

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 21st day of July, 2009 at 1:00 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:

Mr. L. Parrish called the meeting to order.

Mr. L. Parrish led in the invocation and pledge of allegiance.

IN RE: AGENDA

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved to approve the agenda as presented.

AGENDA

**TUESDAY, JULY 21, 2009
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
SCHOOL BOARD MEETING ROOM
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearances and Presentations**
 - a. Regional Airport Presentation – Stanley Jones
 - b. Noise from the Amelon Industrial Park – Lincoln Fitzgerald
- V. Amherst County Public Schools – Dr. Brian Ratliff**
 - a. Appropriation request for the 2008-2009 school session - \$290,798.00
- VI. Virginia Department of Transportation – Michael McCormack**
 - a. Resolution form for Rural Rustic Road – Sharon S. White
 - b. FY 2010 Revenue Sharing Program
 - c. Woody's Lane
- VII. Citizen Comments**
- VIII. Consent Agenda**
 - a. Amherst County Board of Supervisors Minutes – June 2nd, 4th, 9th, 10th, 16th, and 24th, 2009

- b. Building Safety & Inspections monthly report for June 2009
- c. Parks, Recreation and Cultural Development Report for May, 2009
- d. Office of the Sheriff report for May 2009
- e. Department of Historic Resources – Fairview
- f. Robert E. Lee Soil & Water Conservation District report for May 28, 2009
- g. Robert E. Lee Soil & Water Conservation District – Watershed Protection – Anne Marie Clarke
- h. Central Virginia Training Center Renovation Meeting/Strategic Plan
- i. Community Development Block Grant Funding
- j. Department of Health – Camp Cross Roads
- k. Auditor of Public Accounts – Circuit Court Clerk's Audit
- l. News and Advance VA FOIA Request for Information Relating to Amherst County's E&S Program
- m. VDOT Traffic Alerts – June 22-26, June 29 – July 3, July 13-17, July 20-24, 2009

IX. Department Reports

Central Accounting

- a. Budget Request of Central Virginia Community College for Site Development Costs
- b. Personal Property Tax Relief for FY2010
- c. Credit Card Policy
- d. Train Station
- e. EDA Financial Report

Building Safety and Inspections

- a. Report on Rental inspections, ordinance implementation and blighted property

Public Safety

- a. Grant award for purchase of ten Panasonic Toughbook 19 Computers
- b. Reappointment of Charlie Singleton to Emergency Services Council
- c. Monelison Volunteer Fire Department for reimbursement for permits

Social Services

- a. Resolution of recognition and commending Margaret R. Morton
- b. Presentation of the 2008 Accomplishments

Solid Waste

- a. Closed Rt. 130 Rural Solid Waste Collection Site Soil Assessment
- b. Coolwell Convenience Center Expansion Request to Bid Project

Planning and Zoning Department

- a. Zoning Case #2009-02 – Zoning text amendment to allow off-highway vehicle recreation facilities as a special exception use in the A-1 Agricultural Residential District
- b. 2008-30 Flag Lot and Cul-De-Sac Reduction – Zoning text amendment regarding cul-de-sacs and flag lots in the Amherst County Zoning and Subdivision Ordinance

X. County Administrator's Report

- a. Activity Report
- b. Report on County Treasurer Retirement
- c. Report on Telephone System Upgrade
- d. VACo Annual Conference
- e. Request for appropriation for mower for Maintenance Department

XI County Attorney's Report

- a. Amherst County Board of Supervisors Code of Ethics
- b. Personnel Plan
 - (i) Deletion of last paragraph of Section 2.1 of the Plan
 - (ii) Review of Plan by Springsted, Inc. Status Update
- c. Virginia Freedom of Information Act Advisory Council Tutorial
- d. EDA Resolution requesting transfer of industrial park lands to it by the BOS
- e. Memorandum regarding official separation of the Humane Society and the Animal Shelter state inspection compliance purposes.
- f. Roll-Call Voting Memorandum
- g. Proposed Noise Ordinance Revision
- h. §15.2 1409 Investigation status memo

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

- (i) Central Accounting Salary Issue
- (ii) Pamela Wilson – Community Policy Management Team
(reappointed at June 2, 2009 meeting – asked to attend this meeting)

§2.2-3711.A.3 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.

