

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

At a work session of the Board of Supervisors of Amherst County held at the Administration Building thereof on Monday, the 5<sup>th</sup> day of October, 2009 at 8:30 a.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

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

The meeting was opened by Vice Chairman Adams.

**IN RE: APPROVAL OF AGENDA**

On motion of Mr. Vandall, seconded by Mr. Kidd and with the following vote, the Board of Supervisors approved the following agenda with an addition of a closed session §2.2.3711.A.3 (Property Acquisition):

**AGENDA**

**AMHERST COUNTY  
BOARD OF SUPERVISORS' SPECIAL WORK SESSION  
MONDAY, OCTOBER 5, 2009  
8:30 A.M.  
THE AMHERST COUNTY ADMINISTRATION BUILDING\***

- I. Calling of Work Session to Order (8:30 A.M.)
- II. Approval of Agenda (8:30 A.M.)
- III. Discussion of Space Needs Options (8:30 A.M. - 10:30 A.M.)
- IV. Discussion of the Historic Amherst Train Station Issues (10:30 A.M. – 12:30 P.M.)
- V. Lunch Recess (12:30 P.M. – 1:00 P.M.)
- VI. Reconvening of Work Session (1:00 P.M.)
- VII. Discussion of Code of Ethics (1:00 P.M. – 2:00 P.M.)
- VIII. Discussion of the Impact of Anticipated State Revenue Reductions on Department Heads and Constitutional Officers (2:00 P.M. – 4:00 P.M.)
- IX. Discussion of the Next Step(s) in the Investigation into the Alleged Informational Leak that May or May Not Have Given Rise to an Obstruction of Justice Criminal Act (4:00 P.M. – 5:00 P.M.)
- X. Adjournment of Work Session

\*The Tuesday, September 15, 2009, Amherst Board of Supervisors' meeting was adjourned to this work session.

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

#### **IN RE: DISCUSSION OF SPACE NEED OPTIONS**

Mr. Blair Smith, Dominion Seven Architects) was available for questions and answers regarding the options that they had presented to the County.

He suggested that the Board try to eliminate options that they knew were not viable.

The Board went over each possible option trying to reach a viable option that they could work with.

Mr. V. Wood left meeting temporarily at 9:45 a.m.

On motion of Mr. Vandall and with the following vote, the Board approved Option 14, Build new building for Commissioner of Revenue, Treasurer, renovate Goodwin Street for Social Services and move Planning & Zoning, Building Safety & Inspection and Extension down stairs in Social Services part of building.

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

#### **IN RE: DISCUSSION OF THE HISTORIC AMHERST TRAIN STATION ISSUES**

Mr. Wood returned 10:30 a.m.

Meeting held to get direction on public hearing. Reason was to receive public comment on acceptance of property and moving forward with completion of building.

Ken White with the Transportation Board will be able to attend other meetings but not today's.

Present were Michael McCormack, Carolyn France, Marlene Fitzgerald and Lynn Cunningham.

The Board of Supervisors, Ms. Fitzgerald and Ms. Cunningham discussed, ask questions and received answers on the train station issue.

On motion of Mr. Vandall, and with the following vote, the Board of Supervisors directed staff to advertise public hearing on transfer of property to the County from the Friends of the Train Station.

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

#### **IN RE: CLOSED SESSION**

Mr. Vandall moved to go to closed session to discuss a (3) discussion relating to the acquisition or disposition of real property pursuant to § 2.2-3711.A.3, of the Virginia Code Section, involving

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

This was seconded by Mr. C. Adams and approved with the following vote:

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

Mr. 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: RETURN TO TRAIN STATION**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to have Friends of the Train Station obtain insurance on the property.

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

The Board of Supervisors directed staff to check on reassessment of the value of the property and to talk with Mr. McCormack and Mr. White about the agreement of the grants.

They also directed Mr. Proffitt and Mr. Hunt to check on extra acreage.

