

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 16th day of June, 2009 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. L. Parrish	ABSENT:
	Mr. C. Adams	
	Mr. D. Kidd	
	Mr. R. Vandall	
	Mr. V. Wood	

Mr. L. Parrish called the meeting to order.

Mr. R. Vandall led in the invocation and pledge of allegiance.

IN RE: APPROVAL OF AGENDA

Mr. Proffitt asked that the following amendment be added to the Agenda:

- X. County Administrator's Report**
h. Proposal from Dominion Seven

XIII. Appropriations/Transfers/Disbursements**Transfers:****Treasurer Department**

From:	12130-5201 Postal Services	\$515.00
To:	12130-7001 Equipment	\$515.00

XIV. Closed Meeting

§2.2-3711.A.1

Delete (ii) County Administration Application Process

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

AGENDA

TUESDAY, JUNE 16, 2009
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
SCHOOL BOARD MEETING ROOM
7:00 P.M.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**

III. Approval of Agenda**IV. Special Appearances and Presentations**

- a. Claudia Tucker

V. Planning & Zoning Public Hearing

2008-30 Request by the County of Amherst for a zoning text amendment to amend the regulations regarding cul-de-sacs and flag lots in the Amherst County Zoning and Subdivision Ordinance. The proposed ordinance would allow a reduced frontage requirement on lots fronting on cul-de-sacs to fifty (50) feet at the arc of the cul-de-sac. Currently the ordinance allows flag lots in the A-1 Agricultural Residential District with no stipulations and no reference to lots fronting on cul-de-sacs. The ordinance clarifies specific regulations to flag lot's usage, such as: flag lots must have forty (40) feet of frontage; no two (2) elongated portions ("poles") shall abut or adjoin; no more than fifteen (15) percent of the total number of lots within a subdivision shall be flag lots, with a provision for the planning Commission to increase up to twenty (20) percent if topographic conditions are present; minimum lot width must meet district requirements; setbacks to be applied where the lots meet minimum width requirements; the definition of flag lots is also amended to add clarity.

VI. Public Hearing

- a. Quick Take Condemnation Issue Public Hearing

VII. Citizen Comments**VIII. Consent Agenda**

- a. Building Safety & Inspections monthly report for May 2009
- b. Central Virginia Disability Services Board
- c. Chevrolet Division General Motors Corporation
- d. Robert E Lee Soil & Water Conservation District – April 23, 2009
- e. Locally Administered Projects Manual
- g. VDOT Traffic Alerts – June 8-12, 15-19, 2009
- h. Proposal from Dominion Seven**

IX. Department ReportsInformation Technology Department

- a. Pedlar Fire and Rescue tower

Planning Department

- a. 2009-12 Liquefied Petroleum Gas Containers
- b. Resolution requesting addition of Parkwood Drive and Cambridge Court located in Pleasant Ridge Section III, Subdivision into VDOT system.

X. County Administrator's Report

- a. Administrative Personnel Needs #1
- b. Administrative Personnel Needs #2
- c. Recreation Department Budget Requests
- d. Central Virginia Community Services Board

- e. Public entertainment applications
- f. Brockman Chevrolet and John P. Hughes Motor Co.
- g. VDOT Access Road Program Final Approval

XI. County Attorney's Report

- a. Investigation Status Memorandum
- b. Proposed Noise Ordinance revision
- c. Great-Grand Children and Family Divisions
- d. Amherst County Board of Supervisors Code of Ethics
- e. Presentation of New Personnel Plan
- f. Request for Independent Review of New Personnel Plan
- g. Proposed Personnel Committee

XII. Matters from Members of the Board of Supervisors

XIII. Appropriations/Transfers/Disbursements

Treasurer's Department

Transfer of \$515.00

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

- (i) Central Accounting Salary Issue
- (ii) ~~County Administration Application Process~~

§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. Panther Mountain tower-site access

XV. Adjourn

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

IN RE: SPECIAL APPEARANCE PRESENTATION

Ms. Tucker could not make the Board of Supervisors meeting and had asked Mr. Wood to present her letter to the Board of Supervisors asking the Board to form an Advisory Committee to help with the selection of a new county administrator.

The Board also recognized Mr. Bill Peters as he had a memo that he would like to present to the Board. This was also regarding the selection of a new county administrator for Amherst County.

