

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 6th day of April, 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	

Mr. C. Adams, Chairman, called the meeting to order.

Mr. R. Vandall led in the invocation and pledge of allegiance.

IN RE: CITIZEN COMMENTS

None

IN RE: AGENDA APRIL 6, 2010

On motion of Mr. Vandall and with the following vote, the Board approved the agenda as follows:

AGENDA

**TUESDAY, APRIL 6, 2010
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
SCHOOL BOARD MEETING ROOM
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Citizen Comments**
- IV. Approval of Agenda**
- V. Special Appearance and Presentations**
 - a. Status Report of Regional Airport Activities – Jones Stanley
- VI. Amherst County Public School – Dr. Brian Ratliff**
 - a. FY10 Savings
- VII. Virginia Department of Transportation – Michael McCormack**
 - a. Discussion of upcoming 6-year plan public hearing
 - b. Union Hill Road Project
 - c. VDOT Restructuring
- VIII. Consent Agenda**

- a. March 1, 2010 – 1:00 pm
- b. March 4, 2010 – 8:00 am
- c. March 11, 2010 – 1:00 pm
- d. March 16, 2010 - 5:00 pm
- e. March 16, 2010 – 7:00 pm
- f. March 24, 2010 – 8:30 am

IX. Correspondence

- a. Virginia Cooperative Extension Office – Ben Cline – March 8, 2010
- b. Parks, Recreation & Cultural Dev Board – February 8, 2010
- c. Official dates for the 2011 World Series
- d. Draft Virginia Water Protection Permit Number 08-0619 – Dept. of Environmental Quality – March 12, 2010
- e. Letter from Edgar O. Kinnier, Jr. Chairman Economic Development Authority
- f. Planning Commission Annual Report – Jeremy Bryant
- g. Urban Development Area Grant Program Agreement
- h. VDOT Traffic Alerts – March 22-26, March 29 – April 2, 2010

X. Department Reports

Parks, Recreation and Cultural Development

- a. Amherst County's Sesquibicentennial

Solid Waste Department

- a. Change of landfill tip fee for tires, shingles (and siding) and mulch
- b. Trailer for grounds department

Planning and Zoning

- a. Zoning Case #2010-14 – Appointment of Zoning Administrator

Assistant County Administrator/Purchasing Agent

- a. Proposed salary adjustments
- b. County Janitorial Services

XI. County Administrator's Reports

- a. Set public hearing for 2 openings on the school board – District 1 and 3
- b. Community Services Board of Directors appointment
- c. Letter from Edgar O. Kinnier, Jr. Chairman, Economic Development Authority
- d. Student Recognition Ceremony
- e. Old Madison Heights Revitalization Project – Phase I Stump Hill Area
- f. Update FY11 Budget

XII. Appropriation/Transfers/Disbursements

XIII. Matters from Members of the Board of Supervisors

XIV. Adjourn

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

IN RE: STATUS REPORT OF REGIONAL AIRPORT ACTIVITIES – JONES STANLEY

Mr. Jones Stanley was present and gave a report on the status of the Regional Airport with the following highlights:

- Growing
- Fares lower than any around
- New Building to house fire and rescue
- Trying to get new airline
- April 2011 – prop airplane show
- September 2012 – Blue Angels show
- Changing wording of advertising to give more information

IN RE: SCHOOL BOARD FY10 SAVINGS

Mr. Ratliff was not available but Mr. Lintecum brought the Memo from Dr. Brian Ratliff, Superintendent dated March 26, 2010 informing the Board of the \$203,078 that they would be returning to the County to assist with the current year revenue shortfall.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

Michael McCormack, Sharon White and Donald L. Austin were present for discussion with the Board.

Topics for Discussion

1. Discussion of upcoming Six Year Plan Public Hearing – Date set for May 18, 2010 – 7:00 p.m.
 - a. Draft SYP, Public Hearing Notice and Resolution sent to County Administrator at end of March.
 - b. Proposed Six Year Plan –
 - i. Only have two construction projects and one rural rustic project that will be completed by state forces.
 - ii. CTB allocates funding for Primaries
 - iii. Draft Plan only shows \$114,214 in Telefees for the upcoming year
 - c. Summary of Project Status
 - i. Route 652 – Cedar Gate – Construction Complete
 - ii. Route 637 – Sugar Hill – Rural Rustic to be completed by state forces within the next several weeks
 - iii. Route 643 – Wagon Trail Rd – PFI phase
 - iv. Route 659 – Union Hill Rd – PFI phase
 1. Lack of funds to carry project to construction
 2. Mill owner concerns
2. VDOT Restructuring – Amherst VDOT Residence Office closes April 23, 2010
 - a. Give overview of changes
 - b. Introduce Don Austin as new RA for Amherst County
3. General Topics for Discussion
 - a. Riversedge Park – Agreement sent to County 4/11/2010 per Carolyn France. County has expressed some concerns in regard to project development complexities and may scale the project back some.
 - b. Blue Ridge Forest – Private Subdivision – Complaints from Resident on how bad road got – Residency handled the situation but County should consider back log of private streets that will be wanting to come into the system – if continue to allow private streets then will continue to have these types of issues
 - c. Woody's Lake/Stratford Place – Paul Julian with Countrywide Developers - has staked 4' trench widening from Wildwood Drive to Stratford Place – No date has been given but construction is expected to start soon. Rough estimate developed for overlay of the rest of Wood's Lake Road - \$361,000 – VDOT currently has an In-place Contract with Templeton that is good until 9/30/2010 – there are no renewals left so when this expires it will have to be rebid.
 - d. Getty's Mountain – State forces working on drainage needs – still need brush removal

- e. Cedar Ridge Drive – Speed limit request is being submitted to VDOT Traffic Engineering Division
- f. Pot Holes – Per Frank Campbell's concerns down on Lynchburg Turnpike – pot holes repaired by state forces last week. State force also took care of patch at the Wal-Mart entrance
- g. Cloud Croft – Potentially could have request soon to have added to secondary system – Contractor working to install new pipes in the next several weeks.

IN RE: CONSENT AGENDA

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

March 2 2010 – 1:00 p.m.	Aye: C. Adams, D. Kidd, R. Vandall, C. Tucker, F. Campbell Nay: None
March 4 2010 – 8:00 a.m.	Aye: C. Adams, D. Kidd, R. Vandall, C. Tucker, F. Campbell Nay: None
March 11 2010 – 1:00 p.m.	Aye: C. Adams, D. Kidd, R. Vandall, C. Tucker, F. Campbell Nay: None
March 16 2010 – 5:00 p.m.	Aye: C. Adams, D. Kidd, R. Vandall, C. Tucker, F. Campbell Nay: None
March 16 2010 – 7:00 p.m.	Aye: C. Adams, D. Kidd, R. Vandall, C. Tucker, F. Campbell Nay: None
March 24, 2010 – 8:30 a.m. “	Aye: C. Adams, D. Kidd, and C. Tucker Abstain: R. Vandall and F. Campbell (Both absent from meeting)

IN RE: CORRESPONDENCE

The following information was for information only.

- a. Virginia Cooperative Extension Office – Ben Cline – March 8, 2010
- b. Parks, Recreation & Cultural Dev Board – February 8, 2010
- c. Official dates for the 2011 World Series
- d. Draft Virginia Water Protection Permit Number 08-0619 – Dept. of Environmental Quality – March 12, 2010
- e. Letter from Edgar O. Kinnier, Jr. Chairman Economic Development Authority
- f. Planning Commission Annual Report – Jeremy Bryant
- g. Urban Development Area Grant Program Agreement
- h. VDOT Traffic Alerts – March 22-26, March 29 – April 2, 2010

IN RE: AMHERST COUNTY'S SESQUICENTENNIAL

Ms. Sara Lu Christian appeared before the Board with discussion on the County's 250th anniversary next year. She has already had one meeting and presented a list of names for the Planning Committee and requested input from the Board for any other people and any suggestions that they might have. She also informed the Board that they would be needing money and said that she would be back.

