

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 3rd day of November, 2009 at 1:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. L. Parrish	ABSENT:
	Mr. C. Adams	
	Mr. D. Kidd	
	Mr. R. Vandall	
	Mr. V. Wood	

Mr. Parrish opened the meeting, led in the invocation and pledge of allegiance.

IN RE: APPROVAL OF AGENDA

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the November 3, 2009 agenda as follows:

AGENDA

**TUESDAY, NOVEMBER 3, 2009
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearances and Presentations**
 - a. Sewer Line Easement Through the Amelon Commerce Center – Dan French
 - b. General Discussion about Biosolids – Dr. David Orvos
- V. Amherst County Public Schools – Dr. Brian Ratliff**
- VI. Citizen Comments**
- VII. Consent Agenda**
 - a. Amherst County Board of Supervisors' Minutes – October 5th, 6th and 20th, 2009
 - b. Legislative Agenda Resolution and reminder of Annual Legislative Agenda Meeting with the Amherst County School Board – December 2, 2009, 11:30 a.m., Central Elementary School
- VIII. Correspondence**
 - a. Appalachian Power Company's Integrated Resource Plan filing pursuant to VA. Code § 56-597 et seq. VA.S.C.C. Case No. PUE 2009-00097 – October 14, 2009
 - b. Appalachian Power Company – Application for approval of purchase power agreements in the Virginia energy portfolio standard program VA.S.C.C. Case No. PUE-2009-00102
 - c. Robert E. Lee Soil & Water Conservation District – September 24, 2009
 - d. Employee Recognition Program Reminder
 - e. Monthly Activity Report
 - f. Virginia Cooperative Extension Letter of October 22, 2009
 - g. VDOT Traffic Alert – October 26-30 and November 2-6, 2009

IX. Department ReportsPublic Safety Department

- a. Replacement of mapping software
- b. Replacement of 911 telephone equipment
- c. Regional Radio Upgrade

Assistant County Administrator/Purchasing Agent

- a. Turnover Audit for Treasurer's Office
- b. VACo's Annual Business Meeting
- c. Incentive Payments

X. County Administrator's Report

- a. Resolution honoring Charlie Copp and Dr. Mary Ann Mayhew
- b. Dominion Seven Architects report on building entrances
- c. Appointment Blue Ridge Regional Jail Authority

XI. County Attorney's Report

- a. Learning Lane Bank Collapse Investigation Status Update
- b. Lowes Incentive Agreement Compliance Letter from Douglas L. Thompson, CPA
- c. Sewer Line Extension Resolution
- d. Attorney General's Opinions Limiting Board of Supervisors discussion in closed session of personnel matters
- e. Springsted, Inc.'s Revised Personnel Plan Work Session Scheduling
- f. England Stove/Fitzgerald Compliant Status Update Memorandum
- g. Sheriff's Office and Virginia Department of Game and Inland Fisheries Attendance at 11/9/09 Parks and Recreation Meeting to discuss Monacan Park Boating Regulation/ Enforcement Status Update

XII. Matters from Members of the Board of Supervisors**XIII. Appropriations/Transfers/Disbursements****XIV. Closed Meeting (§2.2-3711.A, Code of Virginia, as amended)****XV. Adjourn**

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

NAY: None

IN RE: SEWER LINE EASEMENT THROUGH THE AMELON COMMERCE CENTER – DAN FRENCH

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the sewer line easement through the Amelon Commerce Center as follows

AMHERST COUNTY SERVICE AUTHORITY SEWER LINE EASEMENT AGREEMENT

This DEED OF EASEMENT made and entered into this 3rd day of November, 2009, by and between the following parties of the first part **AMHERST COUNTY BOARD OF SUPERVISORS** and **AMHERST COUNTY SERVICE AUTHORITY**, party of the second part:

WITNESSETH

That for/in consideration of the benefits to accrue unto the parties of the first part by reason of the hereinafter mentioned pipe line, the parties of the first part hereby GRANT AND CONVEY unto the part of the second part a perpetual 20th wide sewer line easement with rights of ingress and egress to and from said property for the purpose of construction, laying, establishing, operating, inspecting, repairing, replacing and perpetually maintaining a public sewer line, manholes and appurtenances under the property of parties of the first part situated in the Elon

Magisterial District, located north of East Progress Lane, as shown on the attached drawing by Hurt and Proffitt, dated 3/03/09.

