

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

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 5<sup>th</sup> day of January, 2010 at 1:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

PRESENT:	Mr. C. Adams	ABSENT: None
	Mr. D. Kidd	
	Mr. R. Vandall	
	Ms. C. Tucker	
	Mr. Mr. F. Campbell	

**IN RE: AMHERST COUNTY BOARD OF SUPERVISORS REORGANIZATION FOR 2010**

C. Lee Lintecum, County Administrator, called the meeting to order and opened floor to nominations for Chairman.

Mr. Kidd nominated Mr. Adams for Chairman. Mr. Kidd moved that nominations be closed. Mr. Lintecum requested a vote for Mr. Adams as Chairman.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

Mr. Lintecum declared Mr. Adams Chairman by acclamation and turned the meeting over to the Chairman.

Mr. Adams requested nominations for Vice-Chairman. Mr. Vandall nominated Mr. Kidd for Vice-Chairman. There were no other nominations. Mr. Vandall moved that nominations be closed. Mr. Adams requested a vote for Mr. Kidd as Vice-Chairman.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

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

Mr. Vandall moved to appoint C. Lee Lintecum as Clerk to the Amherst County Board of Supervisors and David Proffitt, Assistant Clerk, for 2010.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

Mr. Vandall moved to set the regular board meeting time for the 1<sup>st</sup> Tuesday of each month at 1:00 P.M. in the Administration Building at 153 Washington Street.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

Mr. Vandall moved to adopt the following Rules of Order and Procedure for the Service Authority Board for the 2010 year.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

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

**AMHERST COUNTY, VIRGINIA****1. OPENING**

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

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

**II. CHAIRMAN**

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

**III. THE CLERK**

The Clerk of the Board of Supervisors shall be the County Administrator who is appointed by the Board and serves at its pleasure in compliance with the constitutional form of county government as established by the Code of Virginia. The minutes of the Board shall be duly drawn by the Clerk (viz., the County Administrator), circulated with the agenda for the next following meeting if time permits, and submitted at that meeting.

**IV. PREPARATION OF THE AGENDA**

It shall be the duty of the Clerk to prepare the agenda of each regular and special meeting of the Board of Supervisors and to see that all necessary papers, including but not limited to ordinances, resolutions, and petitions, shall be drafted, copied and circulated with the agenda to the members of the Board so that they may be reviewed at least 48 hours prior to the meeting for which these items are docketed. If any necessary information or papers shall not be ready when a particular item is reached on the agenda, that item shall be passed by and taken up at a later time, except that the Board may, at its discretion, engage in general discussion of an item with a view to determining what additional materials are needed and how they may be secured. Normally, the Clerk shall prepare the agenda and all relevant information one week prior to the meeting and close the agenda at that time. Citizens are encouraged to make arrangements to be placed on the agenda to insure being heard, and the Board shall from time to time make this policy and schedule known to the public.

**V. CONDUCT OF BUSINESS**

The chairman shall preserve order and decorum at all meetings and public hearings, may speak to points of order in preference to other members, and shall decide questions of order without debate except that he may permit a member to explain his point or allow other members to be heard by way of

explanation. If the chair is in doubt as to how to rule on an important point, he can put it to a vote of the Board. Rulings of the chair may be appealed by any two members.

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

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

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

## VI. TAKING THE VOTE

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

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

## VII. ORDINANCES, RESOLUTIONS, ETC.

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

## VIII. WITHDRAWAL OF EXHIBITS

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

## IX. MANUAL AND RULES

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

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

The Board hereby adopts the following policies relative to procedures:

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

**IN RE: BOARDS/COMMISSIONS**

The following are boards and/or commissions that the members of the Board of Supervisors are appointed to serve on:

**BROADBAND TECHNICAL ADVISORY COMMITTEE**

On motion of Mr. Vandall and with the following vote, the Board reappointed Mr. Adams to serve on the Broadband Technical Advisory Committee.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

**COMMUNITY SERVICE BOARD**

On motion of Mr. Vandall and with the following vote, staff was directed to check with the Social Service Director as to whether that this is something he could serve on.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

