

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 19th day of October, 2010 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. D. Kidd Ms. C. Tucker Mr. R. Vandall Mr. R. Curd Mr. F. Campbell	ABSENT: None
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Mr. D. Kidd, Chairman, called the meeting to order.

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

IN RE: CITIZEN COMMENTS

Ms. Merredith M. Page, Merredith's Restaurant, 1558 Dixie Airport Road, Madison Heights, Va 24572 wanted the Board to be aware of a situation with the Building Department and Health Department. In 2007 she got a zoning permit and building permit to start work on a new restaurant and closed the one in Lynchburg. She was told that was all she needed at the time. In 2009 she called the Health Department and was told by Mr. Simpson that she was not to start anything without the Health Department inspection. Now she is told that the drain field needs to be completely redone after she has put all her money into the renovations. The Chairman informed her that the situation would be looked into.

Ms. Kevin Irvin, VPI Extension Agent, was there to bring the Board up to date on further restructuring to be done with the Virginia Cooperative Extension Offices. Key outcomes are as follows:

- Unit coordinators reduced from 106 to 22; re-assign remaining UCs to Educator positions.
- Districts reduced from six to four.
- Eliminated district program leader positions in each district.
- Reduced unit administrative assistant positions from 100 to 22 business managers.
- Reduced administrative costs by concentrating functions at regional business centers.
- Improved two-way flow of information.
- Enabled administrative functions to be conducted at lower costs.
- Reassigned existing faculty and staff to focus on program delivery.
- Provided counties with flexibility to scale county-based local Extension staffing to their needs.
- Preserved local presence at no additional costs.
- Concentrated limited resources to maximize impacts in a region.
- Created a formal structure to enable research advances to drive educational program delivery to citizens.
- Facilitated career development opportunities and increased the skills of Extension educators.
- Created greater accountability for program impacts.
- Implemented a flexible program design that can adjust to changing priorities and local funding initiatives.
- Formalized responsibilities for local and federal government relationship development.

The timeline and transitional planning table is as follows:

October 2010	Restructuring plan announced to internal and external audiences.
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November 2010	Members of the restructuring task force will meet with small groups of Extension faculty and staff to explain the proposed model.
November 2010 – January 2011	Human resource staff will design process to facilitate transfer of existing employees to new roles.
November 2010 – March 2011	State leadership team will align the activities of Extension educators with the strategic plan. Programs that do not have clear alignment with the programming model or strategic initiatives will be eliminated by June 2011.
November 2010 – March 2011	Human resources will perform compensation study and recommend a revised compensation plan.
January 2011	Professional development program will be rolled out at statewide Extension conference.
January 2011 – June 2011	Issue-based program teams will be formed and implemented during 2011.
February 2011 – May 2011	Existing faculty and staff will be reassigned to new roles.
July 2011	New roles implemented. Establish business centers. New model fully implemented by October 2011
July 2011 – April 2012	Implement new fiscal model with localities for implementation in their FY2013 budgets.

IN RE: APPROVAL OF AGENDA

The Chairman asked if any changes to the agenda and turned the meeting over to Mr. Lintecum for changes to be made.

He informed the Board that the second public hearing on the easement adjacent to the Virginia Blue Ridge Railway Trail was postponed.

County Attorney's Reports:

Deleted existing "a"
Added a new

- a. A resolution to instruct the County Administrator to examine the question of the feasibility of placing daily management of the County Animal Care and Control Center under the direction of the Amherst County Sheriff's Office.
- b. A resolution to instruct the County Administrator to provide updated information and options for future action relative to certain specific projects and other initiatives currently before the County.

Also the County Attorney wanted to add a closed session (§2.2-3711 (A)(7) of the Code of Virginia) to the agenda.

On motion of Mr. Campbell and with the following vote, the Agenda for October 19, 2010 was approved with changes.

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

IN RE: ZONING PUBLIC HEARING

2010-29 Request by Richard B. & Janet H. Wills for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a short term tourist rental. This parcel is located at 155 Winridge Drive and is further identified at tax map number 147-A-86.

Mr. J. Bryant presented the case with the addition of the following conditions:

- Prior to issuance of a zoning permit the applicant shall schedule a meeting with the Department of Public Safety to prove that the dwelling has a working, two-pound minimum, ABC rated, fire extinguisher located in a visible readily accessible area within the dwelling. Additionally, working smoke detectors shall be installed in each bedroom of the dwelling unit as well as one (1) on each floor (including the basement) outside of any bedrooms.
- Prior to issuance of a zoning permit the applicant shall schedule a meeting with the Planning/Zoning Department to show that the property boundary lines have been adequately marked.

