

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 6th day of October, 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, lead the invocation and pledge of allegiance.

IN RE: APPROVAL OF AGENDA

On motion of Mr. Adams, seconded by Mr. Kidd and with the following vote, the Board of Supervisors approved the agenda with the following changes:

AGENDA

**TUESDAY, OCTOBER 6, 2009
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
BOARD OF SUPERVISORS' 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. England Stove/Fitzgerald Noise Complaint
 - b. Region 2000 Activity Report – Gary Christie and Bryan David
 - c. Madison Heights Youth Baseball Association – Ronnie Adams
- V. Amherst County Public Schools – Dr. Brian Ratliff**
- VI. Virginia Department of Transportation – Michael McCormack**
 - a. Relocation and Construction on Route 29
 - b. Galts Mill Road – Limit size of trucks
 - c. Walnut Street – Alternative Revenue Sharing – Additional Information
- VII. Citizen Comments**
- VIII. Consent Agenda**
 - a. Amherst County Board of Supervisors Minutes – September 1st and 15th, 2009
 - b. Department of Environmental Quality – Short School August 10-14, 2009

(Move b. DEQ letter to Service Authority Agenda)

- c. Virginia Electric and Power Company
- d. Office of the Sheriff – August 2009
- e. Old Madison Heights Revitalization Project
- f. Robert E. Lee Soil & Water Conservation District – August 27, 2009
- g. Department of Transportation – Reduction in State aid
- h. Parks, Recreation and Cultural Development Board – August 10, 2009
- i. Auditor of Public Accounts – Treasurer, Commissioner of the Revenue and Sheriff
- j. Appalachian Power Company 2009 Statutory Review of Rates Pursuant to §56-585.1 A of the Code of Virginia VA. S.C.C. Case No. PUE-2009-00030
- k. Protected Watersheds Agricultural BMP Map
- l. VDOT Traffic Alerts – September 21 – 25, 28 – October 2, October 5-9, 2009

IX. Department ReportsRecreation and Parks Department

- a. Virginia Blue Ridge Railway
- b. The Virginia Wine and Garlic Festival Event Application
- c. Sorghum Festival

Building Safety & Inspections Department

- a. Monthly Activity Report

Maintenance Department

- a. Announcement of Retirement – Bill Cash
- b. Request to purchase pickup

Animal Control

- a. Introduction of new animal warden – Tim Maberry
- b. Request to purchase a new truck

Solid Waste

- a. Present Coolwell Center bids

Planning & Zoning Department

- a. Resolution requesting addition of Amanda Place located in Van Meade Section IV Subdivision into the VDOT secondary street system

X. County Administrator's Report

- a. Monthly Activity Report – October, 2009

XI County Attorney's Report

- a. **Amelon Commerce Master Plan**
- b. Amherst County Board of Supervisor's Resolution Authorizing Sewer Line Extension to Lots 5 and 6, and Parcel 1, of the Amelon Commerce Center
- c. Status of Codification of Revised Park Rules

- d Phelps Road School Security Update
- e Update on Supervisor Vandall's List of Zoning Non-Compliant Properties and/or Properties with Junk Cars
- f. Report of Local Government Attorney's of Virginia's Ad Hoc Committee on Noise Ordinances

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.

- i. Discussion of County Administrator hiring and anticipated announcement
- ii. E & S Position Discussion

ADD: §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.

- i. Discussion of Lowe's incentive agreement

XV. Adjourn

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

IN RE: ENGLAND STOVE/FITZGERALD NOISE COMPLAINT

C. Hudson, President of England Stove, and the Fitzgeralds have been invited to discuss progress England Stove has made as to remedying the Fitzgerald's noise complaints.