The party of the second part, its servants and agents shall have the further rights of ingress and egress to and from said property with the right to renew or replace said sewer line or parts thereof, to tap said sewer line to provide services for others, and to do all the other acts and things necessary for the purposes of conducting a public sewage collection system.

The parties of the second part shall leave the property of the parties of the first part in as good condition as reasonably possible after such installations, repairs, replacements, inspection, or tapping on. The parties of the second part shall have the right to use machinery or other power tools to carry out the purposes of this project and operate the same over the lands of the parties of the first part.

The parties of the first part covenant that they have the right to convey this easement; that the part of the second part shall have acquired a peaceably enjoyment and they will execute such other and further assurance of the same as may be requisite.

The parties of the first part perpetually covenant and agree on behalf of themselves, their heirs, devisees, successors, and assigns to not plant trees nor to construct or place any structure within said easement. The parties of the first part, their heirs, devisees, successors, and assigns shall be liable to the part of the second part and any successor agency for damages incurred as a result of the breach of this covenant, and for the costs, including reasonable attorney's fees, or enforcing this covenant. This covenant shall run with the title to the land affected by the easement granted herein.

Witness the following signature:

_____(SEAL)
Leon J. Parrish, Chairman
Amherst County Board of Supervisors

ATTACHMENT "A"

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

IN RE: GENERAL DISCUSSION ABOUT BIOSOLIDS – DR. DAVID ORVOS

Dr. David Orvos, Sweet Briar College, met with the Board for general discussion about biosolids and offered to answer any questions the Board may have.

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

Dr. Ratliff was detained in another meeting and could not attend the Board of Supervisors meeting.

IN RE: CITIZEN COMMENTS

Mr. Bill Peters appeared before the Board to discuss three items:

- a. Biosolids
- b. Monthly Activity Report
- c. Train Station

IN RE: AMHERST COUNTY BOARD OF SUPERVISORS' MINUTES – OCTOBER 5TH, 6TH AND 20TH, 2009

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the October 5th, 6th, and 20th, 2009 minutes.

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

ABSTAIN: Mr. Parrish abstained from the October 20, 2009 minutes as he was absent.

IN RE: RESOLUTION ESTABLISHING THE AMHERST COUNTY LEGISLATIVE PRIORITIES FOR THE 2010 SESSION OF THE VIRGINIA GENERAL ASSEMBLY

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following resolution and legislative priorities for the 2010 session of the Virginia General Assembly:

WHEREAS, the Virginia General Assembly considers a great number of serious issues, which have direct or indirect consequences for local governments throughout the Commonwealth, and

WHEREAS, the Board of Supervisors of Amherst County has an interest in all issues affecting local governments, but also an acute interest in matters directly affecting Amherst County and its citizens and businesses; and,

WHEREAS, such interests should necessarily be shared with Amherst County's General Assembly delegation so that it may understand, articulate, and support the County's position on these important issues.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Amherst County establishes and endorses the attached legislative priorities for the 2010 Virginia General Assembly session and directs that both this Resolution and the legislative priorities be forwarded to Amherst County's General Assembly Delegation and further directs the County Administrator and his staff to work with and assist the Delegation as may be appropriate.

Adopted this 3rd day of November, 2009.

AMHERST COUNTY LEGISLATIVE AGENDA 2010

EDUCATION:

Amherst County supports full state funding for public education (including the SOQ, targeted incentive program, capital and maintenance support, and teacher salaries).

TRANSPORTATION:

We understand the current budgetary pressures faced by the General Assembly. We also believe that the current financial problems should not be addressed in a manner that impairs the future performance of important Commonwealth agencies. We request that our legislative delegation ensure that the VDOT Amherst Residency Office will not be closed and will continue to have sufficient resources to provide adequate services to the citizens of Amherst County.

We strongly support the inclusion of an Amtrak stop at or near Sweet Briar College for the convenience of students, fellows at the Virginia Center for the Creative Arts and area residents.

We support the Route 29 Corridor Study with an emphasis on finding solutions to those sections with the greatest congestion. A solution to the North – South movement of traffic and goods is essential to the economic viability of Amherst County and other localities along this important corridor.

CVTC:

We understand that the issues regarding resident care are complex. We have previously stated that our concerns are first for the care and safety of the residents. We have also expressed our concern that the opinions of the families and friends group be respected in planning for the future of the facility. CVTC is one of the region's largest employers. Many of those employed at CVTC have dedicated their lives to the care of our society's most vulnerable citizens. We ask that employees play an integral role in the discussions of the future of the facility. We insist that the \$43 million appropriated by the General Assembly for CVTC be spent at CVTC to address the critical life/safety issues on the campus. Diversion of these funds from the expressed purpose of the appropriation will mean that residents must continue to live in facilities that do not meet life/safety standards. Finally, we request that the County be included in all discussions and consulted prior to any decisions regarding the dispensation of buildings and property which will not be part of the future facility.

