

**BOOK 32****VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 2<sup>nd</sup> day of December, 2008 at 1:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

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

Chairman Wood called the meeting to order.

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

**IN RE: APPROVAL OF AGENDA**

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

**AGENDA**

**TUESDAY, DECEMBER 2, 2008**  
**ADMINISTRATION BUILDING – 153 WASHINGTON STREET**  
**1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearances and Presentations**
  - a. **Introduction of John Mulvey, Economic Development Director**
  - b. Virginia's Region 2000 Local Government Council – Gary Christie
  - c. Wireless Internet Proposal – Rick Greene
  - d. Noise Ordinance – Decibel Meter Demonstration
- V. Amherst County Public Schools – Dr. Brian Ratliff**
- VI. Citizen Comment**
- VII. Consent Agenda**
  - a. Board of Supervisors Meeting Minutes – November 4<sup>th</sup>, 6<sup>th</sup>, 12<sup>th</sup>, and 18<sup>th</sup>, 2008
  - b. Office of the Sheriff – Monthly Report for October 2008
  - c. Comcast – Paul Comes
  - d. VDOT Traffic Alerts Reports – Nov. 24-28, 2008
- VIII. Department Reports**

**Planning Department**

- a. Zoning Text Amendment Process – J. Bryant and V. Hunt
- b. 2008-31 Family division – J. Bryant
- c. 2008-32 Reserve Drainfield - 20 acres or more – J. Bryant

#### **Recreation Department**

- a. Parks, Recreation Cultural Development Board By-Laws – S. Christian

#### **IX. County Administrator's Report**

- a. Plan for paying for EMT services
- b. Plan for moving departments to church building
- c. Legislative Agenda
- d. Mike Scott's letter to Board regarding property next to Buffalo Air
- e. **Joint Meeting with Planning Commission and Mike Chandler**

#### **X. County Attorney's Report**

- a. Noise Ordinance
- b. Letter from Registrar regarding voting precinct change request of Ms. Jean T. Burley

#### **XI. Matters from Members of the Board of Supervisors**

#### **XII. Appropriations/Transfers/Disbursements**

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

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

- a. Personnel issue

§2.2-3711.A.7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation which has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

- a. Janetatos Suit
- b. Learning Lane

#### **XIV. Adjourn**

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

**IN RE: INTRODUCTION OF MR. JOHN MULVEY**

The County Administrator introduced Mr. John Mulvey newly hired County Economic Development Director and presented the following press release.

PRESS RELEASE  
December 2, 2008  
FOR IMMEDIATE RELEASE

Contact Information: Rodney Taylor 946-9305  
Vernon Wood 946-7984  
John Mulvey 946-9390

The Amherst County Board of Supervisors and County Administrator Rodney Taylor are pleased to announce the hiring of John J. Mulvey as Economic Development Director. Mr. Mulvey is a Certified Economic Development Director and has previously served as Economic Development Director for Washington County, North Carolina, Executive Director of the Alleghany Highlands Economic Development Corporation and Executive Director of the Franklin/Southampton Economic Development Corporation.

Vernon Wood, Chairman of the Amherst County Board of Supervisors, said, "We are very fortunate to have someone with John's background and experiences join our team in Amherst. The Board of Supervisors has stated that one of the primary goals is to attract new businesses, including restaurants and hotels, to the County and I am sure that John is the right man to make that goal a reality."

Mr. Mulvey is a graduate of Old Dominion University and also has experience as a Public Information Officer and in banking. He has moved to the County and began his duties on December 1.

John Mulvey, "I am excited to be in Amherst County and am ready to roll up my sleeves and get to work. I am looking forward to becoming an integral part of the community."

County Administrator Rodney Taylor said, "With the opening of the CVCC Center later this month, the opening of the CMC Rebar facility and Englander Stove in the Amelon Commerce Center we have enjoyed much success this year. Amherst County is uniquely situated to attract new commercial and light manufacturing facilities and I am confident that John will keep the momentum we have going."

**IN RE: VIRGINIA'S REGION 2000 LOCAL GOVERNMENT COUNCIL – GARY CHRISTIE**

Scott Smith, representative for Virginia Region 2000 Local Government Council, Director Gary Christie, met with the Board and presented a request for authorization to apply for a Regional Comprehensive Economic Development Strategy Grant (as follows) and for the County to commit to matching funds up to \$7,000.

