

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

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 1<sup>st</sup> day of December, 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: None
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Mr. L. Parrish, Chairman, called the meeting to order.

Mr. Vandall led in the invocation and pledge of allegiance.

**IN RE: APPROVAL OF AGENDA**

On motion of Mr. Wood and with the following vote, the Board of Supervisors approved the agenda with the following additions:

**AGENDA**

**TUESDAY, DECEMBER 1, 2009  
ADMINISTRATION BUILDING – 153 WASHINGTON STREET  
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearances and Presentations**
  - a. Resolution of Recognition and Commending Donald T. Wood
  - b. Resolution in Appreciation of William (Bill) F. Cash
  - c. Resolution in Appreciation of Pamela M. Mays
  - d. Space Needs Discussion – Blair Smith (Entrance construction)
  - e. Train Station Discussion – Michael McCormack and Ken White
- V. Amherst County Public Schools – Dr. Brian Ratliff**
  - a. Appropriation request - \$183,854.52
  - b. Appropriation request - \$150,000.00
- VI. Virginia Department of Transportation – Michael McCormack**
- VII. Citizen Comments**
- VIII. Consent Agenda**

- a. Amherst County Board of Supervisors' Minutes – November 3<sup>rd</sup> and 17<sup>th</sup>, 2009
- b. Legislative Agenda Resolution and reminder of Annual Legislative Agenda Meeting with the Amherst County School Board – December 2, 2009, 11:30 a.m., Central Elementary School

**IX. Correspondence**

- a. Reminder Retirement Celebration Honoring Donald T. Wood
- b. Sheriff's Department – Monthly Report – September 2009
- c. Department of Transportation – Environmental Study – November 12, 2009
- d. SYNAGRO – Biosolids – Wesley Wright – November 17, 2009
- e. Boulder Springs Park offer
- f. Virginia War Memorial Letter of November 12, 2009
- g. Central Virginia Community College Amherst Center
- h. Employee Assistance of Central Virginia, Inc.
- i. Virginia Building & Code Officials Association Letter of November 10, 2009
- j. VDOT Traffic Alert – November 23-27, 2009

**X. Department Reports**

Planning & Zoning Department

- a. 2008-33 Small Wind Energy Systems
- b. 2009-12 Liquefied Petroleum Gas Containers
- c. 2009-27 Expansion of the V-1 Village Center District

Sheriff's Department

- a. Letter from Sheriff regarding fine revenue money and state revenue reduction

**XI. Personnel Plan Discussion**

- a. Draft Personnel Plan – John Anzivino, Springsted Inc.

**XI. County Administrator's Report**

- a. Budget Direction
- b. Personnel Issues
- c. Broadband Authority Meeting
- d. **Goodwin Street Building – mold proposals**

**XII. County Attorney's Report**

- a. Revised Amherst County Park Rules (First Reading)

**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.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 commended 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.

#### **XVI. Adjourn**

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

NAY: None

#### **IN RE: RESOLUTION OF RECOGNITION AND COMMENDING DONALD T. WOOD**

**WHEREAS**, Donald T. Wood has faithfully and impartially represented Amherst County in the Treasurer's Office starting in July 1, 1962 and in the capacity of the Treasurer as of January 1972;

**WHEREAS**, Donald T. Wood has actively contributed to enhance the work of the Amherst County Treasurer's Office

**WHEREAS**, during his tenure in these positions he has demonstrated a sincere desire to provide the citizens of Amherst County with personable and professional service and an unfailing commitment to be a reliable and caring co-worker to those he has worked with over the years.

**NOW THEREFORE BE IT KNOWN** by the Amherst County Board of Supervisors that it hereby expresses its appreciation and warmest thanks to Donald T. Wood for his forty seven and one half (47 ½) years of service to Amherst County.

Adopted this 1<sup>st</sup> day of December, 2009.

#### **IN RE: RESOLUTION IN APPRECIATION OF WILLIAM (BILL) F. CASH**

**WHEREAS**, Bill Cash began his career in the service of Amherst County on August 15, 1984, and now has tendered his retirement effective February 1, 2009 with 26 years years of service; and,

**WHEREAS**, Bill Cash has capably served Amherst County in the maintenance of county buildings and grounds;

**WHEREAS**, during his tenure in this position he has demonstrated a sincere desire to provide the citizens of Amherst County with personable and professional service and a unfailing commitment to be a reliable and caring co-worker to those he has worked with over the years.

**NOW AND THEREFORE BE IT RESOLVED** by the Amherst County Board of Supervisors that it hereby expresses its appreciation and warmest thanks to William F. Cash for his many years of service to Amherst County and his efforts to make our community a better place;

**BE IT FURTHER RESOLVED** by the Amherst County Board of Supervisors that it hereby extends its best wishes to William F. Cash for health, happiness, and success in all his future endeavors.

Adopted this 1<sup>st</sup> day of December, 2009.

#### **IN RE: RESOLUTION IN APPRECIATION OF PAMELA M. MAYS**

**WHEREAS**, Pamela M. Mays began her career in the service of Amherst County on November 1, 1985, and now has tendered her retirement from such service effective December 31, 2009; and,

**WHEREAS**, Pamela M. Mays has capably served Amherst County in various positions including the Juvenile and Domestic Relations Court, General District Court and Commonwealth Attorney's Office.

**WHEREAS**, during her tenure in these positions she has demonstrated a sincere desire to provide the citizens of Amherst County with personable and professional service and an unfailing commitment to be a reliable and caring co-worker to those she has worked with over the years.

**NOW AND THEREFORE BE IT RESOLVED** by the Amherst County Board of Supervisors that it hereby expresses its appreciation and warmest thanks to Pamela M. Mays for her many years of service to Amherst County and her efforts to make our community a better place for us to live, work, and play; and,

**BE IT FURTHER RESOLVED** by the Amherst County Board of Supervisors that it hereby extends its best wishes to Pamela M. Mays for health, happiness, and success in all her future endeavors.

Adopted this 1<sup>st</sup> day of December, 2009.

**IN RE: SPACE NEEDS DISCUSSION – BLAIR SMITH**

Blair Smith, Dominion Seven Architects, was present to discussion building options with the Board of Supervisors.

Mr. Adams made the motion for Mr. Lintecum and Mr. Proffitt to advertise for services for an architect to design a building from 9500 sq. ft. to the maximum that would fit on the church property.

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

Also Mr. Lintecum and Mr. Proffitt proceeded to discuss the entrance construction going on now. Mr. Vandall moved to allow them a 5% leeway for change orders and anything larger to return to the Board for their approval.

