

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 15th day of March, 2011 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Ms. C. Tucker	ABSENT: None
	Mr. F. Campbell	
	Mr. R. Curd	
	Mr. D. Kidd	
	Ms. J. Roberson	

Ms. C. Tucker, Chair, called the meeting to order.

Mr. R. Curd led in prayer and the pledge of allegiance.

IN RE: CITIZEN COMMENTS

Linda Staton – 274 Shelter Lane – the following is a copy of a letter that she presented to the Board of Supervisors regarding animal control:

Amherst Co. Board of Supervisors Meeting
Tuesday, March 15, 2011

My name is Linda Staton and my husband and I have been residents of 274 Shelter Lane in Amherst for 26 years. I would like to thank the ladies and gentlemen of the Amherst County Board of Supervisors and the County Administrator for the opportunity to speak to you publicly tonight regarding services and availability of local animal control. In this time of budget planning, I believe it is imperative that the Board taken into consideration facts and opinions from concerned citizens as well as those in charge of budgetary projections for the coming fiscal year.

Living only a few doors away from the Animal Shelter has given our family a unique understanding of animal control issues. Until a couple of years ago when the new shelter building was constructed, the animal control facility itself was inadequate for the number of animals contained there on average. The new facility has provided larger accommodations for more animals and a better program of pairing animals with prospective new owners through the adoption center.

The problems experienced in the Shelter Lane neighborhood have centered mostly on roaming dogs, “dropped” animals, and “escapees” of the drop boxes outside the old facility gates after hours. The drops and escapees were the most bothersome since many proved very difficult to entrap by either animal control officers or residents. For the residents of Shelter Lane, one of the best aspects of the new facility was the new animal friendly climate controlled drop boxes which allowed after hours surrender of unwanted or stray animals by residents from anywhere in the county.

Sadly, this is the main reason for my visit here tonight. I was informed by the County Administrator, Mr. Lintecum, that the County Attorney issued an opinion that these drop boxes should not be accessible for use without animal control personnel available to take immediate possession of the animal at the time of surrender. There were supposed safety and legal liability issues which accompanied this decision.

Eliminating this means of animal surrender has become a source of frustration for both Amherst County citizens and animal control officers. The result of locking the drop boxes is that citizens wishing to surrender animals (whether their own or strays), must visit the animal control office inside the beautiful and spacious new facility during office hours only. For those who are not familiar, these hours are from

10 – 4 Mon. – Fri., and from 9 – 1 on Saturdays. For those of us who work day shift, this presents a dilemma. If an animal presents itself on our doorstep on a Monday, we must wait until the following Saturday morning to deliver it to the shelter. Meanwhile, it eats our cat and dog food, chases our animals, and is generally annoying. Lately I've come to think my home as the Stator B&B. We could take time off work losing either pay or vacation to accommodate animal control hours without any compensation for our sacrifice. For someone who may not be as interested in the welfare of animals as in eliminating the annoyance, the solution may be more ruthless and less humane given the lack of available hours at the shelter. I was also told I could set a trap to capture unwanted strays. Incidentally, the traps are more adept at capturing tame animals belonging at the residence than snagging stray animals, so the responsibility of capture is back on the citizen.

I was told at Animal Control that current budget constraints do not allow enough hours for weekend stray collections. So, if you are unlucky enough to have a stray visit after 1:00 pm on Saturday, it yours until Monday regardless. This is especially concerning if you manage to capture a feral animal and deliver it to the shelter facility only to find that you have no way to leave it with animal control. The signs displaying hours of operation are posted only inside the building on a small sign attached to the glass window approximately 15 feet from the outside and beyond two sets of glass doors. Again, this is another example of how and why animals get dropped in our neighborhood.

When considering necessities for the FY12 budget, please allow additional funds to cover evening hours of operation for animal surrenders and funds for outside informational signs at the shelter facility. This will decrease the number of strays and encourage citizens to be humane to animals. Surrendered animals supply the adoption center completing the rescue cycle. If the public is made aware of at least two evenings per week they can have access to properly surrender animals, then perhaps the problematic issues described here will not escalate into other neighborhoods. If this happens, animal "control" will be lost in Amherst County, Thank you for your time.

Respectfully,

Linda K. Staton
274 Shelter Lane
Amherst, VA 24521

(P) 434.946.2597

Mark Labadie – 1280 Gidsville Road – regarding public hearings scheduled. Mr. Labadie spoke in favor of 2010-22 William Masencup and 2010-25 New Jerusalem Baptist Church with addition of shrubbery and plastic flowers should not be allowed.

John Marks – 225 Clark Street – copy of following letter:

Good evening members of the Board. My name is John A. Marks, Jr. and I reside in Madison Heights, the fifth district. I have three items I would like to address tonight. If you would like I have an extra copy of my comments which I will provide to the Clerk of the Board.

