

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 21st day of December, 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. F. Campbell

ABSENT: Mr. R. Curd

Mr. D. Kidd, Chairman, called the meeting to order.

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

IN RE: CITIZEN COMMENTS

Hazel Childrey, 109 Sixth Street, Madison Heights, VA 24572, requested the Board to waive the \$300.00 fee for a variance application.

Helen J. Camden, 419 Main Street, Madison Heights, VA 24572, requested the Board to waive the \$300.00 fee for a variance application and asked that the decision be made that night.

Elizabeth Riggs, Rockhill Road, Madison Heights, spoke in favor of Ms. Childrey's and Ms. Camden's requests.

There were no other citizen comments.

IN RE: APPROVAL OF AGENDA

Mr. Lintecum informed the Board that the County Attorney section of the agenda needed to add a 'd.' Update of Federal mandates on signs and a closed session §2.2-3711.A.7 legal needed to be added to the agenda.

On motion of Mr. Campbell and with the following vote, the Board approved the following agenda:

**AGENDA
TUESDAY, DECEMBER 21, 2010
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
SCHOOL BOARD MEETING ROOM
7:30 P.M.**

- Call to Order
- II. Invocation and Pledge of Allegiance
- III. Citizen Comments
 - a. Hazel Childrey
 - b. Helen Janice Camden
- IV. Approval of Agenda
- V. Zoning Public Hearings
 - a. 2010-24 Marjorie A. Maddox
- VI. Public Hearings
 - a. County Code relating to signs
 - b. Deed of Easement for Ingress and Egress
- VII. Special Appearance and Presentations
 - a. Kelly Hitchcock, CDBG Report
- VIII. Consent Agenda
 - a. Resolution requesting addition of Izaak Walton Road and Dale Avenue located in Izaak Trace Subdivision into the VDOT secondary street system.

- b. Resolution requesting addition of Samson Way and Dale Drive located in Izaak Trace Subdivision into the VDOT secondary street system
- IX. Correspondence
 - a. Monthly Activity Report – December 21, 2010
 - b. Letter of Resignation from Eldon Cox, EDA
 - c. Letter from George Banton – Amherst County Board of Zoning Appeals
 - d. Memo regarding logo for Amherst County's Sesquicentennial
 - e. Amherst County Parks, Recreation and Cultural Development Board meeting – November 8, 2010
 - f. VDOT Traffic Alert – November 30, 2010 & December 7, 2010
- X. Department Reports
 - Accounting Department
 - a. Financial Update
 - b. Riveredge Park
 - Treasurer
 - a. Accrual Leave – Evelyn Martin
 - Building Safety and Inspections
 - a. Monthly Report for November 2010
- XI. County Administrator's Reports
 - a. Animal Shelter
 - b. Regional Economic Development Plan
- XII. County Attorney's Reports
 - a. Amherst Train Depot Report
 - b. Resolution relating to the payment of a three percent bonus to employees of the Commonwealth in 2011.
 - c. Ordinance relating to the sign provisions contained in the County Zoning ordinance.
- XIII. Appropriation/Transfers/Disbursements
- XIV. Matters from Members of the Board of Supervisors
- XV. Closed Meeting (§2.2-3711.A, Code of Virginia, as amended)
- XVI. Adjourn

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

NAY: None

IN RE: ZONING PUBLIC HEARING

2010-24 Request by Marjorie A. Maddox for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow a tattoo and body piercing salon. The parcel is located at 4124 South Amherst Highway, and further identified as tax map number 148-A-24

Mr. Jeremy Bryant, Planning Director, proceeded to explain the request for a special exception for a tattoo shop only. The body piercing salon is not allowed at this time.

The planning commission approved the request with the following conditions:

1. Hours of operation: Monday-Saturday 12 Noon – 10 P>M>; Closed on Sunday
2. Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
3. Applicant will be required to meet the provisions of the Amherst County Landscaping Ordinance. A landscaping plan shall be submitted to the Zoning Administrator prior to the approval of a zoning permit. The plantings shall be installed no later than the spring of 2011.
4. The sign shall be lowered to be in compliance with the Amherst County Sign Ordinance.
5. The request is only for the tattoo establishment and does not include body piercing.

Mr. Vandall asked that the letters from the owners should have signatures notarized.

Proponents: Marjorie A. Maddox is the person requesting the special exception. She explained about how she ran her shops.

Mr. Joe King, 283 Tusculum Lane West, Amherst, VA 24521, Dianne M. King and Margaret Gill, are the owners of the property. They were in support of Ms. Maddox.

Opponents: None

Board of Supervisors: On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors approved the issuance of a special exception permit to authorize operation of a tattoo salon in the B-2 General Commercial District to allow a tattoo salon with the following modified staff conditions as approved by the Planning Commission and the applicant's submission to the Zoning Administrator of notarized letters from Dianne Martin King and Margaret Martin Gill confirming that J. W. King II, as signature authority..

1. Hours of operation: Monday – Saturday 12 Noon – 10 P.M.; Closed on Sunday
2. Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
3. Applicant will be required to plant six (6) shrubs in the front yard of the structure in accordance with Section 1610, *Suggested trees, shrubs and flowers*. A landscaping plan shall be submitted to the Zoning Administrator prior to the approval of a zoning permit indicating the location of the six (6) shrubs. The plantings shall be installed no later than the spring of 2011.
4. The sign shall be lowered to be in compliance with the Amherst County Sign Ordinance.
5. The request is only for the tattoo establishment and does not include body piercing.
6. The building shall be in compliance with all regulations from the 2006 Virginia Construction Code that regulates change of occupancy (Section 3409, Accessibility for Existing Buildings).