Amherst County's Sesquicentennial Planning Committee

Lynn Kable (Amherst Glebe Arts Response, Inc.) 434-989-3215 (cell: 946-0116 AGARVA@aol.com)
 Derek Keiser (VA. Dept of Forestry) 434-946-7955; Derek.keiser@dof.virginia.gov
 Bill Seay (Virginia Cooperative Extension) 434-946-9365; wseay@vt.edu
 Bill Perry (VA. Dept. of Forestry) 434-946-7955; Bill.Perry@dof.virginia.gov
 Teresa M. Nuckols (Amherst County Solid Waste); 434-846-3324; tmnuckols@countyofamherst.com
 Della Humphreys; 276 Ramsey Rd; Monroe, VA 24574; 434-946-846-0949

Jean B. Springer; 250 Ramsey RD; Monroe, VA 24574; 434-384-1071
 Howard Puckett; 370 Buffalo Bend Dr; Amherst, VA 24521; 434-946-5960
 Sara Lu Christian; (Amherst County Recreation & Parks Dept.); 434-0946-9371;
slchristian@countyofamherst.com
 Joe Bondurant (Amherst County Tourism, and Economic Development) 434-946-9436;
jbondurant@countyofamherst.com
 Steve Preston; (Amherst County Librarian) 434-946-9488; spreston@acpl.us
 Holly Mills; Director Museum; 434 946 946-9068; holladaymills@aol.com
 Lyl Wray; 125 Garland Ave., Amherst, VA 24521; 434-946-2174 whathawray@comcast.net
 Kevin Irvin, (Virginia Cooperative Extension) 434-946-94365, kirvin@vt.edu
 Scott Marshall (Editor Amherst New Era Progress) smarshall@neweraprogress.com
 Mike McCormack; Mike.McCormack@VDOT.virginia.gov
 Katie Meeks; 434-946-5168
 Marlene Fitzgerald; mfitzge745@aol.com
 Becky Grecco; information@amherstvachamber.com
 Charles Stinson; grassymtnman@peoplepc.com
 Travis McDonald; 434-536-8123; travis@poplarforest.org
 They will be having another meeting on Thursday, April 8th, at noon – Board of Supervisors' room

IN RE: REQUEST FOR CHANGING LANDFILL TIP FEE FOR TIRES, SHINGLES & SIDING AND MULCH

Ms. T. Nuckols appeared before the board with a request for changing of landfill tip fee for tires, shingles & siding and mulch.

1. Shingles and siding be eligible for the business credit of \$9.00 making that \$44 per ton for businesses. Residents can use their under 2000 pounds free per month.
2. Tires – Residents are allowed 8 car tires (off the rims) free per calendar year and then \$1 per tire for 15" and under and a flat \$5 per tire for 16" or larger. The commercial tip fee to be changed to \$90 per ton. The landfill has been subsidizing businesses \$10 per ton in the disposal of tires and can no longer do this.
3. Mulch – Residents can bring clean yard waste free from charge, Businesses are charged a reduced rate (not eligible for business credit) of \$34 per ton. Material is stored outside of the landfill perimeter in a designated area where it is grinded into mulch.
 To help offset the cost of the grinding operations and to have a uniform cost for all residents, I request to change the outgoing flat fee for mulch to \$.01 per pound for Amherst and Nelson residents.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following fee changes for the landfill:

BUSINESS RATES:

Business/Commercial Waste

Business/Commercial Rate	\$53 per ton
Less \$9 per ton business credit	<u>9 per ton</u>
Gate Rate	\$44 per ton

Note: Business Credit will be denied to customers not adhering to landfill rules and regulations such as: placing material in areas other than designated by landfill personnel, littering, improper driving, etc.

Construction & Demo Debris

Construction & Demo Debris	\$53 per ton
Less \$9 per ton business credit	<u>9 per ton</u>
Gate Rate	\$44 per ton

Note: Building permits required by state and local regulations must be with load to be eligible for business credit and Business Credit will be denied to customers not adhering to landfill rules and regulations such as: placing material in areas other than designated by landfill personnel, littering, improper driving, etc.

Special Rates

Tires \$90 per ton
 CLEAN Yard Waste/Wood \$34 per ton

Administration Fee \$25

Note: This charge is for the office to fill out incomplete Waste Tire Certification Forms.

Residential Rates

Household generated waste 2,000 pound free per calendar month
 Over 2,000 pounds, \$53 per ton

Note: Residents must be with ALL loads to apply weight against free pounds. For Construction and Demo Debris, a building permit is required with resident listed as contractor for debris to apply towards free pounds.

Special Rates

Tires 8 car tires (16 inch or smaller and of rims) free per calendar year
 Over 8 tires: \$1 per tire (16 inch or smaller)
 \$5 per tire (over 16 inches)

CLEAN Yard Waste Free

Mulch Self-load is free
 Load rate \$.01 per pound
 (2nd Saturday each month and 3rd Saturday March-June)

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

NAY: None

IN RE: TRAILER FOR GROUNDS DEPARTMENT

Ms. Nuckols presented 2 options for the replacement of the 24' Pintle Hook Flatbed Trailer:

Option 1:

Current Equip	Purchase Cost	Sell/Trade Value	Replacement	Cost	Difference
24' Pintle Hook Flatbed Trailer	\$9,362.00	\$7,500.00	Enclosed 20' Trailer w/land Scape Package	\$10,074.00	-\$2,574.00

Option 2:

24' Pintle Hook Flatbed Trailer			Enclosed 20' Trailer (includes Landscape set)	\$6,168.99	\$0.00
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On motion of Mr. Vandall and with the following vote, the Board authorized Mr. Proffitt to send out for sealed bids.

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

NAY: None

IN RE: PROPOSED SALARY ADJUSTMENTS

Mr. Proffitt presented the following adjustments to salaries:

ANIMAL SHELTER

	<u>GRADE</u>	<u>STEP</u>	<u>SALARY</u>
CURRENT	11	1	\$22,952
RECOMMENDATION	14	1	\$25,848

MAINTENANCE

POSITION #1			
CURRENT	16	2	\$29,109
RECOMMENDATION	16	7	\$31,509

POSITION #2

CURRENT	16	4	\$29,691
RECOMMENDATION	16	7	\$31,509

SOLID WASTE

CURRENT	31	3	\$52,727
RECOMMENDATION	31	6	\$55,955

On motion of Mr. C. Adams, and with the following vote, the Board approved the changes with the suggestion that a memo be put in each personnel file stating changes in salary due to the said changes in duties.