(From minutes of the October 8, 2008 Economic Development Authority of Amherst County, Virginia  
IN RE: REGION 2000 PROPOSAL FOR GRANT APPLICATION FOR REGIONAL COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

Mr. G. Christie outlined the Federal EDA guidelines and the purposes of the grant application and requested that Amherst County commit to \$7,000 toward the matching requirement for the grant, which would be paid in the 2009-10 fiscal year. After discussion on motion of Mr. W. Teates, seconded by Mr. M. Russell, the EDA adopted a resolution recommending that the Board of Supervisors of Amherst County join in the regional application and commit to pay \$7,000. Mr. R. Taylor said he would place it on the agenda of an upcoming Supervisors meeting and invite Mr. G. Christie to attend.)

On motion of Mr. Vandall and with the following vote, the Board of Supervisors authorized application for grant funding as requested and to appropriate up to \$7,000 from unobligated general fund balance to cover matching fund requirements in the event of grant award.

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

**IN RE: WIRELESS INTERNET PROPOSAL – RICK GREENE**

Rick Greene of Wireless Data Inc. met with the Board and provided a power point presentation and feasibility report for the proposed development of a wireless internet system within the County.

Mr. Greene stated that development of a wireless internet system for the County is feasible.

There was Board discussion and questions.

A Band Project survey report was provided to the Board.

**IN RE: NOISE ORDINANCE – DECIBEL METER DEMONSTRATION**

The Board moved outside for a sound decibel measurement demonstration as information for consideration in a proposed County noise ordinance development. Devices tested were: weed eater, chain saw, lawn mower, farm tractor and car stereo.

**IN RE: SCHOOL BOARD**

Dr. Brian Ratliff, School Superintendent, met with the Board and provided a status report of current school activities and reviewed agenda for the upcoming legislative meeting.

**IN RE: CITIZEN COMMENTS**

Martha Bryant provided update on proposals for changes to the CVTC and requested the Board's support for maintaining centralized hospital care.

**IN RE: NOVEMBER MINUTES**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the minutes of November 4<sup>th</sup>, 6<sup>th</sup>, 12<sup>th</sup>, and 18<sup>th</sup>, 2008.

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

**IN RE: ZONING TEXT AMENDMENT PROCESS – J. BRYANT AND V. HUNT**

Jeremy Bryant, Planning Director and Vaden Hunt, the County Attorney, presented a report consisting of two options for amending the County's zoning text amendment process.

There was a Board discussion and consensus to direct Mr. Bryant to proceed with development of Option "B" with specified changes.

**IN RE: 2008-31 FAMILY DIVISION**

This request is a zoning text amendment to modify the family division portion of the subdivision ordinance. The proposed ordinance will accomplish a number of objectives: 1) bring portions of the ordinance into compliance with state code requirements, 2) help prevent the family division ordinance to be used as a method to circumvent the subdivision ordinance, 3) increase the standards and regulations that apply to family divisions.

Dan French provided comments for consideration.

There was Board discussion and consensus to direct staff to make corrections to the draft and provide to them at a later meeting for consideration.

*1207.01. Family divisions.*

**(A) A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner. Only one (1) such division is to be allowed per family member, and shall not be for the purpose of circumventing this subsection. For the purposes of this subsection a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, grandchild, grandparent, sister or brother or parent of the owner. Such a division shall be called a family division. The applicant shall submit three (3) copies of said family division plat to the planning department for review and approval. Within sixty (60) days of official submission, the plat shall be approved or disapproved by the zoning administrator or planning director. The applicant shall be responsible for recording the plat in the office of the Clerk of the Circuit Court within six (6) months of approval or it will become invalid. The family division plat shall clearly show the following information:**

1. Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a certificate signed by him or her setting forth the source of title of the owner (s) of the land(s) involved in the family division and the place of record of the last instrument(s) in the chain of title;
2. Date of plat;
3. Scale;
4. North arrow;
5. Adjoining property owners;
6. Bearings and distances of all lines surveyed as part of the family division;
7. Name and signature of owner(s) notarized;
8. Acreage of conveyed property;
9. The acreage and frontage width of the remainder or a statement certifying the surveyor's knowledge that the remainder of the property meets the minimum acreage and frontage width requirements;
10. Tax map section, block and lot number;
11. Plat clearly labeled FAMILY DIVISION by the surveyor;
12. Name(s) of family member grantee;
13. Sufficient dedicated ~~right of way~~ **easement** to meet the standards of the Virginia Department of Transportation when a lot fronts on a state maintained road;
14. Signature block for county official;
15. ~~Right of Way width. Lots less than five (5) acres shall have a right of way between ten (10) and twenty (20) feet.~~ **All family subdivisions not fronting on a public road shall provide for the conveyance of a right of way twenty feet in width;**
16. **Location of onsite drainfield and reserve drainfield on both the new lot created and the residue, based upon an analysis by a Virginia authorized onsite soil evaluator for compliance with State law and all Amherst County ordinances regarding onsite waste water systems; and**
17. **If the property is located within a Watershed Overlay District, all requirements applicable to the subdivision of land therein must be met.**

**(B) A family division is permitted for a sale or gift to a member of the immediate family of the property owner, subject only to the express requirements contained in the Code of Virginia (1950), as amended, and the following provisions:**

1. **No previous transfer from the same source tract under this provision has been granted to the grantee in Amherst County;**
2. **The grantee is at least eighteen (18) years of age and able to hold title to real estate under Virginia law;**
3. **Lots or parcels created through a family subdivision shall be titled in the name of the original recipient for whom the subdivision is made for a period of not less than five (5) years. Upon application, the Director of Planning may grant relief to this five-year retention period in cases of severe hardship including foreclosure, death, judicial sale,**

condemnation, bankruptcy or permanent relocation by the owner out-of-state. Additionally, the Director of Planning may approve the transfer of property between eligible family members as defined in § 1207.01 (A) "definition of family member" within the five-year retention period. Any such relief granted by the director shall be in the form of an instrument that the applicant shall record against the parcel in the land records of the circuit court.

4. All proposed plats for family subdivision shall include an affidavit which shall be signed by the grantor and grantee under oath and penalty of perjury that identifies the subdivision as receiving family members and their relationship to the grantor.

(C) In the event the Director of Planning or Zoning Administrator determines that a family division has been used to circumvent the Subdivision Ordinance, he shall initiate the vacation of all or part of the plat or plats of the original lot or parcel to the extent necessary to correct the violation.

(D) The approved family subdivision plat shall be recorded in the office of the Clerk of the Circuit Court within six (6) months.

(E) Family subdivisions that do not comply with these requirements shall be presumed to have intended at the time of approval to circumvent this chapter and shall be deemed to be in violation and may result in one or more of the following:

1. Any action specified in Article X of the Zoning Ordinance, including but not limited to civil remedy and relief and criminal penalties and fines;
2. Vacation of the subdivision;
3. Refusal of building permits and other development permits.

#### **IN RE: 2008-32 RESERVE DRAINFIELD - 20 ACRES OR MORE**

This request is a zoning text amendment that would not require soil work (i.e. primary and reserve drainfield) on a residue lot that is greater or equal to twenty (20) acres. Currently, the ordinance requires that a primary and one hundred (100) percent reserve drainfield be certified on all lots in a subdivision, including residue lots (the remaining portion). The proposed ordinance will only require a primary and one hundred (100) percent reserve drainfield on residue lots that are less than twenty (20) acres.

There was a Board discussion and consensus to direct the Planning Commission to review and provide input for their consideration at a later meeting on the following section:

. *Preparation of preliminary plat.*

*1203.01. Preliminary plat requirements.* The preliminary plat shall be legibly drawn in accordance with the following requirements:

1. One (1) or more sheets may be used, each to be numbered as "page (number) of (total number of pages)"; if two (2) or more sheets are used, each sheet shall show the name of the subdivision and match lines shall be provided to indicate where sheets join.
2. The scale shall not be less than one (1) inch equals one hundred (100) feet. The zoning administrator or planning director may accept a scale which is sufficient to clearly show all required details on the plat.
3. Where the complete plat cannot be shown on one sheet, an index map shall be provided on a separate sheet at a reduced scale.

