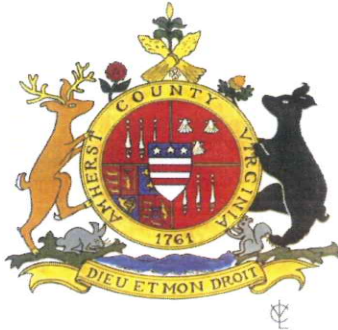


Board of Supervisors

David W. Pugh, Jr., Chairman
District 4
Claudia D. Tucker, Vice-Chair
District 2
Robert M. Curd, Supervisor
District 3
John A. Marks, Jr., Supervisor
District 5
Donald W. Kidd, Supervisor
District 1



County Administrator
Dean C. Rodgers

County Attorney
Ellen Bowyer

AMHERST COUNTY BOARD OF SUPERVISORS
MINUTES
December 15, 2015
7:00 p.m.

AGENDA

DECEMBER 15, 2015
ADMINISTRATION BUILDING - 153 WASHINGTON STREET - SCHOOL BOARD ROOM
7:00 P.M.

- I. Call to Order
- II. Invocation and Pledge of Allegiance
- III. Approval of Agenda
- IV. Citizen Comments
- V. Public Hearing

A. Special Exception Request #2015-09 by Jane Helms in the A-1 Agricultural Residential District to allow a kennel that will include grooming and boarding. The parcel is located at 170 Burford Farm Road and is further identified as tax map number 123-A-45.

B. Ordinance 2015-0014, amending §§ 14-141, 14-144, and 14-151 of the Amherst County Code to remove the status as a convicted felon, the inability to demonstrate financial responsibility, the inability to physically carry on the business, having been adjudicated as incapacitated, and a prior history of having been intoxicated or under the influence of some self-administered drug while upon the licensed premises as a basis for revocation or denial of a business license; to eliminate any requirement for a licensee, in order to retain its license, to take reasonable measures to prevent public property adjacent to the licensed premises from deteriorating; to eliminate the references to the grant of a business license as a privilege; and to make additional technical changes.

VI. Consent Agenda

- A. Minutes – November 5, 2015 and November 17, 2015
- B. FY16 Appropriation of Revenue – Sheriff; Criminal Jurors; Winton Management Fees
- C. Commemorative Resolution 2015-0004-CR, honoring the tenure of Donald W. Kidd, the Supervisor for the First Electoral District, in service to Amherst County
- D. Commemorative Resolution 2015-0005-CR, recognizing the retirement of Hazel Anne Hudson, the Amherst County Building Inspection Permit Technician
- E. Commemorative Resolution 2015-0006-CR, honoring the service of Sheriff Lemuel J. Ayers, III, to Amherst County

F. Commemorative Resolution 2015-0007-CR, honoring the service of Clerk of Court Roy C. Mayo, III, to Amherst County

G. Commemorative Resolution 2015-0008-CR, honoring the tenure of Robert M. Curd, the Supervisor for the Third Electoral District, in service to Amherst County

VII. New Business

A. County Administration – Proposed HR Regulation Change - Donation of Sick Leave

B. County Administration – Waiver of Building Inspection Fees

VIII. Old Business

A. County Administrator – Boards/Commissions/Committees – Interview Christy C. Kreuziger seeking District 3 appointment to the Recreation, Parks and Cultural Development Board.

B. County Administrator – Discussion of Ordinance 2016-0000, adding § 2-11 to Article 1 of Chapter 2 of the Amherst County Code to provide for removal or suspension of a Board appointee from a position on certain County entities, for specified reasons, by majority vote of the Board of Supervisors.

IX. County Administrator Report

A. Boards/Commissions/Committees- Appointment to Library Board of Trustees, District 3 representative

B. Boards/Commissions/Committees - Reappointment to Recreation, Parks and Cultural Development Board, District 4 representative

C. Boards/Commissions/Committees - Appointment to Recreation, Parks and Cultural Development Board, District 1 representative

D. Human Resources – Regulation 4.18 – 4.22

X. Liaison and Committee Reports

XI. Citizen Comments

XII. Matters from Members of the Board of Supervisors

XIII. Adjourn

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 15th day of December, 2015, at 7:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

PRESENT: Chairman David W. Pugh, Jr.
Vice-Chair Claudia D. Tucker
Supervisor Robert M. Curd
Supervisor John A. Marks, Jr.
Supervisor Donald W. Kidd

ABSENT: None

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator / Purchasing Agent David R. Proffitt; County Attorney Ellen Bowyer, and Administrative Executive Assistant Regina Rice Executive.