The funds are to be transferred in the General Fund:

Transfer from:

51010-5601	Contribution County Health Department	\$3,123.00
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Transfer to:

35980-1001	Compensation Animal Shelter	724.00
35980-2001	FICA	46.00
35980-2002	VRS	96.00

43020-1010	Compensation – Maintenance	\$1,054.50
43020-2001	FICA	80.00
43020-2002	VRS	138.72

42030-5699	General Fund Support Landfill	974.78
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And appropriate transferred funds to Fund 085

42040-1001	Compensation – Coordinator	\$ 807.00
42040-2001	FICA	61.74
42040-2002	VRS	106.04

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

IN RE: JANITORIAL SERVICES

Mr. Proffitt presented the following regarding janitorial services for the County:

AMHERST COUNTY
DEPUTY COUNTY ADMINISTRATOR'S OFFICE/PURCHASING OFFICE

Phone: 434-946-9308

P. O. BOX 390
 AMHERST, VA 24521

Fax: 434-946-9370

MEMO

TO: Board of Supervisors

FROM: David Proffitt, Deputy County Administrator/Purchasing Agent

DATE: March 22, 2010

RE: **Janitorial Services**

Robert Ramsey, Buddy Jennings, of our Maintenance Department, and I have been Investigating potential cost reductions in the County's Janitorial Services. We have Negotiated a reduced Scope of Services with the current Janitorial Contractor, Surprisingly Clean, and developed comparative cost estimates for these services if Provided by County staff. The comparative information is presented as follows:

Attached is a copy of a current monthly invoice from the contractor.

Janitorial services are provided for each of the listed locations five (5) days per week during evening hours, with exception of the lower church and parks.

The lower church is serviced two (2) times per week.

The four (4) park restrooms and trash removal is performed four (4) times per week from April 1 – October 31 and two (2) times per week during winter months.

1.0 A refined scope of services has been developed and priced by the Janitorial Contractor as follows:

1.1	County Courthouse	All areas serviced with current schedule, <u>except</u> : Registrar's area to be serviced two (2) times per week. Court Services to be serviced three (3) times per week.
1.2	Administration Offices	All public "common" areas serviced under current schedule. Individual offices services two (2) times per week.
1.3	Health Department	Service with current schedule.
1.4	Amherst Library & Madison Heights Library	Serviced three (3) times per week.
1.5	Magistrate's Office	Serviced two (2) times per week.
1.6	Public Safety	Dispatch and "common" areas serviced under current schedule. Offices serviced three (3) times per week.
1.7	Goodwin St. Building	All "common" areas serviced by current schedule. Office areas serviced three (3) times per week.
1.8	Amherst Recreation Bldg.	Serviced two (2) times per week.
1.9	Lower Church	Service one (1) time per week.
1.10	Parts Restroom and Trash	To be serviced by County Grounds Department

Notes:

- | | |
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| 1. | On days in which specified office areas are not serviced, it would be the Department personnel's responsibility to place trash in "common" areas for pick-up, if needed. |
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2.	Currently the contractor is on call for daytime emergencies at no cost. Under the revised plan there would be an hourly charge.
3.	There is an alternate monthly price for Library service to be performed two (2) times per week.
4.	The Sheriff's Dept. and Social Services each have separate contracts for janitorial services.
5.	The Current annual contract amount with Surprisingly Clean is \$145,385.88.
The Revised Contract cost with Surprising Clean for the scope of services as described would b:	
\$7,446.69 (mo) x 12 =	89,30.28 (annual)
The alternative cost for servicing each of the Libraries two (2) times per week would be:	
\$7,012.56 (mo) x 12 =	\$84,150.72 (annual)

2.0 An estimate has been developed for the County (providing janitorial services with the current level of service at each location, as follows:

Locations	Estimated Hrs. Per Week	
Courthouse	50	
Administration Building	10	
Health Department	15	
Amherst Library	10	
Madison Heights Library	8	
Magistrate Office	2	
Public Safety Building	15	
Goodwin St. Building	15	
Recreation Building	5	
Church	1	
Supervisory	5	
	136	
121 hrs. x \$ 8.00/hr. =	\$ 968.00	
15 hrs. x \$12.00/hr. =	\$ 180.00	
	\$1,148.00 x 52 weeks =	\$59,696.00
		\$ 4,567.00 FICA
		\$ 1,164.00 Workers Comp
		\$65,427.00
	Estimated Annual Supplies	\$ 6,000.00
	Total	\$71,427.00
Notes:		
1.	Estimated of initial purchase of equipment \$10,000.	
2.	Lake bathroom to be responsibility of Grounds Department.	
3.	It is anticipated that 6 – 7 part time employees would be needed.	
4.	Supervisor would need access to County vehicle.	
5.	County Maintenance would respond to daytime emergencies.	
6.	Blood borne Pathogens; HAZ Materials Use and Disposal.	

Surprisingly Clean, Inc.

Veteran Owned
145 Brightwell Mill Road
Madison Heights, VA 24572

Invoice

Date Invoice #
3/21/2010 516 M

Bill to:

Amherst County Board of Supervisors
Amherst, Virginia 24521

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			Due Date	Terms
			3/21/2010	
Quantity	Description	Rate	Serviced	Amount
1	Janitorial service for the month of March 2010	0.00		0.00
1	Amherst County Courthouse	\$4,678.37		\$4,678.37
1	Administrative buildings and Health Services	2,138.10		2,136.10
1	Amherst Library	1,199.62		1199.62
1	Madison Heights Library	971.69		971.69
1	Magistrate's Office	51.00		51.00
1	Amherst County Public Service Building	779.75		779.75
1	Goodwin Street Building	671.78		671.78
1	Amherst Recreation Building	115.18		115.18
1	Lower Church	150.00		150.00
1	Lake's/ Bathroom's and Trash	1,360.00		1,360.00
			TOTAL	\$12,115.49

At the meeting of April 6, 2010, Mr. Proffitt presented the attached further negotiation with the cleaning contractor:

AMHERST COUNTY
DEPUTY COUNTY ADMINISTRATOR'S OFFICE/PURCHASING OFFICE

Phone: 434-946-9308

P. O. BOX 390
 AMHERST, VA 24521

Fax: 434-946-9370

MEMO

TO: Board of Supervisors

FROM: David Proffitt, Deputy County Administrator/Purchasing Agent

DATE: March 30, 2010

RE: At the Board's Budget Workshop in March 24th, I was directed to further negotiate with the County's janitorial contractor to obtain a reduced comparison contract cost, with no reduction in services. This cost would be compared with the estimated cost provided for provisions of "in-house" janitorial services.

Attached is the negotiated cost proposal received. The comparative cost is as follows:

Current Janitorial Cost	\$ 145,385.88	Annual
Negotiated Cost with no service reduction	- 116,308.56	
	\$ 29,077.32	Annual Reduction
Estimated "in-house" operational cost Note: 1) Less initial equipment purchase, employee training, etc.	\$ 71,427.00	Annual

2) Does not include parks		
Re-negotiated Contract Cost – excluding parks:	\$ 103,252.56	Annual

Surprisingly Clean, Inc.

Veteran Owned
145 Brightwell Mill Road
Madison Heights, VA 24572

Invoice

Date Invoice #
3/21/2010 516 M

Bill to:

Amherst County Board of Supervisors
Amherst, Virginia 24521

			Due Date	Terms
			3/28/2010	
Quantity	Description	Rate	Serviced	Amount
1	Janitorial service for the month, quote for change requested by the Amherst County Board of Supervisors, 2010	0.00		0.00
1	Amherst County Courthouse	3,742.70		3,742.70
1	Administrative building and Health services	1,710.48		1,710.48
1	Amherst Library	959.69		959.69
1	Madison Heights Library	777.35		777.35
1	Magistrate's Office	623.80		623.80
1	Goodwin Street Building	537.42		537.42
1	Amherst Recreation Building	92.14		92.14
1	Church Lower	120.00		120.00
1	Lake's/Bathrooms and Trash	1,088.00		1,088.00
				\$9,692.38
1	This quote represents a reduction in price of 20% which is 5% more than asked of the department heads. Note: I know that your job is difficult, may I point out a few things that were done for the County at no charge. When the drip pan filled in the courthouse, we found the wet ceiling, called Bill, corrected the problem and cleaned the mess. When the extension office flooded because the drain stopped-up we brought our equipment in, cleaned-up the water, dried everything and treated for mildew. In the courthouse about every 6 month some-one will flush a roll of toilet paper in the toilet and we will have another water clean-up with mildew treatment. I'm not trying to blow my own horn but I believe that we have saved the county many thousands of dollars in plumbers fee's and repairs. These are only a few			

	examples of what's gone on in the past few years. Yes I would like to keep this contract and yes I will continue to work to keep our county clean.			
	Thank you, G. Jack Mays			

The Board discussed having the Solid Waste Department clean the parks.