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: PUBLIC HEARING – COUNTY CODE RELATING TO SIGNS

The Chairman, Don Kidd, turned the meeting over to the County Attorney, Ellen Bowyer. Ms. Bowyer proceeded to highlight the changes she had made to the county sign ordinance.

Elizabeth Riggs and Leon Parrish both had questions for the Board regarding the church signs.

There was no opposition to the ordinance.

On motion of Mr. Vandall and with the following vote, the Board approved the following sign ordinance.

An ordinance, to amend and reordain sections 302, 701.03, 702.03, 703.03, 706.03, 707.03, 708.03, 907.01, 907.02, 907.03, 907.04, 1003.03, and 1009.02, in Appendix A to the Code of the County of Amherst, relating to signs, for the purposes of modifying the requirements applicable to signs erected by or on behalf of religious assemblies or religious institutions, modifying the requirements applicable to temporary signs, and making other amendments to clarify existing statutory provisions.

Approved as to form and legality
by the County Attorney

PUBLIC HEARING: Planning Commission: November 4, 2010

PUBLIC HEARING: Board of Supervisors December 21, 2010

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That § 302, Specific Definitions, in Appendix A to the Code of the County of Amherst be and hereby is amended and reordained by adding therein the following definitions:

302.107.2. Religious *assembly*. A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp. A use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities.

302.107.3. Religious institution. A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, play-ground, cemetery.

§ 2. That §§ 701.03, 702.03, 703.03, 706.03, 707.03, and 708.03 in Appendix A to the Code of the County of Amherst be and hereby are amended and reordained as follows:

701.03 Special exceptions.

1. Jail.
2. Landfill.
3. ~~Off site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

702.03. Special exceptions (A-1 zone).

1. Public entertainment.
2. Schools.
3. Saw mills.
4. Pallet manufacturing.
5. Wood yards.
6. Feed mills.
7. Truck business.
8. Churches and related facilities.
9. Signs as provided in Section 907.
10. Planned unit developments.
11. Short-term tourist rental of dwelling.
12. Machinery sales and service.
13. Storage of biosolids as provided in Section 917.
14. Mineral extraction per Section 910.
15. Small wind energy systems as provided in Section 918.
16. Substance abuse treatment facility.
17. ~~Off site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

703.03. Special exceptions:

1. Churches.
2. Public schools.
3. Cemeteries, private or church.
4. Emergency services.
5. Homes for aged.
6. Two-family dwelling which has an outward appearance of a single-family dwelling.
7. Private clubs having facilities such as golf courses, tennis courts and swimming pools.
8. Planned unit developments.
9. Short-term tourist rental of dwelling.
10. Wireless communication facilities in which an antenna array and supporting equipment are placed on a freestanding, non-residential structure or tower other than those listed in Section 703.02(6.) above, provided that the requirements of Section 914 are met.
11. Neighborhood entrance signs.
12. ~~Off site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

706.03. Special exceptions:

1. Signs for uses not specified in the permitted use section and as provided for in Section 907.
2. Cemeteries.
3. Private clubs.
4. Civic organization meeting facilities.
5. Parks and recreational facilities where land is owned privately.
6. Professional offices.
7. Restaurants.
8. Manufactured homes.
9. Dual use structure limited to a single-family dwelling use and a business use.
10. Nursing homes and assisted living facilities.

11. Machine shops.
12. Short-term tourist rental of dwelling.
13. ~~Off site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.
14. Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.
15. Automobile service stations as provided in Section 902 herein.
16. Day care centers.
17. Farm machinery display, sales and services.
18. Taxidermy.
19. Retail nurseries and greenhouses.
20. Museum.
21. Bed and breakfast.

707.03. Special Exceptions.

1. Bulk storage and sale of sand, gravel and rock;
2. Automobile sales, used;
3. Building and excavating contractor facilities with outside storage;
4. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
5. Building materials dealer, not including handling of bulk materials such as sand and gravel;
6. Farm machinery display, sales and services;
7. Machinery sales and services;
8. Arenas, auditoriums or stadiums;
9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building;
10. Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building;
11. Adult entertainment establishments in accordance with Section 915;
12. Tattoo establishments;
13. Auction house;
14. Self-service mini-storage and warehouse facilities;
15. Travel trailer sales;
16. Display of and sale of wholesale and retail modular homes;
17. Small wind energy systems as provided in Section 918;
18. Substance abuse treatment facility;
19. Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.
20. ~~Off site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

708.03. Special exceptions:

1. Salvage yards;
2. Quarries;

3. Paper mills;
4. Wholesale and retail modular homes;
5. Small wind energy systems as provided in Section 918;
6. ~~Off-site directional signs, per Section 907.04(2)(b).~~ Off-site directional signs compliant with the requirements of Section 907.04.

§ 3. That §§ 907.01, 907.02, 907.03, 907.04, 1003.03, and 1009.02 in Appendix A to the Code of the County of Amherst be and hereby are amended and reordained as follows:

907.01. Intent. ~~Section 907 of the zoning ordinance shall be designated the sign ordinance. The intent of this ordinance the sign ordinance is to allow authorize signs that do not compromise public health, welfare, and safety, and to allow signs that which create a more attractive business climate and protect the natural beauty of the county. Therefore these regulations should prevent signage~~ Signage that by reason of its location, size, number or manner of display endanger endangers the public, or obstruct obstructs views of scenic beauty, or detract detracts from the neighborhood and surrounding area shall not be authorized under the County's permitting process.

