

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 20th day of January, 2009 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

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

PRESENT:	Mr. L. Parrish Mr. D. Hedrick Mr. R. Fener Ms. B. Jones Mr. M. Heishman Mr. L. Irvin Ms. C. Tucker	ABSENT: None
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Chairman Parrish called meeting to order.

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

IN RE: AGENDA

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the following agenda with the addition of X. County Administrator's Report e. Winter 2009 Newsletter and XIV. Closed Meeting A-1 b. Personnel Issue:

AGENDA

**TUESDAY, JANUARY 20, 2009
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
7:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Public Hearing**
 - a. Public Hearing - 2008-29 - Marvin Crunkleton
- V. Public Hearing**
 - a. Amelon Industrial Park – Transfer of property to Quality Archery Designs, Inc.
- VI. Special Appearances and Presentations**

- a. Economic Development Department – William E. Robertson

VII. Citizen Comments

VIII. Consent Agenda

- a. Building Safety and Inspections Monthly Report – December 2008
- b. Financial Statement as of November 30, 2008
- c. Calendar Items – Winter 2009
- d. Department of Historic Resources - Clifford – New Glasgow Historic District
- e. Dept. of Environmental Quality - Draft Virginia Water Protection Permit Number 08-0619
- f. Department of Transportation – Revenue Sharing Program
- g. City of Roanoke Office of the City Clerk – Resolution to include City of Roanoke as “Virginia’s Rail Heritage Region”
- h. VDOT – Traffic Alerts – Bridge inspections

IX. Department Reports

Planning & Zoning Department

- a. Separation of Joint Public Hearings

Solid Waste Department

- a. AEP Easement Request

Accounting Department

- a. Budget Work Session Calendars

X. County Administrator’s Report

- a. Letter in support for the Commonwealth Center for Children and Adolescents
- b. Budget Issues
- c. Building Options
- d. RMDI Funds
- e. **Winter 2009 Newsletter**

XI County Attorney’s Report

- a. Noise Ordinance Roundtable Discussion Summary

XII. Matters from Members of the Board of Supervisors

XIII. Appropriations/Transfers/Disbursements

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

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

- a. Personnel Issue

b. 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 Settlement
- b. Notice of Termination of Agreement of Purchase and Sale (Real Estate) between County of Amherst, Virginia and Brown's Amherst Realty, L.L.C.

XVI. Adjourn

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

Mr. Parrish turned the floor over to Planning Commission Chairman Hedrick.

On motion of Mr. Fener, seconded by Mr. Heishman and with the following vote, the Planning Commission approved the Planning Commission agenda.

AYE: Mr. Parrish, Mr. Hedrick, Mr. Fener, Ms. Jones, Mr. Heishman, Mr. Irvin, and Ms. Tucker
NAY: None

IN RE: PUBLIC HEARING - 2008-29 - MARVIN CRUNKLETON

2008-29 Request by Marvin Crunkleton for a conditional zoning from B-2 General Commercial District to R-2 General Residential District. The property is located at 5147 S. Amherst Highway and is further identified as tax map number 160A2-3-A.

Planning Director Bryant presented details of zoning case 2008-09. Mr. Bryant presented a zoning map including the subject property and answered questions of Planning Commission members. Neither the applicant nor a representative was present.

Proponents: None

Opponents: None

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Fener, seconded by Ms. Tucker and with the following vote, the Planning Commission moved to recommend denial of the request for a conditional zoning from B-2 General Commercial District to R-2 General Residential District.

AYE: Mr. Parrish, Mr. Hedrick, Mr. Fener, Ms. Jones, Mr. Heishman, Mr. Irvin, and Ms. Tucker
NAY: None

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Adams and with the following vote, the Board of Supervisors approved the Planning Commission recommendation to deny the request for a conditional zoning from B-2 General

Commercial District to R-2 General Residential District on property located at 5147 S. Amherst Highway and is further identified as tax map number 160A2-3-A.

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

The Planning Commission adjourned to a separate meeting room.

IN RE: PUBLIC HEARING - AMELON INDUSTRIAL PARK – TRANSFER OF PROPERTY TO QUALITY ARCHERY DESIGNS, INC.

Chairman Parrish called the meeting to order for transfer of County property to quality Archery Design, Inc. as advertised.

There were no speakers and the public hearing was closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed the County Attorney to proceed with the legal transfer of County property in the Amelon Industrial Park to Quality Archery Designs, Inc. as advertised.

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

IN RE: ECONOMIC DEVELOPMENT DEPARTMENT – WILLIAM E. ROBERTSON

EDA Chairman, Bill Robertson, met with the Board and presented a report on the activities of the EDA in the last quarter of 2008 and informed the Board that Mr. Mike Russell has been elected as EDA Chairman for the 2009 calendar year.