BUDGET ISSUES:

The Amherst County Board of Supervisors understands the difficult budgetary conditions created by the current economic situation. We ask that you, our representative, carefully examine all spending to ensure that the financial burden for programs initiated by the legislature are not passed onto localities.

The Amherst County Board of Supervisors strongly objects to Item 475.20, Chapter 879 of the 2008 Acts of Assembly which required a \$50 million reduction in state aid to local governments in both FY2009 and FY2010. The majority of the cuts were to law enforcement and public safety. The cost to Amherst County to ensure that these critical agencies received adequate funding was \$190,603 in FY09 and will be \$190,739 in FY10. While the intent may have been to give localities some flexibility in addressing the cuts the reality was a cumbersome process of compiling a list of cuts and forcing localities to write a check to the Commonwealth so the Commonwealth could distribute the funds back to the localities. We request that the process be examined and that local governments be given a voice in how the process is administered.

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

IN RE: CORRESPONDENCE

- a. Appalachian Power Company's Integrated Resource Plan filing pursuant to VA. Code § 56-597 et seq. VA.S.C.C. Case No. PUE 2009-00097 – October 14, 2009
- b. Appalachian Power Company – Application for approval of purchase power agreements in the Virginia energy portfolio standard program VA.S.C.C. Case No. PUE-2009-00102
- c. Robert E. Lee Soil & Water Conservation District – September 24, 2009
- d. Employee Recognition Program Reminder
- e. Monthly Activity Report
- f. Virginia Cooperative Extension Letter of October 22, 2009
- g. VDOT Traffic Alert – October 26-30 and November 2-6, 2009

No action – information only

IN RE: PUBLIC SAFETY DEPARTMENT – (A) REPLACEMENT OF MAPPING SOFTWARE

Mr. Gary Roakes, Public Safety Director, appeared before the Board regarding the replacement of the mapping software.

The new GEOCOM mapping system, GeoLynx, will be funded by a regional grant that includes Amherst County, Campbell County, Appomattox County and the City of Lynchburg. Timmons Group developed this grant on behalf of these localities in order for us to replicate mapping data to the localities included which is beneficial to deliver emergency services. The total grant for the region was approximately \$650,000 of which Amherst County received \$47,255.74 just for our mapping system.

He is here requesting to replace the current mapping vendor, MSAG, with GEOCOM with funds provided by the regional grant. He has reviewed the current contract and found that we are required to provide a sixty (60) day written notice to MSAG in regards to terminated the existing contract with no penalties as long as the sixty day notice is provided.

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors approved the request to change vendors and replace the mapping software with funds to be covered by the grant for \$47,255.74.

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

IN RE: PUBLIC SAFETY DEPARTMENT – (B) REPLACEMENT OF 911 TELEPHONE EQUIPMENT

Mr. Roakes proceeded to inform the Board regarding the 911 telephone equipment. The current 911 telephone, MARS, was phased out a few years and parts are no longer being manufactured. According to the vendor, within the next twelve to eighteen months, we will no longer be able to get parts to repair our existing equipment. Anticipating this situation, he applied for a grant through the Virginia Wireless E-911 Services Board last spring and was awarded \$150,000 to replace our equipment on April 24, 2009. This was the maximum amount that can be awarded under this grant. He has been working

with Verizon, our 911 vendor, to quote and develop our replacement system which is Vesta Pallas made by Plant CML. This is a new computerized system which most localities have merged to due to the same problem of equipment being end of life. The quote for the new system is \$188,843.69 which leaves a deficit of \$38,843.69. He is requesting an appropriation of \$38,843.69 to complete the project.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the appropriation of \$38,843.69 from the bond revenue funds.

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

IN RE: PUBLIC SAFETY DEPARTMENT – (C) REGIONAL RADIO UPGRADE

Mr. Roakes informed the Board of the situation with the current radio system located at Lyncom which will be end of life in 2014. The Regional Radio Board comprised of Amherst County, Bedford County and the City of Lynchburg will be researching the upgrade of the system over the next few years. The debt service for the current system will be paid for in 2011. The Board also met with County Administrators and the City Manager regarding this project. It was also suggested to inquire with Campbell County and Appomattox of their interest of joining the system. Harris Radio system, the current vendor, will be conducting a study for those localities at no cost. There is no action at this time but he wanted the Board aware of the upcoming project in the next few years.