The first item addresses the Phelps Road school. On June 15 of 2010 I addressed this Board concerning the deplorable condition of the Phelps Road school. At this time I asked the specific question "What legal document includes the mutual obligations contained in the Memorandum of Understanding regarding the transfer of the property from the county to Dennis Gibbs." I was subsequently informed that the agreements in the Memorandum of Understanding were not legally made a part of the transaction, consequently because of this unfortunate blunder by the county, the county has not legal reversion clause (which was in Section B.8 of the MOU) to reclaim the property is Mr. Gibbs fails to meet his obligations. Therefore Mr. Gibbs has no more obligations to the property than any other property owner in the county. However, this should turn out to be two edge sword. While the county did lose control of the property because of the failure to include the Memorandum of Understanding, Mr. Gibbs also loses some benefits. Section B.9 of the Memorandum of Understanding states the county shall "Waive the property taxes to be levied on the school until renovation is complete, or for a maximum of four (4) years from the date of

transfer of ownership of the school, whichever occurs first.” The property was transferred to Mr. Gibbs on June 9, 2009. Come June of this year Mr. Gibbs should have paid the county two years of real estate taxes on the property. My question to the Board is: Has Mr. Gibbs paid the county these real estate taxes and if not what action is being taken to collect these taxes. Also what provisions are being made to at least keep the grass from getting 18” high around the building as happened last year?

The second item deals with the Depot Train Station and Riversedge Park projects. On February 2nd, 2011, I forwarded a letter to the County Administrator requesting some information on these who projects. I have yet to receive a response to my inquiry although the Board met with VDOT on February 15th and March 1st to discuss these projects. However, I have been informed that a response is in the mail. Therefore I shall make my comments absent from the answer to these questions. I have read the county must repay the grant money for the Depot, around \$482,008, if the project is not completed. During these tough financial times I would suggest the county evaluate the cost of completion, cost to furnish, cost to staff and cost to maintain this Depot project and determine if we would be ahead of the game to repay the grant money and throw a big tarp over the structure and let it set. The same evaluation should be made for the Riversedge Park Project, which, as we know, is all in the flood plain.

The third item deals with the budget itself. This is budget preparation time. I would just like to remind the Board our citizens are facing uncertain economic strain. We are paying \$3.45 a gallon for oil to heat our homes and who knows where the price of gasoline will end up, driving up the cost of virtually everything. When a family faces this situation it reduces its discretionary spending to live within its means. As a Board you face the same situation of having a defined amount of money based on the current revenue. As your citizens we expect you to live within your income.

Thank you for your time.

IN RE: APPROVAL OF AGENDA

Mr. Lintecum – remove “a” (Northside Baptist Church) on page 2

Mr. Kidd – add County Administrator Reports and under that add Report on Treasurer's accountability

On motion of Mr. Curd and with the following vote, the Board of Supervisors approved the agenda with the changes made:

AGENDA

**TUESDAY, MARCH 15, 2011
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
BOARD OF SUPERVISORS MEETING ROOM
7:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Citizen Comments**
- IV. Approval of Agenda**
- V. Economic Development Authority Recommendation on Train Station**
- VI. Zoning Public Hearings**
 - a. 2010-22** Request by William T. Masencup for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow an automotive repair garage, mechanical and/or body shop. Additionally, the request is for a change in an existing condition that allowed a maximum of twelve (12) vehicles for sale. The condition was made on September 7, 1999 stated: *“no more than twelve (12) vehicles for sale be out front”*.

The request is to extend the number of vehicles for sale to a maximum of thirty-five (35) vehicles. The parcel is located at 1340 North Amherst Highway and is further identified as tax map number 83-A-16A.

- b. 2010-25 Request by New Jerusalem Baptist Church for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a cemetery for the church. The proposed cemetery will be located on 2.013 acres and proposed 1,361 cemetery lots. The parcel is located on Sandidges Road (State Route 610) and further identified as tax map number 50-A-6A.

VII. Special Appearance and Presentations

- a. John Owen, Environmental and HVAC Consultant for the County
- b. Dan Siegel , Sands Anderson
- c. Library – Steve Preston

VIII. Consent Agenda

- a. Request from Sheriff Ayers for a leave of absence from March 12, 2011 through March 11, 2013 for Lt. Daniel Gowen (deputy and K-9 handler)

IX. Correspondence

- a. Building Safety & Inspections – Monthly Report – February
- b. Return of letter from Rick Read, Coldwell Banker Forehand and Company
- ~~c. Northside Baptist Church – Delete~~
- d. Robert E. Lee Soil & Water Conservation District – January 27, 2011
- e. Virginia Sesquicentennial of the American Civil War Commission
- f. Letter of March 1 2011 Kenneth S. White, Chairman of the Board Centra
- g. Letter of March 7 2011 Richard Wydner, Jr. Volunteer Fire Protection
- h. Auditor of Public Accounts – Notes to Comparative Report of Local Government Revenues and Expenditures – June 30 2010
- i. VDOT Traffic Alert – March 7 – 11, 2011

X. Department Reports

Community Policy and Management Team – Ms. Gail Taylor

- a. Discussion of Community Policy and Management Team and the appointment of Ms. Karen Zirkle as the parent representative

Central Accounting

- a. Financial Report

Assist. County Administrator and Purchasing Agent

- a. Blue Ridge Trail Fencing

XI. County Administrator's Reports (addition)

- a. Treasurer's accountability report (addition)

XII. County Attorney's Reports

- a. Resolution, No. 2011-0009-R Providing for the transfer of the Amherst County Animal Care and Control Center from the County Administration to the Amherst County Sheriff's Office

- b. Resolution formalizing the establishment of the Amherst County Redistricting Committee.
- c. Resolution instructing the County Administrator to resolve questions surrounding the grant funding awarded to the Amherst County Train Depot.