OTHERS PRESENT: Jeremy Bryant, Director Planning /Zoning; Dan French, Director Amherst County Service Authority

I. Call to Order

Chairman Pugh called the meeting to order at 7:00 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

By motion of Supervisor Marks and with the following vote, the Board amended the December 15, 2015 Agenda striking under New Business Item VII. B. Waiver of Building Inspection Fees and addressing Item VI. B. Commemorative Resolution 2015-0006-CR separately after the approval of the Consent Agenda to allow for a modification to this resolution.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd

NAY: None

ABSENT: None

IV. Citizen Comments

Chairman Pugh opened the Citizen Comments period.

No citizens offered comments at this time.

Chairman Pugh closed the Citizen Comment period.

V. Public Hearing

A. Special Exception Request #2015-09 by Jane Helms in the A-1 Agricultural Residential District to allow a kennel that will include grooming and boarding. The parcel is located at 170 Burford Farm Road and is further identified as tax map number 123-A-45.

Jeremy Bryant, Planning/Zoning Director, presented to the Board his report regarding the request by Jane Helms for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a kennel that will include grooming and boarding. The parcel is located at 170 Burford Farm Road and is further identified as tax map number 123-A-45.

On November 19, 2015 the Planning Commission recommended approval of the request with four (4) conditions that included the hours of operation for customers; that applicant shall contact the Virginia Department of Health to determine if the drainfield is adequate prior to issuance to a zoning permit; that no more than 15 dogs shall be boarded at the facility at any one time; and that all animals will be groomed and boarded indoors only.

Chairman Pugh opened the Public Hearing.

Proponents – none

Opponents – Ms. Brenda Barton of Monroe, Virginia, Monroe, Virginia addressed the Board and stated she was not in favor of this use being carried over to the next owner. If the property is sold, the use will carry over and she is concerned the next owner may not abide by these conditions. Ms. Barton stated that grooming in one thing but boarding is something else and should not be allowed.

Chairman Pugh closed the Public Hearing.

Chairman Pugh asked Mr. Bryant to address the question regarding the use. Mr. Bryant stated that the conditions stay with the use and as long as the use remains in place the

exception runs with the parcel to future owners. The applicant can come back before the Planning Commission and Board to ask for another condition.

By motion of Vice-Chair Tucker and with the following motion, the Board approved Special Exception Request #2015-09 subject to the conditions recommended by the Planning Commission.

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

B. Ordinance 2015-0014, amending §§ 14-141, 14-144, and 14-151 of the Amherst County Code to remove the status as a convicted felon, the inability to demonstrate financial responsibility, the inability to physically carry on the business, having been adjudicated as incapacitated, and a prior history of having been intoxicated or under the influence of some self-administered drug while upon the licensed premises as a basis for revocation or denial of a business license; to eliminate any requirement for a licensee, in order to retain its license, to take reasonable measures to prevent *public* property adjacent to the licensed premises from deteriorating; to eliminate the references to the grant of a business license as a privilege; and to make additional technical changes.

Ellen Bowyer, County Attorney, addressed the Board and stated that the Board in the Spring of 2015 adopted an ordinance that allowed the Commissioner of the Revenue to revoke business licenses on certain enumerated bases.

Ms. Bowyer explained the most concern to the public pertained to the Commissioner of the Revenue revoking or denying a business license of a felon and that has been removed.

Ms. Bowyer stated other concerns were the business owner's inability to demonstrate financial responsibility, the inability to physically carry on the business, having been adjudicated as incapacitated, and a prior history of having been intoxicated or under the influence of some self-administered drug while upon the licensed premises as bases for revocation or denial of a business license.

Ms. Bowyer said the concerns regarding business owners maintaining their premises and applying to activities on public property adjacent to the licensed premises was removed, and any references to a business license as a privilege.

Chairman Pugh opened the Public Hearing.

