

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 15th day of December, 2009 at 7:00 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:

The meeting was called to order by Chairman Leon J. Parrish.

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

IN RE: APPROVAL OF AGENDA

On motion of Mr. V. Wood and with the following vote, the Board of Supervisors approved the following agenda with two additions: Add §2.2-3711.A.1 Personnel and move citizen comments to after special appearance and presentations

AGENDA

**TUESDAY, DECEMBER 15, 2009
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
SCHOOL BOARD MEETING ROOM
7:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearance and Presentations**
 - a. Resolution Commending and Recognizing Leon J. Parrish and Vernon L. Wood
 - b. Audit Year Ended June 30, 2009 – Robert Huff, Robinson, Farmer & Cox
- V. Citizen Comments**
- VI. Zoning Public Hearings**
 - a. **2009-24** Request for changes in existing conditions for a special exception that was approved by the Board of Supervisors on January 15, 2008 for David and Janet Avance. The original request was for a special exception in the A-1 Agricultural Residential District to allow public entertainment uses, such as: weddings, receptions, teas, birthday

parties, anniversary parties, baby showers, wedding showers, and corporate parties, dinner theater, located at 116 Winridge Drive, and further identified as tax map 137-A-72A. There are several changes in the conditions that need to be considered for modification as shown under separate cover.

VII. Other Public Hearings

- a. Public Hearing on proposed changes in the water and sewage rates
- b. Public Hearing on Revised Park Rules

VIII. Other Planning and Zoning Items

- a. On November 30, 2009 the Amherst County Planning Department received a zoning permit from English Construction to construct an addition at the Henry Lanum Water Filtration Plant. Section 701.02 of the P-1 Public Lands District of the Amherst County Zoning Ordinance allows government facilities as a permitted use and states: "such uses shall be approved only by the Board of Supervisors.

IX. Correspondence

- a. Building Safety & Inspections monthly report for November 2009
- b. Sheriff's Department monthly report for October 2009
- c. VDOT Traffic Alerts – Nov 30 – Dec 4, and Dec 7-11, Dec 14-18, 2009
- d. Certified County Supervisor Class Set to begin January 8, 2010 in Richmond
- e. November Report of Rental and Public Nuisance Activity
- f. Public Safety Monthly Report October 2009

X. Consent Agenda

- g. Request from Sheriff's Office for a leave of absence for David Hill from December 14, 2009 until completion of the program in the spring of 2010

XI. Department Report

Purchasing Dept.

- a. Architectural/Engineering Services

XII. County Administrator's Reports

- a. Opening on the Recreation Board

XIII. County Attorney's Reports

- a. New License Agreement Between Amherst County and AEP for use of Monacan Park
- b. Prohibition of Feeding of Migratory and Nonmigratory Waterfowl at Monacan Park
- c. Review of Revised Amherst County Personnel Plan Draft by
- d. HR/Employment Law Specialist

XIV. Appropriations and/or Transfers

XV. Matters from Members of the Board of Supervisors**XVI. 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) Personnel

XVII. Adjourn

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

NAY: None

IN RE: RESOLUTION COMMENDING AND RECOGNIZING AMHERST COUNTY BOARD OF SUPERVISORS' MEMBER LEON J. PARRISH

WHEREAS, Leon J. Parrish has faithfully and impartially represented District 5 of Amherst County, Virginia, as an Amherst County Board of Supervisors' member from January 1994 to December 31, 2009;

WHEREAS, Leon J. Parrish served as Chairman of the Amherst County Board of Supervisors in 1995, 2001, 2005 and 2009;

WHEREAS, Leon J. Parrish served on the Amherst County Planning Commission, the Central Virginia Community Services Board and the Joint Cooperation Committee;

WHEREAS, Leon J. Parrish, during his tenure in these positions, actively demonstrated a sincere desire to improve the lives of the citizens of Amherst County, Virginia, by providing personable and professional service, predicated on an unfailing commitment to honor, caring, and integrity;

NOW THEREFORE, BE IT KNOWN, by the Amherst County Board of Supervisors and Amherst County Staff that it hereby expresses its utmost appreciation and warmest thanks to Leon J. Parrish's fifteen (15) years of dedicated service as an Amherst County Board of Supervisors' member.

