

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 January, 2009 at 1:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. L. Parrish	ABSENT: None
	Mr. C. Adams	
	Mr. D. Kidd	
	Mr. R. Vandall	
	Mr. V. Wood	

IN RE: ORGANIZATION FOR 2009

Rodney E. Taylor, County Administrator, opened the floor to nominations for Chairman.

Mr. V. Wood nominated Mr. L. Parrish as Chairman. There were no other nominations. Mr. R. Vandall moved that nominations be closed.

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

NAY: None

Mr. Taylor declared Mr. L. Parrish Chairman by acclamation. Mr. Taylor turned the floor over to Mr. L. Parrish.

Mr. L. Parrish requested nominations for Vice-Chairman. Mr. D. Kidd nominated Mr. C. Adams for Vice-Chairman. There were no other nominations. Mr. L. Parrish moved that nominations be closed.

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

NAY: None

Mr. Parrish declared Mr. Adams Vice-Chairman by acclamation.

Mr. V. Wood moved to appoint Rodney E. Taylor as Clerk to the Board and David Proffitt, Assistant Clerk for 2009.

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

NAY: None

Mr. V. Wood moved to set regular board meeting times for the 1st Tuesday of each month at 1:00 P.M. in the Administration Building, School Administration Room and the 3rd Tuesday of each month at 7:00 P.M. in the School Administration Board room.

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

NAY: None

Mr. R. Vandall moved to adopt the following Rules of Order and Procedure for the Board of Supervisors for 2009.

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

**RULES OF ORDER AND PROCEDURE
 BOARD OF SUPERVISORS
 AMHERST COUNTY, VIRGINIA**

1. OPENING

A majority of the Board shall constitute a quorum for the transaction of business, but a small number may fix the time to which to adjourn, may adjourn to that time, may recess for a stated period of time, or take measures to secure a quorum by sending for absentees.

The Chairman shall take the chair at the hour which the Board shall have set for regular or special meetings, shall immediately call the Board to order, and, a quorum being present, at the first meeting of each month shall cause the minutes of the preceding month's meetings to be submitted and call for any corrections. Ordinarily, corrections shall be made by unanimous consent. If such consent cannot be secured, the correction shall be by a motion duly made and carried. The minutes as submitted, if correct, or as corrected shall be signed by the Chairman and the Clerk, and the signed minutes shall be the authentic records of the proceedings of the Board of Supervisors. They shall be preserved in the form and place prescribed by the Commonwealth and be available for public inspection as state law requires.

II. CHAIRMAN

At the first meeting following its election, the Board of Supervisors shall first decide the term of office for its chairman and vice-chairman (i.e., for one year or for the term of the Board) and then proceed to elect one of its members as chairman and one of its members as vice-chairman. The chairman presides at all subsequent meetings at which he is present, serves in all capacities to which he is named by the Board, and otherwise discharges the customary responsibilities of this office such as advising the clerk on the preparation of the docket and the scheduling of public hearings. The vice-chairman shall preside at all meetings at which the chairman is absent and may discharge any other duties of the chairman which become necessary and are permitted under the Code of Virginia during the chairman's absence or disability. Whenever both the chairman and vice chairman are absent from a board meeting, the members present must elect one of their number to serve as a temporary chairman.

III. The CLERK

The clerk of the Board of Supervisors shall be the County Administrator who is appointed by the Board and serves at its pleasure in compliance with the constitutional form of county government as established by the Code of Virginia. The minutes of the preceding month's meetings of the Board shall be duly drawn by the clerk (viz., the County Administrator), circulated with the agenda at the first meeting of each month and call for any corrections.

IV. PREPARATION OF THE AGENDA

It shall be the duty of the County Administrator to prepare the agenda of each regular and special meeting of the Board of Supervisors and to see that all necessary papers, including but not limited to ordinances, resolutions, and petitions, shall be drafted, copied and circulated with the agenda to the members of the Board so that they may be reviewed at least 48 hours prior to the meeting for which these items are docketed. If any necessary information or papers shall not be ready when a particular item is reached on the agenda, that item shall be passed by and taken up at a later time, except that the Board may, at its discretion, engage in general (discussion of an item with a view to determining what additional

materials are needed and how they may be secured. Normally, the County Administrator shall prepare the agenda and all relevant information one week prior to the meeting and close the agenda at that time. Citizens are encouraged to make arrangements to be placed on the agenda to insure being heard, and the Board shall from time to time make this policy and schedule known to the public.