**EMERGENCY SERVICES COUNCIL**

On motion of Mr. Vandall and with the following vote, the Board reappointed Mr. Adams to serve on the Emergency Services Council.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

**TOWN OF AMHERST JOINT COOPERATION COMMITTEE**

On motion of Mr. Kidd and with the following vote, the Board appointed Ms. Tucker to serve on the Town of Amherst Joint Cooperation Committee.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

On motion of Ms. Tucker and with the following vote, the Board appointed Mr. Vandall to serve on the Town of Amherst Joint Cooperation Committee.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams  
NAY: None

**PLANNING COMMISSION**

After discussion of the Planning Commission appointment, Mr. Vandall moved to direct staff to check into changing the wording in the County Code to have one member from each of the five districts, two at large members and a member from the Board of Supervisors to act as a nonvoting member.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

#### REGION 2000

On motion of Ms. Tucker and with the following vote, the Board of Supervisors moved to appoint Mr. Vandall to the Region 2000 Board.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

#### RESCUE SQUAD ADVISORY

On motion of Mr. Vandall and with the following vote, the Board appointed Mr. Adams to the Rescue Squad Advisory Board.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

#### SCHOOL BOARD LIAISON

On motion of Ms. Tucker and with the following vote, the Board appointed Mr. Campbell to represent the Board as one of the School Board Liaisons.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

On motion of Mr. Kidd and with the following vote, the Board appointed Mr. Vandall to represent the Board as one of the School Board Liaisons.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

#### SOCIAL SERVICES BOARD

On motion of Mr. Kidd and with the following vote, the Board appointed Ms. Tucker and with Mr. Campbell as an alternate to serve on the Social Services Board.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

#### IN RE: BUILDING ENTRANCE CONSTRUCTION UPDATE

Blair Smith, Dominion Seven Architects, was present to update the Board on the construction and presented the following change order request for the Board's approval.

**DOMINION SEVEN ARCHITECTS**  
1000 Jefferson Street  
Suite 2A  
Lynchburg, Virginia 24504  
P (434)528-4300 F (434)528-4756

#### **PROJECT MEMORANDUM**

**DATE:** January 5, 2010

**To:** Amherst County Board of Supervisors  
**From:** Blair Smith  
**Project:** Amherst County Administration Building – Entrances  
**Project No:** 2912

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**Southern Entrance (County Administration Side): \$771.00**

- Change in collection of the storm water (roof)
- Additional painting

**Western Entrance (Washington Street Side): \$0.00**

- No changes

**Eastern Entrance (Social Services/Health Department Side): \$3,075.00**

- Pipe bollards around columns
- Demolish concrete ramp and patch with asphalt
- Add drywall closure
- Add pedestrian access tunnel

**Northern Entrance (School Administration Side): \$13,548.00**

- Add floor drain to collect storm water along front sidewalk
- Replace elevated composite floor (concrete, metal deck), add slope to existing steel Joists, repair damaged masonry and provide footing for new brick pilaster
- Additional painting

**Total Additional Cost: \$17,394.00**

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cc: Lee Lintecum  
 David Proffitt  
 File

If there are any questions or comments regarding this Project Memorandum please contact this office within ten (10) days or it will stand as correct.

P:\2912 Amherst Admin Entrances/owner/Project Memo 01-05-10.doc

Revised September 2000

After questions and answers, Mr. Smith changed the figure from the original \$17,394.00 to \$11,775.00 to cover the Southern Entrance and the Northern Entrance with withdrawing the drain for the time being.

On motion of Mr. Vandall and with the following vote, the Board approved the change order for \$11,775.00 to be paid from the bond revenue proceeds.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

**IN RE: CITIZEN COMMENTS**

David Hooper – Forest, Virginia – He has rental property in Amherst County and he was voicing his opinion to the fees having to be paid when his property has had no complaints and he did not see why he has to pay.

No other citizen comments.

**IN RE: PUBLIC SCHOOLS – DR. BRIAN RATLIFF**

Dr. Ratliff, Superintendent of Schools was present with comments to the Board, one being the budget concerns that everyone has to face.