- a. EDA prospective business report from B. David and Dan Siegel regarding prospective business proposed tax incentives

XV. Adjourn

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

NAY: None

IN RE: REGIONAL AIRPORT PRESENTATION – STANLEY JONES AND MARK COURTNEY, AIRPORT DIRECTOR

Mr. Stanley Jones and Mr. Mark Courtney, Airport Director appeared before the Board and presented a power point presentation regarding the Lynchburg Regional Airport.

IN RE: NOISE FROM THE AMELON INDUSTRIAL PARK – LINCOLN FITZGERALD

Mr. Lincoln Fitzgerald, 136 Lee Drive, Madison Heights, adjoins England Stove Works was present at the Board meeting and discussed his problem with the noise and dust from the industrial park.

He stated that the machine (a dust collector machine) runs Monday – Friday and produces a loud noise. He presented a letter dated June 29, 2009 listing his complaints and the appearance of violation to the covenants, conditions and restrictions in document of October 2, 2007.

Page 4 of 11 – Item #4 – (a) Noise or sound that is objectionable because of its volume, duration, intermittent beat, frequency or shrillness.

Page 4 of 11 – Item #4 – (d) Obnoxious odors apparently coming from the substance used to polish the woodstoves.

Page 6 of 11 – Item #8 – No landscaping has been done.

Page 6 of 11 – Item #13 – Equipment on the exterior of the building is not concealed from view from streets and buildings on adjacent sites.

Page 7 of 11 – Item 21 – Trash dumpster is located on site along with unsightly wooden pallets on outside beside building.

On motion of Mr. Vandall and with the following vote, the Board directed staff to meet with Mr. Hudson and see what could be done and have report back to the Board at next regular meeting.

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

NAY: None

IN RE: AMHERST COUNTY PUBLIC SCHOOLS – DR. BRIAN RATLIFF

Dr. Brian Ratliff appeared before the Board to present a status report on school activity.

On motion of Mr. Vandall and with the following vote, the Board approved the following appropriation of \$290,798.00 for the 2008-2009 school session:

Other Local Funds

VaCorp and Travelers Insurance Company	
Amherst Middle School	\$241,305.50
CVCC Reimbursement	49,493.00

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

NAY: None

IN RE: RESOLUTION FOR RURAL RUSTIC ROAD PROJECT

On motion of Mr. R. Vandall and with the following vote, the the Board of Supervisors of Amherst County, in a regular meeting on the 21st day of July, 2009 adopted the following:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Amherst County, Virginia ("Board") desires to consider whether (*show State Route number and street name*) Route 637 – Sugar Hill Tunnel Road, From: Route 635 To: 1.60 Miles North Route 635 should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system

of state highways and; and

WHEREAS, the public, to particularly include those citizens who own land abutting this road, has been made aware that this road may be paved with minimal improvements; through identifying the project as a rural rustic road project in the six year plan presented for public hearing and through separate notification; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator 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: FY2010 REVENUE SHARING PROGRAM

The Board was presented information and forms detailing the FY2010 Revenue Sharing Program. They were notified if the County wished to participate in the program an application would need to be provided by August 14, 2009.

The Board by consensus declined considered in the revenue sharing program at this time.

IN RE: WOODY'S LANE – JEREMY BRYANT

A request was made to the Board to have the Virginia Department of Transportation (VDOT) to review Woody's Lane and determine what was needed to accept the street into the Secondary Street Requirements. On June 19, 2009, Scott Round with VDOT submitted an e-mail that outlines the items needed to be addressed for the street to be accepted. Mr. Round reported the following:

- The pavement width of the street is 16'. The minimum is 18'. The overall width (from stone wall to stone wall) is 20'. A clear zone of 6' on each side is recommended. The Resident Engineer could waive that requirement at his discretion.
- Provisions would need to be made at the end of the road for a cul-de-sac or at a minimum a 3 point turn accommodation.
- Right of way for the roadway as well as the cul-de-sac would have to be dedicated.
- A garage structure is located at the current edge of payment. If R/W were deeded it would most likely encroach on that structure.
- The roadway it's self has deteriorated to the point that the roadway would need to basically reconstructed. There are several water valve located in the roadway that are well above the existing grade of the road. That would need to be addressed either by lowering the valve boxes or raising the grade of the road.
- There is a possible sight distance issue when exiting Woody's Lane. An existing house's porch column obstructs the view of the south. This may not be an issue but would require assistance from our district office as to whether it would be acceptable or not.
- There appears to be on street parking which would need to be prevented. The minimum width of the roadway with on street parking is 28'.