V. CONDUCT OF BUSINESS

The chairman shall preserve order and decorum at all meetings and public hearings, may speak to points of order in preference to other members, and shall decide questions of order without debate except that he may permit a member to explain his point or allow other members to be heard by way of explanation. If the chair is in doubt as to how to rule on an important point, he can put it to a vote of the Board. Rulings of the chair may be appealed by any two members.

When a member wishes to speak, he shall ask recognition by saying, "Mr. Chairman". In speaking he shall confine himself to the question before the Board. When two or more members seek recognition at the same time, the chairman shall decide which addressed him first, and the order of recognition for the other member or members shall be duly observed.

No member shall, in debate, engage in any form of personal attack or questioning of motives, nor shall he otherwise seek to offend or insult another member, nor shall he speak adversely of a prior action which is not pending. All remarks shall be addressed through the chair. Questions during debate may be raised through points of information. No member shall take any action intended to interrupt, hinder, or confuse the proceedings of the Board while it is in session.

Citizen speakers shall speak once to an issue and confine their remarks to the question before the Board. They may, however, respond to questions of members of the Board for as long as the chair permits. The Board may determine a time limit on citizen speakers, individually or collectively, for any item of business. Citizen speakers should avoid repetition insofar as possible.

VI. TAKING THE VOTE

The chairman shall put the pending question, being sure that the motion or other action has been recorded by the clerk in the proper form and that it is clear to all members. All substantive motions and actions shall be taken by roll call vote in order to meet the legal requirements of the Commonwealth and to inform the public. Procedural questions may be settled by a voice vote, provided that any member may call for a roll call at the time of the vote.

If a member abstains, he shall state the reason for doing so. An abstention does not constitute a negative vote so a motion may be adopted by less than a majority of those present. The vote of a member of the Board of Supervisors becomes final once it is cast; it cannot be changed except after adoption of a motion to reconsider the action. If one or more members are disqualified from voting on an item under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of supervisors required for action, the remaining member or members may act by majority vote. (Virginia County supervisors' Manual, 6th ed., P.4 - 28)

VII. ORDINANCE, RESOLUTIONS, ETC.

Every resolution, ordinance and proposal shall be processed as prescribed by the General Laws of the Commonwealth of Virginia.

VIII. WITHDRAWAL OF EXHIBITS

Original papers, filed with exhibits with any ordinances or resolutions, may be withdrawn by the patron or upon his order on his leaving attested copies for which he shall pay the County Administrator at the rate provided by law for other copies made by him.

IX. MANUAL AND RULES

The rules of parliamentary practice comprised in Robert's Rules of Order Newly Revised shall govern the Board of Supervisors in all cases to which they are applicable and in which they are not inconsistent with these Rules of Order and Procedure and such other rules as may from time to time be established by the Board.

The rules of the Board may be suspended by a vote of the majority of the elected members. The maker of a motion to suspend a rule of the Board shall be allowed three minutes to state the reasons for his motion, and one member opposed to the motion shall be allowed a like time to state his objections.

The Board hereby adopts the following policies relative to procedures:

1. The Chairman can make motions, vote on all questions, engage in debate on motions and speak in discussion of general matters;
2. Motions do not require a second, except for a motion to adjourn and a motion to go into or out of closed session;
3. Informal discussion of a subject is permitted while no motion is pending.
4. The formal tie breaker procedure is not used and a tie vote defeats the motion.

IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS

On motion of Mr. Parrish and with the following vote, the Board of Supervisors appointed Mr. D. Kidd to the Region 2000 Board for 2009.

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

NAY: None

On motion of Mr. Parrish and with the following vote, the Board of Supervisors appointed Mr. R. Vandall to the Community Services Board for 2009.

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

NAY: None

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved that all other Board member representation to other boards and committees remain the same for 2009 as 2008.