Proponents:

Mr. Bill Peters addressed the Board regarding paragraph 2 that was objectionable and that the Board has now fine-tuned it. Mr. Peters urged the Board to pass the ordinance and send it to the Commissioner of the Revenue to get the hotel/motel issue corrected.

Ms. Gloria Witt Madison of Madison Heights, Virginia, thanked the Board for listening and acting on it. She appreciated the process that demonstrated the power of democracy and she personally supported the changes.

Mr. Jim Thompson of Madison Heights, Virginia thanked the Board for listening and amending this ordinance. Mr. Thompson said he was thankful for people who stood up and voiced their concerns.

Opponents: None.

Chairman Pugh closed the Public Hearing.

Chairman Pugh thanked the citizens who brought this issue to the Board's attention that addresses some of the problems in Amherst County.

By motion of Vice-Chair Tucker and with the following vote, the Board approved Ordinance 2015-0014, Modifications to Business License Requirements. **(See Attachment 1)**

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

VI. Consent Agenda

- A. Minutes – November 5, 2015 and November 17, 2015
- B. FY16 Appropriation of Revenue – Sheriff; Criminal Jurors; Winton Management Fees
- C. Commemorative Resolution 2015-0004-CR, honoring the tenure of Donald W. Kidd, the Supervisor for the First Electoral District, in service to Amherst County
- D. Commemorative Resolution 2015-0005-CR, recognizing the retirement of Hazel Anne Hudson, the Amherst County Building Inspection Permit Technician
- E. Commemorative Resolution 2015-0006-CR, honoring the service of Sheriff Lemuel J. Ayers, III to Amherst County
- F. Commemorative Resolution 2015-0007-CR, honoring the service of Clerk of Court Roy C. Mayo to Amherst County
- G. Commemorative Resolution 2015-0008-CR, honoring the tenure of Robert M. Curd, the Supervisor for the Third Electoral District, in service to Amherst County

By motion of Chairman Pugh and with the following vote, the Board approved Items A., B., C., D., F. and G. as listed above on the Consent Agenda with Supervisor Marks abstaining from voting on the November 5, 2015 Minutes; and approved the modified language in Commemorative Resolution 2015-0006-CR to read as:

*“**WHEREAS**, Sheriff Ayers established the inmate work force, which allowed jail inmates to work on various County projects on a volunteer basis, thereby giving the inmates the opportunity to earn time off their sentences and affording the County the benefit of their work, ranging from routine trash collection and grass and weed eradication, to beautification of the County Administration Building grounds, which were transformed by the inmates' efforts; and”*

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

VII. New Business

- A. County Administration – Proposed HR Regulation Change - Donation of Sick Leave

Mr. Rodgers addressed the Board with regard to the ACSA's proposal to donate vacation leave to the account of a recent deceased employee. The ACSA Board deferred this issue to the Board of Supervisors.

Mr. Rodgers stated staff recommended no changes to County policy since it was not intended to donate more money to the family.

Mr. Rodgers explained the County does pay for life insurance for employees and the family will receive four times the annual salary for accidental death.

Mr. Rodgers said the Board may allow deviation from County policy for the Service Authority as it is a separate entity.

Chairman Pugh asked Ms. Bowyer several questions regarding the issue of deviating from County policy. Ms. Bowyer explained the Board of Supervisors would have to authorize an exemption of that policy to the Service Authority Board.

Chairman Pugh asked Mr. French to speak to the Board regarding this issue. Mr. French provided several reasons why this should be considered and asked the Board not to deny this request.

By motion of Supervisor Marks and with the following vote, the Board approved allowing the Amherst County Service Authority to deviate from the County vacation and final sick leave settlement policy in honor of Roger Ford, Jr. to the extent the Director has determined proper, as described in his December 3, 2015 e-mail to the County Administrator.

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

~~B. County Administration – Waiver of Building Inspection Fees~~

VIII. Old Business

A. County Administrator – Boards/Commissions/Committees – Interview Christy C. Kreuziger seeking District 3 appointment to the Recreation, Parks and Cultural Development Board.

Chairman Pugh invited Ms. Kreuziger to come forward to begin her interview by the Board.