This was provide as information for the board at this time and no action was required.

IN RE: CITIZEN COMMENTS

No citizen comments.

IN RE: MINUTES

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the minutes of June 2nd, 4th, 9th, 10th, 16th, and 24th, 2009.

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

NAY: None

- b. Building Safety & Inspections monthly report for June 2009
- c. Parks, Recreation and Cultural Development Report for May, 2009
- d. Office of the Sheriff report for May 2009
- e. Department of Historic Resources – Fairview
- f. Robert E. Lee Soil & Water Conservation District report for May 28, 2009
- g. Robert E. Lee Soil & Water Conservation District – Watershed Protection – Anne Marie Clarke
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- j. Department of Health – Camp Cross Roads
- k. Auditor of Public Accounts – Circuit Court Clerk's Audit
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- m. VDOT Traffic Alerts – June 22-26, June 29 – July 3, July 13-17, July 20-24, 2009

Information only

IN RE: BUDGET REQUEST OF CENTRAL VIRGINIA COMMUNITY COLLEGE FOR SITE DEVELOPMENT COSTS

Brenda Campbell, Central Accounting Director, presented the following request from John Poole, Vice President for Finance and Administration, Central Virginia Community College for funds for the 2009-2010 budget year for site development costs for the CVCC's Culinary Arts Building. The County's share would be \$47,650.00 and could be paid over the course of two years, with Amherst paying \$23,825.00 each year.

On motion of Mr. Vandall, and with the following vote, the Board of Supervisors denied the request.

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

NAY: None

IN RE: PERSONAL PROPERTY TAX RELIEF FOR FY2010

Ms. Campbell presented this request per memo from the Commissioner of Revenue, Linda Byers, for the Board of Supervisors to set the Personal Property Tax Relief Rate for the 2009-2010 operating year.

The following rate options were provided for their consideration:

- 1. 46.6% will allow the utilization of \$2,219,891.92 with \$6,720.41 available for supplements
- 2. 46.55% will allow the utilization of \$2,217,484.65 with \$9,127.68 available for supplements
- 3. 46.50% will allow the utilization of \$2,215,126.27 with \$11,486.06 available for supplements

On motion of Mr. Vandall and with the following vote, the Board of Supervisors set the personal property tax relief rate for \$46.5%.

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

IN RE: CREDIT CARD POLICY

Ms. Campbell proposed amendment to the Credit Card Policy adopted by the Board of Supervisors on December 4, 2007. Recent changes in the Personnel Policy initiated a review of the Credit Card Policy. To convey the same overtone as a "Drug Free Workplace", it seems appropriate to extend the same scruples to the County's Credit Card Policy.

On motion of Mr. C. Adams and with the following vote, the Board approved the change in the credit card policy with the addition of No. 17.

CREDIT CARD POLICY

17. It is unlawful to purchase any alcohol, illegal drugs, or other controlled substances with the County Credit Card.

Occasionally, for prospective business purposes, and/or County sponsored or cosponsored events, the purchase of alcoholic beverages may be necessary. In such instances, the County Administrator may exempt the purchase of alcohol beverages from the terms of this policy. In said cases, the County Administrator will review and either approve or deny each purchase on an individual case-by-case basis. Each reviewed case will be reported to the Board of Supervisors at their next regularly scheduled meeting.

In the event, any purchase is deemed not in accordance with this stated policy, the County Administrator may refer the matter to the Board of Supervisors for final approval or denial. In the event of denial, reimbursement of the entire purchase price will be required by the purchaser. In the event, the purchaser fails to promptly provide said reimbursement, the purchaser will be subject to discipline, up to and including termination of employment and/or civil/criminal prosecution.

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

IN RE: TRAIN STATION

Ms. Campbell presented the following information regarding financing of the train station.

The County received on June 19th, the amount of \$41,293.07 as the second reimbursement from a submitted request totaling \$107,595.04. This submission required an in-kind match of \$26,898.76, the County had available an in-kind match of \$6,964.52, which left a cash match of \$19,823.93. On March 20th, 2009, the County submitted another reimbursement request totaling \$68,394.54. This submission required a cash match of \$17,098, the anticipated reimbursement to the County is \$51,295.91. For the 2008-2009 operating year, a total cash match of \$36,922.57 has been utilized towards the Train Station.