Mr. F. Campbell asked if the building inspector had inspected the smoke alarms. Yes

Mr. Richard Wills was available for questions.

Ms. Tucker asked when the property was rented was it to one family and guests? Yes

Public Hearing opened

Proponents: Lois Ann Pfister, 855 Winesap Road, approved the request.

Opponents: None

BOARD OF SUPERVISORS' ACTION

On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors approved the request for a special exception in the A-1 Agricultural Residential District to allow short term tourist rental at 155 Winridge Drive and is further identified at tax map number 147-A-86 with the following recommended conditions:

- Prior to issuance of a zoning permit the applicant shall schedule a meeting with the Department of Public Safety to prove that the dwelling has a working, two-pound minimum, ABC rated, fire extinguisher located in a visible readily accessible area within the dwelling. Additionally, working smoke detectors shall be installed in each bedroom of the dwelling unit as well as one (1) on each floor (including the basement) outside of any bedrooms.
- Prior to issuance of a zoning permit the applicant shall schedule a meeting with the Planning/Zoning Department to show that the property boundary lines have been adequately marked.

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

NAY: None

IN RE: PUBLIC HEARING ON A PROPOSED CONVEYANCE OF A EASEMENT FOR INGRESS TO AND EGRESS FROM PROPERTY LOCATED ADJACENT TO THE VIRGINIA BLUE RIDGE RAILWAY

The public hearing was withdrawn until further notice.

IN RE: CORRESPONDENCE

- a. Monthly Activity Report – October 19, 2010
- b. Building, Safety & Inspections – September 2010
- c. Robert E. Lee Soil & Water Conservation District – July 22, 2010 & August 26, 2010
- d. VDOT Traffic Alert – October 11-15, 18-22, 2010

Information only

IN RE: STATUS OF THE BPOL TAX – LINDA BYERS

Ms. Byers was available with an update on information that she had obtained.

By consensus the Board stated that they would like to discuss this further at their next retreat in February as the time table was not possible for this year.

IN RE: FINANCIAL REPORT UPDATE

Ms. B. Campbell, Director, was available for questions. She stated that the auditor would be here November 8 to finalize the audit report and maybe they would have more information at that time.

Mr. Vandall and Mr. Campbell asked questions.

IN RE: COUNTY ADMINISTRATOR'S REPORTS

Tourism:

Ms. Tucker had sent an email explaining that she had talked with Ms. Nix from the Lynchburg Regional Chamber. She had informed her that money was not in the Tourism budget to participate in the Virginia State Travel Guide and was informed that they put the County in and would pick up our share of the cost. She wanted the Board to be aware of this and the Board directed that a letter of thanks be sent.

2006 Pierce Rescue Truck:

Mr. Lintecum brought the Board up to date on the progress of Monelison Fire & Rescue in regards to the payment for the purchase of the 2006 Pierce Rescue truck.

Organizational chart:

Mr. Lintecum presented the Board with an up to date County organizational chart.

Personnel issues:

Lee Day has been appointed Interim Director of Public Safety replacing John Boon who is retiring.

Sara Lu Christian has agreed to assume supervision of Holly Mills, the Director of the Museum.

Mr. Lintecum informed the Board that he had completed the evaluations of all department heads and they are in the process of evaluating those people who report to them. He informed the Board that he was trying to bring someone here so they can receive the training for personnel management.

IN RE: COUNTY ATTORNEY REPORTS

Ms. Bowyer informed the Board that more information was needed on the Panther Mountain agreement and she wanted to delete that section for her reports.