Present – Mr. C. Hudson, England Stove Works
Mr. & Mrs. Fitzgerald
Rich Warner, neighbor

Mr. Hudson proceeded to disclosed what they have done to try to remedy the problems as seen by the Fitzgeralds. They had changed the bearings in the dust collector. They have enclosed the external dust collector with nine-inch thick, insulated siding, at considerable cost. They will change the

bearings again this Friday, as part of their yearly maintenance. The obnoxious odors no one else has complained about any odors from England. They have planted 50 Leyland Cypress trees but need to wait until spring of 2010 to finish planting due to weather. The dumpster has been removed. They believe the County's vegetative buffer and the recently planted Leyland Cypress trees along the eastern edge of the property should be sufficient to adequately conceal the wooden pallets. It is believed that with the County's vegetative buffer (one line of Leyland Cypress trees, with one parallel line of Pine Trees in front of it) should be enough, when mature.

Mr. Fitzgerald – Leyland Cypress will not help him in his life time. He wanted to know if that's all he's going to do regarding the noise. He hold the county responsible for allowing noise near homes.

The Board directed Mr. Hunt and Mr. Proffitt to return to the property check out the level of the noise now and on how the trees are planted and the number that needs to be replaced. Also to check on the pallets to see what might be done to conceal the pallets any more and return back to the Board of Supervisors at their next meeting.

IN RE: REGION 2000 ACTIVITY REPORT – GARY CHRISTIE AND BRYAN DAVID

Mr. Christie and Mr. David appeared before the Board of Supervisors and presented a report they had done called THE CONTRIBUTION THAT VIRGINIA'S REGION 2000 PARTNERSHIP MAKES TO REGION 2000'S ECONOMY and the VIRGINIA'S REGION 2000 PARTNERSHIP ANNUAL REPORT FOR 2008 – 2009. They asked the Board for any questions they might have and proceed to answer them.

IN RE: MADISON HEIGHTS YOUTH BASEBALL ASSOCIATION – RONNIE ADAMS

Mr. R. Adams of the Madison Heights Youth Baseball Association appeared before the Board requesting financial support for the possibility of hosting another World Series in 2011.

Mr. V. Wood said he would need time to consider where the money comes from and to bring this back at another meeting.

Mr. C. Adams agrees with Mr. Wood that after the previous meeting, they would need time to discuss this and to look for other possible revenue.

Mr. R. Vandall would like to see what Lynchburg and the Region 2000 would do to help since this effects the economy of Lynchburg.

Mr. C. Adams recommended this be put on agenda for Tuesday, October 20 to be discussed.

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

Dr. Ratliff had gotten tied up in another meeting in Lynchburg, and could not make this meeting. Reschedule him for the first meeting in November.

IN RE: RESOLUTION ON CHANGES IN THE PRIMARY AND/OR SECONDARY SYSTEMS DUE TO RELOCATION AND CONSTRUCTION ON ROUTE 29

RESOLUTION

At a regular meeting of the Amherst County Board of Supervisors held in Amherst County, Virginia on the 6th day of October, 2009.

WHEREAS, the following street, which is shown on the attached VDOT sketch indicates "Changes in the Primary and/or Secondary Systems due to Relocation and Construction on Route 29, Projects: 6029-005-F-22, C-501," has been constructed to standards equal to the Virginia Department of

Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the County Board of Supervisors does hereby guarantee unencumbered rights-of-way, as described on the following Form AM-4.3, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the Amherst County Board of Supervisors, this the 6th day of October, 2009, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form AM-4.3 as part of the Secondary System of State Highways, pursuant to Sections 33.1-155 and 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that certain segments, also as described on the following Form Am-4.3 be, and they are hereby, abandoned and/or added.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

Recorded Vote,

Moved by: Mr. R. Vandall

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

NAYS: None

In the County of Amherst

By resolution of the governing body adopted October 6, 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): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision **6-29-005f-22,c-501**

Type Change to the Secondary System of State Highways: **Abandonment**

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: **VDOT Project**
Pursuant to Code of Virginia Statue: **§33.1-155**

Street Name and/or Route Number

➤ **Riverview Road (section 1)**

Old Route Number: 672

- From: Intersection of Route 672
To: 0.19 Mi. SE to Route 29 By-pass, a distance of: 0.19 miles.