XIII. Appropriation/Transfers/Disbursements

XIV. Citizen Comments

XV. Matters from Members of the Board of Supervisors

XVI. Adjourn

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

NAY: None

ABSENT: None

IN RE: ECONOMIC DEVELOPMENT AUTHORITY

Mr. Warren Teates, Chairman of the Economic Development Authority, presented the following copy of a letter to the Board of Supervisors regarding the Amherst Train Depot.

Ms. Tucker thanked the EDA for their analysis on the Train Depot project.

Mr. Kidd suggested that the following letter be read aloud for the public.

Amherst County Board of Supervisors
Attention: Claudia Tucker, Chair

Mrs. Tucker:

In response to the request from the Board of Supervisors, the EDA at its March 9th regular meeting discussed the economic viability of the train station project. During discussion, several negatives were brought to light which include:

1. The existing building is permanently sited below grade level.
2. View of the project is compromised from Rt. 29 and can be completely obstructed by future construction or foliage.
3. The site plans only provide for 9 parking spaces and no additional spaces can be created on the platted lot.
4. Amherst County does not own the land on which the building currently sits.
5. Maintenance of this structure will be more costly than if similar square footage were of contemporary materials and technology.

In addition, the EDA feels that operation as a Visitor's Center is not economically feasible in that staffing, supplying and maintenance would exceed any possible return to the county. However, the completed building may be useful as administrative offices for the county if additional space is needed.

After all discussion, a motion was made and passed (6-1) to recommend that Amherst County expend no additional funds to complete the Train Station Depot Restoration project.

Sincerely

Warren Teates
Chair, Economic Development Authority

IN RE: ZONING PUBLIC HEARING – 2010-22

- a. 2010-22 Request by William T. Masencup for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow an automotive repair garage, mechanical and/or body shop. Additionally, the request is for a change in an existing condition that allowed a maximum of twelve (12) vehicles for sale. The condition was made on September 7, 1999 stated: *“no more than twelve (12) vehicles for sale are to be out front”*. The request is to extend the number of vehicles for sale to a maximum of thirty-five (35) vehicles. The parcel is located at 1340 North Amherst Highway and is further identified as tax map number 83-A-16A.

Mr. J. Bryant presented the case for public hearing.

The Chair called the public hearing to order.

Proponents: Mr. Masencup, runs Bill's Body Shop and has outgrown his existing building.

Opponents: None

Public hearing closed.

Ms. Tucker – likes it that he has outgrown his business.

Ms. Roberson – did not understand connection with trees

Mr. Bryant – landscaping ordinance kicks in because of new building.

Mr. Kidd – hoped there would be some leeway.

Mr. Masencup – extensive shrubbery required – 114 shrubs and 13 trees

Ms. Roberson – time frame for planning

Mr. Bryant – growing season after certificate of occupancy approved.

Mr. Kidd – asked that Planning/Zoning revisit sign and landscaping ordinances as soon as possible.

Ms. Bowyer = can make draft for Planning Commission in a couple of days.

Ms. Roberson – will there be changes to the invasive species mentioned tonight

Mr. Campbell – should have plenty of time to get the planting done.

Existing conditions from September 7, 1999:

- 1) Subject to receiving an acceptable landscape plan.
- 2) No more than twelve (12) vehicles for sale are to be out front.
- 3) All vehicles needing repairs be kept in the fenced-in area with the exception of towed vehicles dropped for at night.

Planning Commission recommendation:

On February 17, 2011, the Amherst County Planning Commission recommended approval of the special exception with the four (4) staff recommended conditions.

On motion of Mr. Campbell and with the following vote, the Board of Supervisors approved the request for a special exception request in the B-2 General Commercial District with the following conditions. The purpose of the special exception is to allow an automotive repair garage, mechanical and/or body shop. Additionally, the request is for a change in an existing condition that allowed a maximum of twelve (12) vehicles for sale. The condition was made on September 7, 1999 stated: *"no more than twelve (12) vehicles for sale are to be out front"*. The request is to extend the number of vehicles for sale to a maximum of thirty-five (35) vehicles. The parcel is located at 1340 North Amherst Highway and is further identified as tax map number 83-A-16A.

Staff Recommended conditions:

- 1) Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
- 2) The maximum number of vehicles that will be allowed for sale is thirty-five (35). Each vehicle must be located in a designated parking space that is 9' x 18' in total size.
- 3) All vehicles needing repairs be kept in the fenced-in area with the exception of towed vehicles dropped off at night. However, vehicles that were dropped off at night must be placed in the fenced in area by 12 noon of the next business day. All other equipment shall be stored inside.
- 4) The Placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.

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

NAY: None

ABSENT: None

The Board of Supervisors directed the County Attorney to work with the Planning Department in revising the landscape ordinance.

Ask if the ordinance changes would require another site plan.

Mr. Bryant replied that he thought he would have to supply another plan.

IN RE: ZONING PUBLIC HEARING – 2010-25 NEW JERUSALEM BAPTIST CHURCH

2010-25 Request by New Jerusalem Baptist Church for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a cemetery for the church. The proposed cemetery will be located on 2.013 acres and proposed 1,361 cemetery lots. The parcel is located on Sandidges Road (State Route 610) and further identified as tax map number 50-A-6A.

Mr. J. Bryant presented the case for public hearing.

Chairman opened public hearing.