IN RE: TURNOVER AUDIT FOR TREASURER'S OFFICE

There will have to be a turnover audit performed prior to Donald T. Wood, the Treasurer retirement. The office of the outgoing Treasurer must be inventoried, audited and certified as to all balances for cash, investments, receivable, and other assets. Once this verification has occurred the incoming Treasurer must certify the balances are accurate upon the acceptance of the position of Treasurer. The County's audit firm has prepared a letter of understanding as to services the firm will render during the turnover of the Treasurer's office, at a cost of \$8,500.00

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors authorizes the County Administrator to sign the "Letter of Understanding" and mail a copy confirming the County's approval of the services to Robinson, Farmer, Cox Associates for the cost of \$8,500.00 to be charged to the Board of Supervisors Professional Services (11010-3013).

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

IN RE: VACO'S ANNUAL BUSINESS MEETING

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors moved to designate Mr. Lee Lintecum to cast vote(s) at the 2009 VACo annual business meeting.

IN RE: INCENTIVE PAYMENTS

The County received notification earlier of the \$382,549.10 release by VDOT as part of the Industrial Access Program. Accounting is requested an appropriation of \$123,391.44 from the Industrial Access funds for payment of incentive agreements with RECH Properties and Lowe's.

On motion of Mr. Vandall and with the following vote, the Board approved the appropriation of \$123,391.44 from the deferred revenue account for payment of incentive agreements with RECH Properties and Lowe's.

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

IN RE: RESOLUTION IN APPRECIATION OF ASSISTANCE IN THE SELECTION OF THE NEW COUNTY ADMINISTRATOR

WHEREAS, the Amherst County Board of Supervisors requested assistance from local human resource professionals to aid in the selection of the new Amherst County Administrator;

WHEREAS, Dr. Mary Ann Mayhew, Director of Human Resources and Staff Development of Amherst County Public Schools, graciously volunteered her assistance and expertise in this process; and

WHEREAS, Dr. Mayhew diligently provided professional and experienced advice that facilitated the orderly selection of C. Lee Lintecum as County Administrator; and

WHEREAS, Dr. Mayhew's dedication to this task was greatly appreciated by the Board of Supervisors, Amherst County Staff, and the Amherst County citizenry; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, that Amherst County does hereby recognize, appreciate, and thank Dr. Mayhew for her effective leadership in the County Administration selection process; and

BE IT FURTHER RESOLVED, that the County Administrator prepare a copy of this Resolution for presentation to Dr. Mary Ann Mayhew.

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

NAY: None

IN RE: RESOLUTION IN APPRECIATION FOR ASSISTANCE IN THE SELECTION OF THE NEW COUNTY ADMINISTRATOR

WHEREAS, the Amherst County Board of Supervisors requested assistance from local human resource professionals to aid in the selection of the new Amherst County Administrator;

WHEREAS, Charlie Copp, Personnel Officer for BWX, graciously volunteered his assistance and expertise in this process; and

WHEREAS, Mr. Copp diligently provided professional and experienced advice that facilitated the orderly selection of C. Lee Lintecum as County Administrator; and

WHEREAS, Mr. Copp's dedication to this task was greatly appreciated by the Board of Supervisors, Amherst County Staff, and the Amherst County citizenry; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, that Amherst County does hereby recognize, appreciate, and thank Mr. Copp for his effective leadership in the County Administration selection process; and

BE IT FURTHER RESOLVED, that the County Administrator prepare a copy of this Resolution for presentation to Mr. Charlie Copp

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

NAY: None

IN RE: DOMINION SEVEN ARCHITECTS REPORT ON BUILDING ENTRANCES

Dominion Seven Architects reported that bidS were received from seven general contractors for the new entrances. Six of the bids were very competitive and all of the bids were below our estimate for the work. The bid tabulation follows:

Priority tabulation form of base bid and alternates

BASE BID	BASE BID & ALTERNATE 3	BASE BID, ALT. 3 & 1	ALL ENTRANCES
COLEMAN-GLASS \$79,300	COLEMAN-GLASS \$ 146,600	COLEMAN-GLASS \$193,600	J.E. JAMERSON \$231,000
J.E. JAMERSON \$81,000	J. E. JAMERSON \$ 150,000	J. E. JAMERSON \$198,500	COLEMAN-GLASS \$231,900
MID-ATLANTIC \$85,787	MID-ATLANTIC \$ 160,493	MID-ATLANTIC \$204,299	MID-ATLANTIC \$240,000
COLEMAN-ADAMS \$90,350	SMITH-WIMER \$ 168,740	COLEMAN-ADAMS \$218,550	COLEMAN-ADAMS \$247,750
SMITH-WIMER \$91,840	COLEMAN-ADAMS \$ 171,350	SMITH-WIMER \$228,140	SMITH-WIMER \$280,340
J. E. SEARS \$99,800	J. E. SEARS \$ 182,200	J. E. SEARS \$234,100	J. E. SEARS \$286,000
GEORGE E. JONES \$165,200	GEORGE E. JONES\$ 274,106	GEORGE E. JONES \$339,534	GEORGE E. JONES \$408,362

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors moved to accept the bid of J. E. Jamerson for \$231,000 for all four entrances.

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

IN RE: RESOLUTION OF APPOINTMENT TO THE BLUE RIDGE REGIONAL JAIL AUTHORITY

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors approved the following resolution appointing Mr. C. Lee Lintecum, County Administrator to the Blue Ridge Regional Jail Authority to replace Mr. Rodney E. Taylor.

WHEREAS, the Blue Ridge Regional Jail Authority Service Agreement dates November 10, 1994, as amended, states that members of the Authority Board (other than sheriffs) shall be appointed by the governing body; and

WHEREAS, Amherst County became a member of this Authority as of July 1, 2007; and

WHEREAS, the governing body of each jurisdiction has been requested by the Authority to appoint a member and an alternate for a term commencing July 1, 2007 and ending June 30, 2010.

NOW THEREFORE, BE IT RESOLVED, on motion of Mr. C. Adams and with the following vote, the Board of Supervisors of Amherst County moved to appoint C. Lee Lintecum to replace Rodney E. Taylor as a member of the Blue Ridge Regional Jail Authority and with David Proffitt still as the alternate, each for a term ending June 30, 2010.

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

IN RE: LEARNING LANE BANK COLLAPSE INVESTIGATION STATUS UPDATE

Mr. V. Hunt, the County Attorney, presented a final report on the Learning Lane bank collapse. It has been determined that the drainage pipe is undamaged and completely intact. It has been determined that the collapse occurred, because the May 10, 2009 storm event was a freak of nature both in its intensity and duration. Accordingly, but for removing the chicken wire and cinder blocks that surround the drain in question, Mr. Hopkins has orally suggested that no further remedial action be taken, because: (1) it would be near impossible to design a commercial drainage system to handle the intensity and duration of the storm event; and (2) the probability of a similar rain storm of the caliber occurring within the next thirty (3) years is infinitesimally.

No action required.

IN RE: LOWES INCENTIVE AGREEMENT COMPLIANCE LETTER FROM DOUGLAS L. THOMPSON, CPA

Mr. Hunt, the County Attorney, presented a letter from Douglas L. Thompson, CPA, that he had examined Lowe's Home Centers, Inc.'s compliance with specific requirements of the Economic Development Incentive, enumerated in the addendum, during the year ended December 31, 2008. His examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants, and accordingly, included examining, on a test basis, evidence about Lowe's Home Centers, Inc.'s compliance with those requirements and performing such other procedures as I considered necessary in the circumstances. It is his opinion, Lowe's Home Centers, Inc. did comply, in all material respects with the requirements included in the addendum for the year ended December 31, 2008.

No action required.

IN RE: AMHERST COUNTY BOARD OF SUPERVISORS' RESOLUTION AUTHORIZING SEWER LINE EXTENSION TO LOTS 5 AND 6 AND PARCEL 1 OF THE AMELON COMMERCE CENTER

BE IT RESOLVED, that the Board of Supervisors of Amherst County, Virginia, on motion of Supervisor R. Vandall and with the following recorded vote, doe hereby officially authorize the County

Administrator, or his designee, to have reimbursed the Amherst County Service Authority for expenses of or related to the extension of sewer service to Lots 5 and 6 and Parcel 1, of the Amelon Commerce Center in the amount of \$41,511.63 (preliminary cost estimate).

BE IT FURTHER RESOLVED, that funds for said reimbursement shall be drawn from those funds borrowed for water and sewer utility work as part of the Amherst County's current capital improvement plan.

This resolution shall become effective as provided by law immediately upon execution.

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

IN RE: ATTORNEY GENERAL'S OPINIONS LIMITING BOARD OF SUPERVISORS DISCUSSION IN CLOSED SESSION OF PERSONNEL MATTERS

The County Attorney presented information from the Attorney General regarding the Board of Supervisors discussion in closed session of personnel matters. It's the opinion of the Attorney General that only discussion of the County Administrator and County Attorney can be discussed in closed session.

No action required.

IN RE: SPRINGSTED, INC.'S REVISED PERSONNEL PLAN WORK SESSION SCHEDULING

The County Attorney provided dates that John Anzivino of Springsted, Inc., is available to conduct a work session on the revised Personnel Plan. It was asked if Springsted had an attorney to check the personnel plan. Mr. Hunt replied that he would check of that.

By consensus the Board selected December 1, 2009 for this work session.

IN RE: ENGLAND STOVE/FITZGERALD COMPLIANT STATUS UPDATE MEMORANDUM

The County Attorney provided an update on the England Stove/Fitzgerald noise complaints.

- a) It was found that the dust handler had been installed upside down. With changing this the machine was found to eliminate almost all operational noise.
- b) Staff has investigated Fitzgerald's complaint about obnoxious odors being created by England Stove and determined that any odors observed to date have not risen to the unquantifiable level of obnoxiousness;
- c) Based on when the Certificate of Occupancy was issued, pursuant to Amherst County Code, England Stove has until Spring 2010 to complete its landscaping obligations from the site plan. Mr. Bryant is working with Carroll Hudson, President of England Stove to secure a landscaping bond by week's end. Once the landscaping bond is secured, if England Stove has not completed its landscaping obligations by an appropriate time in the Spring of 2010, the County will pull the bond and use the money contained therein to complete the landscaping obligations on the site plan and staff will revisit this issue in the Spring of 2010.
- d) England Stove enclosed the dust collector with siding to match the building.
- e) England Stove removed the previously complained about dumpster.
- f) England Stove changed the stacking of the pallets so high and spread them out. This has made them less visible from the Fitzgerald property. Staff met on site with Tad Meyers, landscaper and is in the process of seeking a cost estimate for the missing trees to be replaced/added. This will take many years to adequately conceal England Stove's unconcealed pallets. England Stove will need to install a fence to adequately conceal the pallets.

This will be sent to the Fitzgeralds and the EDA for their records.

IN RE: SHERIFF'S OFFICE AND VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES ATTENDANCE AT A NOVEMBER 9, 2009 PARKS AND RECREATION MEETING TO DISCUSS MONACAN PARK BOATING REGULATION/ENFORCEMENT STATUS UPDATE

The County Attorney presented an update status on the Monacan Park boating regulations/enforcement and the County park rules.

He stated that he had invited representatives from both the Virginia Department of Game and Inland Fisheries and the Amherst County Sheriff's Office to attend the November 9, 2009 Parks and Recreation Board's meeting to discuss boating enforcement/regulation at Monacan Park. He advised that a representative from the Sheriff's Office will attend; however, a representative from Virginia Game and Inland Fisheries will not attend due to the open meeting format. He informed them that their attendance would be to participate in and add any expertise to the Parks and Recreation Board's discussion of the revised Park Rules, banning of Wake Enhancing Devices at Monacan Park, and/or banning boats 20 feet and longer in length from using the Monacan Park Board Ramp.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. Wood – None

Mr. Vandall said he would like staff to investigate seeking an independent legal opinion regarding what happens if the county refuses to reimburse VDOT for the approximately \$482,000.00

Mr. Vandall also gave the Board pictures to look at regarding a lake in his district that has not been handled.

Mr. Kidd – thank Sheriff Ayers for the inmates cleaning and weed eating the road sides

Mr. Adams – Goodwin Street Building – letter from Mrs. Byers, Commissioner of Revenue regarding mold in the building. Mr. Kidd stated that he would like to see someone else check this building in place of Southern Air.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

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

a. APPROPRIATIONS

Department of Social Services

19300-0120	Special Welfare Fund United Way	\$13,032.00
(United Way Donation)		

Commonwealth Attorney

22010 5501	Travel	\$ 590.00
(Drug Forfeiture Funds)		

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

NAY: None

IN RE: ADJOURN

On motion of Mr. Vandall, seconded by Mr. Wood and with the following vote, the Board of Supervisors adjourned.

Leon J. Parrish, Chairman
Amherst County Board of Supervisors

C. Lee Lintecum, County Administrator