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

**IN RE: CLOSED SESSION**

Mr. Adams moved to go to closed session to discuss (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.7 of the Virginia Code Section, involving

§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. Kidd and approved with the following vote:

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

Mr. Vandall moved to come out of closed session, seconded by Mr. Kidd and approved with the following vote:

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

NAY: None

Mr. 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: TRAIN STATION DISCUSSION – MICHAEL MCCORMACK AND KEN WHITE**

Mr. McCormack, Resident Engineer, and Mr. Ken White, Virginia Department of Transportation, were present for the Board meeting. Mr. White gave a breakdown of his views on the VDOT grants that had been applied for and received for the restoration of the old train depot station and what would happen if the County decided not to pursue the work on the train station.

#### **IN RE: SCHOOL BOARD REQUEST FOR APPROPRIATION**

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved approval of and a supplemental appropriation of the following to the 2009-10 school board revenue and expenditure budget:

##### State & Federal Revenue

Race to GED	\$52,500.00
General Adult Education Grant	\$54,385.87
Expanded GED Grant	\$ 8,986.00
National Board Certification	\$12,500.00

##### Local Funds

Transportation	\$11,482.65
Rental of School Buildings	\$15,000.00
County of Prince George	\$ 4,000.00

Insurance	\$10,000.00
ERate	<u>\$15,000.00</u>

**\$183,854.52**

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

**IN RE: SCHOOL BOARD REQUEST FOR APPROPRIATION**

On motion of Mr. Parrish and with the following vote, the Board of Supervisors moved approval of and a supplemental appropriation of the remaining balance from the FY09 in the amount of \$150,000 to the 2009-10 school board revenue and expenditure budget.

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

**IN RE: CITIZEN COMMENTS**

Mr. Bill Peters spoke on the train station asking the Board for a briefing paper.

**IN RE: APPROVAL OF MINUTES FOR NOVEMBER 2009**

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the minutes of November 3<sup>rd</sup> and 17<sup>th</sup>, 2009.

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

**IN RE: CORRESPONDENCE**

- a. Reminder Retirement Celebration Honoring Donald T. Wood
- b. Sheriff's Department – Monthly Report – September 2009
- c. Department of Transportation – Environmental Study – November 12, 2009
- d. SYNAGRO – Biosolids – Wesley Wright – November 17, 2009
- e. Boulder Springs Park offer
- f. Virginia War Memorial Letter of November 12, 2009
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- i. Virginia Building & Code Officials Association Letter of November 10, 2009
- j. VDOT Traffic Alert – November 23-27, 2009

Mr. Adams suggested some type of memorial to honor those from the county that have been lost in the service to their country.

**IN RE: 2008-33 SMALL WIND ENERGY SYSTEMS**

Request by the County of Amherst for a zoning text amendment to allow small wind energy systems as a special exception use in the A-1 Agricultural Residential District, B-2 General Commercial District and the M-1 Industrial District.

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the Planning Commission recommendation to amend the zoning and subdivision ordinance as follows:

**302. Definition of Terms - Specific Definitions.**

**Wind Energy System, hybrid system:** An energy system that uses more than one technology to produce energy or work (for example a wind-solar system).

**Wind Energy System, small:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of at most 50kW, which will be used primarily to reduce on-site consumption of utility power.

**Wind Energy System, tower:** With regard to wind energy system, the structure on which the wind system is mounted.

**Wind Energy System, tower height:** With regard to wind energy system, the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

**Wind Energy System, turbine:** The parts of the wind system including the blades, generator and tail.

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.

*702.03. Special exceptions (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.

**14. Small Wind Energy Systems as provided in Section 918.**

707. General Commercial District B-2.

*707.01. Intent of General Commercial District B-2.* This district covers those areas intended for the conduct of any retail business. Those with extended hours of operation and generating high volumes of traffic are permitted in this zone.

*707.03. Special Exceptions.*

1. Bulk storage and sale of sand, gravel and rock;
2. Automobile sales, used;
3. Building and excavating contractor facilities with outside storage;
4. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
5. Building materials dealer, not including handling of bulk materials such as sand and gravel;
6. Farm machinery display, sales and services;
7. Machinery sales and services;
8. Arenas, auditoriums or stadiums;
9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building;
10. Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building;
11. Adult entertainment establishments in accordance with Section 915;
12. Tattoo establishments;
13. Auction house;
14. Self-service mini-storage and warehouse facilities;

**15. Small Wind Energy Systems as provided in Section 918.**

708. Industrial District M-1.

*708.01. Intent of Industrial District M-1.* This district is to allow production, wholesale, storage or distribution of products.

*708.03. Special exceptions:*

1. Salvage yards;
2. Quarries;
3. Paper mills.
4. Wholesale and retail modular homes.



**5. Small Wind Energy Systems as provided in Section 918.**

**918. Small Wind Energy Systems.**

**918.01. Intent.** The purpose of this article is to regulate the placement, construction and modification of small wind energy systems while promoting the safe, effective and efficient use of small wind energy systems and not unreasonably interfering with the development of independent renewable energy sources.

**918.02. Applicability.** The requirements set forth in this division shall govern the siting of small wind energy systems used to generate electricity or perform work which may be connected to the utility grid pursuant to Virginia's net metering laws (Code of Virginia (COV) § 56-594), serve as an independent source of energy, or serve in a hybrid system.

**918.03. Siting requirements.** The requirements for siting and construction of all small wind energy systems regulated by this division shall include the following:

- (1) Small wind energy towers shall maintain a galvanized steel finish, unless Federal Aviation Administration standards require otherwise, or if the owner is attempting to conform the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. A photo simulation may be required at the request of the Board of Supervisors.
- (2) Small wind energy systems shall not be artificially lighted unless required by the (FAA) or appropriate authority.
- (3) No tower should have any sign, writing, or picture that may be construed as advertising.
- (4) Noise levels associated with small wind energy systems shall not exceed the noise levels required in the Amherst County Noise Ordinance, Section 10, Article II, as measured at the closest property line. However, the level may be exceeded during short-term events such as utility outages and/or severe windstorms.
- (5) The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- (6) The applicant shall provide evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator. This notification will take place by having the electric utility provider sign the special exception application.
- (7) The applicant will provide information demonstrating that the system will be used primarily to reduce on-site consumption of electricity from the power grid.
- (8) The tower height shall not exceed a maximum height of one hundred (100) feet.
- (9) The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be ten (10) feet above the height of any structure within one hundred and fifty (150) feet of the base. The supporting tower shall also be enclosed with a six (6) foot tall fence

with a lockable gate or the base of the tower shall not be climbable for a distance of twelve (12) feet.