*1203.02. Preliminary plat information.* The preliminary plat shall include the following information:

1. Date of plat and name of surveyor preparing it, shown on each sheet;
2. Scale and north meridian, designated "true" or "Magnetic" and oriented to the top of each sheet, where practical;
3. The name and signature of the owner, shown on the first sheet;
4. Sources of data used in preparing the plat, including the deed book and page number of the last instrument in the chain of title;

5. Location, lengths, and bearings of lines of the proposed subdivision, with names of all adjoining property owners and the location of each of their common boundaries including established streets and waterways; and adjoining streets with their names;
6. All pertinent natural and historical features and landmarks; including existing and finished contour lines as needed for review of drainage and sewer facilities, and including watercourses, marshes, lakes, impoundments, and areas of significant vegetation;
7. All subdivisions, jurisdiction boundary lines, streets, alleys, or other public ways; and other landmarks, if any, within two thousand (2000) feet of the proposed subdivision shown on an insert on the first sheet at a scale no smaller than six hundred (600) feet to one inch;
8. Total acreage of the proposed subdivision and the acreage remaining in the original tract, if any;
9. The location of existing buildings in and within one hundred (100) feet of the subdivision, and the location and description of all existing markers;
10. The proposed locations, widths, and names of all streets and alleys;
11. Proposed lot lines with proposed dimensions, building lines and easements, and the proposed use of each lot and other areas, including significant natural features, and those areas to be used for parking, open space, recreation, commercial purposes, or public or governmental use, and existing and proposed utility installations;
12. Proposed lot numbers and block letters;
13. If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be shown and identified on the index map;
14. A map showing the location of the proposed subdivision with respect to any designated flood plain district, including information, but not limited to, the one hundred (100) year flood elevations, boundaries of the flood plain districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions;
15. Indicate current zoning of the parcel of land to be subdivided as provided herein.
16. All special platting requirements of Section 710 must be shown for those portions of the property located within any Primary or Secondary Watershed District. This information shall include tributary buffer strips, drain field and reserve drain field spaces, reservoir setbacks, reservoir setback restriction statements, minimum septic tank maintenance standards and storm water management facilities;
17. Name and signature of any owners of property over which a right-of-way traverses with is intended to provide required access to the subdivision. The signature block shall include the following statement: "The owners understand and accept the prescribed right-of-way on their property as a means of access to a subdivision of property. It is understood and accepted that maintenance of the access road will take place within the right-of-way."
18. **All lots shall have a primary and one hundred (100) percent reserve drainfield unless the lot is being served by public sewer or is a residue (the remaining portion) lot greater than or equal to twenty (20) acres. For residue lots twenty (20) acres or greater the following statement shall be clearly noted on the plat for this lot. *"The approval of this residue lot by the County of Amherst does not certify or guarantee the owner or purchaser the presence of adequate soils to support an on-site wastewater treatment system for any development as no demonstration has been made by the developer/subdivider of the same"*.**
19. All private waste disposal systems including their reserve areas be located on the same property as the building site that the private waste disposal system benefits. Mass drain fields may not be subject to this proposal.
20. When private on-site wastewater systems other than mass drain fields approved by the Amherst County Health Department are utilized:
  1. Each system approved after October 17, 2006 shall have another on-site wastewater system area reserved for use in the event of failure of the initial on-site wastewater system;
  2. In all zones, the reserve on-site wastewater system area shall be sufficient to accommodate a minimum of one hundred (100) percent of the capacity of the initial on-site wastewater system;
  3. The location of all on-site wastewater system areas and reserve areas shall be shown on the plat of the subdivision and if pretreatment is proposed for the on-site wastewater system, such proposal must be clearly stated on the plat.

4. All plats of subdivision and site plans shall contain the following: The Virginia Department of Health advises that septic tanks be pumped every three (3) to five (5) years to maximize the life of the on-site wastewater system area.

Written 11/6/08

**IN RE: PARKS, RECREATION CULTURAL DEVELOPMENT BOARD BY-LAWS – S. CHRISTIAN**

Sara Lu Christian, Recreation Director presented the proposed By-law changes for the Parks, Recreation and Cultural Development Board.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the revised Park, Recreation and Cultural Development Board By laws as follows:

**ARTICLE I: NAME**

The name of this Board is the AMHERST COUNTY PARKS, RECREATION AND CULTURAL DEVELOPMENT BOARD. The Amherst County Parks, Recreation and Cultural Development Board was created under the authority of Section 15.1-271, 272 of the Code of Virginia 1950 as amended, by the Board of Supervisors of Amherst County on Monday, the 5<sup>th</sup> day of November, 1984.

