

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

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 19<sup>th</sup> day of January, 2010 at 7:00 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. F. Campbell	

The meeting was call to order by Mr. C. Adams, Chairman.

Mr. Vandall led in prayer and the pledge of allegiance to the flag.

**IN RE: CITIZEN COMMENTS**

Ms. Martha Bryant spoke on the Training Center and some legislative bills that she was asking the Board to support.

- (1) Senate bill 538 – Requires the Department of Behavioral Health and Developmental Services to promulgate regulations requiring the presence of a licensed physician at all times in any state training center
- (2) Hospital beds reduced from 27 to 5
- (3) Gov. Kane's budget calls for closing another building
- (4) House bill 169 – Expands system restructuring planning requirements applicable to the closure or conversion of a state mental health hospital to apply to the closure, conversion, or downsizing of any state mental health hospital or training facility by 10 or more beds in any single 12-month period.

**IN RE: PUBLIC HEARING ZONING CASE 2009-26**

2009-26 Request by Dale Carson for a conditional zoning from R-2 General Residential District to V-1 Village Center District. The proposed rezoning is to provide for the continued business use of the property. The parcel is located at 351, 353, 355, 357, 359, 361 Old Wright Shop Road, and is further identified as tax map number 165B-6-B-1.

Proponents: Mr. Carson was present available for questions

Opponents: None

Board of Supervisors discussion

**BOARD OF SUPERVISORS' ACTION:** Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Kidd and with the following vote, the Board of Supervisors approved the request for a conditional zoning from R-2 General Residential District to V-1 Village Center District on Old Wright Shop Road with the following conditions recommended by the Planning Commission:

1. Trash receptacles shall be kept inside the building except for one morning per week when they are emptied by a contract trash service;
2. Lighting for the free-standing sign shall be prohibited at this site;
3. Business hours are from 6:00 A.M. until 9:00 P.M.

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

NAY: None

**IN RE: PUBLIC HEARING ZONING CASE 2009-22**

2009-22 Request by Christopher B. von Elten for a zoning text amendment to allow a substance abuse treatment facility as a special exception use in the A-1 Agricultural Residential District, and the B-2 General Commercial District. The definition of a substance abuse treatment facility has been included in the proposed zoning text amendment.

Proponents: None

Opponents: None

**BOARD OF SUPERVISORS' ACTION:** Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Tucker and with the following vote, the Board of Supervisors approved the Planning Commission recommendation for a zoning text amendment to allow a substance abuse treatment facility as a special exception use in the A-1 Agricultural Residential District, and the B-2 General Commercial District.

**302.141.1. Substance Abuse Treatment Facility. Structures and land used for the treatment of alcohol or other drug abuse where one or more patients are provided with care, meals, and lodging.**

702. Agricultural Residential District A-1.

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

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

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

- e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
- f. The CLF must be approved by all necessary state agencies prior to county approval;
- g. The applicant for all permits must be a county resident and the property owner;
- h. It cannot be visible from a state maintained road;
- i. A zoning permit must be issued prior to any development of the CLF.
- 14. Flag lot.
- 15. Wireless communication facilities as provided in Section 914 herein.

**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. Mineral extraction per Section 910.
- 15. Substance abuse treatment facility.**

**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. Display of and sale of wholesale and retail modular homes.
- 17. Substance abuse treatment facility.**

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

NAY: Mr. R. Vandall

**IN RE: PUBLIC HEARING ZONING CASE 2009-21**

2009-21 Request by the County of Amherst for a zoning text amendment to allow Marine Sales and Service as a special exception use in the B-2 General Commercial District. The zoning text amendment defines marine sales and service as well as the definition of a boat.

Proponents: None

Opponents: None

**BOARD OF SUPERVISORS' ACTION:** Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Vandall and with the following vote, the Board of Supervisors approves the Planning Commission recommendation to allow Marine Sales and Service as a special exception use in the B-2 General Commercial District. The zoning text amendment defines marine sales and service as well as the definition of a boat.

**302.12. Boat.** Any vehicle designed for travel on water, not exceeding thirty-five (35) feet in body length and nine (9) feet in width.

**302.83.1. Marine Sales and Service.** A marine retail sales and service use where boats are repaired, sold, and goods are sold primarily for use on boats. Examples of goods sold include navigational instruments, marine hardware and paints, marine engine fluids, nautical publications, nautical clothing, marine engines, parts, and other retail sales closely associated with boating activities.