She also wanted to add two (2) other reports:

- a. A resolution to instruct the County Administrator to examine the question of the feasibility of placing daily management of the County Animal Care and Control Center under the direction of the Amherst County Sheriff's Office.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST:

That the County Administrator is instructed to examine the question of placing daily management of the Amherst County Animal Care and Control Center under the direction of the Amherst County Sheriff's Office as follows:

WHEREAS, the Board of Supervisors recognizes the critical importance of the services provided by the County's Animal Care and Control Center (hereafter, "Center") to the County's homeless and abandoned companion animals; and

WHEREAS, the Board also recognizes the Center's severe staffing constraints; and

WHEREAS, the Board also recognizes the significant tasks facing the Center given the number of abandoned and homeless animals sheltered by the Center on any given day; and

WHEREAS, the Amherst County Sheriff's Office already has rendered important assistance to the Center by placing responsible trustees with the Center to support its daily operation; and

WHEREAS, the Amherst County Sheriff's Office is amendable to considering the possibility of its direct management of the Center.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST:

That the County Administrator is instructed to examine the question of the feasibility of, and process for accomplishing, placement of the daily management of the Center under the direction of the Amherst County Sheriff's Office. Such examination shall proceed by communicating with other jurisdictions which utilize similar management schemes and otherwise examining the management structures of other local governments, consulting with affected County staff and with the Sheriff's Office, identifying all implications of the change in the Center's daily management and otherwise examining issues impacting such a change in management.

BE IT FURTHER RESOLVED that the County Administrator is instructed to report on the status of his response to this resolution at the first meeting of the Board in November, 2010 including specifically identifying (1) other Virginia localities that employ a similar management structure, (2) any changes to County Code or regulations he believes are necessary to effect the management change, (3) any outstanding legal questions that require advice from the County Attorney, (4) obstacles to implementing management change, and (5) any next steps necessary to effect management change.

That this resolution shall be in force and effect upon passage.

Ms. Bowyer explained that if this resolution was approved, another ordinance would have to be done and a public hearing held.

Mr. Vandall asked what brought this about.

It was explained that there were issues between the Humane Society and Animal Care.

Mr. Kidd said he had talked with the director and Sheriff and feels this would be in the best interest of the County.

Ms. Tucker made a motion to put this before the Board for their consideration and to be addressed at the November 2, 2010 meeting.

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

NAY: None

- b. A resolution to instruct the County Administrator to provide updated information and options for future action relative to certain specific projects and other initiatives currently before the County.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST that the County Administrator is instructed to provide detailed information with respect to various projects and initiatives now pending or underway in the County so as to facilitate full consideration of such projects and initiatives in the course of preparation and approval of the County budget, as follows:

WHEREAS, the Board of Supervisors recognizes the significant financial constraints now facing the County; and

WHEREAS, the Board considers its role as guardian and steward of the County finance essential to effective County operation; and

WHEREAS, there are pending in the County at least two significant projects that will have a financial impact on the County's revenues and expenditures; and

WHEREAS, the Board must have a full understanding of those projects so that it can factor the associated revenues and necessary expenditures accurately into County budget consideration; and

WHEREAS, the Board also requires a full understanding of other actual and potential initiatives and projects pending or expected to soon arise in the County so that it can factor the associated revenues and necessary expenditures accurately into County budget consideration; and

WHEREAS, the Board of Supervisors wishes to instruct its staff to provide specific information to allow the Board to gain a full understanding of those projects and other initiatives.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST that the County Administrator is instructed to provide the following information with respect to Riveredge Park, the Train Station, and the award of Community Development Block Grant (CDBG) monies: the current status of County action on those projects; the anticipated expenses the County will incur for each project over the coming five years; the anticipated revenues to the County from each project over the coming five years; the other non-monetary benefits expected to accrue to the County from each project over the next five years; any options before the Board relative to implementing the projects; and any other pertinent information.

BE IT FURTHER RESOLVED that the County Administrator is instructed to identify any other significant projects or initiatives now pending for consideration before the Board, or otherwise awaiting action prior to implementation or completion, and for each such project identify the current status of County action on the project; the anticipated expenses the County will incur for the project over the coming five years; the anticipated revenues to the County from the project over the coming five years; the other non-monetary benefits expected to accrue to the County over the next five years; any options before the Board relative to implementing the project or initiative; and any other pertinent information.

BE IT FURTHER RESOLVED that the County Administrator is instructed to report on the status of his response to this resolution at the first meeting of the Board in November, and to produce the requested information at the first meeting of the Board in December.

That this resolution shall be in force and effect upon passage.

Ms. Tucker made the motion to accept the above resolution.

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

NAY: None

IN RE: APPROPRIATIONS/TRANSFERS

The Animal Shelter request for appropriations was deleted.

