

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

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 18<sup>th</sup> day of August, 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. V. Wood led in the invocation and pledge of allegiance.

**IN RE: APPROVAL OF AGENDA**

On motion of Mr. V. Wood, seconded by Mr. C. Adams and with the following vote, the Board of Supervisors approved the agenda with the following additions:

County Attorney: Remove "d"

County Administrator: Add Broadband Authority resolution

Closed Meeting: Change interviews from closed meeting to open agenda

**AGENDA**

**TUESDAY, AUGUST 18, 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. Resolution in recognition of Margaret Morton, Social Service Board
  - b. Virginia Association of Counties – Donald Hart
  - c. Beard Center on Aging – Margaret Bryant, DHHSC Outreach Specialist
  - d. Dominion 7 Architects – Blair Smith, AIA
- V. Amherst County Public Schools – Dr. Brian Ratliff**
- VI. Virginia Department of Transportation – Michael McCormack**
  - a. Request for Permanent Maintenance of Walnut Street
- VII. Citizen Comments**

Michael Demarco – public swimming late  
 Rising Sun Church – Ronald Lovelace – directional signs  
 Thomas Brooks – Family division rights – delete 5 years on front end

## **VIII. Consent Agenda**

- a. Change of Board of Supervisors meeting place for September.
- b. Amherst County Board of Supervisors Minutes – July 14<sup>th</sup>, 21<sup>st</sup> (1:00 pm), 21<sup>st</sup> (7:00 pm), 30<sup>th</sup> (7:30 am), and 31<sup>st</sup> (10:30 am)
- c. Building Safety & Inspections monthly report for July 2009
- d. Amherst County Parks, Recreation and Cultural Dev. Bd – June 23, 2009
- e. Dept. of Housing and Community Development – 2009 VA CDBG Grant Award
- f. Robert E. Lee Soil & Water Conservation District – June 25, 2009
- g. Dept. of Health – Winton Country Club
- h. Resolution to Support Revisions to the George Washington Management Plan and Hereby Improve the Management of Drinking Water Resources – Region 2000
- i. Virginia's Region 2000 Future Focus Campaign – Region 2000
- j. Central Virginia Community College – Amherst Center
- k. Letter of August 2, 2009 – Daisy Turner
- l. Petition of Virginia Electric and Power Co. for approval to implement new demand-side management programs and for approval of two rate adjustment clauses pursuant to §56-585.1 A 5 of the Code of Virginia Case No. PUE-2009
- m. Department of Conservation and Recreation – Erosion and Sediment Control Program
- n. Department of Environmental Quality – Rutledge Creek WWTP
- o. Lynchburg Area Center for Independent Living Letter of July 27, 2009
- p. Office of the Governor Letter of July 24, 2009
- q. VDOT Traffic Alerts – July 27-31, August 3-7, 2009

## **IX. Department Reports**

### Central Accounting

- a. Communication Tax Update
- b. Year End Transfers

### Virginia Cooperative Extension

- a. Memorandum of Understanding

### Department of Tourism

- a. Department of Tourism Update

### Registrar

- a. Polling Places

### Building Safety and Inspections

- a. Monthly Report Rental and Blighted Property

### Public Safety

- a. Resolution Celebrating the life of Tim Pigg

### Planning and Zoning

- a. Consideration of the No-Shoot zone boundary adjustment
- b. Consideration of Cash Proffers
- c. 2009-07 Off-Site Directional Signs
- d. Zoning Case #2008-31 Family Subdivision Ordinance

**X. County Administrator's Report**

- a. Activity Report

**XI County Attorney's Report**

- a. Fitzgerald England Stove Complaint Update Memorandum
- b. Virginia Nuisance Primer Memorandum
- c. Potential Monelison Fire and Rescue move to Lot #3 of Amelon Commerce Center ("ACC")
- d. Resolution Authorizing Sewer Line Extension to Lots 5 and 6, and Parcel 1, of the Amelon Commerce Center
- e. *County of Amherst v. Thomas H. Lee* (Court Case No. CL06006429) Delinquent Tax Surplus Proceeds Payment Report
- f. Attorney General's Office Investigation Request
- g. Amherst CVCC Center Support Letter
- h. Virginia Freedom of Information Act ("VA FOIA") Tutorial
- i. Roll-Call Voting Machine Pricing Status Report
- j. Letter to Virginia Department of Environmental Quality ("VA DEQ") regarding biosolids and the Virginia Blue Ridge Railway Trail
- k. Treasurer Special Election Timing Status Report
- l. Noise Ordinance Update Memorandum
- m. Monacan Park Wake Boarding Issue Update