Adopted this 15th day of December 2009.

IN RE: RESOLUTION COMMENDING AND RECOGNIZING AMHERST COUNTY BOARD OF SUPERVISORS' MEMBER VERNON L. WOOD

WHEREAS, Vernon L. Wood has faithfully and impartially represented District 2 of Amherst County, Virginia, as an Amherst County Board of Supervisors' member from November 18, 1997 to December 31, 2009;

WHEREAS, Vernon L. Wood served as Chairman of the Amherst County Board of Supervisors in 2000, 2004, and 2008;

WHEREAS, Vernon L. Wood during his tenure served on the Emergency Services Board, Joint Cooperation Committee, Rescue Squad Advisory Board and the School Board Liaison;

WHEREAS, Vernon L. Wood, during his tenure in these positions, actively demonstrated a sincere desire to improve the lives of the citizens of Amherst County, Virginia, by providing personable and professional service, predicated on an unfailing commitment to honor, caring, and integrity;

NOW THEREFORE, BE IT KNOWN, by the Amherst County Board of Supervisors and Amherst County Staff that it hereby expresses its utmost appreciation and warmest thanks to Vernon L. Wood's twelve (12) years of dedicated service as an Amherst County Board of Supervisors' member.

Adopted this 15th day of December 2009.

IN RE: JUNE 30 2009 AUDIT

Robert Huff, with Robinson, Farmer and Cox, and Brenda Campbell, Director of Accounting, were available to present the June 30, 2009 audit to the Board and to answer any questions.

Several questions were asked and answered.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to accept the audit report as presented.

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

NAY: None

IN RE: CITIZEN COMMENTS

There were no comments.

Mr. Vandall asked that this section be moved to follow Special Appearances and Presentations.

IN RE: ZONING CASE #2009-24 – WINRIDGE MANOR – PROPOSED AMENDMENTS OF CONDITIONS

Request for changes in existing conditions for a special exception that was approved by the Board of Supervisors on January 15, 2008 for David and Janet Avance. The original request was for a special exception in the A-1 Agricultural Residential District to allow public entertainment uses, such as: weddings, receptions, teas, birthday parties, anniversary parties, baby showers, wedding showers, corporate parties, dinner theater, located at 116 Winridge Drive, and further identified as tax map 137-A-72A.

Mr. Kidd – did they abide with conditions – No

Mr. Vandall – They did put in a 100' x 6' fence

Proponents:

Janet and David Avance – They had been renting a tent but have now purchased a tent and have move from side of house to rear of house. They have built a flushing outdoor bathroom and would like to increase the number of people to 150. They wish to have outside music until 11:00. They purchased a decibel meter and have check for sound at various places.

Opponents: Lois Ann Plister – letter

Dick Wills – 155 Winridge Dr. – traffic

Robert Pugh – opening door if you allow expansion

Public hearing closed

Board of Supervisors –

Mr. Vandall – can the board of supervisors revisit this issue if there is a problem down the road
 Mr. Adams – the increase of 25 additional people – would that affect traffic – Mr. Bryant said he would check on this. – Mr. Adams said he would leave time at 10:00 p.m.
 Mr. Vandall – said he would leave time at 11:00 since this was what was in the noise ordinance.
 Mr. Wood – would parking be an issue

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following request to amend the conditions as follows:

- 1) All events shall be limited to one-hundred and ~~twenty-five (125) guests~~ fifty (150) guest.
- 2) Delete no. 2 – ~~Outdoor tents or supporting structures shall be removed within 48 hours of an event.~~
- 3) Outdoor amplified music shall ~~conclude by 9:00 p.m.~~ comply with the Amherst County Noise Ordinance, Section 10, Article II.
- 4) All events shall be over no later than ~~40~~ 11:00 p.m.
- 5) All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
- 6) Additional freestanding signs will not be allowed on the property.
- 7) A parking attendant shall be directing traffic with greater than seventy-five (75) guests.
- 8) Approval based upon Virginia Department of Transportation entrance permit.
- 9) A 100 foot vegetative buffer shall be installed on the northeast property boundary.