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

NAY: None

IN RE: APPROVAL OF AGENDA

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the January 6, 2009 agenda with amendment of deleting Public Safety – Fireworks Request:

AGENDA

TUESDAY, JANUARY 6, 2009

**ADMINISTRATION BUILDING – 153 WASHINGTON STREET
1:00 P.M.**

I. Call to Order

II. Invocation and Pledge of Allegiance

III. Board of Supervisors – Organizational Actions for 2009

- a. Election of Chairman and Vice-Chairman
- b. Appointment of Clerk and Assistant Clerk to the Board of Supervisors
- c. Scheduling of Regular Monthly Meetings
- d. Adoption of Board of Supervisors Rules and Procedures
- e. Appointments to Boards and Commissions

IV. Approval of Agenda

V. Special Appearances and Presentations

- a. 2007-2008 Audit – Robinson, Farmer, Cox Associates

VI. Amherst County Public Schools – Dr. Brian Ratliff

VII. Virginia Department of Transportation – Michael McCormack

- a. Abandonment – Old Stage Road

VIII. Citizen Comments

IX. Consent Agenda

- a. Board of Supervisors Meeting Minutes – November 24th, December 2nd, 3rd, and 16th, 2008
- b. Sheriff's Department Monthly Report for November 2008
- c. Monthly Financial Report for October 2008
- d. VDOT – Traffic Alerts for Dec. 22-26, and Dec. 29, 2008 – Jan. 2, 2009, Jan. 5-9, 2009

X. Department Reports

Public Safety

- a. ~~Fireworks Request~~

Department of Planning

- a. Zoning Case # 2008-31
- c. Zoning Text Amendment Process

- d. Cul-de-sac and flag lot text amendments

Department of Purchasing

- a. Auditing and Cost Allocation Services Contract

XI. County Administrator's Report

XII. County Attorney's Report

- a. No-Shoot Zone
- b. Roundtable Noise Ordinance

XIII. Matters from Members of the Board of Supervisors

XIV. Appropriations/Transfers/Disbursements

XV. Closed Meeting (§2.2-3711.A, Code of Virginia, as amended)

§2.2-3711.A.1 Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

- a. Economic Development Authority

§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.

- a. Schewel Property
- b. Property Acquisition
- c. Phelps Road School

§2.2-3711.A.7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation which has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

- a. Circumvention of Family Division Ordinance
- b. Janetatos Settlement

XVI. Adjourn

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

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Parrish provided the invocation and led in the Pledge of Allegiance to the Flag.

IN RE: SPECIAL APPEARANCES AND PRESENTATIONS

- a. 2007-2008 Audit – Robinson, Farmer, Cox Associates

David Hughes, Robinson, Farmer, Cox Associates, presented the 2007-2008 Audit Report along with Brenda Campbell, Central Accounting Director. Mr. Hughes complemented and praised Ms. Campbell for her financial record keeping. Mr. Hughes answered questions of the Board members. There was no action.

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

Dr. Ratliff, School Superintendent, met with the Board and provided a status report of current school activities.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – MICHAEL MCCORMACK

- a. Abandonment – Old Stage Road

Michael McCormack, VDOT Resident Engineer and Assistant Sharon White met with the Board and provided the following agenda of items and reviewed each:

**AMHERST COUNTY BOARD OF SUPERVISORS
 JANUARY 6, 2009**

- ❖ Review of Abandonments for Sweet Briar Interchange
 - Resolution requested
- ❖ Industrial Park
 - Revisit information for capital investment
 - East Progress acceptance
- ❖ Approval of Revenue Sharing Request to Administer
- ❖ New Rural Rustic Resolution
- ❖ Six Year Plan Meetings
- ❖ Recent request from Delegate Cline

IN RE: ABANDONMENT IN THE COUNTY OF AMHERST

On motion of Mr. Vandall, the Amherst County Board of Supervisors by resolution adopted January 06, 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.

REPORT OF CHANGES IN THE SECONDARY SYSTEM OF STATE HIGHWAYS

Project/Subdivision **0629-005-f22, C-503**

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 Statute: **§33.1 – 155**

Street Name and/or Route Number

➤ Old Stage Road, State Route Number

Old Route Number: 661

- From: 0.22 Mi. NE (Segment U)
To: (Segment V), a distance of: 0.22 miles

➤ Old Stage Road, State Route Number

Old Route Number: 661

- From: 0.05 Mi. NE of (Segment T2)
To: (Segment U), a distance of: 0.05 miles.

➤ Sweet Briar Drive, State Route Number 624

Old Route Number: 0

- From: 0.08 Mi. SE of (Segment L1)
To: End of Construction to Route 604 (Segment Z) o, a distance of: 0.08 miles.