**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.

- 1. Personnel
  - a. Interviews Planning Commission
  - b. Interview Community Policy Management Team
- 2. Discussion of the hiring of a new County Administrator
- 3. Discussion of Accounting Director salary issue

**XV. Adjourn**

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

**IN RE: RESOLUTION RECOGNIZING AND COMMENDING MARGARET R. MORTON FOR SERVICE ON THE DEPARTMENT OF SOCIAL SERVICES BOARD**

**Amherst County Board of Supervisors**

**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.

Adopted this 21<sup>st</sup> day of July, 2009.

This resolution having been approved and adopted on the 21<sup>st</sup> day of July, 2009 was read and presented to Ms. Morton by the Chairman of the Board of Supervisors, Leon J. Parrish.

**IN RE: SPECIAL APPEARANCE BY MR. DONALD HART PRESIDENT OF VACO FOR THE YEAR 2009**

Mr. Hart, president of VACo, appeared before the Board of Supervisors at their Tuesday, August 18, 2009 meeting to introduce himself and to let the Board of Supervisors know that they were available at any time they could be of service to Amherst County.

**IN RE: SPECIAL APPEARANCE BY MS. MARGARET BRYANT, DHHSC OUTREACH SPECIALIST**

Ms. Bryant, DHHSC Outreach Specialist, appeared before the Board of Supervisors at their Tuesday, August 18, 2009 meeting to tell the Board about their organization and the things they do for the elderly in the Region 2000 area and about a conference they will be holding that the Board will be invited to attend.

**IN RE: SPECIAL APPEARANCE BY BLAIR SMITH, DOMINION 7 ARCHITECTS**

Mr. Smith of Dominion 7 Architects appeared before the Board of Supervisors at their Tuesday, August 18, 2009 meeting to present an update on the space needs study that they have been doing for the County.

The Board took the information about the Recreation Building, Goodwin Street Building and the new building information under advisement.

On motion of Mr. Vandall and with the following vote, the Board directed staff to go to bid on the administration building entrances with a base bid and 3 alternatives.

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

NAY: None

**IN RE: SCHOOL BOARD – DR. BRIAN RATLIFF**

Dr. Brian Ratliff appeared before the Board of Supervisors with an update on the opening of the school system for 2009-2010.

**IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – MICHAEL MCCORMACK**

Mr. McCormack appeared before the Board of Supervisors and presented the following summary of the meeting on July 21, 2009 and an agenda for the meeting today, August 18, 2009.

**Amherst County  
Summary  
Board of Supervisor's Meeting  
07/21/09**

- Resolution form for Rural Rustic Road – Form sent to county 6/16/09 – For Sugar Hill Tunnel Road – Area Headquarters to complete incidental work (ie: ditches, putting down stone) in fall and will complete in spring 2010.
- FY 2010 Revenue Sharing Form – Sent required forms to David Proffitt on 7/20/09 – Application, letter of intent and Designation of funds forms *Due on August 14<sup>th</sup> 2009*. Board did not elect to participate in next years program.
- Woody's Lane – Cannot be accepted into State System – does not meet current state standards
- General Discussion regarding mowing standards and reduction of areas covered.

**Amherst County  
Board of Supervisor's Meeting  
Items for Discussion  
08/18/09**

- Request for acceptance of Walnut Street into the Secondary System
- Status of Campbell's Mill Road slope repair
- Brush in Old Madison Heights/Sidewalk Repairs
- Certification form for Sidewalk Improvements on Route 29

Ron Middleman and Mr. Kinkle Toliver, 117 Walnut Street, Amherst, Va., spoke to the Board regarding Walnut Street.

Mr. McCormack informed the Board of the process of the Highway Department taking Walnut Street into their system.

Walnut Street would have to be brought up to the Highway Department standards, the homeowners would have to agree to "No Parking" on one side of the street and then the Town of Amherst must create a resolution before VDOT can accept the road into the system.

**IN RE: CITIZEN COMMENTS**

Michael Demarco – public swimming lake

Rising Sun Church sign – Ronald Lovelace

Thomas Brooks – Family Division rights – delete five (5) years upfront

**IN RE: CONSENT AGENDA**

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors approved the minutes of July, 2009.

July 14, 2009 – AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. V. Wood

NAY: None

ABSTAIN: Mr. R. Vandall (absent)

July 21, 2009 (1:00 p.m. and 7:00 p.m.), July 30, 2009 (7:30 a.m.) and July 31, 2009 (10:30 a.m.)