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

NAY: None

IN RE: PUBLIC HEARING WATER AND SEWAGE RATES

Board of Supervisors comments – None

Proponents: Mr. French

Opponents:

Calvin Carson – no salary increases
 Janice Camden – against any increases in salary
 Steve Stinson – against rate increase

They have a water leak at Third and Main for two (2) months.

Public Hearing was closed

Mr. Adams wanted it understood that there were no salary increases. The rate increase is to pay for the bond issue.

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the following water and sewer rate change.

Mr. Vandall comment – wants to be sure that it covers debt service only – wanted to know if there was a way to check revenue coming in and if more than they are can this be reevaluated in future.

Mr. Kidd wanted to be sure restaurants are frozen and will not change.

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

NAY: Mr. R. Vandall

1. Section 15-122, (a) Water Service Charges – “The rate for water, per one hundred (100) cubic feet of water consumed shall be three dollars and nineteen cents (\$3.19).” Such a change would increase the billing for the majority of residential water customers by approximately \$1.10/mo.
2. Section 15-123, (1) Sewer Service Charges. “The rate for sewage produced shall be four dollars and thirty cents (\$4.30) per one hundred (100) cubic feet of water consumed.” Such a change would increase the billing of the majority of residential sewer customers by approximately \$1.50/mo.
3. Section 15-131 Miscellaneous Charges:

15-131(1) The first two sentences, “Residential customer deposit: \$40.00.

A refundable security deposit of forty dollars (\$40.00) per service is payable upon application for either water or sewer service and refunded or credited to the customer upon closing the account.”

15-131(5) “Bad check: \$45.00. Any checks which have not been honored by the bank shall have a forty five dollar (\$45.00) handling fee, plus any bank fee, assessed against the account.”

15-131,(7) Fire Protection System Monthly Service Fee

Six inch, or smaller, water line \$68.00

Eight inch, or larger, water line, \$73.00

4. Section 15-123 (2) Delete reference to the defunct fixture unit count methodology by removing the words “fixture units in accordance” from the first sentence and “to verify fixture unit counts” from the second sentence.
5. Connection and Availability Fees:

Section 15-127, © Water Connection Fees

Secondary Roads

(1) ¾ inch	\$1,040.00
(2) 1 inch	1,125.00

Primary Roads

(3) ¾ inch	\$1,125.00
(4) 1 inch	1,300.00

Dual Lane Highway Connections

(5) 1 inch.....	\$1,300.00
(6) 1 inch.....	1,420.00

Section 15-127, (d)

“For any larger connection, the charge shall be the actual cost of making the connection, but not less than one thousand forty dollars (\$1,040.00).

Section 15-128, (e) Sewer Connection Fee.

“The sewer connection fee shall be nine hundred fifty dollars (\$950.00) for a four inch connection. Larger connections shall be actual cost, but not less than the four inch connection fee.”

Section 15-129, (a), (1) Water Availability Charge.

"For residential premises the water availability fee shall be two thousand two hundred sixty dollars (\$2,260.00) per dwelling unit." For the balance of Section 15-129, (1) all other references to two thousand seventy dollars (\$2,070.00) are changed to two thousand two hundred sixty dollars (\$2,260.00).

Section 15-129, (a) (2) Sewer Availability Charge, Residential.

"For any residential premises having a utilized private sewage treatment system, the sewer availability fee shall be one thousand one hundred thirty dollars (\$1,130.00) per dwelling unit, providing connection into the authority sewer system is made within the first twelve (12) month following availability of the public sewer line."

Section 15-129, (b)

All references to nine hundred ninety five dollars (\$995.00) are changed to one thousand thirty dollars (\$1,030.00).

Section 15-129, (c), (d) and (e)

All references to two thousand five hundred fifty five dollars (\$2,555.00) are changed to two thousand seven hundred eighty five dollars (\$2,785.00).

Section 15-124 Tables.