IN RE: EDA FINANCIAL REPORT

Ms. Campbell presented a copy of the financial report sent to the EDA.

IN RE: REPORT ON RENTAL INSPECTIONS, ORDINANCE IMPLEMENTATION AND BLIGHTED PROPERTY

Mr. Kenneth Campbell met with the Board and gave a report on rental inspections, ordinance implementation and blighted property. He also presented the following report from Lt. D. Givens for the month of June 2009.

58 complaints received
 36 complaints cleared

6 letters mailed out
 5 letters received and complied
 Worked on previous complaints

Had Amherst lawn Care cut the grass at 416 Dixie Airport Rd.

IN RE: GRANT AWARD FOR PURCHASE OF TEN PANASONIC TOUGHBOOK 19 COMPUTERS

Gary Roakes met with the Board and presented the following three requests:

1. Grant from the Virginia Department of Health Office of Emergency Medical Services Financial Assistance for Emergency Medical Services (FAEMS) grant program has been awarded to Amherst County to purchase ten (10) Panasonic Toughbook 19 Computers in the amount of \$36,500.00. These computers will be used to replace the ten units we have had in service for the past six years to complete our electronic EMS runs sheets for our volunteer and career staff. They will be spending \$2,500.00 from our Emergency Medical Services budget to purchase the Digitizer Tabled version (Kit B) to support our current software and allow them to capture the required signatures on the computer. Mr. Roakes was requesting that you allocate \$36,500.00 to purchase the ten Toughbook 19 computers and allow Mr. David Proffitt to sign the Agreement of Services.

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved to appropriate \$36,500.00 to allow purchase of the computers for the Public Safety Department.

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

NAY: None

2. Mr. Charlie Singleton's, citizen volunteer and Amherst County Board of Supervisors appointee, term has expired on the Emergency Services Council. At the July 8, 2009 Emergency Service Council meeting, the council unanimously approved Mr. Singleton being reappointed to another four (4) year term. Mr. Singleton agreed to this reappointment.

On motion of Mr. V. Wood and with the following vote, the Board of Supervisors moved to reappoint Mr. Charlie Singleton to another four year term on the Emergency Service Council to expire August 31, 2013.

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

NAY: None

3. Monelison Volunteer Fire Department in an attempt to provide adequate space for apparatus, elected to erect a metal building consisting of three bays located on their property on Amer Court. The Fire Department is requesting reimbursement in the amount of \$625.50 from the Board of Supervisors for the cost of the appropriate permits to construct this shell building.

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors moved to approve the appropriation of \$650.00 to be reimbursed to Monelison Volunteer Fire Department.

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

NAY: None

IN RE: AMHERST COUNTY BOARD OF SUPERVISORS RESOLUTION OF RECOGNITION AND COMMENDING MARGARET R. MORTON

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved approval of the following resolution of recognition and commending Margaret R. Morton.

WHEREAS, Margaret Morton has faithfully and impartially represented the individuals and families of Amherst County as an appointee to the Amherst County Social Services Board from August 17, 1999 through June 20, 2009; and

WHEREAS, Margaret Morton has actively contributed her leadership and experience to enhance services for individuals and families in Amherst County; and

WHEREAS, Margaret Morton has demonstrated a sincere desire and an unfailing commitment to advocate on behalf of and to improve the quality of life for the citizens of Amherst County.

NOW AND THEREFORE BE IT RESOLVED by the Amherst County Board of Supervisors that it would like to recognize and commend Margaret Morton with heartfelt gratitude for all her efforts and bids her well in all her future endeavors.

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

NAY: None

IN RE: PRESENTATION OF THE SOCIAL SERVICES 2008 ACCOMPLISHMENTS

Mr. Glenn Sullivan met with the Board and presented a status report on their 2008 accomplishments.

IN RE: CLOSED RT. 130 RURAL SOLID WASTE COLLECTION SITE SOIL ASSESSMENT

Ms. Teresa Nuckols met with the Board and presented information on the Rt. 130 rural solid waste collection site soil assessment.

On April 7, 2009 the Board was informed the Board that Mr. Marvin Tomlin, lessor of the Closed Rt. 130 Rural Solid Waste Collection Site property, had request a soil assessment to ensure that his property had not been impacted with any residuals from the collection site referencing Section 5 of the Lease Agreement addressing site conditions upon contract termination.