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

NAY: None

There was a comment on “j”, Central Virginia Community College, progress in a year’s time.

All other items on the consent agenda were for board information.

**IN RE: COMMUNICATION TAX**

Tracie Lann, Assistant Accounting Director, presented this information from the Department of Taxation as information only at this time.

**IN RE: YEAR END TRANSFERS**

Tracie Lann, Assistant Accounting Director, presented this request for year end transfers by the Accounting Department to allow close out of the financial records for the end of year 2009 and a full report will be send in September 2009.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the request to allow the Accounting Department to make these transfers to allow close out of the 2009 financial records in a timely manner and report on such at the September 2009 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: MEMORANDUM OF UNDERSTANDING BETWEEN VIRGINIA COOPERATIVE EXTENSION AND AMHERST COUNTY**

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors approved the revised Memorandum of Understanding between the Virginia Cooperative Extension and Amherst County and authorized the Acting County Administrator, David Proffitt, to sign the “MOU” on their behalf.

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

NAY: None

**IN RE: TOURISM UPDATE**

Mr. Joe Bondurant, Tourism Director, met with the Board of Supervisors and informed them that the County has received word of award of two grants. He also directed them to an article on fishing in Virginia that appeared in the Charleston Gazette.

**IN RE: POLLING PLACES**

Mr. Gary Beasley, Registrar, appeared before the Board of Supervisors and informed them of changes needed in two polling places. The Wright Shop polling place will be changed from Grace Baptist Church to Scott Zion Church and the Lonco polling place from the Coolwell Recreation Building to New Beginning Tabernacle.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the change of the Lonco polling place from the Coolwell Recreation Building to New Beginning Tabernacle.

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

NAY: None

On motion of Mr. D. Kidd and with the following vote, the Board of Supervisors approved the change of the Wright Shop polling place from Grace Baptist Church to Scott Zion Church.

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

NAY: None

#### **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 July 2009.

#### **MONTHLY REPORT JULY 2009 LT. D. GIVENS**

18 COMPLAINTS RECEIVED  
12 COMPLAINTS CLEARED  
4 LETTERS MAILED OUT  
4 LETTER RECEIVED AND COMPLIED  
WORKED ON PREVIOUS COMPLAINTS  
TOOK VACATION

#### **IN RE: RESOLUTION CELEBRATING THE LIFE OF TIMOTHY WAYNE PIGG**

**WHEREAS**, Timothy Wayne Pigg ("Tim Pigg"), a resident of Amherst County who served the community as a volunteer, a Firefighter, a Firefighter Instructor, mentor and friend, died August 8<sup>th</sup>, 2009; and

**WHEREAS**, Tim Pigg served as a Member and Second Assistant Chief of the Amherst Fire Department; and

**WHEREAS**, Tim Pigg was a Firefighter Instructor for the Virginia Department of Fire Programs; and

**WHEREAS**, Tim Pigg trained numerous individuals in firefighting and fire prevention techniques as a Fire Instructor; and

**WHEREAS**, Tim Pigg served numerous citizens in our area using his skills as a firefighter; and

**WHEREAS**, Tim Pigg was instrumental in the design and development of the Amherst Fire Department apparatus; and

**WHEREAS**, Tim Pigg is survived by his loving and devoted wife, Leigh Mallory Pigg and their three children Ryan, MacKenzie and Morgan; and

**WHEREAS**, Tim Pigg served this community with distinction and will be missed and fondly remembered by his family, his friends and the countless individuals whose lives he touched; and

**NOW, THEREFORE, BE IT RESOLVED** by the Amherst County Board of Supervisors, that the County of Amherst does hereby note with sadness the passing of an outstanding citizen, Tim Pigg; and

**BE IT FURTHER RESOLVED**, that the County Administrator prepare a copy of this resolution for presentation to the family of Timothy Wayne Pigg as an expression of the respect in which his memory is held by the Amherst County Board of Supervisors and the citizens of Amherst County.

This resolution was made on the motion of 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

#### **IN RE: CONSIDERATION OF THE NO-SHOOT BOUNDARY ADJUSTMENT**

Mr. J. Bryant presented to the Board information regarding the no-shoot boundary zone in the County. Mr. D. Hedrick, Chairman of the Planning Commission spoke regarding this issue also.