➤ **Riverview Road (section 2)**

Old Route Number: 672

- From: Intersection of Route 29 By-pass
To: 0.38 Mi. E. to Route 210, a distance of: 0.38 miles

➤ **Harris Route (section 4)**

Old Route Number: 818

- From: Intersection of Cul-de-sac at the end of existing Route 818
To: 0.09 Mi. West, a distance of: 0.09 miles.

➤ **Sweeny Road (section 12), State Route Number 826**

Old Route Number: 0

- From: Cul-de-sac at the end of Route 826
To: 0.15 Mi. East to Service Road B, a distance of: 0.15 miles.

➤ **Dixie Airport Road (section 7)**

Old Route Number: 677

- From: Intersection of Route 130
To: 0.20 Mi. North, a distance of: 0.20 miles

➤ **Dixie Airport Road (section 8)**

Old Route Number: 677

- From: Intersection of Route 130
To: 0.23 Mi South to Intersection of Route 669, a distance of: 0.23 miles

➤ **Dixie Airport Road (section 9)**

Old Route Number: 677

- From: Intersection of Routes 677 and 669
To: 0.05 West, a distance of: 0.05 miles

➤ **Izaak Walton Road (section 10)**

Old Route Number: 670

- From: Intersection of Route 669
To: 0.09 Mi North to Intersection of Route 669, a distance of: 0.09 miles

➤ **Izaak Walton Route (section 5)**

Old Route Number: 669

- From: Intersection of Ramps C & B
To: 0.03 Mi. E to Cul-de-sac, a distance of: 0.03 miles

➤ **Izaak Walton Road (section 6)**

Old Route Number: 669

Type Change to the Secondary System of State Highways: **Addition**

Reason for Change:	VDOT Project
Pursuant to Code of Virginia Statute:	§ 33.1-229

Right of Way width (feet) = 50

➤ **Izaak Walton Road (section 16), State Route, Number 669**
Old Route Number: 0

- From: Intersection of Route 677 and 669
To: 0.05 Mi. West to Route 669, a distance of: 0.05 miles

Right of Way width (feet) = 50

IN RE: GALTS MILL ROAD – LIMIT SIZE OF TRUCKS

This was presented to Mr. McCormack and he said he would have this looked at.

IN RE: REQUEST FOR MAINTENANCE OF WALNUT STREET

Walnut Street had not been brought to the level the Highway Department calls for for a road to be taken into the system. Patching and resurfacing the road is required, will have to agree to “No Parking” on one side of the street. VDOT will install permanent No Parking signs when the street is taken into the system. The Town of Amherst must create a resolution before the road can be taken into the VDOT system for future maintenance.

The Board requested an estimate of cost to rebuild the road.

IN RE: CITIZEN COMMENTS

Janet Thompson and 2 nephews

She has a problem with Planning and Zoning and their complaint letters.

She owns 15 acres of wooded property on Huff Creek Trail. She has received 4 letters from planning.

2004 – truck complaint from G. Massie
2007 – zoning violation junk cars – J. Bateman
2007 – zoning motor vehicle – R. Taylor

2009 – She appealed – J. Bryant explained in detail just what was in violation
Motor vehicles/business without approval

Mr. Parrish directed her to set meeting time with Mr. Bryant and Mr. Hunt to see if they could work out the problem. She stated she didn't have time. They left meeting.

IN RE: CONSENT AGENDA

- Minutes BOS 09/01/09 (1:00 pm)
- Minutes BOS 09/15/09 (6:30 pm)
- Department of Environment Quality 08/31/09
- Federal Energy Regulator Commission – Va Electric and Power
- Office of the Sheriff – August 2009 report
- Contract Negotiation Record – Old Madison Heights Revitalization Project
- Robert E Lee Soil & Water Conservation District August 27, 2009
- Dept of Transportation – Reduction in state and federal transportation funding
- Parks, Recreation and Cultural Development Board August 10, 2009
- Auditor of Public Accounts

- Appalachian Power Company
- VDOT – Traffic Alert – Sept. 21-25, Sept. 28 – Oct. 2, & Oct. 5-9, 2009

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the September 1st and 15th minutes with the following vote:

AYE: Mr. L. Parrish, Mr. C. Adams (09/01/09), Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

ABSTAIN: Mr. C. Adams (09/15/09)

The other was for information only.

