

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

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 17<sup>th</sup> day of November, 2009 at 7:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

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

**ABSENT:**

The meeting was called to order by Mr. Parrish.

Invocation and Pledge of Allegiance was led by Mr. Wood.

**IN RE: AGENDA**

Additions: Mr. Vandall would like for a discussion of the Friends of the Train Station under the County Administrator's section be added.

Also a transfer of funds from the IT Department to be added to the appropriations/transfers.

On motion of Mr. Wood and with the following vote, the Board of Supervisors approved the November 17, 2009 agenda with the above additions.

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

NAY: None

**AGENDA**

**TUESDAY, NOVEMBER 17, 2009  
ADMINISTRATION BUILDING – 153 WASHINGTON STREET  
SCHOOL BOARD MEETING ROOM  
7:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearance and Presentations**
  - a. Resolutions for Dr. Mary Ann Mayhew and Charlie Copp
- V. Zoning Public Hearings**

**2009-20 Request** by John F. Dews for a conditional zoning from R-1 Limited Residential District to R-2 General Residential District. The proposed rezoning is to allow a double-wide to be placed on the property. The parcel is located at 1036 South Coolwell Road, and is further identified as tax map number 138-1-6. The request will include an amendment to the Amherst County future land use map 2027 to change the land use category from Low density Residential to General Residential District.

**2008-33 Request** by the County of Amherst for a zoning text amendment to allow small wind energy systems as a special exception use in the A-1 Agricultural Residential District, B-2 General Commercial District and the M-1 Industrial District. The proposed ordinance regulates the finish of the tower; does not allow artificial lighting or signage; noise levels are regulated according to the County noise ordinance. Small wind energy systems shall not exceed a maximum height of one hundred (100) feet, and regulates that the minimum distance between the ground level and any protruding blades shall be fifteen (15) feet, and ten (10) feet from the height of any structure within one hundred and fifty (150) feet of the base. A six (6) foot tall fence with a lockable gate or the base of the tower shall not be climbable for a distance of twelve (12) feet. Proof of liability insurance is required for small wind energy systems. The ordinance addresses federal and state requirements to be in compliance with the Uniform Statewide Building Code FAA regulations, National Electric Code and regulations governing net metering according to the Virginia Administrative Code. Small wind energy systems shall be setback a distance of two hundred (200) feet from all adjacent property lines or two (2) times the height of the tower height plus blade length, whichever is greater. Wind energy systems that are not operated for a continuous period of twenty-four (24) months shall be considered abandoned and removed within ninety (90) days.

**2009-12 Request** by the County of Amherst for a zoning text amendment in the B-2 General Commercial District and the V-1 Village Center District. The purpose of the zoning text amendment is to allow above ground liquefied petroleum containers as a special exception use in the above mentioned zoning districts. The ordinance states: *"Above ground liquefied petroleum gas containers between one-hundred and twenty-five (125) gallon water capacity and two-thousand (2,000) gallon water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be setback twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended"*. Also, the ordinance provides a definition of a liquefied petroleum gas container.

#### **VI. Other Planning and Zoning Items**

- a. Zoning Case #2009-22 – Zoning Text Amendment – Christopher von Elten
- b. Waiver of \$300.00 Board of Zoning Appeals Fee – Variance Request
- c. Zoning Case #2009-21 – Zoning Text Amendment – Marine Sales and Service
- d. 2009-07 Off-Site Directional Signs

#### **VII. Citizen Comments**

#### **VIII. Correspondence**

- a. Building Safety and Inspections monthly report – October 2009
- b. Building report of rental and public nuisance activity
- c. Public Safety Monthly Report for October 2009
- d. VDOT Traffic Alert – Nov 16-20, 2009
- e. Springsted, Inc.'s Amherst County Personnel Plan Work Session at 12/1/09 Board of Supervisors Meeting
- f. Letter of November 9, 2009 to Virginia Department of Environmental Quality
- g. Letter of Nov 10, 2009 – Stimulus fund status
- h. Letter of Nov 10, 2009 – Agricultural Development Authority
- i. Email from Gary Christie – consolidated dispatch
- j. Employee Assistance of Central Virginia and All Points EAP
- k. Goodwin Street - Mold

#### **VIX. Consent Agenda**

- a. Old Madison Heights CDBG Documents

- (i) Grievance Procedure
- (ii) Residential Anti-Displacement and Relocation Assistance Plan Certification
- (iii) Local Business and Employment Plan
- (iv) Non-Discrimination Policy
- (v) Housing Rehabilitation Program Design
- (vi) Housing Rehabilitation Board Bylaws

**X. Department Report**

- a. Virginia Blue Ridge Railway Trail

**XI. County Administrator's Reports**

- a. VACo Conference
- b. Friends of the Train Station Depot

**XII. County Attorney's Reports**

**XIII. Matters from Members of the Board of Supervisors**

**XIV. Closed Meeting (§2.2-3711.A, Code of Virginia, as amended)**

**§2.2-3711.A.7** Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation which has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

- a. Janetatos Litigation

**XV. Appropriations and/or Transfers**

**XVI. Adjourn**

**IN RE: SPECIAL APPEARANCES AND PRESENTATIONS**

The Board of Supervisors presented the attached resolutions and gift card to Dr. Mary Ann Mayhew and Charlie Copp for their time and efforts on behalf of the County in searching for a new County Administrator.

**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.

Adopted this 3<sup>rd</sup> day of November, 2009.

**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.

Adopted this 3<sup>rd</sup> day of November, 2009.

**IN RE: PUBLIC HEARING – 2009-20 JOHN DEWS**

2009-20 Request by John F. Dews for a conditional zoning from R-1 Limited Residential District to R-2 General Residential District. The proposed rezoning is to allow a double-wide to be placed on the property. The parcel is located at 1036 South Coolwell Road, and is further identified as tax map number 138-1-6. The request will include an amendment to the Amherst County future land use map 2027 to change the land use category from Low Density Residential to General Residential District.

Planning Commission Recommendation: Proffer: Other Uses. All other uses other than single-family residential, and manufactured homes which must be transported in two (2) or more section sin the R-2 General Residential District will not be allowed on the property.

The Planning Commission recommended approval of the request with the one (1) proffer as referenced above. Also, they recommended to not amend the future land use map 2002-2027.

Proponents: None

Opponents: None

Close Public Hearing

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the request with the addition of the one proffer as recommended by the Planning Commission.

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

NAY: None

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

2008-33 Request by the County of Amherst for a zoning text amendment to allow small wind energy systems as a special exception use in the A-1 Agricultural Residential District, B-2 General Commercial District and the M-1 Industrial District.

The Planning Commission, at their meeting on October 15, 2009, approved the zoning text amendment with one (1) modification. The amendment referenced the Amherst County Noise Ordinance.

There were discussion and questions regarding setbacks.

Proponents: Mark Labadie remarks on the setbacks

Opponents: None

Public Hearing closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors tabled this request until the next meeting.

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

NAY: None

**IN RE: PUBLIC HEARING – 2009-12 LIQUEFIED PETROLEUM GAS CONTAINERS**

2009-12 this is a zoning text amendment request by the County of Amherst to allow above ground liquefied petroleum gas containers as a special exception use in the V-1 Center District and the B-2 General Commercial District.

After several amendments, the Planning Commission, at their October 15, 2009, approved the zoning text amendment.

Mr. Adams requested if there had been any changes since first heard.

Mr. Vandall questioned what other locations do regarding this type of request.

Mr. Bryant stated that they followed state and federal guidelines.

Mr. Vandall was worried about areas of heavy populations.

Proponents: None

Opponents: None

Mr. Vandall stated that he did not feel comfortable with the setbacks.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors directed staff to table this request until next meeting for discussion.

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

NAY: None

Mr. Adams stated that he didn't think it made any difference in what setbacks were set. He agreed with Mr. Vandall.

**IN RE: ZONING CASE #2009-22 – ZONING TEXT AMENDMENT – CHRISTOPHER VON ELTEN**

2009-22 This is a 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.

On October 1, 2009, the Planning Commission discussed the proposed text amendment, and recommended that *substance abuse treatment facilities* be included in the A-1 Agricultural Residential District, and the B-2 General Commercial District. The Planning Commission determined that the particular use should not be included in the residential districts. This is a continuation of a "first reading" for the Board of Supervisors, if approved the text amendment will go to public hearing. The Board of Supervisors heard the request at the October 20, 2009 meeting and tabled the request until the November 17, 2009 meeting.

On motion of Mr. Adams, and with the following vote, the Board of Supervisors moved to proceed to Planning Commission Public Hearing.

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

NAY: None

#### **IN RE: WAIVER OF \$300.00 BOARD OF ZONING APPEALS FEE – VARIANCE REQUEST**

This is a request for the Board of Supervisors to consider waiving a \$300.00 fee for a variance with the Board of Zoning Appeals. Southeast Rural Community Assistance Program is currently working with a resident in the Thrashers Creek area of the County. The dwelling is in disrepair and could be replaced with a new dwelling if the variance is approved by the Board of Zoning Appeals.

Mr. Vandall made the comment that the Board's policy was not to waive fees.

On motion of Mr. Vandall the Board moved to deny the request for waiving the \$300.00 fee and to let Mr. Lintecum figure out a way to take of the request.

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

NAY: None

#### **IN RE: CASE 2009-21 ZONING TEXT AMENDMENT – MARINE SALES AND SERVICE**

2009-21 This is a 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.

On September 15, 2009 the Board of Supervisors considered the text amendment and was concerned that the proposed ordinance may be too general in nature, as a result it was denied.

Therefore, the draft ordinance for marine sales and service is proposed to be a special exception use in the B-2 General Commercial District. Furthermore, a definition for marine sales and service has been added along with a definition for a boat.

The Planning Commission approved the draft ordinance as a "first reading" on October 15, 2009. This is a first reading" for the Board of Supervisors, if approved it will proceed to the Planning Commission for a public hearing.

On motion of Mr. Vandall and with the following vote, the Board approved the request for a zoning text amendment to include marine sales and service as a special exception use in the B-2 General Commercial District.

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

NAY: None

#### **IN RE: CASE 2009-07 OFF-SITE DIRECTIONAL SIGNS**

2009-07 This is a zoning text amendment request to allow off-site directional signs as a special exception use in all the zoning districts.

The Planning Commission formulated a version of the ordinance that would allow off-site directional signs as a special exception use in the P-1 Public Lands District, A-1 Agricultural Residential District, R-1 Limited Residential District, R-2 General Residential District, R-3 Multi-family District, V-1 Village Center District, B-2 General Commercial District, and the M-1 Industrial District. Although off-site signs are regulated through the special exception process in the proposed ordinance, a number of regulations are included in section 907.04(b). The draft ordinance regulates the size, height, setback and location of signs.

On August 18, 2009, the Board of Supervisors discussed the above referenced zoning text amendment to amend the ordinance allowing off-site directional signs. The Board of Supervisors instructed the Planning Commission to consider amending the size of off-site directional signs from the proposed eighteen (18) inches and a maximum height of forty-two (42) inches to a larger dimension. The Board of Supervisors requested that staff review the Virginia Department of Transportation ordinance to determine if the two ordinances should reference the same size sign specifications.

If the text amendment is ready to be advertised for the Planning Commission public hearing, the Planning/Zoning Department will request that Mr. Lovelace pay the three-hundred (\$300.00) dollar public hearing fee since the amendment was not initiated by the County.

On motion of Mr. Parrish and with the following vote, the Board directed staff to authorize the Planning Commission to go to public hearing on the zoning text amendment to allow off-site directional signs as a special exception use in all the zoning districts.

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

NAY: None

#### **IN RE: CITIZEN COMMENTS**

Mark Labadie questioned 'what taking care' of fee means.

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

- a. Building Safety and Inspections monthly report – October 2009
- b. Building report of rental and public nuisance activity
- c. Public Safety Monthly Report for October 2009
- d. VDOT Traffic Alert – Nov 16-20, 2009
- e. Springsted, Inc.'s Amherst County Personnel Plan Work Session at 12/1/09 Board of Supervisors Meeting
- f. Letter of November 9, 2009 to Virginia Department of Environmental Quality
- g. Letter of Nov 10, 2009 – Stimulus fund status
- h. Letter of Nov 10, 2009 – Agricultural Development Authority
- i. Email from Gary Christie – consolidated dispatch
- j. Employee Assistance of Central Virginia and All Points EAP
- k. Goodwin Street - Mold
  
- i. Mr. Lintecum will be talking to Mr. Christie regarding a consolidated dispatch center.
- k. Goodwin Street mold – Mr. Kidd requested status. Mr. Proffitt stated that he has received information from one contractor but was waiting on 2 more that he has found and will be letting the Board know as soon as possible what he has found.
- e. Mr. Adams wished staff to check on prices of an attorney checking over the personal plan.

#### **IN RE: CDBG DOCUMENTS ON THE OLD MADISON HEIGHTS CDBG PROJECT**

Kelly Hitchcock was available for any questions on the grant forms that needed to be approved before project could proceed.

Old Town Madison Heights Community Development Block Grant

1. Amherst County 504 Grievance Procedure;

2. Residential Anti-Displacement and Relocation Assistance Plan Certification;
3. Amherst County Local Business and Employment Plan;
4. Amherst County Nondiscrimination Policy;
5. OMH Housing Program Design; and
6. OMH Housing Rehabilitation Board Bylaws

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the six (6) following documents.

## **AMHERST COUNTY SECTION 504 GRIEVANCE PROCEDURES**

### **GRIEVANCE PROCEDURE**

The County of Amherst has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual. . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: Kathy Wood, who has been designated to coordinate Section 504 compliance efforts. Hearing-impaired persons are encouraged to contact the above named person by: call the County at the TTY number 434-946-9335; by calling through the Toll-Free, 24-hour Virginia Relay System by dialing 7-1-1, by calling the County directly at 434-946-9620; or by mail at:

Kathy Wood,  
Amherst County  
PO Box  
Amherst, VA

1. A complaint should be filed in writing or verbally to the County designated Section 504 Compliance Officer, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 60 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Kathy Wood. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the County of Amherst needs not process complaints from applicants for employment or from applicants for admission to housing.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Kathy Wood and a copy forwarded to the complainant no later than 30 days after its filing.
5. The Section 504 coordinator shall maintain the files and records for the County of Amherst for the life of the CDBG grant relating to any complaint(s) filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 day to the Amherst County Administrator.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.



8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that County of Amherst complies with Section 504 and the HUD regulations.

#### RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION

The County of Amherst will replace all occupied low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in displacement or relocation due to demolition or conversion, the County of Amherst will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- (1) A description of the proposed assisted activity;
- (2) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- (3) A time schedule for the commencement and completion of the demolition or conversion;
- (4) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- (5) The source of funding and a time schedule for the provision of replacement dwelling units;
- (6) The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
- (7) Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate- income households in the jurisdiction.

The County of Amherst will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The County of Amherst anticipates the following activities to be undertaken during the execution of the awarded FY2009 CDBG project:

Water line upgrades  
Housing Rehabilitation  
Possible Sanitary Sewer Extension  
Road and Drainage Upgrades  
Demolition and Debris Removal

The activities as planned are not anticipated to cause any permanent displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements or of approved acquisition of easements for infrastructure and does not intent to purchase or acquire tracts of land that do not contain housing. The County of Amherst will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less, excluding DHCD exceptions or other approved funding allowances.

### Amherst County

#### Local Business and Employment Plan

1. The County of Amherst designates as its Local Business and Employment Project Area the boundaries of Amherst County.
2. The County of Amherst, its contractors, and designated third parties shall in utilizing Community Improvement Grant funds utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for work and for procurement of materials, equipment or services of the **Old Town Madison Heights Revitalization Project – Stumps Hill Area Project**, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the Project Area are:
  - a. The County of Amherst shall ascertain what work and procurements are likely to take place through the Community Improvement Grant Funds.
  - b. The County of Amherst shall ascertain through various and appropriate sources including:
    - i. The News and Advance, Lynchburg, Virginia newspaper
    - ii. Information forwarded to area contractors
  - c. the business concerns within the Project Area which are likely to provide materials, equipment and services which will be utilized in the activities funded through the Community Improvement Grant.
  - d. The identified business concerns shall be appraised of opportunities to submit bids, quotes or proposals for work or procurement contracts which utilize CIG funds.
  - e. To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CIGs.
4. In the utilization of trainees or employees for activities funded through CIG's the County of Amherst its contractors and designate third parties shall take the following steps to utilize lower income persons residing in the Project Area.
  - (a) The County of Amherst in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be utilized during the project funded by CIGs.
  - (b) The County of Amherst shall advertise through the following sources  
The News and Advance, Lynchburg Virginia newspaper  
 the availability of such positions with the information on how to apply.
  - (c) The County of Amherst, its contractors, and designated third parties shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.

- (d) To the greatest extent feasible, the County of Amherst, its contractors, and designated third parties shall utilize lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIGs.
5. In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, the County of Amherst shall keep, and require to be kept by contractors and designated third parties, listings of all persons employed and all procurements made through the implementation of activities funded by CIGs. Such listings shall be completed and shall be verified by site visits and interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

### **Amherst County**

#### **Non-Discrimination Policy**

The County of Amherst or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex, or national origin. Administrative and Personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

This has been the policy of the County and is thus presented for reaffirmation by Amherst County.

### **Amherst County**

#### **Old Madison Heights Revitalization Project-Stumps Hill Area**

#### **Housing Rehabilitation Program Design**

### **GENERAL PROVISIONS**

The following covers the residential rehabilitation program for Amherst County Old Madison Heights community. These policies are utilized Amherst County in relation to funds awarded through the Virginia Community Development Block Grant (CDBG) program.

- A. Purpose – To improve the living conditions of low- and moderate-income households living within the Stumps Hill Project Area within the Old Madison Heights community.
- B. Area of Operation – The project funds will be distributed to low-to-moderate income residents living within the Stumps Hill Project Area, defined by boundary area of attached map.
- C. Project Funding – The total amount for housing is \$648,000, per the approved DHCD budget. This amount, with budget approval, may be adjusted through the course of the grant. However, the budget may not be adjusted so as to not meet contractual housing obligations.
- D. Project Activities: The Stumps Hill area CDBG project will address housing rehabilitation, water upgrades, connection to the centralized sewer system for homes currently on septic, road and drainage improvements, demolition of dilapidated structures, and general debris removal from the project area.
- E. Administration –Amherst County will contract with the Virginia's Region 2000 Local Government Council (LGC) for Program Administration. Amherst County will establish a housing policy board that will review applications, approve houses for rehabilitation, review bids, approve award of contracts resolve complaints, and provide overall policy and guidance. The Amherst County Housing Rehabilitation Board (ACHRB) will consist of at least 4 members. The ACHRB shall consist of, at a minimum, the County Administrator or designated alternate, Board of Supervisor representative, County Planning Director, and at least one resident who is not receiving assistance from the program. Staff of the LGC will deliver and/or coordinate the Home Maintenance Education Program to include educational programs in the following areas: physical

maintenance of household systems, general housekeeping procedures and managing personal finances.

## PROGRAM OVERSIGHT

### A. Amherst County Housing Rehabilitation Board (ACHRB)

#### 1. Minimal Members

Member	Represent
Lee Lintecum; (David Proffitt designee)	County Administrator or designee
Jeremy Bryant	Amherst County
Hazel Childrey	Old Town Madison Height Community
Leon Parrish	Amherst County

#### 2. Responsibilities of the ACHRB

The Board will:

- Conduct meetings and policies as outlined in the approved ACHRB By-Laws (**Attachment 1**)
- Approve Amherst County Housing Rehabilitation Program Design and all revisions;
- Prioritize approved applications for assistance based on objective rating system
- Approve contractors qualified as eligible to bid on CDBG eligible homes;
- Approve bids and award contracts for construction work to be performed;
- Review Program Administrator and Rehabilitation Specialist work progress and performance;
- Resolve complaints or disputes not alleviated through Rehab Specialist and Program Administrator; and
- Assure project benefits are being provided in accordance with developed program guidelines;

### B. CDBG Housing Program Personnel

#### 1. Primary Program Personnel

Program Administrator – Kelly Hitchcock, Virginia’s Region 2000 Local Government Council  
 Rehabilitation Specialist – Brian Goldman, Moore & Goldman Architects  
 Director of Accounting – Brenda Campbell, Amherst County  
 Planning Director – Jeremy Bryant, Amherst County

#### Primary Program Personnel Responsibilities

All program staff, except Jeremy Bryant and Brenda Campbell, is contracted by Amherst County to provide program specified assistance.

The Program Administrator will:

- Solicit housing assistance applications and maintain waiting lists;
- Interview applicants and verify information;
- Apply approved priority ranking criteria when reporting findings the Housing Board;
- Determine ability to pay of applicants;
- Present applications to the Housing Board for review and approval;
- Prepare contracts and pay requests;
- Provide for coordination for the rehab specialists;
- Arrange for home maintenance activities;
- Prepare drawdown request;
- Perform all daily administrative activities and reports necessary to carry out the program in accordance with DHCD guidelines.

The Rehabilitation Specialist will:

- Perform initial inspections;
- Develop and bid work write-ups;
- Inspect and manage construction;
- Handle warranty call backs;
- Perform initial and post rehab blower door tests;
- Certify chimney inspections as needed;
- Certify R-19 insulation in attic; and
- Perform lead based paint interim control inspections, write-up and clearance.

The Financial Manager will:

- Set up and maintain accounting system and all necessary accounts for the program;
- Have a general oversight for program budget based on information provided by Program Administrator; and
- Notify Program Administrator of any budget discrepancies.

The Planning Director will:

- Serve as the primary Amherst County contact for the project
- Confirm all documentation and serve as liaison on behalf of the project to the Amherst County Board of Supervisors and County Administrator
- Responsible to any locality specific questions that the Project Administrator or Rehabilitation Specialist are unable to answer.

2. Supporting Program Personnel  
County Attorney – Vaden Hunt, Amherst County  
Building Official – Kenneth Campbell, Amherst County

#### Supporting Program Personnel Responsibilities

The County Attorney will:

- Review and approval all contractual documents;
- Provide assistance, as necessary, in any ownership/deed searches or in easement documentation;
- Review, as necessary, any program complaints filed by residents or other persons relative to this project

The Building Official will:

- Review and approve the work-write ups;
- Assist with review and inspection of homes, where deemed necessary per scope of work, for approval;
- Ensure that the Rental Ordinance and other housing safety and compliance issues are addressed appropriately.

## PROGRAM ELIGIBILITY REQUIREMENTS

The eligibility of project applicants shall be based upon a positive finding that the applicants meet residency requirements, income and asset limitations, property eligibility requirements, and program property eligibility requirements.

- A. Residency Requirements – An applicant must be residing in a home within the project area boundaries. The applicant must own, have life rights, or rent a property with proof through a Deed, Deed of Trust, Life Rights, or lease agreement.

In their ownership cases, proof of control of the property via proof of payment of taxes for at least 1 year shall be applied. Applicants that were living in a dwelling at the submittal of the CIG Application in March 2009 and included as an original applicant will be eligible for housing assistance, with approved income eligibility.

Applicants that rent property must document that they have occupied the property for at least one year prior to making the application; must have records of utility payments, and must have a signed and dated rental agreement. **Amherst County reserves the right to reduce this required occupant requirement based on documented need evidence or approved extenuating circumstances.**

All project beneficiaries shall maintain the property as their primary residence for no less than 6 months. Pending project fund availability, any LMI resident living in the project area, that was not an original beneficiary of the program, will be considered for assistance. However, these families will be placed at the end of the project and as noted, assistance will be based on project fund availability.

## B. Income and Asset Requirements –

1. The ACHRB, with LGC assistance, is responsible for approving the income eligibility of an applicant. All income shall be verified from third party source such as employers, social security offices, social services, W-2 forms, certified tax statements, etc.
2. The applicant household must have a Gross Income at or below 80% of the area median household income, adjusted for family size, as published by the current HUD Section 8 guidelines (available through DHCD).
3. Gross Family Income shall be defined as the total income from any source to all family members or other persons residing in the applicant household who is 18 years of age or older. Income shall include: a) all wages, salaries, tips, business proceeds, interest and dividends; b) all regular benefits payments from Social Security, retirement, pensions, disability, unemployment, worker's compensation, utility assistance, and welfare; and c) periodic and determinable payments from alimony and child support.
4. The following table identifies the 2009 maximum adjusted gross income by family size allowable for program participation. HUD may adjust maximum levels periodically; current limits are available through DHCD. Income limits will be reviewed yearly or upon information provided by DHCD.

<b># of Persons/Household</b>	<b>Maximum Income</b>
1	\$30,850
2	\$35,300
3	\$39,700
4	\$44,100
5	\$47,650
6	\$51,150
7	\$54,700
8	\$58,200

5. The value of all assets shall be defined as the current market value of an item minus the indebtedness of that item. The cash value of the assets of the applicant/s household shall not exceed \$45,000. Assets shall include the following:

- a) cash on hand or in savings accounts;
- b) cash in checking accounts;
- c) cash value of stocks and bonds, IRAs, Keogh accounts, insurance settlements, inheritance proceeds from sale of property, and all other investments;
- d) all real estate other than the family's principal residence.

**Amherst County reserves the authority to reduce the asset cash value requirement for program eligibility based on extenuating circumstances.**

## C. Property Eligibility – Eligible properties shall include owner-occupied (clear title), heir, investor-owned, and manufactured homes that meet the following conditions:

1. All properties must have a documented need of rehabilitation through two separate individual inspections. Inspections shall be performed initially by the Program Manager and secondly by the Rehabilitation Specialist. Substantial need shall be determined as the unit having one or more DHCD Housing Qualified Standard (HQS) deficiencies. Cosmetic improvements are not allowed.
2. Houses must be sufficiently sound to be able to be rehabilitated to HQS within a constrained limit of \$25,000. As "occupied" or "occupiable" structure shall be defined as a structure that meets or can be brought up to the applicable standard for a base \$25,000 or less. An "unoccupiable", "dilapidated structure", or a structure "not suitable for rehabilitation" shall be defined as one that does not meet or cannot be brought up to the applicable standards for \$25,000 or less. Substantial reconstruction, relocation and other sources of funding will be

explored for occupied units that exceed the \$25,000 limit. CDBG funding may not exceed \$35,000 for substantial reconstruction. Cost to provide water, sewer, accessibility to the disabled, extra bedrooms for large families, and demolition of substandard units may exceed the \$25,000 limit or the \$35,000 substantial reconstruction limit when these costs can be identified separately. Total exceptions shall not exceed \$20,000.

3. For purposes of complying with Anti-Displacement laws and regulations, all "occupied" and "vacant occupiable" LMI dwelling units demolished or converted to any use other than LMI dwelling units as a result of the project shall adhere to the "one-for-one replacement" rule (See Amherst County adopted Residential Anti-Displacement and Relocation Plan).
4. The following special conditions shall apply to their property that is rehabilitated:

The applicant must be one of the heirs. Amherst County or its designated agent will verify ownership of the property and determine whether the applicant is likely to have continued occupancy of the property. The applicant must demonstrate proof of control of the property by having paid insurance and property taxes. In accordance with DHCD policy the following shall be followed:

- All improvements shall be secured by a lien which extends for at least ten (10) years with the exception of water and sewer improvements;
- A title search and opinion shall be made;
- Effort shall be made to contact all heirs to clear title and record title in the name of the applicant;
- Written approval shall be requested and received by DHCD in cases where it is not possible to obtain clear title.

5. The following conditions shall apply to investor-owned property that is rehabilitated:

Rent for a period of ten (10) years from the time of completion of the application shall not exceed 35% of the tenant's gross income less an adjustment for tenant paid utilities. For ten (10) years, the rent charged shall not exceed the pre-rehabilitation rent or base rent with the exception that the base rent can be adjusted to cover increased costs to the owner directly attributable to the rehabilitation work such as the rehabilitation loan, increased property insurance, or increase taxes. Annual rent certifications will be completed to determine compliance with the requirement. The investor-owner may not increase rents until documentation of cost increases have been submitted to the ACHRB or an authorized agent of Amherst County and the rent increase is approved.

The investor-owner must agree to maintain the rehabilitated property to DHCD Section 8 Housing Quality Standards and maintain hazard insurance on the property for the ten (10) year period. In the event that payment of insurance proceeds for property damage during the ten (10) year period results in a windfall profit to the investor-owner, the owner shall agree to pay Amherst County any portion of the loan that has not been forgiven and/or deferred. Investor-owner must provide proof to the Town on a yearly basis a copy of Hazard insurance.

The Investor-owner may reduce the 10-year rental agreement by providing direct financial commitment applied to the rehabilitation costs. Reduction will be applied to the following match allowances:

- A one year reduction in the lien may be awarded per 10% of rehabilitation funding paid for or provided by the owner, up to a maximum of 5 years or 50% of rehabilitation costs.

6. Mobile homes must be sufficiently sound to be able to be rehabilitated to HQS within a constrained limit of \$10,000. Owner-occupied mobile homes that cannot be rehabilitated for \$10,000 may be substantially reconstructed. Options for tenants that occupy a mobile unit that exceeds the \$10,000 construction limit have options that include relocation, creation of homeownership, or inability to provide benefit.

7. Vacant properties shall be identified in the project area. All vacant structures shall be considered on a case by case basis. As a matter of VDHCD rules, no vacant homes may be rehabilitated through CDBG funds. However, vacant structures can be acquired for the purpose of creating homeownership or for providing temporary location and possible acquisition as a component of project activities.

**D. Eligible Property Improvement Provisions**

1. Property improvements shall, in most cases, be done in accordance with Section 8 Housing Quality Standards and DHCD's Supplemental Rehab Requirements. Any new construction shall conform to BOCA Standards.
2. When documented by the Rehabilitation Specialist, a home that is not deemed in need of substantial repair, but the rehabilitation costs will be in excess of \$25,000 to meet Section 8 Standards, meeting Section 8 standards for rehabilitation can be waived by the Housing Board. In these instances, the home will be provided rehabilitation that meets the most pressing needs of the dwelling, as deemed by the Rehab Specialist.
3. Cosmetic improvements are not permitted unless they are related to correcting a substantial condition, such as an electrical hazard, torn linoleum, or chipping paint.

**PROCESSING APPLICATIONS**

The following system will be used in obtaining and processing applications for receiving CDBG Housing Assistance.

**A. Application Outreach**

1. Solicitation of Applicants - Letters and/or flyers will be mailed to all households in the project area. Information on when, where, and what is needed to process applications will be provided.
2. Taking Applications – Applications will be taken at announced in-take dates and locations. Applicants may contact the LGC or Amherst County to request an application appointment that is taken at the home. The Project Administrator will meet with the applicant to complete the application. The Project Administrator will verify information provided to determine if the applicant appears to be eligible to move to the review of the Housing Board.

**B. Application Verification –** The Project Administrator must verify information provided through the application. This includes income and asset verification, verification of ownership for home owners, verification of home owners or other insurance. Verification will be obtained through a signature to obtain information, copy of Deed, home owners policy, tax forms, Social Security, etc.

The Project Administrator, upon verification of income, etc and assurance that the family is eligible for CDBG assistance will utilize the following priority system for reporting to the ACHRB the eligibility and ranking of each applicant.

Applicants of Investor-owned properties, upon income verification, must provide sufficient information from the property-owner. This information includes name and contact information.

**C. Application Priority System**

Rehabilitation shall be provided to units meeting eligibility criteria according to the following priorities:

1. Priority One – owner-occupied/heir units that pose a health threat due to mold, unsafe heating, unsafe electrical, or unsafe structural damage.
2. Priority Two – owner-occupied/heir units lacking bathroom facilities or complete indoor-plumbing facilities



3. Priority Three - tenant-occupied units lacking bathroom facilities or complete indoor-plumbing facilities
4. Priority Four - investor-owned unit that pose health threat due to mold, unsafe heating, unsafe electrical, or unsafe structural damage.
5. Priority Five – owner-occupied/heir units having major structural deficiencies to include roof or sidewalls that permit exposure to the elements, rafters and ceiling joists that are severely bowed, and floor systems where sills and joists are severely deteriorated.
6. Priority Six – tenant-owned units having major structural deficiencies to include roof or sidewalls that permit exposure to the elements, rafters and ceiling joists that are severely bowed, and floor systems where sills and joists are severely deteriorated.
7. Priority Seven – owner-occupied/heir units lacking adequate insulation, storm windows and doors, roofing, caulking, and weather stripping.
8. Priority Eight – tenant-occupied/heir units lacking adequate insulation, storm windows and doors, roofing, caulking, and weather stripping.
9. Priority Nine – owner-occupied/heir units to provide for sound structural conditions that will ensure a twenty (20) year life of the building.
10. Priority Ten – tenant-occupied/heir units to provide for sound structural conditions that will ensure a twenty (20) year life of the building.

If multiple applications within a priority must be considered, the following point system will be used to rate applicants:

1 point	-	Female-Headed Household with children under 6
1 point	-	One point for each child under 6
1 points	-	Elderly-Headed Household
2 points	-	Handicapped individual
3 points	-	Unit with bathroom/plumbing in very bad condition
3 points	-	health/safety issue (mold, unsafe heat)
1 point	-	Moderately substandard (\$10,000 - \$20,000)
2 points	-	Very substandard (\$20,000 - \$25,000)
2 points	-	Very Low income (below 50% median income)

Should the need arise to further prioritize applications; they will be selected according to when applications are received. In situations where delays in rehabilitation, such as on-site handling facilities not be permitted or clear title and readiness are not secure, the priority system may be adjusted to allow work to begin on other projects while more complicated issues are being resolved.

#### D. Equitable Distribution of Benefits

1. Race, age, or head of household gender shall not be used as a basis for denying benefit to any income/housing eligible applicant.
2. The ACHRB shall not set aside funds or engage any practices which will adversely affect the benefit of low-income, minority, elderly or female-headed households.

#### E. Application Review

The ACHRB will review each application and corresponding point value. The Board will then provide for approval or denial of housing assistance application.

#### F. Application Notification

The Project Administrator will provide each applicant the time at which the application will be considered for approval (this will always be after all verification items are complete) by the ACHRB. The Project Administrator will provide a letter within five (5) business days indicating the outcome of the application request.

## LOAN QUALIFYING

### A. Loan Terms

All persons receiving assistance through the Amherst County CDBG Housing Program must commit to a loan repayment schedule prior to signing a rehabilitation contract. Loans will be in the form of monthly installment payments and forgiven payments. Debt capacity calculations will be performed for each household as part of the application process. Beneficiaries will pay no more than 30% of their gross monthly income, including the rehab loan, toward housing costs.

All monthly installment payment will be calculated at 0% interest for a period of ten (10) years. Families wishing to pre-pay the loan may do so at any time. The ACHRB will have the option of offering a borrower an extended term of 15 years at the request of the borrower to reduce the monthly payment. Further, the loan period can be reduced to five years with significant participation by the property owners.

At the end of the loan term, the lien will be lifted from the property.

### B. Loan Servicing Agent

Amherst County will service the CDBG loans. Loan servicing will be performed by the Director of Finance or her designee.

### C. Securing Loans

All loans will be secured by a Deed of Trust and a Promissory note. The Program Administrator will have the Deed of Trust recorded. When the term of the loan is met, the Amherst County appointed Loan Servicing Agent, will, on behalf of the County release the lien.

### D. Loan Servicing Plan

Brenda Campbell, Director of Finance, or her designee will serve as the CDBG Loan Servicing Agent for Amherst County. Brenda Campbell will be responsible for maintaining the financial records for any program income and loans through the CDBG program.

Each family making monthly installment payments will receive an annual statement which reflects their total loan, monthly payment amount and balance.

Payments will be received and posted by the Loan Servicing Agent. The Loan Servicing Agent will notify the Director of Planning of any late payments so that the family can be contacted to determine the cause of their delinquency.

CDBG rehab costs and payment information will be entered into the Amherst County database and mailings will be sent yearly to update the borrower's household income. Borrowers will have the option to notify the County before the yearly update if there is a serious decline in income in order to have their payments recalculated. A third party will verify any income changes.

### E. Default Policy

The Town will make every effort to work with borrowers to prevent a default. The Loan Servicing Agent will contact the family at the first indication of a repayment problem. Payment schedules will be adjusted when necessary and referrals for budget counseling will be made when appropriate.

If a borrower is in danger of default the Loan Servicing Agent's efforts to help them with their budgeting does not remedy the situation, they will be asked to appear before the BHRPB to determine the problems and various methods of resolution.

In the event that no progress is made after the above step, Amherst County will be made aware of the problem and determine the next course of action. If no other satisfactory solution can be found, the deed of trust will be enforced through legal action. The borrower will then be responsible for repayment of all CDBG funds which remain unforgiven to that point.

## RELOCATION

Temporary relocation of occupants during construction may be necessary during this project. The ACHRB shall approve temporary relocation assistance. In order to receive board consideration, the circumstances for temporary relocation should be due to: 1) severe inconvenience to the homeowner due to construction or 2) likelihood of lead paint and there exists danger to the occupants or there is no means for isolating construction area from residents. Each case will be presented to the Board with supporting documentation from the Rehab Specialist. In each case, the family will be asked to find temporary location options at their expense. If however, this is not an option; the County will provide temporary location at a maximum of \$1,000 per unit. Additionally, each family will be asked to arrange for movement of furniture, etc. However, if the applicant is unable to physically provide assistance, the County can provide interim assistance. Each home will be reviewed on a case-by-case basis.

In order to provide a safe and sanitary housing for some project beneficiaries, permanent relocation may be necessary. If permanent relocation may be deemed necessary if there is not viable option for rehabilitation, there is no land available in the project area, or the beneficiaries are found to need other living options not available in the project area or the greater Old Madison Heights community area. CDBG funds may be utilized for the purposes of relocation and they may be used outside of the project area. In all cases, relocation will be a last resort and all actions will adhere to DHCD guidelines as provided through the DHCD Grant Management Manual.

## **CONTRACTING PROCEDURES**

The following process will be used in bidding and determining contract awards. All contract procedures will adhere to Virginia Public Procurement Act.

### **A. Solicitation of Contractors**

Amherst County will solicit contractor participation through advertisement, contact with local Building Official, notices at building supply companies, and direct contact with no contractors from other CDBG projects.

### **B. Contractor Pre-qualification**

All contractors responding must complete a pre-qualification form. The Rehabilitation Specialist will check reference for workmanship and credit, and will verify insurance and license requirements.

All contractors will have a minimum:

- Licensed by the Department of Professional and Occupational Regulation as a Class A, Class B, or Class C and licensed in the appropriate trades to be included;
- Documented current liability insurance coverage of \$100,000 property and \$300,000 personal injury (minimum). Proof of insurance will be kept and maintained by the Program Administrator;
- Either be bonded or show proof of adequate credit as to not be bonded for the rehab work;

### **C. Bidding – the following process will be followed in all bidding associated with the housing program.**

- All certified contractors shall receive bid specifications for each job. Prior to providing bid specs, rehabilitation cost estimates are available to compare estimated construction cost with bid price.
- A mandatory pre-bid conference will be held for each bid process to explain and answer any work write-up elements (these write-ups have had prior approval by the homeowner).
- Generally speaking, homes will be bid in groups of 3-5.
- Contractors shall have at least 10 days between receipt of specification and bid deadline in which to submit bids.
- Any bid that is within 10% of the Rehabilitation Specialist estimate is eligible for consideration; the County does not have to choose the lowest bid
- The Rehabilitation Specialist will provide suggestion on the most appropriate bid award.
- Amherst County has the right to reject any and all bids.

### **D. Contractors and Contracts**

Each contractor generally will be allowed to have no more than three (3) active rehab contracts within the project area at any given time. At the discretion of the ACHRB, a contractor may, through past performance or written proof of financial and staff capability, may have more than three (3) active contracts.

One unit per contract and each contract must be completed with sixty (60) days.

Rehabilitation contracts must include wording or provisions to include:

- Work specifications;
- Contract amount;
- Proof of lead-based paint certification;
- Abide by Federal Equal Opportunity standards

### *CONSTRUCTION MANAGEMENT*

- A. Initial Inspection - The initial HQS inspection will be performed by the Program Administrator during the application process. Once the family is determined to be eligible, the Housing Specialist will conduct a second HQS inspection. The two inspections will be the basis for the work write-up.
- B. Construction Inspection – The Rehabilitation Specialist, or designated staff, will perform weekly inspections. An inspection report will be developed for each inspection. The Housing Specialist will inspect and approve work for any pay request.

The County Building Inspector, Rehabilitation Specialist, Home Owner, and Program Administrator must approve work prior to final payment. The Program Administrator will conduct an HQS inspection at the completion of all work. The county building inspector will make his/her final inspection separately.

### C. Payment Procedures

- Payments will be made to the contractor when 50%, 95% and 100% of the work has been satisfactorily (as approved by rehab specialist, program administrator and homeowner) completed. Payment may be made sooner at the discretion of the Program Manager.
- Payments made to the contractor will be from an account maintained by the County.
- A retainage equivalent to 5% of the contract award will be held until the home owner/occupant, program administrator, Rehab Specialist, and the local building official have visited the home, reviewed and documented completion of all punch list items (reviews at 95% completion), and have found work to be satisfactory and the premises is clean of all contracting evidence.
- At the time of the first draw, the following documentation is required:
  - Payment request
  - Inspection report
  - Building Permit
  - Termite Inspection
- At time of the final draw, the following documentation is required:
  - Payment request
  - Homeowner satisfaction
  - Register of Assigned Employees
  - Register of Subcontractors and Suppliers
  - Release of Liens
  - Certificate of Occupancy/Approved County Inspection
  - Copies of Warranties

### D. Change Orders

The Rehabilitation Specialist will initiate all change orders. All Change Orders must be approved in writing by the Program Administrator, DHCD, Rehab Specialist, and the homeowner prior to any work taking place.

### E. Construction Assurances

- All work will be in accordance with DHCD's Field Interpretation Guidelines and, unless provided through ACHRB action (see Program Eligibility Requirements – D); all DHCD HQS violations will be addressed.
- All work and materials shall carry a one-year warranty.
- All work and materials shall be in conformance with design plans and specifications.
- All work and materials whether installed by the general contractor or his subcontractors shall not carry a lien upon the property. The general contractor shall be totally responsible for materials and workmanship of his subcontractors including cleanup.
- The rehab specialist will perform weekly inspections of work. Written documentation of these inspections will be provided for files.
- The rehab specialist will be consulted whenever there is a question concerning work or when questions arise from the homeowner.

#### F. Participant Rights and Responsibilities

##### County/Project Administrator

- Assure that all applications are processed according to procedure, with in a timely fashion, and response is provided
- Assure that contractors are procured for construction work
- Assure that all contracts and payments are prepared and provided according to Housing Program Design.
- Provide a voucher to contractors for the waiver of disposal fees.

##### Homeowner

- Must attend pre-construction conference and agree to scope and extent of work performed. The homeowner will not engage in any changes in scope of work in the contract.
- At least one person from each home must attend a Home Maintenance Education Class.
- Homeowner will sign all releases immediately upon acceptable completion of work items.
- Should the homeowner have a grievance against the contractor, or concerning workmanship, such complaint shall be taken to the Rehabilitation Specialist or Project Administrator.
- Homeowners have the right to pick stock color of paint, and choice of allowable fixtures and materials.
- Occupant shall provide electric power, and access to water and sanitary facilities, as available for the contractor.
- Must remove any items from the room/home that will be in the way of the construction
- When able, the homeowner will be responsible for removing exterior debris prior to signing contracts. If not able, the removal of debris will be provided through a separate contract.

##### Contractor

- All work is to be carried out in a workmanlike manner utilizing materials of specified grade or better;
- Contractors must attend the final inspection. All work noted on a punch list and present to the contractor. Punch list items are to be completed by a designated date.
- Must have all change orders approved in writing prior to any work.
- All material and workmanship shall be warranted for one year from the date of completion by the contractor.
- At the end of each working day, contractors will, as far as reasonably possible, clear work area of debris and remove tools.
- At end of all work items, all work areas will be completely cleaned, cleared, and restored. Contractors will be responsible for hauling away all debris resulting from rehabilitation work.

#### G. Lead Base Paint Procedures

All rehab construction projects built prior to 1978 will be governed by the new lead regulation as they relate to DHCD. An independent inspection of a unit will be conducted by the Rehab Specialist who must be certified/licensed by DPOR as a lead inspector and risk assessor.

If no failing paint condition is noted, and no work will be conducted that will disturb more than 2 square feet of a painted surface, this is documented and no further lead requirements apply.

If a failing paint condition is noted, and the house was built prior to 1978, the Rehab Specialist and the Program Administrator will assume that the failing paint is lead paint. This will trigger the following requirements:

- The work write up incorporates “interim controls
- The contractor and crew awarded job, to the best of their ability, shall be trained in lead safe work practices;
- The area(s) in which potential lead-disturbing work occurred must be thoroughly cleaned;
- At the completion of work, the Rehab Specialist must complete appropriate dust sampling – if result is positive for lead another cleaning will be required at contractor's expense.

## **COMPLAINT AND APPEALS PROCEDURES**

The following procedures will be used in dealing with complaints, disputes and appeals to program denial.

### ***Denial of applicant to program-***

Persons whose rehabilitation/program applications have been denied will be notified in writing with explanation of denial. The applicant has sixty (60) days from receipt of denial letter to appeal the decision to the Housing Board. It shall be the responsibility of the Program Administrator to coordinate review process with the Board and in relaying all information, letters, etc.

The order of denial appeals is as follows: to Program Administrator, to Housing Board, to DHCD, to the courts.

### ***Construction Appeals/Complaints-***

Should the homeowner have a grievance against a contractor or concerning workmanship of any rehab elements in the home, such complaint should be taken first to the Rehabilitation Specialist, then the Program Administrator. All written appeals or complaints shall be responded to within 15 days by the Program Administrator.

In the rare instance that construction disputes can not be resolved by the Rehabilitation Specialist and Program Administrator, the Housing Board will be asked to mitigate the dispute. If warranted, a mediation committee will be formed consisting of a representative from the homeowner and contractor, a member of the Housing Board and as a last resort a representative from DHCD. The decision obtained by this mediation committee shall be final. Details of the complaint procedure will be clearly outlined in all contractual materials.

## **MAINTENANCE EDUCATION**

Each family will attend a home maintenance class which will provide information on general maintenance of a home. Participation of the Home Maintenance Education will be a program requirement and included as a part of the contract with the beneficiary. The education may take the form of a class, attended by one or more families, or by an individual family consultation.

The home maintenance will include information on the mechanical systems such as heating, water, etc. The class will also provide tips and strategies for housekeeping, and lastly detailed information on budgeting and home owners insurance. The Rehabilitation Specialist will provide the Home Maintenance portion of the Education Class and the Program Administrator will cover general house cleaning and budgeting elements of the Home Maintenance Education. Each family will receive a home cleaning kit and a home tool kit along with booklets explaining various facets of home maintenance.

The Home Maintenance Program shall be provided through the funds available from the DHCD CIG and shall not exceed 1% of the base construction cost per unit or shall not exceed \$250 for rehab or substantial reconstruction. Documentation, such as sign-in sheets and receipts of purchases, will be submitted to DHCD for verification of program compliance.

## **FINANCIAL MATCH OPPORTUNITIES**

The ACRHB, with assistance for the Program Administrator, will seek creative partnerships with local banks, Community Groups, USDA Rural Development, Community Action Agencies, Local Government and private non-profits to identify funds available to match and expand allocated CDBG rehabilitation funds.

The Program Administrator will keep a detailed log of contacts made and successful partnerships leading to expansion of program funds and beneficiary outcomes.

### **APPLICABLE LAWS, ORDINANCES, AND REGULATIONS**

In addition to provisions outlined in the Amherst County Housing Revitalization Program Design, all Federal, State, and Local laws, ordinances, and regulations, shall strictly apply to this Project. Any portion of this Program Design found to be inconsistent or incompatible with applicable laws, ordinances or regulations shall be deemed inappropriate and altered to reflect the needed changes once written approved by the ACHRB. As such, this document may be amended as necessary and appropriate to ensure compatibility and compliance with all applicable regulations, laws and ordinances. This document may also be altered to reflect changes in the design and administration of the CDBG program as provided by the Virginia Department of Housing and Community Development. Such changes may also be reflected in contractual agreements between DHCD, Amherst County and Virginia's Region 2000 Local Government Council.

### **PROGRAM DESIGN SUBMITTAL**

The Madison Heights Management Team in conjunction with Amherst County developed the Amherst County Housing Revitalization Program Design. The Housing Revitalization Program Design was approved and adopted by the Amherst County Board of Supervisors at their continued meeting on November 17, 2009.

### **Amherst County Non-Discrimination Policy**

The County of Amherst or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex, or national origin. Administrative and Personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

This has been the policy of the County and is thus presented for reaffirmation by Amherst County.

### **Amherst County - Old Madison Heights Amherst County Housing Rehabilitation Board Bylaws**

#### **PURPOSE**

The Amherst County Housing Rehabilitation Board hereafter referred to as "Housing Board", will represent Amherst County and the Old Madison Heights (OMH) community on executing the housing rehabilitation program provided through the awarded Community Development Block Grant by the Virginia Department of Housing and Community Development (DHCD).

#### **MEMBERSHIP**

The Housing Board will consist of members appointed by the Amherst County Board of Supervisors and will be comprised of at least 4 persons. At least one member will be a representative of the OMH community who will not receive benefit from the housing program and at least one will be a locally elected official.

#### **TERM**

Each representative will serve two-year terms and be eligible for three terms.

#### RESPONSIBILITIES

The Housing Board will set the policies and practices outlined in the Old Madison Heights Housing Rehabilitation Program Design (Program Design).

Oversee and review program progress.

Approve applicants for assistance according to the process stated and approved in the Program Design.

Approve contactors for participation in the housing rehabilitation program according to the process stated in the Program Design.

Approve bids and contacts for work to be performed according to process stated in the Program Design.

Hear and provide ruling on housing disputes from the program according to the process stated in the Program Design.

Approve the Program Design and revisions. Any changes in the Program Design must comply with the Virginia Department of Housing and Community Development program regulations.

Approve use of Active and Inactive Program Income, those funds generated as a result of the housing program.

#### MEETING SCHEDULE

The Housing Board will meet monthly or as necessary to approve applicants, qualify contractors, resolve complaints, and over see the rehabilitation process

#### MEETING STRUCTURE

All meetings will be conducted according to Roberts Rule of Order. Three (3) Housing Board members must be present at each meeting in order to conduct official business. The Program Administrator shall record minutes at each meeting. The beginning of each meeting shall follow with approval of the previous meeting minutes and shall constitute official approval of minutes. All minutes will be filed at the County Administrative Office and Virginia's Region 2000 Local Government Council office. Records will be maintained for a period of five years with the County. .

#### QUORUM

No meeting will be held unless three (3) of the Housing Board members are present.

#### DECISIONS

Decisions of the Board will be made by simple majority vote.

#### REMOVAL OF BOARD MEMBERS

To ensure quorums, Board members who miss excessive (3 consecutive unexcused) will be replaced with an appointed member by the County Board of Supervisors.

#### HOUSING BOARD STAFF SUPPORT

The Program Administrator, an employee of the Virginia's Region 2000 – Local Government Council, will provide staff support to the Housing Board. Under the terms of the Program Design and Management Plan, the Program Administrator will:

- assemble the necessary information to the Board
- record the actions taken by the Board
- record minutes for the Board
- implement the decisions of the Board

#### CHANGES TO BYLAWS

Any changes to the bylaws require that 3 out of 4 Board members must vote in favor of the proposed changes and such changes must be in accordance with and approved by DHCD



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

**IN RE: VIRGINIA BLUE RIDGE RAILWAY TRAIL**

Ms. Popie Martin was available for discussion of the resolution request she was making.

Mr. Vandall asked what if any in kind value was needed for grant. She informed him that there was no in kind required as the County had already donated the land and that was all the in kind needed.

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

**RESOLUTION OF SUPPORT APPLICATION FOR VIRGINIA DEPARTMENT OF TRANSPORTATION  
 TEA-21 ENHANCEMENT GRANT FUNDS FOR VIRGINIA BLUE RIDGE RAILWAY TRAIL, PHASE III**

**WHEREAS**, Amherst and Nelson Counties are applying for an Enhancement Grant to complete the Virginia Blue Ridge Railway Trail; and

**WHEREAS**, the Virginia Blue Ridge Railway Trail has expended all funds to construct the trail from Piney River to Tye River; and

**WHEREAS**, additional grant funds will be necessary to provide a sign at Roses Mill, a pavilion at Roses Mill, the renovation of the Piney River Depot as a museum, the restoration of an historic weigh station, a covered bridge over Naked Creek, a caboose exhibit at the Piney River trailhead, an exit and trailhead at Tye River, and planning for future expansion of the trail; and

**WHEREAS**, the completion of the Virginia Blue Ridge Railway Trail will provide a unique and regional attraction with numerous historic and educational transportation exhibits as well as a safe and level trail for hikers, joggers, bicyclers, horseback riders, and cross country skiers; and

**WHEREAS**, the Virginia Department of Transportation TEA-21 Enhancement Grant Program is an appropriate source of funds to support projects such as the Virginia Blue Ridge Railway Trail.

**NOW THEREFORE BE IT RESOLVED**, that Amherst County make application to the Virginia Department of Transportation for TEA-21 Enhancement Grant Funds in the amount of \$323,500.00.

Adopted this 17<sup>th</sup> day of November, 2009

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

**IN RE: FRIENDS OF THE BLUE RIDGE TRAIN DEPOT STATION**

Mr. Vandall made a proposal to inform the "Friends" that the county will not assume their (Friends) responsibilities and we will continue to act as their fiscal agent, but only release for bid those projects that there is match money provided by the "Friends" and should action by the "Friends" cause the county to be responsible for repayment of funds to the Feds, the county should use all appropriate legal resources to recover the funds from the "Friends".

Mr. Vandall moved for staff to request an opinion of Attorney Shrader as to the County's position of how to deal with the Friends.

Mr. Adams stated that he would like the information before the December 1<sup>st</sup> meeting.

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

**IN RE: VACO CONFERENCE UPDATE**

Mr. Lintecum offered some highlights from his VACO Conference at the Homestead. The main thing was the declining state revenues and to expect another cut in December and probably another in the Spring.

He also reminded the Board of the ground breaking for the jail Friday, November 20, 2009 at 2:00 p.m. at the site and also employee recognition program at the Prothro Hall, Sweet Briar College, November 23, 2009 7:00 p.m.

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

Mr. Wood – none

Mr. Vandall – none

Mr. Kidd – none

Mr. Adams – All non profit organizations requesting contributions should have to provide an accounting of where this money is being used and how they are managing their funds.

Mr. Parrish – at the Old Madison Heights meeting the question was raised as to how you would have to prove that you have family living in this home that you own with no rent. Mr. Hunt will get the answer and return to next meeting.

Mr. Parrish – would like the Board to come up with something for appreciation of Mr. Proffitt as acting county administrator.

On motion of Mr. Vandall and with the following vote, he would like Mrs. Campbell to give them a report on salary lines.

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

NAY: None

Mr. Adams – he also would like to extend to Sheriff Ayers and his work crews on the job they have done around Lowes and the Rt. 60 interchange.

#### **IN RE: APPROPRIATIONS/TRANSFERS**

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the following appropriations/transfers with a correction on the Public Safety transfer request to change the figure from \$1000.00 to \$645.00 in both places and the request from the IT Department for a transfer of \$4,000 from 01220 3005 Maintenance SVC Contracts to 01220 7001 Equipment in the amount of \$4,000.00..

##### **a. APPROPRIATIONS**

##### **Sheriff's Department**

31020 7003	Comm Equip	\$ 34.64
31020 7009	Misc Equip	\$1,000.00
(Drug Asset Forfeiture)		
31020 1002	Overtime	\$ 62.50
31020 1013	ACHS Compensation	\$3,660.10
31020 5409	Police Supply	\$ 15.00
33010 3001	Doctors	\$ 209.58
33010 7009	Equipment	\$ 543.20
(Pass through Revenue)		
31020 3015	Repairs	\$ 300.00
31020 5409	Police supply	\$ 253.00
31020 7001	Equipment	\$7,440.00
31020 5804-100	Courthouse Beautify/ Inmate Work Force	\$6,000.00
(Fine Revenue)		

##### **Commonwealth Attorney**

22010 5501	Travel	\$1,298.85
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##### **b. TRANSFERS**

**Public Safety/Dispatch**

Transfer from:

			\$ 645.00
35060	5204	Telecommunications	<del>\$1,000.00</del>

Transfer to:

			\$ 645.00
35060	5801	Dues & Memberships	<del>\$1,000.00</del>

**Service Authority**

Transfer from:

91210	6215	W. Treat Heat Sys. Maint	\$ 100.00
91210	6310	W. Treat Lab Supplies	\$ 500.00
91110	3330	P. & E. Prof. Services	\$ 300.00
91220	6250	T. & D. Repairs	\$5,200.00
91500	7285	Customer Acct. Comp. & Soft. Support	\$1,300.00
91210	6200	W. Treat. Matls	\$ 350.00
91510	7270	Admin. & General Travel Ed.	\$1,900.00
91510	7330	Admin. & General Surveys & Reports	\$1,300.00
91500	7200	Customer Acct. Serv. Cont.	\$2,000.00
91210	6200	Water Treatment Matls.	\$3,700.00
91110	3330	P. & E. Prof. Services	\$1,100.00
91210	6210	Water Treat Repairs	\$11,000.00
91210	6220	Water Treat Instrument Serv.	\$2,200.00
91220	6240	T. & D. Matls.	\$3,000.00
91220	7250	T. & D. Miss Utility	\$ 400.00
91110	3951	P. & E. Radio Equip	\$ 500.00
91220	6250	T. & D. Repairs	\$3,225.00
91510	7330	Admin. & General Survey's & Reports	\$1,900.00
91200	6100	Source Wholesale Water	\$9,000.00
91310	7220	Sewage Pumping Matls.	\$ 600.00
91110	3370	P. & E. Water Conn. Matls.	\$ 500.00

Transfer to:

91320	7250	Sewage Treatment Repairs	\$ 100.00
91500	7265	Customer Acct. Credit Card Processing	\$ 500.00
91500	7280	Customer Acct. Software Renewal	\$ 300.00
91500	7700	Customer Acct. Refunds	\$5,200.00
91510	7260	Admin. & General Travel	\$1,300.00
91510	7280	Admin. & General Dues & Memberships	\$ 350.00
91510	7310	Admin. & General Audits	\$1,900.00
91510	7340	Admin. & General Legal	\$1,300.00
91510	7780	Admin. & General Misc. O & M	\$2,000.00
91510	7810	Admin. & General Vehicle Repair/ Overhaul	\$3,700.00
91110	3660	P & S Sewer Connection Matl.	\$1,100.00
91110	3900	P & E Office Equipment	\$11,000.00
91200	6200	Source Materials	\$2,200.00
91210	6160	W. Treat Heating Oil	\$3,000.00
91220	6230	T & D Prof. Services	\$ 400.00
91220	7210	T & D Sample Postage	\$ 500.00
91300	7260	Sewer Lines Repairs	\$3,225.00
91300	7270	Sewer Lines Prof. Services	\$1,900.00
91310	7280	Sewage Pumping Repairs	\$9,000.00
91320	7220	Sewer Treatment Matls	\$ 600.00

91320 7230	Sewer Treatment Lab Supplies	\$ 500.00
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**IT Department**

Transfer from:

01220 3005	Maintenance SVC Contracts	\$ 4,000.00
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Transfer to:

01220 7001	Equipment	\$ 4,000.00
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AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

**IN RE: CLOSED SESSION**

Mr. Adams moved to go to closed session to discuss §2.2-3711.A.7 consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters.

§2.2-3711.A.7 – Briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

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

NAY: None

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

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

NAY: None

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

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

**CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Amherst County Board of Supervisors has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the Amherst County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Amherst County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion

convening the closed session were heard, discussed or considered by the Amherst County Board of Supervisors.

Any member who believes that there was a departure from the requirements of clauses (i) and (ii) shall state the substance of the departure that, in his judgment, has taken place. (If any member cites a departure, his statement shall be recorded in the minutes.)

**IN RE: ADJOURN**

On motion of Mr. Adams, seconded by Mr. Wood and with the following vote, the Board of Supervisors moved to adjourn to Tuesday, November 23, 2009 at Sweet Briar College.

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

NAY: None

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Leon J. Parrish, Chairman  
Amherst County Board of Supervisors

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C. Lee Lintecum, County Administrator