

**BOOK 33****VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 17<sup>th</sup> day of February, 2009 at 7:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

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

Chairman Parrish called the meeting to order.

**IN RE: AGENDA**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the agenda with corrections to the closed meeting section as shown:

**AGENDA**

**TUESDAY, FEBRUARY 17, 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. Special Appearances and Presentations**
  - a. Broadband Presentation – R. Brian David
- V. Space Needs Workshop**
- VI. Citizen Comments**
- VII. Consent Agenda**
  - a. Calendar Items
  - b. Building Safety and Inspections Monthly Report – January 2009
  - c. Letter of February 2, 2009 – The Honorable Stephen D. Newman
  - d. Ebenezer Road/Cabell Lane Planning Grant Letter of January 23, 2009
  - e. VDOT Traffic Alerts – February 9-13, February 16 – 20, 2009
- VIII. Department Reports**
  - Planning & Zoning Department
    - a. Legal Ad Fees
    - b. Case # 2009-04 (First Reading) Text amendments for site plan review requirements

- c. Zoning Case # 2009-03 Zoning text amendment to extend the amount of time for consideration of a request for special exceptions, zoning amendments and subdivision plat approval

**IX. County Administrator's Report**

- a. Old Madison Heights Clean Up Day

**X County Attorney's Report**

- a. Old Town Madison Heights

**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 Issues

**§2.2-3711.A.3 Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

**§2.2-3711.A.5 Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.**

§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

**XIV. Adjourn**

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

**IN RE: BROADBAND PRESENTATION – R. BRIAN DAVID**

Bryan David, Regional 2000 Economic Development Council Director, met with the Board and provided a power point presentation of proposed rural broadband service within Amherst County. Mr. David's summary was a recommendation for establishment of a Broadband Authority as the most favorable mechanism for expansion of a rural "broadband network". Mr. David answered specific questions of the Board members.

There was a Board consensus to invite Mr. David to return to the next regular Board meeting to further consider this issue.

**IN RE: SPACE NEEDS WORKSHOP**

The Board proceeded with a space needs workshop.

The County Administrator provided the following CIP funding priority:

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

<b>PROJECT DESCRIPTION</b>	<b>FUNDING</b>
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
Telephone System Upgrades (New Item)	\$56,000.00
Compactor Pin on Caps – Landfill (New Item)	\$55,000.00
<b>TOTAL</b>	<b>\$5,051,000.00</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$7,507,000.00</b>
<b>Funds Available to address office needs</b>	<b>\$2,456,000.00</b>

The County Administrator reviewed preliminary site plan sketches for feasibility considerations of construction of county office space at the Amelon Commerce Center.

The County Administrator presented the following construction cost examples at Amelon Commerce Center:

**CONSTRUCTION COST EXAMPLES AMELON COMMERCE CENTER**

<b>CMC REBAR EXAMPLE</b>	<b>COST</b>
CMC Rebar (6,000 sf)	\$700,000
<b>GRAND TOTAL</b>	<b>\$700,000</b>

<b>1 STORY DESIGN BUILD</b>	<b>COST</b>
Estimated Cost ( 1 story 20,000 sf)	\$1,200,000
Parking / Site Work	\$350,000
<b>GRAND TOTAL</b>	<b>\$1,550,000</b>

<b>2 STORY DESIGN BUILD</b>	<b>COST</b>
Estimated Cost (2 Story 20,000 sf)	\$1,600,000
Parking / site Work	\$350,000
<b>GRAND TOTAL</b>	<b>\$1,950,000</b>

<b>ARCHITECT DESIGNED BUILDING</b>	<b>COST</b>
New Building – 2 Story Brick Veneer (10,000 sf / floor)	\$3,042,695.00
Packing and Moving Cost	\$10,500.00
Construction Total	\$3,053,195.00
Soft Costs	\$610,639.00
Total	\$3,663,834.00
10% Contingency	\$366,383.40
<b>GRAND TOTAL</b>	<b>\$4,030,217.40</b>