IN RE: PUBLIC HEARING – 2008-30 CUL-DE-SACS AND FLAG LOTS

2008-30 Request by the County of Amherst for a zoning text amendment to amend the regulations regarding cul-de-sacs and flag lots in the Amherst County Zoning and Subdivision Ordinance. The proposed ordinance would allow a reduced frontage requirement on lots fronting on cul-de-sacs to fifty (50) feet at the arc of the cul-de-sac. Currently the ordinance allows flag lots in the A-1 Agricultural Residential District with no stipulations and no reference to lots fronting on cul-de-sacs. The ordinance clarifies specific regulations to flag lot's usage, such as: flag lots must have forty (40) feet of frontage; no two (2) elongated portions ("poles") shall abut or adjoin; no more than fifteen (15) percent of the total number of lots within a subdivision shall be flag lots, with a provision for the planning commission to increase up to twenty (20) percent if topographic conditions are present; minimum lot width must meet district requirements; setbacks to be applied where the lots meet minimum width requirements; the definition of flag lots is also amended to add clarity.

Proponents: Mark Labadie

Opponents: Gary Jennings

There was discussion of the case by members and Mr. Bryant. The public hearing was closed.

On motion of Mr. Vandall and with the following vote, the issue was tabled until the next Board of Supervisors' meeting.

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

NAY: None

IN RE: PUBLIC HEARING CONDEMNATION OF PORTIONS OF PROPERTIES LOCATED IN MADISON MAGISTERIAL DISTRICT TO INSTALL PUBLIC WATER LINE TO SERVE THE BLUE RIDGE REGIONAL JAIL FACILITY

Mr. Hunt, the County Attorney, presented information related to the potential "quick take" condemnation of portions of properties identified as Tax Map Numbers 155-A-55 and 155-A-57 located in the Madison Magisterial District of Amherst County, Virginia for the public purpose of providing a public water line to serve the Blue Ridge Regional Jail Facility.

Proponents: Mark Labadie not for or against but questioned details of value of property.

Mr. Hunt presented details as to how the amounts were arrived at.

Opponents: Dan Hughes questioned taking land without all the people being contacted.

Mr. Hunt answered.

On motion of Mr. C. Adams and with the following vote, moved to adopt the following resolution in the form contained in this agenda, authorizing the initiation of "quick take" condemnation proceedings for the acquisition of 30-foot wide perpetual water line easements through and under portions of the

properties identified as Tax Map Number 156-A-55 and Tax Map Number 156-A-57, located on the west side, parallel and adjacent to the centerline of State Route 672, Riverview Road, in the Madison Magisterial District of Amherst County, Virginia.”

**RESOLUTION AUTHORIZING “QUICK TAKE” CONDEMNATION PROCEEDINGS FOR THE
ACQUISITION OF 30-FOOT WATERLINE EASEMENTS ON PROPERTIES IDENTIFIED AS TAX MAP
NUMBER 156-A-55 AND TAX MAP NUMBER 156-A-57**

WHEREAS, Amherst County, Virginia (the “County”), and the Amherst County Service Authority has undertaken to construct/install a public water line to serve the Blue Ridge Regional Jail facility (the “Facility”) located in the Madison Magisterial District of the County; and

WHEREAS, the County as determined that there is a public need for a 30-foot wide perpetual water line easement (“Easement A”) through and under a portion of the property identified as Tax Map Number 156-A-55, located on the west side, parallel and adjacent to the centerline of State Route 672, Riverview Road; and

WHEREAS, the County has determined that there is a public need for a 30-foot wide perpetual water line easement (“Easement B”) through and under a portion of the property identified as Tax Map Number 156-A-57, located on the west side, parallel and adjacent to the centerline of State Route 672, Riverview Road; and

WHEREAS, due to the deadlines imposed in conjunction with the construction of the Facility and the public water to serve the Facility, utilizing “quick take” procedures as authorized by Virginia Code § 15.2-1905(C) is necessary; and

WHEREAS, the value of Easement “A” for Tax Map Number 156-A-55 is \$537.00; and

WHEREAS, the value of Easement “B” for Tax Map Number 156-A-57 is \$80.00; and

NOW THEREFORE, BE IT RESOLVED, by the County, that condemnation utilizing “quick take” procedures of 30-foot wide perpetual water line easements through and under portions of the properties identified as Tax Map Number 156-A-55 and Tax Map Number 156-A-57, located on the west side, parallel and adjacent to the centerline of State Route 672, Riverview road, is necessary for the reasons set forth in this Resolution, and staff is hereby authorized to initiate condemnation proceedings, including possession prior to the institution of the condemnation proceedings in accordance with law.