TABLE 1: COMMERCIAL AND INDUSTRIAL WATER AVAILABILITY CHARGES

a) Hotels, motels, and motor courts, per unit	\$ 295.00	325.00
b) Restaurants and/or eating establishments, per seat	180.00	180.00
c) Nursing homes or hospitals, per bed	465.00	510.00
d) Laundromat, per machine	295.00	325.00
e) Car wash, per day	1,705.00	1,860.00
f) Service station, per bay.....	1,135.00	1,240.00
g) Schools, nurseries or day care centers, per person	30.00	33.00
h) Small business and commercial establishments (normal domestic usage)		
Shall be	2,070.00	2,260.00
Plus for each additional employee over five (5)	95.00	105.00
i) Multifamily dwelling units with a single meter up to three (3) units per unit.....	2,070.00	2,260.00
Fourth unit and each subsequent unit.....	1,725.00	1,880.00
j) Industry (normal domestic usage) shall be	145.00	160.00
k) Facilities not covered above or with high levels of consumption shall have their availability charge established on a case by case basis, by the director. The determination of this fee shall be based on flows (in residence equivalent units of 275 gpd or fixture unit evaluation) plus the authority expense of rendering service.		

TABLE 2: COMMERCIAL AND INDUSTRIAL SEWER AVAILABILITY

a) Hotels, motels and motor courts, per unit.....	\$ 295.00	325.00
b) Restaurants and/or eating establishments, per seat.....	235.00	235.00
c) Nursing homes or hospitals, per bed	465.00	510.00
d) Laundromat, per machine.....	295.00	325.00
e) Car wash, per bay.....	1,705.00	1,860.00
f) Service station, per bay.....	1,135.00	1,240.00

g) Schools, nurseries or day care centers, per person.....	30.00	33.00
h) Small business and commercial establishments (normal domestic usage)		
Shall be	2,555.00	2,785.00
Plus for each additional employee over five (5)	95.00	105.00
i) Multifamily dwelling units with single connection up to three units/unit.....	2,555.00	2,785.00
Four or more units, per unit.....	2,120.00	2,315.00
j) Industry (normal domestic usage) shall be	2,555.00	2,785.00
Plus for each additional employee over five (5)	145.00	160.00
k) Facilities not covered above or with high levels of consumption, waste other than that of a normal domestic nature or extensive road crossings to provide service shall have their availability charge established on a case by case basis, by the director. The determination of this fee shall be based on flows (in residence equivalent units of 275 gpd or fixture units evaluation) plus the authority expense of rendering service.		

Table specific fees a and c-f plus h-j are increased by nine percent, rounded up to the next five dollar (\$5.00) increment, over current charges. Fee g. shall increase by nine percent rounded up to the next one dollar (\$1.00), over current charges.

The new rates as forestated shall take effect with the billing of January 1, 2010, and all subsequent billings thereafter. A copy of these Code changes is available for viewing in the County Administrator's office.

IN RE: PUBLIC HEARING ON REVISED PARK RULES

Ms. Christian was available for any questions.

Public Hearing was opened

Proponents: None

Opponents: None

Public hearing was closed.

Board of Supervisors:

Mr. Vandall questioned Sec 4.c.

Mr. Adams also

Mr. Vandall – post no launching of wake enhancing devises

Mr. Kidd – if they are put in the water how will they be enforced.

On motion of Mr. Vandall, and with the following vote, the Board of Supervisors moved to adopt the park rules as presented with direction to the Recreation Board to see if they could come up with a way to revisit and stop launching of wake enhancing devices.

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

NAY: None

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 a 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.

IN RE: HENRY LANUM WATER FILTRATION PLAN ADDITION

On November 30, 2009 the Amherst County Planning Department received a zoning permit from English Construction to construct an addition at the Henry Lanum Water Filtration Plant. Section 701.02 of the P-1 Public Lands District of the Amherst County Zoning Ordinance allows government facilities as a permitted use and states: "such uses shall be approved only by the Board of Supervisors".

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the request.

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

IN RE: CORRESPONDENCE

- a. Building Safety & Inspections monthly report for November 2009
- b. Sheriff's Department monthly report for October 2009
- c. VDOT Traffic Alerts – Nov 30 – Dec 4, and Dec 7-11, Dec 14-18, 2009
- d. Certified County Supervisor Class Set to begin January 8, 2010 in Richmond
- e. November Report of Rental and Public Nuisance Activity
- f. Public Safety Monthly Report October 2009

Sec. d. Certified County Supervisor Class

Mr. Kidd stated that he should already be paid up for this class as the last one was cancelled.

IN RE: CONSENT AGENDA

Request from Sheriff's Office for a leave of absence for David Hill from December 14, 2009 until completion of the program in the spring of 2010.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the request for a leave of absence for Mr. Hill.