On motion of Ms. Tucker and with the following vote, the Board directed Mr. Proffitt to further negotiate with the contractor and report to them at their next regular meeting.

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

NAY: None

IN RE: SCHOOL BOARD OPENINGS – DISTRICT 1 AND 3

The County Administrator requested action from the Board regarding setting of a public hearing for 2 openings on the school board, District 1 and 3 for May 18, 2010 at 7:00 p.m. Ms. Margaret R. Morton and Mr. Jones Stanley wish to be reappointed and are the only 2 letters that I have received at this time.

On motion of Mr. Adams and with the following vote, the Board approved the setting of a public hearing for May 18, 2010 at 7:00 p.m. or as soon as possible thereafter.

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

NAY: None

IN RE: CENTRAL VIRGINIA COMMUNITY SERVICES BOARD APPOINTMENT

The County Administrator presented letters from 2 applicants for the Central Virginia Community Services Board, Ms. Janice Camden and Mr. Leon Parrish.

Mr. R. Vandall stated that he supported Mr. Parrish.

Mr. C. Adams stated that he also supported Mr. Parrish.

After discussion, on motion of Mr. R. Vandall and with the following vote, the Board approved the appointment of Mr. L. Parrish as the County representative to the Central Virginia Community Services Board and to have the Chairman write a letter to Ms. Camden thanking her for her interest and asking her to watch and apply for other openings that the County advertises.

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

NAY: None

IN RE: ECONOMIC DEVELOPMENT AUTHORITY INVITATION

The Board has received a letter with an invitation to attend the Economic Development Authority regular monthly meeting on May 14 at 6:00 p.m. for the purpose of discussing the Economic Development goals for Amherst County as published in your vision statement (2025 dated February 10, 2010. Mr. Lintecum was directed to clarify the meeting date and get back to them.

IN RE: STUDENT RECOGNITION CEREMONY

Ms. Campbell reminded the Board of the yearly meeting to recognize students' achievements at the first meeting of June. She has spoke with William Gouldthorpe and he as tentively reserved the June 1st date at the Amherst High School to begin at 7:30 p.m.

IN RE: OLD MADISON HEIGHTS REVITALIZATION PROJECT – PHASE I STUMP HILL AREA

Kelly Hitchcock was present to answer questions. On motion of Mr. Adams and with the following vote, the Board approved the Programmatic Agreement between Amherst County and the Virginia State Historic Preservation Office regarding the Old Madison Heights Revitalization Project – Phase I Stump Hill Area.

**PROGRAMMATIC AGREEMENT
BETWEEN
AMHERST COUNTY
AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE
OLD MADISON HEIGHTS REVITALIZATION PROJECT – PHASE 1 STUMP HILL AREA**

WHEREAS, Amherst County (County), Virginia has applied for and shall receive a Community Development Block Grant (CDBG) to address housing rehabilitation and infrastructure upgrades to include water, sewer, and road and drainage work, and removal of blight; and

WHEREAS, Congress amended the Housing and Community Development Act of 1974 (HCD Act) in 1981 to give each State the opportunity to administer CDBG funds for non-entitlement areas; and

WHEREAS, in the Commonwealth of Virginia, the Department of Housing and Community Development (DHCD) administers CDBG funds from the U.S. Department of Housing and Urban Development (HUD) under the HCD Act; and

WHEREAS, pursuant to 24 CFR Part 58, states administering the CDBG program have the responsibility of ensuring that recipient communities comply with applicable State and Federal laws and requirements, including the National Historic Preservation Act (16 U.S.C. 470f)(NHPA) and, therefore, DHCD has been invited and has participated in consultation towards this Agreement; and

WHEREAS, CDBG funds shall be used for the Old Town Madison Heights Revitalization Project – Phase I Stump Hill Area which consists of housing rehabilitation, removal of dilapidated structures, blight removal and infrastructure improvements including resurfacing and drainage improvements (Undertaking); and

WHEREAS, the County, in consultation with the Virginia Department of Historic Resources, which serves as the Virginia State Historic Preservation Office (SHPO), has established that the Undertaking's Area of Potential Effects (APE), shown in Appendix 1, includes portions of Old Town Madison Heights Historic District (DHR ID# 0005-0073), a district eligible for listing on the National Register of Historic Places (NRHP); and

WHEREAS, the County has determined in consultation with the SHPO that the Undertaking may affect historic properties within the Historic District, per 36 CFR Part 800.5(a) of the regulations implementing Section 106 of the NHPA; and

WHEREAS, the SHPO and the County have agreed, per 36 CFR Part 800.3(g), to compress the steps of the Section 106 process in order to expedite consultation; and

WHEREAS, the County has provided notification to the Advisory Council on Historic Preservation (ACHP) per 36 CFR Part 800.6(a)(1); and the ACHP has declined to participate in consultation; and

WHEREAS, pursuant to 36 CFR Part 800.3(f)(2) the County has invited the Federally recognized tribes that retain cultural interests in Amherst County including Tuscarora Nation of New York, Cherokee Nation, Eastern Shawnee Tribe of Oklahoma, and Shawnee Tribe to participate in consultation and to sign as a concurring part, and they have **accepted/declined**; and

WHEREAS, pursuant to 36 CFR Part 800.3(f) the County has invited the Amherst County Museum and Historical Society to participate in consultation and to sign as a concurring party, and they have **accepted/declined**, and

WHEREAS, pursuant to 36 CFR Part 800.3(f) the County has invited the Virginia Council on Indians (VCI) to participate in consultation and to sign as a concurring party, and they have **accepted/declined**, and

WHEREAS, the definitions given in Appendix 2 are applicable throughout this Agreement.

NOW, THEREFORE, the County and the SHPO, agree that the Undertaking shall be implemented in accordance with the following stipulations to take into account the Undertaking's effects on historic properties.

STIPULATIONS

The County shall ensure that the following stipulations are met:

I. Guiding Principles

- A. The County shall form a Housing Rehabilitation Board within three (3) months of execution of this Agreement, shall review projects covered under this Agreement and shall monitor project work. A representative from the Region 2000 Local Government Council shall be an ex-officio member of the advisory committee. The representative shall have a familiarity with the *Secretary of the Interior's Standards for Rehabilitation* and the architectural heritage of Old Town Madison Heights and bring that knowledge to bear upon review of projects involving potentially contributing buildings within the APE. The Committee shall be responsible for the identification, evaluation and treatment of historic properties involving the expenditure of federal assistance from HUD.
- B. In consultation with the SHPO the County shall attempt to meet, when feasible, the *Secretary of the Interior's Standards* for the Treatment of Historic Properties (Appendix 3) for projects related to this undertaking that affect a contributing property within the APE.
- C. The County shall ensure, when feasible, that all CDBG-funded new construction, within the APE is compatible with the historic character of the Historic District.
- D. The County and the SHPO in order to streamline the Section 106 review process shall emphasize the treatment of exteriors that contribute to the property's eligibility for the National Register; may exempt categories of routine activities; and may develop treatment and design protocols for rehabilitation and new construction.