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: **VDOT Project**

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

Street Name and/or Route Number

➤ Stage Road, State Route Number 661

Old Route Number: 0

- From: 0.15 Mi. N. of Station 11 + 60 (Segment T)
To: Stations 16+80, 17+77, 19+52 (Segments W, X, L), a distance of: 0.15 miles.

Right of Way width (feet) = 60

➤ **Unknown, State Route Number 1075**

Old Route Number: 661

- From: 0.02 Mi. NE of Station 10+00 (Segment T)
To: Station 11+05 (Segment U), a distance of: 0.02 miles.

Right of Way width (feet) = 60

➤ **Sweet Briar Drive, State Route Number 624**

Old Route Number: 0

- From: 0.04 Mi. NE at Station 10+00 (Segment W)
To: Station 12+20 (Segment B), a distance of: 0.04 miles.

Right of Way width (feet) = 60

Type Change to the Secondary System of State Highways: Data Correction

This Board hereby requests the transfer of the following segment(s) of the Interstate or Primary System to this County's secondary system of state highways.

Reason for Change: **Route Re-numbering, VDOT Project**
Pursuant to Code of Virginia Statute: **§33.1-69**

Street Name and/or Route Number➤ **Unknown, State Route Number 861**

Old Route Number: 661

- From: 0.23 Mi. E Cul-de-sac (Segment V)
To: Route 624 (Segment Z), a distance of: 0.23 miles.

➤ **Unknown, State Route Number 861**

Old Route Number: 661

- From: 1.93 Mi. N from Private Drive/Cul-de-sac (Segment V)
To: Dead End by (Segments Z, Z2), a distance of: 1.93 miles

Reason for Change: **VDOT Project**
Pursuant to Code of Virginia Statute: **§33.1-69**

Street Name and/or Route Number➤ **Stage Road, State Route Number 661**

Old Route Number: 0

- From: 1.74 Mi. N of Route 663 (Segment T1)
To: Station 536+00 (Segment T), a distance of: 1.74 miles

➤ **Macadam Road, State Route Number 660**

Old Route Number: 0

- From: 0.42 MI. E (Segment R1)

To: (Segment r³) a distance of: 0.42 miles

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

NAY: None

Mr. McCormack further discussed the issue of speeding in old Madison Heights.

Mr. Parrish asked Mr. McCormack to review the use of cameras for traffic enforcement laws.

Mr. Kidd addressed a concern about traffic directional signage on the Rt. 130 connector at the intersection of the Rt. 29 By-Pass. Mr. McCormack stated that he would investigate the concern.

IN RE: CITIZEN COMMENTS

There were no citizen comments.

IN RE: CONSENT AGENDA

a. Board of Supervisors Meeting Minutes – November 24th, December 2nd, 3rd, and 16th, 2008

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the minutes of November 24, December 2nd, 3rd, and 16th, 2008 as presented.

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

NAY: None

b. Sheriff's Department Monthly Report for November 2008

c. Monthly Financial Report for October 2008

d. VDOT – Traffic Alerts for Dec. 22-26, and Dec. 29, 2008 – Jan. 2, 2009, Jan. 5-9, 2009

Information

IN RE: ZONING CASE # 2008-31

Planning Director, Jeremy Bryant met with the Board and presented Zoning Case 2008-31 concerning a zoning text amendment to modify the family division portion of the subdivision ordinance for the 2nd reading. He informed the Board that the next step in the amendment process is to schedule a public hearing and he plans to advertise for the public hearing for the 2nd Board of Supervisors meeting in February, 2009.

IN RE: ZONING TEXT AMENDMENT PROCESS

Mr. Bryant presented a proposed flow chart and resolution concerning the zoning text amendment process.

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the following zoning text amendment process resolution as presented.

ZONING TEXT AMENDMENT PROCESS RESOLUTION

BE IT RESOLVED, following careful discussions and deliberations of an between Staff, the Planning Commission, and the Board of Supervisors for the County of Amherst, Virginia ("Board of Supervisors"), and following an affirmative vote, the Board of Supervisors adopts the following Resolution:

WHEREAS, this Board of Supervisors previously has identified and expressed concerns regarding the Zoning Text Amendment process currently in force in the Zoning and Subdivision portions of the Amherst County Code.