The Board expressed appreciation for Mr. Robertson's services during 2008 as EDA Chairman.

IN RE: CITIZEN COMMENTS

Janice Camden of "Old Town" Madison Heights stated to the Board that the County's residential inspection program has not been implemented and expressed desire that it would soon be.

Ms. Camden further expressed the need for street lights in "Old Town" Madison Heights.

Forest Gager, former Planning Commission member, expressed his support for separation of joint Board of Supervisors/Planning Commission public hearing for zoning cases.

IN RE: CONSENT AGENDA

The County Administrator presented consent agenda items as well as an invitation to the Board for lunch by the Virginia Cooperative Extension Office on Tuesday, February 3, 2009.

Mr. Vandall requested a report on the County's General Fund Balance.

- a. Building Safety and Inspections Monthly Report – December 2008
- b. Financial Statement as of November 30, 2008.
- c. Calendar Items – Winter 2009
- d. Department of Historic Resources - Clifford – New Glasgow Historic District
- e. Dept. of Environmental Quality - Draft Virginia Water Protection Permit Number 08-0619
- f. Department of Transportation – Revenue Sharing Program
- g. City of Roanoke Office of the City Clerk – Resolution to include City of Roanoke as "Virginia's Rail Heritage Region"
- h. VDOT – Traffic Alerts – Bridge inspections

Information Only

IN RE: SEPARATION OF JOINT PUBLIC HEARINGS

County Administrator Taylor presented a report for Planning Director Bryant regarding separation of joint Board of Supervisors/Planning Commission public hearings. Mr. Bryant stated that the separation could occur as early as February 2009. The Plan included the Board of Supervisors conducting its regular nightly meeting in February with the Planning Commission conducting its public hearing on the following Thursday.

Mr. Vandall requested that the Planning Director investigate the existing zoning request fee structure and report to the Board on costs versus revenues received.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the plan for separation of the regular joint Board of Supervisors/Planning Commission meeting, commencing in February, 2009 as proposed by Planning Director Bryant.

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

NAY: None

IN RE: SOLID WASTE DEPARTMENT - AEP EASEMENT REQUEST

Solid Waste Director Nuckols met with the Board and presented a request from AEP for an easement in an easterly direction from Appalachian's existing pole numbered 1045-168 to and including a new pole number 1045-6021 on the old landfill property.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of the request from AEP for an easement in an easterly direction from Appalachian's existing pole numbered 1045-168 to an including a new pole numbered 1045-6021 on the old landfill property and to authorize the County Administrator to execute on the Board's behalf.

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

NAY: None

IN RE: BUDGET WORK SESSION CALENDARS

The County Administrator presented the following proposed work schedule for development of the County's 2009-2010 budget:

January 23, 2009	Department proposed budget requests due by 5:00 p.m.
January 27, 2009	Outside agencies funding consideration request due by 5:00 p.m.
February 9, 2009	Budget to Mr. Taylor for review and changes prior to printing.
February 17, 2009	Proposed budgets distributed to Board of Supervisors.
February 23, 2009	1 st budget work session – revenue forecast
February 25, 2009	2 nd budget work session – review of lines in excess of FY09 budget

The Board of Supervisors by consensus directed staff to proceed with the proposed budget development schedule and to set February 23rd and 25th, 2009 meetings for 10:00 a.m.

IN RE: LETTER IN SUPPORT FOR THE COMMONWEALTH CENTER FOR CHILDREN AND ADOLESCENTS

Gail Taylor, CSA Director, met with the Board regarding the Commonwealth Center for Children and Adolescents.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to endorse the following letter to Amherst County's Virginia Legislative representatives as proposed by the Amherst County Community Policy and Management Team expressing concern with the plans to close the Commonwealth Center for Children and Adolescents:

The Honorable (Delegate or Senator name)

The Amherst County Community Policy and Management Team would like to express their concerns with the plans to close the Commonwealth Center for Children and Adolescents. We have found the Commonwealth Center to be an invaluable resource for children in extreme crisis, both locally and regionally. There is a severe shortage of crisis stabilization services both in our region and in our state. We need an emergency facility that will take children regardless of their presenting issues including posing an extremely high risk to themselves and/or others.

Not only has the Commonwealth Center provided immediate access to a safe, secure, structured environment while local professionals and family members can research the best options and make informed decisions, but they also provide treatment/service recommendations from their own treatment and assessment professionals.

The closing of the Commonwealth Center leaves localities in the precarious position of either placing children in a setting that is not appropriate, having to place children out of state, or perhaps having children go back home to a family and/or community that is not equipped to meet their level of need.