IN RE: VIRGINIA BLUE RIDGE RAILWAY TRAIL

Ms. Sara Lu Christian presented a letter from the Recreation Board thanking them for the letter to the Department of Environmental Quality. There were several other items in the letter.

At meet in July, Mr. Adams suggested emergency call box on the VBRRT. The Trail Foundation Board does not, at this point, have sufficient information to make a recommendation to the Board with regards to providing a call box. A survey of those trail users indicated that a police presence was what made people feel safer and that users relied on cell phones rather than call boxes for emergencies.

IN RE: APPLICATIONS FOR THE VIRGINIA WINE AND GARLIC FESTIVAL AND THE SORGHUM FESTIVAL

On motion of Mr. Adams, and with the following vote, the Board of Supervisors moved to approve both applications and to waive the fee.

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

NAY: None

IN RE: BUILDING SAFETY AND INSPECTIONS MONTHLY ACTIVITY REPORT

Mr. K. Campbell appeared before the Board and presented a report from LT. D. Givens as follows:

MONTHLY REPORT SEPTEMBER 2009 LT. D. GIVENS

36	Complaints Received
28	Complaints Cleared
	Worked on previous complaints
6	Letter mailed out
4	Letters received and complied
2	Letters not received as of this time

All but one of Mr. Vandall's complaints has received letters at this time

All but one of Mr. Adams's complaints has received letters at this time

The Board suggested that in the future reports of this nature be put on the consent agenda section of the Agenda.

IN RE: ANNOUNCEMENT OF RETIREMENT – BILL CASH

Mr. Cash announced and presented a letter stating that he planned on retiring effective February 1, 2010.

Mr. Cash proceeded to give the Board information regarding his department. He listed 30 buildings and grounds that his department has to take care of and a number of departments, and companies that he has to deal with.

He also provided a list of his Department.

Current Maintenance Staff

Director and 5 staff

Proposed Maintenance Staff

Director/Administrator

Supervisor, Building Maintenance, Working Hands On Full Time

Building Tech, 2 full time

Supervisor, Grounds & Maintenance, Working Hands On Full Time

Grounds Tech, 2 full time

Seasonal Help/Part Time

3 persons May – August

IN RE: MAINTENANCE DEPARTMENT REPLACEMENT VEHICLE

The County Maintenance Department needs to replace a 1990 Chevrolet Pick-up. The replacement needs to be a ¾-ton, regular cab 4x4 pick-up. The state contract for these vehicles has not been established, however, there is a state contract for the purchase of used vehicles through which the needed vehicle may or may not be available. If not, this request is to authorize staff to seek bids from local dealers.

On motion of Mr. Vandall and with the following vote, the Board authorizes the purchase of a used pick-up, as needed through the Virginia State contract for a cost not to exceed \$20,000 with funds from the deferred maintenance bond proceeds or advertise locally for bids if the needed vehicle is not available through the used vehicle contract.

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

NAY: None

IN RE: INTRODUCTION OF NEW ANIMAL WARDEN

Mr. Bart Shaw introduced the Board to the new animal warden, Tim Maberry, Mr. Maberry has been in law enforcement and now has taken on to be the County's new animal warden.

IN RE REQUEST TO PURCHASE A NEW TRUCK

In April of this year a 2002 Chevrolet animal control pickup was declared a total loss as a result of an accident. The County has been compensated in the amount of \$11,520 by VACo Insurance. Animal Control has been short staffed by one animal warden during most of that time and the vehicle replacement has been delayed while waiting for issuance of new vehicle state contracts. Since the new

warden has been hired, Bart Shaw has been using a county pool vehicle in conjunction with his personal vehicle. The new contract is now available for a ½-ton, 4x4, extended cab Chevrolet pick-up. The cost of the truck is:

	\$21,639.10
+	<u>4,420.00</u> lights, lettering, bed cap for animals & delivery
	\$26,209.10 total cost
-	<u>11,520.00</u> insurance reimbursement
	\$14,589.10 additional funds needed

Vehicle budget requests for County Departments has been included in the CIP bond financing.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors authorized purchase of a replacement animal warden truck through the VA State Contract and appropriate \$14,589.10 from deferred maintenance bond proceeds.