- (10) The applicant shall provide proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements set forth in 20 VAC 5-315-60.
- (11) The small wind energy system generators and alternators should be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Federal Code of Regulations, Part 15, and subsequent revisions governing said emissions.
- (12) If it is determined that a proposed small wind energy system could impact the view shed of the Blue Ridge Parkway, then Parkway Officials shall be notified of the application for their comment.

**918.04. Review Process.** The landowner will adhere to the special exception process as provided by Section 1003.03.

**918.05. Federal and State Requirements.**

- (a) *Compliance with Uniform Statewide Building Code:* Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.
- (b) *Compliance with FAA Regulations:* Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- (c) *Compliance with National Electric Code:* Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- (d) *Compliance with Regulations Governing Energy Net Metering:* Wind energy systems connected to the utility grid must comply with the Virginia Administrative Code 20 VAC 5-315, Regulations Governing Energy Net Metering.

**918.06. Setbacks.**

The wind energy system shall be set back two (2) times the height of the tower height plus blade length from the property line. The wind energy system tower, including blade length shall be set back at a minimum distance equal to the height of the tower and blade length from all residential structures. Wind energy systems shall meet all setback requirements for primary structures for the zoning district in which the wind energy system is located in addition to the requirements set forth above. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.

**918.07. Removal of Defective or Abandoned Wind Energy Systems.**

Any wind energy system found to be unsafe by the building official shall be repaired by the owner to meet federal, state and local safety standards or removed within six (6) months. Any wind energy system that is not operated for a continuous period of twenty-four (24) months shall be

considered abandoned and the owner of the system shall remove the turbine within ninety (90) days of receipt of notice from the County instructing the owner to remove the abandoned wind energy system.

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

NAY: None

## **IN RE: 2009-12 LIQUEFIED PETROLEUM GAS CONTAINERS**

This is a zoning text amendment request by the County of Amherst to allow above ground liquefied petroleum gas containers as a special exception use in the V-1 Village Center District and the B-2 General Commercial Commercial District.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to amend the code as follows to exclude potential crowded areas and the Board of Supervisors would use their discretion as to these areas.

### **302. Specific Definitions.**

**302.25.2. Container, liquefied petroleum gas. A vessel, such as a tank, cylinder or drum used for storage of liquefied petroleum gas composed predominately of propane, propylene, butanes or butylenes, or mixtures thereof that are gaseous under normal conditions, but are capable of being liquefied under moderate pressure at normal temperatures.**

### **707. General Commercial District B-2.**

*707.01. Intent of General Commercial District B-2.* This district covers those areas intended for the conduct of any retail business. Those with extended hours of operation and generating high volumes of traffic are permitted in this zone.

*707.02 Permitted uses.* Within the General Commercial District B-2, the following uses are permitted:

1. Accessory buildings and uses as provided in Section 901 herein;
2. Banks and savings and loan institutions;
3. Clinics and medical offices;
4. Clubs and lodges, fraternal, civic and patriotic;
5. Drug stores and other establishments for the filling of prescriptions and sale of pharmaceutical and similar supplies;
6. Emergency services;
7. Food stores;
8. General convenience stores;
9. Newsstands;
10. Oil and gas exploration, extraction and production, provided the provisions of Sections 45.1-361.1 through 45.1-361.144, Code of Virginia, 1950, as amended, and the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry are adhered to;
11. Professional office buildings;
12. Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
13. Retail nurseries and greenhouses;
14. Retail service stores such as bakeries, barber shops, beauty parlors, shoe shops, self-service laundries, and establishments for receiving and distributing articles for laundering, drying and dry cleaning;
15. Signs as provided in Section 907 herein;
16. U. S. Post Offices;
17. Wearing apparel stores;
18. Antique and gift shops;
19. Automobile service stations as provided in Section 902 herein;

20. Cemeteries;
21. Churches, manses, parish houses and adjacent cemeteries;
22. Day care centers;
23. Garages, public;
24. Hardware stores;
25. Motels, motor hotels and motor inns;
26. Restaurants;
27. Schools;
28. School support facilities;
29. Shopping center, subject to restrictions of Section 909 herein;
30. Shopping complex;
31. Single-family dwelling and a retail sales and/or service store within the same main structure, provided the single-family dwelling unit occupies fifty (50) percent or more of the structure;
32. Telephone repeater substations, with no external antennas;
33. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
34. Bakeries employing not more than ten (10) persons other than clerks and vehicle drivers;
35. Cabinet making shops;
36. Catering establishments;
37. Cold storage plants and frozen food lockers not including lard rendering and abattoirs;
38. Dry cleaning plants;
39. Funeral homes;
40. Furniture stores;
41. Printing plants and newspaper offices;
42. Radio and TV offices and studios;
43. Retail automotive parts stores;
44. Satellite dish antenna sales and service establishments;
45. Theaters, indoor;
46. Videotape sales and rental establishments;
47. Wholesale and jobbing establishments;
48. Bowling alleys, roller skating and ice skating rinks, billiard parlors, pool rooms, dance halls, game rooms, pinball parlors, electronic game centers, golf driving ranges and similar forms of amusement;
49. Colleges;
50. Community centers;
51. Contractor facilities and storage yards and establishments for installation and servicing the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, steel erection, tiling or ventilating with all material stored entirely in buildings enclosed on all sides or with walls or fences, supplemented by plantings as may be prescribed by the board of supervisors;
52. Dormitories;
53. Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
54. Feed and seed stores;
55. Golf driving range;
56. Kennels;
57. Light manufacturing, processing or packaging of products (including machine shops without punch presses) provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or a school district; shall not store or otherwise maintain any parts or waste material outside such building; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line;
58. Pest exterminating businesses;
59. Public utilities: public water and sewer transmission lines, treatment facilities, and pumping stations; electrical power transmission lines and substations; oil and gas transmission pipelines and

- pumping stations; microwave and radio wave transmission and relay towers and substations; telephone exchange centers, offices, equipment storage, dispatch centers and warehouse facilities;
60. Radio and TV transmission towers (provided the tower is so located that its minimum distance from any lot line shall equal the maximum height of the tower above ground level);
  61. Radio and TV transmitters;
  62. Sign manufacturing;
  63. Truck stop;
  64. Veterinary hospitals and clinics;
  65. Libraries;
  66. Public utilities;
  67. Public streets;
  68. Wireless communication facilities as provided in Section 914 herein;
  69. Short-term tourist rental of dwelling;