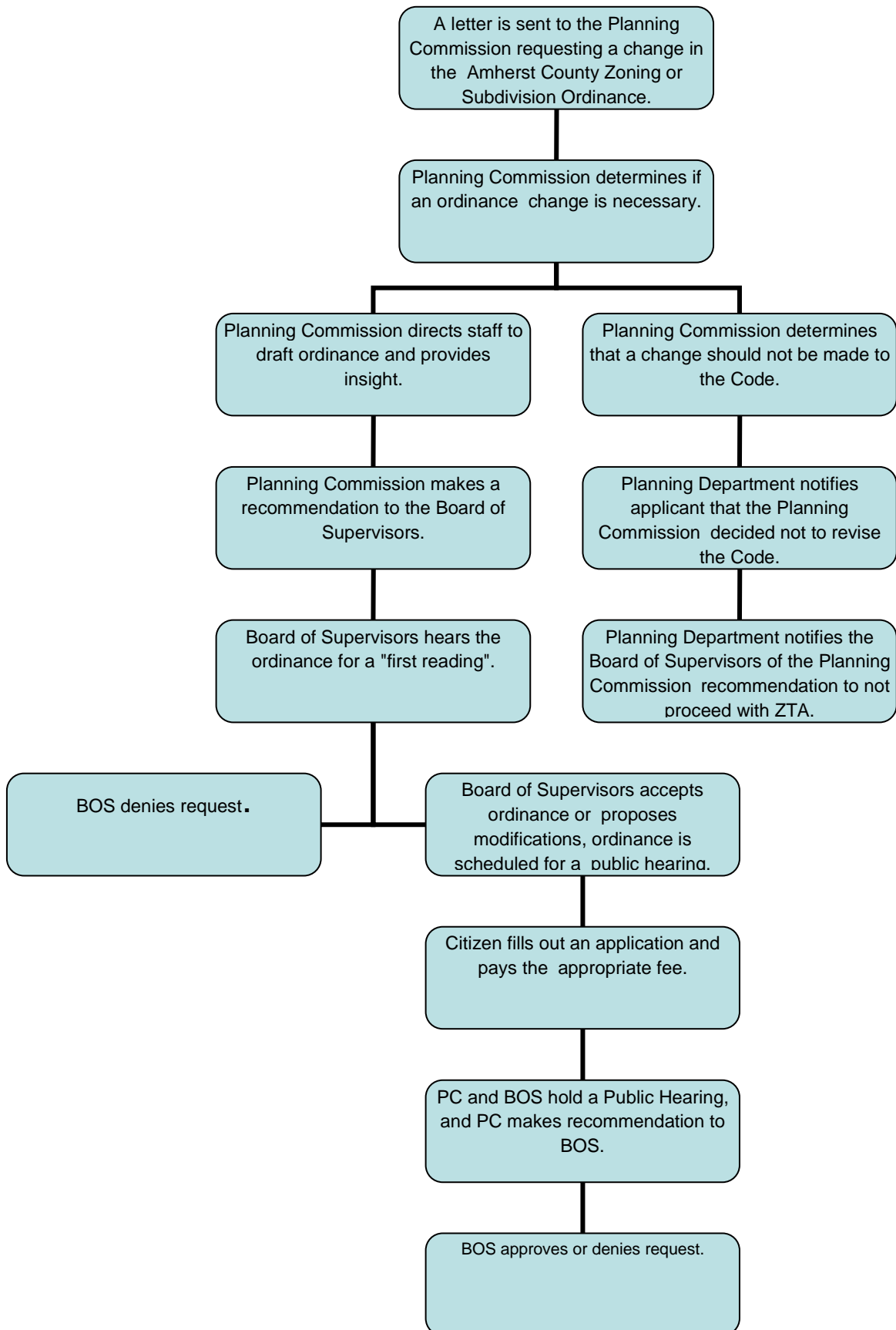
WHEREAS, this Board of Supervisors has determined that a new Zoning Text Amendment process would benefit the citizenry of Amherst County.

WHEREAS, this Board of Supervisors has outlined in detail the new Zoning Text Amendment process on a flow-chart identified herein as "Appendix A: Zoning Text Amendment Process, "and attached to this Resolution hereto.

NOW, THEREFORE BE IT RESOLVED that, the Board of Supervisors hereby orders the Zoning Text Amendment Process outlined on Appendix A to be the new Zoning Text Amendment process for Amherst County.

This Resolution shall be in full force and effect upon its passage.