II. Coordination of Review

- A. When the County identifies a property that will be affected by the Undertaking, the County shall submit the following documentation to the SHPO for review and comment. If the County disagrees with the SHPO's comments, consultation shall continue until an agreement is reached. If an agreement cannot be reached, consultation will continue pursuant to Stipulation X. Dispute Resolution.
 - 1. A Project Review Application Form (Appendix 4).
 - 2. A copy of the map in Appendix 1 showing the precise location of the property.
 - 3. Photographs, digital or print, of the building(s)' exterior(s) from the front, back and sides. For new construction projects, photographs of the site and neighboring streetscape.
 - 4. A determination of whether the property contributes to the District as defined by the boundaries on the map (Appendix 1).

- B. If any portion of the undertaking shall result in a cumulative ground disturbance of one (1) acre or greater, the County shall consult with the SHPO and other consulting parties per Stipulation V.
- C. If the County determines that a property does not contribute to the NRHP-eligible Historic District, then the County may proceed with rehabilitation activities on that property but shall continue to consult with the SHPO per Stipulation II (D), on any new construction at that location.
- D. If the County determines that a property contributes to the NRHP-eligible Historic District, then it must be treated as an historic property for the purposes of Section 106, and the County shall assess the effects of the undertaking on that property. The County shall prepare the following information based on the type of activity anticipated.
 - 1. Rehabilitation
 - a. Detailed scope of work.
 - b. Plans and drawings, if applicable.
 - c. Materials specification, if applicable
 - d. Description and photos of architectural features to be repaired or replaced.
 - 2. Demolition
 - a. An explanation of the reasons for demolition.
 - b. Any code enforcement documents that support the necessity of demolition, if applicable.
 - c. A structural evaluation and documentation of the building that supports the necessity of demolition, if applicable.
 - d. Adequate documentation to demonstrate that rehabilitation is not economically or structurally feasible, or that retention of the property would jeopardize the implementation of an affordable housing project.
 - 3. New Construction
 - a. Identification of the lot proposed for new construction, including street address and map.
 - b. Plans for exterior elevations.
 - c. Exterior materials specifications
 - d. Site plan, including the boundaries of the lot and adjacent lots and proposed footprint of new construction.
- E. For all rehabilitation and demolition projects on properties considered contributing to the NRHP-eligible Historic District and all new construction within the Historic District carried out under this Agreement, the County shall submit to the SHPO for review and comment the following information.
 - 1. All documentation prepared pursuant to Stipulation II (A).
 - 2. All necessary documentation prepared pursuant to Stipulation II (D).
 - 3. A determination of whether the proposed treatment meets the Standards or detailed statement as to why the Standards cannot be met. A Standards Checklist form shall be completed for all new construction and rehabilitation projects (Appendix 5).
 - 4. A Finding of Effect (No Adverse Effect or Adverse Effect) based on an application of the Standards and the guidance in 36 CFR Part 800.5.

III. Mitigation

- A. If adverse effects are identified during the course of the project, the County shall consult with the SHPO and other consulting parties, as applicable, to consider possible ways to avoid or minimize the adverse effects. The County shall provide the opportunity for the interested public to express their views on the proposed mitigation measures pursuant to Stipulation IX (B). If the effects cannot be avoided the County shall consult with the SHPO, and any other consulting parties about appropriate mitigation which shall be

determined based on the degree of the adverse effect and the level of significance of the resource. The agreed upon mitigation shall be submitted to the SHPO for review and comment before construction or demolition begins.

- B. All mitigation documentation prepared pursuant to this Agreement shall be prepared by a professional in the appropriate discipline who meets the *Secretary of the Interior's Professional Qualification Standards* (36 CFR Part 61).

IV. Emergency Situations

Should a building collapse, be largely destroyed by fire, be substantially damaged by a storm and/or be on the verge of collapse, the County may, per 36 CFR Part 800.12, declare an Emergency Situation and, acting in the interest of public health and safety, propose demolition of a potentially designated historic property. Upon issuance of the order, the County shall, to the extent possible, document the building and notify the SHPO as soon as possible.

V. Archaeology

- A. The County may proceed without archaeological consultation with the SHPO for the following ground-disturbing activities:
 - 1. Any individual activity requiring less than one (1) acre of ground disturbance. The area of potential effect for individual activities shall include all land disturbing actions associated with site preparation, construction, associated access roads, temporary construction easements, equipment storage areas, staging areas, below ground utilities, etc.
 - 2. The installation of utilities, such as sewer, storm, electrical, gas, steam, compressed air, leach line, and septic tanks in road rights-of-way, existing utility corridors, or other areas previously disturbed by these activities.
- B. Any projects involving ground-disturbing activities within existing archaeological sites or not otherwise exempted under Stipulation V (A), above, shall be submitted to the SHPO, for review and comment through the completion of a Project Review Application Form (Appendix 4).
- C. Should the County determine, in consultation with the SHPO, that further archaeological identification is needed; the SHPO shall recommend a program to identify and evaluate archaeological resources.
- D. Should the County, as a result of survey efforts and in consultation with the SHPO, determine that an eligible archaeological site will be affected; a plan for its avoidance, protection, or recovery of data will be submitted to the SHPO and other consulting parties, if any, for review and comment. The County shall consider all comments received in preparing the final treatment plan and shall then implement the plan.
- E. All archaeological studies, resulting from this Agreement including data recovery plan(s), shall be performed by an archaeologist meeting the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR Part 61) and in accordance with *The Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (48 FR 44734-37), and the SHPO's Guidelines for Conducting Archaeological Investigations (June 2009) as excerpted from the draft Cultural Resource Survey in Virginia: *Additional Guidance for the Implementation of the Federal Standards Entitled Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44742, September 29, 1983) (April 2009), and shall take into account the ACHP's publication, *Consulting About Archeology Under Section 106* (1990). Recommended Approach for Consultation on Recovery of Significant information from Archeological Sites (1999), and Section 106 Archaeology Guidance (June 2007), or subsequent revisions to these documents.

VI. Review of Documentation

The SHPO and other consulting parties agree to review documentation submitted pursuant to this Agreement within thirty (30) days after confirmed receipt of complete documentation. If no response is received within thirty (30) days, the County may assume the non-responding party has no comments. The County shall take into consideration all comments received within the review period and then implement proceed to the next step in the process.

VII. Post Review Discoveries

The County shall include the provisions in Stipulation VII. (A) to (E) in all construction contracts.

A. If previously unidentified historic properties or unanticipated effects to historic properties are discovered during construction, the construction contractor shall immediately halt activity within a one hundred (100) foot radius of the discovery, notify the County of the discovery, and implement interim measures to protect the discovery from looting and vandalism.

B. Immediately upon receipt of the notification required in Stipulation VII. (A), the County shall

1. Inspect the construction site to determine the extent of the discovery and ensure that construction activities have halted;
2. Clearly mark the area of discovery;
3. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism;
4. Have a professional archaeologist inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment; and
5. Notify the SHPO and other consulting parties of the discovery describing the measures that have been implemented.

C. Within forty-eight (48) hours of receipt of the notification described in Stipulation VII. (B.)(5), the County shall provide the SHPO and other consulting parties with its assessment of the NRHP eligibility of the discovery and the measures it proposes to take to resolve adverse effects. In making its official evaluation, the County, in consultation with the SHPO, may assume the discovery to be NRHP eligible for the purposes of Section 106 pursuant to 36 CFR 800.13(c). The SHPO and other consulting parties shall respond within forty-eight (48) hours of receipt.