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. Display of and sale of wholesale and retail modular homes;
17. Substance abuse treatment facility.
- 18. Marine sales and service. All service operations shall be conducted in a building. Openings in all buildings shall be located a minimum of 100 feet from a residential, agricultural, or public lands district. Parts or waste material shall not be stored outside the building.**

*707.04. Site Plan.* Before a building and zoning permit shall be issued for any use in the General Commercial District B-2, a site plan of the proposed development shall be approved by the commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein.

(Ord. of 8-20-02(2); Ord. of 11-19-02; Ord. of 10-17-06(4); Ord. of 7-17-07(3); Ord. of 7-15-08(1); Ord. of 9-16-08; Ord. of 4-21-09(1))

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

NAY: None

#### **IN RE: PUBLIC HEARING ON AMENDING COUNTY CODE SECTIONS 9-132.11 AND 12**

Proponents: Sheriff Ayers

Opponents: None

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the revision to Amherst County Code §§ 9-132.11 and 9-132.12 regarding towing abandoned vehicles as follows:

#### **DIVISION 4. ABANDONED, IMMOBILIZED, UNATTENDED AND TRESPASSING VEHICLES AND PARKING**

##### **Subdivision I. Abandoned Vehicles**

##### **Sec. 9-132.11. Definitions.**

As used in this division:

*Abandoned motor vehicle* means a motor vehicle, trailer, or semi-trailer or part of a motor vehicle, trailer, or semi-trailer that:

- (1) Is inoperable and is left unattended on public property, **on or adjacent to any roadway outside the Town of Amherst corporate limits**, other than a primary highway, for more than **twenty-four (24) hours pursuant to authority granted in Virginia Code § 46.2-1209**, or
- (2) Has remained illegally on public property for more than forty-eight (48) hours, or



(3) Has remained for more than forty-eight (48) hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property, or

(4) Is inoperable, left unattended, or both, on the shoulder of a primary **or limited access highway for more than twenty-four (24) hours pursuant to authority granted in Virginia Code § 46.2-1209.**

*Inoperable abandoned motor vehicle* means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the Amherst County Commissioner of Revenue, is less than the cost of its restoration to an operable condition.

(Ord. of 7-17-07(2))

Sec. 9-132.12. Taking abandoned vehicles into custody.

(a) Abandoned vehicles may be taken into custody and disposed of in accordance with this division.

(b) The Amherst County Sheriff, or his designee, may take any abandoned motor vehicle into custody **pursuant to the time limits detailed in Section 9-132.11 of this division.** The sheriff may employ his own personnel, equipment, and facilities or hire persons, equipment, and facilities, or firms or corporations that may be independent contractors for removing, preserving, storing, and selling at public auction abandoned motor vehicles.

(Ord. of 7-17-07(2))

Sec 9-132.13 Notice to owner of vehicle taken into custody.

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

NAY: None

#### **IN RE: MONTHLY ACTIVITY REPORT JANUARY 2010**

Learning Lane – County Attorney talked with Mr. Davis and wrote letter  
11:00 a.m. conference call with Ms. McCall

Panther Mountain tower access – Waiting signature on documents – have talked with Saunders

#### **IN RE: PLANNING COMMISSION CHARTER**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to advertise amending the Planning Commission Charter for public hearing on February 16, 2010.

AYE: Mr. R. Vandall, Mr. D. Kidd and Mr. C. Adams

NAY: Ms. C. Tucker and Mr. F. Campbell

On motion of Mr. Vandall and with the following, the Board of Supervisors directed staff to have the two planning commission applicants to appear at the next Board meeting for an interview.

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

NAY: None

#### **IN RE: AMHERST TRAIN STATION**

Mr. Lintecum proceeded to inform the Board of information that he had gathered regarding the Amherst Train Station. He informed them that although Grant #3 grant notice had been received no contract or paper work had been received that this point. He also informed them that \$123,991.33 remained from Grant #2 and if Grant #3 is finalized there would be a total of \$470,991.33 money available and the County would have to match grant funds with \$89,488.00. To complete the project would take \$1,240,000 + and then you would have operating costs. There is no guarantee that any more grants

would be awarded. It was asked if the scope of work could be changed that would allow a less expensive approach in finishing the project.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to proceed to transfer the train station property and any funds from the Friends of the Train Station to the County and the Friends relinquish any connection to the project.

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

#### **IN RE: REAPPOINTMENT TO ECONOMIC DEVELOPMENT AUTHORITY**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to reappoint Larry Langhans and Warren Teates to the Economic Development Authority for four (4) year terms to expire January 18, 2014.

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

Mr. Vandall suggested not putting an ending date in advertising for openings.