The Planning Commission formed a sub-committee to work on this. The committee determined that two options should be considered. Option A would leave the no-shoot zone boundary the way it is currently included in the ordinance without changes. Option B would require that the no-shoot zone boundary be consistent with specified zoning districts. In this option the requirements in the no-shoot zone would be applicable to the R-1 Limited Residential District, R-2 General Residential District, R-3 Multi-Family District, V-1 Village Center District, B-2 General Commercial District and the M-1 Industrial District. Only two (2) zoning districts would not be included and they are the A-1 Agricultural Residential District and the P-1 Public Lands District.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors directed staff to send this back to the Planning Commission and to reconsider this after the GIS system is operational.

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

NAY: None

#### **IN RE: CONSIDERATION OF CASH PROFFERS**

As part of the Amherst County Comprehensive Plan 2007-2027 both the Planning Commission and Board of Supervisors set forth a priority list of zoning text amendments to be considered to begin implementing the plan. Cash proffers were considered the number one priority on the list of zoning amendments. Mr. Bryant presented a power point presentation on cash proffers.

The Board of Supervisors directed staff to hold off on the cash proffers until a new CIP has been approved.

#### **IN RE: 2009-07 OFF SITE DIRECTIONAL SIGNS**

Ronald W. Lovelace, pastor of Rising Sun Baptist Church requested that the Planning Commission consider a zoning text amendment to allow church signs to be exempt from the sign ordinance. Previously, Rising Sun Baptist Church had a sign that had been constructed on Route 29 Business at the intersection of Cedar Gate Road. At the time, the sign was considered illegal because it is an off-site sign, which is not allowed by the ordinance. The sign did not meet County regulations and was also in violation of Virginia Department of Transportation primary highway signage regulations.

If the Board of Supervisors determines that the text amendment is ready to be advertised for Planning Commission public hearing, the Planning/Zoning Department will request that Mr. Lovelace pay the three-hundred (\$300) dollars for the public hearing fee since the amendment was not initiated by the County.



On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors directed staff to return to the Planning Commission with the recommendation to follow state code.

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

#### **IN RE: ZONING CASE 2008-31 FAMILY SUBDIVISION ORDINANCE**

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

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors moved approval of Zoning Case #2008-31 Family Subdivision Ordinance as follows with the removal of the five (5) year time limit that property has to be owned off the front of the ordinance and keep the five (5) year time limit on the back.

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

#### **IN RE: ACTIVITY REPORT FOR AUGUST 2009**

Mr. David Proffitt, Acting County Administrator, provided the attached activity report for August 2009:

### **MONTHLY ACTIVITY REPORT August, 2009**

#### **(1) American Tower – Internet Access for Pedlar and Animal Care and Control Facility:**

**Recent Activity:** Project complete for animal shelter – Pedlar tower construction to commence week of 8/10/09

**Next Steps:** Construct Pedlar Tower

**Last Updated:** 08/11/2009

#### **(2) Amherst Train Station:**

**Recent Activity:** Workshop planned for 5:00 p.m., August 24, 2009

**Next Steps:** Hold workshop.

**Last Updated:** 08/11/09

#### **(3) Animal Care and Control Facility:**

**Recent Activity:** All equipment and amenities installation to be complete by 8/31/09.

**Next Steps:** Finalized construction phase of project

**Last Updated:** 08/11/09

#### **(4) Learning Lane:**

**Recent Activity:** The final plat has been signed by Amherst County and the Amherst County School Board; Sam E. Davis has been informed on status of project and wants to wait to sign it after all other parties have

signed the plat; River James, Inc. has still yet to sign the plat; River James, Inc. sent reminder correspondence on 2/17/09 and 4/7/09; River James, Inc. sent County Attorney letter with questions on 4/15/09; County Attorney had teleconference with J. L. McCall of Hughes Realty on 4/15/09 to answer said question; J. L. McCall informed County Attorney that she would obtain approval to sign the plat from owner of River James, Inc. and then sign the plat; J. L. McCall of Hughes Realty has requested additional information regarding easements; County Attorney in process of gathering information and sending to J. L. McCall; Resolution of a shopping center drainage issue is currently being negotiated. Letter drafted on 7/14/09 by County Attorney informing Hughes Realty of possibility of condemnation proceedings if River James, Inc. continues to delay in signing plats; V. Hunt received letter from Hughes seeking additional information on 7/29/09; V. Hunt has prepared response to Hughes.

**Next Steps:** Send additional information to Hughes; Get plat signed by River James, Inc.; Record said plat; Upon recordation, authorize Hunt & Proffitt to proceed with VDOT coordination for acceptance into their system.