On motion of Mr. F. Campbell and with the following vote, the Board approved the remaining as follows:

a. APPROPRIATIONS			
DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
SHERIFF'S DEPARTMENT			
31020	3004	Auto Repair – Ins	\$2,501.10
		(Insurance Claim)	
31020	1008	Traffic Enforcement P.T.	\$15,000.00
31020	1008	Traffic Enforcement F.T.	\$10,815.00
31020	1009	Clerical Salary	\$2,926.50
31020	2001	FICA	\$1,050.00
31020	2002	VRS	\$1,855.00
31020	2005	Health Insurance	\$2,391.00
31020	2017	Health Credit	\$26.00
31020	7005	Vehicle	\$1,950.00
16-33050	5804	DARE (Explorer Post)	\$1,500.00
		(Fine Revenue Money)	
31020	1007	Forest Patrol	\$4,125.00
31020	5501	Travel	\$43.81
33010	3001	Medical	\$570.42
31020	1010	Narcotics	\$74.76
31020	1013	ACHS Athletics	\$3,754.29
(Pass through revenue deposited with Treasurer)			
MAINTENANCE			
43020	5305	Auto Repairs	\$757.05
		(Insurance Claim)	
ANIMAL SHELTER			
35980	4003	Part-time Comp	\$17,000.00
35980	2004	FICA	\$1,800.00
35980	4004	Comp Shelter Manager	\$5,661.00
		(Unappropriated General Fund Balance)	
EMERGENCY SERVICES			
32070	1001	Comp – Deputy Director	\$10,182.00
32070	2001	FICA	\$779.00
(To increase allocation to accommodate additional pay for Mr. Day as interim for John Boon and to prepare for compensation of annual leave to John Boon when he retires.)			

b. TRANSFERS			
DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
TRANSFER FROM			
43020	5501	Travel	\$70.00
TRANSFER TO:			
43020	5801	Dues	\$70.00

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

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

Mr. R. Vandall: heard through the grapevine that the County would be receiving a million dollars from the Feds and he wanted the County Administrator and County Attorney to check into this to see whether there is a requirement that it be appropriated to the schools and what it can be used for.

Mr. R. Curd: Emergency Service Council meeting spoke on topic of insurance and wanted to know if there could be savings and wants to be placed on bid list and they were working on operational guidelines.

Mr. F. Campbell: how matters come up and do not get any more information about them
Phelps Road school – wants it monitored and keep the Board informed at every meeting.

Ms. Page – miscommunication – wants things fix so this does not happen again. He does not like people coming to meetings and tells us about problems like this. Rental inspections are another problem – we adopted new language but every time he asked the building official he tells him that there is no way to keep track of rental property. He has made the suggestion that something like the Commission of Revenue personal property where you have to mark the box if it's personal or business that something like that could be used for rental property.

Mr. Kidd: things these are things to be discussed at retreat meeting

Ms. Tucker: someone needs to be checking of this and keep Ms. Page informed of anything that could be done.

Ms. Bowyer thinks this would be an administrative matter at this time.

Mr. Lintecum is suppose to check on this.

Mr. Kidd mentioned a letter from the President of the Humane Society. Also the people that were interested in the softball field at the old Madison Heights school that came to the meeting at Temperance had there been any more follow up. Mr. Lintecum replied that the Recreation Dept was supposed to be handling this.

Train Depot – where do we stand on this. Mr. Lintecum replied that they were trying to get information on the financial liability. Mr. Kidd wanted to know of any meetings with train depot management. Mr. Lintecum replied none that he knowed of. The grant had not been accepted and would not be until he could find out about the matching funds that would be needed.

Ms. C. Tucker also inquired about the issue of giving local businesses a preference in rating their bids for goods or services. Ms. Bowyer explained that this is not permissible under applicable State law. Ms. Bowyer asked whether Ms. Tucker needed a written opinion on the question; Ms. Tucker replied that a written opinion is not necessary.

IN RE: CLOSED SESSION

Mr. R. Vandall moved that the Amherst County Board of Supervisors convene in closed session pursuant to the exemption at § 2.2-3711.A.7 of the Code of Virginia, to consult with the County Attorney regarding specific legal matters pertaining to compensation of personnel for overtime house and utilization of legal services which matters require the provision of legal advice by legal counsel.

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

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

NAY: None

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

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

NAY: None

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

Mr. D. Kidd	AYE
Ms. C. Tucker	AYE

Mr. R. Vandall	AYE
Mr. R. Curd	AYE
Mr. F. Campbell	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: ADJOURNMENT

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

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

NAY: None

Donald W. Kidd, Chairman
Amherst County Board of Supervisors

C. Lee Lintecum, County Administrator