Based on on-site evaluation by ES&C and laboratory results from Pace Analytical, we have the following conclusions:

- There were no visible or olfactory observation of environmental impact due to past site uses;
- Soil observed during excavation of test pits indicated relatively coarse grained soils that appear to drain well;
- Arsenic detected in two samples was the only RCRA metal detection that was above PRG's (however, the detection is within the concentration range of naturally-occurring arsenic in this geologic area) but still below levels that require reporting.

No other action required.

IN RE: COOLWELL CONVENIENCE CENTER EXPANSION REQUEST TO BID PROJECT

Ms. Teresa Nuckols met with the Board with the following information and request to bid project.

The erosion and sediment control/storm water management plan for the Coolwell Convenience Center Expansion Project has been recommended for approval by Anne Marie Clarke, Watershed Coordinator, Robert E. Lee Soil and Water Conservation District and the site plans were approved by the Planning Commission on July 2, 2009.

At this time Ms. Nuckols would like to request authorization from the Board of Supervisors to place project out for bid with the following probable cost:

Construction	\$340,094
Equipment	\$ 78,000
Engineer	\$ 60,000
Total	\$478,094

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to proceed with bid process.

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

IN RE: ZONING CASE #2009-02 – ZONING TEXT AMENDMENT TO ALLOW OFF-HIGHWAY VEHICLE RECREATION FACILITIES AS A SPECIAL EXCEPTION USE IN THE A-1 AGRICULTURAL RESIDENTIAL DISTRICT

This request is a zoning text amendment that has been submitted by James River Recreation Center, LLC/Ken Beck. The text amendment would allow off-highway vehicle recreation facilities as a special exception use in the A-1 Agricultural Residential District. The proposal adds a definition of off-highway vehicle recreation facilities, off-highway vehicle, and perennial stream as well as a section under the special provision section of the Amherst County Zoning Ordinance.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors denied the zoning text amendment to allow off-highway vehicle recreation facilities as a special exception use in the A-1 Agricultural Residential District.

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

IN RE: 2008-30 FLAG LOT AND CUL-DE-SAC REDUCTION – ZONING TEXT AMENDMENT REGARDING CUL-DE-SACS AND FLAG LOTS IN THE AMHERST COUNTY ZONING AND SUBDIVISION ORDINANCE

This is a 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 topographic conditions are present; minimum lot width must meet district requirements; setbacks to be applied where the lots meets minimum width requirements; the definition of flag lots is also amended to add clarity.

On motion of Mr. Adams and with the following vote, the Board of Supervisors approves the text amendment with changing frontage to twenty-five (25') feet with everything else staying the same.

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

IN RE: ACTIVITY REPORT FOR JUNE 2009

Updated activity report was provided.

IN RE: REPORT ON COUNTY TREASURER'S RETIREMENT

A copy of a letter from Donald T. Wood to Judge Michael G. Gamble, Circuit Court judge announcing his planned retirement effective December 31, 2009 was presented to the Board along with an email from David Hughes, Robinson, Farmer, Cox Associates regarding procedure for the County to pursue in closing out Mr. Wood's term of office.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors directed the County Attorney to draft a letter to Judge Gamble requesting a special election to be held on November 3, 2009.

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

IN RE: COUNTY TELEPHONE SYSTEM UPGRADE

The County retained the services of TMG telecommunication consultants to advise us on the most efficient plan for implementing required system upgrades by Embarq. TMG has completed their work for a fee of \$1,600.00. If the County accepts all recommendations in the attached report for a revised software/hardware upgrade, 3-year maintenance proposal and 3-year Verizon agreement, a savings of \$50,332 over current expenditures for that time period will be enjoyed.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors authorized staff to execute the revised Embarq upgrade proposal in the amount of \$51,213, the proposed 3-year Embarq maintenance agreement for an annual cost of \$11,483 and the revised Verizon agreement in the amount of \$2,840. Funding for the upgrade is anticipated in the CIP budget and the other expenses are included in the operational budget.

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

NAY: None

IN RE: VACO ANNUAL CONFERENCE

Information was presented to the Board on the annual VACo conference.