**ARTICLE 2: OBJECTIVES**

- 2.1 The Parks, Recreation and Cultural Development Board shall prepare and submit to the Board of Supervisors the annual budget of the Recreation Department for approval or modification.
- 2.2 The Parks, Recreation and Cultural Development Board shall report at least annually to the Board of Supervisors the status of recreation in the County.
- 2.3 The Parks, Recreation and Cultural Development Board shall prepare and annually update long range recreation needs of Amherst County.
- 2.4 The Parks, Recreation and Cultural Development Board shall have the authority of employee selection and/or discharge.
- 2.5 The director who shall be selected by the Parks, Recreation and Development Board shall carry out the policies established by the Parks, Recreation and Cultural Development Board.
- 2.6 The Parks, Recreation and Cultural Development Board shall have the authority to set the salaries of its employees and may choose to follow salary scales as may be set by the County.
- 2.7 The Parks, Recreation and Cultural Development Board shall approve the payment of bills for the Recreation Department.

**ARTICLE 3: MEMBERSHIP**

- 3.1 The Parks, Recreation and Cultural Development Board SHALL consist of five (5) members, one from each election district and they shall be appointed by the board of supervisors.
- 3.2 The term of office shall be five (5) years. The terms shall be staggered so that only one office shall expire each year.
- 3.3 Each member shall serve no more than ~~two (2)~~ three (3) consecutive terms.
- 3.4 Each member of the Parks, Recreation and Cultural Development Board shall be a resident of Amherst County.
- 3.5 Appointment for vacancies occurring otherwise than by expiration of term shall in all cases for the unexpired term.



- 3.6 A member whose term expires shall continue to serve until his or her successor is appointed.
- 3.7 Each member shall take an oath of office.
- 3.8 After three (3) consecutive absences from regularly scheduled board meetings, a member can be removed from office.

#### ARTICLE 4: OFFICERS AND ELECTIONS

- 4.1 The Parks, Recreation and Cultural Development Board shall elect at its stated January meeting a Chairman, Vice Chairman and Secretary for that calendar year.
- 4.2 Officers shall assume their duties following the close of the January stated meeting and serve for the term of one year.
- 4.3 Officers shall not be eligible to serve more than two (2) consecutive terms in the same office.
- 4.4 The Chairman shall preside at all meetings at which he is present, shall perform such other duties as may be prescribed in these by-laws or assigned to him by the Parks, Recreation and Cultural Development Board.
- 4.5 The Vice-Chairman shall act as aide to the Chairman and shall in their designated order perform the duties of the Chairman in the absence or disability of that officer to act.
- 4.6 The Secretary shall record the minutes of all meetings and have minutes read for approval at the next stated meeting of the Board.

#### ARTICLE 5: COMMITTEES

- 5.1 The Parks, Recreation and Cultural Development Board shall create such committees as it deems necessary to promote the objectives and carry out the work of the Board.
- 5.2 Committee members shall be appointed by the Parks, Recreation and Cultural Development Board.
- 5.3 The Parks, Recreation and Cultural Development Board may dissolve such committees as it deems necessary.
- 5.4 The Chairman shall be a member ex-officio of all committees.

#### ARTICLE 6: MEETINGS

- 6.1 The Parks, Recreation and Cultural Development Board shall meet on the 2<sup>nd</sup> Monday of each month at 7:30 P.M.
- 6.2 The Chairman may cancel the regular meeting due to inclement weather. The Chairman will inform members of the Board of this decision.
- 6.3 The Chairman and Board members will set a new date for any cancelled meeting. The public shall be made aware of the new meeting date.
- 6.4 The Chairman and Board members may call special meetings as they deem necessary to carry out the work of the Board. The public shall be informed of these meetings.
- 6.5 All meetings shall be open to the public and shall be governed by the Virginia Freedom of Information Act. Closed meetings may be held as outlined in Section 2.1 of the Virginia State Code 1950 as amended.

- 6.6 No meeting of the Parks, Recreation and Cultural Development Board shall be called unless all members of the Board have been informed of such meeting.
- 6.7 A quorum shall consist of three (3) members.

#### ARTICLE 7: AMENDMENT PROCEDURES

- 7.1 These by-laws may be amended at any regular meeting of the Board provided the notice of the proposed amendment shall have been at the previous meeting and the amendment shall be subject to approval of the Board of Supervisors.
- 7.2 Any amendments take effect on notice of approval by the Board of Supervisors.
- 7.3 Amendments may be passed by a majority vote of members present provided there is a quorum present.