Chairman Pugh asked Ms. Kreuziger to state her name, address and community involvements in Amherst County. Ms. Kreuziger responded she resides at 282 Throneburg Lane, Madison Heights, Virginia, is a lifelong resident of Amherst County, and has four children who have participated in sports through the Recreation Department and the High School.

Vice-Chair Tucker asked Ms. Kreuziger to share her understanding of the role of the Recreation, Parks and Cultural Development Board in county government and its current activities. Ms. Kreuziger stated she is aware of her attendance of monthly Board meetings and participating and volunteering with the Recreation Department activities.

Supervisor Curd asked Ms. Kreuziger why she wants to serve on the Recreation, Parks and Cultural Development Board. Ms. Kreuziger said there is a need since the current member has moved out of District and she would like to see that the Recreation Board continue to provide community involvement.

Supervisor Marks asked Ms. Kreuziger if she currently maintains any personal, professional or commercial relationships with the County Parks and Recreation staff, program providers or Board members and if she is acquainted with any of the current board members. Ms. Kreuziger stated the current District 1 Board member, Gary Evans has recently moved from Amherst County who is her brother-in-law and she has spoken with him about the position.

Ms. Kreuziger said she knows other Board members and one Board member, Roni Tuggle has taught her children.

Supervisor Kidd asked Ms. Kreuziger to share her thoughts of what is lacking in the County's parks and recreation program and how would she would make improvements. Ms. Kreuziger responded she did not know what needed to be improved, however, is willing to serve and offer her opinions.

By motion of Supervisor Curd and with the following vote, the Board appointed Ms. Kreuziger to fill the unexpired term of Ms. Follett, District 3 representative on the Recreation, Parks and Cultural Development Board.

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

B. County Administrator – Discussion of Ordinance 2016-0000, adding § 2-11 to Article I of Chapter 2 of the Amherst County Code to provide for removal or suspension of a Board appointee from a position on certain County entities, for specified reasons, by majority vote of the Board of Supervisors

Mr. Rodgers explained to the Board this is a new ordinance and specified nine specific boards/committees/commission identified and three different ways people can be removed.

The Board wanted a process written into the ordinance so staff modeled this process after removal of an employee. The Board would conduct a closed session and a final resolution stating the basis for the removal. In a closed session, they may invite the individual to speak to this matter. After a decision is made, a resolution will be passed in open session.

In response to a question presented by Supervisor Marks, Mr. Rodgers confirmed a resolution would be adopted which the individual can accept or respond in writing and the Board would vote on this in open session.

Chairman Pugh questioned how a conflict of interest could be malfeasance and the issue of any debt owed to Amherst County by an individual.

Mr. Rodgers said the Board may decide whether or not to remove that person, however, there are occasions when people do need to be removed. At present, the Board does not have that option.

Vice-Chair Tucker stated it is difficult to get people to serve on a board and she wished to continue this process.

By motion of Vice-Chair Tucker and with the following vote, the Board directed staff to schedule the ordinance for a first read at the January 5, 2016 Board of Supervisors meeting as presented.

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

IX. County Administrator Report

A. Boards/Commissions/Committees – Appointment to Library Board of Trustees, District 3 representative

Mr. Rodgers advised the Board there are two individuals who have submitted their letter of interest and that neither one resides in District 3. Mr. Rodgers asked if the Board wished to waive the district requirement; or interview these two individuals; or re-advertise the vacancy.

Chairman Pugh was in favor of waiving the District 3 residency requirement.

Supervisor Marks suggested advertising in the News & Advance as well as continuing advertising in the New Era Progress and on the County's website.

Supervisor Curd stated it has been difficult getting people to serve on these boards and he is not opposed to waiving that requirement.

Ms. Bowyer advised the Board has the ability to select at-large members and the power to pick; however, we cannot have more than two members coming from the same electoral district.

By motion of Supervisor Curd and with the following vote, the Board directed staff to schedule an interview of Mr. Edward Kryspin and Mr. Samuel DeLaura at the January 5, 2016 Board of Supervisors meeting.

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

B. Boards/Commissions/Committees – Reappointment to Recreation, Parks and Cultural Development Board, District 4 representative

Chairman Pugh stated the Board is being asked to reappoint Jo Jo Allcock, the District 4 representative on the Recreation, Parks and Cultural Development Board.