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

NAY: None

IN RE: COOLWELL CENTER BIDS

Staff is seeking direction on awarding of contract on the Coolwell Center. Three bids were received.

Table A Bid Summary

FIRM	ROBERTSON CONSTRUCTION	JEFF THOMPSON	MARVIN V. TEMPLETON & SONS
Contractor's Actual Base Bid as Recorded on Form	\$334,000.00	\$349,202.77	\$397,947.25
Contractor's Calculator Base Bid	\$333,992.50	\$0.00	\$0.00
Difference	\$7.50	\$0.00	\$0.00
Alternate 1	\$11,000.00	\$14,000.00	\$9,690.00
Total with Alternate	\$345,000.00		

Table B Budget Summary

	Opinion of Probable Cost	Actual Bid Prices	Difference
Construction	\$340,094.00	\$345,000.00	-\$4,906.00
Equipment	\$78,000.00	\$71,418.57	\$6,581.43
Engineer	\$60,000.00	\$60,000.00	\$0.00
Total	\$418,094.00	\$416,418.57	\$1,675.43

On motion of Mr. Vandall and with the following vote, the Board moved to award the contract to Robertson Construction for \$345,000 and to appropriate from the bond proceeds.

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 AMANDA PLACE LOCATED IN VAN MEADE SECTION IV SUBDIVISION INTO THE VDOT SECONDARY STREET SYSTEM

The Board of Supervisors of Amherst County, in regular meeting on the 6th day of October, 2009 on motion of Mr. L. Parrish and with the following vote, adopted the following:

RESOLUTION

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 **Vanmeade Section IV – Amanda Place**

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 Statue: **§33.1-229**

Street Name and/or Route Number

- Amanda Place, State Route Number 1382
Old Route No.: 0
 - From: Intersection of Route 1377
To: Cul-de-sac, a distance of: 0.18 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.

Adopted this 6th day of October, 2009.

In the County of Amherst

By resolution of the governing body adopted October 6, 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): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Van **Meade Section IV – Amanda Place**

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 Statue: **§33.1-229**

Street Name and/or Route Number

➤ **Amanda Place, State Route Number 1382**

Old Route Number: 0

- From: Intersection of Route 1377
 To: 0.18 Mi. SE at cul-de-sac, a distance of: 0.18 miles

Right of Way width (feet) = 50

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

IN RE: MONTHLY ACTIVITY REPORT OCTOBER, 2009

Mr. Proffitt presented the following updated monthly activity report for October, 2009.

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

Recent Activity: Pedlar tower construction delayed due to damaged parts during construction. Anticipated completion med-October, 2009.

Next Steps: Construct Pedlar Tower

Last Updated: 09/17/2009

(2) Amherst Train Station:

Recent Activity: Work session planned for 8:30 p.m., October 5, 2009

Next Steps: Hold work session

Last Updated: 09/17/09

(3) Animal Care and Control Facility:

Recent Activity: All equipment and amenities installed except video security monitor.

Next Steps: Close-out construction documentation with Rural Development by the end of October.

Last Updated: 09/17/09

(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. V. Hunt sent Hughes letter to H & P on 9/10/09 seeking information requested by Hughes; status email sent by V. Hunt to B. Hopkins regarding same on 9/21/09.

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

Last Updated: 09/21/09

(5) Rental Inspection Ordinance Implementation:

Recent Activity: Building official to provide report at October 6, 2009 board meeting:

Next Steps:

Last Updated: 09/17/09

(6) Blighted Property Report:

Recent Activity: Building Official to provide report at October 6, 2009 board meeting.