*707.03. Special Exceptions.*

1. Bulk storage and sale of sand, gravel and rock;
2. Automobile sales, used;
3. Building and excavating contractor facilities with outside storage;
4. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
5. Building materials dealer, not including handling of bulk materials such as sand and gravel;
6. Farm machinery display, sales and services;
7. Machinery sales and services;
8. Arenas, auditoriums or stadiums;
9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building;
10. Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building;
11. Adult entertainment establishments in accordance with Section 915;
12. Tattoo establishments;
13. Auction house;
14. Self-service mini-storage and warehouse facilities;
15. Travel trailer sales.
- 16. Above ground liquefied petroleum gas containers between one-hundred and twenty-five (125) gallons water capacity and two-thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be setback twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The Board of Supervisors may impose greater setbacks if above ground liquefied petroleum gas containers located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.**

*706. Village Center District V-1.*

*706.01. Intent of the Village Center District.* This district is designed to allow minimal concentrations of commercial activity and residential-type development within a large agricultural or residential area. As an adjunct to the Public Lands District P-1 and Agricultural District A-1, it is the intent to encourage cluster development of residential, commercial and public uses, thereby helping to discourage random scattering of these uses throughout agricultural and forested areas. To this end, retail activity is greatly limited to

neighborhood convenience sales and services and tourists-oriented specialties, thereby protecting against encroachment of general commercial or other similar uses likely to generate noise, light, odors, smoke, or other obnoxious influences.

*706.02. Permitted uses.* Within the Village Center District V-1 the following uses are permitted:

1. Those allowed in R-1 Limited Residential;
2. Churches and adjacent cemeteries;
3. Signs as provided in Section 907;
4. General convenience stores;
5. 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;
6. Public streets;
7. Banks;
8. Emergency services;
9. Hair-cutting shops;
10. Laundromats.

*706.03. Special exceptions:*

1. Signs as provided for in Section 907.
2. Retail stores to include: antique, gift & craft, hair cutting, agricultural products, hardware and building supplies.
3. Cemeteries.
4. Private clubs.
5. Civic organization meeting facilities.
6. Parks and recreational facilities where land is owned privately.
7. Professional offices.
8. Restaurants.
9. Manufactured homes.
10. Dual use structure limited to a single-family dwelling use and a business use.
11. Nursing Homes.
12. Machine shops.
13. Short-term tourist rental of dwelling.

**14. Above ground liquefied petroleum gas containers between one-hundred and twenty-five (125) gallons water capacity and two-thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be setback twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The Board of Supervisors may impose greater setbacks if above ground liquefied petroleum gas containers located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.**

Draft: 4/7/09

Amended: 4/23/09

Amended 6/9/09: Added 125 Gallons water capacity

Amended 6/17/09: Added use as a special exception in the B-2 Commercial District and the V-1 Village Center District.

Amended 7/2/09: Fifty (50) foot setback from structures, modified by PC.

Amended 12/1/09: Section 707.03 (16) and 706.03(14), the following statement was added: "The Board of Supervisors may impose greater setbacks if above ground liquefied petroleum gas containers located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather."

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

**IN RE: 2009-27 EXPANSION OF THE V-1 VILLAGE CENTER DISTRICT**

This is a request by the County of Amherst for a zoning text amendment to expand the uses allowed in the V-1 Village Center District.

706. Village Center District V-1.

*706.01. Intent of the Village Center District.* This district is designed to allow minimal concentrations of commercial activity and residential-type development within a large agricultural or residential area. As an adjunct to the Public Lands District P-1 and Agricultural District A-1, it is the intent to encourage cluster development of residential, commercial and public uses, thereby helping to discourage random scattering of these uses throughout agricultural and forested areas. To this end, retail activity is greatly limited to neighborhood convenience sales and services and tourists-oriented specialties, thereby protecting against encroachment of general commercial or other similar uses likely to generate noise, light, odors, smoke, or other obnoxious influences.

*706.02. Permitted uses.* Within the Village Center District V-1 the following uses are permitted:

1. Those allowed in R-1 Limited Residential;
2. Churches and adjacent cemeteries;
3. Signs **used for commercial and institutional uses** as provided in Section 907;
4. General convenience stores;
5. 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;
6. Public streets;
7. Banks;
8. Emergency services;
9. Hair-cutting shops;
10. Laundromats;
11. **Wearing apparel stores;**
12. **U.S. Post Offices;**
14. **Catering establishments.**
15. **Retail stores such as: antique, gift & craft, agricultural products, hardware and building supplies, bookstores, consignment, hobby and collectibles provided that the use does not exceed 10,000 square feet.**

*706.03. Special exceptions:*

1. Signs **for uses not specified in the permitted use section and** as provided for in Section 907.
2. ~~Retail stores to include: antique, gift & craft, hair cutting, agricultural products, hardware and building supplies.~~ **(Moved to permitted use section with additional uses).**
3. Cemeteries;
4. Private clubs;
5. Civic organization meeting facilities;
6. Parks and recreational facilities where land is owned privately;
7. Professional offices;
8. Restaurants;
9. Manufactured homes;
10. Dual use structure limited to a single-family dwelling use and a business use;
11. **Nursing Homes & Assisted Living Facilities;**
12. Machine shops;
13. Short-term tourist rental of dwelling;
14. **Automobile service stations as provided in Section 902 herein;**
15. **Day care centers;**

- 16. Farm machinery display, sales and services;
- 17. Taxidermy;
- 18. Retail nurseries and greenhouses;
- 19. Museum;
- 20. Bed & Breakfast.

On motion of Mr. Adams and with the following vote, the Board of Supervisors directed Mr. Bryant to to advertise for public hearing to amend zoning and subdivision ordinance to expand the uses allowed in the V-1 Village Center District.

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

**IN RE: LETTER FROM SHERIFF REGARDING FINE REVENUE MONEY AND STATE REVENUE REDUCTION**

The Sheriff in a letter of November 18, 2009 suggested the return of fine revenue money in the amount of \$50,000 for the next three quarters to go towards off-setting the revenue reduction from the State Compensation Board for his department. It was his suggestion for the remainder of this year only.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved his suggestion and thanked him for his help.

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

**IN RE: DRAFT PERSONNEL PLAN – JOHN ANZIVINO, SPRINGSTED INC.**

Mr. Anzivino and Mr. Walker from Springsted, Inc. were here at the Board's request to go over changes made in the personnel plan and to answer any questions regarding the work they had done. They will make the changes suggested at this meeting and send a corrected copy as soon as possible.