Proponents:

Thomas Brooks – Acres of Virginia

The Church property is located on Fancy Hill Road and Sandidges Road. It cannot be accessed from Fancy Hill Road. There is a 20" easement from Sandidges Road into the cemetery. To get an entrance

approved from VDOT, they had to do a speed study with radar and VDOT then set the speed limit at 45 mph on Sandidges Road.

Mr. Campbell – why the difference in number of plots and why no parking lot for vehicles.

Mr. Brooks – no cemeteries have parking lots – they usually park on the side of the cemetery road.

Ms. Roberson – any homes in area.

Mr. Brooks – one and it belongs to the church and no one lives there.

Ms. Roberson – do they have a cemetery now and do they have a committee or trustees to cover maintenance or cleaning up the wreaths left to long.

A member of the church answered. The trustees handle all of this.

Ms. Tucker asked about the road.

Mr. Brooks – they are hard stressed to surface treat the road but they understand that it has to be done.

Mr. Bryant – ordinance is being looked at to be amended.

Opponents:

Mark Labadie – not against the cemetery but he does think a hedge around the cemetery is needed, thinks plastic flowers should not be allowed and they need a parking lot.

Mr. Campbell – is the number of plots 1361 or 1365.

Mr. Bryant said 1361 was what was advertised.

Mr. Brooks said that was what it would be.

On motion of Ms. J. Roberson and with the following vote, the Board of Supervisors approved the request for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a cemetery for the church. The proposed cemetery will be located on 2.013 acres and proposed 1,361 cemetery lots. The parcel is located on Sandidges Road (State Route 610) and further identified as tax map number 50-A-6A.

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

NAY: None

ABSENT: None

IN RE: COURTHOUSE AND GOODWIN BUILDING - JOHN OWEN ENVIRONMENTAL AND HVAC CONSULTANT FOR THE COUNTY

Amherst Courthouse Environmental Study

In response to an environmental concern expressed by the staff in Court Services and a complaint to OSHA, a walk through inspection and mold sampling was performed.

Even though an OSHA complaint was filed, OSHA has no jurisdiction because mold is not a regulated air pollutant and there are no minimum exposure levels establishing a safe environment. Each person reacts differently to various mold species. Since mold is in every building, home, and car and outside air, it is not possible to determine a safe level for every person, thus no regulation. Normally mold is only a problem when it is airborne and breathed in sufficient quality to cause a person who is allergic to develop symptoms.

In the J & D witness room adjacent to the waiting room had a visible moisture issue in the wall above the fan coil unit. Wall moisture was measured at 18-20% and a similar area in the adjacent room currently used as an office. Two swab samples were taken in the J & D witness room above the fan coil unit: One sample on the drywall and another on the ceiling tile (3-4 square inches).

The laboratory results indicated the presents of Cladosporium and Aspergillus mold on the wall above the fan coil unit. The ceiling sample showed Cladosporium Stachybotrys, Aspergillus and Pithomyces present. The affected area was only a small area on one ceiling tile.

Additional air samples were taken in the J & D and work space adjacent to the waiting room. The workspace mold counts were quite normal and the conference room area had a slightly elevated county of Asperguillus which likely relates to the small area of growth on the wall which is due to condensation on a chilled water pipe above the wall serving the fan coil unit (FCU). The other mold species on the wall are sticky and therefore, difficult to become airborne.

The General District work space was also tested and found to be acceptable. Both the air and swab samples (BK-1 and SWAB -1) had low mold counts compared to the outside reference.

The Court Services office had a small spot of mold on the wall adjacent to the fan coil unit and was the result of an air leak around the chilled water line to the fan coil unit. The air sample indicated a slightly elevated condition for one airborne mold species. This the space referenced in the OSHA complaint.

The laboratory results for each of these are attached. Airborne mold spore counts are referenced in "spores per cubic meter of air" and results are compared to outside ambient air values.

Separate tests were performed in the Commonwealth Attorney's Office. An air sample and two swab samples were taken. Both fan coil units (east and west) were swabbed for mold and both showed a high concentration of at least on species of mold. The air sample was normal by comparison to the outside air.

The temperature and humidity condition was noted during the test.

J & D Witness Room	73.8 degrees Fahrenheit Drywall moisture = 20%	60.6% relative humidity
J & D Work Space Room	75.8 degrees Fahrenheit	57.3% relative humidity
Court Services Work Space	75.8 degrees Fahrenheit	58.4% relative humidity
Outside	88.4 degrees Fahrenheit	56.0% relative humidity

The above values indicate the inside humidity levels track closely the outside values which can be a problem during high ambient humidity conditions in 70-90% range.

Recommendations:

J & D witness Room

- (a) Remove and replace contaminated ceiling tile and remove damp section of drywall. If no contamination on backside clean remaining areas and replace and paint affected areas.
- (b) Clean and repaint similar area in adjacent room
- (c) Add additional insulation and vapor barrier to chilled water piping to eliminate condensation in ceiling above fan coil units(FCU).

Commonwealth Attorneys Office

- (a) Clean and disinfect Fan Coil Units and inspect and clean all others that show visible dirt.

Court Services Office

- (a) Clean the mold spot on the wall
- (b) Remove the cover of the FCU and seal air leak with expanding foam
- (c) Clean the FCU coil and housing
- (d) Clean and disinfect the carpet and dry within twenty-four (24) hours

Note all the above remediation recommendations have been substantially implemented since the tests were completed.