D. The County, which shall take into account consulting parties' recommendations on eligibility and treatment of the discovery, shall ensure that it carries out appropriate actions, and provide the SHPO and other consulting parties with a report on these actions when they have been implemented.

E. Construction activities may proceed in the area of discovery, when the County has determined that implementation of the actions undertaken to address the discovery pursuant to Stipulation VII. Are complete.

VIII. Human Remains

A. The County shall treat all human remains and associated funerary objects encountered during the course taken as a result of this Agreement in the manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007; <http://www.achp.gov/docs/hrpolicy0207.pdf>). All reasonable efforts will be made to avoid disturbing gravesites, including those containing Native American human remains and associated artifacts. To the extent possible, the County will ensure that the general public is excluded from viewing any gravesites and associated artifacts. All consulting parties agree to release no photographs of any gravesites and/or funerary objects to the press or to the general public.

B. If human remains encountered appear to be of Native American origin, whether prehistoric or historic, the County shall immediately notify the VCI and the Federally recognized tribes, which may have cultural interests in ancestral homelands in Virginia.

C. If the County agrees that avoidance of the human remains is not prudent and feasible, the County will apply for a permit from the Virginia Department of Historic Resources (DHR) for archaeological removal of human remains in accordance with the provisions of the *Virginia Board of Historic Resources* and published in the Virginia Register of July 15, 1991.

D. In considering issuance of a permit involving removal of Native American human remains, the DHR will notify and consult with the VCI as required by regulations stated above. The treatment of Native American human remains and associated funerary objects will be determined in consultation with the VCI and any appropriate tribal leaders.

IX. Public Participation

A. The County shall afford the interested public an opportunity to comment in accordance with the public participation plan approved by DHCD as part of the CDBG grant process.

B. When a finding of adverse effect is made, the County shall solicit public comment regarding the undertaking's effects on historic properties and the proposed mitigation measures and shall provide copies of those comments to the SHPO.

X. Dispute Resolution

A. Should any party to this Agreement object in writing to the County regarding any action carried out or proposed with respect to the undertaking or implementation of this Agreement, the County shall consult with the objecting party to resolve the objection. If after initiating such consultation the County determines that the objection cannot be resolved through consultation, the County shall forward all documentation relevant to the objection to the ACHP, including the County's proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options.

1. Advise the County that the ACHP concurs in the County's proposed response to the objection, whereupon the agency will respond to the objection accordingly;
2. Provide the County with recommendations, which the County shall take into account in reaching a final decision regarding its response to the objection; or
3. Notify the County that the objection will be referred for comment pursuant to 36 CFR Part 800.7(a) (4), and proceed to refer the objection and comment. The County shall take the resulting comment into account in accordance with 36 CFR Part 800.7(c) (4) and Section 1109(l) of NHPA.

B. Should the ACHP not exercise one of the above options within thirty (30) days after receipt of all pertinent documentation, the County may assume the ACHP's concurrence in its proposed response to the objection.

C. The County shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; the County's responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.

D. At any time during implementation of the measures stipulated in this Agreement, should an objection pertaining to this Agreement or the effect of any individual undertaking on historic properties be raised by a member of the public, the County shall notify the parties to this Agreement and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this Agreement to resolve the objection.

XI. Amendment and Termination

A. Any signatory to this Agreement may request that it be amended, whereupon the signatories shall consult in accordance with 36 CFR Part 800.13 to consider such an amendment. All signatories to this Agreement must agree to the proposed amendment in accordance with 36 CFR 800.6 (c) (7). The amendment will be effective on the date a copy signed by all the signatories are filed with the ACHP.

B. If the County determines that it cannot implement the terms of this Agreement or if the SHPO determines that the Agreement is not being properly implement, the County or the SHPO may propose to the other parties that it be terminated.

C. Termination shall include the submission of any outstanding documentation on any work done up to and including the date of termination.

D. A party proposing to terminate this Agreement shall so notify all parties to the Agreement, explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. The parties shall then consult.

E. Should such consultation fail and the Agreement be terminated, the County shall comply with 36 CFR Parts 800.3 through 800.6 with regard to the individual undertakings covered by this Agreement.

XII. Duration of the Agreement

This Agreement shall continue in full force and effect until five (5) years after the date of the last signature. At any time in the sixth (6th)-month period prior to such date, the County may request the SHPO to consider an extension or modification of this Agreement. No extension or modification shall be effective unless the signatories to the Agreement have agreed with it in writing.

Execution of this Programmatic Agreement and implementation of the provisions herein shall be evidence that the County and the Federal and State agencies have satisfied their Section 106 responsibilities for all individual undertakings subject to the review of this Agreement.

SIGNATORIES

By: _____ Date: _____
 xxx.xxx Amherst County

By: _____ Date: _____
 Kathleen S. Kilpatrick, Director, Virginia Department of Historic Resources
 And Virginia State Historic Preservation Officer