**IN RE: BOARD MINUTES**

On motion of Mr. Adams, and with the following vote, the Board approved the Minutes for November 23, 2009.

AYE: Mr. Adams

NAY: None

ABSTAIN: Mr. Kidd and Mr. Vandall (both absent from this meeting)  
Ms. Tucker and Mr. Campbell (not on the board at that time)

On motion of Mr. Vandall and with the following vote, the Board approved the minutes for December 1<sup>st</sup> and 15<sup>th</sup>, 2009.

AYE: Mr. Vandall, Mr. Kidd and Mr. Adams

NAY: None

ABSTAIN: Ms. Tucker and Mr. Campbell (not on the board at that time)

On motion of Mr. Kidd and with the following vote, the Board approved the minutes of December 21, 2009.

AYE: Mr. Kidd

NAY: None

ABSTAIN: Mr. Adams, and Mr. Vandall  
Ms. Tucker and Mr. Campbell

**IN RE: MONELISON VOLUNTEER FIRE AND RESCUE SQUAD**

Mr. Ernie Cash was available for questions on their request for approval of the following request:

**CHIEF ELECTED EXECUTIVE OFFICER'S APPROVAL**

Pursuant to Section 147(f) of the  
Internal Revenue Code of 1986, As Amended

Chief Elected Executive Officer's Name Christopher R. Adams

Chief Elected Executive Officer's Title: Board of Supervisors, Chairman

Political Subdivision: Amherst County

Volunteer Fire Department: Monelison Volunteer Fire Department and Rescue Squad, Inc.

Under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the undersigned hereby certifies that:

1. I am the Chief Elected Executive Officer, as such term is used in section 147(f) of the Code of the above Political Subdivision.
2. The Volunteer Fire Department is required by a written agreement with the Political Subdivision or by an ordinance, resolution or other law adopted by the Political Subdivision (the "Service Agreement") to furnish firefighting services in an area which is within the jurisdiction of the Political Subdivision and which is not provided with any other firefighting services and the Service Agreement is, and is expected to remain, in full force and effect.
3. I hereby approve the Volunteer Fire Department entering into a lease-purchase agreement ("Lease-Purchase") for the principal amount stated below to finance the equipment described below.

Amount To Be Financed: \$445,185.00  
Equipment: 2009 Pierce Impel Pumper  
Location: 133 Amer Court  
Madison Heights, VA 24572

This approval is given following a public hearing held at the time, and date and place stated on the attached copy of a Notice of Public Hearing and is solely for the purposes of satisfying the requirements of Section 147(f) of the Code. I hereby inform all recipients of this Approval that the Political Subdivision has no obligation (as lessee or otherwise) to pay any rent or to observe any agreement under the Lease-Purchase.

IN WITNESS WHEREOF, I have duly executed and delivered this instrument as of the date set forth below my signature.

Christopher R. Adams, Chairman  
Amherst County Board of Supervisors

Date: January 5, 2010

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the above agreement giving the Monelison Volunteer and Rescue Squad approval to enter into a lease-purchase agreement for the principal amount stated to finance the equipment described in the agreement.

AYE: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams

NAY: None

#### **IN RE: CORRESPONDENCE**

- a. Information on Planning Commission, Economic Development and Zoning Appeals Board vacancies.
- b. Letter from Dept. of Environmental Quality Dec. 22, 2009 regarding VPDES Permit No. VA0082546 Reissuance Westbriar Subdivision STP
- c. VDOT Traffic Alerts – Dec 21-25, 2009 and Dec. 28, 2009 – Jan. 1, 2010

#### **IN RE: JAIL WATER HEATER APPROPRIATION REQUEST**

The large water heaters at the Jail are no longer operable. Purchasing has bid these and replacement cost will be \$11,000. The jail repair line in the budget (3301-3304) currently has \$7,500 remaining to last until June 30, 2010. The Sheriff is requesting that the Board appropriate \$11,000 to cover this expense.

On motion of Mr. Vandall and with the following vote, the Board approved the appropriation of \$11,000 from the bond maintenance revenue proceeds.