#### **IN RE: RECESS FOR LUNCH**

On motion of Mr. Vandall and with the following vote, the Board recess for lunch.

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

Mr. Parrish reopened the meeting following lunch.

#### **IN RE: DISCUSSION OF CODE OF ETHICS**

Staff had questions about the Code of Ethics.

Mr. Vandall – this has gone a lot farther than he anticipated. He did not want this to affect anyone but the Board of Supervisors.

Mr. Adams – several things concern him about page 3 – does not involve any other department. It does not allow for open conversations and it not enforceable.

Mr. Vandall – wants to allow the flow of communication

Mr. Parrish – agrees, information should go to all board members

Mr. Wood – he is as good as his word – accountable for all action

On motion of Mr. Vandall and with the following vote, the Board directed staff to not do anything else with the Code of Ethics.

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

NAY: None

Mr. Parrish asked if any of the Constitutional Officers or Department heads has any comment.

Mr. French stated as they had already decided about the Code of Ethics, he felt like it was a moot point.

**IN RE: DISCUSSION OF THE IMPACT OF ANTICIPATED STATE REVENUE REDUCTIONS ON DEPARTMENT HEADS AND CONSTITUTIONAL OFFICERS**

PRESENT:	Brenda Campbell	Bill Cash
	Bart Shaw	Evelyn Martin
	Jenny Willow	Alfred Rose
	Sara Lu Christian	Gary Beasley
	Gary Roakes	Gail Taylor
	Joe Bondurant	Steve Preston
	Linda Byers	Jackie Viar
	Teresa Nuckols	Kenneth Campbell
	Jeremy Bryant	Pam Mays
	Stephanie Maddox	

Ms. Campbell was asked to deliver financial information regarding the reduction in revenue as she had available.

The Chairman asked each Constitutional Officer and Department Head if they had any information regarding the state reduction in their department.

Stephanie Maddox – proceeded to give information on her reduction. She planned to move the present secretary to Pam's position, each attorney including her will fill the secretary position one's a week, each attorney would have to be furloughed 11 days each. She also the county supplemented the secretary and administrative secretary position and that would save the county money.

Linda Byers – she would be able to cut part time budget.

Public Safety – Gary Roakes open position not to be filled.

Treasurer – Evelyn Martin – open position not to be filled.

Medical Examiners – No way of cutting revenue

Registrar – Gary Beasley – No other cuts available – bare bones now.

Circuit Court Clerk's Office - \$25,000 short fall – not at meeting

Electoral Board – no representative at meeting

Jail – Per diem – Sheriff has not said what cuts could be made

Sheriff's Office – Comp Board is salary and fringes – they do have 2 vacant positions

Library – trying to budget for short fall

VJCCA – Juvenile detention

School Board – Brian Ratliff and Teresa Crouch – Reduction in sales tax of \$241,000 – 3 positions have not been filled – Governor \$300,000 VSRS group life if Governor passes April, May, June VSRS reduced rate the short fall will be \$25,000

The Board of Supervisors directed staff at the first meeting in January to schedule another meeting for January 2010.

**IN RE: DISCUSSION OF THE NEXT STEP IN THE INVESTIGATION INTO THE ALLEGED INFORMATIONAL LEAK THAT MAY OR MAY NOT HAVE GIVEN RISE TO AN OBSTRUCTION OF JUSTICE CRIMINAL ACT**

Ms. Maddox asked if she could comment. Chairman recognized Mr. Maddox.

She stated that Mr. Mulvey had been indicted to grand jury and nothing that had happened in any way hindered the process in any way.

The Board of Supervisors was all of the opinion not to do anything else regarding this.

On motion of Mr. Adams and with the following vote, the Board of Supervisors directed staff to cease any further action.

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. V. Wood, 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

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Leon J. Parrish, Chairman  
Amherst County Board of Supervisors

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David R. Proffitt, Acting County Administrator