Appendix A – Zoning Text Amendment Process



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

IN RE: CUL-DE-SAC AMENDMENTS

Theresa Jorgensen, Zoning Administrator, presented the following proposal for cul-de-sac and flag lot text amendments, which are recommended for consideration by the Planning Commission.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to proceed with advertising of the proposed zoning text amendment for cul-de-sac design for public hearing.

ARTICLE VIII. OTHER REQUIREMENTS OF ZONING DISTRICTS

801. Minimum lot area and lot width.

801.01. Residential Uses. Within districts permitting single-, two-family and multi-family residential uses, the following minimum lot areas and minimum lot widths shall apply:

TABLE INSET:

District	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage ^{1,2} (feet)
A-1 (Agricultural Residential)		
Single-family	43,560	100
Family divisions	45,560	None
R-1 (Limited Residential)		
Single-family (with public water and public sewerage systems)	15,000	75
(with public water and on-site sewerage systems)	22,500	75
(with non-public water and on-site sewerage systems)	25,000	75
R-2 (General Residential)		
Single-family (with public water and public sewerage systems)	10,000	75
(with public water and on-site sewerage systems)	17,500	75
(with non-public water and on-site sewerage systems)	20,000	75
Two-Family (with public water and public sewerage systems)	12,000	80
(with public water and on-site sewerage systems)	27,000	80
(with non-public water and on-site sewerage systems)	32,000	80
Three-Family (with public water and public sewerage systems)	16,000	90
(with public water and on-site sewerage systems)	38,500	90

(with non-public water and on-site sewerage systems)	46,000	90
Four-Family (with public water and public sewerage systems)	20,000	100
(with public water and on-site sewerage systems)	50,000	100
(with public water and on-site sewerage systems)	60,000	100

TABLE INSET:

District	Minimum lot area (sq. ft.)	Minimum Lot Area for each additional multifamily unit (sq. ft.)	Minimum Lot Width (feet)
R-3 (Gen. Res.)			
Multi-Family (1 thru 4 units – Same as R-2)			
5 Units (with public water and public sewerage systems)	24,000	4,000	110
(with public water and on-site sewerage systems)	61,500	7,500	110
V-1 (Village) Single-family (regardless of the type of water and sewerage systems)	43,560	n/a	100

¹ In the measurement of lot width, the front shall be deemed to be shorter of the sides of a corner lot facing streets.

² Minimum frontage may be reduced when the entire lot frontage is located on the arc of a cul-de-sac, and shall be no less than fifty (50) feet. At the building set back line for the district the lot must meet the district frontage or width requirements.

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

NAY: None

IN RE: FLAG LOTS

Ms. Jorgensen presented proposed zoning text amendments recommended by the Planning Commission concerning flag lots.

The Board of Supervisors by consensus moved to add to the definition that flag lots are allowed in the A-1 District only and by further consensus to present this change to the Planning Commission and at their discretion to proceed with public hearing.

302.47.1 Flag lot. An individual lot which has a fee simple driveway strip ("flag").

702. Agricultural Residential District A-1.

702.01. Intent of the Agricultural Residential District A-1. This district is designed to accommodate farming, forestry and limited residential use. While it is recognized that certain rural areas may logically be expected to develop residentially, it is the intent however to discourage the random scattering of residential, commercial or industrial uses in this district.

702.02. Permitted uses. Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of agricultural and forestall products grown in the county.
2. Temporary sawmills, only for timer on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the statewide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures.
6. Emergency services.
7. Home occupations.
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e. ten or camper or per Section 904.
10. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities subject to the following conditions.
 - a. Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicants;
 - b. Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;
 - c. Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps.

- d. Located more than one thousand (1,000) feet from a state maintained road;
- e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
- f. The CLF must be approved by all necessary state agencies prior to county approval;
- g. The applicant for all permits must be a county resident and the property owner;
- h. It cannot be visible from a state maintained road.
- i. A zoning permit must be issued prior to any development of the CLF.

14. Flag lot as provided in Section 1301.04(6) herein.

15. Wireless communication facilities as provided in Section 914 herein.

702.03. Special exception (A-1 zone).

- 1. Public entertainment.
- 2. Schools.
- 3. Saw mills
- 4. Pallet manufacturing.
- 5. Wood yards
- 6. Feed mills.
- 7. Truck business.
- 8. Churches and related facilities.
- 9. Signs as provided in Section 907.
- 10. Planned unit developments.
- 11. Short-term tourist rental of dwelling.
- 12. Machinery sales and service
- 13. Storage of biosolids as provided in Section 917.