#### ARTICLE 8: PARLIAMENTARY AUTHORITY

- 8.1 ROBERTS RULES OF ORDER shall govern this Board in all cases in which they are applicable and in which they are not in conflict with these by laws.

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

NAY: None

#### **IN RE: PLAN FOR PAYING FOR EMT SERVICES**

The County Administrator presented proposed funding options for new public safety positions.

There was a Board discussion and consensus to direct the County Administrator to proceed with the following funding plan:

DESCRIPTION	BUDGET LINE	COST
Estimate cost for 6 months of staffing	032070-1007	\$60,000.00
Savings with January 15 implementation		\$ 5,000.00
Revenue from new rate structure		\$15,000.00
Additional PILT payment	031010-0102	\$28,791.00
Transfer from Local Support to the Commonwealth	092010	\$9,397.00
Transfer from Legal Assistant Position	012170-1002	\$1,812.00
Total		\$60,000.00

#### **IN RE: PLAN FOR MOVING DEPARTMENTS TO CHURCH BUILDING**

The County Administrator proceeded to present the following optional plans for moving county offices to the church building.

#### **SPACE NEEDS AND HIRING OPTIONS**

#### **COUNTY ATTORNEY, ECONOMIC DEVELOPMENT DIRECTOR, HUMAN RESOURCES POSITION AND ADMINISTRATIVE ASSISTANT**

##### **Option 1**

Move County Attorney, Economic Development Director to former Amherst Baptist Church building and include office space for the new Human Resources employee and for an administrative assistant that

would report to the County Attorney but be available to assist the Economic Development Director and Human Resources employee if needed.

The salaries and benefits for both new positions were included in the current budget. The administrative assistant position for the County Attorney was a commitment from the Board and, based on the work load and on ensuring that we are making the most effective use of the County Attorney's time, is a position that is needed. The Human Resource position has been repeatedly identified as the most crucial staff need and filling the position was one of the goals established by the Board.

The cost for outfitting the offices, including furniture and equipment, is \$28,608 and would come from the bond proceeds. It is anticipated that these offices would be utilized for 18 to 24 months until one of the space needs options under consideration is approved and implemented. Following the completion of the new or renovated space for the Planning and Zoning office, Building Inspections and Environmental Health the four positions would move back into the Administration Building. This would conform with the original space needs study which anticipated that the long term plan for offices in the Administration Building would be the Accounting Department, IT Department, County Administrator, Deputy County Administrator / Purchasing, County Attorney, Economic Development Director and Human Resources position. The County has frequent needs for additional office space on a short term basis (Board of Assessors and Board of Equalization for example). The offices in the church would be utilized in the future for these needs.

### **Option 2**

The County is continuing to explore options to address space needs identified for County departments and the HVAC issues in the Goodwin Street building. A report on one of the options being considered by the Board will be presented on January 6 in closed session. Following receipt of this report the Board should have all of the information necessary to consider the options available and may wish to schedule a special workshop to make a decision.

The Board could delay the hiring process for the Human Resources position and the administrative assistant until the overall plan is approved. The County Attorney and Economic Development Director would remain in the current offices.

### **Option 3**

The County is continuing to explore options to address space needs identified for County departments and the HVAC issues in the Goodwin Street building. A report on one of the options being considered by the Board will be presented on January 6 in closed session. Following receipt of this report the Board should have all of the information necessary to consider the options available and may wish to schedule a special workshop to make a decision.

The Board could delay the hiring process for the administrative assistant and advertise for a human resources consultant to review the current hiring procedures, employee evaluation process, record keeping and other pertinent policies and procedures. The consultant would serve as a resource on personnel issues and make recommendations on the establishment of the human resources position. The consultant would not have an office in the Administration Building but would have access to the conference room as needed.

If the Board selects Option 3 it should be made clear that there is still a commitment to provide the necessary administrative assistant position for the County Attorney and Economic Development Director when office space is available.

There was a Board discussion and consensus to direct staff to investigate process for hiring an HR consultant and report to them.

### **IN RE: LEGISLATIVE AGENDA**

The County Administrator presented the final draft of the County's legislative agenda to be presented to state legislative representatives.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following legislative agenda and resolution for 2009:

**AMHERST COUNTY  
LEGISLATIVE AGENDA 2009**

**Education:**

Amherst County supports full state funding for public education (including the SOQ, targeted incentive program, capital and maintenance support, and teacher salaries).