Next Steps:

Last Updated: 09/17/09

(7) Madison Heights CDBG Grant Application:

Recent Activity: Project kick-off meeting September 20, 2009

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

Last Updated: 09/17/09

(8) Sidewalk Improvements in Madison Heights:

Recent Activity: Contract awarded to Counts & Dobyns Construction Co.

Next Steps: Construction during fall of 2009.

Last Updated: 09/17/09

(9) Survey of Historic Properties:

Recent Activity: Proposals are being advertised by Dept. of Historic Resources for a consultant to perform survey work.

Next Steps: Award Consultant contract and proceed with survey work.

Last Updated: 09/17/09

(10) Space Needs Study:

Recent Activity: Work session scheduled for October 5, 2009.

Next Steps: Board's consideration

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. Meeting between V. Hunt, D. Proffitt, D. French, B. Hopkins, M. Nicholls, and J. Bondurant held on 8/21/09. Waiting on Master plan from H & P to finalize same; status email sent to B. Hopkins (H&P) re same from V. Hunt on 9/21/09

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

Last Updated: 09/21/09

(12) Monacan Park: Wake Boarding Boat Issue:

Recent Activity: V. Hunt drafted revised park rules and sent to S.L. Christian on 9/17/09; V. Hunt presented same to Parks and Recreation Board on 9/21/09; V. Hunt presented BOS w/ status update on 9/15/09.

Next Steps: Hold joint meeting w/BOS/_____ per BOS discussion.

Last Updated: 09/21/09

(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: 09/21/09

(14) Zoning Ordinance Alignment with Comprehensive Plan:

Recent Activity: J. Bryant continuing to work with Planning Commission to draft ordinance that supports comprehensive plan.

Next Steps: J. Bryant will present draft ordinances when drafted

Last Updated: 09/29/09

(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: 09/29/09

(16) Riveredge Park:

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

Next Steps: Awaiting completion of review by BCOM

Last Updated: 09/17/09

(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: 09/17/09

(18) Convenience Center Development:

Recent Activity: Bids have been advertised and are due to be opened October 2, 2009 for Coolwell Convenience Center expansion.

Next Steps: Construction of Coolwell expansion project.

Last Updated: 09/17/09

(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: 09/17/09

(20) Panther Mountain Tower Access:

Recent Activity: Negotiations complete; V. Hunt/D. Proffitt are coordinating finalization of plats with M. Saunders and T. Brooks; V. Hunt had teleconference with M. Saunders re tower issue on 9/17/09; V. Hunt and D. Proffitt will meet with M. Saunders and T. Brooks to finalize deal.

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

Last Updated: 09/21/09

(21) Personnel Plan:

Recent Activity: V. Hunt is attempting to schedule follow-up Personnel Plan work session; V. Hunt sent email to S. Preston, D. Proffitt, and J. Anzivino (Springsted) regarding same on 9/9/09 and 9/19/09; V. Hunt received possible dates for work session via email from J. Anzivino on 9/16/09; V. Hunt attempting to schedule same; V. Hunt sent emails to D. Proffitt and S. Preston seeking date confirmation on 9/16/09 and 9/21/09.

Next Steps: Hold Personnel Plan Work Session

Last Updated: 09/21/09

(22) Administration Building Entrance(s)

Recent Activity: Bids to be advertised September 27 with planned bid opening for October 21, 2009.

Next Steps:

Last Updated: 09/17/09

IN RE: AMANDA PLACE LOCATED IN VAN MEADE SECTION IV SUBDIVISION

The Board of Supervisors of Amherst County, in regular meeting on the 6th day of October, 2009 on motion of Mr. L. Parrish and with the following vote, adopted the following:

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 AMANDA PLACE INTO THE VDOT SYSTEM

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 **Vanmeade Section IV – Amanda Place**

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

- Amanda Place, State Route Number 1382
Old Route No.: 0
 - From: Intersection of Route 1377
To: Cul-de-sac, a distance of: 0.18 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.