907.02. General Requirements.

a. All signs unless otherwise specified herein, in the sign ordinance are subject to the permitting procedure required in Section 1003 of this the zoning ordinance.

b. Applications for a zoning permit for a sign shall be accompanied by a minor site plan and shall be accompanied by a \$75.00 fee as provided in Section 1009.03 of the zoning ordinance, except that applications submitted by or on behalf of a religious assembly or religious institution for a sign not exempted from regulation pursuant to subsection 8 of section 907.03 may be accompanied by a sketch or narrative describing the proposed locations, sizes, and content of such signs, and shall be accompanied by a \$25.00 fee.

c. The board of supervisors may require as a condition of permitting certain off-site directional signs that such signs not be visible from surrounding residences.

d. All signs, whether permanent or temporary, shall comply with the applicable requirements of the county County building code and any regulations promulgated by the Virginia Department of Transportation.

~~Prohibited signs shall include the following types:~~

e. The following signs shall not be permitted:

1. ~~Portable signs with an area larger than thirty-two (32) square feet. All portable signs may be displayed on the same property for a period of no more than thirty (30) days each year.~~
2. Signs attached to a roof.
3. Signs that obstruct the ability to see oncoming motor vehicle traffic at any intersection or entrance to a property.

907.03. Exempt signs. The following signs are permitted and exempt from the zoning and building permit process. These signs shall conform to all other applicable standards stated in this ordinance: established pursuant to the sign ordinance except as otherwise provided in this ordinance.

1. Real estate signs not exceeding six (6) square feet in area for residential properties or thirty-two (32) square feet in area for commercial properties. Only two (2) such signs are allowed per parcel.
2. Political campaign signs.
3. Identification and or address signs, not exceeding two (2) square feet in area.
4. Construction signs pertaining to on-site activity that do not exceed thirty-two (32) square feet in area.
5. Nonilluminated, nonportable church identification signs identifying religious assemblies or religious institutions, which signs (i) are affixed to the site at which the assembly or institution is located, and (ii) do not exceed not exceeding thirty-two (32) square feet in area.
6. In agricultural areas, non-illuminated signs that advertise products which have been produced on the premises from on-site resources, which signs (i) are affixed to said premises, and (ii) do not exceed not exceeding thirty-two (32) square feet in area.

7. On-Site Directional signs.

a. One (1) for each on-site intersection requiring visual prompting. All directional signs are limited to a maximum width of eighteen (18) inches and a maximum height of forty-two (42) inches.

b. Temporary non-commercial signs that which: (i) describe a specific event or activity; (ii) are displayed for up to no more than thirty (30) days in any given 12-month period; and (iii) do not exceed eighteen (18) inches in width and a maximum height of forty-two (42) inches in height.

8. Off-site directional signs which: (i) are no larger than four square feet in total area; (ii) do not rise more than four feet above the ground; (iii) contain the name, address or other descriptive information for a religious assembly or religious institution and are erected to guide people to that religious assembly or religious institution; (iv) are located outside the public right of way and any public utility easement; (v) are spaced at least 300 feet from one another; and (vi) appear once on any given street. The provisions of this subsection shall not be construed as authorizing the placement of any such signs on private property where the property owner has not consented to such placement. Any dispute as to such consent shall be resolved through dispositive evidence of written consent produced by the party seeking to erect the sign.

907.04. *Standards.*

All signs erected in the County of Amherst shall comply with the following standards, except as otherwise provided in the sign ordinance.

1. *Illumination:*

a. Any illumination of signs shall be done in such a manner that no light is reflected or is apparent beyond the sign structure itself.

2. *Setbacks and other:*

a. *Generally.* The following setback requirements notwithstanding, all signs or support structures shall not impair or jeopardize adequate sight distance of traffic movement.

~~b. *Off site directional signs.* No portion of an off site directional sign shall be located closer than eight (8) feet from the right of way of any public road and must be located outside of a public utility easement. Off site directional signs shall be spaced a minimum three hundred (300) feet from each other regardless of the location. Off site directional signs are limited to a maximum height of six (6) feet. Church and civic signs may not exceed eight (8) square feet in total area; any other use(s) other than church and civic signs must be located at an intersection of two (2) or more public streets and may not exceed two (2) square feet in total area. Such signs shall be allowed only if a special exception for that sign has been granted. Conditions which may be placed on off site directional signs may include, but not be limited to the following: The board of supervisors may require that such signs not be visible from surrounding residences or residential districts.~~

~~e. b. *Front yard.* No portion of a sign shall be located closer than eight (8) feet from the right-of-way of any public road. For the purpose of this sign ordinance, these standards this standard shall be applicable to both frontages on corner lots.~~

~~d. c. *Side yard.* No portion of a sign shall be located closer than five (5) feet from a side property line.~~

~~e. d. *Rear yard.* No portion of a sign shall be located closer than five (5) feet from a side property line.~~

~~f. 3. *Number of signs.* This section shall not apply to signs regulated by the exempt sign section of this ordinance. A property may have one on site freestanding sign for every public road it fronts on. Excepting those signs exempted pursuant to section 907.03, there may be erected upon a given property no more than one on-site freestanding sign for every public road contiguous to that property.~~

~~g. 4. *Area.*~~

~~a. *All signs* On-site signs shall have a maximum area of not exceed two hundred (200) square feet in total area. On-site, nonattached sign area is determined by multiplying the width of the property along the frontage in feet by 0.5. Attached signs may cover a maximum of twenty (20) percent of the view of the structure to which it is attached.~~

~~b. *Off-site directional signs identifying a religious assembly or religious institution, which are not exempted from regulation pursuant to subsection 8 of section 907.03, shall not exceed eight (8) square feet in total area.*~~

~~c. *Off-site directional signs identifying a civic organization shall not exceed eight (8) square feet in total area.*~~

~~d. *Off-site directional signs identifying any organization other than a religious assembly or religious institution, or civic organization, shall not exceed two square feet in total area.*~~

~~h. 5. *Height.*~~

~~Attached a. *On-site attached signs shall not extend above the eaves of the roof and shall not project above the height of the roof peak of the principal on-site building.*~~

~~b. *The maximum allowable height of freestanding signs shall be defined by a plane that extends from the setback line at a height of six (6) feet to the eaves of the principal building on-site.*~~

~~c. *Off-site directional signs shall not exceed six (6) feet in height.*~~

6. *Location.*

a. No portion of any sign, except those exempted from regulation pursuant to subsection 8 of section 907.03, shall be located within eight (8) feet of the right-of-way of any public road.

b. No portion of any sign shall be located in a public utility easement.

c. An off-site directional sign identifying any organization other than a religious assembly or religious institution, or civic organization shall not be located at any place other than the intersection of two or more public streets.

d. Off-site directional signs shall be spaced at least 300 feet from one another.