While we have had mixed experiences with other treatment facilities, the Commonwealth Center has always provided highly effective, professional services. We have also found that the Commonwealth Center is an important link in the continuum of care not only for children who are first identified as needing residential care, but also for those who are being discharged because a facility can no longer meet their needs. There are very few options to place children on an emergency basis especially when they are exhibiting dangerous behaviors. Present emergency acute hospitalizations are extremely time limited dependent on insurance coverage. In fact, for children who have to be committed on Temporary Detention Orders there are virtually no facilities that are willing or able to meet the short term, acute psychiatric needs of this population. Private hospitals with acute psychiatric services most often will not accept children on a Temporary Detention Order, but require that the child agree to be admitted.

Here are two major concerns:

First, the State is looking to decrease out of state placements which will have an anticipated cost savings to the Comprehensive Services Act. It has been brought to the State Executive Council's attention that children placed out of state are generally more difficult and when brought back, may initially cost more to be maintained, especially in a community based setting. While the closing of the Commonwealth Center may initially appear to save the state money, we still have to serve the child and, at best, there is simply a shift of costs which ultimately puts a greater burden on localities. Our experience has been that private, for profit, residential facilities, if they will take the child, can set rates wherever they choose. It has not been unusual for CSA to pay more than \$800.00 a day for services. The timing of the proposed closing of the Commonwealth Center coincides with a change in the funding formula for children in congregate care under CSA. Effective this year, localities pay a higher match percentage for children entering residential treatment facilities. But the closing of the Commonwealth Center may mean that the only choice localities have is out of state acute psychiatric facilities. What will happen if localities have to cut local budgets to the extent that since we do not have Commonwealth Center as an option they cannot budget for local dollars to cover the more expensive options and children in extreme crisis will have to return to their families? Localities will be challenged under the possible CSA budget cuts with the knowledge that in past few years CSA funding has ballooned.

The second major concern is one of public safety. The children who are referred to Commonwealth Center are generally the children at the highest risk in our communities. If they could be served in the local community, we would be doing so. If the locality had other options, we would use them. As previously stated, these are children who may be violent and often pose an extreme danger to themselves and/or others. Localities put these children, the community and the families at risk when we have no mental health safety net.

Localities have made great strides in recent years ensuring that we meet the mental health needs of youth involved in the juvenile justice system. If we limit treatment options for these young people, we will again likely use our detention centers and juvenile justice facilities as ineffective and inappropriate alternatives for much needed treatment.

If the plan to close the Commonwealth Center for Children and Adolescents proceeds and is accomplished in the next six months, localities need to be provided with a plan for how to address the needs of the population that has been served by this facility in the past. It is unfair to localities, the children, and their families to provide no options for care for acute children in crisis and expect this situation to be resolved through trial and error.

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

NAY: None

IN RE: BUDGET ISSUES

The County Administrator reported to the Board on a recent budget meeting with constitutional officers, which included discussions of anticipated state revenue shortfalls and options to be considered for expense reductions.

Mr. Taylor presented the following quarterly results of Amherst County economic activities:

**QUARTERLY RESULTS
ECONOMIC ACTIVITY METRICS
AMHERST COUNTY, VA
(AMOUNTS IN THOUSAND DOLLARS)
(TAX REPORTS – FISCAL YEARS; HOUSING PERMITS – CALENDAR YEARS)**

	2008/09	2007/08	2006/07	2005/06	2004/05
SALES TAX					
Jul – Sep	914*	633	607	607	556
Oct – Dec	650	612	609	630	557
Jan – Mar		605	641	592	614
Apr – Jun		602	598	586	534
Total		2,452(P)	2,455	2,415	2,261

*Includes audit adjustment from state for previously unremitted sales tax.

MEALS TAX					
Jul – Sep	229	225	218	219	222
Oct – Dec	205	212	199	195	212
Jan – Mar		196	192	184	193
Apr – Jun		231	214	210	147
Total		864(P)	823	808	774

SINGLE FAMILY HOUSING PERMITS					
		2008	2007	2006	2005
Jan – Mar	#	22	21	40	31
	\$	3,780	3,779	7,676	4,999
Apr – Jun	#	33	30*	35	32
	\$	6,153	7,483	6,832	2,931
Jul – Sep	#	22	19	36	33
	\$	3,474	3,440	5,612	5,367
Oct – Dec	#	15	15	31	22
	\$	2,488	2,836	6,118	3,812
Total	#	92	85	142	118
	\$	15,895	17,538	26,238	19,325

*Includes one at \$2 million

Mr. Taylor reported on directions given to County department heads for budget preparations.

Mr. Kidd requested real estate revenue data and expense data.