Adopted this 6th day of October, 2009.

In the County of Amherst

By resolution of the governing body adopted October 6, 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):

Report of Changes in the Secondary System of State Highways

Project/Subdivision **Van Meade Section IV – Amanda Place**

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 Statue:	§33.1-229

Street Name and/or Route Number

➤ **Amanda Place, State Route Number 1382**

Old Route Number: 0

-
- From: Intersection of Route 1377
To: 0.18 Mi. SE at cul-de-sac, a distance of: 0.18 miles

Right of Way width (feet) = 50

IN RE: AMELON COMMERCE CENTER MASTER PLAN

Mr. B. Hopkins appeared before the Board with the master plans for Amelon Commerce Center. He proceeded to go over the plans with discussion and questions from the Board of Supervisors.

By consensus the Board of Supervisors directed staff to place the Request for Sewer Line Extension to Lots 5 and 6 and Parcel 1 of the Amelon Commerce Center Resolution on the first meeting of November agenda.

IN RE: STATUS OF CODIFICATION OF REVISED PARK RULES

The County Attorney presented to the Parks and Recreation Board a draft copy of the Revised Park Rules for recommendation for codification by the Amherst County Board of Supervisors into the

Amherst County Code. The PRB took no action on the Revised Rules. Upon information and belief, the PRB did not take any action, because (inter alia) they: (1) needed additional time to review the Revised Rules; (2) desired to informally poll their constituents as to the Revised Rules; (3) desired to ruminate longer as to a possible prohibition of certain length boats from launching at the Monacan Park boat ramp; and (4) desired additional information as to punishment for violation of park rules.

Mr. C. Adams recommended to invite DGIF, Recreation Board representatives and Sheriff's Department representatives to attend a meeting in get further information regarding the problem.

IN RE: PHELPS ROAD SCHOOL SECURITY UPDATE

At the last BOS meeting, Supervisor Adams requested staff to investigate security concerns at the Phelps Road School. Mr. Adams additionally requested an update as to the timetable Dennis A. Gibbs, the current owner of the school, had to complete certain events to the school. On Wednesday, September 23, 2009, Mr. French voice mailed me that the School's doors had been secured.

As to Gibbs' timeframe for completion of certain events at the school, a Memorandum of Understanding outlines his obligations as to the school. Per the MOU, Gibbs must do the following in the following timeframe:

1. Complete the initial research and surveys of the school within sixty (60) days after execution of the MOU;
2. Following completion of number 1, execute an Agreement that would transfer ownership of the school to an entity owned and controlled by Gibbs;
3. Secure the school and remove all debris from the school within twelve (12) months of the transfer of ownership of the school from the county; and
4. Make the school building deemed appropriate for renovation weather tight within twenty-four(24) months of the transfer of ownership of the school from the county.

Please be advised that ownership of the school was officially transferred to Gibbs on June 9, 2009.

IN RE: UPDATE ON SUPERVISOR VANDALL'S LIST OF ZONING NON-COMPLIANT PROPERTIES AND/OR PROPERTIES WITH JUNK CARS

Mr. Vandall's request on the following:

1. 1935 Coolwell Road (lot of equipment in house front yard, he thinks a construction business is being run out of the house)
2. 128 Eastview Drive (2 or 3 unlicensed cars in front yard; have not 2 yard sales recently and all the yard sale junk is in the front yard being covered by tarps);
3. Property directly across from 1715 Coolwell Road (2 junk cars in yard); and
4. White metal building on corner of Coolwell Road/29 directly behind the Quick-E Mart; building is unsafe and about to collapse and has at least 3 junk cars pars parked thereon)

Email from Deputy Givens 9/24/09 – Letter sent to the address 128 Eastview Dr and served a letter on the owner of 1935 S. Coolwell Rd. He's working on the one across from 1715 S. Coolwell. He's trying to locate the correct address and owner.