**IN RE: BUDGET DIRECTION**

Mr. Lintecum was requesting direction from the Board of Supervisors regarding the direction to be given to department heads and constitutional offices on what was expected budget wise.

On motion of Mr. Vandall and with the following vote, the Board wanted to see a level funding request and a 15% reduction request.

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

**IN RE: PERSONNEL ISSUES**

Mr. Lintecum wished to speak on the open economic development and maintenance director positions. He reported that he had two scenarios: add to solid waste or school maintenance.

He will be submitting a realignment as soon as possible.

**IN RE: BOARDBAND AUTHORITY BOARD**

Mr. Lintecum informed the Board that Mr. David had cancelled the meeting for the 1<sup>st</sup> but did need to have a meeting on the 15<sup>th</sup>. The Board by consensus directed Mr. Lintecum to set 6:30 p.m. on the 15<sup>th</sup> for a Broadband Authority Board meeting.



**IN RE: GOODWIN STREET BUILDING**

The Board was informed that there were three proposals for the mold issue in the Goodwin Street Building:

Engineered Systems, LLC	\$3,950.00
Southern Air Inc.	\$1,350.00
Proactive Indoor Health	\$6,800.00

On motion of Mr. Vandall and with the following vote, the Board directed staff to contract with Engineered Systems, LLC to come up with a solution to clean the Goodwin Street Building of the mold problem.

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

NAY: None

**IN RE: REVISED AMHERST COUNTY PARK RULES (1<sup>ST</sup> READING)**

Mr. Hunt, County Attorney, provided the Board with a copy of the revised Amherst County Park rules as follows:

**DRAFT****AMHERST COUNTY****ARTICLE III. REGULATIONS GOVERNING CONDUCT IN AMHERST COUNTY PUBLIC PARKS AND RECREATIONAL FACILITIES****Sec. 12-20. Title.**

This article shall be known and may be cited as the "Ordinance Regulating Conduct in Public Parks of Amherst County."

**Sec. 12-21. Intent.**

It is the intention for the Amherst County Department of Parks, Recreation, and Cultural Development to offer park facilities and other amenities to the public for safe, wholesome, and enjoyable activities. The following policies, rules, and regulations will assist in implementing this intent and in ensuring the benefits to be enjoyed by all.

**Sec. 12-22. Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. For simplicity reasons, the masculine "he" or "his" has been used throughout this article. This pronoun shall be deemed to be feminine as well.

*Closed hours* means the hours each day that a park is closed in accordance with section 12-29(a) of this article.

*County* is the County of Amherst, Virginia.

*Department* when used hereinafter is defined as the department of parks, recreation, and cultural development for the county.

*Director* means the director of the department of parks, recreation, and cultural development, and includes any person whom the director designates to act for the director hereunder.

*Park* and other areas, now or in the future operated and maintained by the county department of parks, recreation, and cultural development are defined to mean parks, public lands, playgrounds, recreation fields and facilities, buildings, lakes, streams, lagoons, water areas, and submerged lands, and all public service facilities located on or in grounds, waters, buildings, and structures in the county which are under the control of or operated by the county department of parks, recreation, and cultural development and maintained by Amherst County's maintenance department.

*Park attendants* means all full-time employees of the department of parks, recreation, and cultural development and any part-time or temporary employees of the department specifically authorized in writing by the director to enforce the requirements of this article.

*Parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

*Permit* is any written license issued by or under the authority of the director permitting the performance of a specified act or acts.

*Person* is any person, firm, partnership, association, corporation, company, or organization of any kind.

*Law Enforcement Officer* means all deputies/officers of the county sheriff's department, including the sheriff, and all properly trained and deputized law enforcement officers of the county sheriff's department and any law enforcement officer legally empowered to issue warrants of arrest or summons within the county.

*Special event* means a program, tournament, or other event scheduled for specified hours or days involving the participation of the department or written approval of the director.

*Vehicle* means every device in, upon, or by which any person or property may be transported upon a highway, except devices other than bicycles moved by human power.

*Waters* means any river, stream, lake, pond, swimming pool, or other body of water, whether flowing or still, in or contiguous to any park as defined in this article.

#### **Sec. 12-23. Park property.**

No person in a park shall:

##### **(1) Property:**

a. *Disfiguration and removal.* Willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, bridges, tables, benches, fireplace, railings, tree guards, paving, or paving material, public utilities, signs, notices, or placards (either temporary or permanent), monuments, stakes, posts, boundary markers, or other structures, equipment, facilities, or park property or parts thereof, either real or personal.

b. *Restrooms and washrooms.* Fail to maintain restrooms and washrooms in as neat and sanitary a condition as prior to such person's use, nor shall any person over the age of five (5) years use the restrooms and washrooms designated for the opposite sex, except a child in the company of a parent or other custodial individual. Use any device or equipment for taking any photographic image or likeness in any restroom, locker room, or washroom.

c. *Removal of natural resources.* Dig or remove any sand, soil, rock, stones, water, trees, shrubs, or plants, downed timber, or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

d. *Erection of structures.* Construct or erect any building structure or utility service of whatever kind, whether permanent or temporary in character, in any park except by specific written permit issued hereunder.

(2) *Trees, shrubbery, lawns.*

a. *Injury and removal.* Damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant; nor attach any rope, wire, or other contrivance to any tree or plant; or dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

b. *Climbing trees, etc.* Climb any tree or walk, stand, sit, or attach any rope or cable or other contrivance upon monuments, vases, fountains, railings, fences, or upon any other property not designated or customarily used for such purposes.

(3) *Wild animals, birds, etc.*

a. *Hunting.* Hunt, molest, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile or bird, unless required for self-defense purposes; or, as authorized by the director in section 12-26(6) of this article; nor shall any person remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

b. *Feeding.* Give or offer, or attempt to give, to any animal or bird any tobacco, alcohol, or other known noxious substance.

c. *Release.* Release any wild or domestic animal or stock any fish, unless authorized by the director.

**Sec. 12-24. Sanitation.**

No person in a park shall:

(1) *Pollution of waters.* Throw, discharge, place, or cause to be placed, in the waters of any fountain, pond, lake, stream, bay, or other body of water in or adjacent to any park, or in any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, whether liquid or solid, which produces, or may result in, the pollution or littering of said waters.