<b>RENOVATION LOWER LEVEL</b>	<b>COST</b>
Estimated Cost \$15,340 sf - \$100 / sf)	\$1,534,000.00
Soft Cost	\$306,800.00
10% Contingency	\$153,400.00
<b>GRAND TOTAL</b>	<b>\$1,994,200.00</b>

<b>RENOVATION LOWER LEVEL</b>	<b>COST</b>
Estimated Cost (15,340 sf - \$75 / sf)	\$1,150,500.00
Soft Cost	\$230,100.00
10% Contingency	\$115,050.00
<b>GRAND TOTAL</b>	<b>\$1,495,650.00</b>

The County Administrator reviewed the previously presented 10 construction/renovation cost options.

There was a Board discussion of the proposed options.

John Mulvey, Economic Development Director, was invited to address the Board regarding consideration to be made with regard to locating a county office facility in the Amelon Commerce Center. Issues addressed were:

- Health/Safety
- Marketability of future industrial sites
- Compatibility

Mr. Mulvey offered to poll existing organizations in the Amelon Commerce Park to obtain their opinions.

Mr. Mulvey provided examples of similar circumstances which have occurred in other locations.

By consensus the Board of Supervisors directed Mr. Mulvey to survey the existing business in the Commerce Center to obtain their opinion of the proposed public facility location within the park.

The Board proceeded to discuss combinations of the proposed options, which generated further questions to be answered.

There was a Board consensus to direct the County Administrator to provide additional information concerning the option combinations discussed.

#### **IN RE: CITIZEN COMMENTS**

Betty Jo Caul addressed the Board regarding proposed family subdivision ordinance amendments. She urged the Board to closely consider ordinance loopholes that allow circumvention of family subdivision regulations.

Mike Russell, EDA Chairman, addressed the Board in support of rural broadband development and also spoke in support of renovation of existing county buildings to address county space needs planning.

#### **IN RE: CONSENT AGENDA**

The County Administrator presented the following Consent Agenda Items and also informed the Board that the next County/School Liaison Committee meeting is scheduled for 10:00 A.M., Wednesday, March 4, 2009.

- a. Calendar Items
- b. Building Safety and Inspections Monthly Report – January 2009
- c. Letter of February 2, 2009 – The Honorable Stephen D. Newman
- d. Ebenezer Road/Cabell Lane Planning Grant Letter of January 23, 2009
- e. VDOT Traffic Alerts – February 9-13, February 16 – 20, 2009

Information

#### **IN RE: LEGAL AD FEES**

Mr. Bryant, Director of Planning, presented legal ad costs that are currently being incurred by the County and stated that by separating the Planning Commission/Board of Supervisors public hearings, the advertising costs will generally be doubled. The Board, by consensus, requested that the Planning/Zoning Department periodically provide updates of cost associated with public hearings.

#### **IN RE: CASE # 2009-04 (FIRST READING) TEXT AMENDMENTS FOR SITE PLAN REVIEW REQUIREMENTS**

Mr. Bryant presented Case 2009-04 for the first reading of text amendments for site plan review requirements.

Mr. Bryant reviewed details of the proposed text amendments and invited Board comments and concerns.

There was a Board consensus to direct Mr. Bryant to change authority references in the ordinance to be "zoning administrator or his/her designee".

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed the Planning Department to proceed with advertising for public hearing with the change of authority references in the ordinance to be zoning administrator or their "designee".

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

**IN RE: ZONING CASE # 2009-03 ZONING TEXT AMENDMENT TO EXTEND THE AMOUNT OF TIME FOR CONSIDERATION OF A REQUEST FOR SPECIAL EXCEPTIONS, ZONING AMENDMENTS AND SUBDIVISION PLAT APPROVAL**

Mr. Bryant proceeded to present Zoning Case 2009-03 which is a proposed zoning text amendment to extend the amount of time for consideration of a request for special exceptions, zoning amendments and subdivision plat approval.