This Resolution shall become effective as provided by law.

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

NAY: None

IN RE: CITIZEN COMMENTS

The following citizens had comments:

Dan Hughes – comments on the condemnation section

Mary Hampton – comments on the Taylor resignation

Mark Labadie – following list

1. Budget concerns of Social Services, what supervisors served on board and who was the primary lawyer that received the increase on that line of the budget
2. The VDOT reimbursement for the \$68,000 on the train depot move and the no mowing received if you live on end of pavement on a gravel road
3. Amount of revenue from Delinquent tax sale property

Mary Ann Hosteller, Sweet Briar – Taylor resignation

Gwen Patterson – propane tanks

Tim Casper, Sweet Briar – Taylor resignation
 Alix Ingber – Woodland Rd – Taylor resignation

IN RE: CONSENT AGENDA

Mr. David Proffitt, Acting County Administrator, presented the following consent agenda items for the Board of Supervisors information:

- i) Building Safety and Inspections May 2009 report
- ii) Central Virginia Disability Services Board
- iii) Chevrolet Div. General Motors Corporation
- iv) Robert E. Lee Soil & Water Conservation District April 23, 2009
- v) Department of Transportation locally administered projects manual
- vi) VDOT News Release June 8-12, 15-19, 2009

IN RE: PEDLAR FIRE AND RESCUE TOWER

The Amherst County Department of Public Safety proposes to erect a wireless communications tower on property owned by the Pedlar Volunteer Fire and Rescue Squad located at 4893 Lexington Turnpike, Amherst Virginia 24521. The purpose of the proposed tower is to receive and transmit electronic data for emergency medical services calls. The tower is proposed to be eighty (80) feet in height. Section 914.03(7) of the Code of the County of Amherst, Virginia ("Amherst County Code"), states that wireless communications towers can be no more than fifty (50) feet in height. The Amherst County Board of Supervisors will consider excluding this public improvement from the Wireless Communications Ordinance per Section 1.7(5) of the Amherst County Code. There was some question about the height of the tower as well as its use as potential site for part of the broadband infrastructure.

Jackie Viar, Director of Information Technology, in checking with Rick Green and John Boon, stated that the tower needed to be 96 feet in height for the proposed use to receive and transmit electronic data for emergency medical service calls and it would need to be much higher if it would even work then for the broadband infrastructure.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to readvertise for another public hearing changing the height to 96 feet.

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

IN RE: 2009-12 LIQUEFIED PETROLEUM GAS CONTAINERS

On May 5, 2009, the Board of Supervisors considered the request for a zoning text amendment by Robert Powers of P & W Architectural Stone to allow above ground liquefied petroleum gas containers to refill individual's propane tanks. The Board directed staff to survey businesses that sells liquefied petroleum gas containers. The study revealed that a total of fifteen (15) businesses in Amherst County trade the individual propane tanks and three (3) businesses re-fill empty propane tanks. Staff recommends that the proposed ordinance regulate the larger propane tanks used to re-fill individual tanks. To better define the size of those tanks, staff amended the proposed ordinance to regulate tanks between one hundred and twenty five (125) gallons water capacity and two thousand (2,000) gallons water capacity. Staff further recommends that the businesses that trade individual propane tanks should not be further regulated and those tanks should be considered part of the retail portion of the business.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to return to the Planning Commission and Mr. Roakes and work on larger setbacks.

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

IN RE: RESOLUTION REQUESTING ADDITION OF PARKWOOD DRIVE AND CAMBRIDGE COURT LOCATED IN PLEASANT RIDGE SECTION III, SUBDIVISION INTO VDOT SYSTEM

At the September 16, 2008 Board of Supervisors meeting, a resolution was approved by the Board for Pleasant Ridge Section III to be considered into the state secondary road maintenance system. Patricia Clay with the local VDOT Amherst residency office informed the County that new resolution forms are now required by VDOT.