(2) *Rubbish, litter, and refuse matter.* Bring in or dump, lay, cast, drop, discharge, deposit or leave any bottles, broken glass, ashes, cinders, paper, boxes, cans, dirt, rubbish, waste, garbage, litter, refuse, or any other trash. No such rubbish, litter, or refuse materials shall be placed in any water in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; at locations where receptacles are not so provided, all such rubbish, litter, or refuse materials shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

**Sec. 12-25. Traffic.**

No person in a park shall:

(1) *Motor vehicle laws apply.* Fail to comply with all applicable provisions of the state and county motor vehicle traffic laws in regard to equipment and operation of vehicles together with such requirements as are contained in this and other ordinances.

(2) *Enforcement of traffic requirements and regulations.* Fail to obey any law enforcement officer and park attendants who are hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of these requirements and such supplementary regulations as may be issued subsequently by the director.

(3) *Obey traffic signs.* Fail to observe all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for property control and to safeguard life and property.

(4) *Speed of vehicles.* Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles per hour, except upon such park roads as the county may designate, by posted signs, for other speed limits.

(5) *Operation confined to roads.* Drive any vehicle on any area except the paved park roads, parking areas, or such other areas as may be specifically designated as temporary parking areas by the director.

(6) *ATVs, etc.* Operate in any park or recreation area snowmobiles, hovercraft, minibikes, pocketbikes, motorcycles, go-carts, ATVs, golf carts, mopeds, or any other vehicles, except in areas specifically designated by the director for such use.

(7) *Trucks and commercial vehicles.* Shall operate in or through any park, any trucks or commercial vehicles with a gross weight in excess of five (5) tons, except for the delivery of the load thereon for use in such parks as expressly approved by the director.

(8) *Parking.*

a. *Designated areas.* Park a vehicle in other than an established or designated area, except as shall be in accordance with the instructions of any park attendant or law enforcement officer who may be present.

b. *Prohibited activities.* Park a vehicle in a park for the expressed or apparent purpose of washing, repairing, or maintaining the same.

c. *Double parking.* Double park any vehicle on any road or parkway unless directed by a park attendant or law enforcement officer.

(9) *Bicycles.*

a. *Confined to roads.* Ride a bicycle in a park or recreation area other than on the right hand side of the road paving, path or trail, as close as conditions permit, and bicycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, yield the right-of-way to pedestrians, signal all turns, pass to the left of any vehicle they are overtaking, pass to the right of any vehicle they are meeting, and otherwise comply in all respects with applicable motor vehicle regulations of the Commonwealth.

b. Ride or park a bicycle in such a way as to constitute a hazard to any person or property, including domestic animals.

c. Engage in any bicycle race.

d. *Designated racks.* Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

#### **Sec. 12-26. Prohibited uses of parks.**

No person in a park shall:

(1) *Distribution or display.* Post, paint, affix, distribute, handout, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular, or advertisement; display any flag, banner, transparency, target, sign, placard, or any other matter for advertising or promotional purposes; operate any musical instrument for advertising or promotional purposes or for the purpose of attracting attention to any exhibit, show, performance, or other display, unless expressly authorized through permit by the director.

(2) *Contributions.* Solicit contributions for any purpose.

(3) *Bathing and swimming.*

a. Swim, bathe, or wade in any waters or waterways in or adjacent to any park.

b. *Bath houses.* Dress or undress in any vehicle, toilet, or other place, except in such bathing houses or structures as may be provided for that purpose.

(4) *Boating.*

a. *Designated areas.* Operate or occupy any boat, raft, or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by the director. Such activity shall be in accordance with applicable regulations adopted by the department.

b. *Operation of boats.* Navigate, operate, direct, or handle any boat in violation of federal, state, or local laws pertaining to the operation of boats.

c. *Prohibition of Wake-Enhancing Devices.* No person shall use wake-enhancing devices, including ballast tanks, wedges, hydrofoils, or other mechanical devices, or uneven loading of persons or gear, to artificially operate/manipulate bow height.

d. *Prohibition during closing hours.* Launch, dock, operate, or remain on or in any boat of any kind on any waters during the closed hours, or except during such hours as shall be designated by the director for such purpose.

e. *Boating restrictions.* Moor, tie, beach, or otherwise secure a boat to any structure, dock, beach, tower, dam, or bank except those areas or structures allowed for this purpose by the director.

f. *Aquatic safety.* Use or operate any boat in violation of any boating laws or regulations contained in the Virginia State Code; or, operate any boat in a reckless or unsafe manner.

g. *Enforcement by the Virginia Department of Game and Inland Fisheries.* Virginia Department of Game and Inland Fisheries' officers, and their agents or designees, shall be empowered and expressly permitted by the county to enforce any and all regulations, rules, and ordinances in this section, including but not limited to, boating.

(5) *Fishing.*

a. *Commercial fishing.* Commercial fishing, buying, or selling of fish caught in any park waters is forbidden.

b. *Designated areas.* Fish in any park waters, whether by the use of hook-and-line, net trap, spear, gig, or other device, except in such waters thereof as have been designated by the director for that use and under such regulations and restrictions as have been prescribed by said director.

c. *Fishing permits.* It shall be unlawful for any person to fish in or on the lands or inland water of any park without first obtaining a state license or permit. Any person issued a license or permit to fish within the park shall conform any fishing to the rules and regulations published by the Virginia Department of Game and Inland Fisheries and the posted rules and regulations of the park. Fishing within the park shall be

confined only to those areas designated by the director. Every person of whom a license is required must carry such license and shall show the same immediately upon demand of any law enforcement officer whose duty it is to enforce the game and inland fish laws. Failure to exhibit such license upon demand of any conservation police officer or other officer shall be *prima facie* evidence that such person is fishing without a license. It shall be unlawful for any person to make a false statement in order to secure a license or to alter, change, or lend a license.

(6) *Hunting.* Hunt, trap, or pursue wildlife at any time. Hunting and trapping may be authorized, by permit, when it is deemed by the director that said activity is in the best interest of public health, safety and/or welfare.

(7) *Firearms, knives, and weapons.*

(a) It shall be unlawful for any person to discharge in any park any pistol, revolver, shotgun, BB gun, air gun, slingshot, bow and arrow, dart device, or other weapon in which the propelling force is gunpowder, a spring or air, except as may be carried by a duly authorized law enforcement officer.

(b) It shall be unlawful for any person to use, carry or have in his possession any knife with a blade of more than three (3) inches except where such knife is necessary for preparation of food within any park.

(c) Any person who has a permit to carry a concealed handgun which is valid in the Commonwealth, and who has on his person that valid permit, may possess a concealed handgun in a park.

(d) Shooting into park areas from beyond park property boundaries is forbidden.

(e) The director may permit authorization for the use of a firearm or other potentially dangerous instrument, to be used in a park for a special event or county-managed activity.