**Last Updated:** 08/11/09

**(5) Rental Inspection Ordinance Implementation:**

**Recent Activity:** Building official to provide report at August 18, 2009 board meeting:

**Next Steps:**

**Last Updated:** 08/11/09

**(6) Blighted Property Report:**

**Recent Activity:** Building Official to provide report at August 18, 2009 board meeting.

**Next Steps:**

**Last Updated:** 08/11/09

**(7) Madison Heights CDBG Grant Application:**

**Recent Activity:** Notice of grant award in amount of \$1,150,509 has been provided which includes \$40,175 in local match.

**Next Steps:** Implementation steps anticipated to commence in October, 2009. Regional Commission is the project administrator for Amherst County.

**Last Updated:** 08/11/09

**(8) Sidewalk Improvements in Madison Heights:**

**Recent Activity:** Bids have been advertised for an opening date of August 13, 2009.

**Next Steps:** Review bids for contract award/present to Board.

**Last Updated:** 08/11/09

**(9) Survey of Historic Properties:**

**Recent Activity:** Contract complete

**Next Steps:** Consultant to be selected to perform actual field work under direction of Dept. of Historic Resources.

**Last Updated:** 08/11/09

**(10) Space Needs Study:**

**Recent Activity:** Contract agreement has been completed with Dominion 7 architects to develop additional options for Board of Supervisors consideration.

**Next Steps:** Dominion 7 to provide a report at the August 18, 2009 meeting.

**Last Updated:** 08/11/09

**(11) Transfer of Amelon Commerce Center property to EDA:**

**Recent Activity:** V. Hunt provided EDA resolution at 07/21/09 to Board of Supervisors; Land transfer will take place following creation of Master Plan and remedying on ACSA easement issues; V. Hunt emailed B. Hopkins (H&P) on 8/11/09 seeking status of creation of the Master Plan.

**Next Steps:** Obtain Master Plan; Remedy ACSA easement issues; Transfer Land

**Last Updated:** 08/11/09

**(12) Monacan Park: Wake Boarding Boat Issue:**

**Recent Activity:** V. Hunt drafted Memorandum that was presented to the Parks and Recreation Board on 8/10/09; Parks and Recreation Board recommended following V. Hunt's recommendations in Memorandum; V. Hunt presented same Memorandum to BOS on 8/18/09; V. Hunt coordinating BOS/Parks and Recreation Board/VDGIF meeting to stress Wake Boarding enforcement issues at Monacan Park.

**Next Steps:** Hold aforementioned joint meeting.

**Last Updated:** 08/11/09

**(13) Noise Ordinance Revision:**

**Recent Activity:** V. Hunt presented revised Noise Ordinance at 7/21/09 BOS meeting for a first reading (third time doing so); BOS tabled issue and instructed V. Hunt to not place the item on an agenda until instructed to do so by them; V. Hunt drafted and presented a status update informational report on general Noise Ordinance issues at the 8/18/09 BOS meeting; V. Hunt will attend Noise Ordinance seminar at the LGA Fall conference and report back information to the BOS.

**Next Steps:** Per Board of Supervisors discretion.

**Last Updated:** 08/11/09

**(14) Zoning Ordinance Alignment with Comprehensive Plan:**

**Recent Activity:** J. Bryant presented cash proffer concept to Planning Commission June, 2009.

**Next Steps:** J. Bryant will present cash proffer issue to BOS at August 18, 2009 meeting.

**Last Updated:** 08/11/09

**(15) Water/Sewer to Route 210 Interchange:**

**Recent Activity:** Condemnation approved by BOS. County Attorney working to obtain final easements.

**Next Steps:** Work is underway for both water and sewer projects.

**Last Updated:** 08/11/09

**(16) Riveredge Park:**

**Recent Activity:** Revised plans submitted to (BCOM) Bureau of Capital Outlay.

**Next Steps:** Awaiting completion of review by BCOM

**Last Updated:** 08/11/09

**(17) Blue Ridge Railway Trail:**

**Recent Activity:** Trail Foundation seeking to raise matching funds for grant application; Letter written by V. Hunt (for Chairman Parrish's) signature to DEQ regarding biosolid spreading adjacent to the trail presented to the BOS at the 8/18/09 meeting.

**Next Steps:** Await matching funds.

**Last Updated:** 08/11/09

**(18) Convenience Center Development:**

**Recent Activity:** The Board authorized the preparation of plans and bid documents for the expansion of the Coolwell Convenience Center and closure of the open container site at the landfill. Attempts to locate land for the construction of a convenience center near the open container site on Route 60 West are ongoing.