By motion of Chairman Pugh and with the following vote, the Board reappointed Ms. Jo Jo Allcock District 4 representative to the Recreation, Parks and Cultural Development Board.

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

C. Boards/Commissions/Committees – Appointment to Recreation, Parks and Cultural Development Board, District 1 representative

Chairman Pugh stated the Board is being asked to appoint a District 1 representative on the Recreation, Parks and Cultural Development Board and the Board has received a response from Stevie Angus expressing his interest in serving.

By motion of Supervisor Kidd and with the following vote, the Board appointed Mr. Stevie Angus District 1 representative to the Recreation, Parks and Cultural Development Board.

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

D. Human Resources – Regulation 4.18 – 4.22

Mr. Rodgers presented these regulations to the Board and asked for endorsement.

Mr. Rodgers explained the new material or policy issues included direction to staff regarding Telephone/Personal Communication Devices, Keys and County Property, and Policy Enforcement

Mr. Rodgers stated this is the last chapter of the HR Regulations and will replace the Personnel Policy Manual.

By motion of Chairman Pugh and with the following vote, the Board endorsed Regulation 4.18-4.22 as presented.

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

X. Liaison and Committee Reports

Chairman Pugh explained he is the liaison on the Planning Commission and the cell tower at Elon Elementary and there will be a public hearing on December 17, 2015 regarding this issue and will report back to the Board.

Mr. Rodgers stated he is the representative to the Region 2000 Economic Development Alliance and it voted to merge with the Lynchburg Chamber of Commerce. This will start in January 2016, will not increase our dues and is designed to increase the marketing effort outside our region to get more attention.

XI. Citizen Comments

Chairman Pugh opened Citizen Comments.

Mr. Alan Wood of Madison Heights, Virginia, addressed the Board suggesting advertisement of board vacancies several times in the Lynchburg and Amherst papers to provide more exposure.

Chairman Pugh closed Citizen Comments.

XII. Matters from Members of the Board of Supervisors

Supervisor Kidd reported he received an email from the Commissioner of the Revenue's Office to take action on supplemental income for Jane Irby.

Mr. Rodgers explained he will have this at the next meeting with figures and a recommendation to pay the supplement.

Supervisor Kidd said this was his last meeting as Board of Supervisor and he has been honored to serve the people in Amherst County and is very passionate about the County. Supervisor Kidd stated he hoped his replacement will share that same passion, wished all Merry Christmas and Happy New Year and thanked the staff during his eight years as a supervisor.

Supervisor Marks reported he had no matter to discuss.

Supervisor Curd said it has been an honor to serve the citizens of District 3 as well as the citizens of Amherst County for the last 5-1/2 years. Supervisor Curd expressed his appreciation to fellow board members and wished the best to Mr. Ayers and Mr. Campbell as they take their new seats. Supervisor Curd also expressed his gratitude and appreciation to the staff and employees who do an excellent job handling the day-to-day business and too often are not recognized.

Supervisor Curd thanked the citizens for allowing to him serve and looked forward to serving the County in a different capacity in the future.

Vice-Chair Tucker reported she sent Board members an email today that Senator Garrett had followed up with her regarding the Board's request to extend the FOIA response time from 5 days to 30 days. Senator Garrett informed he has introduced that piece of legislation at 30 days and will need any assistance from the County. Vice-Chair Tucker advised she had conversed with Mr. Rodgers regarding this and also sent that email to Dr. Nichols.

Chairman Pugh advised he had also spoken with Senator Garrett.

Chairman Pugh thanked Supervisor Kidd and Supervisor Curd for their services. Chairman Pugh stated he has learned much from both of them and they have always been there to give him advice. Chairman Pugh thanked both gentlemen for all they have done and it has been a pleasure and honor working with both of them.

Mr. Rodgers informed the Board they are all invited to the staff's holiday party on December 18, 2015 at 12:00p.m.

XIII. Adjourn

By motion of Supervisor Kidd and with the following vote, the Board moved to adjourn.