#### **IN RE: LETTER OF SUPPORT FOR TREASURER AND COMMISSIONER OF REVENUE OFFICES**

On motion of Mr. Adams, and with the following vote, the Board directed staff to draft letters to legislators in support of Treasurer and Commission of Revenue Office

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

#### **IN RE: LETTER OF SUPPORT FOR SENATE BILL 538 AND HOUSE BILL 169 AND OPPOSITION TO CLOSING BUILDING**

On motion of Mr. Vandall and with the following vote, the Board directed staff to draft letters to legislators in support of Senate Bill 538, training centers; physician coverage, House Bill 169, intellectual disability services system restructuring and to oppose a line item in Governor Kaine's budget calling for closing 1 building at CVTS which would discharge 24 residents and eliminate 50 jobs).

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

#### **IN RE: RECOMMENDATION OF APPOINTMENT TO THE BOARD OF ZONING APPEALS**

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors of Amherst County approved the recommendation to the Circuit Court Judges, the reappointment of Ms. Joyce Coleman, 228 Dixie Airport Rd, Madison Heights, VA 24572 to the Amherst County Board of Zoning Appeals representing District 4 for a five (5) year term that will expire February 3, 2015.

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

#### **IN RE: REQUEST FOR WRIT OF SPECIAL ELECTION FOR AMHERST COUNTY TREASURER**

Mr. V. Hunt, County Attorney, sent a letter of January 5, 2010 regarding a Request for Writ of Special Election for Amherst County Treasurer. As of the start of the meeting, he had not heard anything from Judge Gamble regarding this and Mr. Adams asked him to check with Judge Gamble to see what the time frame might be.

#### **IN RE: HR/EMPLOYMENT EXPERT LEGAL REVIEW OF REVISED PERSONNEL PLAN**

Mr. Proffitt explained to the Board that he had attempted negotiation with Thompson & McMullan regarding the conducting of a comprehensive legal review of Amherst County's newly revised Personnel Plan, and the firm had agreed to do the job for the not to exceed \$5,000.00. They were to talk to the firm again today to finalize just what the County would be getting for the fee and would be receiving an engagement letter for the Board's review.

**IN RE: APPROPRIATIONS/TRANSFERS**

On motion of Mr. Vandall and with the following vote, the Board approved the following appropriation requests:

**a. APPROPRIATIONS**

**Sheriff's Department**

**a. Appropriations**

General Fund to off-set revenue reduction		\$25,000.00
31020-1008	Traffic Enforcement (PT)	\$10,000.00
31020-1008	Traffic Enforcement (FT)	9,414.00
31020-1009	Clerical Salary	4,877.30
31020-2001	FICA	1,030.76
31020-2002	VRS	1,877.87
31020-2005	Health Insurance	2,264.63
31020-2006	Life Insurance	117.19
31020-2017	Health Credit	30.02
31020-5804-100	Courthouse/Inmate Workforce	2,500.00
31020-3160	Janitorial	9,720.00
33010-3160	Janitorial	5,670.00

(Fine Revenue – Carry over from last quarter \$18,569.22 with total available at this time of \$86,776.42)

31020-3004-100	Auto insurance recovery repairs	\$ 810.25
31020-7005	Vehicles	\$ 5,895.00

(Revenue receipted with Treasurer's Office)

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

NAY: None

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

Ms. Tucker – None

Mr. Vandall – Community Service appointment – advertise opening  
Inoperable vehicles – Planning Commission to look at businesses with inoperable vehicles

Mr. Campbell – what was found out about the CDBG grant in Madison Heights – Kelly Hitchcock had not received answer from state and what effect did this have on the suspension of the rental inspections

The Board agreed to suspend inspections until February 2, 2010

Mr. Kidd – Planning Commission appointment –

On motion of Mr. Vandall and with the following vote, the Board moved to appoint Mr. D. Kidd as the Board of Supervisor liaison to the Planning Commission.

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

Mr. Adams – None

### **IN RE: CLOSED SESSION**

Mr. D. Kidd moved to go to closed session to discuss (5) matter relating to prospective business or industry or the expansion of an existing business or industry 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.5 and 7 of the Virginia Code Section.

§2.2-3711.A.5 – Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

§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. R. Vandall 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. R. Vandall moved to come out of closed session, seconded by Mr. D. 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: RESTRUCTURING OF ANIMAL CONTROL**

On motion of Mr. R. Vandall and with the following vote, the Board directed the transfer of animal control officers to the Sheriff's Department.

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

**IN RE: ITEMS FOR RETREAT**

Mr. Lintecum asked the Board to notify him of any items they would like to see for the retreat agenda.

**IN RE: ADJOURN**

On motion of Mr. Kidd, seconded by Mr. Vandall and with the following vote, the Board moved to adjourn.

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

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Christopher R. Adams, Chairman

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C. Lee Lintecum, County Administrator