1003.03. *Application procedures for special exception.* Applications for a zoning permit for a special exception shall be submitted to the zoning administrator, who shall refer the application to board of supervisors for a public hearing. Applications for zoning permits for special exceptions must be submitted in accordance with the following procedures:

1. An application shall be accompanied by site plan documentation as required under Article XI hereunder.

2. The application shall be sent to the commission and the board of supervisors following the commission's recommendation. The commission shall have one hundred (100) days within which to review and submit a recommendation to the board of supervisors, except that the commission shall, within 90 calendar days of the date the application is filed with the zoning administrator, complete its review of, and submit to the board of supervisors its recommendation regarding, any application filed by or on behalf of a religious assembly or religious institution for a special exception permit for one or more off-site directional signs subject to the requirements contained in sections 907.02 and 907.04 of the sign ordinance. The commission shall hold a public hearing on the application for

a special exception in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. If the commission fails to submit a report within ~~a one hundred day~~ the applicable 100-day or 90-day period, it shall be deemed to have approved the proposed special exception.

3. The board of supervisors shall consider the proposed special exception after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed special exception within twelve (12) months from the date of the public hearing, except that the board of supervisors shall, within 90 days of the date the commission's recommendation is filed with the board of supervisors, take action on any application filed by or on behalf of a religious assembly or religious institution for a special exception permit for one or more off-site directional signs subject to the requirements contained in sections 907.02 and 907.04 of the sign ordinance.

4. In addition to the specific requirements for special exceptions as specified in this article, the board of supervisors shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the county's comprehensive plan and/or this article;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- c. Will not be hazardous or disturbing to existing or future neighboring uses;
- d. ~~Will~~ If applicable, will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- e. Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;
- f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or water pollution;
- g. ~~Will~~ If applicable, will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads; and
- h. Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

5. ~~Conditions set forth above and in Article XI for the various special exceptions are minimum.~~ This section and Article XI of the zoning ordinance establish the minimum conditions for approval of a proposed special exception. In approving a proposed special exception, the board of supervisors may stipulate such additional requirements as are necessary to the public interest. The board of supervisors may require the applicant to furnish a performance bond in an amount sufficient for, and conditional upon, the fulfilling of any and all conditions and requirements stipulated by the respective board.

6. If the board of supervisors approves the application for a zoning permit for a proposed special exception, the zoning administrator shall issue a zoning permit in accordance with paragraph 1003.02 herein, indicating the special nature of the use.

7. If the board of supervisors disapproves the application for a zoning permit for a proposed special exception, the board of supervisors shall inform the applicant of the decision in writing within sixty (60) days from the date of the public hearing, stating the reasons for disapproval, except that any such disapproval of an application for a zoning permit for a proposed special exception for one or more off-site directional signs filed by or on behalf of a religious assembly or religious institution shall be communicated to the applicant no later than 20 days after the date of the public hearing held to consider such application. The zoning administrator shall retain one (1) copy of the site plan and two (2) copies of the refusal, and keep them as a public record.

8. A property owner, or his appointed agent, shall not initiate action for zoning permit relating to the same special exception affecting the same parcel of land more often than once every twelve (12) months.

9. Prior to an expansion of an approved special exception, the owner, or his agent, must submit an application for an amended zoning permit for a special exception, in accordance with the special exception provisions herein, whenever the cumulative expansion, or expansions, exceeds twenty-five (25) percent in the aggregate of floor area of the structure, or use, originally approved for the current special exception.

1009.02. Special exceptions, zoning amendments, administrative reviews and variances. Applications for special exceptions and zoning amendments for consideration by the board of supervisors and applications for administrative reviews, variances and other appropriate applications for considerations by the board of appeals shall be accompanied by a ~~sum~~ fee of three hundred dollars (\$300.00), except that such applications filed by or on behalf of a religious assembly or religious institution shall be accompanied by a fee of one hundred dollars (\$100.00).

§4. That this ordinance shall be in force and effect upon adoption.

§5. That any fee assessed against a religious assembly or religious institution within 90 days of the effective date of this ordinance, pursuant to any section amended by this ordinance, shall be reimbursed to the extent such fee exceeds the fees established in this ordinance.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: DEED OF EASEMENT FOR INGRESS AND EGRESS – BLUE RIDGE TRAIL

A public hearing was scheduled for December 21, 2010 at 7:00 p.m. on the proposed conveyance of a perpetual, non-exclusive easement for ingress to and egress from property located adjacent to the Virginia Blue Ridge Railway Trail, such easement being 35 feet in width, with its center being located approximately 725 feet west of the Tye River Bridge, and where an existing private road crosses the Trail.

On motion of Mr. Vandall and with the following vote, the Board directed the County Administrator to clarify the easement and readvertise for the second meeting in January 2011.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: CDBG GRANT

Kelly Hitchcock, Regional 2000, was present to bring the Board up to date on the CDBG grant for Old Madison Heights.