On motion of Mr. Vandall and with the following vote, in the County of Amherst by resolution of the governing body adopted June 16, 2009, the following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Amherst County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

Project/Subdivision **Pleasant Ridge – Section III**

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested: the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **New Subdivision street**

Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

➤ **Parkwood Drive, State Route Number 1152**

Old Route No.: 0

- From: Intersection of Routes 1150 and 1151

To: Cul-de-sac, a distance of: 0.14 miles

Right of Way width (feet) = 50 feet

➤ **Cambridge Court, State Route Number 1153**

Old Route Number: 0

- From: Intersection of Route 1152

To: 0.26 MW of Route 1152, a distance of: 0.26 miles.

Right of Way width (feet) = 50 feet

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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

NAY: None

IN RE: REQUEST TO ADD \$30,000 BACK TO PLANNING AND ZONING FY10 BUDGET

There has been a request to return \$30,000 to the Planning FY10 budget for a part-time special projects coordinator to be paid on an hourly basis and utilized as needed. Robert E. Lee Soil & Water Conservation District has been doing site plan review and E&S inspections but has informed the County that would not be doing this after July 1, 2009. Also this position could help with grant application, administration and other special projects as needed.

The Board of Supervisors by consensus decided not to return the funds and asked staff to check with Mr. Russell and Anne Marie Clarke if they could help out for a while longer with the understanding that they would be looking into this and provide further response at the July 21, 2009 Board of Supervisors meeting.

IN RE: ADMINISTRATIVE PERSONNEL FOR COUNTY ATTORNEY, PLANNING AND BUILDING

The recent addition in workload to the County Attorney has magnified the need for an administrative assistant. There is also a significant need for "floater" personnel for the Planning and Building Departments.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to advertise for a floater administrative assistant for the County Attorney, Planning and Building Departments and move the funds from the line in the county attorney's FY09 budget to the FY10 budget for the first part of the year and they will revisit after the end of the calendar year.

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

NAY: None

IN RE: RECREATION DEPARTMENT BUDGET REQUESTS

Mr. Proffitt presented the following two requests from the Recreation Department for Sara Lu Christian as she was out of town:

1. Requesting remaining funds of the FY09 Recreation budget after expenditures through June 30, 2009 be allocated for a picnic shelter at Coolwell Park;
2. Excess revenue in the amount of approximately \$10,000 be reallocated to the Recreation Department for the following:
 - a. \$1,000 for lining the parking lot at Coolwell Park
 - b. \$8,500 for replacing signs at the county parks

By consensus of the Board of Supervisors, they decided not to approve the requests.

IN RE: CENTRAL VIRGINIA COMMUNITY SERVICES BOARD

A copy of the Central Virginia Community Services Board FY 2010 Performance Contract with the Department of Behavioral Health and Development Services was included in the agenda packet for June 16, 2009. This contract requires the Community Service Board to seek formal approval of this document each year from the participating local governments that they serve. Localities are asked to take a formal action of approval and to inform the CSB of the type of action – ordinance, resolution, or motion and voice vote.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the FY2009 Community Services performance contract as presented.

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

NAY: None

IN RE: PUBLIC ENTERTAINMENT – SUMMER SOLTICE FESTIVAL

The Board of Supervisors received an application for a permit for the Summer Soltice Festival to be held on July 20th and 21st, 2009 at 1351 North Amherst Highway, Amherst, Virginia.

On motion of Mr. Parrish and with the following vote, the application was accepted and fee waived by the Board of Supervisors at their June 16, 2009 meeting.

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

NAY: None

IN RE: PUBLIC HEARING ENTERTAINMENT – SORGHUM FESTIVAL

The Board of Supervisors received an application for a permit for the Sorghum Festival to be held on October 3rd and 4th, 2009 at 755 Fletcher's Level Rd. Clifford, Virginia.

On motion of Mr. Vandall and with the following vote, the application was accepted and fee waived by the Board of Supervisors at their June 16, 2009 meeting.

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

NAY: None

IN RE: BROCKMAN CHEVROLET AND JOHN P. HUGHES MOTOR CO.

A letter of objection regarding the General Motors franchise was sent from the Board to General Motors on Brockman's behalf. Holcomb Hughes, Jr., owner of John P. Hughes, was made aware of the letter that was sent to General Motors and the offer made to send a letter of support for them to Chrysler. Mr. Hughes stated that he appreciated the offer, but felt that it would be of no benefit at this time. Mr. Hughes further stated that he would contact us if he knew of beneficial actions that the County could take to help.