**Transportation:**

We understand the current budgetary pressures faced by the General Assembly. We also believe that the current financial problems should not be addressed in a manner that impairs the future performance of important Commonwealth agencies. We request that our legislative delegation ensure that the VDOT Amherst Residency Office will not be closed and will continue to have sufficient resources to provide adequate services to the citizens of Amherst County.

We support the establishment of Amtrak's enhanced Lynchburg to Washington, DC passenger train service and view this as an important first step in the creation of the Trans Dominion Express. We strongly support the inclusion of a stop at or near Sweet Briar College for the convenience of students, fellows at the Virginia Center for the Creative Arts and area residents.

We support the Route 29 Corridor Study with an emphasis on finding solutions to those sections with the greatest congestion. A solution to the North - South movement of traffic and goods is essential to the economic viability of Amherst County and other localities along this important corridor.

**CVTC:**

We understand that the issues regarding resident care are complex. We have previously stated that our concerns are first for the care and safety of the residents. We have also expressed our concern that the opinions of the families and friends group be respected in planning for the future of the facility. CVTC is one of the region's largest employers. Many of those employed at CVTC have dedicated their lives to the care of our society's most vulnerable citizens. We ask that employees play an integral role in the discussions of the future of the facility. We insist that the \$43 million appropriated by the General Assembly for CVTC be spent at CVTC to address the critical life/safety issues on the campus. Diversion of these funds from the expressed purpose of the appropriation will mean that residents must continue to live in facilities that do not meet life/safety standards. Finally, we request that the County be included in all discussions and consulted prior to any decisions regarding the dispensation of buildings and property which will not be part of the future facility.

**Budget Issues:**

The Amherst County Board of Supervisors understands the difficult budgetary conditions created by the current economic situation. We ask that you, our representatives, carefully examine all spending to ensure that the financial burden for programs initiated by the legislature are not passed onto localities.

The Amherst County Board of Supervisors strongly objects to Item 475.20, Chapter 879 of the 2008 Acts of Assembly which required a \$50 million reduction in state aid to local governments in both FY 2009 and FY 2010. The majority of the cuts were to law enforcement and public safety. The cost to Amherst County to ensure that these critical agencies received adequate funding was \$190,603 in FY 09 and will be \$190,739 in FY 10. While the intent may have been to give localities some flexibility in addressing the cuts the reality was a cumbersome process of compiling a list of cuts and forcing localities to write a check to the Commonwealth so the Commonwealth could distribute the funds back to the localities. We

request that the process be examined and that local governments be given a voice in how the process is administered.

**RESOLUTION ESTABLISHING THE AMHERST COUNTY LEGISLATIVE PRIORITIES FOR THE 2009  
SESSION OF THE VIRGINIA GENERAL ASSEMBLY**

**WHEREAS**, the Virginia General Assembly considers a great number of serious issues, which have direct or indirect consequences for local governments throughout the Commonwealth; and,

**WHEREAS**, the Board of Supervisors of Amherst County has an interest in all issues affecting local governments, but also an acute interest in matters directly affecting Amherst County and its citizens and businesses; and,

**WHEREAS**, such interests should necessarily be shared with Amherst County's General Assembly delegation so that it may understand, articulate, and support the County's position on these important issues.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Amherst County establishes and endorses the attached legislative priorities for the 2009 Virginia General Assembly session and directs that both this Resolution and the legislative priorities be forwarded to Amherst County's General Assembly Delegation and further directs the County Administrator and his staff to work with and assist the Delegation as may be appropriate.

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

NAY: None

**IN RE: MIKE SCOTT'S LETTER TO BOARD REGARDING PROPERTY NEXT TO BUFFALO AIR**

The County Administrator presented a request from Mike Scott for tax relief on his landlocked property bounded by Route 29, Route 60, Buffalo Air and Norfolk Southern (tax map 96A4-A-122).

There was a Board discussion and consensus to direct the County Administrator to forward the following letter to Mr. Scott.

December 2, 2008

J. Michael Scott  
P O Box 207  
Amherst, Va. 24521

RE: Parcel 96-A-4-A-122

Dear Mr. Scott:

Thank you for bringing your concerns regarding the parcel of land you own in Amherst County that is shown on the tax maps as 96-A-4-A-122 to the attention of the Board of Supervisors. The parcel is bounded by Route 29 to the west, the approach ramp to Route 29 to the south, Norfolk Southern Railroad to the east and Buffalo Air Handling Company to the North.