Respectfully Submitted

John M. Owen, P.E.
Environmental Systems, LLC

Progress Report on Goodwin Building HVAC Corrective Action Plan

During December and January Riverview Plumbing and Heating completed the installation of a 200 gallon chilled water buffer tank in the Mechanical Room of the Goodwin Building. This tank will allow the chilled water temperature to be reset from 60 degrees Fahrenheit to 40-45 degrees Fahrenheit thus improving the cooling capacity and humidity control. Both of these factors will substantially reduce the potential for mold growth.

Riverview's findings indicate several rooms have insufficient water flow to properly heat and cool the office space. The issue has been referred to the building maintenance contractor to address.

Also the main rooftop air handler unit is delivering only 70% of the air specified in the design. Cost estimates to correct this problem are currently being solicited from qualified contractors.

The air and water balancing test performed on the HVAC system indicates the building is substantially operating as design except as noted above.

As soon as the cooling season begins this spring the systems modifications can be evaluated to determine the next step that may be needed if any to achieve the desired operation parameters.

John M. Owen

Mr. Owen stated that solutions for restricted water and airflow problems are currently being explored. It is estimated that solutions may cost in the range of \$5,000 – 410,000. Specific proposals will be presented to the Board for consideration.

IN RE: DAN SIEGEL, SANDS ANDERSON

Mr. Siegel, Sands Anderson, was present to discuss bond information. He reported that the last bond sale has been compromised in that the use of the bond money did not provide enough collateral to the bank holder of the bonds.

Ms. Roberson asked if we know what the collateral is and would they be provided these figures.

Mr. Siegel replied that this could be provided.

Mr. Kidd asked if he was saying that the projects that the money had been used should not have happened.

Mr. Siegel – the bank did not get the collateral.

Mr. Curd – we would have to put up existing property for collateral.

Ms. Tucker – would Mr. Siegel be able to do the analysis.

Mr. Kidd – what if we tried to pay the bond off?

Staff was directed to try to get Mr. Kooch and Mr. Siegel to the next regular board meeting.

The Board of Supervisors directed Mr. Kooch and Mr. Siegel to define capital projects.

Mr. Siegel was to define existing collateral.

Mr. Kooch was to discuss financial options.

IN RE: LIBRARY DISCUSSION OF REGION 2000 LIBRARIES INITIAL OPPORTUNITIES

Steve Preston, Librarian and Jean Higginbotham, Chair of the Library Board of Trustees were present to discuss the concept of regional libraries.

They presented information and were available for questions.

On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors moved to not participate in the regional library concept.

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

NAY: None

ABSENT: None

IN RE: CONSENT AGENDA – REQUEST FOR LEAVE OF ABSENCE FOR LT. D. GOWEN OF THE SHERIFF'S DEPARTMENT

Lt. Daniel Gowen (deputy and K-9 handler for the Sheriff's Department made a request for a unpaid leave of absent to pursue further training in the K-9 field.

Personnel Plan 6.10 – Leave Without Pay)

Leave of absence without pay may be granted for:

- A. Educational leave in excess of such leave allowable with pay.
- B. Courses of study.
- C. Military leave in excess of such leave allowable with pay.
- D. Purposes of annual and sick leave.

Leave of absence without pay shall not be allowed until all balances of applicable leave with pay have been used.

Leave of absence without pay shall not be granted for more than one (1) calendar month without approval of the Board of Supervisors.

Any employee returning from leave of absence without pay during, or at the end of, the period for which the leave was granted shall be entitled to reinstatement; if he fails to return at the end of the period for which the leave was granted, he shall be treated as having resigned from the service.

The Board of Supervisors directed staff to have the Sheriff available at the next meeting with more information.

IN RE: CORRESPONDENCE

- a. Building Safety & Inspections – Monthly Report – February
- b. Return of letter from Rick Read, Coldwell Banker Forehand and Company
- c. Robert E. Lee Soil & Water Conservation District – January 27, 2011
- d. Virginia Sesquicentennial of the American Civil War Commission
- e. Letter of March 1 2011 Kenneth S. White, Chairman of the Board Centra
- f. Letter of March 7 2011 Richard Wydner, Jr. Volunteer Fire Protection
- g. Auditor of Public Accounts – Notes to Comparative Report of Local Government Revenues and Expenditures – June 30 2010
- h. VDOT Traffic Alert – March 7 – 11, 2011

“e” Virginia Sesquicentennial of the American Civil War Commission.

On motion of Ms. C. Tucker and with the following vote, the County Administrator was asked to fill in an application for the Civil War 150 HistoryMobile and return with a note that this is a place holder until further information could be obtained.

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

NAY: None

ABSENT: None

“f” Letter of March 7 2011 Richard Wydner, Jr. = Volunteer Fire Protection

The Board of Supervisors directed the County Administrator to send a letter to Mr. Wydner explaining that this matter had been discussed at the March 1, 2011 Board of Supervisors meeting and they were waiting from more information of Mr. E. Cash.

The other items were information for the Board.

IN RE: APPOINTMENT OF KAREN ZIRKLE

Ms. Gail Taylor, CSA Coordinator, was available to explain the Community Policy and Management Team organization to the Board and how Ms. Karen Zirkle was being recommended for appointment as the parent representative to this committee.