Mr. Adams, presented idea of implementing an employee incentive program that promotes ideas of efficiencies of operations.

Mr. Adams further addressed issue of county employees losing annual leave versus thoughts of furloughs.

The County Administrator presented further potential cost saving alternatives to be considered.

Mr. Wood requested additional revenue data concerning new construction.

IN RE: BUILDING OPTIONS

The County Administrator presented a summary of the funds from the 2007-2008 bond issue.

AMHERST COUNTY CAPITAL IMPROVEMENT PROGRAM FISCAL YEARS '08 AND '09

PROJECT DESCRIPTION	FUNDING
Riveredge Park – County Match	\$200,000.00
Deferred Maintenance County Buildings/Facilities	\$400,000.00
Water Line Extension – Riverview Road	\$300,000.00
GIS Implementation	\$440,000.00
Entrance Improvement – Administrative Building	\$150,000.00
Manned Convenience Center Development	\$2,000,000.00
Expansion of Boat Dock at Monocan Park	\$60,000.00
Amelon Tennis Courts – Resurfacing	\$25,000.00
CVCC – Amherst Center	\$400,000.00
Blue Ridge Regional Jail – Capital Account (Moved from 2010 funding schedule)	\$900,000.00
Coolwell Recreation – Basketball Courts – Resurfacing	\$15,000.00
Dispatch Equipment Upgrade (Moved from 2010 funding schedule)	\$50,000.00
TOTAL	\$4,940,000.00
TOTAL FUNDS AVAILABLE	\$7,507,000.00
FUNDS AVAILABLE TO ADDRESS OFFICE NEEDS	\$2,567,000.00

Mr. Taylor provided details of the various proposed projects.

Mr. Taylor proceeded to provide data on the feasibility of creating additional county office space in a cost effective manner by utilizing space in the Amelon Commerce Center. The County Purchasing Agent provided tentative cost estimates for a pre-engineered metal building.

The County Administrator provided rental revenue data for Social Services and Health Department.

There was a Board discussion of the information provided and a consensus to direct Hurt & Proffitt Engineering to investigate the suitability of Lot #2 for construction of a 20,000 S.F. office building.

IN RE: RMDI FUNDS

The County Administrator presented information concerning funds from the former Revenue Maximization program in the amount of \$85,491.22. Gail Taylor, CSA Director, was present and answered questions.

On motion of Mr. Kidd and with the following vote, the Board of Supervisors moved to appropriate the remaining FMDI funds in the amount of \$85,491.22 to the County's General Fund to partially offset the anticipated deficit in the Comprehensive Services Act budget and to disband the Revenue Maximization Advisory Board.

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

IN RE: DRAFT COUNTY NEWSLETTER

The County Administrator presented a draft county newsletter for the Board's consideration.

IN RE: NOISE ORDINANCE ROUNDTABLE DISCUSSION SUMMARY

County Attorney Hunt provided a report of the recently conducted noise ordinance roundtable discussion.

Mr. Hunt requested further direction of proceeding with this issue.

The Board of Supervisors by consensus directed the County Attorney to summarize comments of the roundtable discussion into draft county ordinances.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. Don Kidd – provided insight into lighting problem complaints at the Amelon Commerce Center. There was a general discussion of the issue.

Mr. Don Kidd – requested status of comprehensive plan amendment recommendations by Mike Chandler. There was a consensus to request the Planning Commission review this issue and provide recommendations.

Mr. Chris Adams – informed the Board that the Virginia Governor has proposed Medicaid reimbursement reductions for emergency transports. There was a Board discussion of the proposed budget reduction and consensus to direct the County Administrator to forward a letter to the County's state legislative representatives on behalf of the Board of Supervisors opposing the proposed medicaid budget reductions.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the following appropriation/transfer requests:

a. APPROPRIATIONS

Circuit Court

21010	1003	Comp – Secretary	\$500.00
(Funds received from Judge Gamble as reimbursement)			

Commonwealth Attorney

22010	5501	Travel	\$275.40
(Forfeiture Fund revenue)			

Emergency Service

35050	3004-100	Vehicle Repairs	\$383.62
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b. TRANSFERS

Maintenance Department

Transfer from:

43020	3005	Maintenance Contracts	\$529.00
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Transfer to:

43020	7005	Vehicles	\$529.00
(Balance truck purchase and equipment)			

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

NAY: None

IN RE: CLOSED SESSION

Mr. Vandall 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:

§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. Adams and approved with the following vote:

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

NAY: None

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

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

NAY: None

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

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

On motion of Mr. Kidd, seconded by Mr. Vandall and with the following vote, the Board of Supervisors adjourned.

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

NAY: None

Leon J. Parrish, Chairman
Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator