

**BOOK 33
VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 2ND day of February, 2010 at 1:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

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

The meeting was called to order by Chairman Chris Adams.

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

IN RE: CITIZEN COMMENTS

Calvin Carlson, 330 Main Street, Madison Heights – wants enforcement of rental inspection ordinance

Anne Carlson, 330 Main Street, Madison Heights – wants enforcement of rental inspection ordinance to continue in Old Town Madison Heights

Michael Panzarino, 442 Hillcrest Drive, Madison Heights – does not think that if your property is in good repair, it should not have to be inspected

Joe Moss – against the broad range of inspections – should be complaint driven

Steve Stinson – in favor of the rental inspection

C. T. Wingfield – should be complaint driven inspections

Letters of opposition to any change: C. N. Cassada, 115 Second Street, Pamela Cyrus, 127 Layne St., Roderick Beacan, 125 West Rucker St., Kermit Ogden, 117 Rucker St., Thelma Martin, Old Town, Shirley Anderson, Old Town, William Martin, Old Town, Roy Childery, 109 6th Street, Sadie Campbell, 124 Rucker St., June Johns, 103 East Rucker St., William Layne, 117 Layne St., June Connelly, 122 Stump Hill, Robert Woodroof, 135 Warwick St., Jantina Lilhey, 233 Rocky Hill Rd., Jacobkutty Lilhey, 233 Rocky Hill Rd., Connie Woodroof, 135 Warick St., Frank Hicks, Jr., 417 Main St., Judy Thomas, 236 Rocky Hill Rd, Carl B. Wilson, 236 Rocky Hill Rd.

IN RE: APPROVAL OF AGENDA

Addition –

County Attorney – HB 570

County Administrator – review of policy of Planning Commission by district

Closed session – Personnel contract agreement

On motion of Mr. Kidd and with the following vote, the Agenda for February 2, 2010 was approved with additions.

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

IN RE: AMHERST COUNTY ADMINISTRATION BUILDING ENTRANCES

Mr. Blair Smith, Dominion Seven Architects, was present to bring the Board up to date on the progress of the entrances and to request approval of the following change order:

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

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

Northern Entrance (School Administration Side): \$2,866.00

- Add floor drain to collect storm water along front sidewalk (\$678 savings)
- Replace handrails along sidewalk

Total Additional Cost: \$5,941.00

Previous Change Order: \$11,775.00

Total Changes: \$17,716 or 7.7% of the original contract amount

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the appropriation of \$5,941.00 to be paid from the bond revenue proceeds.

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

NAY: None

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

Mr. Brian Ratliff, Superintendent of Schools, was present for the Board of Supervisors meeting. He thanked the Board of Supervisors for all their help and reported that they were working on the budget.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

Michael McCormack and Sharon White were present from VDOT. He explained some about the changes taking place with VDOT and was trying to answer any questions.

IN RE: CONSENT AGENDA**(A) IN RE: CONTRIBUTION TO ANIMAL CONTROL**

The Board was notified of a contribution of \$2,000.00 received from Melynda G. Cunningham and Samuel E. Cunningham.

The Chairman directed staff to send letter of appreciation to the Cunninghams for their support of animal control.

(B) IN RE: APPROVAL OF MINUTES

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the minutes of January 5th, 13th, and 19th with the correction of vote on Page 515 (Mr. Vandall voted nay).

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

NAY: None

IN RE: CORRESPONDENCE

The Board of Supervisors was made aware of the following correspondence for their review:

1. Writ of special election to fill vacancy in Treasurer's office
2. Sheriff's Department December 2009 monthly report
3. Parks, Recreation and Cultural Development Minutes Nov 9 2009
4. Department of Transportation letter of January 12, 2010
5. VDOT Traffic Alerts Jan 18-22, 25-29 and Feb 1-5 2010

IN RE: REPORT FROM REGION 2000 MANAGERS ON REGIONAL COOPERATION PROJECTS

Mr. Lintecum presented information from the Region 2000 Managers on regional cooperation projects for the Board of Supervisors information. They directed Mr. Lintecum to present this to them at the Retreat scheduled for February 10, 2010.

IN RE: POSSIBLE ACQUISITION OF LIFE SAVING EQUIPMENT

Public Safety and Monelison Fire Department Chief were present with a request for financial help from the Board of Supervisors to purchase of a 2006 Pierce Heavy Rescue truck from the Lynchburg Life Saving Crew for \$225,000.00.

After much discussion, Mr. Vandall moved to provide the funds for the purchase of the truck with funds from the General Obligation fund balance with the agreement that the county would receive repayment with the sale of the two trucks and 50% of half of the difference from Monelison Fire Department.

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

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

IN RE: DEPARTMENT HEADS HAVE TO LIVE IN THE COUNTY

Mr. Vandall moved to have staff draft a resolution reaffirming the county policy that department heads and above have to live in the County.

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

NAY: None

IN RE: AMHERST COUNTY RENTAL INSPECTION ORDINANCE

Mr. Lintecum received an email from Kelly Hitchcock, Region 2000, regarding the CDBG 2009 grant and the impact of the potential boundary realignment to the current 5th District Residential Rental Inspection Ordinance.

It has been determined that, assuming the following explanation and execution of the potential adjustment of the Residential Rental Inspection Ordinance boundaries within the 5th District is as follows, the adjustment would not impact the CDBG 2009 award.

Boundary adjustment understanding provided to DHCD for consideration:

1. The current Residential Rental Inspection Ordinance, passed November 20, 2007, currently applies to the entire 5th District as noted in the March 2009 CDBG application;
2. The potential ordinance boundary adjustment for current Board of Supervisors consideration would eliminate certain areas of the 5th District from the Residential Rental Inspection program;
3. The entire Old Town Madison Heights community, the geographic area roughly defined by the area located between Route 163 (Amherst Highway) on the west, Route 210 (Old Town Connector) on the north, U.S. 29 Business (Lynchburg Expressway) on the east, and the James River on the south, will continue to adhere to the 2007 Residential Rental Inspection Ordinance; and

4. The reason for consideration of the adjustment is to better apply Amherst County staff time to address those properties that prompted the ordinance.

IN RE: ADDITION TO CHAPTER 3, ARTICLE (ANIMALS) OF THE AMHERST COUNTY CODE FOR PLACING ANIMAL CONTROL UNDER THE CONTROL/SUPERVISION OF THE AMHERST COUNTY SHERIFF'S DEPARTMENT

With the placing of the Animal Control wardens under the control/supervision of the Amherst County sheriff's Department, Chapter 3, Article I (Animals) of the Amherst County Code needs to be revised to include the following section:

Animal Warden

The Board of Supervisors shall, upon nomination of the Sheriff, appoint a special Sheriff's deputy to be known as the animal warden for the County, and deputy animal wardens whose terms of office shall be at the pleasure of the Sheriff, and it shall be the special duty of the animal warden and deputy animal wardens, subject to the supervision and control of the Sheriff's office, to enforce this chapter and the statutes of the Commonwealth relating to animals, particularly the provisions with respect to dogs contained in chapter 27.4, Title 3.1, Code of Virginia. To enable them to discharge their duties, the animal warden and deputy animal wardens shall have the power, perform the duties, and be subject to the penalties that are by law prescribed. When in uniform or upon displaying a badge or other credentials of office, the animal warden and the deputy animal wardens shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law enforcement officer as defined in Section 9.1-101 of the state code to any person found in the act of violating any animal protection and control laws of the Commonwealth or any animal protection and control ordinances of the County.

On motion of Mr. Adams and with the following vote, the Board moved staff to proceed to public hearing at the next Board of Supervisors meeting.

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

NAY: None

IN RE: HOUSE BILL 570

The County Attorney presented House Bill 570 for the Board's review and asked for a recommendation regarding whether the Board wanted to oppose the bill.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

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

a. TRANSFERS

Circuit Court Judge

Transfer from:

021010 7002	Furniture & Fixtures	\$ 985.00
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Transfer to:

021010 7001	Equipment	\$ 985.00
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Public Safety

Transfer from:

35050 3010	Radio Maintenance	\$ 216.40
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Transfer to:

35050 5449 Tires

\$ 216.40

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

NAY: None

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Ms. C. Tucker – had questions on contract services

Mr. R. Vandall – would like to see a draft of changing the inoperable vehicle ordinance

Mr. F. Campbell – would like to see a night meeting held at the Monelison Education Center

Mr. D. Kidd – questions on the contract services, maintenance purchases

Mr. C. Adams – none

IN RE: CLOSED SESSION

Mr. Adams moved to go to closed session to discuss a (1) personnel matter (3) discussion relating to the acquisition or disposition of real property (5) matter relating to prospective business or industry or the expansion of an existing business or industry pursuant to § 2.2-3711.A.1, 3, and 5 of the Virginia Code Section.

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

§2.2-3711.A.3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

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

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

NAY: None

On motion of Mr. Adams, seconded by Mr. Kidd, the motion was amended for the correct code.

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

NAY: None

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

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

NAY: None

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

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

CERTIFICATION OF CLOSED MEETING

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

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

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

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

IN RE: APPOINTMENT OF PLANNING COMMISSION MEMBER

On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors moved to appoint Darin Foor, 1270 Thrashers Creek Road, Amherst, Virginia 24521, to fill the unexpired term of Ms. C. Tucker of August 31, 2012 representing District 2.

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

IN RE: ADJOURNMENT

On motion of Mr. Kidd and with the following vote, the Board of Supervisors moved to adjourn to February 10, 2010 at 8:30 a.m. at Sweet Briar College.

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

Christopher R. Adams, Chairman
Amherst County Board of Supervisors

C. Lee Lintecum, County Administrator