IN RE: REQUEST FOR APPROPRIATION FOR MOWER FOR MAINTENANCE DEPARTMENT

The County Maintenance Department has had a replacement "O" turn radius mower in its CIP budget for more than two years. The current mower has become unusable as the engine needs replacement and the frame has broken after several previous welds and is not feasible to repair. Mr. Cash has obtained several quotes for a 61" cut mower that is needed. The lowest quote is from a local dealer in the amount of \$6,399.96.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors authorize the purchase of a replacement mower and to appropriate up to \$6,400.00 from deferred maintenance bond financing for that cost.

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

NAY: None

IN RE: AMHERST COUNTY BOARD OF SUPERVISORS CODE OF ETHICS

A Code of Ethics has previously been presented to the Board for review and comment. No action has been taken at this time.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors directed the County Attorney to advertise for a public hearing on the Code of Ethics as an addition to the County Code for the second meeting in September 2009.

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

NAY: None

IN RE: PERSONNEL PLAN

The Board requested an explanation regarding the deletion of the last paragraph of Section 2.1 of the new personnel plan.

The purpose of the medic is to provide emergency care to the team and any suspects that may be injured until an ambulance arrives. Being armed and sworn as a special deputy is for the safety of the medic and other team members. The team trains together and works together.

The Board has retained Springsted, Inc. to conduct a comprehensive review of the County's new Personnel Plan. The details of Springsted's review of the Plan are as follows:

- Springsted will conduct the review for \$2,450.00
- Included in the \$2,450.00 fee, Springsted hereby agrees to present its review of the plan at an Amherst County Board of Supervisors' meeting to be held on August 18, 2009, at 7:00 p.m.
- Springsted will conduct a comprehensive review of the plan to ensure that it comports with all federal, state and local laws, determine whether or not any section(s) of the plan need to be deleted, modified, or added, and provide actual verbiage for said changes to the Plan.

IN RE: VIRGINIA FREEDOM OF INFORMATION ACT ADVISORY COUNCIL TUTORIAL

Information for the Board of Supervisors review and discussion regarding whether or not to authorize the County Attorney to coordinate a Virginia Freedom of Information Act tutorial session led by M. Everett.

By consensus the Board of Supervisors directed staff to set a date and time and extend invitations to county staff and other jurisdictions.

IN RE: EDA RESOLUTION REQUESTING TRANSFER OF INDUSTRIAL PARK LAND TO IT BY THE BOARD OF SUPERVISORS

This request was presented to the Board of Supervisors for discussion and review. The Board of Supervisors determined that they had several issues that needed to be resolved before transferring property to the EDA.

IN RE: MEMORANDUM REGARDING OFFICIAL SEPARATION OF THE HUMANE SOCIETY AND THE ANIMAL SHELTER STATE INSPECTION COMPLIANCE PURPOSES

On June 23, 2009 in response to Mr. Hunt's letter dated May 12, 2009, Daniel A. Kovich, DVM, MPH, Staff Veterinarian for Animal Health and Welfare, Office of Veterinary Services, Virginia Department of Agriculture and Consumer Services, granted request to have the Animal Shelter and the Humane Society officially separated for state inspection compliance purposes effective August 1, 2009.

IN RE: ROLL CALL VOTING MEMORANDUM

Amherst County Code requires that all substantive motions and actions shall be taken by roll call vote in order to meet the legal requirements of the Commonwealth and to inform the public. The County Attorney respectfully asked that the Board of Supervisors commence utilizing roll call votes on all non-procedural voting matters and in order to facilitate said voting method change permission to investigate the cost associated with this procedure.

On motion of Mr. Vandall and with the following vote, the Board directs staff to investigate the costs associated with purchasing and installing a scoreboard voting machine.

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

NAY: None

IN RE: PROPOSED NOISE ORDINANCE REVISION

Proposed noise ordinance is being presented for your review and discussion.

By consensus, the Board of Supervisors directs staff to delay any action on this ordinance for the time being.

IN RE: VIRGINIA CODE §15.2-1409 INVESTIGATION STATUS MEMORANDUM

After much review and discussion, on motion of Mr. Vandall and with the following vote, the Board of Supervisors directed Mr. Hunt to send a letter to the Attorney General asking opinion of investigating the situation.

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

NAY: None

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. V. Wood – EMS – why did they have to identify certain vehicle for the free county sticker.

Mr. R. Vandall – would like the second meeting in September to be held at the new Amherst Education Center.