1301.04. Lot design requirements.

- 1. Lot areas and dimensions and yard areas shall conform to applicable requirements [of] Articles VII and VIII, or, if applicable, Section 1301.03 herein.
- 2. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area or street footage which would be unusable for normal purposes.
- 3. In the case of lots for residential purposes, the lot area shall conform to the requirements of Article VIII. The lot area may be greater than the minimum specified if the commission finds that condition of health and/or safety so require, based on recommendations of the health department, or other appropriate agencies.

4. Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided long the line of lots abutting such a traffic artery or other disadvantageous use.
5. Drain fields and reserve drain fields must be located within the main body of the lot they serve. Peculiar lot configurations to accommodate drain fields located remotely from the main building site shall not be permitted.
6. The following regulations shall apply to flag lots, as defined in Section 302.047.1, of the County Zoning Ordinance:
 - a. Must have forty (40) feet of frontage at the front lot line on a public or private street and shall contain the minimum area required by the zoning district without utilizing the area within the elongated portion ("pole" of the lot in such computation of the lot area.
 - b. No two (2) elongated portions ("poles") providing access to the street shall abut or adjoin.
 - c. Flag lots may only be used to address severe topography or other unusual physical characteristics of a parcel of land and no more than fifteen (15) percent of the total number of lots within a subdivision shall be flag lots, however, the Commission may waive this provision when in the judgment of the Commission extreme topographic conditions would cause undue hardship if the subdivider complied with this provision.
 - d. The minimum lot width, as measured at the top of the elongated strip of land ("pole") opposite the front lot line, must meet the requirements for the district.
 - e. Front yard setbacks shall be applied at the enlarged area of the lot ("flag") where the lot meets the minimum lot width requirement for the district.

IN RE: JOINT BOARD OF SUPERVISORS AND PLANNING COMMISSION MEETINGS

The Board proceeded to discuss whether or not to continue with joint Board and Planning Commission meetings.

There was a consensus to direct staff to develop a proposed schedule for Board of Supervisors and Planning Commission public hearings and report to them at the next regular Board of Supervisors' meeting.

IN RE: AUDITING AND COST ALLOCATION SERVICES CONTRACT

The Purchasing Agent presented a request for negotiating an auditing and cost allocation services contract.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors authorized staff to negotiate a contract with Robinson, Farmer, and Cox Associates as advertised for auditing and cost allocation services that are within available funds.

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

IN RE: NO-SHOOT ZONE

The County Attorney presented information concerning expansion of the No-Shooting Zone.

There was a Board discussion of the issue and the consensus was to direct staff to provide a zoning map at a future meeting for further discussion of the no-shooting zone issue.

IN RE: ROUNDTABLE NOISE ORDINANCE

The County Attorney provided an update on development of a county noise ordinance and requested input from the Board members. Mr. Hunt stated that a general discussion of the issue by concerned parties is scheduled for 3:00 p.m., January 8, 2009.

The Board of Supervisors directed Mr. Hunt to invite the Animal Control Supervisor and Public Safety Director to the scheduled meeting of January 8, 2009 at 3:00 p.m. in the Administration Building.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. D. Kidd discussed concerns expressed by constituents for county dumpster "scavenging". There was a general Board discussion of the issue and consensus to direct staff to provide a recommendation for addressing this issue at the first regular meeting of February 2009.

Mr. C. Adams temporarily left meeting.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

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

a. TRANSFERS

Tourism Department

Transfer from:

81600	3007-100	VDOT Signage	\$1,500.00
81600	3006	Outside Printing	\$4,000.00

Transfer to:

81600	3007	Advertising	\$5,500.00
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AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood
 NAY: None

Mr. Adams returned.

IN RE: CLOSED SESSION

Mr. V. Wood moved to go to closed session to discuss a (1) personnel matter (3) discussion relating to the acquisition or disposition of real property and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters.

§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.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.

§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. Vandall and approved with the following vote:

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

NAY: None

Mr. Wood moved to come out of closed session, seconded by Mr. 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 minute

IN RE: ADJOURNMENT

On motion of Mr. Kidd, seconded by Mr. Vandall and with the following vote, the Board of Supervisors moved to adjourn until 1:00 p.m., January 9, 2009 in the County Administration Building.

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

Rodney E. Taylor, County Administrator