(7) *Picnic areas and use.*

a. *Regulated.* Picnic in a place other than those designated for that purpose. Park attendants shall have the authority to regulate picnic activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. No visitor shall fail to comply with any directions given by park attendants to achieve this end.

b. *Availability.* Fail to observe the policy that use of the individual fireplaces, as well as tables and benches, shall follow the rule of "first come, first served."

c. *Duty of picnicker.* Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, all refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

d. *Nonexclusive.* Use any portion of the park areas or of any of the buildings or structures therein without a permit issued by the director, for the purpose of holding activities to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

e. *Reservations.* At the discretion of the Parks, Recreation, and Cultural Development Board, or the director, reservations for shelters may be obtained by paying a fee, as determined by the department of parks, recreation, and cultural development for exclusive use during said time period. Permits will be issued upon payment of fee and must be in the possession of users to be valid. Reservations for shelters shall be made and held on a "first come, first served basis." No person or group occupying a shelter shall fail to relinquish the shelter to a party or group holding a reservation permit from the department of parks, recreation, and cultural development. Pursuant to restrictions contained in Amherst County's lease with

Appalachian Power Company for Monacan Park, no fee or license will be charged by Amherst County for use of by the public any of the dedicated facilities in Monacan Park.

(8) *Athletic fields.* Use any county owned or maintained ball field until first securing a field rental contract for field use from the department. This requirement applies to all sanctioned or non-sanctioned teams or organized groups. Field rental contracts may cover league teams for a specific sport and may include multiple fields; however, copies of such contracts shall be in the possession of a responsible individual for each non-sanctioned team or organized group using any such ball field.

(9) *Camping.* Set up tents, shacks, or any other temporary shelter for the purpose of camping. During closed hours, no person shall leave any equipment, structure or vehicle to be used, or that could be used, for such purposes, such as a house trailer, camp trailer, camp wagon or the like. During closed hours, no person shall camp in any public park without the express written permission of the director.

(10) *Games.* Take part in or organize any inappropriate recreational activity or the playing of any inappropriate games, including but not limited to golf, except in areas set apart therefore.

(11) *Horseback riding.* Ride, drive, or lead a horse except on park drives or trails, as designated by the director. Where permitted, horses shall be thoroughly broken and properly restrained, ridden with due care, and shall not be allowed to graze or go unattended, nor be hitched to any rock, tree, and shrub. No hoofed animals will be allowed on turf areas.

(12) *Missiles, fireworks, and explosives.* Carry, shoot, fire, explode, discharge, or throw any fireworks, firecrackers, rockets, torpedoes, explosives, or missiles of any kind in any park without a permit from the director.

(13) *Photography.* Make still or moving pictures that involve the use of special settings, structures, lighting or apparatus, or the performance of a cast of persons, either amateur or professional, or the posing of professional models without prior written authorization by the director; said written permission may be issued only when such activities will permit normal use of park facilities by other visitors. However, the provisions of this section do not in any way restrict the ordinary use of cameras by amateur photographers.

(14) *Remote control planes.* Operate a remote control plane, glider, or motor propelled aircraft in any park without a permit from the director.

#### **Sec. 12-27. Meetings and concessions.**

No person shall:

(1) Hold or take part in any public meeting or event, religious, political, charitable or otherwise, including picnic parties and entertainment for charitable or religious purposes, in any public park without first obtaining written permission from the director. Such assemblages shall be conducted in a lawful and orderly manner, and shall occupy such grounds and facilities as may be assigned to or reserved for them.

(2) Sell or offer for sale any food, beverage, refreshment, or any article or service whatsoever in any park except by concessionaires under contract with the county or by nonprofit, charitable, or religious groups, authorized by permit from the director.

#### **Sec. 12-28. Behavior.**

No person in any park shall:

(1) *Intoxication.* Enter upon or be in or remain in a park while under the influence of alcoholic beverages or any controlled substance or narcotic as defined by the Drug Control Act of the Code of Virginia.

(2) *Possessing Alcohol, Taking a drink, or tendering same.* Possess any alcoholic beverage, take a drink of any alcoholic beverage, or tender a drink thereof to any other person, whether accepted or not, except as permitted by Section 4.1-308(C) of the Code of Virginia, 1950, as amended. The Amherst County Board of Supervisors or the director shall have the ability to waive any of the restrictions contained in this section for officially sponsored Amherst County events. However, pursuant to restrictions contained in Amherst County's lease with Appalachian Power Company for Monacan Park, the Amherst County Board of Supervisors, nor the director, shall have the ability to allow alcoholic beverages be made available to, or provided to, the public in Monacan Park.

(3) *Domestic animals.* Be responsible for the entry of a dog or other domestic animal into a park unless carried, led by a chain, strap, or rope, or kept in a wagon, automobile, or other vehicle by chain, rope, or strap. Dogs, cats, or other domestic animals shall not be permitted to enter any lake, pond, fountain, swimming pool, stream, all special event areas and tournaments, ball fields, or food and beverage concession area within any park or recreation area, unless the aforementioned animals are participating in any obedience training class that is authorized by the director. Service dogs shall be excluded from the provisions of this regulation. All domestic animal waste must be disposed of in a proper manner (*i.e.* scoop or plastic baggie) by owner.

No non-working animal or pet shall be allowed at special events in county parks. Non-working animals or pets include, but are not limited to, dogs, cats, horses, reptiles, or other animals that are present at a special event other than for the express purpose of assisting an individual with a disability. Also excluded are those animals or pets which are an attraction and/or a part of the special event.

(4) *Fires, smoking.* Kindle, build, use, or maintain a fire in or upon any park, except in places and receptacles provided and designated for such purposes; kindle, build, use, or maintain a fire when such fire is banned by proper authority. Any such fire shall be supervised continuously by an adult from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper, or other material within or against any building, boat, or vehicle, or under any tree or underbrush or in any place other than a proper receptacle for said material. No person shall smoke any cigar, cigarette, tobacco, or other substance in any posted area designated as a "No Smoking" area by the director.

(5) *Closed areas.* Enter an area posted as "Closed to the Public" or "No Trespassing" or otherwise "closed" in accordance with section 12-29(b) of this article. No person shall use or abet the use of any area in violation of posted notices.

(6) *Going onto ice.* Go onto ice on any of the waters, except such areas designated as skating areas and posted as such.