Mr. D. Kidd – None

Mr. L. Parrish - None

Mr. C. Adams – None

IN RE: APPROPRIATIONS/TRANSFERS

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the following appropriations and/or transfers:

a. APPROPRIATIONS**FY 2009****SHERIFF'S DEPARTMENT**

31020 1010	Comp Narcotics	\$	922.04
33010 3001	Medical		158.48
33010 3004	Building Repair		449.00
(Pass through revenue)			
31020 3004-100	Auto Repairs – Ins.	\$	1,131.60
(Insurance claim)			

FY 2010

31020 3004-100	Auto Repairs – Ins.	\$	3,196.42
(insurance claim)			
31020 1008	Traffic Enforcement (PT)		10,000.00
31020 1008	Traffic Enforcement (FT)		9,414.00
31020 1009	Clerical Salary		4,877.30
31020 2001	FICA		1,030.76
31020 2002	VRS		1,877.87
31020 2005	Health Ins		2,264.63
31020 2006	Life Ins		117.19
31020 2017	Health Credit		30.02
31020 5409	Police Supplies		15,060.00
31020 5804-100	Court House Beautify		21,000.00
(Fine Revenue money)			

FY 2009**BUILDING SAFETY AND INSPECTIONS**

34010 5803	Erosion Control Plan	\$	12,500.00
(Funds deposited with Treasurer)			

FY2010**ANIMAL CONTROL**

35010 7005	Repairs Vehicle	\$	6,966.32
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(Insurance claim)			
35010 5305	Auto Repair		3,255.58
(Insurance claim)			

b. TRANSFERS**FY09****TOURISM**

Transfer from:

81600 5605	Community Assistance	\$	1,800.00
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Transfer to:

81600 3007	Advertising	\$	1,800.00
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FY09**LIBRARY**

Transfer from

73010 5401	Office Supplies	\$	550.01
73010 3006	Maint. SVC Contracts – Equip		722.53

Transfer to

73010 3002	Professional Services		148.83
73010 5102	Water & Sewer		133.90
73010 5504	Travel-Education		55.44
73010 5801	Membership/Dues		145.00
73010 7002	Furniture & Fixture		66.84
73010 5101	Electrical Services		81.36
73010 4001	Computer Services		641.17

(To cover shortfalls in the FY2009 budget)

FY10**LIBRARY**

Transfer from

73010 3006	Maint. SVC Contracts Equip	\$	4,000.00
73010 5401	Office Supplies		3,000.00
73010 5504	Travel-Education		1,000.00
73010 5801	Membership/Dues		440.00
73010 7002	Furniture & Fixtures		1,000.00

Transfer to

73010 3002	Professional Services	\$	9,440.00
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(Transfers for FY2010 to cover budget cuts of \$10,000.00)

FY09**SHERIFF'S DEPARTMENT**

Transfer from:

33010	3005	Maint SVC	\$	426.00
33010	5103	Water & Sewer		2,600.00
33010	5203	Telephone		200.00
33010	5404	Medical Supply		95.00
33010	5408	Gas		2,990.00
33010	5804	Pre-employ		220.00
31020	7001	Equip		1,222.00
31020	5408	Gas		9,094.00
8-3125	1008	DMV		5.00
31020	3004	Auto repair		525.00
31020	3005	Maint SVC		610.00
31020	3007	Advertise		145.00
31020	3016	Radio Repair		170.00
31020	5201	Postage		265.00
31020	5409	Police Supply		900.00
31020	5410	Uniforms		470.00
31020	5801	Dues		50.00
31020	5805	EMS Train		360.00
31020	7009	Misc Equip		1,656.00
31020	3001-400	Vet		275.00
31020	5402-400	K9 Supplies		1,400.00

Transfer to:

33010	3004	Building Repairs	\$	7,422.00
33010	5101	Electrical		3,892.00
33010	5405	Cleaning Supply		256.00
33010	5409	Police supply		14.00
33010	5402	Food		5,263.00
(Year end balance)				
8-3125	7001	DMV		5.00
(Year-end balance)				
31020	5101	Electrical		3,405.00
31020	5203	Telephone		2,905.00
31020	5401	Office Supply		34.00
31020	5416	Physical Exam		269.00
31020	5449	Tires		81.00
31020	5804-100	Courthouse		132.00

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.

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