Report from K. Campbell - As of today (8/29/09) I cannot have the white building on the corner of Coolwell town down. I walked all the way around the building (not seeing the No Trespassing signs until I came out of the weeds) and although a lot of the siding is bent and looks bad, there is wood siding on the structure behind it. All the windows are intact and are boarded up from the inside and the doors are secure. If more of the roof turns loose and becomes a danger to traffic, then I might have some recourse to condemn it and have it torn down, but as it is now I legally can't under the International, State and Local Codes.

IN RE: REPORT OF LOCAL GOVERNMENT ATTORNEY'S OF VIRGINIA'S AD HOC COMMITTEE ON NOISE ORDINANCE

Report of Local Government Attorneys of Virginia's Ad Hoc Committee on Noise Ordinances represents the most comprehensive collection of information to date of or related to post-Tanner Virginia Noise Ordinance issues. The report contains the following information:

1. Summary of the Tanner Decision;

2. Evidentiary Issues with Decibel-Based Ordinances;
3. Potential Issues with the Use of Civil Penalties;
4. Committee Recommendations;
5. Option A: Virginia Beach Noise Ordinance
6. Option B: Town of Blacksburg Noise Ordinance; and
7. Source document

The LGA recommends localities adopt Noise Ordinances based on either of these two options. Option A, "Virginia Beach's Noise Ordinance (adopted in May 2009), provides for the use of decibel meters as well as enumerated standards. "Option B", Blacksburg's Noise Ordinance (adopted in September 2009), does not use a decibel meter approach; instead, it enumerates standards that prohibit noise in specified circumstances.

This was provided to the Board for their information.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. Wood – Massie Saunders problem – two different opinions on how something should work

Mr. Vandall – Latest information on the Janetatos Litigation – Mr. Hunt should be hearing something soon.

Suggested some things to be on consent agenda.

Mr. Kidd – phone system – phone calls should be answered by person

Mr. Adams – Mr. Orvos – solid waste – do not issue anything before it goes by him
Implement an agricultural committee to see what can be done to promote agriculture in the county.

Mr. Parrish – Letter from Mrs. Turner thanking for help in getting street light.

Letter from Ms. Ruby Hughes about the water damaged by water drain from road

Letter regarding chain across Horseford Rd as no one lives there.

IN RE: APPROPRIATION/TRANSFERS

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

a. APPROPRIATIONS

Commonwealth Attorney

22010	7001	Replace fax/copier machine	\$3,474.00
		(Drug asset forfeiture funds)	

Information Technology Department

12200	5203	Phone	\$ 153.52
		(Refund revenue)	

b. TRANSFERS

Public Safety EMS

Transfer from:

35050	7001	Equipment	\$5,000.00
32070	3002	Professional Services	\$4,000.00
32070	3005	Maint Service Contract	\$3,000.00

32070	3006	Printing	\$ 500.00
32070	3007	Advertisement	\$1,000.00
32070	3010	Contract Services	\$1,000.00
32070	5410	Uniform & Bages	\$5,000.00

Transfer to:

32070	7001	Equipment/Medical Communications	\$19,500.00
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(To cover cost of the link from Tobacco Row to Pedlar and the tower at Pedlar. The cost of the project is \$24,356.00 – the remaining \$5,000.00 will come out of funds already in line 32070-7001)

Animal Care & Control Department

Transfer from:

035980	7003	Purchase Radios	\$2,720.00
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Transfer to:

035980	7005	Equipment – Truck	\$1,360.00
035010	7005	Equipment – Truck	\$1,360.00

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

IN RE: CLOSED SESSION

Mr. R. Vandall moved to go to closed session to discuss a (1) personnel matter (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, involving

§2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body.

§2.2-3711.A.7 – Briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

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

Mr. C. Adams moved to come out of closed session, seconded by Mr. V. Wood 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: APPOINTMENT OF COUNTY ADMINISTRATOR

On motion of Mr. V. Wood and with the following vote, the Board of Supervisors moved to appoint Mr. C. Lee Lintecum as the County Administrator with a starting date of October 15, 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. Wood, seconded by Mr. Adams, and with the following vote, the Board of Supervisors adjourned.

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