**Next Steps:** Advertise for bids by September 1, 2009.

**Last Updated:** 08/11/09

**(19) GIS:**

**Recent Activity:** Data sets are currently being reviewed by the Commission of the Revenue and Planning Department for accuracy. The new site will include real estate tax parcels data and mapping. The data review process will likely not be completed until late 2009.

**Next Steps:** Launch of site

**Last Updated:** 08/11/09

**(20) Panther Mountain Tower Access:**

**Recent Activity:** Negotiations complete; V. Hunt/D. Proffitt are coordinating finalization of plats with M. Saunders and T. Brooks.

**Next Steps:** Revise final plat, sign documents, record documents

**Last Updated:** 08/11/09

**(21) Personnel Plan:**

**Recent Activity:** V. Hunt has sent Personnel Plan to Springsted, Inc., for review and comment; Springsted will present report on Personnel Plan at the 8/18/09 7 PM BOS meeting

**Next Steps:** Review Springsted's presentation; adoption Personnel Plan

**Last Updated:** 08/11/09

**(22) Administration Building Entrance(s)**

**Recent Activity:** Agreement signed with Dominion 7 Architects to create design for entry ways on all four sides of building. Dominion 7 to present plans and bid advertisement proposed date for south entrance at 8/21/09 BOS meeting.

**Next Steps:**

**Last Updated:** 08/11/09

**IN RE: BROADBAND AUTHORITY**

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the recommendation of the Broadband Authority Board to retain CityScope Consultants, Inc., and the draft Scope of Services dated August 17, 2009 at a cost not to exceed \$10,000 plus reimburse expenses for mileage, lodging and meals. Further this approval is subject to the review and approval by the County Attorney and the Amherst County Broadband Attorney, Mr. Gore, as to form. Further, Mr. Davis is given the authority to give this action effect.

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

NAY: None

**IN RE: FITZGERALD ENGLAND STOVE COMPLAINT UPDATE MEMORANDUM**

Mr. and Mrs. Fitzgerald were in attendance at the meeting. Mr. Hunt informed them and the Board of what all he is doing to eliminate the noise from the dust collector and will keep them abreast of whatever he can find out.

**IN RE: POTENTIAL MONELISON FIRE AND RESCUE MOVE TO LOT #3 OF AMELON COMMERCE CENTER**

After discussion and direction to discuss the possible move of Monelison Fire and Rescue to Lot #3 of the Amelon Commerce Center, Mr. Roakes visited Lot #2 and he preliminarily determined that the Lot is likely too small for all of Monelison's needs but he desires to reserve his ultimate decision/recommendation until he can review a professional plat of Lot #3. Also Mr. Bondurant broached the subject with the Economic Development Authority and one EDA member was opposed to the move.

By consensus of the Board the discussion on the was postponed until the master plan is finished.

**IN RE: RESOLUTION AUTHORIZING SEWER LINE EXTENSION TO LOTS 5 AND 6, AND PARCEL 1 OF THE AMELON COMMERCE CENTER**

No action taken – will be brought back at a later time.

**IN RE: REAPPOINTMENT OF PLANNING COMMISSION MEMBERS**

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors after interviewing Mr. Hedrick moved to reappoint him to another four (4) year term to expire August 31, 2013.

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

NAY: None

On motion of Mr. V. Wood and with the following vote, the Board of Supervisors after interviewing Mr. Heishman moved to reappoint him to a four (4) year term to expire August 31, 2013.

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

NAY: None

#### **IN RE: COMMUNITY POLICY MANAGEMENT TEAM**

On motion of Mr. C. Adams, and with the following vote, the Board of Supervisors after interviewing Mr. Gerald Darnell Woods moved to appoint him to a two (2) year term to expire June 30, 2011 as a vendor representative on the Amherst County Community Policy Management Team.

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 pursuant to § 2.2-3711.A.1, 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.

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. R. Vandall moved to come out of closed session, 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. 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: ACCOUNTING DIRECTOR SALARY MATTER**

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors moved to adjust the director of accounting's salary to Step 31 Grade K at \$61,778.43 and to make this retroactive to July 1, 2009.

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 table remaining items from the 1:00 meeting agenda to the 7:00 p.m. meeting agenda and adjourn until then.

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

NAY: None

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Leon J. Parrish, Chairman  
Amherst County Board of Supervisors

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David R. Proffitt, Acting County Administrator