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

IN RE: ARCHITECTURAL/ENGINEERING SERVICES

A request for proposals for architectural/engineering services has been developed for the design, bidding and contract administration of a new county office building, as directed by the Board. There is a proposal meeting scheduled for 2:00 p.m., January 6, 2010. Board members are invited to attend. A proposal evaluation committee has tentatively been established which would consist of the County Administrator, Deputy County Administrator/Purchasing Agenda and Building Official. Board members are invited to participate as evaluation committee members. If more than two (2) Board members attend either of these activities adjournment from a regular Board meeting should be made.

Mr. Adams and Mr. Kidd plan to attend.

It was the consensus of the Board for the two Board members to participate as evaluation committee members.

IN RE: REAPPOINTMENT TO THE RECREATION BOARD

On motion of Mr. D. Kidd and with the following vote, the Board of Supervisors moved to reappoint Gary Evans to a five (5) year term on the Recreation Board to expire December 31, 2014.

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

IN RE: MAINTENANCE DEPARTMENT OPENING

Mr. Lintecum informed the Board that he would be talking with Teresa Nuckols and the maintenance department people.

IN RE: NEW LICENSE AGREEMENT BETWEEN AMHERST COUNTY AND AEP FOR USE OF MONACAN PARK

Amherst County's (the "County") Lease with Appalachian Power Company for use of Monacan Park expires on December 31, 2009. Attached as Exhibit A, please find a new License Agreement that will allow the County to use Monacan Park thorough February 29, 2024. The new agreement is essentially the same document as the previous Lease that was executed in 1991.

On motion of Mr. Adams, and with the following vote, the Board of Supervisors approved the lease with AEP and the county's use of Monacan Park.

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

IN RE: PROHIBITION OF FEEDING OF MIGRATORY AND NONMIGRATORY WATERFOWL AT MONACAN PARK

Mr. Hunt contacted the Virginia Department of Game and Inland Fisheries and inquired as to prohibiting the feeding of geese at Monacan Park and requested that they send me the model ordinance discussed therein. This has not been received at this time but will notify the Board as soon as possible.

IN RE: REVIEW OF REVISED AMHERST COUNTY PERSONNEL PLAN DRAFT BY HR/EMPLOYMENT LAW SPECIALIST

Staff sent out letters requesting bids for said legal review.

IN RE: APPROPRIATIONS/TRANSFERS

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

a. APPROPRIATIONS

Economic Development Department

81500	5101	Electric	\$3,017.10
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Sheriff's Department

31020	1002	Overtime	\$2,395.22
31020	1013	ACHS Athletics	\$7,481.70
31020	5410	Uniforms	\$ 187.98
31020	5501	Travel	\$ 128.45
33010	3001	Doctor-Medical	\$ 308.00

(Pass through revenue deposited with Donald Wood, Treasurer)

County Attorney

22020	7001	Equipment	\$1,300.00
(General Fund)			

Solid Waste

42050	5101	Electric	\$ 10.67
(Revenue return overcharge – Deposited)			

b. TRANSFERS

Board of Supervisors

Transfer from:

11010	5815	Youth Sports/Vol. Program Recag	\$ 570.69
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Transfer to:

11010	5804	Miscellaneous	\$ 570.69
(To cover expenses for Jefferson cups and plaques)			

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

Mr. Wood – None

Mr. Vandall – None

Mr. Kidd – None

Mr. Parrish – None

Mr. Adams – Alan Bumgarer lost his mother and asking the Board members to keep the family in mind.

IN RE: CLOSED SESSION

Mr. R. Vandall moved to go to closed session to discuss a (1) personnel matter pursuant to § 2.2-3711.A.1, of the Virginia Code Section:

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

This was seconded by Mr. V. Wood and approved with the following vote:

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

NAY: None

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

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

NAY: None

Mr. 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.)

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

NAY: None

IN RE: ADJOURNMENT

On motion of Mr. V. Wood, seconded Mr. Mr. L. Parrish and with the following vote, the Board of Supervisors adjourned.

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

NAY: None

Leon J. Parrish, Chairman
Amherst County Board of Supervisors

C. Lee Lintecum, County Administrator