IN RE: RESOLUTION TO EXPRESS THE REQUEST BY THE BOARD OF SUPERVISORS OF AMHERST COUNTY THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION TAKE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS THE STREETS DESCRIBED ON THE ATTACHED ADDITIONS FORM AM-4.3, PURSUANT TO §33.1-229, CODE OF VIRGINIA, AND IN ACCORDANCE WITH THE DEPARTMENT'S SUBDIVISION STREET REQUIREMENTS

On motion of Mr. Vandall and with the following vote, the Board of Supervisors of Amherst County hereby requests that the Virginia Department of Transportation (hereafter, "Department") takes certain subdivision streets into the secondary system of state highways, and approves the Department's action thereto, as follows:

WHEREAS, §33.1-229 of the Code of Virginia provides authority for the Department to add new streets to the secondary system of state highways from time to time as public safety or convenience may require; and

WHEREAS, the governing body of a County must approve the Department Commissioner's actions in this regard; and

WHEREAS, the streets in the Izaak Trace subdivision described on Additions Form AM-4.3 (hereafter, "Streets"), which form is attached hereto and fully incorporated herein as Exhibit A to this Resolution, are shown on a plat entitled "Plat Showing Izaak Trace Subdivision" (hereafter "Plat"), which Plat was approved by the County Planning Director on June 20, 2008; and

WHEREAS, that Plat, a copy of which is attached hereto and fully incorporated herein as Exhibit B to this Resolution, was recorded on June 26, 2008 and can be found in the land records on file at the Circuit Court for the County of Amherst at Deed Book 1116, page 655; and

WHEREAS, fee simple title to the Streets vested in the County upon recordation of the plat pursuant to Virginia Code Ann. § 15.2-2265; and

WHEREAS, the County Planning Director has advised the Board of Supervisors that the Streets as shown on that Plat are fifty (50) feet wide, have a twenty (20) foot wide public utility easement on each side of each Street, and have associated with them all other necessary slope and drainage easements; and

WHEREAS, the Area Land Use Engineer for the Department has advised the Board of Supervisors that the Streets meet the requirements established by the Department's Subdivision Street Requirements; and

WHEREAS, the Board of Supervisors as the governing body of Amherst County wishes to request and approve the addition of these streets to the secondary system of state highways.

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

That the Board of Supervisors hereby requests that the Department take the Streets described on the Additions Form AM-4.3 attached as Exhibit A to this Resolution into the secondary system of state highways, and hereby gives its approval to such action pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way through and across the Streets, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, that the County Administrator is instructed to send a certified copy of this resolution to the Department's Area Land Use Engineer.

This resolution shall be in force and effect upon passage.

EXHIBIT A

In the County of Amherst by resolution of the governing body adopted December 21, 2010 the following VDOT Form Am-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Izaak Trace Subdivision

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Status: §33.1-229

Street Name and/or Route Number

♦ Samson Way, State Route Number 1176

Old Route Number: 0

• From: Int. Route 663 (Izaak Walton Rd)

To: 0.45 Miles SE Rte. 663 to Int. Route 1177 (Dale Avenue), a distance of: 0.45 miles

Recordation Reference: PC #1 Slide #1-219

Right of Way width (feet) = 50

Street Name and/or Route Number

♦ Samson Way, State Route Number 1176

Old Route Number: 0

- From: Int. route 1177 (Dale Avenue)
To: 0.05 Miles SE Int. Route 1177 (Dale Avenue) to cul-de-sac, a distance of: 0.05 miles.
Recordation Reference: PC #1 Slide #1-219
Right of Way width (feet) = 50

Street Name and/or Route Number

- ♦ Dale Avenue, State Route Number 1177
Old Route Number: 0
-

- From: Int. Route 663 (Izaak Walton Rd)
To: 0.17 miles E. Route 663 to Int. Route 1176 (Samson Way), a distance of: 0.17 miles.
Recordation Reference: PC #1 Slide #1-219
Right of Way width (feet) = 50

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

IN RE: CORRESPONDENCE

- Monthly Activity Report – December 21 2010
- Letter of Resignation from Eldon Cox EDA
- Letter from George Banton – Amherst County Board of Zoning Appeals
- Memo regarding logo for Amherst County's Sesquicentennial
- Amherst County Parks, Recreation and Cultural Development Board meeting November 8, 2010
- VDOT Traffic Alert – November 30, 2010 and December 7, 2010

IN RE: RECOMMENDATION OF APPOINTMENT TO THE BOARD OF ZONING APPEALS

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors of Amherst County approved the recommendation to the Circuit Court Judges, the reappointment of Mr. George R. Banton, P.O. Box 1214 Amherst, Virginia 24521, to the Amherst County Board of Zoning Appeals representing District 1 for a five (5) year term that will expire February 3, 2016.

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

IN RE: RESIGNATION FROM MR. ELTON COX FROM THE EDA

On motion of Ms. Tucker, the Board directed Mr. Lintecum to write a letter to Mr. Cox thanking him for his time and energy serving on the EDA.

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

IN RE: FINANCIAL UPDATE

Ms. Brenda Campbell, Director of Central Accounting, was to present to update the Board on the November 2010 financial report.

- Interest earned on bank deposits seems to be on a downward spiral. In preparing the 2011 budget, the interest forecast wasn't promising, and a substantial reduction was incorporated for this account. However, it was anticipated the County would receive approximately \$8,000 per month, giving

an overall budget of \$100,000. In looking over the past months, interest earned is around half of the \$8,000 or less. In speaking with the Treasurer, the current rate of interest has declined to .025%.

- Local Sales Tax is up slightly from those for the same period of time last year. Last year, sales tax was around \$190,000 during the first several months of 2009; FY11 revenues are in the \$200,000, an increase of \$10,000 in revenue over last year.
- Building permits in comparison to last year for the same time period, totaled \$126,000 (July – November 2009); totals for FY11 (July – November 2010) are \$33,000.00.