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



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



Dean C. Rodgers, Clerk



**Amherst County Board of Supervisors
County Ordinance No. 2015-0014**

AN ORDINANCE, NO. 2015-0014

Amending §§ 14-141, 14-144, and 14-151 of the Amherst County Code to remove the status as a convicted felon, the inability to demonstrate financial responsibility, the inability to physically carry on the business, having been adjudicated as incapacitated, and a prior history of having been intoxicated or under the influence of some self-administered drug while upon the licensed premises as a basis for revocation or denial of a business license; to eliminate any requirement for a licensee, in order to retain its license, to take reasonable measures to prevent *public* property adjacent to the licensed premises from deteriorating; to eliminate the references to the grant of a business license as a privilege; and to make additional technical changes.

Approved as to form and legality by the County Attorney

**FIRST READING: Board of Supervisors, December 1, 2015
PUBLIC HEARING: Board of Supervisors, December 15, 2015**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sections 14-141, 14-144, and 14-151 of the Code of the County of Amherst be and hereby are amended, as follows:

Sec. 14-141. - Requirement for license.

- (a) This article imposes a license fee and license taxes upon ~~the privilege of~~ entities doing business or exercising a trade, profession, occupation, vocation, calling or activity in the county, including all phases of the business, trade, profession, occupation, vocation, calling or activity conducted in the county.
- (b) Every person shall apply for a license for each business or profession when engaging in a business or exercising a trade, profession, occupation, vocation, calling or activity in the county if (i) the person has a definite place of business in the county; (ii) there is no definite place of business anywhere and the person resides in the county; or (iii) there is no definite place of business in the county but the person operates amusement machines or is classified as an itinerant merchant, peddler, carnival, circus, contractor subject to Code of Virginia, § 58.1-3715, or public service corporation.
- (c) A separate license shall be required for each definite place of business and for each business. A person engaged in two (2) or more businesses or professions carried on at the same place of business may elect to obtain one (1) license for all such businesses and professions if all of the following

criteria are satisfied: (a) each business or profession is subject to licensure at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of the county; (b) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (c) the taxpayer agrees to supply such information as the commissioner of the revenue may require concerning the nature of the several businesses and their gross receipts.

- (d) Every license issued under this article shall be deemed to confer ~~a personal privilege~~ the right to transact, carry on or conduct the business, profession, trade or occupation which may be the subject of the license, and shall not be exercised except by the persons licensed.
- (e) Every business licensed under this article shall ensure that the permit issued in evidence of licensure is kept in a convenient and conspicuous place, and whenever required to do so shall exhibit the same to any authorized enforcement officer.
- (f) The commissioner may refuse to issue a business license for any of the reasons identified as a basis for revocation of a license under section 14-151.

Sec. 14-144. - Situs of gross receipts.

- (a) Whenever the tax imposed under this article is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the ~~exercise~~ operation of a ~~privilege business~~ subject to licensure at a definite place ~~of business~~ within the county. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one (1) or more definite places of business or offices as follows:
 - (1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of Code of Virginia, § 58.1-3715;
 - (2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two (2) or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the department of taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality;
 - (3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then to the definite place of business at which the rental of such property is managed; and
 - (4) The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then to the definite place of business from which the services are directed or controlled.

- (b) If the licensee has more than one (1) definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to the county solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.
- (c) The commissioner of the revenue may enter into agreements with any other political subdivisions in the commonwealth concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one (1) or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than one hundred (100) percent of its gross receipts from all locations in the affected jurisdictions, the commissioner shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved. If an agreement cannot be reached, either the commissioner or taxpayer may seek an advisory opinion from the department of taxation pursuant to Code of Virginia, § 58.1-3701; notice of the request shall be given to the other party. Notwithstanding the provisions of Code of Virginia, § 58.1-3993, when a taxpayer has demonstrated to a court that two (2) or more political subdivisions of Virginia have assessed taxes on gross receipts that may create a double assessment within the meaning of Code of Virginia, § 58.1-3986, the court shall enter such orders pending resolution of the litigation as may be necessary to ensure that the taxpayer is not required to pay multiple assessments even though it is not then known which assessment is correct and which is erroneous.

Sec. 14-151. - Revocation of business license.