On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors approved the recommendation for appointment from the Community Policy and Management Team for Karen Zirkle to be the parent representative on this Committee with a two year term to expire March 15, 2013.\

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

NAY: None

ABSENT: None

IN RE: FINANCIAL REPORT

Ms. Brenda Campbell, Director of Central Accounting, presented the financial report to the Board and was available for questions.

IN RE: BLUE RIDGE TRAIL FENCING

The settlement agreement with Janetatos obligates Amherst County to install fencing on each side of the trail that bounds their property. Specifications for request for bids have been drafted. The cost for fencing will be the County's responsibility. This request is for authorization to advertise for bids for construction of fencing as described in the settlement agreement.

On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors directed staff to proceed with securing bids for the Blue Ridge Trail fencing.

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

NAY: None

ABSENT: None

IN RE: TREASURER'S RECONCILIATION

The County Administrator reported that he had spoken with the Treasurer on March 15, 2011 regarding the Treasurer's reconciliation and she informed him that this had been done and would be sent to Robinson, Farmer & Cox that afternoon. He planned to check with her on the 16th to see if this had been done.

Ms. Roberson asked if she had asked for help. No

March 30 is the deadline from DEQ for them to get this information from our auditor.

IN RE: RESOLUTION PROVIDING FOR THE TRANSFER OF THE AMHERST COUNTY ANIMAL CARE AND CONTROL CENTER FROM THE COUNTY ADMINISTRATION TO THE AMHERST COUNTY SHERIFF'S OFFICE

Amendments:

Pg 2 – paragraph 6 & 7 – the word terminated on the fourth line of #6 – change to eliminated and Pg 2 #7 – second sentence – change terminated to eliminated

Pg 3 – add paragraph –

BE IT FURTHER RESOLVED:

That this transfer shall be effective through March 16, 2012. The Sheriff's Office shall supply the Board, at its first regularly scheduled meeting in February 2012, with a report on the implementation of this resolution. The Board shall thereafter consider and act on, at the second regular meeting in February 2012, the question of whether to effect a permanent transfer or to take other action.

On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors approved the amendments to the resolution.

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

NAY: None

ABSENT: None

On motion of Ms. Roberson and with the following vote, the Board of Supervisors approved the following resolution regarding the transfer of the Animal Care and Control Center over to the Sheriff's Department.

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

NAY: None

ABSENT: None

A RESOLUTION, NO. 2011-0009-R

Providing for the transfer of the Amherst County Animal Care and Control Center from the County Administration to the Amherst County Sheriff's Office.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors wishes to transfer full administrative and operational responsibility for the Amherst County Animal Care and Control Center ("ACCC"), located at 322 Shelter Lane, Amherst, Virginia, 24521, from the County Administration to the Amherst County Sheriff's Office ("Sheriff's Office"), as follows:

WHEREAS, by resolution adopted November 2, 2010, the Board of Supervisors instructed the County Administrator to examine the feasibility of placing the ACCC under the administration of the Sheriff's Office; and

WHEREAS, at its regularly scheduled meeting on December 21, 2010, the Board instructed the County Administrator to prepare for the Board's consideration at its first meeting in January 2011, a memorandum of understanding supporting the transfer of administrative control of the ACCC to the Sheriff's Office; and

WHEREAS, the Sheriff's Office has been managing the ACCC for all practical purposes since late 2010; and

WHEREAS, in the course of its short tenure as *de facto* manager, the Sheriff's Office has developed an effective and productive working relationship with the Humane Society of Amherst County; and

WHEREAS, the Sheriff's Office also has demonstrated over the course of its short tenure as *de facto* manager that it is fully capable of managing the ACCC; and

WHEREAS, the Board of Supervisors considers the ACCC an important component of County operations and wishes to ensure its effective functioning; and

WHEREAS, the Sheriff's Office is willing to take on full operational and administrative responsibility for the ACCC and the County Administrator is willing to relinquish that responsibility; and

WHEREAS, because the Sheriff's Office is incorporating the ACCC into its operational structure rather than administering a County agency in place of the County Administrator, a Board resolution is the appropriate mechanism to accomplish that agency transfer; and

WHEREAS, the Sheriff's Office is willing and able to abide by the terms established in this Resolution.

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

1. Complete administrative and operational responsibility and budget authority for the ACCC, at fund number 035010 in the Amherst County Budget, is transferred to the Sheriff's Office effective March 15, 2011 ("the transfer"). After that date, the County Administrator shall have no responsibility for or authority over the operation or administration of the ACCC.
2. The Sheriff's Office shall operate the ACCC in such a manner as to satisfy the County's obligations pursuant to § 3.2-6546 of the Code of Virginia (1950), as amended, and in a manner fully compliant with all other applicable laws and regulations.
3. All employees currently employed at the ACCC shall remain so employed; however, upon the effective date of transfer they shall become appointees of the Sheriff's

Office. The Sheriff's Office shall have full responsibility for recruitment, hiring, and management of all ACCC staff after the effective date of transfer.