CONCURRING PARTIES

By: _____ Date: _____

_____ Date: _____

APPENDICES

Appendix 1: Area of Potential Effect

Appendix 2: Definitions

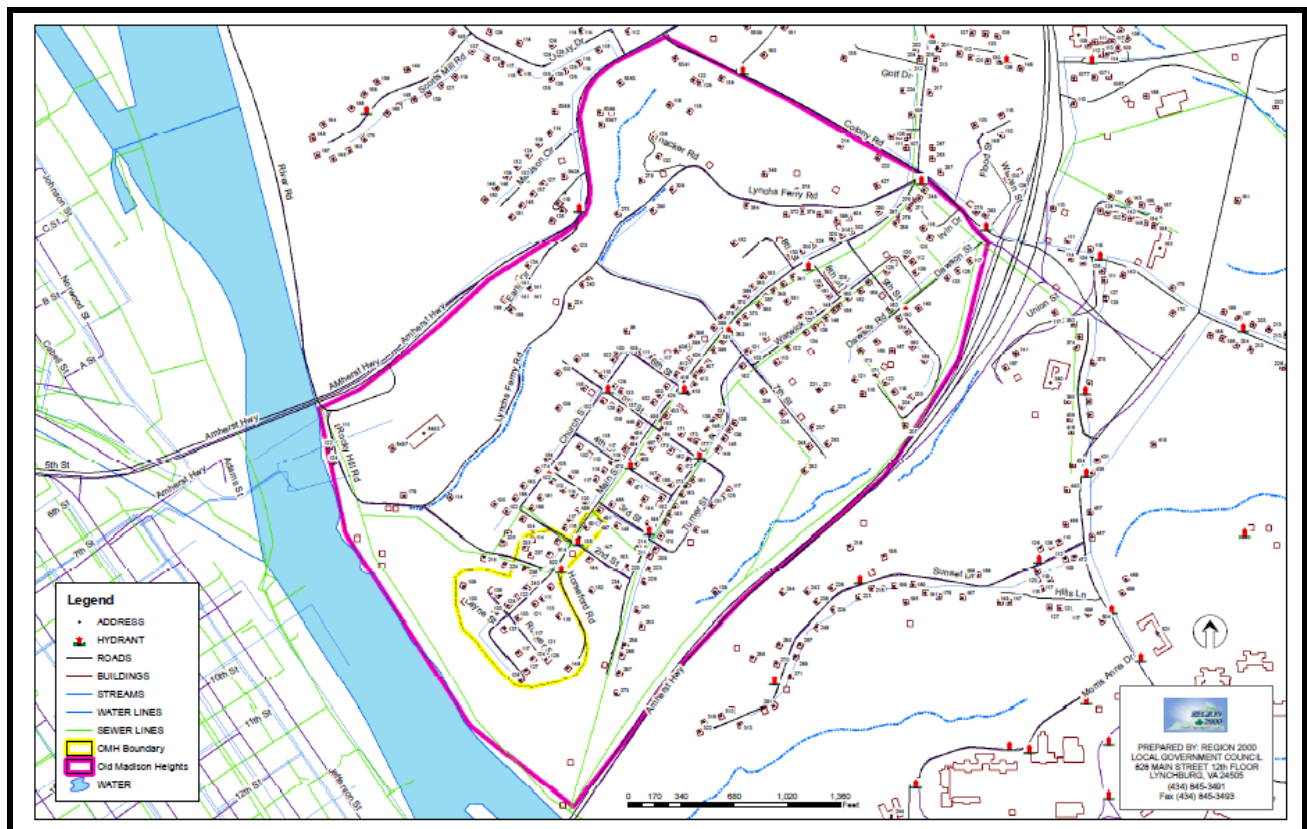
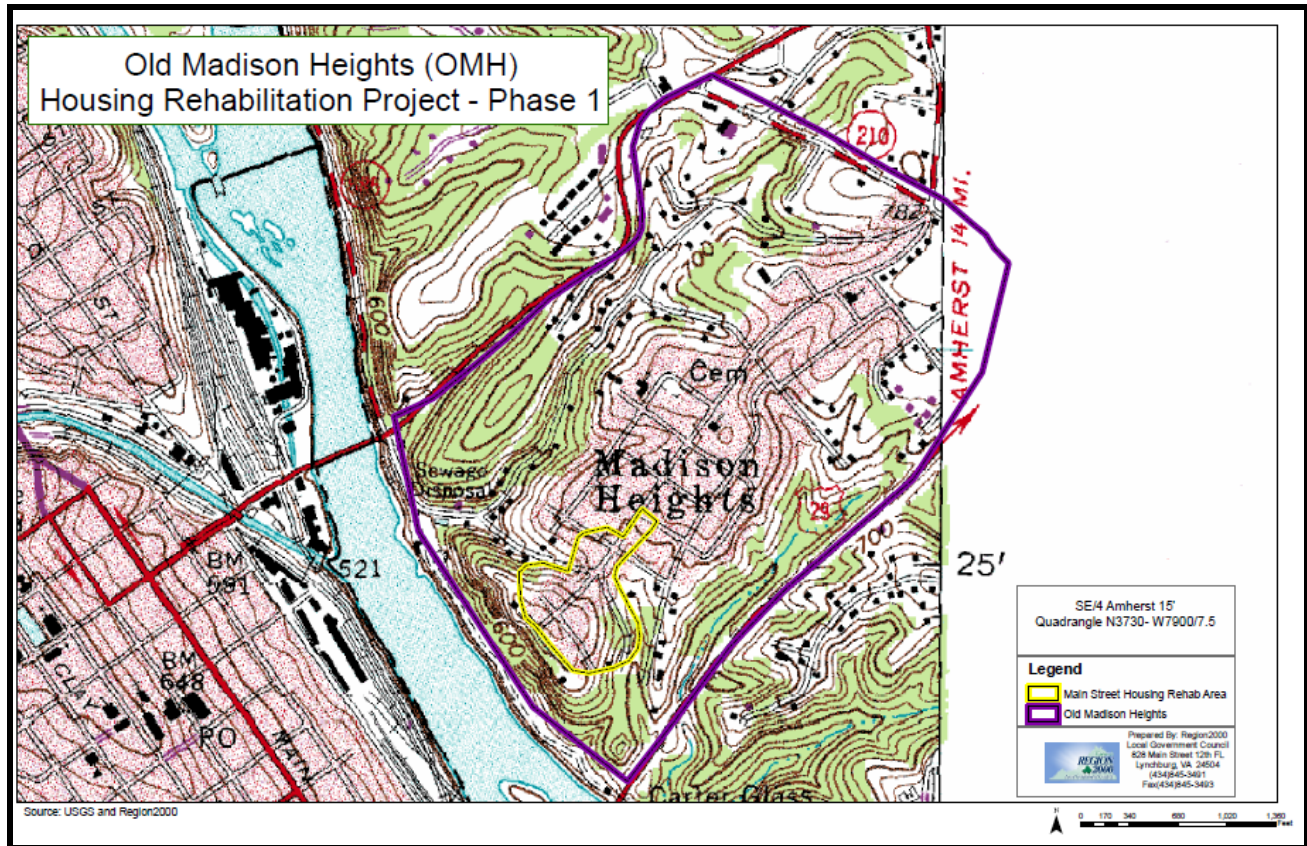
Appendix 3: Secretary of the Interior's Standards for Rehabilitation

Appendix 4: DHR Project Review Application Form

Appendix 5: Standards Checklist Form

APPENDIX 1: AREA OF POTENTIAL EFFECT





APPENDIX B - DEFINITIONS

AREA OF POTENTIAL EFFECTS – The geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist there. This always includes the actual site of the undertaking, and may also include other areas where the undertaking will cause changes in land use, traffic patterns, or other aspects that could affect historic properties.

ACTIVITY – Work to be performed as an undertaking, specifically defined as one or more of the following:

- ***Acquisition.*** The purchase of a property all or in part with federal funds that will trigger all subsequent activities as undertakings.
- ***Demolition.*** The removal of the majority of an existing building's structure to either the foundation or to property grade.
- ***New Construction.*** The construction of a new building on a vacant lot or site currently occupied by a building. New construction does not attempt to directly replicate buildings that stood on the site and/or incorporate the original building footprint.
- ***Rehabilitation.*** The re-use of an existing historic property that will maintain the majority of the historic features of a building, including such elements: framing, roof structure, doors and door openings, windows and window openings, partitions, trim, chimneys, mantels, and doors in a manner consistent with *The Secretary of the Interior's Standards for Rehabilitation* (1995).
- ***Reconstruction.*** The construction of a new building that replaces a demolished building, follows the majority of the original building footprint, and rebuilds the majority of distinguishing features of the building; or the retention of a minority of an existing buildings' features (such as the façade and foundation) and incorporating these features into a new structure.

CONCURRENCE – A response from the SHPO, in which the SHPO agrees with the determination of the responsible entity.

EFFECT – A determination by the County and SHPO as to the extent an undertaking will impact a historic property or historic properties. It will include one of the following:

- ***No Effect on Historic Properties.*** There are no historic properties that will be directly or indirectly impacted by the undertaking.
- ***No Adverse Effect on Historic Properties.*** The undertaking impacts a historic property or properties in such a way that the historic character is left intact.
- ***Adverse Effect on Historic Properties.*** The undertaking changes the historic property or properties in such a way that the character of the property is diminished. Demolition of a historic property will constitute an adverse effect. Other activities may or may not constitute an adverse effect depending on their impact on historic properties, a historic property, or historic features.

FEASIBLE – The degree to which a historic property or historic property feature can be successfully preserved. Whether or not something is feasible is essential in the consideration of an adverse effect and application of *The Secretary of the Interior's Standards for the Treatment*

of *Historic Properties* (1995). One or more of the following elements shall be documented and shall be given reasonable consideration by the County and SHPO in determining whether or not something is feasible:

- The physical condition of a building or building elements;
- The project scope or design constraints; the significance and integrity of the building or building elements;
- The location and setting of the historic property, or economic constraints including rehabilitation costs and market value for resale of a completed project.