I understand your concerns regarding the ability to utilize the property and recognize that the only potential means of access is through the Buffalo Air property. The County has contacted Buffalo Air through our Economic Development Department to make them aware of your desire to have access to the property or possibly sell the property to them. We will continue to make them aware of your interest when opportunities arise but any transaction between you and Buffalo Air would be a private matter and may best be facilitated by personal contact by you with Buffalo Air.

I will forward the contact information we have for Buffalo Air to you and keep you informed of any future contacts we have with them regarding the property.

Sincerely;

Rodney E. Taylor  
County Administrator

**IN RE: JOINT MEETING WITH PLANNING COMMISSION AND MIKE CHANDLER**

The County Administrator presented proposed meeting dates to hear Mike Chandler's report on the County's Comprehensive Plan/Zoning Ordinance.

There was a Board discussion and consensus to direct the County Administrator to set the meeting date for 4:00 or 5:00 p.m. on Monday, December 22, 2008.

Bill Peters provided comments to the Board regarding Chandler's presentation.

**IN RE: LETTER FROM REGISTRAR REGARDING VOTING PRECINCT CHANGE REQUEST OF MS. JEAN T. BURLEY**

The County Attorney provided a report on a request by county resident Jean Burley to have her voting district moved as well as the letter from the County Registrar, Gary Beasley. Mr. Beasley advised not to change the citizen's voting precinct as requested.

There was a Board discussion and consensus to take no action on the request.

**IN RE: NOISE ORDINANCE**

The County Attorney provided a proposed county noise ordinance for their consideration, as well as decibel testing performed earlier in the meeting. Purposes for consideration of the ordinance were provided by the County Attorney.

Captain Mike Robinson of the Sheriff's Department was present to provide information from a law enforcement perspective.

A county citizen provided recording of barking dogs that was heard from within his house.

There was a Board consensus to direct the County Attorney to establish a working group to include the Sheriff's Department, Animal Control and County Attorney to discuss solutions for ordinance development to control barking dog nuisances, as well as other noise problems unique to specific areas of the County.

**IN RE: MATTERS FROM THE BOARD OF SUPERVISORS**

Vernon Wood – Stated that the Board needs to consider a 0% increase budget for the 2009-10 fiscal year, as national and local economic conditions are currently in recession.

Ray Vandall – Requested specific local funding provided to constitutional offices.

Don Kidd – Informed the Board of complaints by adjacent property owners to the Amelon Industrial Park (Englander Stove) regarding lighting that is a nuisance to her property. The County Administrator provided video data provided by a consultant. There was a consensus to direct the new County Economic Development Director to investigate this issue and provide them with recommendation solutions.

Don Kidd – informed staff that there is a heating problem in Goodwin Street Building. He requested input on janitorial issues in Social Services and Commissioner of Revenue.

Chris Adams – informed the Board that there is a local group represented by Margaret Morton whose purpose is to transport indigent persons with medical needs and has requested that the County contribute. There was a Board consensus to add this item to the next regular Board agenda.

#### **IN RE: APPROPRIATIONS/TRANFERS**

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the following appropriations and transfers:

**a. APPROPRIATIONS**

Treasurer's Office

12130	5201	Postage Expense	\$3,500.00
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**b. TRANSFERS**

Public Safety

Transfer from

35050	7001	Equipment	\$ 200.00
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Transfer to

35050	5801	Dues & Memberships	\$ 200.00
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AYE: Mr. V. Wood, Mr. L. Parrish, Mr. D. Kidd, Mr. C. Adams and Mr. R. Vandall

NAY: NONE

#### **IN RE: CLOSED SESSION**

Mr. Adams moved to go to closed session to discuss a (1) personnel matter and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to § 2.2-3711.A.1, and 7 of the Virginia Code Section.

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

§2.2-3711.A.7 – Briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

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

NAY: None

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

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

NAY: None

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

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

#### CERTIFICATION OF CLOSED MEETING

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

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

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

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

#### **IN RE: ADJOURN**

On motion of Mr. Adams, seconded by Mr. Wood and with the following vote, the Board of Supervisors moved to adjourn until 11:30 a.m., December 3, 2008 at the Amherst Education Center Building.

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

NAY: None

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Vernon L. Wood, Chairman  
Amherst County Board of Supervisors

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Rodney E. Taylor, County Administrator