IN RE: VDOT ACCESS ROAD PROGRAM FINAL APPROVAL

The County received notification of VDOT's final acceptance of the documentation certifying the County 'has satisfied its obligation of establishing sufficient capital investment' in the Amelon Commerce Center. The amount being held in escrow, \$382,549.10, in the general fund may now be released. The funds had been earmarked as escrow in the Deferred Revenue Account.

On motion of Mr. Wood and with the following vote, the Board of Supervisors authorized \$382,549.10 as available funds for use in the Deferred Revenue Account.

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

IN RE: ADDITIONAL OPTIONS FOR COUNTY SPACE NEEDS STUDY

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to have Dominion Seven compare addition of Building, Planning & Zoning and Extension Service to the new building on the church property with Treasurer and Commissioner of Revenue, approve their contract proposal and appropriate the following:

Phase 1:	\$ 750.00	Additional Work:	\$2,450.00
Phase 2A:	\$3,150.00	Optional Work:	\$ 500.00
Phase 2B:	\$2,350.00		
Phase 3:	\$1,200.00		

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

IN RE: ADMINISTRATION BUILDING ENTRANCES – REVISED FEE PROPOSAL

On motion of Mr. Adams and with the following vote, the Board of Supervisors directed Dominion Seven to move forward with the construction documents for all four entrances at this time but only bid the south entrance with the following fees:

Construction Documents:	\$16,000
Bidding	\$ 1,500
Construction Administration:	<u>\$ 2,000</u>
Total	\$19,500

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

IN RE: INVESTIGATION STATUS

The County Attorney presented a memorandum providing a status update on the investigation status.

There was no action taken.

IN RE: NOISE ORDINANCE

The County Attorney presented a proposed noise ordinance with revisions for the Board's first reading.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed that this be tabled until the July meeting to allow the County Attorney to get more information from law enforcement regarding legal enforcement of the new proposed noise ordinance.

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

IN RE: GREAT-GRAND CHILDREN AND FAMILY DIVISIONS/ATTORNEY GENERAL'S OPINION

The County Attorney provided a status update on his request for an Attorney General's opinion regarding the above-referenced topic. In response thereto, he received a letter from Stephanie L. Hamlett, Senior Counsel to the Attorney General, stating that "immediate family" for purposes of Virginia

Code §15.2-2244(A) “includes offspring which means ‘...children, grandchildren and their children to the remotest degree.”

Accordingly, great-grandchildren can receive land via a family division pursuant to Virginia Code §15.2-2244(A) and Amherst County Code (“ACC”) §1207.01.

For Board review only. No action was taken.

IN RE: CODE OF ETHICS

The Board of Supervisors Code of Ethics was presented to the Board as requested, but no action was taken.

On motion of Mr. Adams and with the following vote, this item was tabled until the July 21, 2009 meeting.

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

NAY: None

IN RE: DRAFT PERSONNEL PLAN

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to have Springsted, Inc., conduct a comprehensive review of the plan and appropriate \$2,450.00 from the General Fund to perform the review.

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

NAY: None

IN RE: PERSONNEL COMMITTEE

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors appointed a Personnel Committee consisting of Steve Preston, Director of the Amherst County Public Library, Glenn Sullivan, Director of Social Services and Gary Roakes, Director of Public Safety with Mr. Roakes to be the “designated” member.

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

NAY: None

IN RE: MATTERS FROM THE BOARD OF SUPERVISORS

Process of reviewing county administration applications

Mr. L. Parrish – discuss in open session – cast out those with no experience

Mr. R. Vandall – not sure that they be turned over to a committee from legal standpoint

Mr. D. Kidd – favor of a committee but he thinks they should be county people

Mr. R. Vandall – include Dr. Mayhew

Mr. V. Wood – favor of a committee – also thinks they should come from county

Mr. L. Parrish – wants Amherst County people

Mr. C. Adams – favor of outside help with Board of Supervisors having final approval

Mr. R. Vandall – throw out no experience and no education – pick out six for interviews with the 5 board members and 3 advisory with them doing the interviews

Committee – Larry Langhans, Mary Ann Mayhew and Charlie Copp if they agree set meeting, send applications for them to screen down also.