(7) *Disorderly conduct and disturbing the peace.* Cause inconvenience, annoyance, or alarm to another by doing any of the following:

- a. Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- b. Disturbing the peace, or using an offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;
- c. Insulting, taunting, or challenging another under circumstances in which such conduct is likely to provoke a violent response;
- d. Hindering or preventing the movement of persons on a public street, road, or right-of-way, or to, from, within or upon public property, so as to interfere with the rights of others and by any act which serves no lawful and reasonable purpose of the offender.
- e. Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful or reasonable purpose of the offender.



f. Disobeying a lawful order of a conversation police officer, law enforcement officer, or parks, recreation, and cultural development employee.

g. Using any loudspeakers, electric noise devices, noisemaking equipment, radio, tape recorder, record player, or other sound-producing device in such a way as to create excessive noise which disturbs other persons.

(8) *Trespass in the county parks or other public facilities after having been forbidden to do so.* Remain in the county parks or other public facilities after having been directed by county representative(s) or law enforcement officer(s) to leave the premises of such facilities, because of such person's violation of the facilities' rules and regulations.

(9) *Exhibit permits.* Fail to produce and exhibit any permits from the director upon request of any police officer or park attendant who shall request to inspect the same.

(10) *Interference with permittees.* Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, permitted by a permit.

#### **Sec. 12-29. Park operating policy.**

(a) *Hours of operation.* The director shall determine the hours when any park operated by the county shall be open to the public. Such hours shall be posted prominently at the entrance to the park, and it shall be unlawful for any person or persons to be present in the park during any hours when the park is not open to the public, except:

(1) Employees or agents of the county, engaged in the conduct of official business.

(2) When any persons are engaged either as participants or spectators in any county- sponsored activity or event, when such activity or event extends beyond the posted hours of the park.

(3) When special required written permission from the director has been granted to persons to remain in any park area outside regular open hours.

(b) *Closed areas.* Any section of any park may be declared closed to the public by the director at any time or for any interval of time, either temporarily or at regular and stated intervals, and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(c) *Permit.* A permit shall be obtained from the director before participating in a park activity prohibited by these rules:

(1) *Application.* A person seeking issuance of a permit hereunder shall file an application with the director. The application shall state: the name and address of the applicant; the name and address of the person, persons, corporation, or association sponsoring the activity, if any; the name, address and effective contact information for a responsible individual for such permit; the day and hours for which the permit is desired; an estimate of the anticipated attendance; any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(2) *Standards of issuance.* The director may issue a permit hereunder when he finds: that the proposed activity or use of the park will not unreasonably interfere or detract from the general public enjoyment of the park; that the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety or recreation; that the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct; that the proposed activity will not entail unusual, extraordinary, or burdensome expense or allocation of manpower resources by the county sheriff's department, or other operation by the county; that the facilities desired have not been reserved for other use at the day and hour required in the application.

(3) *Appeal.* Within seven (7) days after receipt of an application, the director shall either issue a permit or apprise an applicant in writing of his reasons for refusing a permit. Any aggrieved person shall have the right to appeal in writing within five (5) days to the county administrator, or his designee, who shall consider the application under the standards set forth in subsection (2) hereof and sustain or overrule the director's decision within fifteen (15) days. The decision of the county administrator, or his designee, shall be final.

(4) *Effect of permit.* A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(5) *Liability of permittee.* The person or persons to whom a permit is issued shall be liable for any loss, damage, or injuries sustained by any person whatsoever, by reason of the negligence of the person or persons to whom such permits shall have been issued, and shall indemnify and hold the county, its officers, employees, and agents harmless from any claim, judgment, or award for damages or other legal relief of any nature whether as a result of legal or administrative action.

(6) *Revocation.* The director shall have the authority to revoke, or modify, a permit upon finding a violation of any rule or ordinance, or upon good cause shown. Reasonable efforts shall be made by the department to promptly notify the holder of the revoked permit of the director's actions.

#### **Sec. 12-30. Fines and penalties.**

(a) Any violation of section 12-26(5)(c) (fishing permits) shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and by revocation or suspension of the license on such terms as the court may prescribe. The purchase of the license subsequent to an arrest, or notice of summons to appear in court for fishing without a license, shall not operate to relieve such person from the penalties herein provided

(b) Unless a more severe punishment is specifically provided for under state law or hereunder in this article, which shall then be applicable, a violation of any provision of this article shall constitute a class 2 misdemeanor; provided that nothing herein contained shall limit the authority of the court to order restitution for the benefit of the county as a result of any damage or abuse to property subject to this article.

(c) In addition to the foregoing, the director may seek such other remedies by way of injunction, abatement, or other similar relief as in his discretion may seem necessary.

(d) *Trespass in the county parks or other public facilities after having been forbidden to do so.* Any person that remains in the county parks or other public facilities after having been directed by county representative(s) or law enforcement officer(s) to leave the premises of such facilities because of such person's violation of the facilities' rules and regulations, in violation of section 12-28(8) of this article, shall be guilty of a class 1 misdemeanor.

(e) That any provision of the County Code not specifically amended or repealed above shall remain in full force and effect as adopted.

(f) This article shall be in full force and effect from and after its passage.

#### **Sec. 12-31. Exemptions and waivers.**

Except as otherwise prohibited by law, the director may grant a waiver to any all provisions contained in this article to an person employed by the department of parks, recreation, and cultural development in the conduct of his employment. Except as otherwise prohibited by law, the director may also grant a waiver to any and all provisions contained in this article to any public or private civic, educational, law

enforcement, or safety agency for purposes of conducting training or education within the public parks of this county.

**Sec. 12-32. Severability.**

The provisions of this article are severable. In the event that a court declares or finds the invalidity of any provision or section hereof, such declaration or finding shall not affect the validity of any other provision or section hereof.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to approve the prohibiting of feeding the waterfowl on the Monacan Park property.

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

On motion of Mr. Adams and with the following vote, the Board of Supervisors directed staff to move forward with a public hearing on the park rules.

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

**IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS**

There were no subjects presented by the members of the Board of Supervisors.

**IN RE: APPROPRIATIONS/TRANSFERS**

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

**a. APPROPRIATIONS**

Sheriff's Department

31020	5804	Misc	\$ 2,965.36
(Drug Asset Forfeiture)			

**b. TRANSFERS**

Parks, Recreation and Cultural Development Board

Transfer from:

7101	7011	Youth Sport Organization CAP	\$12,000.00
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Transfer to:

7101	3002	Contractual Services	\$12,000.00
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AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
NAY: None

**IN RE: ADJOURN**

On motion of Mr. Adams, seconded by Mr. Kidd and with the following vote, the Board of Supervisors adjourned to December 2, 2009 at 11:30 a.m. at Central Elementary School for a joint meeting with the School Board.

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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C. Lee Lintecum, County Administrator