A comparison in real estate and personal property taxes will be provided in December. It is hoped the comparison will show revenue comparable or greater than last year's.

The Board directed Mr. Lintecum to follow up with the Treasurer on bank proposals for meeting in January 2011.

IN RE: RIVEREDGE PARK MONTHLY REPORT

Information was presented from Ms. Campbell to Mr. Lintecum December 14, 2010.

The last reimbursement was submitted and filed on April 2010. Expenditures included costs associated with engineering from AECOM and costs from the Bureau of Capital Outlay Management. Currently Ms. Campbell has other expenditures to submit, however she was waiting until the State completes a reconciliation of grant funding.

In May and June 2010, a joint meeting between County personnel, AECOM and State representatives, was held to gain an insight of grant balances. It was her understanding, they were waiting to hear from Mr. William Dandridge as to how to proceed, and the level of funding available for this project.

IN RE: ACCRUAL LEAVE – EVELYN MARTIN

There was a request from Ms. Martin for the payment of her thirty six (36) days of annual leave that she had accumulated before her election as County Treasurer.

On motion of Mr. R. Vandall and with the following vote, the Board approved the payment for the thirty six (36) days and the appropriation of \$4,792.50 to 12130-1006 – Comp – Deputy Treasurer from the unappropriated General Fund balance.

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

IN RE: BUILDING SAFETY AND INSPECTIONS MONTHLY REPORT FOR NOVEMBER 2010

For the Board of Supervisors information.

IN RE: ANIMAL SHELTER

There was a meeting with the Sheriff and the Sheriff with the Humane Society regarding the Sheriff's assuming the responsibilities of the shelter. The Sheriff will provide trustees to the Animal Shelter and the Humane Society. He will be ordering a different uniform for the Trustees so as not to alarm visitors to the shelter. The Sheriff also volunteered to be responsible for the grounds as well

On motion of Mr. D. Kidd and with the following vote, the Board instructed the County Administrator to prepare a memorandum of understanding governing the transfer of supervisory authority for the Animal Care Center from the Deputy County Administrator to the County Sheriff, which MOU should be approved as to form by the County Attorney and should be presented to the Board for its review at its first meeting in January.

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

IN RE: REGIONAL ECONOMIC DEVELOPMENT PLAN

Mr. Lintecum reported that they were working with Region 2000 to develop a regional economic development plan. The major purpose is to allow localities to seek grants from the Economic Development Administration. As part of the plan, we have to submit economic development projects. The Economic Development Authority is working to develop these projects. He will have a list of projects for the Board of Supervisors to review at the January 4, 2011, Board of Supervisor's Meeting. The following are the goals and objectives under consideration and the submission format form.

PROPOSED REGIONAL ECONOMIC DEVELOPMENT PROJECTS

1. Start design stage of Coolwell Tank and connection of 12" water lines on Izaak Walton Road and at both ends of Coolwell Road.
2. Study the expansion of the Amelon Commerce Center to the East of the existing facility, utilizing the present entrance/exit roadway, waterline, sanitary sewer/pumping station.
3. Study of future capacity of the Town of Amherst wastewater treatment facility with regard to the addition of a wider gravity drainage collection system.
4. On/Off ramps at Izaak Walton Road and By-pass U.S. 29
5. Widen Old Stage Road from Sweet Briar Drive to entrance of Poplar Grove Golf Community.
6. Feasibility study to use County Lakes for tourism development.
7. Additional Industrial Parks/Business Parks study especially on the Route 210 area.

REGION 2000 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY**Region 2000 Comprehensive Economic Development Strategies Project Submission Form**

Name: _____

Organization representing: _____

Contact Information: _____

Instructions:

Please answer the following questions to best describe the project you are submitting for CEDS. Please describe in brief terms how the project meets CEDS goals and objectives.

DUE DATE: January 14, 2011.

Project Description (100 words or less describing the project, location, partnerships and impact):

How much regional Impact does the project create?

1. Directly creates jobs that pay (see footnote)
 - a. More than \$35,420 annually or \$17.03 hourly? (1 point)
 - b. More than \$47,765 annually or \$22.96 hourly? (1 additional point)
 - c. More than \$60,110 annually or \$28.90 hourly? (1 additional point)
2. Number of jobs created

- a. More than 25 jobs? (1 point)
 - b. More than 75 jobs? (1 additional point)
3. Creates basic jobs (a product or service that is exported out of our region, therefore the salaries and wages are “new” money in the local economy)? Briefly explain (1 point)

4. Directly provides education and/or training that will enhance our current and/or future workforce? Briefly explain. (1 point)

5. Improves infrastructure vital to economic development (water and sewer lines, treatment plants, roads, business parks, other) for:

- a. More than one jurisdiction? Briefly explain. (1 point)

- b. More than 2 jurisdictions? Briefly explain (1 additional point)

How “ready” is the project to implement?

1. Has the project gone through a planning stage and is described in an official company/ corporation/ municipal plan? Briefly explain. (1 point)

2. Has the project gone through a design stage?

- a. Has a preliminary design or organizational framework been developed? Briefly explain. (1 point)

- b. Has a final design or organization framework been completed? Briefly explain (1 additional point)

3. Does the project have funding commitment?

- a. 25% or more of total cost is in hand? (1 point)

- b. 50% or more of total is in hand? (1 additional point)

How well does the project relate to CEDS?