4. The County of Amherst Public Works Department ("Public Works") shall continue to provide for the removal and disposal of solid waste associated solely with the operation of the ACCC at no charge to the Sheriff's Office. The Sheriff's Office shall ensure that any waste associated with the operations of the Humane Society of Amherst County either is not included with, or is plainly identified in, the solid waste retrieved from the ACCC by Public Works so that appropriate tipping fees may be charged as necessary.
5. The Board of Supervisors agrees to annually fund the ACCC at an appropriate level to support operations except that funding may be reduced, as it can be for all County entities, in response to budget constraints. The funding level shall be established through the County's annual budgeting process.
6. The Sheriff's Office shall take all reasonable steps to access funding available through the Compensation Board to support the salaries of ACCC employees. County funding in support of ACCC employee salaries may be reduced or eliminated to the extent that the Compensation Board makes available funding to support ACCC employee salaries at a level equal to or greater than that supported by County funding.
7. County budget allocations and appropriations to support operation of the ACCC may be eliminated in whole or in part to the extent that the Sheriff's Office obtains other funding to support ACCC operations.
8. The Sheriff's Office shall ensure that citizen complaints and comments regarding the ACCC are addressed promptly and shall communicate with the Board of Supervisors regarding such complaints as necessary.
9. The Sheriff's Office shall enter into an operational agreement with the Humane Society of Amherst County (HSAC) that delineates the obligations of the Sheriff's Office and the HSAC relative to the ACCC.
10. The Sheriff's Office will include information on the operation of the ACCC in its monthly report to the Board of Supervisors.

BE IT FURTHER RESOLVED:

That the Clerk of the Board of Supervisors is directed to supply a certified copy of this resolution to the Sheriff's Office.

BE IT FURTHER RESOLVED:

That this transfer shall be effective through March 15, 2012. The Sheriff's Office shall supply the Board, at its first regularly scheduled meeting in February 2012, with a report on the implementation of this resolution. The Board shall thereafter consider and act on, at the second regular meeting in February 2012, the question of whether to affect a permanent transfer or to take other action.

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

Adopted this 15th day of March, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST: _____
C. Lee Lintecum, Clerk

Amherst County Board of Supervisors

IN RE: RESOLUTION FORMALIZING THE ESTABLISHMENT OF THE AMHERST COUNTY REDISTRICTING COMMITTEE AND INSTRUCTING STAFF AS TO IMMEDIATE ACTIONS RELATED THERETO, AND DETAILING THE STRUCTURE AND ACTIONS OF THE REDISTRICTING COMMITTEE

Amendments – Pg 1 – No. 1 – delete last word in No. 1 and add at least one Amherst County citizen ...
Pg 1 – No. 1 – 4th sentence of No. 1 after Chair”), add a second member of the Amherst County Board of Supervisors who shall be appointed by the Board,

On motion of Ms. Tucker and with the following vote, the Board of Supervisors approved the amendments to the resolution formalizing the establishment of the Amherst County Redistricting Committee.

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

NAY: None

ABSENT: None

On motion of Mr. Curd and with the following vote, the Board of Supervisors approved the following resolution formalizing the establishment of the Amherst County Redistricting Committee:

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

NAY: None

ABSENT: None

A RESOLUTION, NO. 2011-0010-R

Formalizing the establishment of the Amherst County Redistricting Committee and instructing staff as to immediate actions related thereto, and detailing the structure and actions of the Redistricting Committee.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors hereby establishes the Amherst County Redistricting Committee and instructs staff as to immediate actions related thereto, as follows:

WHEREAS, § 5 of the Virginia Constitution requires local governments that elect their governing body members from districts to redistrict every 10 years in response to the decennial census; and

WHEREAS, the decennial census has been conducted; and

WHEREAS, the County elects its members from five electoral districts and therefore either must find that its electoral districts as currently structured meet all applicable legal requirements, or must redistrict via a decennial redistricting ordinance; and

WHEREAS, by motion passed at its regular meeting on March 1, 2011, the Board expressed its intention to establish the Amherst County Redistricting Committee and to instruct staff as to actions related to redistricting; and

WHEREAS, this resolution formalizes that intention and further details the nature and actions of the Redistricting Committee.

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

1. The Board of Supervisors ("Board") hereby establishes the Amherst County Redistricting Committee ("Redistricting Committee") consisting of at least one Amherst County citizen, the Chair of the Board of Supervisors ("Board Chair"), a second member of the Amherst County Board of Supervisors, who shall be appointed by the Board, the County Attorney, the County Registrar, the Director of Planning and Zoning, and the Director of Information Technology.
2. The Board Chair shall be the Chair of the Redistricting Committee ("Committee Chair").
3. The Committee Chair shall appoint the citizen member of the Redistricting Committee, which appointment shall be approved by all members of the Board.
4. The Committee Chair shall communicate with the Amherst County Electoral Board to request the Registrar's appointment to the Committee.
5. The County Administrator shall instruct the Director of Planning and Zoning to identify and access the TIGER/Line Shapefiles that the Census has released on the internet to determine the population of all County electoral districts and precincts and other relevant information.
6. The County Attorney shall develop an outline of critical tasks and timeframes in the redistricting process, and identify any legislation passed in the General Assembly relating to redistricting.
7. The County Attorney shall ask that the County Registrar identify the timeframe for state action on redistricting and determine whether state redistricting will have an impact on the County's process.
8. The Redistricting Committee shall meet to discuss progress on the above-referenced tasks on or around March 28, 2011, and shall meet at least monthly thereafter, at the call of the Committee Chair.

BE IT FURTHER RESOLVED:

That the County Administrator is directed to provide any supporting action necessary to ensure that all communications and actions referenced in this resolution, other than those attributable to the County Attorney, are undertaken and completed.