IN RE: APPROPRIATIONS/TRANSFERS

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following appropriations and transfers with the addition of a request from Treasurer to transfer \$515.00.

a. APPROPRIATIONS

Board of Supervisors

11010 3020	Legal Services	\$	4,898.92
11010 2013	Education Assistance	\$	400.00
(General Fund – Legal Services to bring line out of the red and Education Assistance for David Hill, Sheriff Investigator winter and spring session)			

Electoral Board

13010 1045	Election Officials	\$	5,000.00
13010 8003	Rental		300.00
(General Fund)			

Sheriff – Jail

31020 1013	ACHC Compensation	\$	1,022.68
31020 5409	Police Supply		119.00
31020 5501	Travel		10.15
33010 3001	Medical		429.15
(Pass through revenue)			

Public Library

73010 7001	Equipment	\$	5,850.00
73010 5411	Books and Subscriptions		78.76
(Library of Virginia and donations)			

b. TRANSFERS

Board of Supervisors

Transfer from:

11010-2014	Tuition Cost-Paramedic	\$	2,500.00
11010-3010	Codifying Co Ordinance		2,601.00
11010-5801	Dues & Membership		1,656.00
11010-5804	Miscellaneous		596.00
11010-7001	Equipment		5,000.00
Total			<u>\$12,353.00</u>

Transfer to:

11010-3002	Auditing by CPA	\$	500.00
11010-3013	Professional Services		6,275.00
11010-3020	Legal Services		5,578.00
Total			<u>\$12,353.00</u>

To balance end of FY08-09

Public Safety

Transfer from:

35050 3010	Radio Maintenance	\$	700.00
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Transfer to:

35050 3009	Auto Repairs	\$	700.00
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(repairs for vehicles)

Public Library

Transfer from:

73010 3007	Advertising	\$	5.00
73010 7002	Furniture & Fixture		350.00

Transfer to:

73010 5801	Memberships/dues	\$	5.00
73010 5101	Electrical Services		350.00

Economic Development

Transfer from:

81500 1001	Comp – Director	\$	3,035.70
81500 5504	Travel Training & Education		1,000.00
81500 5804	Amelon Commerce Misc		6,440.00
81500 7001	Equipment		1,000.00
81500 3007	Advertising/Marketing		1,000.00
81500 5501	Travel		278.98

Transfer to:

81500 2005	Hospitalization	\$	2,400.00
81500 2010	Workman Comp		635.70
81500 5408	Gas, Grease, Oil		36.39
81500 5605	Community Assistance		244.26
81500 5801	Dues, Membership Fees		734.00
81500 3005-100	Maint SVC Contract Website		194.33
81500 3013	Amelon Commerce Prof SVCS		6,500.00
81500 5101	Electrical Amelon Commerce Center		2,010.00

(Covers budget deficiencies)

Circuit Court Judge

Transfer from:

21010 5804	Miscellaneous	\$	197.66
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Transfer to:

21010 5201	Postal Services	\$	197.66
(To balance end of year)			

Treasurer

Transfer from:

12130 7001	Equipment	\$	736.84
12130 5201	Postal Services		515.00

Transfer to:

12130 3004	Repairs & Maintenance	\$	450.00
12130 3005	Maintenance SVC Contracts		50.00
12130 3020	Dog Licenses & Records		236.84
12130 7001	Equipment		515.00

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

NAY: None

IN RE: CLOSED SESSION

Before they went into closed session, the Board of Supervisors under section §2.2-3711.A.1 (a) Personnel (ii) County Administration Application Process moved to strike (ii) from the closed session agenda.

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

NAY: None

IN RE: CLOSED SESSION

Mr. C. 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. D. 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. 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: PANTHER MOUNTAIN

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved to authorize the Acting County Administrator to sign an easement agreement with Massie and John Saunders for access to the Panther Mountain Public Safety tower with the following components:

- (1) Vacation of current plat showing right-of-way through Saunders property and recordation of new plat;
- (2) A one-time \$2,000.00 back rent payment;
- (3) \$1,000.00 per year, with a CPI increase every 5 years for the life of Amherst County's (the "County") use of the tower; and
- (4) 5% of all future annual commercial co-location fees the County receives on the tower.

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

IN RE: ADJOURNMENT

On motion of Mr. R. Vandall, seconded by Mr. C. Adams and with the following vote, the Board of Supervisors moved to adjourn until 6:30 p.m., June 24th, 2009 at the County Administration Building at 153 Washington Street, Amherst, Virginia.

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

David R. Proffitt, Acting County Administrator