1. Meets one or more goals and/or objectives in CEDS
 - a. Project meets one goal or objective? (1 point)
 - b. Project meets two goals and/or objectives? (1 additional point)
 - c. Project meets three goals and/or objectives? (1 additional point)
2. Is EDA Eligible?
 - a. Project meets funding criteria of EDA? (1 point)
 - b. Project benefits a jurisdiction that meets EDA economic stress threshold" (1 point)
3. Advances innovation, entrepreneurship, STEM
 - a. Project is intended to train/educate in discipline vital for a sustainable economy? Briefly explain. (1 point)

- b. Project is intended to foster an environment that incubates or creates new business? Briefly explain. (1 point)

Footnote: 1 Wage source is Bureau of Labor Statistics, May 2009, Lynchburg MSA Occupational Employment and Wage Estimates. "a" is the main annual wage of all occupations, "b" is the halfway point between a and c, "c" is the average of STEM occupations i.e. Computer and Math Science, Architecture and Engineering, Life Physical and Social Science, Healthcare Practitioner and Technical Occupations. Jobs should be "full time equivalent" jobs.

Return to: Region 2000 Local Government Council
828 Main Street, 12th Floor
Lynchburg, VA 24504
gmassie@region2000.org

CEDS Goals and Objectives

1. **Develop and maintain a knowledge based workforce to meet the needs and opportunities of a 21st century innovation economy.**
 - 1.1. Create a culture in the region's K-12 schools using programs that improve literacy, enhance Science, Technology, Engineering and Math career interest, and prepare students for varied careers.
 - 1.2 Coordinate training opportunities with workforce needs to increase skills, abilities and knowledge of the existing workforce.
 - 1.3 Improve literacy and graduation rates.
 - 1.4 Promote cooperation and initiatives between local higher education institutions and local schools to improve K-12 educational quality.
 - 1.5. Promote technical education in schools and industry.
 - 1.6 Develop education programs to enhance basic work skills.
 - 1.7 Actively attract and retain young professionals to work in the region.

2. Develop and implement innovation led economic development (ILED) programs in Region 2000.

- 2.1 Recruit businesses and industries in high-wage, targeted industry clusters.
- 2.2 Retain and expand existing technology based businesses in the region.
- 2.3 Encourage regional economic diversity through innovation.
- 2.4 Promote a small and entrepreneurial business culture including increased access to capital.
- 2.5 Enhance and expand commercialization and technology transfer opportunities through support for the Center for Advanced Engineering and Research, targeted industry/university technology R & D and knowledge creation initiatives.

3. Ensure the region has well-planned, state-of-the-art infrastructure to facilitate the growth of high-wage industry clusters

- 3.1 Pursue development of appropriate commercial, industrial, and research-oriented parks and centers, including pursuing the establishment of a technology-based business research park.
- 3.2 Expand information infrastructure and telecommunications systems, especially in underserved areas.
- 3.3 Continue to develop water, wastewater, natural gas and other infrastructure to meet the needs of existing and planned residential, commercial and industrial growth and to underserved areas of the region.
- 3.4 Rehabilitate vacant, underutilized buildings and revitalize blighted and downtown areas.

4. Promote and enhance inter-regional transportation systems.

- 4.1 Support efforts to increase services at the Lynchburg Airport including monitoring and continuing to cultivate relationships with major airlines and other commercial operators who currently or could potentially serve the Lynchburg region and continue to examine regionalization of the airport facility.
- 4.2 Support efforts to increase services and infrastructure facilities at the Kemper Street Train station, including more frequent passenger train services to points east, west, north and south.
- 4.3 Support the ongoing development and management of the Rt. 29 corridor as a primary economic artery for the Commonwealth and promote the completion of the southern portion of the Lynchburg by-pass.
- 4.4 Promote the integration of community planning and development efforts with past, current and anticipated transportation investments.

5. Seek to maintain and promote the region's natural beauty, cultural amenities and tourism opportunities.

- 5.1 Promote efforts to expand and/or enhance outdoor and "quality of life" infrastructure and amenities while preserving the natural environment and beauty; expand recreation opportunities for residents and tourists.
- 5.2 Invest in arts and culture offerings that support travel and tourism, will enhance the quality of life for residents and will attract creative workers.
- 5.3 Promote alternative energy production and sustainable development practices.
- 5.4 Encourage the development of varied housing opportunities.

SWOT

In September the CEDS Strategy Committee participated in an exercise where Region 2000's strengths, weaknesses, opportunities and threats (SWOT) were subjectively identified. There were 42 somewhat distinct strengths identified and, coincidentally, 42 weaknesses identified. There were 27 opportunity ideas and 30 weaknesses. (See attachment 1)

The Strategy Committee voted for the most important ideas in the four SWOT categories. Each member had six votes to cast in each of the S, W, O and T categories. Voting six times for one idea was permissible as was casting one vote for six different ideas or any other combination. Region 2000 staff examined the ideas and grouped together those that were similar. For example within the Strength category, there were numerous ideas/comments that were all "quality of life" based. Under Threats, "funding" was a central theme. Once the groups were determined, the votes within each group were tallied. This enabled staff to determine where the most interest was. The "groupings," and their respective vote tallies, are provided in attachment 2.

The top vote groupings were as follows: Strengths - #1. Quality of life. #2. Education; Weaknesses - #1. Cultural environment. #2. Transportation in general; Opportunities - #1. Workforce development. #2. Air service improvement; Threats - #1. Funding. #2. Air Service.

Goals and Objectives

The next step was to draft goals and objectives to include in the CEDS. In using the SWOT method, goals are determined to be what we *aspire* to; they are futuristic in nature. Therefore, the goals are driven by the opportunities and threats. The objectives (the means to attaining the goals) are more driven by what we currently have to work with, our strengths and weaknesses. Based on the SWOT information described above, staff collectively drafted five goals and numerous objectives. This took place during a series of several meetings with much discussion. The goals and objectives will be reviewed for modifications and, ultimately, approved or not approved by the Strategy Committee in November. The draft goals and objectives are found in attachment 3.