BE IT FURTHER RESOLVED:

That the Clerk of the Board of Supervisors is directed to supply a copy of this resolution to each member of the Redistricting Committee,

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

Adopted this 15th day of March, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

C. Lee Lintecum, Clerk
Amherst County Board of Supervisors

IN RE: APPOINTMENT OF OTHER BOARD MEMBER TO THE REDISTRICTING COMMITTEE

On motion of Mr. Campbell and with the following vote, the Board of Supervisors approved the appointment of Ms. J. Roberson to the Redistricting Committee.

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

NAY: None

ABSENT: None

IN RE: RESOLUTION INSTRUCTING THE COUNTY ADMINISTRATOR REGARDING RESOLUTION OF QUESTIONS SURROUNDING THE GRANT FUNDING AWARDED TO THE AMHERST COUNTY TRAIN DEPOT

On motion of Ms. C. Tucker and with the following vote, the Board approved the following resolution instructing the county administrator regarding resolution of questions surrounding the grant funding awarded to the Amherst county train depot:

A RESOLUTION, NO. 2011-0011-R

Instructing the County Administrator regarding resolution of questions surrounding the grant funding awarded to the Amherst County Train Depot.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors hereby instructs the County Administrator to take certain actions to resolve questions surrounding grant funding awarded to the Amherst County train depot, as follows:

WHEREAS, the Board of Supervisors agreed to act as fiscal agent for funding awarded to the Amherst train depot project by the Virginia Department of Transportation (VDOT); and

WHEREAS, the total outstanding amount of grant monies to which the County is committed as fiscal agent is \$481,609; and

WHEREAS, the County is considering how to proceed relative to the train station project, and is examining options including terminating the project and repaying the grant funds, or continuing to develop the train station pursuant to modified design standards; and

WHEREAS, the Board wishes to have the County Administrator communicate with VDOT staff to determine whether the train station could be completed on terms different from those originally envisioned, whether there is any possibility for forgiveness of the grant awards, and what terms might attach to any repayment of the grant.

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

The Board of Supervisors ("Board") hereby instructs the County Administrator to write a letter to Carolyn France at VDOT regarding options available to the County in relation to the train depot, specifically as follows:

1. Are there any circumstances under which the train depot could be completed under design standards different from those envisioned for the original project, including eliminating the requirement that the building rehabilitation be approved, or accomplished in accordance with standards imposed, by the Virginia Department of Historic Resources?
2. Are there any circumstances under which the train depot could be sold to a private entity or must it remain in public ownership? If it must remain in public ownership, can it be leased to a private entity?
3. If the County chooses to discontinue the project, are there any circumstances under which VDOT would forgive the repayment of the grant funds in whole or in part?
4. If the County chooses to discontinue the project, and all or a portion of the grant proceeds must be repaid, under what terms would VDOT permit repayment?
5. What impact would discontinuance of the project have on the County's ability to obtain state or federal grant monies in the future?

BE IT FURTHER RESOLVED:

That the County Administrator is directed to communicate with Carolyn France prior to sending her the letter to alert her to the letter and to advise her that County representatives including the County Administrator and one or more members of the Board are willing to meet with VDOT staff in Richmond, Virginia, to discuss the letter.

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

Adopted this 15th day of March, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

C. Lee Lintecum, Clerk
Amherst County Board of Supervisors

IN RE: APPROPRIATIONS/TRANSFERS

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

a. APPROPRIATIONS			
DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
COMMONWEALTH ATTORNEY			
22010	5203	Telecommunications	\$1,077.79
(From Forfeit Assets for the purpose of new cell phones and service)			
SHERIFF'S DEPARTMENT			
31020	3004	Vehicle Repair	\$1,700.00
31020	5449	Tires	665.44
(From Drug Asset Forfeiture)			

31020	1013	ACHS Athletic	\$ 632.44
31020	5449	Tires	360.00
(Pass through revenue – deposited with Treasurer's Office)			
33010	5409	Police Supplies	\$3,914.89
(1/2 keeper fees deposited with Treasurer's Office – BOS meeting 2-1-2011)			

b. TRANSFERS			
DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
COUNTY ADMINISTRATION			
TRANSFER FROM			
012010	5504	Travel-Education	\$50.00
TRANSFER TO			
012010	3005	Maintenance Svc Contracts	\$50.00

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

NAY: None

ABSENT: None

IN RE: CITIZEN COMMENTS

Mark Labadie – 1280 Gidsville Road – spoke again on the planning and zoning.

John Marks – 225 Clark Street –spoke on the treasurer's reconciliation problem

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Ms. Tucker – March 17, 2011 – will not be at meeting

Mr. Kidd – None

Ms. Roberson – None

Mr. Campbell – would like someone in place to go with Mr. Lintecum to Richmond

FOIA requests go to Ms. Bowyer

Ms. Tucker very upset with Mr. Lintecum for not following through, will be speaking to him at another time.

Ms. Roberson – needs to be sure that we get all the budget information that they had ask for at the March 9th meeting.

IN RE: ADJOURNMENT

On motion of Mr. Kidd, seconded by Mr. Campbell and with the following vote, the Board of Supervisors adjourned to Thursday, March 17, 2011

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

NAY: None

ABSENT: None

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

David Proffitt, Acting County Administrator