- (a) The County issues business licenses ~~for the privilege of to entities~~ doing business or exercising a trade, profession, occupation, vocation, calling, or activity in the county. The commissioner may ~~withdraw the privilege of~~ restrain an entity from doing business or exercising a trade, profession, occupation, vocation, calling, or activity by declining to issue or revoking a business license if the licensee:
 - (1) Has misrepresented a material fact in applying to the commissioner for a business license;
 - (2) ~~Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States, or knowingly employs in the business conducted under such license, as agent, servant, or employee, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude;~~
 - (3) Is not the legitimate owner of the business conducted under the license, or other persons have ownership interests in the business which have not been disclosed;
 - (4) ~~Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license, or is physically unable to carry on the business conducted under such license or has been adjudicated incapacitated;~~
 - (5) ~~Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;~~

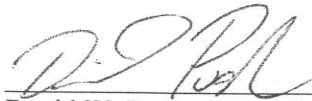
- (63) Has maintained the licensed premises in an unsafe or unsanitary condition such that they do not conform to the county's or the commonwealth's requirements with respect to sanitation, health, construction or equipment;
- (74) Has upon the licensed premises: (i) illegally possessed, distributed, sold or used, or has knowingly allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use ~~marijuana~~, controlled substances, imitation controlled substances, drug paraphernalia or controlled paraphernalia as those terms are defined in Articles 1 and 1.1 (Code of Virginia, § 18.2-247 et seq.) of Chapter 7 of Title 18.2 and the Drug Control Act (Code of Virginia, § 54.1-3400 et seq.); (ii) laundered money in violation of Code of Virginia, § 18.2-246.3; or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (Code of Virginia, § 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (Code of Virginia, § 54.1-3400 et seq.). ~~The provisions of this subdivision shall also apply to any conduct related to the operation of the licensed business which facilitates the commission of any of the offenses set forth herein;~~
- (85) Has failed to take reasonable measures to prevent: (i) the licensed premises; or (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee; ~~or (iii) any portion of public property immediately adjacent to the licensed premises~~ from becoming a place where patrons of the establishment commit criminal violations, and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety; or
- (96) Is delinquent for a period of ninety (90) days or more in the payment of any taxes, or any penalties or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified by the Amherst County treasurer or commissioner ~~treasurer, commissioner of the revenue, or finance director of such locality~~, unless: (i) the outstanding amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by the same locality Amherst County treasurer to settle the outstanding liability.
- (b) Prior to revoking a business license, the commissioner shall give written notice to the taxpayer, detailing the basis for the intended revocation, and giving the taxpayer thirty (30) calendar days to take remedial action to resolve the problem. Upon the taxpayer's failure to take effective remedial action, or upon the occurrence of any failing or ~~other issue~~ event described under subsection (a) of this section, the commissioner may without further notice revoke the license.
- (c) Revocation shall be effective one (1) business day after the date that the commissioner's written notice of revocation is served by the sheriff's office on the taxpayer at his place of business; except that if the taxpayer appeals the revocation, any revocation shall be stayed pending issuance of a final determination on any appeal sought pursuant to subsection (d).
- (d) A taxpayer aggrieved by the commissioner's decision to revoke a license may request the Amherst County Board of Supervisors review the decision, by written application filed with the Amherst County Attorney no later than thirty (30) days from the date of service of process of the commissioner's written notice of revocation. The appeal shall be heard at the next regularly scheduled meeting of the board of supervisors which occurs no earlier than fifteen (15) days after the date of the Amherst County Attorney's receipt of the taxpayer's written application. In reviewing the commissioner's decision, the board of supervisors shall consider evidence and opinions presented by the taxpayer and commissioner. After considering the evidence and opinions, the board of supervisors may affirm, reverse or modify the action by written decision. The board of supervisor's

decision shall be final, subject only to review by the Circuit Court of Amherst County, provided such appeal is filed within thirty (30) days from the date of the written decision.

- (e) A taxpayer may apply for reinstatement of a business license at any time after revocation. However, the commissioner may refuse to reissue a license due to the applicant's failure to remedy the conditions which led to revocation, or for any of the reasons identified in subsection (a) of this section.

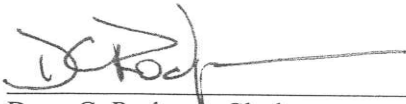
§ 2. That this ordinance shall be in force and effect upon adoption.

Adopted this 15th day of December, 2015.



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

ATTEST:



Dean C. Rodgers, Clerk,
Amherst County Board of Supervisors

Ayes 5

Nays Ø

Abstentions Ø