Projects

Part of the CEDS process prescribed by the U.S. Economic Development Administration (EDA) is to develop a list of local and regional projects, programs and activities which will help us implement the goals and objectives. Our projects, programs and activities will come from multiple sources. At a minimum, input will be provided by the Strategy Committee, economic developers, economic development organizations, and local citizens. All projects, programs and activities must be prioritized per EDA requirements. Therefore, a ranking system has been developed by staff.

Considerable effort was expended to develop an objective ranking system; however, there is a degree of subjectivity inherent in this and most ranking schemes. First, it was decided that there existed three major issues particularly relevant to the purposes of the CEDS program. The issues that projects should be judged on are – 1, the project's regional impact, 2. The project's state of readiness, and 3, the project's relationship with the local CEDS.

Under each of these, there are between four and six criteria which are much more specific in defining what standards are used to determine how well a project addresses the larger issue. The descriptive statement for each criteria are intended to clarify if a project will be considered for points. In other words, upon reading the description, it should be clear whether or not the project is relevant.

If the project is relevant to the criteria, the next step determines the value or extent to which the project meets the criteria. The values articulate an amount or a yes/no response. If the project meets the minimum amount or has a positive response to the criteria, it gets a point. Points are then totaled, thus enabling a relative ranking of all projects. It is anticipated that several projects will receive the same score. It should be noted that no project will be excluded from the CEDS due to its score. The evaluation document is provided in attachment 4.

Project Solicitation and Ranking

Projects will be solicited from multiple sources. It is anticipated that most will come from the local economic developers and their respective economic developers and their respective economic

commissions. The project document will be distributed to all interested parties as the vehicle for project submission. This form will enable the staff and Strategy Committee to evaluate projects even handedly.

To facilitate the project evaluation process, a subcommittee from the Strategy Committee will be assembled. Approximately five members will be asked to help staff review the project evaluation document and score the projects. The results from this effort will be forwarded to the entire Strategy Committee for review and comment. It is desirable for the Strategy Committee to agree (by consensus) to the final results. These projects with the rankings will become part of the CEDS document.

The Board directed Mr. Lintecum to have list in order for 1st meeting in January.

IN RE: AMHERST TRAIN DEPOT REPORT

It was the consensus of the Board to extend action on this to the 1st meeting in January.

IN RE: RESOLUTION RELATING TO THE PAYMENT OF A THREE PERCENT BONUS TO EMPLOYEES OF THE COMMONWEALTH IN 2011

The County Attorney presented a resolution to express the sense of disappointment experienced by the Board of Supervisors of the County of Amherst at the Commonwealth's priorities as reflected in the award of a three percent bonus to its employees at a time when aid to localities has been severely reduced, and to express the Board's support for eliminating the payment of aid by localities to the Commonwealth.

Ms. Tucker had a problem with the resolution.

On motion of Mr. Vandall and with the following vote, the Board postponed action until the January 4, 2011 board meeting.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: APPROPRIATIONS/TRANSFERS

On motion of Mr. F. Campbell and with the following vote, the Board approved the following appropriations/transfers:

a. APPROPRIATIONS			
DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
Sheriff's Dept.			
31020	1007	Forest Patrol	\$1,525.00
31020	1013	ACHS – Athletics	\$2,718.16
33010	3001	Medical	\$128.77
31020	3004-100	Repairs – Auto Ins Recovery	\$3,808.05
		(Pass through revenue)	
Board of Supervisors			
41990	7010	MGT Fees	\$155.92
		(Unobligated General Fund)	
32070	1002	Over time	\$22,762.30
		(Unobligated General Fund)	
Registrar			
13020	7002	Equipment	\$700.00
		(Unobligated General Fund)	
EDA			
15020	39	Project Financing Annual Fees	\$7,844.00
15020	400	Rent – CMC Rebar	\$54,810.00
15500	101	Adoption – CTR Loan (Humane Society)	\$35,790.00
24020	100	Ren – CVCC	\$99,036.00

b. TRANSFERS			
DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
Public Works Dept.			
Transfer from			
43400	5407	Repairs & Maintenance Supplies	\$1,246.50
Transfer to			
434400	3007	Advertising	\$1,246.50

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

NAY: None

ABSENT: Mr. R. Curd

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

Mr. R. Vandall – As of December 31, 2010, he will be resigning from the Board of Supervisors.

Mr. F. Campbell – moved that the Board amend the agreement previously adopted by adding “or in his absence, through the Deputy County Administrator” after “County Administrator”.

Ms. C. Tucker – wanted to wish Mr. Ray Vandall the very best and she was sorry that he was leaving.

Mr. D. Kidd – None

IN RE: CLOSED SESSION

On motion of Mr. R. Vandall and with the following vote, 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 the management of County personnel files and the status of a contract for legal services.

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

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

NAY: None

ABSENT: Mr. R. Curd

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

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

NAY: None

ABSENT: Mr. R. Curd

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	ABSENT
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: VERIZON LITIGATION

On motion of Ms. Tucker and with the following vote, the Board of Supervisors directed the County Attorney to analyze County revenues potentially affected by the Verizon litigation and compare those to the cost to the County of legal fees relative to that litigation.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: DEED OF EASEMENT BEHIND THE FORMER Amherst Mini-mart

On motion of C. Tucker, and with the following vote, the Board of Supervisors authorized the Chairman to execute a deed of easement over County property located behind the former Amherst Mini-Mart, which deed of easement the Board authorized via its resolution adopted October 5, 2010.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: ADJOURNMENT

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

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

NAY: None

ABSENT: Mr. R. Curd

Donald W. Kidd, Chairman
Amherst County Board of Supervisors

C. Lee Lintecum, County Administrator