HISTORIC PROPERTY – Any property that falls in one or more of the following categories:

- It is a contributing property in a *historic area eligible for listing* in the National Register of Historic Places.
- It is a contributing property in a *historic district listed* in the National Register of Historic Places.
- It is *individually eligible* for listing or is *individually listed* in the National Register of Historic Places.

NON-HISTORIC PROPERTY – Any property that falls into one or more of the following categories:

- Is a *non-contributing property* located in an historic area that is either eligible for listing in the National Register of Historic Places, or is listed in the National Register of Historic Places.
- Is not located within an historic district either eligible for listing or listed on the National Register of Historic Places and is not *individually listed on or eligible for listing* on the National Register of Historic Places.

OBJECTION – A disagreement by the SHPO or a member of the Public with a determination made by the County on its determination of effect, conditions, or mitigation measures.

MITIGATION – Action to minimize, ameliorate, or compensate for the degradation and/or loss of those characteristics of a property that make it eligible for the National Register.

NATIONAL REGISTER – The National Register of Historic Places maintained by the Secretary of the Interior.

NATIONAL REGISTER CRITERIA FOR EVALUATION – The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36CFR Part 60). These criteria are used by the City, SHPO, and Keeper of the National Register to evaluate properties (other than areas of the National Park System and National Historic Landmarks) for the National Register. These criteria are worded in a manner to provide for a wide diversity of resources. The following are the actual National Register Criteria for Evaluation.

Criterion A: Properties that are associated with events that have made a significant contribution to the broad patterns of our history;

Criterion B: Properties that are associated with the lives of persons significant in our past;

Criterion C: Properties that embody the distinctive characteristics of a type, period, or method of construction, that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction;

Criterion D: Properties that have yielded, or may be likely to yield, information important in prehistory or history.

Criteria consideration: Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties shall qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- (a) a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- (b) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (c) a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or
- (d) a cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- (e) a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- (f) a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- (g) a property achieving significance within the past 50 years if it is of exceptional importance.

SECRETARY – The Secretary of the Interior.

STATE HISTORIC PRESERVATION OFFICER – The official appointed or designated pursuant to Section 101 (b)(1) of the Act to administer the State Historic Preservation program or a representative designated to act for the State Historic Preservation Officer. For purposes of this Agreement, the State Historic Preservation Officer shall refer to the Director and staff of the Virginia Department of Historic Resources.

SURVEY – The process by which historic properties are documented according to the Standards of the SHPO.

UNDERTAKING – A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

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

NAY: Mr. R. Vandall and Mr. D. Kidd

Ms. C. Tucker left meeting as this time.

IN RE: UPDATE FY11 BUDGET

Mr. Adams made comment that he hoped that everyone would continue to find ways to cut cost and to continue to do business.

Mr. Lintecum made a recommendation to go to public hearing.

On motion of Mr. Vandall and with the following vote, the Board approved setting the FY11 budget public hearing for Thursday, April 29, 2010 at 7:00 p.m. at the Amherst County High School

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

NAY: None

ABSENT: Mr. C. Tucker

IN RE: APPROPRIATIONS/TRANSFERS

On motion of Mr. Kidd and with the following vote, the Board of Supervisors approved the following appropriation/transfers:

a. APPROPRIATIONS

Building Safety & Inspections

34010-5810	Levy on permit fees	\$ 2,287.17
(Levy collected deposit with Treasurer)		

Department of Social Services

53020-5720	Adult Services	\$ 1,200.00
53010-1009	Comp – Benefit Staff	- \$ 4,104.00
53010-1009	Comp – Benefit Staff	- 753.00

(Based on a reduction in Eligibility Administration funding in connection with a one-day furlough (1) loss of revenue (2) reduction in local match)

Sheriff's Department

31020-3004-100	Auto Repairs – Insurance	\$ 278.20
(Insurance check deposited with Treasurer)		
16-3305-5804	DARE	\$12,517.00
(Dare Revenue July 1, 2009 – February 2, 2010)		
31020-5401	Office Supply	\$ 10.00
31020-5504	Travel-Education	750.00
(Pass through revenue)		

b. TRANSFERS

Board of Supervisors

Transfer from:

11010-3013	Professional Service	\$ 6,099.27
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Transfer to:

11010-3020	Legal Services	\$ 4,808.00
11010-5804	Miscellaneous	291.00
11010-5811	Employee Awards/Recognition	<u>1,000.27</u>
		\$ 6,099.27

(To cover overdrawn lines in FY09/10 budget)

Registrar

Transfer from:

13020-5401	Office Supplies	\$ 200.00
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Transfer to:

13020-5201	Postal Services	\$ 200.00
(Extra postal expenses due to precinct moves)		

Public Safety

Transfer from:

35050-9822	Interest – Radio	\$ 4,772.66*
35060-5204	Telecommunications	3,000.00**

Transfer to:

35050-9892	Principal – Radio	\$ 4,772.66
35060-5101	Electric	3,000.00

*(To adjust funds paid out for Reg. Radio debt service. Interest was less than schedules, however principal was more. Adjustments are necessary since nearing completion of bond payments – more being paid in principal then interest)

** (Due to increased electric bill, need additional funds for the balance of the fiscal year.)

Parks, Recreation and Cultural Dev.

Transfer from:

71010-3002	Contracted Services	\$ 600.00
71010-5408	Gasoline, Oil & Grease	10.00
71010-5506	Travel – Board Members	90.00

Transfer to:

71010-3004	Repairs & Maintenance	\$ 600.00
71010-3010	Repairs & Maintenance – Vehicles	10.00
71010-5507	Travel – Senior Citizens	90.00

(3004 – replacement of port a john on JRH Trail due to vandalism)
(5507 – training for senior citizen coordinator)

Department of Social Services

Transfer from:

53020-5701	General Relief	\$ 300.00
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Transfer to:

53020-5720	Adult Services	\$ 300.00
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(Transfer to cover local match for new revenue)

Public Library

Transfer from:

73010-7001	Equipment	\$ 1,500.00
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Transfer to:

73010-5203	Telecommunications	\$ 1,500.00
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(to cover shortfall in line 5203 – telecommunications)

Sheriff's Department

Transfer from:

31020-7001	Equip	\$16,153.00
33010-7009	Misc. Equip	\$ 370.00

Transfer to:

31020-5101	Electrical	\$ 4,000.00
31020-5203	Telephone	3,000.00
31020-5308	Lia. Ins. Auto	5,153.00
31020-5449	Tires	4,000.00
33010-5401	Office Supply	200.00
33010-7001	Equipment	170.00

Public Safety

Transfer from:

32070-1007	Comp – Paramedic	\$10,000.00
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Transfer to:

32070-1003	Part-time compensation	\$10,000.00
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(To cover part time personnel for three EMS positions (one on maternity leave and two positions which will be filled by end of April.)

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

NAY: None

ABSENT: Ms. C. Tucker

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. Vandall – None

Mr. Campbell – None

Mr. Kidd – Find an interim attorney

Mr. Adams – Move at for County Attorney News and Advance

Check on patching for Coolwell Recreation parking lot

IN RE: ADJOURNMENT

On motion of Mr. D. Kidd, seconded by Mr. R. Vandall and with the following vote, the Board adjourned.

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

NAY: None

ABSENT: Ms. C. Tucker

Christopher R. Adams, Chairman
Amherst County Board of Supervisors

C. Lee Lintecum, County Administrator