There was a Board discussion and questions of Mr. Bryant.

The Board directed Mr. Bryant to remove the word "currently" and set the time requirements for Board of Supervisors actions to maximum allowed by the State Code.

On motion of Mr. Kidd and with the following vote, the Board of Supervisors directed the Planning Department to proceed with advertising for public hearing with the removal of the word "currently" and set the time requirements for Board of Supervisors actions to maximum allowed by State Code.

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

**IN RE: OLD MADISON HEIGHTS CLEAN UP DAY**

The County Administrator presented information concerning an "Old Madison Heights Clean Up Day" for their information.

There was a discussion of methods of deterring future illegal tire disposal in this area and consensus to direct the County Administrator to have installed a sign stating that the area is under "constant surveillance".

Mr. Adams addressed the issue of roadside litter and asked the Board to consider a roadside clean-up task force.

Mr. Kidd discussed current county litter and solid waste ordinance enforcement.

**IN RE: OLD TOWN MADISON HEIGHTS**

The Board of Supervisors received information from the County Attorney of "Old Madison Heights" properties that are currently being addressed for clean-up and repair.

Mr. Taylor provided a status report of implementation of a rental inspection program.

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

Mr. Adams requested revenue/expense data for budget preparation for the first six (6) months of 2008-2009 fiscal year.

Mr. Adams requested a list of all parties to which the county sent IRS-1099 forms.

Mr. Adams expressed concerns about debris removal requests that have been made to the VDOT engineer. The County Administrator stated that the resident engineer would be at the next regular meeting to answer board questions.

Mr. Kidd informed the County Administrator that Shrader Law Firm has been removed from the County E-mail address book and had caused confusion by Social Services Department as this is their

attorney. The Board requested that Mr. Kidd determine the extent of problems that this causes for Social Services and let them know.

Mr. Parrish discussed litter problems in the Old Madison Heights area.

Mr. Parrish reintroduced the issue of merchant's capital tax on dealer's vehicles and consideration of merchant's capital tax versus gross receipts tax.

The Board of Supervisors directed the County Administrator to investigate the method of taxation used by surrounding jurisdictions and the amount of gross receipt tax that would need to be charged to remain revenue neutral.

#### **IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS**

The Board of Supervisors approved the following appropriations/transfers and/or disbursements:

##### **a. APPROPRIATIONS**

Volunteer Fire Department

32020 5690	Fire Program Fund Allocation	\$	2,526.00
(New revenue for Fire Program)			

##### **b. TRANSFERS**

General District Court

Transfer from:

21020 5801	Subscriptions	\$	200.00
------------	---------------	----	--------

Transfer to:

21020 5804	Miscellaneous	\$	200.00
------------	---------------	----	--------

Animal Care & Control

Transfer from:

35980 5201	Postage	\$	500.00
------------	---------	----	--------

Transfer to:

35980 5208	Telecommunications		500.00
------------	--------------------	--	--------

Public Safety Department

Transfer from:

32070 5203	Telecommunications	\$	500.00
32020 5690	Fire Program Fund Allocation		5,000.00

Transfer to:

35070 5804	Miscellaneous		500.00
32020 5805	Training		5,000.00

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

NAY: None

**IN RE: CLOSED SESSION**

Mr. V. Wood moved to go to closed session to discuss a (1) personnel matter (3) discussion relating to the acquisition or disposition of real property (5) matter relating to prospective business or industry or the expansion of an existing business or industry and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to Virginia Code Section, involving:

§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.3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

§2.2-3711.A.5 – Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

§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. C. 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. V. Wood moved to come out of closed session, seconded by Mr. R. Vandall 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. V. Wood, seconded by Mr. C. Adams and with the following vote, the Board of Supervisors moved to adjourn until Monday, February 23, 2009 at 10:00 a.m. in the County Administration Building, Board of Supervisors room for budget workshop.

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