AYE: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams

NAY: None

#### **IN RE: LETTER OF DECEMBER 30, 2009 – REBECCA PITSENBARGER, RN**

While the Sheriff was present the Board presented a letter from Ms. Pitsenbarger, RN at the jail.

She was asking the Board to take some action regarding the State not taking the Department of Corrections inmates and is cutting funding to the localities.



Ms. Tucker and Mr. Vandall suggested a letter be sent to our representatives in Richmond.

Mr. Kidd gave thanks to the Sheriff's Department for their efforts in cleaning the road sides along the 29 corridor.

**IN RE: GOODWIN STREET BUILDING PRELIMINARY MOLD REPORT**

Purchasing had received the following preliminary mold investigation report for the Goodwin Street Building from John Owen of Engineered Systems, LLC:

David Proffitt  
Deputy County Administrator  
P O Box 390  
Amherst, VA 24521

RE: Preliminary Report Mold Issues – Godwin Street Building

Dear Mr. Proffitt,

We have received the lab work for the mold tests recently processed on the Godwin Building.

Four air quality samples for mold were taken in the Commission of the Revenue's Office area and two in the Treasurer's Office area. An outside air sample was taken for reference. Laboratory results indicate all six airborne mold samples were normal, i.e. a person with "normal" immune system will not show a reaction with the level of mold present in the indoor air. The outside mold count was 1860 spores per cubic meter of air and the highest indoor air count in the Commission of the Revenue's and Treasurer's Office areas was 381 spores per cubic meter of air, a 4 to 1 ratio favorable to the indoor air which is quite good.

The swab samples were a different matter. We took five (5) swabs in the Commission of the Revenue's Office area and four (4) swabs in the Treasurer's Office Area.

The three swab air diffuser samples and ceiling tile sample in the Commissioner of the Revenue's Office area showed a medium to high level of mold content in the black material in the throat of the diffuser. The ceiling tile samples were similar.

Also the three air diffuser and one carpet sample in the Treasurer's Office area had "high" mold content on the black material visible on the diffuser and carpet. The two predominate species of mode were Cladosporium and Penicillium, both species allergenic in nature.

On the lower level in the VT Extension area the results were similar to the upper level, i.e. low airborne counts and high sport counts on air diffusers.

The humidity and temperature values were satisfactory on the days measured but a physical evaluation of the space indicates humidity is a problem probably during spring and summer.

A short term, interim remediation action is needed. This limited remediation can be performed by the custodial staff. Active items needed included:

- (a) Wet wipe air diffusers with alcohol based Lysol spray, spot clean carpet, replace visibly damaged ceiling tile and spot clean any poster or book cover with Lysol spray. Do not use water based cleaner. In this limited cleaning process custodians can use standard dust masks.

A much more detailed professional remediation will be required by spring and will be addressed simultaneously with any HVAC issues.

Laboratory results are attached.

Sincerely,

John M. Owen

Maintenance Department had done the short term remediation actions as recommended. A copy of the report has been sent to Ms. Martin, Acting Treasurer and Ms. Byers, Commissioner of Revenue.

**IN RE: COVERAGE AND POTENTIAL EXPANSION OF RENTAL INSPECTION ORDINANCE**

There was much discussion of the rental inspection boundaries and how it was being handled. They did not think redrawing the boundaries would help, that it needs to be more complaint focused. Mr. Vandall asked to see what effect this would have on the CDBG block grant.

On motion of Mr. Vandall and with the following vote, the Board requested Mr. K. Campbell to hold off on new inspections for the time being unless it is complaint driven and they would revisit this at the next meeting.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

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

It has been requested to have the personnel plan reviewed by an employment law/HR specialist. The following bid responses to its November 23, 2009 request are as follows:

- (1) Neil S. Talegaonkar (Thompson & McMullan) (\$275.00/hour; \$5,000.00 estimate)
- (2) R. Craig Woods (McGuire Woods)(\$9,500.00 firm bid)
- (3) Phyllis C. Katz (Sands Anderson Marks & Miller)(\$4,000.00 fixed price per policy; \$290.00/hour redrafting fee)

Mr. Vandall made a motion to approve Thompson & McMullan.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

Ms. Tucker made a motion to reconsider.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

She requested to approved Thompson and McMullan but add a not to exceed amount.

On motion of Mr. Vandall and with the following vote, the Board moved to give Mr. Proffitt the authority to negotiate with Thompson and McMullan for a firm offer and bring it back to the Board for approval.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

**IN RE: REVISION TO AMHERST COUNTY CODE §§ 9-132.11 AND 9-132.12 REGARDING TOWING AND ABANDONED VEHICLES**

The Sheriff's Office is requesting that the Amherst County Code be revised to allow for the towing of roadside abandoned vehicles after twenty-four (24) hours, rather than forty-eight (48) hours as the Code currently reads. The Sheriff's Office desires said revision for safety reasons, and because it's current impoundment forms read twenty-four (24) hours.

On motion of Mr. Adams and with the following vote, the Board authorized staff to proceed to public hearing regarding the towing of abandoned vehicles.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

**IN RE: PROHIBITION OF FEEDING OF MIGRATORY AND NONMIGRATORY WATERFOWL AT MONACAN PARK IN AMHERST COUNTY, VIRGINIA**

After some discussions, Mr. Adams moved to table until the 1<sup>st</sup> meeting in February, 2010.

AYE: Ms. Tucker, Mr. Vandall, Mr. Kidd, Mr. Campbell, Mr. Adams

NAY: None

**IN RE: SPECIAL ELECTION FOR TREASURER'S OFFICE**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to petition Judge Gamble to schedule a special election to fill the unexpired term of Mr. Wood.

AYE: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams

NAY: None

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to petition Judge Gamble to schedule the special election as the same day as the November 10, 2010 election.

AYE: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams

NAY: None

**IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS**

On motion of Mr. Vandall and with the following vote, the Board moved to approve the following transfers except for the request from Tourism for the transfer to telecommunications.

**a. TRANSFERS**

**Public Safety**

Transfer from:

32070	5504	Training & Education	\$1,591.29
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Transfer to:

32070	5521	Food & Lodging	\$1,591.29
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**Tourism**

Transfer from:

81600	3006	Outside Printing	\$3,000.00
<del>81600</del>	<del>5605</del>	<del>Community Assistance</del>	<del>1,000.00</del>

Transfer to:

81600	3007	Advertising	\$3,000.00
<del>81600</del>	<del>5203</del>	<del>Telecommunications</del>	<del>1,000.00</del>

AYE: Ms. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams  
 NAY: None

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

Ms. Tucker – citizens complaining about the double meetings for the Planning Commission and Board of Supervisors

Mr. Kidd – need guidelines if they should go back to joint meetings.

It was discussed that they did want to set a joint meeting with the Planning Commission

Mr. Vandall – no other items

Mr. Kidd – Train Depot – Grant money – have not received contract agreement, promised document in January – Lee trying to get history of next step.

Mr. Campbell – would like more meetings in Madison Heights – would like to see Old Town area as an overlay district – discuss with Planning Commission at a joint meeting

Mr. Adams – space needs – prebid January 6 – Retreat – Lee working with Gary Christi – Region 2000 February 10 and 11  
 Workshop with Department heads and constitutional departments for January 13, 2010 at 2:00 p.m.

**IN RE: CLOSED SESSION**

Mr. Vandall moved to go to closed session to discuss a (1) personnel matter and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to § 2.2-3711.A.1, & 7 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.

§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: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams  
 NAY: None

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

AYE: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams  
 NAY: None

Mr. Adams moved the closed session resolution and was approved with the following roll call vote:

Ms. C. Tucker	AYE
Mr. R. Vandall	AYE
Mr. D. Kidd	AYE
Mr. F. Campbell	AYE
Mr. C. Adams	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: ADJOURNMENT**

On motion of Mr. Adams, seconded by Mr. Kidd and with the following vote, the Board of Supervisors adjourned until Wednesday, January 13, 2009 at 2:00 p.m.

AYE: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams

NAY: None

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Christopher R. Adams, Chairman  
Amherst County Board of Supervisors

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C. Lee Lintecum, County Administrator